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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 880/2005
of 10 June 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 11 June 2005.

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

Done at Brussels, 10 June 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 10 June 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	58,6
	204	50,1
	999	54,4
0707 00 05	052	88,2
	999	88,2
0709 90 70	052	92,6
	999	92,6
0805 50 10	324	59,0
	388	64,0
	528	60,7
	624	63,4
	999	61,8
0808 10 80	388	87,2
	400	131,9
	404	78,8
	508	69,5
	512	67,2
	524	70,5
	528	67,0
	720	82,0
	804	90,9
	999	82,8
0809 10 00	052	178,9
	624	183,0
	999	181,0
0809 20 95	052	308,9
	068	238,7
	400	427,3
	999	325,0

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 881/2005**of 10 June 2005****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal meeting the definition laid down therein which may be imported on special terms for the period 1 July 2004 to 30 June 2005 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 June 2005 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of July 2005 for 958,333 t.

Article 2

This Regulation shall enter into force on 11 June 2005.

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

Done at Brussels, 10 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

COMMISSION REGULATION (EC) No 882/2005**of 10 June 2005****fixing the maximum export refund on wholly milled and parboiled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2032/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Article 14(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2032/2004 ⁽²⁾.

(2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾ allows the Commission to fix, in accordance with the procedure laid down in Article 26(2) of Regulation (EC) No 1785/2003 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 14(4) of Regulation (EC) No 1785/2003 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(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 maximum export refund on wholly milled and parboiled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2032/2004 is hereby fixed on the basis of the tenders submitted from 6 to 9 June 2005 at 57,00 EUR/t.

Article 2

This Regulation shall enter into force on 11 June 2005.

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

Done at Brussels, 10 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 353, 27.11.2004, p. 6.

⁽³⁾ OJ L 61, 7.3.1975, p. 25. Regulation as last amended by Regulation (EC) No 1948/2002 (OJ L 299, 1.11.2002, p. 18).

COMMISSION REGULATION (EC) No 883/2005**of 10 June 2005****amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽¹⁾, and in particular Article 247 thereof,

Whereas:

- (1) The Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention) of 14 November 1975 was approved on behalf of the Community by Council Regulation (EEC) No 2112/78⁽²⁾ and entered into force in the Community on 20 June 1983⁽³⁾. Given the importance of international trade for the Community it is necessary to modernise the customs formalities concerning the TIR procedure. Article 49 of the TIR Convention envisages the application of greater facilities for the benefit of economic operators provided such facilities do not impede the application of the provisions of the Convention. Currently the Community rules concerning the TIR procedure do not provide for the status of authorised consignee. In order to meet the needs of economic operators and to facilitate international trade it is desirable to develop provisions, based on the existing Community/common transit rules, allowing the status of authorised consignee to be used in conjunction with the TIR procedure.
- (2) The Convention on Temporary Admission of 26 June 1990 (the Istanbul Convention) and the Annexes thereto were approved by the European Community by Council Decision 93/329/EEC⁽⁴⁾. Annex A to the Istanbul Convention replaces the Customs Convention on the ATA carnet for the temporary admission of goods of 6 December 1961 (the ATA Convention)

with regard to relations between countries which have accepted the Istanbul Convention and its Annex A. It is therefore necessary to amend the provisions relating to the ATA procedure to include references to the Istanbul Convention. However, in order to facilitate international trade between the Community and those countries that have not accepted Annex A to the Istanbul Convention, it is appropriate to maintain the references to the ATA Convention.

- (3) In the framework of the outward processing procedure, Commission Regulation (EEC) No 2454/93⁽⁵⁾ has, since 2001, permitted partial relief from import duty after outward processing to be calculated on the basis of the costs of the processing operation, in accordance with the 'value-added method'. However, this method is not allowed if the temporary export goods which are not of Community origin have been released for free circulation at a zero duty rate. Those restrictive conditions for goods which are not of Community origin should be modified in order to promote the use of the value-added method.
- (4) However, in order to avoid an abuse of the system it is desirable to provide that this method of duty relief may be refused if it is established that the sole object of the release for free circulation of the temporary export goods had been to benefit from this relief.
- (5) The identity and nationality of means of transport at departure is regarded as mandatory information that has to be entered in box 18 of a transit declaration. At container terminals that have high levels of traffic it may occur that the details of the road means of transport to be used are unknown at the time when the transit formalities are carried out. Nevertheless, the identification of the container in which the goods subject to transit declaration will be carried is available and is already indicated in box 31 of the transit declaration. Given that the goods can be controlled on this basis, it is appropriate to allow box 18 of the transit declaration to be left blank, provided that it can be ensured that the proper details will be subsequently entered in the relevant box.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 252, 14.9.1978, p. 1.

⁽³⁾ OJ L 31, 2.2.1983, p. 13.

⁽⁴⁾ OJ L 130, 27.5.1993, p. 1.

⁽⁵⁾ 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).

- (6) Annex 37c and Annex 38 to Regulation (EEC) No 2454/93 both contain lists of packaging codes based on Annex V to Recommendation No 21 of the United Nations Economic Commission for Europe, Rev. 1, of August 1994, hereinafter 'the UN/ECE Recommendation'. Annex V to the UN/ECE Recommendation, which contains the list of codes, has been revised several times since its introduction in order to adapt it to practice in commerce and transport, the last time being in May 2002 (Revision 4). To enable traders to use the most widely accepted standard and thus to harmonise commercial and administrative practice within the Community as far as possible, it is necessary to provide that the packaging codes used in customs declarations are to reflect the latest version of Annex V to the UN/ECE Recommendation.
- (7) In the interests of clarity and rationality, the list of packaging codes should be published solely in Annex 38, to which reference should be made when the list is mentioned in other customs legislation.
- (8) The packaging codes are closely linked to the provisions applicable to transit operations as referred to in Articles 367 to 371 and to the new rules on the single administrative document, or form part of them. The new provisions must therefore be applicable for all customs procedures.
- (9) A list of the numerical codes used in connection with the transit guarantee, for use on the single administrative document forms, was established by Regulation (EEC) No 2454/93. It is necessary to complete that list, in order to take into account all the situations relating to the guarantee waivers.
- (10) As a consequence of the modification of the numerical codes of the transit guarantees, it is also necessary to adapt the corresponding data concerning the New Computerised Transit System.
- (11) Given that the Convention of 20 May 1987 on a common transit procedure provides that the numerical codes of the transit guarantees are to apply from 1 May 2004, the new codes should apply with effect from that date.
- (12) In view of the foregoing, Annexes 37 and 38 to Regulation (EEC) No 2454/93, as amended by Regulation (EC) No 2286/2003, should be amended. It is necessary, however, to make similar amendments also to Annex 37 to Regulation (EEC) No 2454/93, as amended by Commission Regulation (EC) No 444/2002 ⁽¹⁾, and Annex 38 to Regulation (EEC) No 2454/93, as amended by Commission Regulation (EC) No 881/2003 ⁽²⁾, since they both remain in force until 1 January 2006.
- (13) Article 531 of Regulation (EEC) No 2454/93 defines the usual forms of handling which are allowed under the customs warehousing procedure. The framework of the permitted activities is established by Article 109(1) of Regulation (EEC) No 2913/92. The usual forms of handling which non-Community goods may undergo are exhaustively listed in Annex 72 to Regulation (EEC) No 2454/93. However, the restrictive scope of this Annex has led to certain problems in practice. Therefore, it is desirable to provide for more flexibility.
- (14) Some endorsements on customs documents expressed in the language of certain new Member States are not consistent with the terminology relating to customs matters already used in the languages concerned and adjustments are therefore necessary.
- (15) Since the 2003 Act of Accession took effect on 1 May 2004, those endorsements should be applicable on the same date.
- (16) Regulation (EEC) No 2454/93 should therefore be amended accordingly.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Regulation (EEC) No 2454/93 is amended as follows:
1. in the third paragraph of Article 62, the 20th indent is replaced by the following:

 '— Vyhotovené dodatočne';
 2. in Article 113(3), the 20th indent is replaced by the following:

 '— VYHOTOVENÉ DODATOČNE';
 3. in Article 314c(3), the 20th indent is replaced by the following:

 '— Vyhotovené dodatočne';
 4. in Article 324d(2), the 20th indent is replaced by the following:

 '— Oslobodenie od podpisu';

⁽¹⁾ OJ L 68, 12.3.2002, p. 11.

⁽²⁾ OJ L 134, 29.5.2003, p. 1.

5. in the third subparagraph of Article 357(4), the 20th indent is replaced by the following:

‘— Oslobodenie’;

6. in the second subparagraph of Article 361(4), the 20th indent is replaced by the following:

‘— Nezrovnalosti: úrad, ktorému bol tovar dodaný (názov a krajina)’;

7. in Article 387(2), the 20th indent is replaced by the following:

‘— Oslobodenie od predpísanej trasy’;

8. in Article 403(2), the 20th indent is replaced by the following:

‘— Oslobodenie od podpisu’;

9. in Article 451(1), ‘Istanbul Convention’ is inserted after ‘ATA Convention’;

10. the following Articles 454a, 454b and 454c are inserted:

Article 454a

1. Following an application by the consignee, the customs authorities may grant him the status of authorised consignee, thereby authorising him to receive at his premises or at any other specified place goods transported under the TIR procedure.

2. The authorisation referred to in paragraph 1 shall be granted only to persons who:

- (a) are established in the Community;
- (b) regularly receive goods that have been entered for the TIR procedure, or whose customs authorities know that they can meet the obligations under that procedure;
- (c) have not committed any serious or repeated offences against customs or tax legislation.

Article 373(2) shall apply *mutatis mutandis*.

The authorisation shall apply solely in the Member State where the authorisation was granted.

The authorisation shall apply only to TIR operations that have as the final place of unloading the premises specified in the authorisation.

3. Articles 374 and 375, Article 376(1) and (2), and Articles 377 and 378 shall apply *mutatis mutandis* to the procedure relating to the application referred to in paragraph 1.

4. Article 407 shall apply *mutatis mutandis* with respect to the procedure laid down in the authorisation referred to in paragraph 1.

Article 454b

1. In respect of goods arriving at his premises or at the place specified in the authorisation referred to in Article 454a, the authorised consignee shall comply with the following obligations, in accordance with the procedure laid down in the authorisation:

- (a) inform the customs authorities at the office of destination of the arrival of the goods;
- (b) immediately inform the customs authorities at the office of destination of any broken seals, and of any other irregularities such as excess quantities, deficits, or substitutions;
- (c) without delay, enter the results of the unloading into his records;
- (d) without delay, present to the customs authorities at the office of destination an advice indicating the particulars and condition of any seals affixed and the date of the entry into the records.

2. The authorised consignee shall ensure that the TIR Carnet is presented, without delay, to the customs authorities at the office of destination.

3. The customs authorities at the office of destination shall make the necessary endorsements on the TIR Carnet and, in accordance with the procedure laid down in the authorisation, shall ensure that the TIR Carnet is returned to the TIR carnet holder or to the person acting on his behalf.

4. The date of termination of the TIR operation shall be the date of the entry into the records referred to in point (c) of paragraph 1. However, in the cases referred to in point (b) of paragraph 1, the date of termination of the TIR operation shall be the date of the endorsement of the TIR Carnet.

5. At the request of the TIR carnet holder, the authorised consignee shall issue a receipt, the form of which shall correspond to a copy of the advice referred to in point (d) of paragraph 1. The receipt shall not be used as proof of the termination of the TIR operation within the meaning of Article 454c(2).

Article 454c

1. The TIR carnet holder shall have fulfilled his obligations under point (o) of Article 1 of the TIR Convention when the TIR carnet together with the road vehicle, the combination of vehicles or the container and the goods have been delivered intact to the authorised consignee at his premises or at the place specified in the authorisation.
 2. The termination of the TIR operation, within the meaning of point (d) of Article 1 of the TIR Convention, shall have occurred when the requirements of Article 454b(1) and (2) have been met.;
11. in Article 457c(1), the words 'or the Istanbul Convention' are inserted after 'ATA Convention';
 12. Article 457d is amended as follows:
 - (a) in paragraph 1, 'or in Article 8(4) of Annex A to the Istanbul Convention' is added;
 - (b) in paragraph 2, 'or in Article 9(1)(a) and (b) of Annex A to the Istanbul Convention' is added;
 - (c) in point (c) of paragraph 3, 'or in Article 10 of Annex A to the Istanbul Convention' is added;
 13. in Article 459(1), 'or the Istanbul Convention' is inserted after 'ATA Convention';
 14. Article 461 is amended as follows:
 - (a) in the first sentence of the second subparagraph of paragraph 2, 'or of the Istanbul Convention' is added;
 - (b) in the first sentence of paragraph 4, 'or Article 9(1)(b) and (c) of Annex A to the Istanbul Convention' is added.
 15. in Article 580(3), 'Articles 454, 455' is replaced by 'Articles 457c, 457d';
 16. in Article 591, the second subparagraph is replaced by the following:

'Customs authorities shall refuse the calculation of partial relief from import duties under this provision if before the compensating products are released for free circulation it is established that the sole object of the release for free circulation at a zero duty rate of the temporary export goods, which are not of Community origin within the meaning of Title II, Chapter 2, Section 1, of the Code, was to benefit from partial relief under this provision.'
 17. in Article 843(2), the 16th and 17th indents are replaced by the following:

— A kilépés a Közösség területéről a ... rendelet/irányelv/határozat szerinti korlátozás vagy teher megfizetésének kötelezettsége alá esik

— Hruġ mill-Komunita` sugġett għall-restrizzjonijiet jew hlasijiet taht Regola/Direttiva/Deċiżjoni Nru ...;
 18. in the fourth subparagraph of Article 912e(2), the 20th indent is replaced by the following:

— (počet) vyhotovených výpisov – kópie priložené;
 19. in the second subparagraph of Article 912f(1), the 16th and 20th indents are respectively replaced by the following:

— Kiadva visszamenőleges hatállyal'

— Vyhotovené dodatočne;
 20. in point (c) of Article 912g(2), the 20th indent is replaced by the following:

'Oslobodenie od podpisu – článok 912g nariadenia (EHS) č. 2454/93';
 21. Annex 37, as amended by Regulation (EC) No 444/2002, is amended in accordance with Annex IA to this Regulation;
 22. Annex 37, in the version introduced by Regulation (EC) No 2286/2003, is amended in accordance with Annex IB to this Regulation;
 23. in Title II of Annex 37a, the particulars for box 31 are amended in accordance with point 1 of Annex II to this Regulation;
 24. in Title II of Annex 37a, the particulars for boxes 50 and 52 are amended in accordance with points 2, 3 and 4 of Annex II to this Regulation;
 25. Annex 37c is amended in accordance with Annex III to this Regulation;
 26. in Annex 38, as amended by Regulation (EC) No 881/2003, a text for box 31 is inserted in accordance with point A(1) of Annex IV to this Regulation;
 27. in Title II of Annex 38, in the version introduced by Regulation (EC) No 2286/2003, the text for box 31 is amended in accordance with point B(1) of Annex IV to this Regulation;

28. in Annex 38, as amended by Regulation (EC) No 881/2003, the text of the applicable codes for box 52 is amended in accordance with point A(2) of Annex IV to this Regulation;
29. in Title II of Annex 38, in the version introduced by Regulation (EC) No 2286/2003, the text of the applicable codes for box 52 is amended in accordance with point B(2) of Annex IV to this Regulation;
30. in point 2.2 of Annex 47a, the 20th indent is replaced by the following:
- ‘ZÁKAZ CELKOVEJ ZÁRUKY’;
31. Annex 59 is replaced by the text set out in Annex V to this Regulation;
32. in the general remarks relating to Heading 16, in the ‘Provisions governing the information to be entered on the taxation form’ in Annex 60, ‘/Article 8 of Annex A to the Istanbul Convention’ is inserted after ‘ATA Convention’;
33. Annex 61 is replaced by the text set out in Annex VI to this Regulation;

34. Annex 72 is amended in accordance with Annex VII to this Regulation.

Article 2

1. This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.
2. Points 1 to 8, 17 to 20, 24, 28 and 30 of Article 1 shall apply with effect from 1 May 2004.
3. Points 9 to 15, 31, 32 and 33 of Article 1 shall apply with effect from 1 October 2005.
4. Points 23, 25 and 26 of Article 1 shall apply with effect from 1 July 2005.
5. Points 22, 27 and 29 of Article 1 shall apply with effect from 1 January 2006. However, the Member States may apply those points before that date. In such cases, the Member States shall notify the Commission of the date of application. The Commission shall publish this information.

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

Done at Brussels, 10 June 2005.

For the Commission

László KOVÁCS

Member of the Commission

ANNEX I

- A. In Section A of Title II of Annex 37 to Regulation (EEC) No 2454/93, as amended by Regulation (EC) 444/2002, the following paragraph is added to the particulars concerning box 18:

'However, in respect of transit operations where goods are carried in containers that are to be transported by road vehicles, the customs authorities may authorise the principal to leave this box blank where the logistical pattern at the point of departure may prevent the identity and nationality of the means of transport from being provided at the time of establishment of the transit declaration and where the customs authorities can ensure that the required information concerning the means of transport will be subsequently entered in box 55.'

- B. In Section B of Title I of Annex 37 to Regulation (EEC) No 2454/93, in the version introduced by Regulation (EC) No 2286/2003, the following footnote [24] is inserted for box 18 (identity) and 18 (nationality) in column F of the table:

'[24] Where goods are carried in containers that are to be transported by road vehicles, the customs authorities may authorise the principal to leave this box blank where the logistical pattern at the point of departure may prevent the identity and nationality of the means of transport from being provided at the time of establishment of the transit declaration and where the customs authorities can ensure that the required information concerning the means of transport will be subsequently entered in box 55.'

ANNEX II

In Title II of Annex 37a to Regulation (EEC) No 2454/93, Section B is amended as follows:

1. For the data group 'PACKAGES', the wording under 'Kind of packages' is replaced by the following:

'Kind of packages (box 31)

Type/Length: an .. 2

The packaging codes listed under Box 31 of Annex 38 are used.'

2. For the data group 'TRADER principal', the explanatory note concerning the attribute 'Identification number (TIN) ... (box 50)' is replaced by the following:

'Type/Length: an ..17

The attribute shall be used where the data group "CONTROL RESULT" contains the code A3 or where the attribute "GRN" is used.'

3. For the data group 'GUARANTEE', the Type/Length of the attribute 'Guarantee type (box 52)' is replaced by the following:

'Type/Length: an ..1';

4. For the data group 'GUARANTEE REFERENCE', the Type/Length of the attribute 'GRN (box 52)' is replaced by the following:

'Type/Length: an ..24'.

ANNEX III

In Annex 37c to Regulation (EEC) No 2454/93, point 5, 'Package code', is deleted.

ANNEX IV

A. Annex 38 to Regulation (EEC) No 2454/93, as amended by Regulation (EC) No 881/2003, is amended as follows:

1. The following text is inserted for box 31:

'Box 31: Packages and description of goods; Marks and numbers — Container No(s) — Number and kind

Kind of packages

Use the following codes.

(UN/ECE Recommendation No 21/REV. 4, May 2002)

PACKAGING CODES

Aerosol	AE
Ampoule, non-protected	AM
Ampoule, protected	AP
Atomizer	AT
Bag	BG
Bag, flexible container	FX
Bag, large	ZB
Bag, multiply	MB
Bag, paper	5M
Bag, paper, multi-wall	XJ
Bag, paper, multi-wall, water resistant	XK
Bag, plastic	EC
Bag, plastics film	XD
Bag, super bulk	43
Bag, textile	5L
Bag, textile, sift proof	XG
Bag, textile, water resistant	XH
Bag, textile, without inner coat/liner	XF
Bag, woven plastic	5H
Bag, woven plastic, sift proof	XB
Bag, woven plastic, water resistant	XC
Bag, woven plastic, without inner coat/liner	XA
Bale, compressed	BL
Bale, non-compressed	BN
Balloon, non-protected	BF
Balloon, protected	BP
Bar	BR
Barrel	BA
Barrel, wooden	2C

Barrel, wooden, bung type	QH
Barrel, wooden, removable head	QJ
Bars, in bundle/bunch/truss	BZ
Basin	BM
Basket	BK
Basket, with handle, cardboard	HC
Basket, with handle, plastic	HA
Basket, with handle, wooden	HB
Bin	BI
Board	BD
Board, in bundle/bunch/truss	BY
Bobbin	BB
Bolt	BT
Bottle, gas	GB
Bottle, non-protected, bulbous	BS
Bottle, non-protected, cylindrical	BO
Bottle, protected bulbous	BV
Bottle, protected cylindrical	BQ
Bottlecrate/bottlerack	BC
Box	BX
Box, aluminium	4B
Box, Commonwealth Handling Equipment Pool (CHEP), Eurobox	DH
Box, fibreboard	4G
Box, for liquids	BW
Box, natural wood	4C
Box, plastic	4H
Box, plastic, expanded	QR
Box, plastic, solid	QS
Box, plywood	4D
Box, reconstituted wood	4F
Box, steel	4A
Box, wooden, natural wood, ordinary	QP
Box, wooden, natural wood, with sift proof walls	QQ
Bucket	BJ
Bulk, gas (at 1 031 mbar and 15 °C)	VG
Bulk, liquefied gas (at abnormal temperature/pressure)	VQ

Bulk, liquid	VL
Bulk, solid, fine particles (powders)	VY
Bulk, solid, granular particles (grains)	VR
Bulk, solid, large particles (nodules)	VO
Bunch	BH
Bundle	BE
Butt	BU
Cage	CG
Cage, Commonwealth Handling Equipment Pool (CHEP)	DG
Cage, roll	CW
Can, cylindrical	CX
Can, rectangular	CA
Can, with handle and spout	CD
Canister	CI
Canvas	CZ
Capsule	AV
Carboy, non-protected	CO
Carboy, protected	CP
Card	CM
Carton	CT
Cartridge	CQ
Case	CS
Case, isothermic	EI
Case, skeleton	SK
Case, steel	SS
Case, with pallet base	ED
Case, with pallet base, cardboard	EF
Case, with pallet base, metal	EH
Case, with pallet base, plastic	EG
Case, with pallet base, wooden	EE
Cask	CK
Chest	CH
Churn	CC
Clamshell	AI
Coffer	CF

Coffin	CJ
Coil	CL
Composite packaging, glass receptacle	6P
Composite packaging, glass receptacle in aluminium crate	YR
Composite packaging, glass receptacle in aluminium drum	YQ
Composite packaging, glass receptacle in expandable plastic pack	YY
Composite packaging, glass receptacle in fibre drum	YW
Composite packaging, glass receptacle in fibreboard box	YX
Composite packaging, glass receptacle in plywood drum	YT
Composite packaging, glass receptacle in solid plastic pack	YZ
Composite packaging, glass receptacle in steel crate box	YP
Composite packaging, glass receptacle in steel drum	YN
Composite packaging, glass receptacle in wickerwork hamper	YV
Composite packaging, glass receptacle in wooden box	YS
Composite packaging, plastic receptacle	6H
Composite packaging, plastic receptacle in aluminium crate	YD
Composite packaging, plastic receptacle in aluminium drum	YC
Composite packaging, plastic receptacle in fibre drum	YJ
Composite packaging, plastic receptacle in fibreboard box	YK
Composite packaging, plastic receptacle in plastic drum	YL
Composite packaging, plastic receptacle in plywood box	YH
Composite packaging, plastic receptacle in plywood drum	YG
Composite packaging, plastic receptacle in solid plastic box	YM
Composite packaging, plastic receptacle in steel crate box	YB
Composite packaging, plastic receptacle in steel drum	YA
Composite packaging, plastic receptacle in wooden box	YF
Cone	AJ
Container, not otherwise specified as transport equipment	CN
Cover	CV
Crate	CR
Crate, beer	CB
Crate, bulk, cardboard	DK
Crate, bulk, plastic	DL
Crate, bulk, wooden	DM
Crate, framed	FD
Crate, fruit	FC
Crate, milk	MC
Crate, multiple layer, cardboard	DC

Crate, multiple layer, plastic	DA
Crate, multiple layer, wooden	DB
Crate, shallow	SC
Creel	CE
Cup	CU
Cylinder	CY
Demijohn, non-protected	DJ
Demijohn, protected	DP
Dispenser	DN
Drum	DR
Drum, aluminium	1B
Drum, aluminium, non-removable head	QC
Drum, aluminium, removable head	QD
Drum, fibre	1G
Drum, iron	DI
Drum, plastic	IH
Drum, plastic, non-removable head	QF
Drum, plastic, removable head	QG
Drum, plywood	1D
Drum, steel	1A
Drum, steel, non-removable head	QA
Drum, steel, removable head	QB
Drum, wooden	1W
Envelope	EN
Envelope, steel	SV
Filmpack	FP
Firkin	FI
Flask	FL
Foodtainer	FT
Footlocker	FO
Frame	FR
Girder	GI
Girders, in bundle/bunch/truss	GZ
Hamper	HR
Hogshead	HG
Ingot	IN
Ingots, in bundle/bunch/truss	IZ

Intermediate bulk container	WA
Intermediate bulk container, aluminium	WD
Intermediate bulk container, aluminium, liquid	WL
Intermediate bulk container, aluminium, pressurised > 10 kPa	WH
Intermediate bulk container, composite	ZS
Intermediate bulk container, composite, flexible plastic, liquids	ZR
Intermediate bulk container, composite, flexible plastic, pressurised	ZP
Intermediate bulk container, composite, flexible plastic, solids	ZM
Intermediate bulk container, composite, rigid plastic, liquids	ZQ
Intermediate bulk container, composite, rigid plastic, pressurised	ZN
Intermediate bulk container, composite, rigid plastic, solids	ZL
Intermediate bulk container, fibreboard	ZT
Intermediate bulk container, flexible	ZU
Intermediate bulk container, metal	WF
Intermediate bulk container, metal, liquid	WM
Intermediate bulk container, metal, other than steel	ZV
Intermediate bulk container, metal, pressure 10 kPa	WJ
Intermediate bulk container, natural wood	ZW
Intermediate bulk container, natural wood, with inner liner	WU
Intermediate bulk container, paper, multi-wall	ZA
Intermediate bulk container, paper, multi-wall, water resistant	ZC
Intermediate bulk container, plastic film	WS
Intermediate bulk container, plywood	ZX
Intermediate bulk container, plywood, with inner liner	WY
Intermediate bulk container, reconstituted wood	ZY
Intermediate bulk container, reconstituted wood, with inner liner	WZ
Intermediate bulk container, rigid plastic	AA
Intermediate bulk container, rigid plastic, freestanding, liquids	ZK
Intermediate bulk container, rigid plastic, freestanding, pressurised	ZH
Intermediate bulk container, rigid plastic, freestanding, solids	ZF
Intermediate bulk container, rigid plastic, with structural equipment, solids	ZD
Intermediate bulk container, rigid plastic, with structural equipment, liquids	ZJ
Intermediate bulk container, rigid plastic, with structural equipment, pressurised	ZG
Intermediate bulk container, steel	WC
Intermediate bulk container, steel, liquid	WK
Intermediate bulk container, steel, pressurised > 10 kPa	WG
Intermediate bulk container, textile without coat/liner	WT

Intermediate bulk container, textile, coated	WV
Intermediate bulk container, textile, coated and liner	WX
Intermediate bulk container, textile, with liner	WW
Intermediate bulk container, woven plastic, coated	WP
Intermediate bulk container, woven plastic, coated and liner	WR
Intermediate bulk container, woven plastic, with liner	WQ
Intermediate bulk container, woven plastic, without coat/liner	WN
Jar	JR
Jerry-can, cylindrical	JY
Jerry-can, plastic	3H
Jerry-can, plastic, non-removable head	QM
Jerry-can, plastic, removable head	QN
Jerry-can, rectangular	JC
Jerry-can, steel	3A
Jerry-can, steel, non-removable head	QK
Jerry-can, steel, removable head	QL
Jug	JG
Jute bag	JT
Keg	KG
Lift van	LV
Log	LG
Logs, in bundle/bunch/truss	LZ
Lot	LT
Mat	MT
Matchbox	MX
Mutually defined	ZZ
Nest	NS
Net	NT
Net, tube, plastic	NU
Net, tube, textile	NV
Not available	NA
Package	PK
Package, cardboard, with bottle grip-holes	IK
Package, display, cardboard	IB
Package, display, metal	ID
Package, display, plastic	IC
Package, display, wooden	IA

Package, flow	IF
Package, paper-wrapped	IG
Package, show	IE
Packet	PA
Pail	PL
Pallet	PX
Pallet, 100 cm × 110 cm	AH
Pallet, box	PB
Pallet, modular, collars 80 cm × 100 cm	PD
Pallet, modular, collars 80 cm × 120 cm	PE
Pallet, modular, collars 80 cm × 60 cm	AF
Pallet, shrink-wrapped	AG
Parcel	PC
Pen	PF
Pipe	PI
Pipes, in bundle/bunch/truss	PV
Pitcher	PH
Plank	PN
Planks, in bundle/bunch/truss	PZ
Plate	PG
Plates, in bundle/bunch/truss	PY
Pot	PT
Pouch	PO
Punnet	PJ
Rack	RK
Rack, clothing hanger	RJ
Receptacle, fibre	AB
Receptacle, glass	GR
Receptacle, metal	MR
Receptacle, paper	AC
Receptacle, plastic	PR
Receptacle, plastic-wrapped	MW
Receptacle, wooden	AD
Rednet	RT
Reel	RL
Ring	RG
Rod	RD

Rods, in bundle/bunch/truss	RZ
Roll	RO
Sachet	SH
Sack	SA
Sack, multi-wall	MS
Sea-chest	SE
Set	SX
Sheet	ST
Sheet, plastic wrapping	SP
Sheet metal	SM
Sheets, in bundle/bunch/truss	SZ
Shrink-wrapped	SW
Skid	SI
Slab	SB
Sleeve	SY
Slip-sheet	SL
Spindle	SD
Spool	SO
Suitcase	SU
Tank, cylindrical	TY
Tank, rectangular	TK
Tea-chest	TC
Tierce	TI
Tin	TN
Tray	PU
Tray, one layer no cover, cardboard	DV
Tray, one layer no cover, plastic	DS
Tray, one layer no cover, polystyrene	DU
Tray, one layer no cover, wooden	DT
Tray, two layers no cover, cardboard	DY
Tray, two layers no cover, plastic tray	DW
Tray, two layers no cover, wooden	DX
Trunk	TR
Truss	TS
Tub	TB
Tub, with lid	TL
Tube	TU

Tube, collapsible	TD
Tube, with nozzle	TV
Tubes, in bundle/bunch/truss	TZ
Tun	TO
Uncaged	UC
Unpacked or unpackaged	NE
Unpacked or unpackaged, multiple units	NG
Unpacked or unpackaged, single unit	NF
Vacuum-packed	VP
Vanpack	VK
Vat	VA
Vial	VI
Wicker bottle	WB'

2. The list of applicable codes for box 52: Guarantee is replaced by the following:

Situation	Code	Other entries
For guarantee waiver (Articles 94(4) of the Code and 380(3) of this Regulation)	0	— guarantee waiver certificate number
For comprehensive guarantee	1	— comprehensive guarantee certificate number — office of guarantee
For individual guarantee by a guarantor	2	— reference for the guarantee undertaking — office of guarantee
For individual guarantee in cash	3	
For individual guarantee in the form of vouchers	4	— individual guarantee voucher number
For guarantee waiver where secured amount does not exceed EUR 500 (Article 189(5) of the Code)	5	
For guarantee not required (Article 95 of the Code)	6	
For guarantee not required for certain public bodies	8	
For individual guarantee of the type under point 3 of Annex 47a	9	— reference to the guarantee undertaking — office of guarantee'

B. in Annex 38 to Regulation (EEC) No 2454/93, in the version introduced by Regulation (EC) No 2286/2003, Title II is amended as follows:

1. The text for box 31 is replaced by the text set out in point A(1) of this Annex;
2. The list of applicable codes for box 52: Guarantee is replaced by the text set out in point A(2) of this Annex.

ANNEX V

'ANNEX 59

MODEL OF THE INFORMATION MEMO REFERRED TO IN ARTICLE 459

Letter heading of the coordination office initiating the dispute

Addressee: coordinating office covering the offices of temporary importation, or other coordinating office

SUBJECT: ATA CARNET — SUBMISSION OF CLAIM

Be informed that a claim for payment of duties and taxes under the ATA Convention/the Istanbul Convention ⁽¹⁾ was sent on ... ⁽²⁾ to our guaranteeing association in respect of:

1. ATA carnet No:

2. Issued by the Chamber of Commerce of:

City:

Country:

3. On behalf of:

Holder:

Address:

4. Expiry date of carnet:

5. Date set for re-exportation ⁽³⁾:

6. Number of transit/import voucher ⁽⁴⁾:

7. Date of endorsement of voucher:

Signature and stamp of the issuing coordinating office.

⁽¹⁾ Article 7 of the ATA Convention, Brussels, 6 December 1961/Article 9 of Annex A to the Istanbul Convention, 26 June 1990.

⁽²⁾ Enter date of dispatch.

⁽³⁾ Details to be obtained from the undischarged transit or temporary admission voucher or, if no voucher is available, from the information available to the issuing coordinating office.

⁽⁴⁾ Delete whichever is not applicable.

ANNEX VI

'ANNEX 61

MODEL OF DISCHARGE

Letter heading of the coordinating office of the second Member State submitting the claim

Addressee: coordinating office of the first Member State submitting the original claim.

SUBJECT: ATA CARNET — DISCHARGE

Be informed that a claim for payment of duties and taxes under the ATA Convention/Istanbul Convention ⁽¹⁾ was sent on ... ⁽²⁾ to our guaranteeing association in respect of:

1. ATA carnet No:
2. Issued by the Chamber of Commerce of:

City:

Country:
3. On behalf of:

Holder:

Address:
4. Expiry date of the carnet:
5. Date set for re-exportation ⁽³⁾:
6. Number of transit/import voucher ⁽⁴⁾:
7. Date of endorsement of voucher:

The present note discharges your responsibility in this file.

Signature and stamp of issuing coordinating office.

⁽¹⁾ Article 7 of the ATA Convention, Brussels, 6 December 1961/Article 9 of Annex A to the Istanbul Convention, 26 June 1990.

⁽²⁾ Enter date of dispatch.

⁽³⁾ Details to be obtained from the undischarged transit or temporary admission voucher or, if no voucher is available, from the information available to the issuing coordinating office.

⁽⁴⁾ Delete whichever is not applicable.

ANNEX VII

In Annex 72 to Regulation (EEC) No 2454/93, the following point is added:

- '19. Any usual forms of handling, other than the abovementioned, intended to improve the appearance or marketable quality of the import goods or to prepare them for distribution or resale, provided that these operations do not change the nature or improve the performance of the original goods. Where costs for usual forms of handling have been incurred, such costs or the increase in value shall not be taken into account for the calculation of the import duty where satisfactory proof of these costs is provided by the declarant. However, the customs value, nature and origin of non-Community goods used in the operations shall be taken into account for the calculation of the import duties.'
-

COMMISSION REGULATION (EC) No 884/2005**of 10 June 2005****laying down procedures for conducting Commission inspections in the field of maritime security****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

CHAPTER I

SUBJECT-MATTER AND DEFINITIONS

Having regard to the Treaty establishing the European Community,

*Article 1***Subject-matter**

Having regard to Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security ⁽¹⁾, and in particular Article 9(4) thereof,

This Regulation lays down procedures for conducting Commission inspections to monitor the application of Regulation (EC) No 725/2004 at the level of each Member State and of individual port facilities and relevant companies.

Whereas:

The inspections shall be conducted in a transparent, effective, harmonised and consistent manner.

*Article 2***Definitions**

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

- (1) In order to monitor the application by Member States of Regulation (EC) No 725/2004 the Commission should conduct inspections starting six months after the entry into force of that Regulation. The organisation of inspections under the supervision of the Commission is necessary to verify the effectiveness of national quality control systems and maritime security measures, procedures and structures.
- (2) The European Maritime Safety Agency established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council ⁽²⁾, should provide the Commission with technical assistance in the performance of the latter's inspection tasks in respect of ships, relevant companies and Recognised Security Organisations.
- (3) The Commission should coordinate the schedule and preparation of its inspections with the Member States. The Commission's inspection teams should be able to call upon qualified national inspectors, where available.
- (4) Commission inspections should be carried out according to a set procedure, including a standard methodology.
- (5) Sensitive information relating to inspections should be treated as classified information.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee instituted by Article 11(1) of Regulation (EC) No 725/2004,

1. 'Commission inspection' means an examination by Commission inspectors of Member States' national maritime security quality control systems, measures, procedures and structures, to determine compliance with Regulation (EC) No 725/2004;
2. 'Commission inspector' means a person fulfilling the criteria set out in Article 7 employed by the Commission, or employed by the European Maritime Safety Agency or a national inspector, mandated by the Commission to participate in Commission inspections;
3. 'national inspector' means a person employed by a Member State as a maritime security inspector, and qualified according to the requirements of that Member State;
4. 'Committee' means the Committee instituted by Article 11(1) of Regulation (EC) No 725/2004;
5. 'objective evidence' means quantitative or qualitative information, records or findings pertaining to security or to the existence and implementation of a requirement laid down in Regulation (EC) No 725/2004, which are based on observation, measurement or test and which can be verified;

HAS ADOPTED THIS REGULATION:

⁽¹⁾ OJ L 129, 29.4.2004, p. 6.

⁽²⁾ OJ L 208, 5.8.2002, p. 1. Regulation as last amended by Regulation (EC) No 724/2004 (OJ L 129, 29.4.2004, p. 1).

6. 'observation' means a finding made during a Commission inspection and substantiated by objective evidence;

7. 'non-conformity' means an observed situation where objective evidence indicates the non-fulfilment of a requirement laid down in Regulation (EC) No 725/2004 that requires corrective action;
8. 'major non-conformity' means an identifiable deviation that poses a serious threat to maritime security that requires immediate corrective action and includes the lack of effective and systematic implementation of a requirement laid down in Regulation (EC) No 725/2004;
9. 'focal point' means the body designated by each Member State to serve as a contact point for the Commission and other Member States and to facilitate, follow up and inform on the application of the maritime security measures laid down in Regulation (EC) No 725/2004;
10. 'relevant company' means an entity that has to appoint a Company Security Officer, Ship Security Officer or Port Facility Security Officer, or is responsible for the implementation of a Ship Security Plan or Port Facility Security Plan, or has been appointed by a Member State as a Recognised Security Organisation;
11. 'test' means a trial of maritime security measures, where intent to commit unlawful action is simulated for the purpose of testing efficiency in the implementation of existing security measures.

CHAPTER II

GENERAL REQUIREMENTS

Article 3

Cooperation of Member States

Without prejudice to Commission responsibilities, Member States shall cooperate with the Commission in the accomplishment of its inspection tasks. The cooperation shall be effective during the preparatory, control and reporting phases.

Article 4

Exercise of Commission powers

1. Each Member State shall ensure that Commission inspectors are able to exercise their authority to inspect the maritime security activities of any competent authority under Regulation (EC) No 725/2004 and of any relevant company.
2. Each Member State shall ensure that, upon request, Commission inspectors have access to all relevant security related documentation and in particular:
 - (a) the national programme for the implementation of Regulation (EC) No 725/2004 referred to in Article 9(3) of that Regulation;

- (b) data supplied by the focal point and monitoring reports referred to in Article 9(4) of Regulation (EC) No 725/2004.

3. Wherever Commission inspectors encounter difficulties in the execution of their duties, the Member States concerned shall by any means within their legal powers assist the Commission to accomplish in full its task.

Article 5

Participation of national inspectors in Commission inspections

1. Member States shall endeavour to make available to the Commission national inspectors able to participate in Commission inspections, including the related preparatory and reporting phases.
2. A national inspector shall not participate in Commission inspections in the Member State where he is employed.
3. Each Member State shall provide the Commission with a list of national inspectors on whom the Commission may call to participate in a Commission inspection.

That list shall be updated, at least by the end of June each year, and for the first time within eight weeks of the entry into force of this Regulation.

4. The Commission shall communicate to the Committee the lists referred to in the first subparagraph of paragraph 3.

5. Where the Commission considers that the participation of a national inspector is necessary in a particular Commission inspection, it shall request information from Member States as to the availability of national inspectors for the conduct of that inspection. Such requests shall normally be made eight weeks in advance of the inspection.

6. The expenses arising from the participation of national inspectors in Commission inspections shall, in compliance with Community rules, be met by the Commission.

Article 6

Technical assistance from the European Maritime Safety Agency in Commission inspections

1. In providing the Commission with technical assistance pursuant to Article 2(b)(iv) of Regulation (EC) No 1406/2002, the European Maritime Safety Agency shall make technical experts available to participate in Commission inspections, including the related preparatory and reporting phases.

2. The Commission shall communicate to the Committee a list of the technical experts from the European Maritime Safety Agency on whom it may call to participate in an inspection.

Article 7

Qualification criteria and training for Commission inspectors

1. Commission inspectors shall have appropriate qualifications, including sufficient theoretical and practical experience in maritime security. This shall normally include:

- (a) a good understanding of maritime security and how it is applied to the operations being examined;
- (b) a good working knowledge of security technologies and techniques;
- (c) a knowledge of inspection principles, procedures and techniques;
- (d) a working knowledge of the operations being examined.

2. In order to qualify for Commission inspections, Commission inspectors shall have successfully completed training to carry out such inspections.

In the case of national inspectors the training necessary for them to act as Commission inspectors shall:

- (a) be accredited by the Commission;
- (b) be initial and recurrent;
- (c) ensure a standard of performance adequate for the purposes of controlling whether security measures are implemented in accordance with Regulation (EC) No 725/2004.

3. The Commission shall ensure that Commission inspectors fulfil the criteria set out in paragraphs 1 and 2.

CHAPTER III

PROCEDURES FOR THE CONDUCT OF COMMISSION INSPECTIONS

Article 8

Notice of inspections

1. The Commission shall give at least six weeks notice of an inspection to the focal point of the Member State in whose territory it is to be conducted. In response to exceptional events, this period of notice may be reduced.

Member States shall take all necessary steps to ensure that notification of an inspection is kept confidential in order to ensure that the inspection process is not compromised.

2. The focal point shall be notified in advance of the intended scope of a Commission inspection.

Where a port facility is to be inspected and the inspection is to include ships at that port facility during the inspection, the focal point shall be informed in the notice.

3. The focal point shall:

- (a) inform the relevant competent authorities in the Member State of the inspection, and
- (b) notify the Commission of those relevant competent authorities.

4. The focal point shall advise the Commission at least 24 hours in advance of the inspection the name of the flag State and the IMO number of ships expected to be at a port facility notified under the second subparagraph of paragraph 2 during the inspection.

5. Where the flag State is a Member State, the Commission shall, where practicable, inform the focal point of that Member State that the ship may be inspected when at the port facility.

6. Where the inspection of a port facility in a Member State is to include a ship of that Member State as flag State, the focal point shall liaise with the Commission to confirm whether or not the ship will be at the port facility during the inspection.

7. Commission inspections shall be carried out under the auspices of the Member State of the port facility exercising control and compliance measures under Regulation 9 of the special measures to enhance maritime security of the SOLAS Convention when either:

- (a) the flag State of the ship is not a Member State; or
- (b) the ship was not included in the information provided pursuant to paragraph 4.

8. When notice of an inspection is given to the focal point, a pre-inspection questionnaire may also be communicated for completion by the relevant competent authority or authorities, together with a request for the documents referred to in Article 4(2).

The notice shall also specify the date by which the completed questionnaire and documents referred to in Article 4(2) shall be returned to the Commission.

Article 9

Preparation of inspections

1. Commission inspectors shall undertake preparatory activities in order to ensure efficiency, accuracy and consistency of inspections.

2. The Commission shall provide the focal point with the names of the Commission inspectors mandated to conduct the inspection, and other details as appropriate.

3. For each inspection the focal point shall ensure that a coordinator is designated to make the practical arrangements associated with the inspection activity to be undertaken.

Article 10

Conduct of inspections

1. A standard methodology shall be used to monitor the application by Member States of the maritime security requirements laid down in Regulation (EC) No 725/2004.

2. Member States shall ensure that Commission inspectors are accompanied at all times during the inspection.

3. Where a ship at a port facility is to be inspected and the flag State of the ship is not the Member State of the port facility, the Member State of the port facility shall ensure that the Commission inspectors are accompanied by an officer of an authority referred to in Article 8(2) of Regulation (EC) No 725/2004 during the inspection of the ship.

4. Commission inspectors shall carry an identity card authorising them to carry out inspections on behalf of the Commission. The Member States shall ensure that Commission inspectors are able to obtain access to all areas required for inspection purposes.

5. A test shall only be performed after notification to and agreement with the focal point on its scope and purpose. The focal point shall undertake any necessary coordination with the competent authorities concerned.

6. Without prejudice to Article 11, the Commission inspectors shall, wherever appropriate and practicable, deliver an informal oral summary of their observations on the spot.

The focal point shall be informed promptly of any major non-conformity with Regulation (EC) No 725/2004 identified by a Commission inspection, prior to completion of an inspection report in accordance with Article 11.

Article 11

Inspection report

1. Within six weeks of completion of an inspection, an inspection report shall be communicated by the Commission to the Member State.

2. Where a ship has been inspected during the inspection of a port facility, the relevant parts of the inspection report shall also be sent to the Member State that is the flag State, if different from the Member State in which the inspection took place.

3. The Member State shall inform the inspected entities of the relevant observations of the inspection.

4. The report shall detail the observations of the inspection, identifying any non-conformity or major non-conformity with Regulation (EC) No 725/2004.

It may contain recommendations for corrective action.

5. When assessing the implementation of Regulation (EC) No 725/2004, one of the following classifications shall apply to each of the observations of the report:

(a) in conformity;

(b) in conformity, but improvement desirable;

(c) non-conformity;

(d) major non-conformity;

(e) not applicable;

(f) not confirmed.

Article 12

Response from the Member State

1. Within three months of the date of dispatch of an inspection report, the Member State shall submit to the Commission in writing a response to the report which:

(a) addresses the observations and recommendations; and

(b) provides an action plan, specifying actions and deadlines, to remedy any identified deficiencies.

2. Where the inspection report does not identify any non-conformity or major non-conformity with Regulation (EC) No 725/2004, no response shall be required.

Article 13

Action by the Commission

1. The Commission may take any of the following steps in the event of non-conformity or major non-conformity with Regulation (EC) No 725/2004 and following receipt of the response of the Member State:

(a) submit comments to the Member State or request further explanation to clarify all or part of the response;

(b) conduct a follow-up inspection to check the implementation of corrective actions, the minimum notice for such a follow-up inspection being two weeks;

(c) initiate an infringement procedure in respect of the Member State concerned.

2. Where a follow-up inspection of a ship is to be conducted, the Member State that is the flag State shall, where possible, inform the Commission of the ship's future ports of call, so the Commission can decide where and when to carry out the follow-up inspection.

CHAPTER IV

GENERAL AND FINAL PROVISIONS

Article 14

Sensitive information

Without prejudice to Article 13 of Regulation (EC) No 725/2004, the Commission shall treat sensitive inspection-related materials as classified information.

Article 15

Commission inspection programme

1. The Commission shall seek advice from the Committee on the priorities for the implementation of its inspection programme.

2. The Commission shall inform the Committee on a regular basis about the implementation of its inspection programme and about the results of the inspections.

Article 16

Informing Member States of major non-conformity

If an inspection discloses major non-conformity with Regulation (EC) No 725/2004 which is deemed to have a significant impact on the overall level of maritime security in the Community, the Commission shall inform the other Member States immediately after communicating the inspection report to the Member State concerned.

Article 17

Review

For the first time by 31 December 2006 and regularly thereafter the Commission shall review its system of inspections and in particular the effectiveness of that system.

Article 18

Entry into force

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

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

Done at Brussels, 10 June 2005.

For the Commission

Jacques BARROT

Vice-President

COMMISSION REGULATION (EC) No 885/2005

of 10 June 2005

supplementing the Annex to Regulation (EC) No 2400/96 as regards the entry of a name in the 'Register of protected designation of origin and protected geographical indications' (Olive de Nice) — (PDO)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In accordance with Article 6(2) of Regulation (EEC) No 2081/92, the request from France to register the name 'Olive de Nice' has been published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no declaration of objection within the meaning of Article 7 of the Regulation has been forwarded to the

Commission, this name can thus be entered in the Register of protected designations of origin and protected geographical indications,

HAS ADOPTED THIS REGULATION:

Article 1

The name listed in the Annex to this Regulation is hereby added to the Annex to Regulation (EC) No 2400/96 ⁽³⁾.

Article 2

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

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

Done at Brussels, 10 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ C 84, 3.4.2004, p. 12.

⁽³⁾ OJ L 327, 18.12.1996, p. 11. Regulation as last amended by Regulation (EC) No 737/2005 (OJ L 122, 14.5.2005, p. 15).

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE TREATY INTENDED FOR HUMAN CONSUMPTION:**Fresh or processed fruit, vegetables and cereals**

FRANCE

Olive de Nice (PDO)

COMMISSION REGULATION (EC) No 886/2005**of 10 June 2005****supplementing the Annex to Regulation (EC) No 2400/96 as regards the entry of a name in the Register of protected designations of origin and protected geographical indications (Miel de Granada) — (PDO)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In accordance with Article 6(2) of Regulation (EEC) No 2081/92, Spain's application to register 'Miel de Granada' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) An objection was lodged with the Commission under Article 7 of Regulation (EEC) No 2081/92. As this

objection met none of the admissibility conditions laid down in Article 7(4) of that Regulation, the name should accordingly be entered in the Register of protected designations of origin and protected geographical indications,

HAS ADOPTED THIS REGULATION:

Article 1

The name in the Annex to this Regulation is hereby added to the Annex to Regulation (EC) No 2400/96 ⁽³⁾.

Article 2

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

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

Done at Brussels, 10 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ C 89, 14.4.2004, p. 3.

⁽³⁾ OJ L 327, 18.12.1996, p. 11. Regulation as last amended by Regulation (EC) No 737/2005 (OJ L 122, 14.5.2005, p. 15).

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION**Other animal products (eggs, honey, various milk products except butter, etc.)**

SPAIN

Miel de Granada (PDO)

COMMISSION REGULATION (EC) No 887/2005**of 10 June 2005****opening crisis distillation as provided for in Article 30 of Council Regulation (EC) No 1493/1999 for certain wines in Greece**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 33(1)(f) thereof,

Whereas:

(1) Article 30 of Regulation (EC) No 1493/1999 provides for the possibility of a crisis distillation measure in the event of exceptional market disturbance due to major surpluses. Such measures may be limited to certain categories of wine and/or certain areas of production, and may apply to quality wines produced in specified regions (quality wines psr) at the request of the Member State concerned.

(2) By letter of 7 April 2005, the Greek Government requested that crisis distillation be opened for table wine produced in Greece and on the market in quality wines psr.

(3) Considerable surpluses have been recorded on the market in table wine and quality wines psr in Greece, which are reflected in a fall in prices and a worrying rise in stocks towards the end of the current marketing year. In order to reverse this negative trend, and so remedy the difficult market situation, stocks of Greek wine should be reduced to a level that can be regarded as normal in terms of covering market requirements.

(4) Since the conditions laid down in Article 30(5) of Regulation (EC) No 1493/1999 are satisfied, a crisis distillation measure should be opened for a maximum of 340 000 hectolitres of table wine and 40 000 hectolitres of quality wines produced in specified regions (quality wines psr).

(5) The crisis distillation opened by this Regulation must comply with the conditions laid down by Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market

in wine with regard to market mechanisms ⁽²⁾ as regards the distillation measure provided for in Article 30 of Regulation (EC) No 1493/1999. Other provisions of Regulation (EC) No 1623/2000 must also apply, in particular those concerning the delivery of alcohol to intervention agencies and the payment of advances.

(6) The price distillers must pay producers should be set at a level that permits the market disturbance to be dealt with by allowing producers to take advantage of the possibility afforded by this measure.

(7) The product of crisis distillation must be raw or neutral alcohol only, for compulsory delivery to the intervention agency in order to avoid disturbing the market for potable alcohol, which is supplied largely by the distillation provided for in Article 29 of Regulation (EC) No 1493/1999.

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

HAS ADOPTED THIS REGULATION:

Article 1

Crisis distillation as provided for in Article 30 of Regulation (EC) No 1493/1999 is hereby opened for a maximum of 340 000 hectolitres of table wine and 40 000 hectolitres of quality wines produced in specified regions (quality wines psr) in Greece, in accordance with the provisions of Regulation (EC) No 1623/2000 concerning this type of distillation.

Article 2

Producers may conclude contracts as provided for in Article 65 of Regulation (EC) No 1623/2000 (hereinafter referred to as contracts) from 13 June to 1 July 2005.

Contracts shall be accompanied by proof that a security equal to EUR 5 per hectolitre has been lodged.

Contracts may not be transferred.

Article 3

1. If the total quantities covered by the contracts submitted to the intervention agency exceed the quantities laid down in Article 1, Greece shall determine the rates of reduction to be applied to those contracts.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 194, 31.7.2000, p. 45. Regulation last amended by Regulation (EC) No 616/2005 (OJ L 103, 22.4.2005, p. 15).

2. Greece shall take the administrative steps necessary to approve the contracts not later than 18 July 2005. The approval shall specify any rate of reduction applied and the quantity of wine accepted per contract and shall stipulate that the producer may cancel the contract where the quantity to be distilled is reduced.

Greece shall notify the Commission before 1 August 2005 of the quantities of wine covered by approved contracts.

3. Greece may limit the number of contracts that individual producers may conclude under this Regulation.

Article 4

1. The quantities of wine covered by approved contracts shall be delivered to the distilleries not later than 15 November 2005. The alcohol obtained shall be delivered to the intervention agency in accordance with Article 6(1) not later than 15 March 2006.

2. The security shall be released in proportion to the quantities delivered when the producer presents proof of delivery to a distillery.

The security shall be forfeit where no delivery is made within the time limit laid down in paragraph 1.

Article 5

The minimum price paid for wine delivered for distillation under this Regulation shall be EUR 1,914/% vol/hl for table wine and EUR 2,30/% vol/hl for quality wines psr.

Article 6

1. Distillers shall deliver the product obtained from distillation to the intervention agency. That product shall be of an alcoholic strength of at least 92 % vol.

2. The price to be paid to the distiller by the intervention agency for the raw alcohol delivered shall be EUR 2,281/% vol/hl where it is produced from table wine and EUR 2,667/% vol/hl where it is produced from quality wines psr. The payment shall be made in accordance with Article 62(5) of Regulation (EC) No 1623/2000. However, payment of these prices may only be made from 16 October 2005.

Distillers may receive an advance on those amounts of EUR 1,122/% vol/hl in the case of alcohol produced from table wine and EUR 1,508/% vol/hl in the case of alcohol produced from quality wines psr. In that case the advances shall be deducted from the prices actually paid. Articles 66 and 67 of Regulation (EC) No 1623/2000 shall apply. However, payment of these advances may only be made from 16 October 2005.

Article 7

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

It shall apply from 13 June 2005.

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

Done at Brussels, 10 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 June 2005

establishing a specific monitoring programme related to the recovery of cod stocks

(notified under document number C(2005) 1538)

(only the Danish, German, English, French, Dutch and Swedish texts are authentic)

(2005/429/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Sea, the Skagerrak and the Eastern Channel, the West of Scotland and the Irish Sea.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, and in particular Article 34c(1) thereof,

Whereas:

- (1) Council Regulation (EC) No 423/2004 ⁽²⁾ establishes measures for the recovery of cod stocks in the Kattegatt, the North Sea, the Skagerrak and the Eastern Channel, the West of Scotland and the Irish Sea.
- (2) Annex IVa to Council Regulation (EC) No 27/2005, of 22 December 2004, fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down interim fishing effort limitations and additional conditions for monitoring, inspection and surveillance in the context of certain stocks recovery measures applicable to all fisheries likely to catch cod in the Kattegatt, the North

- (3) To ensure the success of those measures, it is necessary to establish a specific monitoring programme involving Belgium, Denmark, Germany, France, Ireland, the Netherlands, Sweden and the United Kingdom, with the objective of guaranteeing an appropriate level of implementation of the conservation and control measures applicable to fishing activities in relation to the recovery of cod stocks.

- (4) That specific monitoring programme should be defined for a period of two years and may be revised in the light of the adoption of new conservation measures or at the request of a Member State. The results obtained by the application of the specific monitoring programme should be periodically evaluated in cooperation with the Member States concerned. Where appropriate, that programme may be amended.

- (5) In order to harmonise the inspection and surveillance of the relevant fisheries at Community level, it is appropriate to draw up common rules for the inspection and surveillance activities to be carried out by the competent authorities of the Member States concerned, and that Member States adopt national control programmes in order to match such common rules. To that end, benchmarks for the intensity of inspection and surveillance activities should be fixed, as well as inspection priorities and inspection procedures.

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

⁽²⁾ OJ L 70, 9.3.2004, p. 8.

⁽³⁾ OJ L 12, 14.1.2005, p. 1.

- (6) Exchanges of national inspectors between the Member States concerned should be encouraged so as to enhance uniformity of inspection and surveillance practices and help develop the coordination of the control activities between the competent authorities of those Member States.
- (7) To ensure the follow-up of infringements in accordance with Article 25 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, a framework should be set up under which all the authorities concerned may request mutual assistance and exchange relevant information in accordance with Articles 34a and 34b of Regulation (EEC) No 2847/93 and Article 28 of Regulation (EC) No 2371/2002.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Subject-matter

This Decision establishes a specific monitoring programme (the specific monitoring programme), for a period of two years, in order to ensure the harmonised control of compliance with the rules for promoting the recovery of cod stocks in the following areas, as defined in Article 2 of Regulation (EC) No 423/2004:

- (a) Kattegatt;
- (b) North Sea;
- (c) Skagerrak;
- (d) Eastern Channel;
- (e) Irish Sea;
- (f) West of Scotland.

Article 2

Scope

The specific monitoring programme shall cover the inspection and surveillance of:

- (a) fishing activities by vessels using fishing gear types identified in Article 8 of Regulation (EC) No 423/2004 as likely to

catch cod in the areas referred to in Article 1 of this Decision;

- (b) all related activities including the transshipment, landing, marketing, transport and storage of fishery products and the recording of landing and sales.

Article 3

National control programmes

1. Belgium, Denmark, Germany, France, Ireland, the Netherlands, Sweden and the United Kingdom shall establish national control programmes in conformity with the common rules set out in Annex I.
2. National control programmes shall contain all the data listed in Annex II.
3. The Member States referred to in paragraph 1 shall submit to the Commission, three months after the communication of this decision at the latest, their national control programme and an implementation schedule for the first six months of their programme. The schedule shall include details as regards the human and material resources allocated and the periods and zones where they are to be deployed.
4. Thereafter, the Member States concerned shall notify an updated implementation schedule to the Commission every six months and no later than 15 days before the date of commencement of its implementation.

Article 4

Commission inspections

1. Inspections may be carried out by Commission inspectors without the assistance of inspectors of the Member States concerned, in accordance with Article 27 of Regulation (EC) No 2371/2002.
2. The competent authority of the Member State concerned shall provide the Commission inspectors with the assistance necessary to conduct the inspections provided for in paragraph 1.
3. The Commission inspectors shall verify their findings with the inspectors of the Member State concerned. To that end, they shall meet after each of their inspection visits with officials of the competent authority of the Member State concerned in order to brief them on their findings.

Article 5

Joint inspection and surveillance activities

1. The Member States referred to in Article 3(1) may undertake joint inspection and surveillance activities.

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

2. For that purpose, the Member States concerned shall:
- (a) ensure that inspectors from other Member States concerned are invited to participate in their joint inspection activities;
 - (b) establish joint operational procedures applicable to their surveillance crafts.
3. Commission inspectors may participate in those joint inspections.

Article 6

Infringements

1. In waters subject to their jurisdiction, Member States whose inspectors discover any infringement while carrying out an inspection of a vessel flying the flag of another Member State shall inform the flag Member State of the date of inspection and the details of the infringement.
2. Where the Member State whose inspectors discovered the infringement does not take further action, the flag Member State shall take prompt action as appropriate to receive and consider the evidence of the infringement. It shall conduct any further investigation as necessary for the follow-up of the infringement. Whenever possible, it shall inspect the fishing vessel concerned.
3. Member States shall cooperate to ensure that, if prosecution of an infringement is transferred in accordance with Article 31(4) of Regulation (EEC) No 2847/93, the security and continuity of any evidence of the infringement cited by its inspectors is guaranteed in each case.

Article 7

Information

1. The Member States referred to in Article 3(1) shall communicate to the Commission, no later than one month from the date of the end of each six months period as referred to in Article 3(3), the following information concerning that period:
- (a) the number of vessels by gear category authorised to fish cod subject to the conditions of Article 8 of Regulation (EC) No 423/2004 and the best estimation of the allocation of fishing possibilities among them;

- (b) the inspection and surveillance activities carried out;
- (c) all infringements, as defined in Annex III, detected during the six months period, including for each infringement the flag of the vessel, the identification code, the date, time and location of the inspection and the nature of the infringement; Member States shall indicate the nature of the infringement by references to the letter under which there are listed in Annex III;
- (d) infringements not listed in Annex III detected during the six months period;
- (e) the current state of play concerning the follow-up of infringements detected;
- (f) any relevant coordination and cooperation actions between Member States.

2. At the request of the Commission, more detailed information collected by inspectors, and in particular inspector copies of the inspection forms containing information on the matters set out in Annex IV, shall be provided by the Member States concerned.

Article 8

Evaluation

The Commission shall convene at least once a year a meeting of the Committee for Fisheries and Aquaculture to evaluate the compliance with and results of the specific monitoring programme.

Article 9

Addresses

This decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Kingdom of the Netherlands, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 2 June 2005.

For the Commission

Joe BORG

Member of the Commission

ANNEX I

Common Rules for national control programmes, as referred to in Article 3(1)

1. OBJECTIVES

- 1.1. The general objective of the national control programmes shall be the verification of compliance with applicable legislation concerning:
- (a) quantitative restrictions on the retention on board, landing, marketing and transport of catches of cod and associated species as provided for in Regulation (EC) No 423/2004;
 - (b) logbooks, landing declarations, sales notes and prior notices of landing, including in particular verifying the reliability of the information recorded;
 - (c) general technical conservation measures and specific technical measures for fishing for cod and associated species, as provided for in Commission Regulation (EC) No 2056/2001 ⁽¹⁾.
- 1.2. The specific objective of the national control programmes shall be to achieve a harmonised implementation of the provisions of Regulation (EC) No 423/2004 and in particular Chapters IV and V of that Regulation.

2. STRATEGY

The specific monitoring programme for cod stocks shall concentrate on inspection and surveillance of fishing activities by vessels using gear types identified in Article 8 of Regulation (EC) No 423/2004 as likely to catch cod. Random inspections of transport and marketing of cod shall be used as a complementary cross-checking mechanism to test the efficiency of inspection and surveillance.

2.1. *Priorities*

Different gear categories shall be subject to different levels of prioritisation, depending on the extent to which the fleets are affected by fishing effort limitations. For that reason, each Member State shall set specific priorities.

2.2. *Target Benchmarks*

At the end of a three-month transition period from the date of notification of this Decision, Member States shall implement their inspection schedules taking into account the targets set out for Community vessels in the following table.

Place of inspection	Target benchmarks
Inspection in ports	As a general rule, inspections shall cover 20 % by weight of cod landings covering all places of landing. Alternatively, inspections shall be undertaken at such frequency as to ensure that during a three month period a number of vessels that account for 20 % or more by weight of cod landings are inspected at least once. The total quantity of landings inspected in number should guarantee an accuracy of 95 % on the estimation of the total quantities of cod landed.
Marketing	Inspection of 5 % of the quantities of cod offered for sale in the auction halls
Inspection at sea	Flexible benchmark, to be set after a detailed analysis of the fishing activity in each area. Benchmarks at sea shall refer the number of patrol days at sea in the cod recovery zone, with possibly a separate benchmark for days patrolling specific areas.
Aerial surveillance	Flexible benchmark, to be set after a detailed analysis of the fishing activity conducted in each area and taking into consideration the available resources at the Member State's disposal.

⁽¹⁾ OJ L 277, 20.10.2001, p. 13.

3. INSPECTION TASKS

3.1. *General inspection tasks*

An inspection report shall be drawn up for each inspection. Inspectors shall in any case verify and note in their report the following information:

- (a) the details of the identity of the responsible persons, as well as those of the vessel or vehicles involved in the activities inspected;
- (b) the authorisations, licence and special fishing permit;
- (c) relevant vessel documentation such as the logbook, and capacity plans.

The information referred to in points (a), (b) and (c) and all relevant findings from the inspection done at sea, by aerial surveillance, at port or at any step of the commercialisation process, shall be noted in the inspection reports.

Those findings shall be compared with the information made available to the inspectors by other competent authorities, including the Vessel Monitoring System information and lists of authorised vessels.

3.2. *Specific inspection tasks for aerial surveillance*

Inspectors shall verify sightings against allocation of effort.

Inspectors shall report on surveillance data for cross-checking purposes.

Particular attention shall be devoted to derogation areas, such as the West of Scotland.

3.3. *Inspection tasks at sea*

Inspectors shall always verify the quantities of fish retained on board and compare them with the quantities recorded in the logbook as well as compliance with separate stowage obligations.

Inspectors shall verify whether the gear used is in compliance with the relevant legal provisions and verify, in particular, if the one net rule is respected.

3.4. *Inspection tasks at landing*

Inspectors shall systematically verify the following:

- (a) prior notification of landing including the information concerning the catch on board,
- (b) the completion of the logbook, including effort recording,
- (c) the physical quantities on board,
- (d) the gear on board,
- (e) the catch composition on board (by-catch rules),
- (f) the separate stowage of cod.

3.5. *Inspection tasks concerning transports and marketing*

As regards transport, inspectors shall verify in particular the relevant documents accompanying transport and check them against the physical quantities transported.

As regards marketing, inspectors shall verify the documentation (logbook, landing declaration and sales notes) and sorting and weighing of the physical quantities.

ANNEX II

The contents of National Control Programmes as referred to in Article 3(2)

National control programmes shall, *inter alia*, specify:

1. MEANS OF CONTROL**1.1. Human means**

Estimation of the numbers of shore-based and seagoing inspectors and the periods and zones where these are to be deployed

1.2. Technical means

Estimation of the numbers of patrol vessels and aircraft and the periods and zones where these are to be deployed.

1.3. Financial means

Estimation of the budgetary allocation for deployment of human resources, patrol vessels and aircrafts.

2. DESIGNATION OF PORTS

List of the designated ports into which any landings of cod in excess of two tonnes must take place.

3. EFFORT CONTROL

The system in place for allocation, monitoring and control of fishing effort, including:

- 3.1. definition of day present in the area;
- 3.2. system in use to verify the track records of vessels allocated extra days;
- 3.3. system in use to verify compliance with the by-catch restrictions placed upon vessels benefiting from extra days allocations or derogations;
- 3.4. instructions issued to industry on how to register their intended management period and gear category;
- 3.5. instructions issued to industry on how to register their intentions to use more than one gear category during a management period;
- 3.6. how effort data is managed and structure of the database;
- 3.7. system in use for the transfer of days;
- 3.8. system in use for the allocation of extra days;
- 3.9. system in use for the non-attribution of transit days;
- 3.10. system in use to ensure that equivalent capacity is withdrawn to allow vessels with no track record to fish in an area.

4. EFFORT REGIME

Associated conditions including:

- 4.1. description of the hailing system in use;
- 4.2. description of alternative control measures;

- 4.3. system in place to ensure compliance with the pre-notification conditions;
- 4.4. methodology to implement authorisation to land (facultative);
- 4.5. method of calculation of the margin of tolerance in the estimation of quantities;
- 4.6. separate stowage;
- 4.7. sampling plan of weighing of landings;
- 4.8. transport documents.

5. INSPECTION PROTOCOLS

Protocols for inspections at landing, first sale, after first sale and transport.

Protocols for sea inspections

6. GUIDELINES

Explanatory guidelines for inspectors, producers' organisations and fishermen.

7. COMMUNICATION PROTOCOLS

Protocols for communication with the competent authorities designated by other Member States as being responsible for the specific monitoring programme for cod.

8. EXCHANGES OF INSPECTORS

Protocols for exchange of inspectors including specification of powers and authority of inspectors operating in each other's EEZ.

Specific inspection benchmarks

Each Member State shall set specific benchmarks. Such benchmarks shall be communicated to all Member States concerned and revised periodically after analysis of the results achieved. Inspection benchmark shall evolve progressively until the target benchmarks defined in Annex I of this Regulation are reached.

ANNEX III

List of infringements as referred to in Article 7

- A. Failure by the master of a fishing vessel or his representative, prior to entry to port of a Member State with more than one tonne of cod on board, to respect the pre-notification rules laid down in Article 11 of Regulation (EC) No 423/2004.
- B. Failure by the master of a fishing vessel carrying more than two tonnes of cod to land into a designated port as laid down in Article 12 of Regulation (EC) No 423/2004.
- C. Being absent from port for more than the number of days laid down under the provisions adopted by the Council according to Article 8 of Regulation (EC) No 423/2004.
- D. Tampering with the satellite-based vessel monitoring system as laid down in Article 6 of Commission Regulation (EC) No 2244/2003 ⁽¹⁾.
- E. Falsifying or failing to record data in logbooks including effort reports, landing declarations, and sales notes, takeover declarations and transport documents or failure to keep or submit these documents as laid down in Articles 13, 14 and 15 of Regulation (EC) No 423/2004.
- F. Failure by the master of a fishing vessel or his representative to notify to the authorities of the flag Member State which gear or gears he intends to use during the forthcoming management period as defined under the provisions adopted by the Council according to Article 8 of Regulation (EC) No 423/2004.
- G. Failure by the master of a fishing vessel or his representative to carry on board, during a given trip, only one type of fishing gear as defined under the provisions adopted by the Council pursuant to Article 8 of Regulation (EC) No 423/2004.
- H. Failure by the master of a fishing vessel or his representative to give prior notification of the type of fishing gear that is to be carried on board before each fishing trip as defined under the provisions adopted by the Council according to Article 8 of Regulation (EC) No 423/2004.

⁽¹⁾ OJ L 333, 20.12.2003, p. 17.

ANNEX IV

Specific items to be included in the inspection form to communicate inspection data as referred to in Article 7(2)

NOTIFICATIONS

Notified the authorities which gear or gears he intends to use during the forthcoming management period:		
YES	NO	
Before the trip the master gave prior notice of the type of fishing gear that is to be carried on board:		
YES	NO	
Is the vessel only carrying one gear category:	YES	NO
Were the conditions of prior notice of landing complied with:	YES	NO

VESSEL DOCUMENTATION

Licence: YES	NO	Special fishing permit: YES	NO
Certified drawings/description of fish rooms:	YES	NO	
VMS transponder installed and operating:	YES	NO	

VERIFICATION OF FISH LOGBOOK

Duration of fishing trip days	Frequented fishing areas ICES/divisions
Fishing in any recovery box: YES NO	If YES specify:
If YES, were the hauling requirements governing access to box complied with: YES NO	

VERIFICATION OF STORAGE AND STOWAGE FOR COD

Separate fish holds:	YES	NO
Stowage on board		
Separate Stowage of cod?	YES	NO