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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1515/2005
of 19 September 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 20 September 2005.

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

Done at Brussels, 19 September 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 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 19 September 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	39,4
	096	19,5
	204	49,2
	999	36,0
0707 00 05	052	89,6
	096	81,9
	999	85,8
0709 90 70	052	61,5
	999	61,5
0805 50 10	388	66,1
	524	60,9
	528	61,4
	999	62,8
0806 10 10	052	81,4
	212	105,3
	220	193,2
	624	133,0
	999	128,2
0808 10 80	388	80,9
	400	82,7
	508	34,6
	512	52,3
	528	22,9
	720	37,8
	800	136,7
	804	68,1
0808 20 50	999	64,5
	052	93,0
	388	68,1
	528	37,0
	720	84,9
	800	143,7
0809 30 10, 0809 30 90	999	85,3
	052	91,9
	624	108,8
0809 40 05	999	100,4
	052	77,7
	066	72,0
	098	65,3
	388	18,0
	508	24,5
	624	125,8
	999	63,9

⁽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 1516/2005**of 19 September 2005****opening a standing invitation to tender for the export of barley held by the Austrian intervention agency**

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 6 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.

(2) Commission Regulation (EEC) No 3002/92 ⁽³⁾ lays down common detailed rules for verifying the use and/or destination of products from intervention.

(3) Given the current market situation, a standing invitation to tender should be opened for the export of 30 530 tonnes of barley held by the Austrian intervention agency.

(4) Special procedures must be laid down to ensure that the operations and their monitoring are properly effected. To that end, securities should be lodged to ensure that the goals of the operations are achieved without excessive cost to the operators. Derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93.

(5) To forestall reimportation, exports under this invitation to tender should be limited to certain third countries.

(6) Article 7(2a) of Regulation (EEC) No 2131/93 allows the successful exporting tenderer to be reimbursed the lowest transport costs between the place of storage and the actual place of exit, up to a certain ceiling. In view of Austria's geographical location, this provision should be applied.

(7) With a view to modernising the management of the system, provision should be made for the electronic transmission of the information required by the Commission.

(8) 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 Austrian intervention agency shall issue a standing invitation to tender for the export of barley held by it in accordance with Regulation (EEC) No 2131/93, save as otherwise provided for in this Regulation.

Article 2

The invitation to tender shall cover a maximum of 30 530 tonnes of barley for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Romania, Serbia and Montenegro ⁽⁴⁾, Switzerland and the United States of America.

Article 3

1. No export refund or tax or monthly increase shall be granted on exports carried out under this Regulation.

2. Article 8(2) of Regulation (EEC) No 2131/93 shall not apply.

3. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender, with no monthly increase.

4. Pursuant to Article 7(2a) of Regulation (EEC) No 2131/93, the lowest transport costs between the place of storage and the actual place of exit shall be reimbursed to the successful tenderer, up to the ceiling set in the invitation to tender.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.4.1996, p. 13).

⁽⁴⁾ Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.

Article 4

1. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.

2. Tenders submitted in response to this invitation to tender need not be accompanied by export licence applications submitted under Article 49 of Commission Regulation (EC) No 1291/2000 ⁽¹⁾.

Article 5

1. Notwithstanding Article 7(1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall be 09.00 (Brussels time) on 29 September 2005.

The time limit for submitting tenders under subsequent partial invitations to tender shall be 09.00 (Brussels time) each Thursday thereafter, with the exception of 3 November 2005, 29 December 2005, 13 April 2006 and 25 May 2006, there being no invitation to tender in the weeks concerned.

The closing date for the submission of tenders for the last partial tendering procedure shall be 22 June 2006 at 09.00 (Brussels time).

2. Tenders must be lodged with the Austrian intervention agency:

AMA (Agrarmarkt Austria)
Dresdnerstraße 70
A-1200 Wien
Fax (00 43 1) 33 151 46 24
(00 43 1) 33 151 44 69.

Article 6

The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of removal from storage as the tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage.

In the event of a dispute, the analysis results shall be forwarded electronically to the Commission.

Article 7

1. The successful tenderer must accept the lot as established if the final result of the sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:

— one kilogram per hectolitre as regards specific weight, which must not, however, be less than 64 kg/hl,

— one percentage point as regards moisture content,

— half a percentage point as regards the impurities referred to at B.2 and B.4 of Annex I to Commission Regulation (EC) No 824/2000 ⁽²⁾,

— half a percentage point as regards the impurities referred to at B.5 of Annex I to Regulation (EC) No 824/2000, the percentages admissible for noxious grains and ergot remaining unchanged, however.

2. If the final result of the analyses carried out on the samples indicates a quality higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender and the difference exceeds the limits set out in paragraph 1(b), the successful tenderer may:

(a) accept the lot as established, or

(b) refuse to take over the lot concerned.

In the case of (b) above, the successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1. Regulation as amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

⁽²⁾ OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 1068/2005 (OJ L 174, 7.7.2005, p. 65).

3. Where the final result of sample analyses indicates a quality below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. The successful tenderer shall be discharged of all obligations relating to the lot in question and the securities shall be released provided the Commission and the intervention agency are immediately notified using the form in Annex I.

Article 8

Should the cases mentioned in Article 7(2)(b) and 7(3) arise, the successful tenderer may ask the intervention agency to supply an alternative lot of barley of the requisite quality, at no extra cost. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof using the form in Annex I.

If, following successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of the request for a replacement, the successful tenderer shall be discharged of all obligations and the securities shall be released, provided the Commission and the intervention agency have been immediately informed using the form in Annex I.

Article 9

1. If the barley is removed before the results of the analyses provided for in Article 6 are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress the tenderer might have against the storer.

2. The costs of taking the samples and conducting the analyses provided for in Article 6, with the exception of those referred to in Article 7(3), shall be borne by the European Agricultural Guidance and Guarantee Fund (EAGGF) for up to one analysis per 500 tonnes, with the exception of

the cost of inter-bin transfers. The costs of inter-bin transfers and any additional analyses requested by a successful tenderer shall be borne by that tenderer.

Article 10

Notwithstanding Article 12 of Commission Regulation (EEC) No 3002/92, the documents relating to the sale of barley under this Regulation, and in particular the export licence, the removal order referred to in Article 3(1)(b) of Regulation (EEC) No 3002/92, the export declaration and, where applicable, the T5 copy shall carry one of the entries set out in Annex II.

Article 11

1. The security lodged under Article 13(4) of Regulation (EEC) No 2131/93 shall be released once the export licences have been issued to the successful tenderers.

2. Notwithstanding Article 17(1) of Regulation (EEC) No 2131/93, the obligation to export shall be covered by a security equal to the difference between the intervention price applying on the day of the award and the price awarded, but not less than EUR 25 per tonne. Half of the security shall be lodged when the licence is issued and the balance shall be lodged before the cereals are removed.

Article 12

Within two hours of the expiry of the time limit for the submission of tenders, the Austrian intervention agency shall electronically notify the Commission of tenders received. This notification shall be made by e-mail, using the form in Annex III.

Article 13

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, 19 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Communication of refusal and possible replacement of lots under the standing invitation to tender for the export of barley held by the Austrian intervention agency

(Regulation (EC) No 1516/2005)

— Name of successful tenderer:

— Date of award:

— Date of refusal of the lot by the successful tenderer:

Lot number	Quantity (tonnes)	Address of the silo	Reason for refusal to take over
			— SW (kg/hl) — % of sprouted grains — % of miscellaneous impurities (Schwarzbesatz) — % of matter other than basic cereals of unimpaired quality — Other

ANNEX II

Entries referred to in Article 10

- *in Spanish:* Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1516/2005
 - *in Czech:* Intervenční ječmen nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 1516/2005
 - *in Danish:* Byg fra intervention uden restitutionsydelse eller -avgift, forordning (EF) nr. 1516/2005
 - *in German:* Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1516/2005
 - *in Estonian:* Sekkumisoder, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 1516/2005
 - *in Greek:* Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1516/2005
 - *in English:* Intervention barley without application of refund or tax, Regulation (EC) No 1516/2005
 - *in French:* Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1516/2005
 - *in Italian:* Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1516/2005
 - *in Latvian:* Intervences mieži bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 1516/2005
 - *in Lithuanian:* Intervenciniai miežiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 1516/2005
 - *in Hungarian:* Intervenció árpa, visszatérítés, illetve adó nem alkalmazandó, 1516/2005/EK rendelet
 - *in Dutch:* Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1516/2005
 - *in Polish:* Jęczmień interwencyjny niedający prawa do refundacji ani do opłaty, rozporządzenie (WE) nr 1516/2005
 - *in Portuguese:* Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 1516/2005
 - *in Slovak:* Intervenčný jačmeň nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 1516/2005
 - *in Slovenian:* Intervencija ječmena brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 1516/2005
 - *in Finnish:* Interventio-ohra, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1516/2005
 - *in Swedish:* Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1516/2005.
-

ANNEX III

Standing invitation to tender for the export of barley held by the Austrian intervention agency

Form (*)

(Regulation (EC) No 1516/2005)

1	2	3	4	5	6	7
Serial numbers of tenderers	Lot number	Quantity (tonnes)	Tender prices (EUR/tonne) ⁽¹⁾	Increases (+) Reductions (-) (EUR/tonne) (p.m.)	Commercial costs ⁽²⁾ (EUR/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases and reductions relating to the lot covered by the tender.

⁽²⁾ The commercial costs corresponding to insurance and services provision borne after exit from the intervention stock up to the fob stage at the port of export, with the exception of transport costs. The notified costs shall be established on the basis of the average real costs recorded by the intervention agency in the six months preceding the opening of the tendering period and shall be expressed in EUR per tonne.

(*) To be sent to DG AGRI (Unit D.2).

COMMISSION REGULATION (EC) No 1517/2005

of 19 September 2005

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

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 Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) ⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.
- (2) The applications for import licences submitted between 1 to 10 September 2005, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.
- (3) The quantities in respect of which licences may be applied for from 1 October 2005 should be fixed within the scope of the total quantity of 52 100 t.
- (4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and

veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 September 2005 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

United Kingdom:

— 150 t originating in Botswana,

— 750 t originating in Namibia;

Germany:

— 650 t originating in Botswana,

— 120 t originating in Namibia.

Article 2

Licence applications may be submitted, pursuant to Article 4(2) of Regulation (EC) No 2247/2003, during the first 10 days of October 2005 for the following quantities of boned beef and veal:

Botswana:	12 386 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 337 t,
Zimbabwe:	9 100 t,
Namibia:	4 305 t.

Article 3

This Regulation shall enter into force on 21 September 2005.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 19 September 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

COMMISSION REGULATION (EC) No 1518/2005

of 19 September 2005

amending Annexes I and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards acetylisovaleryltylosin and fluazuron

(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 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, and in particular Article 2 and the third paragraph of Article 4 thereof,

Having regard to the opinions of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) All pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals should be evaluated in accordance with Regulation (EEC) No 2377/90.
- (2) Acetylisovaleryltylosin has been included in Annex I to Regulation (EEC) No 2377/90 for porcine species for muscle, skin and fat, liver and kidney. That substance has also been included in Annex III to that Regulation for skin and fat and for liver, for poultry species excluding animals from which eggs are produced for human consumption, awaiting completion of scientific studies. These studies have now been completed and acetylisovaleryltylosin should therefore be inserted in Annex I to that Regulation for poultry species.

- (3) An application for establishing of maximum residue limits for 'fluazuron' has been submitted. In order to allow for the completion of scientific studies for bovine species, fluazuron should be included in Annex III to that Regulation.
- (4) Regulation (EEC) No 2377/90 should be amended accordingly.
- (5) An adequate period should be allowed before the applicability of this Regulation in order to enable Member States to make any adjustment which may be necessary in the light of this Regulation to the marketing authorisations granted in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products ⁽²⁾.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and III to Regulation (EEC) No 2377/90 are amended in accordance with the Annex to this Regulation.

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 from 19 November 2005.

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

Done at Brussels, 19 September 2005.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1356/2005 (OJ L 214, 19.8.2005, p. 3).

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

ANNEX

A. The following substance is inserted in Annex I (List of pharmacologically active substances for which maximum residue limits have been fixed)

- '1. Anti-infectious agents
- 1.2. Antibiotics
- 1.2.4. Macrolides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
Acetylisovalerytylosin	Sum of acetyl-isovalerytylosin and 3-O-acetyltylosin	Poultry ⁽¹⁾	50 µg/kg 50 µg/kg	Skin + fat Liver

(¹) Not for use in animals from which milk is produced for human consumption.'

B. The following substance is inserted in Annex III (List of pharmacologically active substances used in veterinary medicinal products for which provisional maximum residue limits have been fixed)

- '2. Antiparasitic agents
- 2.2. Agents acting against ectoparasites
- 2.2.5. Acyl urea derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
Fluazuron ⁽¹⁾	Fluazuron	Bovine ⁽²⁾	200 µg/kg 7 000 µg/kg 500 µg/kg 500 µg/kg	Muscle Fat Liver Kidney

(¹) Provisional MRLs expire on 1.1.2007.

(²) Not for use in animals from which milk is produced for human consumption.'

COMMISSION REGULATION (EC) No 1519/2005**of 19 September 2005****opening the procedure for the allocation of export licences for cheese to be exported to the United States of America in 2006 under certain GATT quotas**

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 30 thereof,

Whereas:

- (1) Article 20 of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽²⁾, provides that export licences for cheese exported to the United States of America as part of the quotas under the agreements concluded during multilateral trade negotiations, may be allocated in accordance with a special procedure provided for therein.
- (2) That procedure should be opened for exports during 2006 and the additional rules relating to it should be determined.
- (3) In administering imports the competent authorities in the USA make a distinction between the additional quota granted to the European Community under the Uruguay Round and the quotas resulting from the Tokyo Round. Export licences should be allocated taking into account the eligibility of those products for the USA quota in question as described in the Harmonized Tariff Schedule of the United States of America.
- (4) With a view to exporting the maximum quantity under the quotas for which there is moderate interest, applications covering the whole quota quantity should be allowed.
- (5) In order to provide stability and security for operators lodging applications under this special regime, it is appropriate to fix the day on which applications are deemed to have been lodged for the purposes of Article 1(1) of Regulation (EC) No 174/1999.

- (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

Export licences for products falling within CN code 0406 and listed in Annex I to this Regulation to be exported to the United States of America in 2006 under the quotas referred to in Article 20(1) of Regulation (EC) No 174/1999 shall be issued in accordance with Article 20 of Regulation (EC) No 174/1999 and this Regulation.

Article 2

1. Applications for provisional licences referred to in Article 20(2) of Regulation (EC) No 174/1999 (hereinafter applications) shall be lodged with the competent authorities from 26 to 30 September 2005 at the latest.

2. Applications shall be admissible only if they contain all the information referred to in Article 20(2) of Regulation (EC) No 174/1999 and if they are accompanied by the documents referred to therein.

Where, for the same group of products referred to in column 2 of Annex I to this Regulation the available quantity is divided between the Uruguay Round quota and the Tokyo Round quota, licence applications may cover only one of those quotas and shall indicate the quota concerned, specifying the identification of the group and of the quota indicated in column 3 of Annex I.

Information referred to in Article 20(2) of Regulation (EC) No 174/1999 shall be presented in accordance with the model set out in Annex II to this Regulation.

3. As regards the quotas identified by 22-Tokyo and 22-Uruguay in column 3 of Annex I, applications shall cover at least 10 tonnes and shall not exceed the quantity available under the quota concerned as set out in column 4 of that Annex.

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

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1513/2005 (OJ L 241, 17.9.2005, p. 45).

As regards the other quotas indicated in column 3 of Annex I, applications shall cover at least 10 tonnes and no more than 40 % of the quantity available under the quota concerned as set out in column 4 of that Annex.

4. Applications shall be admissible only if applicants declare in writing that they have not lodged other applications for the same group of products and the same quota and undertake not to do so.

If an applicant lodges several applications for the same group of products and the same quota in one or more Member States, all his applications shall be deemed inadmissible.

5. For the purposes of Article 1(1) of Regulation (EC) No 174/1999, all applications lodged within the time limit referred to in paragraph 1 of this Article shall be deemed to have been lodged on 26 September 2005.

Article 3

1. Member States shall notify the Commission, within five working days after the end of the period for lodging applications, of the applications lodged for each of the groups of products and, where applicable, the quotas indicated in Annex I.

All notifications, including 'nil' notifications, shall be made by fax on the model form set out in Annex III.

2. Notification shall comprise for each group and, where applicable, for each quota:

- (a) a list of applicants;
- (b) the quantities applied for by each applicant broken down by the product code of the Combined Nomenclature and by their code in accordance with the Harmonized Tariff Schedule of the United States of America (2005);
- (c) indication whether applicant exported the products concerned during the previous three years;

- (d) the name and address of the importer designated by the applicant and the indication whether the importer is a subsidiary of the applicant.

Article 4

The Commission shall, pursuant to Article 20(3), (4) and (5) of Regulation (EC) No 174/1999, determine the allocation of licences without delay and shall notify the Member States thereof by 31 October 2005 at the latest.

Member States shall notify the Commission, within five working days after publication of the allocation coefficients of provisional licences, for each group and, where applicable, for each quota, the quantities by applicant, for which provisional licences have been allocated in accordance to Article 20(4) of Regulation (EC) No 174/1999.

The notification shall be made by fax on the model form set out in Annex IV to this Regulation.

Article 5

The information notified under Article 3 of this Regulation and under Article 20(2) of Regulation (EC) No 174/1999 shall be verified by the Member States before the full licences are issued and by 31 December 2005 at the latest.

Where it is found that incorrect information has been supplied by an operator to whom a provisional licence has been issued, the licence shall be cancelled and the security forfeited. The Member States shall communicate it to the Commission without any delay.

Article 6

This Regulation shall enter into force on the 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, 19 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Cheese to be exported to the United States of America in 2006 under certain GATT quotas

(Article 20 of Regulation (EC) No 174/1999 and Regulation (EC) No 1513/2005)

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States of America		Identification of group	Quantity available for 2006
Note to	Group		Tonnes
(1)	(2)	(3)	(4)
16	Not specifically provided for (NSPF)	16 — Tokyo	908,877
		16 — Uruguay	3 446,000
17	Blue Mould	17	350,000
18	Cheddar	18	1 050,000
20	Edam/Gouda	20	1 100,000
21	Italian type	21	2 025,000
22	Swiss or Emmenthaler cheese other than with eye formation	22 — Tokyo	393,006
		22 — Uruguay	380,000
25	Swiss or Emmenthaler cheese with eye formation	25 — Tokyo	4 003,172
		25 — Uruguay	2 420,000

ANNEX II
Presentation of information required pursuant to Article 20(2) of Regulation (EC) No 174/1999

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1513/2005:

Name of group indicated in column 2 of Annex I to Regulation (EC) No 1513/2005:

Origin of quota: Uruguay Round: ☐ Tokyo Round: ☐

Name/address of applicant	Product code of the Combined Nomenclature	Quantity applied for in tonnes	Export to the United States of America in 2002-2004		Harmonised Tariff Schedule of the USA code	Name/address of designated importer	Importer is subsidiary ⁽¹⁾
			In each of the 3 years	In at least 1 of the 3 years			
			Yes ☐	Yes ☐			Yes ☐
			Yes ☐	Yes ☐			
			Yes ☐	Yes ☐			
Total:							

⁽¹⁾ Or deemed to be a subsidiary according to Article 20(2) of Regulation (EC) No 174/1999.

ANNEX III

Presentation of information required pursuant to Article 20(2) of Regulation (EC) No 174/1999

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1513/2005:

Name of group indicated in column 2 of Annex I to Regulation (EC) No 1513/2005:

Origin of quota: ☐ Uruguay Round: ☐ Tokyo Round: ☐

No	Name/address of applicant	Product code of the Combined Nomenclature	Quantity applied for in tonnes	Export to the United States of America in 2002-2004	Harmonised Tariff Schedule of the USA code	Name/address of designated importer	Importer is subsidiary ⁽¹⁾
				In each of the 3 years	In at least 1 of the 3 years		
1				Yes ☐	Yes ☐		Yes ☐
				Yes ☐	Yes ☐		
				Yes ☐	Yes ☐		
		Total:					
2				Yes ☐	Yes ☐		Yes ☐
				Yes ☐	Yes ☐		
				Yes ☐	Yes ☐		
		Total:					
3				Yes ☐	Yes ☐		Yes ☐
				Yes ☐	Yes ☐		
				Yes ☐	Yes ☐		
		Total:					
4				Yes ☐	Yes ☐		Yes ☐
				Yes ☐	Yes ☐		
				Yes ☐	Yes ☐		
		Total:					
5				Yes ☐	Yes ☐		Yes ☐
				Yes ☐	Yes ☐		
				Yes ☐	Yes ☐		
		Total:					

⁽¹⁾ Or deemed to be a subsidiary according to Article 20(2) of Regulation (EC) No 174/1999.

¹⁾ Or deemed to be a subsidiary according to Article 20(2) of Regulation (EC) No 174/1999.

ANNEX IV
Presentation of granted provisional licences in accordance to Article 20(4) of Regulation (EC) No 174/1999

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1513/2005:	Origin of the quota	Name/address of applicant	Product code of the Combined Nomenclature	Quantity applied for in tonnes	Name/address of designated importer	Allocated Quantity ⁽¹⁾ in tonnes
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	
	Uruguay round ☐					
	Tokyo round ☐					
			Total:		Total:	

⁽¹⁾ Quantities allocated by drawing lots shall be distributed among the individual CN codes in proportion to the quantities of product by CN code applied for.

COMMISSION REGULATION (EC) No 1520/2005**of 19 September 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 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 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2005/2006 marketing year are fixed by

Commission Regulation (EC) No 1011/2005 ⁽³⁾. These prices and duties were last amended by Regulation (EC) No 1427/2005 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 September 2005.

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

Done at Brussels, 19 September 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 170, 1.7.2005, p. 35.

⁽⁴⁾ OJ L 225, 31.8.2005, p. 15.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 20 September 2005

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	22,93	4,84
1701 11 90 ⁽¹⁾	22,93	10,07
1701 12 10 ⁽¹⁾	22,93	4,64
1701 12 90 ⁽¹⁾	22,93	9,64
1701 91 00 ⁽²⁾	27,43	11,52
1701 99 10 ⁽²⁾	27,43	7,00
1701 99 90 ⁽²⁾	27,43	7,00
1702 90 99 ⁽³⁾	0,27	0,38

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.I to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION DIRECTIVE 2005/54/EC
of 19 September 2005
amending Council Directive 91/414/EEC to include tribenuron as active substance
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Health and finalised on 15 February 2005 in the format of the Commission review report for tribenuron.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 703/2001 ⁽³⁾ lay down the detailed rules for the implementation of the second stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes tribenuron.
- (2) For tribenuron the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 703/2001 for a range of uses proposed by the notifiers. Moreover, those regulations designate the Rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 8(1) of Regulation (EC) No 451/2000. For tribenuron (in the form of tribenuron-methyl) the Rapporteur Member State was Sweden and all relevant information was submitted on 19 June 2003.
- (3) The assessment report has been peer reviewed by the Member States and the EFSA within its Working Group Evaluation and presented to the Commission on 19 October 2004 in the format of the EFSA Scientific Report for tribenuron ⁽⁴⁾. This report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal

- (4) It has appeared from the various examinations made that plant protection products containing tribenuron may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include tribenuron in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.
- (5) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (6) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection products containing tribenuron to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (7) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 ⁽⁵⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Regulation (EC) No 396/2005 of the European Parliament and of the Council (OJ L 70, 16.3.2005, p. 1).

⁽²⁾ OJ L 55, 29.2.2000, p. 25. Regulation as last amended by Regulation (EC) No 1044/2003 (OJ L 151, 19.6.2003, p. 32).

⁽³⁾ OJ L 98, 7.4.2001, p. 6.

⁽⁴⁾ EFSA Scientific Report (2004) 15, 1-520, Peer review of the pesticide risk assessment of tribenuron (finalised: 19 October 2004).

⁽⁵⁾ OJ L 366, of 15.12.1992, p. 10. Regulation as last amended by Regulation (EC) No 2266/2000 (OJ L 259, 13.10.2000, p. 27).

- (8) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 31 August 2006 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 September 2006.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing tribenuron as an active substance by 31 August 2006.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to tribenuron are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By derogation from paragraph 1, for each authorised plant protection product containing tribenuron as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 28 February 2006 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning tribenuron. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing tribenuron as the only active substance, where necessary, amend or withdraw the authorisation by 28 February 2010 at the latest; or
- (b) in the case of a product containing tribenuron as one of several active substances, where necessary, amend or withdraw the authorisation by 28 February 2010 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 March 2006.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 19 September 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EC.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
107	Tribenuron CAS No 106040-48-6 (tribenuron) CIPAC No 546	2-[4-methoxy-6-methyl-1,3,5-triazin-2-yl(methyl) carbamoylsulfamoyl]benzoic acid	950 g/kg (expressed as tribenuron-methyl)	1 March 2006	28 February 2016	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on tribenuron , and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 15 February 2005 shall be taken into account. In this overall assessment Member States must pay particular attention to the protection of non-target terrestrial plants, higher aquatic plants and groundwater in vulnerable situations. Conditions of authorisation should include risk mitigation measures, where appropriate.'

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 September 2005

concerning a financial contribution by the Community in the context of the vaccination campaigns against bluetongue in France in 2004 and 2005

(notified under document number C(2005) 3445)

(Only the French text is authentic)

(2005/659/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁾, and in particular Article 9(2) thereof,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽²⁾, and in particular Article 3(3), (4) and (5), second indent, thereof,

Whereas:

- (1) Outbreaks of bluetongue have occurred in France, and more particularly in Corsica, since the year 2000.
- (2) On 13 September 2004 France declared new outbreaks of bluetongue in Corsica. The presence of serotypes 2, 4 and 16 was confirmed.
- (3) Outbreaks of bluetongue represent a serious risk to the Community's livestock population.
- (4) Various decisions, notably the latest one, Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through

these zones ⁽³⁾, have been adopted by the Commission in order to demarcate the protection and surveillance zones and to set out the conditions governing movements of animals from these zones.

- (5) Bluetongue is a disease transmitted exclusively by 'mosquitoes', therefore the only measures which are apposite, of all those provided for in Article 3(2) of Decision 90/424/EEC, are those aimed either at protecting animals against attacks from the vectors (treatment with insecticides, confining the animals indoors at the times when the vectors are active) or at preventing the spread of the epidemic through movements of animals (Decision 2005/393/EC). The slaughter of animals of susceptible species is not an apposite measure except in the case of animals clinically affected with bluetongue.
- (6) The virus continues to circulate and the protection provided by the vaccine lasts for only one year, therefore vaccination against bluetongue must be repeated each year in order to block the progression of the epidemic. Due to the evolution of the disease, it is therefore advisable to implement a vaccination campaign in the protection zones established around outbreaks of bluetongue.
- (7) Vaccination is a measure which, employed in combination with the measures already adopted, makes it possible to:
 - (a) reduce mortality in sheep;
 - (b) prevent viraemia in cattle and thus enable cattle to be moved from restricted zones.

⁽¹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).

⁽³⁾ OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2005/603/EC (OJ L 206, 9.8.2005, p. 11).

- (8) France has presented a vaccination plan which involves the use of the new inactivated vaccine (serotype 2) now available.
- (9) On 23 November 2004 France submitted a claim for reimbursement of the expenditure incurred in connection with the vaccination campaign. According to the information available, approximately 300 000 doses of inactivated vaccine (serotype 2) were purchased.
- (10) The financial contribution from the Community must be 100 % of the cost of supply of the vaccine and 50 % of the costs incurred in carrying out the vaccination. Pending checks by the Commission, it is now necessary to set the amount for payment of the first instalment of the Community financial assistance.
- (11) In accordance with Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy⁽¹⁾, veterinary and plant health measures undertaken in accordance with Community rules are financed by the 'Guarantee' section of the European Agricultural Guidance and Guarantee Fund. The auditing of these measures comes under Articles 8 and 9 of the said Regulation.
- (12) The payment of the financial contribution from the Community must be subject to the condition that the actions planned have actually been carried out and that the authorities supply all the necessary information within the time limits laid down.
- (13) The French authorities have fulfilled all their technical and administrative obligations with regard to the measures provided for in Article 3 of Decision 90/424/EEC.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Approval of the vaccination campaign

The bluetongue vaccination campaign implemented by France in Corsica, in the zones listed in Annex I to Decision 2005/393/EC, is approved.

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

Article 2

Granting of a financial contribution from the Community to France

For the purposes of combating bluetongue in 2004 and during the first half of 2005, France is entitled, for the campaign of vaccination against bluetongue in Corsica, to a financial contribution from the Community amounting to:

- 100 % of the costs incurred (not including VAT) in purchasing 300 000 doses of inactivated serotype 2 vaccine,
- 50 % of the costs of salaries and fees paid to personnel specifically employed to carry out the vaccinations, and 50 % of the cost (not including VAT) of the expenditure directly associated with the vaccinations (consumables and small items of equipment).

Article 3

Definition

The following definition applies to this Decision:

'reasonable payments' means payments for the purchase of materials or services at proportionate prices compared to the market prices before the vaccination campaign.

Article 4

Payment arrangements

1. Subject to the results of the inspections referred to in Article 7, an initial instalment of EUR 150 000 shall be paid, as part of the Community financial contribution mentioned in Article 2, on the basis of supporting documents submitted by France relating to the vaccination of animals.
2. The balance of the Community financial contribution mentioned in Article 2 shall be fixed in a subsequent decision to be adopted in accordance with the procedure established in Article 41 of Decision 90/424/EEC.

Article 5

The eligible expenditure covered by the financial contribution from the Community

The financial contribution from the Community as referred to in Article 2 shall only be made in respect of justified and reasonable payments relating to the authorised expenditure mentioned in Article 2.

*Article 6***Payment conditions and supporting documents**

1. The financial contribution from the Community as referred to in Article 2 shall be paid on the basis of:

- (a) an application submitted, in accordance with the Annex, within the time limit laid down in paragraph 2;
- (b) the supporting documents referred to in Article 2, including an epidemiological report on each holding where animals have been vaccinated;
- (c) the results of any *in situ* inspections carried out by the Commission, as referred to in Article 7.

The documents referred to at (b) shall be made available for on-the-spot audits by the Commission.

2. The application referred to in paragraph 1(a) must be submitted in computerised form, in accordance with the

Annexes, within 60 calendar days of the date of notification of this Decision. If this time limit is not observed, the financial contribution from the Community shall be reduced by 25 % for every month of delay.

*Article 7***Commission *in situ* inspections**

The Commission, in collaboration with the competent French authorities, may conduct *in situ* inspections relating to the implementation of the measures referred to in Article 1 and the associated costs.

*Article 8***Recipients**

This Decision is addressed to the French Republic.

Done at Brussels, 15 September 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Application for a contribution towards the eligible costs associated with the bluetongue vaccination campaign

Costs incurred		
Category of vaccines	Number of doses	Amount (not including VAT)
Salaries and fees (personnel specifically recruited)		
Consumables and vaccination-specific equipment		
Total		

COMMISSION DECISION

of 15 September 2005

concerning a financial contribution by the Community in the context of the emergency measures taken to combat bluetongue in Portugal in 2004 and 2005

*(notified under document number C(2005) 3446)***(Only the Portuguese text is authentic)**

(2005/660/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁾, and in particular Article 9(2) thereof,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽²⁾, and in particular Article 3(3), (4) and (5), second indent, and Article 5(3) thereof,

Whereas:

- (1) On 24 November 2004, outbreaks of bluetongue appeared in Portugal. The emergence of this disease represents a serious risk to the Community's livestock population.
- (2) In order to prevent the spread of the disease as rapidly as possible, the Community must contribute financially to the eligible expenditure incurred by the Member State in the context of the emergency measures taken to combat the disease, as provided for in Decision 90/424/EEC.
- (3) Various decisions, notably the latest one, Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones ⁽³⁾, have been adopted by the Commission in order to demarcate the protection and surveillance zones and to set out the conditions governing movements of animals from these zones.
- (4) Bluetongue is a disease transmitted exclusively by 'mosquitoes', therefore the only measures which are apposite, of all those provided for in Article 3(2) of Decision 90/424/EEC, are those aimed either at protecting animals against attacks from the vectors

(treatment with insecticides, confining the animals indoors at the times when the vectors are active) or at preventing the spread of the epidemic through movements of animals (Decision 2005/393/EC). The slaughter of animals of susceptible species is not an apposite measure except in the case of animals clinically affected with bluetongue.

- (5) Due to the evolution of the disease, it is advisable to implement a vaccination campaign in the protection zones established around outbreaks of bluetongue.
- (6) Vaccination is a measure which, employed in combination with apposite eradication measures, makes it possible to:
 - (a) reduce mortality in sheep;
 - (b) prevent viraemia in cattle and thus enable cattle to be moved from restricted zones.
- (7) In accordance with Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽⁴⁾, veterinary and plant health measures undertaken in accordance with Community rules are financed by the 'Guarantee' section of the European Agricultural Guidance and Guarantee Fund. The auditing of these measures comes under Articles 8 and 9 of the said Regulation.
- (8) The payment of the financial contribution from the Community must be subject to the condition that the actions planned have actually been carried out and that the authorities supply all the necessary information within the time limits laid down.
- (9) On 28 December 2004 Portugal submitted an initial estimation of the costs incurred in the context of the emergency measures taken to combat the disease. This estimation, updated on 25 February 2005, amounts to EUR 9 005 320.

⁽¹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).

⁽³⁾ OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2005/603/EC (OJ L 206, 9.8.2005, p. 11).

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

(10) Pending checks by the Commission, it is now necessary to set the amount for payment of the first instalment of the Community financial assistance. This first instalment must be equal to 50 % of the Community contribution, established on the basis of the estimated costs of compensating livestock farmers for the slaughter of animals and other costs.

(11) The terms 'swift and adequate compensation of the livestock farmers' used in Article 3 of Decision 90/424/EEC, 'reasonable payments' and 'justified payments' and the categories of eligible expenditure under 'other costs' associated with compulsory slaughter must all be defined.

(12) The Portuguese authorities have fulfilled all their technical and administrative obligations with regard to the measures provided for in Article 3 of Decision 90/424/EEC.

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

HAS ADOPTED THIS DECISION:

Article 1

Approval of the vaccination campaign

The bluetongue vaccination campaign implemented by Portugal in the zones listed in Annex I to Decision 2005/393/EC is approved.

Article 2

Granting of a financial contribution from the Community to Portugal

In the context of the emergency measures taken to combat bluetongue in 2004 and 2005, Portugal is entitled to a financial contribution from the Community:

1. amounting to 50 % of the expenditure incurred in:

(a) the swift and adequate compensation of livestock farmers forced to slaughter their animals as part of the measures to combat the outbreaks of bluetongue that occurred in 2004, pursuant to Article 3(2), seventh indent of Decision 90/424/EEC and this Decision;

(b) the destruction of infected animals, disinsection and the implementation of the vaccination programme, under the conditions provided for in, respectively, Article 3(2), first and third indents, and Article 3(4) and (5), second indent, of Decision 90/424/EEC and this Decision;

2. amounting to 100 % of the cost of supply of vaccines, under the conditions provided for in Article 3(4) and (5), second indent, of Decision 90/424/EEC and this Decision.

Article 3

Definitions

The following definitions apply to this Decision:

(a) 'swift and adequate compensation': payment, within 90 days of the slaughter of the animals, of compensation corresponding to the market value (the commercial price which the owner would normally have been able to obtain for the animal immediately before it became infected or was slaughtered, taking account of its fitness, quality and age) they had immediately prior to their infection, slaughter or destruction;

(b) 'reasonable payments': payments for the purchase of materials or services at proportionate prices compared to the market prices before the outbreak of bluetongue;

(c) 'justified payments': payments made for the purchase of equipment or services in accordance with Article 3(2) of Decision 90/424/EEC, where their nature and direct link to the compulsory slaughter of animals on holdings have been demonstrated.

Article 4

Payment arrangements

1. Subject to the results of the inspections referred to in Article 7, an initial instalment of EUR 1 000 000 shall be paid, as part of the Community financial contribution mentioned in Article 2, on the basis of supporting documents submitted by Portugal relating to the swift and adequate compensation of owners for the compulsory slaughter of animals, the destruction of animals, disinsection of the holding and, where applicable, vaccination of animals.

2. The balance of the Community financial contribution mentioned in Article 2 shall be fixed in a subsequent decision to be adopted in accordance with the procedure established in Article 41 of Decision 90/424/EEC.

Article 5

The eligible expenditure covered by the financial contribution from the Community

1. The financial contribution from the Community as referred to in Article 2 shall only be made in respect of justified and reasonable payments for the eligible costs as set out in Annex I.

2. Non-compliance by the Portuguese authorities with the payment deadline referred to in Article 3(a) shall lead to a reduction in the eligible amounts, in accordance with the rules below:

- 25 % reduction for payments made between 91 and 105 days after slaughter of the animals;
- 50 % reduction for payments made between 106 and 120 days after slaughter of the animals;
- 75 % reduction for payments made between 121 and 135 days after slaughter of the animals;
- 100 % reduction for payments made later than 136 days after slaughter of the animals.

However, the Commission may apply a different scale and/or lower reduction rates (or a zero reduction rate) if specific management conditions can be demonstrated for certain measures or if Portugal provides a well grounded justification for the delay.

3. The financial contribution from the Community as referred to in Article 2 shall exclude:

- (a) value added tax;
- (b) remunerations of civil servants or public employees;
- (c) the use of public equipment, except consumables;
- (d) compensation for non-compulsory slaughter;
- (e) compensation paid in addition to other Community support, such as slaughter premiums, in contravention of Community rules;
- (f) compensation linked to the destruction or renovation of farm buildings, infrastructure costs and costs linked to financial losses or unemployment associated with the presence of the disease or a ban on restocking.

Article 6

Payment conditions and supporting documents

1. The financial contribution from the Community as referred to in Article 2 shall be paid on the basis of:

- (a) an application submitted, in accordance with Annexes II, IIIa and IIIb, within the time limit laid down in paragraph 2;
- (b) the supporting documents referred to in Article 2, including an epidemiological report on each holding where animals have been slaughtered and destroyed, as well as a financial report;
- (c) the results of any *in situ* inspections carried out by the Commission, as referred to in Article 7.

The documents referred to in (b) shall be made available for on-the-spot audits by the Commission.

2. The application referred to in paragraph 1(a) must be submitted in computerised form, in accordance with Annexes II, IIIa and IIIb, within 60 calendar days of the date of notification of this Decision. If this time limit is not observed, the financial contribution from the Community shall be reduced by 25 % for every month of delay.

Article 7

Commission *in situ* inspections

The Commission, in collaboration with the competent Portuguese authorities, may conduct *in situ* inspections relating to the implementation of the measures referred to in Article 2 and the associated costs.

Article 8

Recipients

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 15 September 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Eligible expenditure, as referred to in Article 5(1)

1. Costs associated with the compulsory slaughter of animals:
 - (a) salaries and remunerations of personnel specifically employed for the slaughtering operation;
 - (b) consumables and specific equipment used for the slaughtering operation;
 - (c) purchases of services or hire of means of transport to take animals to the slaughtering location.
 2. Costs associated with the destruction of carcasses and/or eggs:
 - (a) rendering: purchases of services or hire of means of transport to take carcasses and/or eggs to the rendering plant, processing of carcasses and/or eggs at the rendering plant, consumables and specific equipment used for the destruction of eggs, and destruction of meal;
 - (b) burial: personnel specifically employed, purchases of services or hire of means of transport and equipment for burying carcasses and/or eggs, and products used to disinfect the holding;
 - (c) incineration, including on site: personnel specifically employed, fuel or other materials used, purchases of services or hire of means of transport for carcasses and/or eggs, and products used to disinfect the holding.
 3. Costs associated with the disinsectisation of holdings:
 - (a) products used for disinsectisation;
 - (b) salaries and remunerations of personnel specifically employed.
 4. In connection with vaccination, eligible expenditure may cover the salaries and fees of personnel specifically recruited, consumables and specific equipment used for vaccination and, where applicable, the purchase by the Member State of the vaccines necessary for eradication of the disease where the Community is not in a position to supply them.
-

Application for a contribution towards compensation for the cost of animals compulsorily slaughtered

[illegible]

ANNEX IIIa

Application for a contribution towards compensation for other eligible costs associated with the compulsory slaughter

'Other costs' incurred by holding No ... (not including compensation for the value of the animals)	
Heading	Amount (not including VAT)
Slaughter	
Destruction (transport and processing)	
Disinsectisation (salaries and products)	
Total	

ANNEX IIIb

Application for a contribution towards compensation for other eligible costs associated with the bluetongue vaccination campaign

Costs incurred		
Category of vaccines	Number of doses	Amount (not including VAT)
Salaries and fees (personnel specifically recruited)		
Consumables and vaccination-specific equipment		
Total		

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2139/2004 of 8 December 2004 adapting and implementing Council Regulation (EEC) No 571/88 and amending Commission Decision 2000/115/EC with a view to the organisation of Community surveys on the structure of agricultural holdings in 2005 and 2007

(Official Journal of the European Union L 369 of 16 December 2004)

On page 34, in Annex I, under 'I. Successive secondary cropping, mushrooms, irrigation and set-aside of arable land':

for: '4. Area subject to set-aside incentive schemes broken down by: ',

read: '8. Area subject to set-aside incentive schemes broken down by: '.
