

Official Journal

of the European Union

L 137

Volume 48

31 May 2005

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 819/2005 of 30 May 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 820/2005 of 30 May 2005 fixing the corrective amount applicable to the refund on cereals	3
Commission Regulation (EC) No 821/2005 of 30 May 2005 fixing the export refunds on malt	5
Commission Regulation (EC) No 822/2005 of 30 May 2005 fixing the corrective amount applicable to the refund on malt	7
Commission Regulation (EC) No 823/2005 of 30 May 2005 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid	9
Commission Regulation (EC) No 824/2005 of 30 May 2005 fixing certain indicative quantities and individual ceilings for the issue of licences for the purposes of the additional quantity in respect of banana imports to the new Member States for the third quarter of 2005	11
Commission Regulation (EC) No 825/2005 of 30 May 2005 fixing certain indicative quantities and individual ceilings for the issue of licences for the import of bananas into the Community in the third quarter of 2005 under tariff quotas A/B and C	13
★ Commission Regulation (EC) No 826/2005 of 30 May 2005 amending Regulation (EC) No 2659/94 on detailed rules for the granting of private storage aid for Grana padano, Parmigiano-Reggiano and Provolone cheeses	15
★ Commission Regulation (EC) No 827/2005 of 30 May 2005 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards the granting of private storage aid for certain cheeses in the 2005/2006 storage period	16

★ Commission Regulation (EC) No 828/2005 of 30 May 2005 amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on tomatoes, apricots, lemons, plums, peaches, including nectarines, pears and table grapes	21
★ Commission Regulation (EC) No 829/2005 of 30 May 2005 fixing the aid for peaches for processing under Council Regulation (EC) No 2201/96 for the 2005/2006 marketing year	23
★ Commission Regulation (EC) No 830/2005 of 30 May 2005 amending, for the fifth time, Council Regulation (EC) No 1763/2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)	24

II Acts whose publication is not obligatory

Council

2005/404/EC:

★ Decision No 1/2005 of the EU-Croatia Stabilisation and Association Council of 26 April 2005 adopting its Rules of Procedure including the Rules of Procedure of the Stabilisation and Association Committee	26
---	----

Commission

2005/405/EC:

★ Commission Decision of 4 May 2005 approving on behalf of the European Community amendments to the annexes to the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products (<i>notified under document number C(2005) 1369</i>) ⁽¹⁾	31
--	----

Agreement in the Form of an Exchange of Letters Concerning amendments to the annexes to the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products	33
---	----

Corrigenda

★ Corrigendum to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000)	48
---	----



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 819/2005
of 30 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 31 May 2005.

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

Done at Brussels, 30 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 30 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	73,7
	204	91,4
	999	82,6
0707 00 05	052	96,5
	999	96,5
0709 90 70	052	84,5
	999	84,5
0805 10 20	052	50,7
	204	46,9
	220	34,5
	388	53,9
	400	66,7
	624	65,6
	999	53,1
0805 50 10	052	88,7
	388	57,1
	524	56,8
	528	62,6
	624	63,2
	999	65,7
0808 10 80	388	81,5
	400	100,1
	404	68,3
	508	61,0
	512	65,7
	524	62,0
	528	70,5
	720	61,6
	804	98,6
0809 20 95	999	74,4
	220	108,0
	400	545,6
	999	326,8

⁽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 820/2005**of 30 May 2005****fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 June 2005.

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

Done at Brussels, 30 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

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

ANNEX

to the Commission Regulation of 30 May 2005 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	– 20,00	– 20,00	– 20,00	—	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C02	0	– 30,00	– 30,00	– 30,00	—	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C03	0	– 45,00	– 45,00	– 45,00	—	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	– 25,00	– 25,00	– 25,00	—	—	—
1101 00 15 9130	C01	0	– 25,00	– 25,00	– 25,00	—	—	—
1101 00 15 9150	C01	0	– 25,00	– 25,00	– 25,00	—	—	—
1101 00 15 9170	C01	0	– 25,00	– 25,00	– 25,00	—	—	—
1101 00 15 9180	C01	0	– 25,00	– 25,00	– 25,00	—	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Lybia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All third countries with the exception of Bulgaria, Norway, Romania, Switzerland and Lichtenstein.

COMMISSION REGULATION (EC) No 821/2005
of 30 May 2005
fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1(1)(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2005.

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

Done at Brussels, 30 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

ANNEX

to the Commission Regulation of 30 May 2005 fixing the export refunds on malt

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

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

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

COMMISSION REGULATION (EC) No 822/2005**of 30 May 2005****fixing the corrective amount applicable to the refund on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

to in Article 1(1)(c) of Regulation (EEC) No 1766/92 ⁽³⁾. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2005.

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

Done at Brussels, 30 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

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

ANNEX

to the Commission Regulation of 30 May 2005 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 12	7th period 1	8th period 2	9th period 3	10th period 4	11th period 5
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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

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

COMMISSION REGULATION (EC) No 823/2005**of 30 May 2005****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽²⁾ and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽³⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 June 2005.

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

Done at Brussels, 30 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽³⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 30 May 2005 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	10,96
1101 00 15 9130	10,24
1102 10 00 9500	0,00
1102 20 10 9200	59,11
1102 20 10 9400	50,66
1103 11 10 9200	0,00
1103 13 10 9100	76,00
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 824/2005**of 30 May 2005****fixing certain indicative quantities and individual ceilings for the issue of licences for the purposes of the additional quantity in respect of banana imports to the new Member States for the third quarter of 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas:

- (1) Commission Regulation (EC) No 1892/2004 ⁽²⁾ adopted the transitional measures needed to facilitate the transition from the arrangements in force in the new Member States prior to their accession to the European Union to the import arrangements in force under the common organisation of the markets in the banana sector for the year 2005. In order to ensure market supply, in particular in the new Member States, that Regulation fixed an additional quantity on a transitional basis for the purpose of issuing import licences. This additional quantity must be managed using the mechanisms and instruments put in place by Commission Regulation (EC) No 896/2001 ⁽³⁾ of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community.
- (2) Article 14(1) and (2) of Regulation (EC) No 896/2001 provides that indicative quantities and individual ceilings may be fixed for the purposes of issuing import licences for each of the first three quarters of the year.
- (3) For the purpose of issuing licences for the third quarter of the year 2005, it is appropriate to fix those indicative quantities and individual ceilings at the same percentages

as those fixed for the management of A/B and C tariff quotas in Commission Regulation (EC) No 825/2005 ⁽⁴⁾, so as to ensure adequate supplies and the continuation of trade flows between the production and marketing sectors.

- (4) In view of the fact that this Regulation must apply before the start of the period for the submission of licence applications for the third quarter of 2005, provision should be made for this Regulation to enter into force immediately.
- (5) This Regulation must apply to operators established in the Community and being registered in accordance with Articles 5 and 6 of Regulation (EC) No 1892/2004.
- (6) 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

The indicative quantity referred to in Article 14(1) of Regulation (EC) No 896/2001 for the issue of import licences for bananas under the additional quantity provided for in Article 3(1) of Regulation (EC) No 1892/2004 is fixed, for the third quarter of 2005, at 23 % of the quantities available for respectively traditional operators and non-traditional operators as established in Article 4(2) of that Regulation.

Article 2

The maximum authorised quantity referred to in Article 14(2) of Regulation (EC) No 896/2001 for licence applications for the import of bananas under the additional quantity provided for in Article 3(1) of Regulation (EC) No 1892/2004 is fixed, for the third quarter of 2005, at:

- (a) 23 % of the specific reference quantity notified in accordance with Article 5(5) of Regulation (EC) No 1892/2004, in the case of traditional operators;
- (b) 23 % of the specific allocation notified in accordance with Article 6(6) of Regulation (EC) No 1892/2004, in the case of non-traditional operators.

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

⁽²⁾ OJ L 328, 30.10.2004, p. 50.

⁽³⁾ OJ L 126, 8.5.2001, p. 6. Regulation as last amended by Regulation (EC) No 838/2004 (OJ L 127, 29.4.2004, p. 52).

⁽⁴⁾ See page 13 of this Official Journal.

Article 3

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

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

Done at Brussels, 30 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 825/2005**of 30 May 2005****fixing certain indicative quantities and individual ceilings for the issue of licences for the import of bananas into the Community in the third quarter of 2005 under tariff quotas A/B and C**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

(1) Article 14(1) of Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community ⁽²⁾ provides that an indicative quantity expressed as the same percentage of available quantities from each of the tariff quotas A/B and C provided for in Article 18(1) of Regulation (EEC) No 404/93 may be fixed for the purposes of issuing import licences for each of the first three quarters of the year.

(2) The data concerning, firstly, the quantities of bananas marketed in the Community in 2004, and in particular the actual imports, especially during the third quarter, and secondly, the supply and consumption prospects on the Community market during the same third quarter for 2005, result in indicative quantities being fixed for tariff quotas A/B and C so as to ensure adequate supplies for the Community, and the continuation of trade flows between the production and marketing sectors.

(3) On the basis of the same data, in accordance with Article 14(2) of Regulation (EC) No 896/2001, the maximum quantity for which each operator may submit licence applications for the third quarter of 2005 should be fixed.

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

⁽²⁾ OJ L 126, 8.5.2001, p. 6. Regulation as last amended by Regulation (EC) No 838/2004 (OJ L 127, 29.4.2004, p. 52).

(4) In view of the fact that this Regulation must apply before the start of the period for the submission of licence applications for the third quarter of 2005, provision should be made for this Regulation to enter into force immediately.

(5) This Regulation must apply to operators established in the Community as constituted on 30 April 2004 since Commission Regulation (EC) No 1892/2004 ⁽³⁾ adopted transitional measures for 2005 for imports of bananas into the Community by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

(6) 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

The indicative quantity referred to in Article 14(1) of Regulation (EC) No 896/2001 for the issue of import licences for bananas under the tariff quotas provided for in Article 18(1) of Regulation (EEC) No 404/93 is fixed, for the third quarter of 2005, at:

(a) 23 % of the quantities available for traditional operators and non-traditional operators established in the Community as constituted on 30 April 2004 under tariff quotas A/B;

(b) 23 % of the quantities available for traditional operators and non-traditional operators established in the Community as constituted on 30 April 2004 under tariff quota C.

⁽³⁾ OJ L 328, 30.10.2004, p. 50.

Article 2

For the third quarter of 2005, the maximum authorised quantity referred to in Article 14(2) of Regulation (EC) No 896/2001, for licence applications for the import of bananas under the tariff quotas provided for in Article 18(1) of Regulation (EEC) No 404/93 is fixed at:

- (a) 23 % of the reference quantity established and notified in accordance with Articles 4 and 5 of Regulation (EC) No 896/2001 for the traditional operators established in the Community as constituted on 30 April 2004 under tariff quotas A/B;
- (b) 23 % of the quantity established and notified, in accordance with Article 9(3) of Regulation (EC) No 896/2001 for the non-traditional operators established in the Community as constituted on 30 April 2004 under tariff quotas A/B;

- (c) 23 % of the reference quantity established and notified in accordance with Articles 4 and 5 of Regulation (EC) No 896/2001 for the traditional operators established in the Community as constituted on 30 April 2004 under tariff quota C;

- (d) 23 % of the quantity established and notified, in accordance with Article 9(3) of Regulation (EC) No 896/2001 for the non-traditional operators established in the Community as constituted on 30 April 2004 under tariff quota C.

Article 3

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

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

Done at Brussels, 30 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 826/2005**of 30 May 2005****amending Regulation (EC) No 2659/94 on detailed rules for the granting of private storage aid for
Grana padano, Parmigiano-Reggiano and Provolone cheeses**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(b) thereof,

Article 6(1) of Regulation (EC) No 2659/94 is replaced by the following:

‘1. The amount of private storage aid for cheese shall be as follows:

Whereas:

(1) Article 6(1) of Commission Regulation (EC) No 2659/94 ⁽²⁾ lays down the amounts of private storage aid for Grana padano, Parmigiano-Reggiano and Provolone cheeses. In view of the financial resources available and taking account of the development in storage costs and of market price forecasts, it is necessary to amend those amounts.

(a) EUR 7,50 per tonne for the fixed costs;

(b) EUR 0,20 per tonne per day of storage under contract for the warehousing costs;

(c) for the financial costs, per day of storage under contract:

— EUR 0,30 per tonne for Grana padano;

— EUR 0,40 per tonne for Parmigiano-Reggiano;

— EUR 0,25 per tonne for Provolone.’

(2) Regulation (EC) No 2659/94 should be amended accordingly.

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

Article 2

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

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

Done at Brussels, 30 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 284, 1.11.1994, p. 26. Regulation last amended by Regulation (EC) No 1231/2004 (OJ L 234, 3.7.2004, p. 4).

COMMISSION REGULATION (EC) No 827/2005**of 30 May 2005****laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards the granting of private storage aid for certain cheeses in the 2005/2006 storage period**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

(1) Under Article 9 of Regulation (EC) No 1255/1999, private storage aid may be granted for long-keeping cheeses and for cheeses which are manufactured from sheep's and/or goat's milk and require at least six months for maturing, if for those cheeses price developments and the stock situation indicate a serious imbalance of the market which may be eliminated or reduced by seasonal storage.

(2) The seasonal nature of the production of certain long-keeping cheeses and Pecorino Romano, Kefalotyri and Kasseri cheese is aggravated by the fact that the seasonality of consumption is the inverse of the seasonality of production. The fragmented production of such cheeses further aggravates the consequences of that seasonality. Therefore, provision should be made for recourse to seasonal storage in respect of a quantity corresponding to the difference between summer and winter production.

(3) The types of cheeses eligible for aid and the maximum quantities which may qualify for it should be laid down, as well as the duration of the contracts in relation to the real requirements of the market and the keeping qualities of the cheeses in question.

(4) It is necessary to specify the terms of the storage contract and the essential measures to enable the cheese covered by a contract to be identified and subjected to checks. The amount of aid must be fixed with reference to

storage costs and the balance to be maintained between cheeses qualifying for the aid and other cheeses marketed. In view of these elements, and of the available resources, the amounts for the fixed costs and per day of storage for the warehousing costs should be reduced. The amount for the financial costs should be calculated on the basis of an interest rate of 2 %.

(5) Detailed rules should also be laid down regarding documentation, accounting and the frequency and nature of checks. In this connection, it should be laid down that the Member States may charge the costs of checks fully or in part to the contractor.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Purpose**

This Regulation lays down the detailed rules for granting Community aid for private storage of certain cheeses (hereinafter referred to as aid) pursuant to Article 9 of Regulation (EC) No 1255/1999 during the 2005/06 storage year.

*Article 2***Definitions**

For the purpose of this Regulation:

(a) 'storage lot' means a quantity of cheese weighing at least two tonnes, of the same type and taken into storage in a single storage depot on a single day;

(b) 'day of commencement of contractual storage' means the day following that of entry into storage;

(c) 'last day of contractual storage' means the day before that of removal from storage;

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

(d) 'storage period' means the period during which the cheese can be covered by the private storage scheme, as specified for each type of cheese in the Annex.

Article 3

Cheeses eligible for aid

1. Aid shall be granted in respect of certain long-keeping cheeses, Pecorino Romano, Kefalotyri and Kasseri cheese under the terms laid down in the Annex.

2. The cheeses must have been manufactured in the Community and satisfy the following conditions:

(a) be indelibly marked with an indication of the undertaking in which they were manufactured and of the day and month of manufacture; the above details may be in code form;

(b) have undergone quality tests which establish their classification after maturing in the categories laid down in the Annex.

Article 4

Storage contract

1. Contracts relating to the private storage of cheese shall be concluded between the intervention agency of the Member State on whose territory the cheese is stored and natural or legal persons, hereinafter called 'contractors'.

2. Storage contracts shall be drawn up in writing on the basis of an application to draw up a contract.

Applications must reach intervention agencies within no more than 30 days of the date of entry into storage and may relate only to lots of cheese which have been fully taken into storage. The intervention agencies shall register the date on which each application is received.

If the application reaches the intervention agency within 10 working days following the deadline, the storage contract may still be concluded but the aid shall be reduced by 30 %.

3. Storage contracts shall be concluded for one or more storage lots and shall include, in particular, provisions concerning:

(a) the quantity of cheese to which the contract applies;

(b) the dates relating to the execution of the contract;

(c) the amount of aid;

(d) the identity of the storage depots.

4. Storage contracts shall be concluded within no more than 30 days of the date of registration of the application to draw up a contract.

5. Inspection measures, particularly those referred to in Article 7, shall be the subject of specifications drawn up by the intervention agency. The storage contract shall refer to those specifications.

Article 5

Entry into and removal from storage

1. The periods of entry into and removal from storage shall be as laid down in the Annex.

2. Removal from storage shall be in whole storage lots.

3. Where, at the end of the first 60 days of contractual storage, the deterioration in the quality of the cheese is greater than is normal in store, contractors may be authorised, once per storage lot, to replace the defective quantity, at their own expense.

If checks during storage or on removal from storage reveal defective quantities, no aid may be paid for those quantities. In addition, the part of the lot which is still eligible for aid may not be less than two tonnes.

The second subparagraph shall apply where part of a lot is removed before the start of the period of removal from storage referred to in paragraph 1 or before expiry of the minimum storage period referred to in Article 8(2).

4. For the purpose of calculating the aid in the case referred to in the first subparagraph of paragraph 3, the first day of contractual storage shall be the day of commencement of contractual storage.

Article 6

Storage conditions

1. The Member State shall ensure that all the conditions granting entitlement to payment of the aid are fulfilled.

2. The contractor or, at the request of the Member State or with its authorisation, the person responsible for the storage depot shall make available to the competent authority responsible for inspection any documentation permitting verification of the following particulars of products placed in private storage:

- (a) ownership at the time of placing in storage;
 - (b) the origin and the date of manufacture of the cheeses;
 - (c) the date of placing in storage;
 - (d) presence in the store and the address of the store;
 - (e) the date of removal from storage.
3. The contractor or, where applicable, the person responsible for the storage depot shall keep stock records available at the depot for each contract, covering:
- (a) the identification, by storage lot number, of the products placed in private storage;
 - (b) the dates of entry into and removal from storage;
 - (c) the number of cheeses and their weight by storage lot;
 - (d) the location of the products in the store.

4. Products stored must be easily identifiable, easily accessible and identified individually by contract. A special mark shall be affixed to stored cheeses.

Article 7

Checks

1. On entry into storage the competent agency shall conduct checks, in particular to ensure that products stored are eligible for the aid and to prevent any possibility of substitution of products during storage under contract.

2. The competent agency shall make an unannounced check, by sampling, to ensure that the products are present in the storage depot. The sample concerned must be representative and must correspond to at least 10 % of the overall quantity under contract for a private storage aid measure.

Such checks must include, in addition to an examination of the accounts referred to in Article 6(3), a physical check of the weight and type of products and their identification. Such physical checks must relate to at least 5 % of the quantity subjected to the unannounced check.

3. At the end of the contractual storage period, the competent agency shall check to see that the products are present. However, where the products are still in storage after expiry of the maximum contractual storage period, this check may be made when the products are removed from storage.

For the purposes of the check referred to in the first subparagraph, the contractor shall notify the competent authority, indicating the storage lots concerned, at least five working days before the expiry of the contractual storage period or the start of the removal operations, where these take place during or after the contractual storage period.

The Member State may accept a shorter time-limit than the five working days specified in the second subparagraph.

4. A report shall be drawn up on the checks carried out pursuant to paragraphs 1, 2 and 3, specifying:

- (a) the date of the check;
- (b) its duration;
- (c) the operations carried out.

The report must be signed by the inspector responsible and countersigned by the contractor or, as the case may be, the person responsible for the storage depot, and must be included in the payment dossier.

5. In the case of irregularities affecting at least 5 % of the quantities of products checked, the check shall be extended to a larger sample to be determined by the competent authority.

The Member States shall notify such cases to the Commission within four weeks.

6. Member States may provide that the costs of checks are to be fully or in part charged to the contractor.

Article 8

Storage aid

1. The aid shall be as follows:

- (a) EUR 7,50 per tonne for the fixed costs;
- (b) EUR 0,20 per tonne per day of storage under contract for the warehousing costs;
- (c) for the financial costs per day of contractual storage:
 - (i) EUR 0,23 per tonne for long-keeping cheeses;
 - (ii) EUR 0,28 per tonne for Pecorino Romano;

(iii) EUR 0,39 per tonne for Kefalotyri and Kasseri.

2. No aid shall be granted in respect of storage under contract for less than 60 days. The maximum aid payable shall not exceed an amount corresponding to 180 days' storage under contract.

Where the contractor fails to comply with the time-limit referred to in the second or, as the case may be, third subparagraph of Article 7(3), the aid shall be reduced by 15 % and shall be paid only in respect of the period for which the contractor supplies satisfactory proof to the competent agency that the cheeses have remained in contractual storage.

3. The aid shall be paid on application by the contractor, at the end of the contractual storage period, within 120 days of receipt of the application, provided that the checks referred to in Article 7(3) have been carried out and that the conditions for entitlement to the aid have been met.

However, if it has been necessary to commence an administrative inquiry into entitlement to the aid, payment shall not be made until entitlement has been recognised.

Article 9

Entry into force

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

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

Done at Brussels, 30 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Categories of cheeses	Quantities eligible for aid	Minimum age for cheeses	Period of entry into storage	Period of removal from storage
French long-keeping cheeses: — protected designation of origin Beaufort and Comté cheeses — 'Label Rouge' Emmental grand cru — class A or B Emmental and Gruyère cheeses	16 000 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
German long-keeping cheeses: 'Markenkäse' or 'Klasse fein' Emmentaler/Bergkäse	1 000 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
Irish long-keeping cheeses: Irish long-keeping cheese. Emmental, special grade	900 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
Austrian long-keeping cheeses: '1. Güteklasse Emmentaler/Bergkäse/Alpkäse'	1 700 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
Finnish long-keeping cheeses: 'I luokka'	1 700 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
Swedish long-keeping cheeses: 'Västerbotten/Prästost/Svecia/Grevé'	1 700 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
Polish long-keeping cheeses: 'Podlaski/Piwny/Emental ski/Ser Corregio/Bursztyn/Wielkopolski'	3 000 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
Slovenian long-keeping cheeses: 'Ementalec/Zbrinc'	200 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
Lithuanian long-keeping cheeses: 'Goja/Džiugas'	700 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
Latvian long-keeping cheeses: 'Rigamond, Ementāles tipa un Ekstra klases siers'	500 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
Hungarian long-keeping cheeses: 'Pannónia'	300 t	10 days	From 1 June to 30 September 2005	From 1 October 2005 to 31 March 2006
Pecorino Romano	19 000 t	90 days and produced after 1 October 2004	From 1 June to 31 December 2005	Before 31 March 2006
Kefalotyri and Kasserì made from sheep's or goat's milk or a mixture of the two	2 500 t	90 days and produced after 30 November 2004	From 1 June to 30 November 2005	Before 31 March 2006

COMMISSION REGULATION (EC) No 828/2005**of 30 May 2005****amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on tomatoes, apricots, lemons, plums, peaches, including nectarines, pears and table grapes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables ⁽²⁾ provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 2002, 2003 and 2004, the trigger levels for additional duties on tomatoes, apricots, lemons, plums, peaches, including nectarines, pears and table grapes should be amended.

- (3) Regulation (EC) No 1555/96 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 June 2005.

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

Done at Brussels, 30 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 193, 3.8.1996, p. 1. Regulation as last amended by Regulation (EC) No 694/2005 (OJ L 112, 3.5.2005, p. 10).

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

'ANNEX

Without prejudice to the rules governing the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where "ex" appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and by the corresponding trigger period.

Order No	CN code	Description	Period of application	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 May	603 687
78.0020			— 1 June to 30 September	531 117
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	10 626
78.0075			— 1 November to 30 April	10 326
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	2 071
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	65 658
78.0110	ex 0805 10 20	Oranges	— 1 December to 31 May	620 166
78.0120	ex 0805 20 10	Clementines	— 1 November to end February	88 174
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end February	94 302
78.0155	ex 0805 50 10	Lemons	— 1 June to 31 December	291 598
78.0160			— 1 January to 31 May	50 374
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	222 307
78.0175	ex 0808 10 80	Apples	— 1 January to 31 August	730 999
78.0180			— 1 September to 31 December	32 266
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	239 335
78.0235			— 1 July to 31 December	29 158
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	127 403
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	54 213
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	982 366
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	54 605'

COMMISSION REGULATION (EC) No 829/2005**of 30 May 2005****fixing the aid for peaches for processing under Council Regulation (EC) No 2201/96 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

(1) Article 3(3) of Commission Regulation (EC) No 1535/2003 of 29 August 2003 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables ⁽²⁾ stipulates that the Commission is to publish the amount of the aid for peaches after verifying compliance with the thresholds fixed in Annex III to Regulation (EC) No 2201/96.

(2) The average quantity of peaches processed under the aid scheme over the previous three marketing years is below

the Community threshold. The aid to be applied for the 2005/2006 marketing year in each Member State concerned must therefore be the amount set in Article 4(2) of Regulation (EC) No 2201/96.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 2005/2006 marketing year the aid provided for in Article 2 of Regulation (EC) No 2201/96 for peaches shall be EUR 47,70 per tonne.

Article 2

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

It shall apply for the 2005/2006 marketing year.

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

Done at Brussels, 30 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 29. Regulation last amended by Commission Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).

⁽²⁾ OJ L 218, 30.8.2003, p. 14. Regulation last amended by Regulation (EC) No 180/2005 (OJ L 30, 3.2.2005, p. 7).

COMMISSION REGULATION (EC) No 830/2005**of 30 May 2005****amending, for the fifth time, Council Regulation (EC) No 1763/2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1763/2004 of 11 October 2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) ⁽¹⁾, and in particular Article 10(a) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1763/2004 lists the persons covered by the freezing of funds and economic resources under that Regulation.
- (2) The Commission is empowered to amend that Annex, taking into account Council Decisions implementing Council Common Position 2004/694/CFSP of 11 October 2004 on further measures in support of the effective implementation of the mandate of the Inter-

national Criminal Tribunal for the former Yugoslavia (ICTY) ⁽²⁾. Council Decision 2005/.../CFSP ⁽³⁾ of 6 June 2005 implements that Common Position. Annex I to Regulation (EC) No 1763/2004 should, therefore, be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1763/2004 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 30 May 2005.

For the Commission

Benita FERRERO-WALDNER

Member of the Commission

⁽¹⁾ OJ L 315, 14.10.2004, p. 14. Regulation as last amended by Commission Regulation (EC) No 607/2005 (OJ L 100, 20.4.2005, p. 17. Corrigendum published in OJ L 104, 23.4.2005, p. 46).

⁽²⁾ OJ L 315, 14.10.2004, p. 52. Common position as last amended by Decision 2005/316/CFSP (OJ L 100, 20.4.2005, p. 54).

⁽³⁾ Not yet published in the Official Journal.

ANNEX

The following persons shall be removed from Annex I to Regulation (EC) No 1763/2004:

1. Borovnica, Goran. Date of birth: 15.8.1965. Place of birth: Kozarac, Municipality of Prijedor, Bosnia and Herzegovina. Nationality: Bosnia and Herzegovina.
 2. Pavkovic, Nebojsa. Date of birth: 10.4.1946. Place of birth: Senjski Rudnik, Serbia and Montenegro. Nationality: Serbia and Montenegro.
 3. Popovic, Vujadin. Date of birth: 14.3.1957. Place of birth: Sekovici, Bosnia and Herzegovina. Nationality: Serbia and Montenegro.
-

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/2005 OF THE EU-CROATIA STABILISATION AND ASSOCIATION COUNCIL

of 26 April 2005

adopting its Rules of Procedure including the Rules of Procedure of the Stabilisation and Association Committee

(2005/404/EC)

THE STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia (hereinafter referred to as Croatia), of the other part, and in particular Articles 110 and 111 thereof,

Whereas that Agreement entered into force on 1 February 2005,

HAS DECIDED AS FOLLOWS:

Article 1

Chairmanship

The Stabilisation and Association Council shall be presided over alternately for periods of 12 months by a representative of the Council of the European Union, on behalf of the Community and its Member States, and by a representative of the Government of Croatia. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December 2005.

Article 2

Meetings

The Stabilisation and Association Council shall meet regularly at ministerial level once a year. Special sessions of the Stabilisation and Association Council may be held at the request of either Party, if the Parties so agree.

Unless otherwise agreed by the Parties, each session of the Stabilisation and Association Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties.

Meetings of the Stabilisation and Association Council shall be jointly convened by the Secretaries of the Stabilisation and Association Council in agreement with the President.

Article 3

Representation

The members of the Stabilisation and Association Council may be represented if unable to attend. If a member wishes to be so represented, he must notify the President of the name of his representative before the meeting at which he is to be so represented.

The representative of a member of the Stabilisation and Association Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Stabilisation and Association Council may be accompanied by officials.

Before each meeting, the President shall be informed of the intended composition of the delegation of each Party.

A representative of the European Investment Bank shall attend the meetings of the Stabilisation and Association Council, as an observer, when matters which concern the Bank appear on the agenda.

The Stabilisation and Association Council may invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Mission of Croatia in Brussels shall act jointly as Secretaries of the Stabilisation and Association Council.

Article 6

Correspondence

Correspondence addressed to the Stabilisation and Association Council shall be sent to the President of the Stabilisation and Association Council at the address of the General Secretariat of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the President of the Stabilisation and Association Council and, where appropriate, circulated to other members of the Stabilisation and Association Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the Permanent Representations of the Member States and the Mission of Croatia in Brussels.

Communications from the President of the Stabilisation and Association Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Stabilisation and Association Council at the addresses indicated in the preceding paragraph.

Article 7

Publicity

Unless otherwise decided, the meetings of the Stabilisation and Association Council shall not be public.

Article 8

Agendas for meetings

1. The President shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the President has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of despatch of the agenda.

The agenda shall be adopted by the Stabilisation and Association Council at the beginning of each meeting.

An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The President may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up by the two Secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Stabilisation and Association Council,
- statements requested for entry by a member of the Stabilisation and Association Council,
- the decisions taken and recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Stabilisation and Association Council for approval. When approved, the minutes shall be signed by the President and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as depository of the documents of the Association. A certified copy shall be forwarded to each of the addressees referred to in Article 6.

Article 10

Decisions and recommendations

1. The Stabilisation and Association Council shall take its decisions and make recommendations by common agreement of the Parties. During the inter-sessional period, the Stabilisation and Association Council may take decisions or make recommendations by written procedure if both Parties so agree.

2. The decisions and recommendations of the Stabilisation and Association Council, within the meaning of Article 112 of the Stabilisation and Association Agreement, shall be entitled respectively 'Decision' and 'Recommendation' followed by a serial number, by the date of their adoption and by a description of their subject matter.

The decisions and recommendations of the Stabilisation and Association Council shall be signed by the President and authenticated by the two Secretaries

Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6.

Each Party may decide on the publication of decisions and recommendations of the Stabilisation and Association Council in its respective official publication.

Article 11

Languages

The official languages of the Stabilisation and Association Council shall be the official languages of the two Parties.

Unless otherwise decided, the Stabilisation and Association Council shall base its deliberations on documentation drawn up in these languages.

Article 12

Expenses

The Community and Croatia shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Community, with the exception of expenditure in connection with interpreting or translation into or from Croatian, which shall be borne by Croatia.

Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 13

Stabilisation and Association Committee

1. A Stabilisation and Association Committee is hereby established in order to assist the Stabilisation and Association Council in carrying out its duties. It shall be composed of representatives of the Council of the European Union and of representatives of the Commission of the European Communities, on the one hand, and of representatives of the Government of Croatia, on the other, normally at senior civil servant level.

2. The Stabilisation and Association Committee shall prepare the meetings and the deliberations of the Stabilisation and Association Council, implement the decisions of the Stabilisation and Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Stabilisation and Association Agreement. It shall consider any matter referred to it by the Stabilisation and Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Stabilisation and Association Agreement. It shall submit proposals or any draft decisions/recommendations for adoption to the Stabilisation and Association Council.

3. In cases where the Stabilisation and Association Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Stabilisation and Association Committee. The consultation may continue in the Stabilisation and Association Council if the two Parties so agree.

4. The rules of procedure of the Stabilisation and Association Committee are annexed to this Decision.

Done at Luxembourg, 26 April 2005.

For the Stabilisation and Association Council

The Chairman

J. ASSELBORN

ANNEX

Rules of Procedure of the Stabilisation and Association Committee*Article 1***Chairmanship**

The Stabilisation and Association Committee shall be presided over alternately for periods of 12 months by a representative of the European Commission, on behalf of the Community and its Member States, and by a representative of the Government of Croatia. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December 2005.

*Article 2***Meetings**

The Stabilisation and Association Committee shall meet when circumstances require, with the agreement of both Parties.

Each meeting of the Stabilisation and Association Committee shall be held at a time and place agreed by both Parties.

The meetings of the Stabilisation and Association Committee shall be convened by the Chairman.

*Article 3***Delegations**

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

*Article 4***Secretariat**

An official of the European Commission and an official of the Government of Croatia shall act jointly as Secretaries of the Stabilisation and Association Committee.

All communications to and from the Chairman of the Stabilisation and Association Committee provided for in this Decision shall be forwarded to the Secretaries of the Stabilisation and Association Committee and to the Secretaries and the President of the Stabilisation and Association Council.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Stabilisation and Association Committee shall not be public.

*Article 6***Agendas for meetings**

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Committee to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda.

The Stabilisation and Association Committee may ask experts to attend its meetings in order to provide information on particular subjects.

The agenda shall be adopted by the Stabilisation and Association Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chairman may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Stabilisation and Association Committee.

When approved by the Stabilisation and Association Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

*Article 8***Decisions and recommendations**

In the specific cases where the Stabilisation and Association Committee is empowered by the Stabilisation and Association Council under Article 114 of the Stabilisation and Association Agreement to take decisions/make recommendations, these acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, by the date of their adoption and by a description of their subject matter. Decisions and recommendations shall be made by common agreement between the Parties.

The decisions and recommendations of the Stabilisation and Association Committee shall be signed by the President and authenticated by the two Secretaries and shall be forwarded to the addressees referred to in Article 4 of this Annex.

Each Party may decide on the publication of the decisions and recommendations of this Stabilisation and Association Committee in its respective official publication.

*Article 9***Expenses**

The Community and Croatia shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Community, with the exception of expenditure in connection with interpreting or translation into or from Croatian, which shall be borne by Croatia. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

*Article 10***Subcommittees and special groups**

The Stabilisation and Association Committee may create subcommittees or special groups to work under the authority of the Stabilisation and Association Committee, to which they shall report after each of their meetings. The Stabilisation and Association Committee may decide to abolish any existing subcommittees or groups, lay down or modify their terms of reference or set up further subcommittees or groups to assist it in carrying out its duties. These subcommittees and groups shall not have any decision-making powers.

COMMISSION

COMMISSION DECISION

of 4 May 2005

approving on behalf of the European Community amendments to the annexes to the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products

(notified under document number C(2005) 1369)

(Text with EEA relevance)

(2005/405/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

tional audit guidelines. As a result of these recommendations it is appropriate to amend Annexes V and VI and footnote (1) to the Agreement.

Having regard to the Treaty establishing the European Community,

(4) Those amendments should be approved on behalf of the Community.

Having regard to Council Decision 98/258/EC of 16 March 1998 on the conclusion of the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products ⁽¹⁾, and in particular the third paragraph of Article 4 thereof,

(5) 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:

Whereas:

Article 1

- (1) The Community standard testing method for *Enterobacteriaceae* and Total Viable Count in meat has been recognised as equivalent to the US testing method for *Escherichia coli*.
- (2) The Community and the US have conducted negotiations on an additional set of audit guidelines including guidelines on animal health investigations. These negotiations led to a text for those guidelines which is agreed by both Parties.
- (3) The Joint Management Committee for the Agreement (the Committee) issued recommendations concerning the determination of equivalence between the two testing methods and concerning the adoption of addi-

Pursuant to the recommendations made by the Joint Management Committee established under Article 14 of the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products, the amendments to point 6 of Annex V, to Annex VI, and to footnote (1) to the said Agreement are hereby approved on behalf of the European Community.

The text of the Agreement in the form of an Exchange of Letters, including the amendments to point 6 of Annex V, to footnote (1) and to Annex VI to the Agreement, is attached to this Decision.

Article 2

The Director-General for Health and Consumer Protection is hereby empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

⁽¹⁾ OJ L 118, 21.4.1998, p. 1. Decision last amended by Commission Decision 2003/833/EC (OJ L 316, 29.11.2003, p. 20).

Article 3

This Decision shall apply from the first day of the month following the month in which the United States of America notifies the Commission in writing that its internal procedures for the approval of the amendments referred to in Article 1 have been completed.

Done at Brussels, 4 May 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**Concerning amendments to the annexes to the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products**

A. Letter from the European Community

Brussels, 7 October 2004

Your Excellency,

With reference to the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products, I have the honour to propose to you to amend the Annexes of the Agreement as follows:

As recommended by the Joint Management Committee established under Article 14(1) of the Agreement, replace the texts of point 6 of Annex V and of footnote (1) to the Agreement with the text in Appendix A to the present letter, and replace the text of Annex VI to the Agreement, with the text in Appendix B to the present letter.

I would be obliged if you would confirm the agreement of the United States of America to such amendments to point 6 of Annex V, to footnote (1), and to Annex VI to the Agreement.

Please accept, Sir, the assurance of my highest consideration.

For the European Community

Jaana HUSU-KALLIO

Enclosure: Appendix A to replace Annex V, point 6 and footnote (1) to the Agreement and Appendix B to replace Annex VI to the Agreement

B. Letter from the United states of America

Brussels, 6 April 2005

Dear Madam,

I refer to your letter of 7 October 2004 containing details of the proposed Appendix A to replace Annex V, point 6 and footnote (1) and Appendix B to replace Annex VI of the Agreement of July 20 1999 between the United States of America and the European Community on the sanitary measures to protect public and animal health in trade in live animals and animal products.

In this regard, I have the honor to confirm the acceptability to the United States of America of the proposed amendments as recommended by the Joint Management Committee established under Article 14(1) of the Agreement, a copy of which is attached hereto. It is my understanding that these amendments shall take effect on the date on which the EC notifies the US that it has completed the necessary procedures for implementing these amendments.

Please accept the assurances of my high consideration.

For the Ambassador

Norval E. FRANCIS

Enclosure: Appendix A to replace Annex V, point 6 and footnote (1) to the Agreement and Appendix B to replace Annex VI to the Agreement

APPENDIX A

‘ANNEX V

Commodity — Species — Animal/public health	EC exports to the United States				United States exports to the EC				Action	
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence		Special conditions
	EC standards	US standards				US standards	EC standards			
6. Fresh meat										
Animal health										
— Ruminants	64/432 72/461 72/462	9 CFR 94	Yes 2	Additional certification for bovines from BSE affected countries	US to review rules on BSE with respect to high/low incidence regions	9 CFR 53 (in the case of an outbreak of exotic disease)	72/462 82/426	Yes 2	Three month residence Holding freedom from brucellosis for ovines and caprines	
— Equidae	64/432 72/461 72/462	9 CFR 94	Yes 1			9 CFR 53	72/462 82/426	Yes 2	Three month residence	
— Porcine animals	64/432 72/461 72/462	9 CFR 94	Yes 1			9 CFR 53	72/462 82/426	Yes 2	Three month residence Holding freedom from brucellosis	
Public health										
Ruminants ⁽⁸⁾ Equidae Porcine Ovine Caprine	64/433 96/22 96/23	9 CFR 301-381, 416, 417	Yes 3	Establishments listed in accordance with footnote (7), and fulfilling the relevant provisions of footnote (1) Testing for <i>Enterobacteriaceae</i> and total viable count carried out as per Decision 2001/471/EC of 8 June 2001, except that:	Equivalency (Yes 2) shall be granted after the US has completed verification of veterinary delivery systems This process shall be completed within 12 months of the date of entry into force of this Agreement	9 CFR 301-381, 416, 417	72/462 93/158 96/22 96/23	Yes 3	Establishments listed in accordance with footnote (7), and fulfilling the relevant provisions of footnotes (2), (3), (4) and (5)	The EC shall evaluate the US residue programme, and additional information to be submitted by the US, to determine whether it meets the EC level of protection. This evaluation shall be completed within six months of the entry into force of this Agreement

— Commodity — Species — Animal/public health	EC exports to the United States				United States exports to the EC			
	Trade conditions		Equivalence	Special conditions	Action	Equivalence	Special conditions	Action
	EC standards	US standards						
Ruminants ⁽⁸⁾ Equidae Porcine Ovine Caprine (cont'd)				— random sampling must be carried out throughout the slaughter period — the four sample collection sites for cattle, swine, sheep, goats and horses cannot be changed from those specified in Decision 2001/471/EC of 8 June 2001				The EC shall evaluate the US water standards to determine whether they meet the EC level of protection. This evaluation shall be completed within six months of the entry into force of this Agreement. The EC to evaluate a US request, when submitted, on the need for continued <i>trichinae</i> testing of horsemeat. Regarding footnote 5(e), the results of the inspections after incision of pig hearts shall be jointly evaluated after 12 months, with a view to determining if modifications should be made to the provisions of footnote 5(e). Equivalency (Yes 2) shall be granted after the EC has completed verification of the application of the specified conditions. This process shall be completed within 12 months of the entry into force of this Agreement'

FOOTNOTE 1

⁽¹⁾ The pathogen reduction: hazard analysis and critical control point (HACCP) systems; final rule was published at 61 Federal Register 38806—38989 and amends various provisions of CFR parts 304, 310, 320, 327, 381, 416 and 417.

Provisions on SSOPs applicable.

The USA and the EC shall discuss, well in advance of their date of implementation, the staged elements in the above rule to determine whether any further special conditions are needed.'

APPENDIX B

'ANNEX VI

GUIDELINES FOR CONDUCTING AN AUDIT

Where standards, guidelines, or recommendations pertaining to the conduct of audits are adopted by one of the relevant international standard-setting organisations, the Parties will review the contents of this Annex, and make any appropriate modifications.

General Provisions**1. Definitions**

The following definitions shall apply to terms used in this Annex:

- 1.1. audit — assessment of performance;
- 1.2. auditee — the exporting Party whose enforcement and control programme is the subject of the audit;
- 1.3. auditor — the importing Party that conducts the audit;
- 1.4. establishment — processing plant for animals or animal products;
- 1.5. facility — site other than processing plants where animals or animal products might be handled, excluding retail premises;
- 1.6. animal health investigation — a site visit undertaken to gather or verify information related to the status or conditions of a particular region with regard to one or more of the animal diseases identified in Annex III.

2. General principles

- 2.1. The auditor and the auditee should cooperate in carrying out audits in accordance with the provisions set out in this Annex. The audit team should include representatives of both the auditor and the auditee, and the auditee should designate personnel responsible for facilitating the audit. Specialised professional skills may be necessary to carry out audits of specialised systems and programmes.

Information is collected through interviews, review of documents and records, and site visits. Changes to controls since the adoption of the Agreement or since the previous audit are included. Information may be verified through inquiries and checks on other sources; these may include physical observation, measurements, samples and records. Information obtained during the course of the audit should be documented.

- 2.2. Audits should be designed to check the effectiveness of the auditee's enforcement and control programme rather than to reject individual animals, consignments of food or establishments. The auditee's enforcement and control programme covered by the Agreement should be adequately assessed.

- 2.2.1. The basis for the assessment of all audits conducted in accordance with the Agreement is provided by the standards of either the exporting party, or a combination of the standards of the exporting party and importing party, and any special conditions as appropriate for the particular audit. Such standards and appropriate special conditions are outlined in Annex V, and provided for in Article 6.

- 2.2.2. It is recognised that on-site audits undertaken in the process of determining initial equivalence will normally be conducted using only the standards of the exporting country, whereas subsequent on-site audits undertaken for the purpose of verifying delivery of a previously established condition of equivalence will be conducted using the standards of the exporting party, those relevant standards of the importing party that have not been determined to be equivalent and for which compliance is required, and any agreed special conditions outlined in Annex V.
- 2.3. The auditee must operate a documented programme to demonstrate to the auditor that standards are being met on a consistent basis.
- 2.4. The frequency of audits should be based on the performance of the exporting Party in carrying out its enforcement and control programme. A low level of performance should result in an increased frequency of audit, for example to ensure that unsatisfactory performance has been corrected.
- 2.4.1. Information to be used in establishing the frequency of audits may include, *inter alia*:
- epidemiological analysis,
 - the results of previous audits,
 - results from veterinary checks at the border (including results from collection and analysis of samples from import consignments),
 - period since last audit,
 - volume of trade,
 - public health surveillance results,
 - animal disease list freedom,
 - and environmental and geographical factors.
- 2.5. Audits, and the decisions based on them, should be made in a transparent and consistent manner.
- The auditor should:
- 2.5.1. Ensure that audit conclusions are based on objective evidence or data and observations, which can be verified as accurate and reliable;
- 2.5.2. Remain free of any conflicting interest or improper influence;
- 2.5.3. Ensure that the audit procedure is conducted with the objectives of
- verifying that previously recognised conditions of equivalence are being delivered by the exporting party, and
 - identifying to the auditee areas where improvements can be introduced to enhance the performance of the auditee's documented control programme so that it can deliver initially, or continue to deliver, a condition of equivalence necessary to meet the importing party's appropriate level of protection;
- 2.5.4. Ensure that all documents and records received during the audit are retained and safeguarded as agreed by both parties and according to each party's applicable laws and regulations;
- 2.5.5. Ensure that commercial confidentiality is respected according to each party's applicable laws and regulations.

The auditee should:

- 2.5.6. Provide information within the scope of the audit, which is requested by the auditor, in a timely manner during the audit or within 20 working days thereafter to ensure that the audit objectives can be met;
- 2.5.7. Cooperate with and assist the auditor in the performance of his/her duties so that the audit objectives are achieved. This includes:
 - informing personnel involved in the audit about its objectives;
 - appointing suitably qualified members of staff to accompany the audit team,
 - providing the necessary facilities needed for the audit team in order to ensure an effective and efficient audit process,
 - providing access to the sites and to documents necessary to carry out the audit, as requested by the auditor.

2.6. Animal health investigations

Animal health investigations are conducted in order to gather appropriate epidemiological and other information concerning the disease status of a particular region (whether a Member State/State, part of a Member State/State or parts of more than one Member State/State). An animal health investigation may be carried out by one party (referred to here as the importing party) to support the initial determination made by the other party (referred to here as the exporting party) of the disease status of a region (i.e. first-time recognition of freedom from a specified disease), or following a disease outbreak.

OPERATIONAL GUIDELINES

Preparing for audits

3. Advance preparation

3.1. Programming of audits

In order to ensure that audits can be adequately prepared and carried out in the most efficient manner, the Parties should:

- establish a tentative audit programme covering, where practicable, a 12-month period, taking due account of, *inter alia*, the analysis described under 2.4 of Annex VI to the Agreement, and the actions set out in Annex V of the Agreement; this indicative programme should be reviewed on a six-monthly basis in order to establish a rolling audit programme,
- confirm, at the earliest stage possible, preferably 60 days prior, the intention to carry out the audits foreseen in the indicative programme,
- notify, at the earliest stage possible, the auditee of any anticipated changes to the indicative programme,
- exchange information on programmes of audits foreseen to be carried out outside the scope of the Agreement as might be necessary and appropriate to facilitate the provisions of paragraph 6.3.

3.2. Audit initiation

The following will normally provide a basis for the initiation of audits:

- audits identified in the indicative programme,
- audits upon invitation by the auditee,
- audits at the justified request of either contracting party to the Agreement, such as audits undertaken in the event of serious concerns by either Party regarding emerging or newly identified risks to public or animal health.

In all cases, the auditor should provide the auditee with sufficient notice of the intended audit, in order to enable it to make the arrangements necessary for a satisfactory completion of the audit. The advance time of this notice should reflect the urgency related to public and animal health associated with its performance.

Communication by the auditor to the auditee

3.3. Pre-audit activities

3.3.1. Preparation of the audit plan

In consultation with the auditee, the auditor should prepare an audit plan. The audit plan should be submitted by the auditor to the auditee sufficiently in advance of the audit to allow time for information to be supplied by the auditee, preferably 60 days prior to the intended commencement date of the audit. The audit should be designed to be flexible in order to permit changes in emphasis based on information gathered prior to, or during the audit.

The plan should include:

- the subject, depth and scope of the audit,
- the objectives of the audit,
- identification of the relevant standards set out in Annex V against which the audit will be carried out. Specifically, these are the standards of the exporting party when the audit is conducted as the initial on-site evaluation of performance of the auditee's control programme as part of the determination as to whether a condition of equivalence exists, or a combination of the exporting party's standards and the importing party's standards, as amended by the appropriate special conditions set out in Annex V, when a subsequent audit is conducted to verify a previously determined condition of equivalence,
- the date and place of the audit, and the types of any establishments or facilities to be visited so that appropriate audit team members may be chosen,
- a timetable up to and including the presentation of the final report,
- the language or languages in which the audit will be conducted and the report written,
- the identity of the members of the audit team, including the leader,
- a schedule of meetings with officials and visits to establishments or facilities, including unannounced visits, as appropriate,
- provisions for respect of commercial confidentiality and avoidance of conflicts of interest.

3.3.2. Agreement with the auditee of the plan and dates

If the auditee objects to any provisions detailed in the audit plan, such objections are to be made known immediately to the auditor, usually within 10 working days after receipt of the audit plan. Objections should be resolved between the auditor and the auditee. Proposed amendment(s) to the audit plan, as a consequence of information obtained either prior to or during the audit, should be communicated by the proposing party to the other party as soon as practicable.

3.3.3. Obtaining the necessary documentation from the auditee

Prior to the audit, the auditor may request documentation from the auditee that is relevant to its preparation and execution. Such documentation may include, for example:

- legislation and relevant technical standards and specifications,
- management structure of the auditee,
- regulatory functions and powers of the auditee, and results of any enforcement actions,
- approval procedures operated by auditee,
- details concerning control programmes, including copies of working documents, manuals and similar operational guides.

The auditor may request clarification from the auditee concerning any documentation that has been submitted.

Conducting the audit

4. Opening meeting

The auditee and auditor should have an opening meeting at a site agreed to in advance by both sides. Where necessary and appropriate to clarify issues pertaining to the audit, the opening meeting may be held in Washington, D.C. for audits conducted by European Commission teams, or in either Brussels, Belgium or Grange, Ireland for audits conducted by US teams. In other cases, opening meetings may be held at appropriate sites, such as EU Member State capitals or US cities, as may be practical and convenient for the particular audit. Wherever the opening meeting takes place, it should be chaired by an appropriate representative of the auditee's competent authority(ies). The purpose of an opening meeting is to:

- introduce the audit team to the auditee,
- confirm the subject, depth, scope, audit standards and objectives of the audit,
- outline the working methods and procedures to be used during the audit,
- confirm the official communication links between the audit team and the auditee during the course of the audit, including establishing which representatives of the official services will accompany the audit team at each visit,
- confirm the government and non-government sites to be visited,
- confirm the appropriate number and roles of audit team members to participate in or observe site visits to production establishments or facilities,
- confirm the time, date and location of the closing meeting and any interim meetings with the auditee,
- confirm travel and accommodation arrangements,
- confirm that the resources and facilities needed by the audit team will be made available,
- confirm the reporting methods to be used,
- request any additional documentation identified during the pre-audit stage as necessary for the conduct of the audit,
- answer any questions the auditee has concerning the audit process.

5. Document review

5.1. The document review may include, for example, the following:

- records concerning compliance programmes,
- inspection and internal audit reports,
- documentation concerning corrective actions and sanctions,
- records of compliance actions taken,
- sampling plans and their results,
- documents associated with verification,
- regulatory procedures followed by the auditee.

5.2. In the case of an audit that is subsequent to a determination of equivalence, the document review may also consist of a review of relevant changes to the inspection and certification systems since the determination of equivalence or since the previous audit.

5.3. The auditee will cooperate fully with the auditor in the document review process and help to ensure that the auditor has access to requested documents and records.

6. On-site verification

6.1. The decision by the auditor as to the nature and extent of on-site verifications should take into account factors such as the area concerned, the history of conformity with requirements by the sector or exporting country as determined by prior audits and/or veterinary checks at the border (including results of sampling and analysis of import consignments), the volume of product produced and imported or exported, changes to the infrastructure and the nature and operation of the national inspection and certification systems.

6.2. On-site verification may involve visits to production and manufacturing establishments, facilities, food handling or storage areas and control laboratories to check the accuracy of the information contained in the documentary material referred to in 5.1.

6.3. When checks of establishments or facilities are carried out, the auditee will carry out the check of the establishment or facility, following the auditee's usual procedures, and the auditor will generally participate as an observer, though the auditor is free to check other aspects of performance, if deemed necessary. Due to time constraints, the auditor may elect not to observe a full, comprehensive inspection by the auditee, but may, instead, verify particular inspection practices through off-site interviews with the auditee's inspection staff.

6.4. The auditee will cooperate fully with the auditor in the on-site verification process and facilitate the auditor's entry into the establishments and facilities that are the subject of the on-site verification.

6.5. Where on-the-spot checks reveal a serious potential or actual risk to human or animal health, the auditor should immediately inform the auditee of such an assessment, who should take appropriate action to correct an identified and confirmed risk.

7. Follow-up audit

A follow-up audit may be conducted to verify the correction of deficiencies identified in a prior audit.

8. *Working documents*

Working documents may include checklists of elements to evaluate, such as the following:

- legislation,
- structure and operations of inspection and certification services,
- establishment and facility structure, layout, operations and working procedures,
- health statistics, sampling plans and results,
- compliance action and procedures,
- reporting and complaint procedures,
- training programmes.

8.1. *Support documents*

Documents supporting audit findings, conclusions and recommendations should be standardised as much as possible in order to make the performance of the audit and the presentation of its findings uniform, transparent and reliable. The support documents may include any aides memoire or other background information of elements to evaluate.

9. *Closing meeting*

As with the opening meeting, the closing meeting may be held at a site that is mutually convenient to both the auditee and the auditor. The closing meeting should also be chaired by an appropriate representative of the auditee's competent authority(ies).

The purpose of the closing meeting is to:

- re-confirm the subject, depth, scope, audit standards and objectives of the audit,
- remind the auditee that the audit is based on a sampling of the system controls and does not purport to reflect all of the system deficiencies,
- provide the auditee with the auditor's preliminary findings and/or a general overview of the auditor's findings,
- present details of the substantive deficiencies identified along with the objective evidence for such deficiencies,
- offer any additional explanation necessary to ensure that the auditee understands the nature of the substantive deficiencies,
- confirm that full details of the audit will be provided in the form of an audit report and that the auditee will have an opportunity to comment on the report,
- allow the auditee to comment on the audit findings or to raise any points of clarification.

Post-audit activities

10. *Audit report*

The audit report should provide a balanced picture of the audit findings, and include conclusions and recommendations that accurately reflect these findings. It should normally cover the following:

- the subject, depth, scope, audit standards and objectives of the audit,
- details of the audit plan,
- identification of the reference documents against which the audit was conducted,
- auditor evaluation of findings against the standards subject of the audit,
- area(s) of disagreement between the auditor and auditee,

- the auditor's recommendations as to which substantive deficiencies should be corrected,
- the response to the presentation of the findings including any undertakings given to address identified deficiencies.

10.1. Commercial confidentiality must be respected in the preparation and subsequent distribution of the audit report. Prior to the audit, each party will inform the other of its laws and procedures for protecting confidential commercial information and other information that may be deemed sensitive by one or both parties. Each party will respect fully its own requirements for protecting confidential information. Where significant differences exist between the parties in the nature of information that must be protected, the parties will identify these differences prior to the audit and agree on the appropriate procedures to be followed.

10.2. Draft reports are to be sent to the auditee within the time limits specified in the Agreement. The auditee may comment within 60 days, and should describe any specific corrective actions that will be or have been taken in order to deliver equivalence initially, or to continue to deliver equivalence, including target dates for completion.

10.3. Amendments to the text of the final report in response to comments from the competent authority should be limited to the correction of factual inaccuracies. However, other comments made by the auditee may be indicated separately in the report if they serve to clarify the report's contents. The auditee's comments should, in any case, be attached to the final report.

11. *Corrective action follow up*

Verification of corrective action necessary to deliver equivalence will vary according to the nature of the original deficiency. Verification of corrective action by the auditee may include the following:

- review of assurances provided by the auditee,
- review of documentation provided by the auditee,
- follow up audits,
- review of stated corrective action in a subsequent audit.

The follow up audit process is similar to the normal audit, but it would focus on confirming that the action taken by the auditee satisfactorily addresses and resolves the identified deficiencies. A follow up report concerning the corrective action should be prepared and distributed in a manner similar to the original audit report.

Animal health investigations

12. *Animal health investigations*

12.1. General principles

All parties involved in an animal health investigation should cooperate in carrying out the investigation in an open and transparent manner, with a view to completing all necessary procedures as quickly as possible.

12.2. Procedures

12.2.1. Programming of animal health investigation and animal health investigation initiation

In most cases, this investigation will be undertaken at the request of the exporting party. The results of an animal health investigation should provide essential information regarding disease risk associated with exports of specified commodities from that region. The importing party shall acknowledge such a request in a timely manner, and shall identify a contact person to work closely with representatives of the exporting party. Necessary site visits will be scheduled expeditiously with the input of all parties.

In the event of an outbreak of one of the diseases identified in Annex III and in case that safeguard or regionalisation measures have been adopted, the importing party may require that an animal health investigation take place before trade in affected products can be resumed. In order to minimise the disruption of trade and facilitate the recognition of disease freedom or identification or appropriate risk mitigation measures, the appropriate representatives of both the importing and exporting parties will work to schedule the investigation as quickly as possible. While the timing of the visit will depend on progress in bringing the outbreak under control, the two parties should enter into discussions at the earliest practical stage.

12.2.2. Pre-visit activities

The importing party will identify the regions to be visited as part of the site visit, as well as the types of entities to be included, in direct communication with the exporting party. The two parties should work in close consultation to prepare an investigation plan that covers the following points:

- the proposed dates of the site visit,
- the area(s) to be visited and the types of information that will need to be gathered,
- the names of the investigation team members, including the leader of the investigation team,
- a schedule of meetings with officials and visits to farms or other locations,
- specific documentation that will be requested as part of the investigation, such as applicable disease eradication and control legislation, surveillance and monitoring data, reports on trace-backs and traceforwards, vaccination records if carried out, epidemiological data related to the outbreak in question or recent outbreaks, laboratory reports etc.,
- the names of the appropriate contact persons of the exporting party (this would include representatives from the appropriate services of all Member States/States involved), as well as the responsible regulatory authorities of both parties.

The investigation plan should be completed prior to the departure of the investigation team and transmitted to all parties involved in the animal health investigation.

12.2.3. Conducting the investigation

12.2.3.1. Opening meeting

An opening meeting should be held between representatives of all parties. At this meeting, the investigating party will review the investigation plan and confirm that the necessary arrangements have been made for conducting the investigation.

The location of the opening meeting will be determined as part of the investigation plan, and may, if appropriate, be hosted by representatives of the appropriate regulatory authorities.

The purpose of this opening meeting is to:

- introduce the investigation team to the representatives of the exporting party,
- outline the principal areas of investigation and procedures to be followed,
- confirm the official communication links between the investigation team and the representatives of the exporting party,
- confirm the schedule and sites to be visited,

- confirm the date, time and location of the closing meeting,
- confirm travel and accommodation arrangements,
- confirm that resources and documentation needed by the investigation team will be made available,
- answer any questions regarding the investigation on the part of the exporting party representatives.

12.2.3.2. Documenting the investigation

The officials conducting the investigation will keep a written record of their findings, together with documentation supplied by the host party representatives. The record will include the locations visited, including farms, and the names and titles of officials interviewed as part of the investigation.

12.2.3.3. Closing meeting

A closing meeting shall be held between representatives of both parties. The location of the meeting will be determined as part of the investigation plan, and may, if appropriate, be hosted by officials of the appropriate regulatory authorities.

The purpose of the meeting is to:

- review the principal areas of investigation and the procedures followed,
- provide an opportunity for the exporting party representatives to clarify any issues related to the investigation or the documentation provided,
- identify any additional information required to complete the evaluation,
- answer any questions regarding the evaluation and the subsequent actions,
- establish an indicative time table for providing the animal health investigation assessment and/or the report to the exporting party.

12.2.4. Evaluation

The evaluation should be science based, transparent, and consistent with relevant international standards and with similar evaluations conducted by the importing party.

Depending on the procedures of the importing party, the assessment and/or the report may be made public. Comments on the assessment and/or the report by the exporting party will be governed by existing regulatory requirements of the importing party.'

CORRIGENDA**Corrigendum to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community**

(Official Journal of the European Union L 169 of 10 July 2000)

On page 95, Annex VII, fourth indent:

The following footnote reference and the following corresponding footnote shall be added:

‘— the colour of the paper and the colour of the printing ⁽¹⁾.’

⁽¹⁾ The colour of the paper shall be white. The colour of the printing shall be green for phytosanitary certificates and brown for reforwarding phytosanitary certificates.’
