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Price: EUR 18

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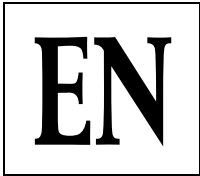
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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1577/2005
of 29 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 30 September 2005.

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

Done at Brussels, 29 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 29 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	33,4
	096	29,4
	999	31,4
0707 00 05	052	103,4
	999	103,4
0709 90 70	052	71,4
	999	71,4
0805 50 10	052	78,8
	382	63,8
	388	56,6
	524	62,6
	528	59,0
	999	64,2
0806 10 10	052	80,7
	096	52,6
	624	181,7
	999	105,0
0808 10 80	388	83,6
	400	88,4
	508	32,4
	512	86,1
	528	46,8
	800	143,1
	804	82,9
0808 20 50	999	80,5
	052	91,7
	388	69,8
	720	75,4
0809 30 10, 0809 30 90	999	79,0
	052	93,3
	624	73,7
0809 40 05	999	83,5
	052	68,5
	066	64,4
	388	18,0
	508	24,5
	624	110,9
	999	57,3

⁽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 1578/2005

of 29 September 2005

reducing, for the 2005/06 marketing year, the amount of aid to producers of certain citrus fruits following an overrun of the processing threshold in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2202/96 of 28 October 1996 establishing a support system for producers of certain citrus fruits ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Article 5(1) of Regulation (EC) No 2202/96 establishes a Community processing threshold for certain citrus fruits, distributed among the Member States in accordance with Annex II thereto.
- (2) Article 5(2) of Regulation (EC) No 2202/96 provides that when this threshold is overrun the amounts of aid indicated in Annex I thereto are to be reduced in each Member State in which the threshold has been overrun. The overrun of the processing threshold is assessed on the basis of the average quantities processed under the aid scheme during the three marketing years preceding the marketing year for which the aid is to be fixed, or during an equivalent period.
- (3) The Member States have communicated the quantities of oranges processed under the aid scheme in accordance with Article 39(1)(c) of Commission Regulation (EC) No 2111/2003 of 1 December 2003 which lays down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits ⁽²⁾. Based on this information, it has been established that the Community processing threshold has been overrun by 151 420 tonnes. Within that overrun, Italy and Portugal have overrun their threshold. The amounts of aid for oranges indicated in Annex I to Regulation (EC) No 2202/96 for the 2005/06 marketing year should therefore be reduced by 21,69 % in Italy and 20,64 % in Portugal.
- (4) The Member States have communicated the quantities of small citrus fruits processed under the aid scheme in accordance with Article 39(1)(c) of Regulation (EC) No 2111/2003. Based on this information, it has been established that the Community processing threshold has been overrun by 54 460 tonnes. Within that overrun, Italy, Cyprus and Portugal have overrun their threshold. The amounts of aid for mandarins, clementines and satsumas indicated in Annex I to Regulation (EC) No 2202/96 for the 2005/06 marketing year should therefore be reduced by 44,26 % in Italy, 17,83 % in Cyprus and 47,02 % in Portugal.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Where Italy and Portugal are concerned, and for the 2005/06 marketing year, the amounts of aid to be granted under Regulation (EC) No 2202/96 for oranges delivered for processing shall be as indicated in Annex I to this Regulation.

Article 2

Where Italy, Cyprus and Portugal are concerned, and for the 2005/06 marketing year, the amounts of aid to be granted under Regulation (EC) No 2202/96 for mandarins, clementines and satsumas delivered for processing shall be as indicated in Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 49. Regulation last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 317, 2.12.2003, p. 5.

ANNEX I

(EUR/100 kg)			
	Multiannual contracts	Contracts covering a single marketing year	Individual producers
Italy	8,83	7,67	6,91
Portugal	8,94	7,78	7,00

ANNEX II

(EUR/100 kg)			
	Multiannual contracts	Contracts covering a single marketing year	Individual producers
Italy	5,84	5,07	4,57
Portugal	5,55	4,82	4,34
Cyprus	8,60	7,48	6,73

COMMISSION REGULATION (EC) No 1579/2005
of 29 September 2005
amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on tomatoes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables ⁽²⁾, provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.

(2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 2002, 2003 and 2004, the trigger levels for additional duties on tomatoes should be adjusted.

(3) As a result, Regulation (EC) No 1555/96 should be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

It shall apply from 1 October 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 193, 3.8.1996, p. 1. Regulation as last amended by Regulation (EC) No 1344/2005 (OJ L 212, 17.8.2005, p. 11).

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

'ANNEX

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

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 May	810 159
78.0020			— 1 June to 30 September	883 976
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	10 626
78.0075			— 1 November to 30 April	10 326
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	2 071
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	65 658
78.0110	ex 0805 10 20	Oranges	— 1 December to 31 May	620 166
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	88 174
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	94 302
78.0155	ex 0805 50 10	Lemons	— 1 June to 31 December	291 598
78.0160			— 1 January to 31 May	50 374
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	222 307
78.0175	ex 0808 10 80	Apples	— 1 January to 31 August	804 433
78.0180			— 1 September to 31 December	117 107
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	239 335
78.0235			— 1 July to 31 December	29 158
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	127 403
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	54 213
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	982 366
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	54 605'

COMMISSION REGULATION (EC) No 1580/2005**of 29 September 2005****opening a standing invitation to tender for the resale on the Spanish market of maize held by the Hungarian 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 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾ provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Because of the difficult weather conditions in much of Spain, cereals production has been significantly reduced in the 2005/06 marketing year. This situation has already resulted in high local prices, causing supply difficulties at competitive prices.

(3) Hungary has significant intervention stocks of maize, outlets for which are hard to find and which should therefore be disposed of.

(4) Commission Regulation (EC) No 1082/2005 ⁽³⁾ opened a standing invitation to tender for the resale on the Spanish market of maize held by the Hungarian intervention agency, which expired on 14 September 2005 even though the quantities made available under that Regulation had not been fully used up, in particular as a result of difficulties linked to the entry of the cereals into the Spanish ports.

(5) In view of the continuing market situation and the projected applications by operators, stocks of maize held by the Hungarian intervention agency should continue to be made available on the Spanish cereals

market, in quantities equivalent to those fixed during the previous invitation to tender. However, the cereals should no longer be required to pass through specific Spanish sea ports.

(6) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(7) It is also important that the Hungarian intervention agency's notification to the Commission should maintain the anonymity of the tenderers.

(8) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(9) 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

1. The Hungarian intervention agency shall open a standing invitation to tender for the sale on the Community market of 100 000 tonnes of maize held by it.

2. These sales are intended to supply the Spanish market.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be fixed at a level that does not disturb the cereals markets.

Article 3

1. Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93, the tender security is set at EUR 10 per tonne.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as last 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 1169/2005 (OJ L 188, 20.7.2005, p. 19).

⁽³⁾ OJ L 177, 9.7.2005, p. 13.

2. Tenders shall be valid only if they are accompanied by the tenderer's written commitment to lodge a security of EUR 80 per tonne within two working days of the day on which the notice of award of contract is received.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 5 October 2005.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 2 November and 28 December 2005 and 12 April, 24 May and 14 June 2006, i.e. weeks when no invitation to tender shall be made.

The closing date for the submission of tenders for the last partial invitation to tender shall be 28 June 2006 at 15.00 (Brussels time).

2. Tenders must be lodged with the Hungarian intervention agency at the following address:

Mezőgazdasági és Vidékfejlesztési Hivatal
Alkotmány u. 29.
H-1385 Budapest 62
Pf. 867
Tel. (36-1) 219 62 60
Fax (36-1) 219 62 59.

Article 5

The Hungarian intervention agency shall send the Commission the tenders received, no later than two hours after expiry of the

time-limit for submitting tenders. This notification shall be made by e-mail, using the form in the Annex hereto.

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003, the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum selling price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum selling price.

Article 7

1. The security referred to in Article 3(1) shall be released in full in respect of quantities for which:

- (a) no award is made;
- (b) payment of the selling price is made within the period set and the security referred to in Article 3(2) has been lodged.

2. The security referred to in Article 3(2) shall be released in proportion to the quantities of cereals delivered to Spain. Proof of a particular destination shall be supplied in accordance with Commission Regulation (EEC) No 3002/92 ⁽¹⁾. The T5 control copy must provide proof of compliance with the conditions laid down in Article 1(2) of this Regulation.

Article 8

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

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

Done at Brussels, 29 September 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 301, 17.10.1992, p. 17.

ANNEX

Standing invitation to tender for the resale on the Spanish market of 100 000 tonnes of maize held by the Hungarian intervention agency

Form (*)

(Regulation (EC) No 1580/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price EUR/t
1			
2			
3			
etc.			

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

COMMISSION REGULATION (EC) No 1581/2005**of 29 September 2005****opening a standing invitation to tender for the resale on the Spanish market of common wheat held by the Hungarian 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 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾ provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.
- (2) Because of the difficult weather conditions in much of Spain, cereals production has been significantly reduced in the 2005/06 marketing year. This situation has already resulted in high local prices, causing supply difficulties at competitive prices.
- (3) Hungary has significant intervention stocks of common wheat, outlets for which are hard to find and which should therefore be disposed of.
- (4) Commission Regulation (EC) No 1080/2005 ⁽³⁾ opened a standing invitation to tender for the resale on the Spanish market of common wheat held by the Hungarian intervention agency, which expired on 14 September 2005 even though the quantities made available under that Regulation had not been fully used up, in particular as a result of difficulties linked to the entry of the cereals into the Spanish ports.
- (5) In view of the continuing market situation and the projected applications by operators, stocks of common wheat held by the Hungarian intervention agency should continue to be made available on the Spanish cereals market, in quantities equivalent to those fixed during the previous invitation to tender. However, the cereals should no longer be required to pass through specific Spanish sea ports.
- (6) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(7) It is also important that the Hungarian intervention agency's notification to the Commission should maintain the anonymity of the tenderers.

(8) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(9) 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

1. The Hungarian intervention agency shall open a standing invitation to tender for the sale on the Community market of 200 000 tonnes of common wheat held by it.

2. These sales are intended to supply the Spanish market.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be fixed at a level that does not disturb the cereals markets.

Article 3

1. Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93, the tender security is set at EUR 10 per tonne.

2. Tenders shall be valid only if they are accompanied by the tenderer's written commitment to lodge a security of EUR 80 per tonne within two working days of the day on which the notice of award of contract is received.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 5 October 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as last 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 1169/2005 (OJ L 188, 20.7.2005, p. 19).

⁽³⁾ OJ L 177, 9.7.2005, p. 7.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 2 November and 28 December 2005 and 12 April, 24 May and 14 June 2006, i.e. weeks when no invitation to tender shall be made.

The closing date for the submission of tenders for the last partial invitation to tender shall be 28 June 2006 at 15.00 (Brussels time).

2. Tenders must be lodged with the Hungarian intervention agency at the following address:

Mezőgazdasági és Vidékfejlesztési Hivatal
Alkotmány u. 29.
H-1385 Budapest 62
Pf. 867
Tel. (36-1) 219 62 60
Fax (36-1) 219 62 59.

Article 5

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

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003 the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum selling price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum selling price.

Article 7

1. The security referred to in Article 3(1) shall be released in full in respect of quantities for which:

- (a) no award is made;
- (b) payment of the selling price is made within the period set and the security referred to in Article 3(2) has been lodged.

2. The security referred to in Article 3(2) shall be released in proportion to the quantities of cereals delivered to Spain. Proof of a particular destination shall be supplied in accordance with Commission Regulation (EEC) No 3002/92 ⁽¹⁾. The T5 control copy must provide proof of compliance with the conditions laid down in Article 1(2) of this Regulation.

Article 8

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

⁽¹⁾ OJ L 301, 17.10.1992, p. 17.

ANNEX

Standing invitation to tender for the resale on the Spanish market of 200 000 tonnes of common wheat held by the Hungarian intervention agency

Form (*)

(Regulation (EC) No 1581/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price EUR/t
1			
2			
3			
etc.			

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

COMMISSION REGULATION (EC) No 1582/2005**of 29 September 2005****opening a standing invitation to tender for the resale on the Spanish market of barley held by the German 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 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾ provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Because of the difficult weather conditions in much of Spain, cereals production has been significantly reduced in the 2005/06 marketing year. This situation has already resulted in high local prices, causing supply difficulties at competitive prices.

(3) Germany has significant intervention stocks of barley, outlets for which are hard to find and which should therefore be disposed of.

(4) Commission Regulation (EC) No 1083/2005 ⁽³⁾ opened a standing invitation to tender for the resale on the Spanish market of barley held by the German intervention agency, which expired on 14 September 2005 even though the quantities made available under that Regulation had not been fully used up, in particular as a result of difficulties linked to the entry of the cereals into the Spanish ports.

(5) In view of the continuing market situation and the projected applications by operators, stocks of barley held by the German intervention agency should continue to be made available on the Spanish cereals

market, in quantities equivalent to those fixed during the previous invitation to tender. However, the cereals should no longer be required to pass through specific Spanish sea ports.

(6) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(7) It is also important that the German intervention agency's notification to the Commission should maintain the anonymity of the tenderers.

(8) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(9) 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

1. The German intervention agency shall open a standing invitation to tender for the sale on the Community market of 100 000 tonnes of barley held by it.

2. These sales are intended to supply the Spanish market.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be fixed at a level that does not disturb the cereals markets.

Article 3

1. Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93, the tender security is set at EUR 10 per tonne.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as last 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 1169/2005 (OJ L 188, 20.7.2005, p. 19).

⁽³⁾ OJ L 177, 9.7.2005, p. 16.

2. Tenders shall be valid only if they are accompanied by the tenderer's written commitment to lodge a security of EUR 80 per tonne within two working days of the day on which the notice of award of contract is received.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 5 October 2005.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 2 November and 28 December 2005 and 12 April, 24 May and 14 June 2006, i.e. weeks when no invitation to tender shall be made.

The closing date for the submission of tenders for the last partial invitation to tender shall be 28 June 2006 at 15.00 (Brussels time).

2. Tenders must be lodged with the German intervention agency at the following address:

Bundesanstalt für Landwirtschaft und Ernährung (BLE),
Deichmannsaue 29
D-53179 Bonn
Fax 1 (49-228) 68 45 39 85
Fax 2 (49-228) 68 45 32 76.

Article 5

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

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003, the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum selling price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum selling price.

Article 7

1. The security referred to in Article 3(1) shall be released in full in respect of quantities for which:

- (a) no award is made;
- (b) payment of the selling price is made within the period set and the security referred to in Article 3(2) has been lodged.

2. The security referred to in Article 3(2) shall be released in proportion to the quantities of cereals delivered to Spain. Proof of a particular destination shall be supplied in accordance with Commission Regulation (EEC) No 3002/92 ⁽¹⁾. The T5 control copy must provide proof of compliance with the conditions laid down in Article 1(2) of this Regulation.

Article 8

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

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 301, 17.10.1992, p. 17.

ANNEX

Standing invitation to tender for the resale on the Spanish market of 100 000 tonnes of barley held by the German intervention agency

Form (*)

(Regulation (EC) No 1582/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price EUR/t
1			
2			
3			
etc.			

(*) To be sent to DG AGRI (D2).

COMMISSION REGULATION (EC) No 1583/2005**of 29 September 2005****opening a standing invitation to tender for the resale on the Spanish market of maize held by the Slovak 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 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾ provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

(2) Because of the difficult weather conditions in much of Spain, cereals production has been significantly reduced in the 2005/06 marketing year. This situation has already resulted in high local prices, causing supply difficulties at competitive prices.

(3) Slovakia has significant intervention stocks of maize, outlets for which are hard to find and which should therefore be disposed of.

(4) Commission Regulation (EC) No 1081/2005 ⁽³⁾ opened a standing invitation to tender for the resale on the Spanish market of maize held by the Slovak intervention agency, which expired on 14 September 2005 even though the quantities made available under that Regulation had not been fully used up, in particular as a result of difficulties linked to the entry of the cereals into the Spanish ports.

(5) In view of the continuing market situation and the projected applications by operators, stocks of maize held by the Slovak intervention agency should continue to be made available on the Spanish cereals market, in quantities equivalent to those fixed during the previous invitation to tender. However, the cereals should no longer be required to pass through specific Spanish sea ports.

(6) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender. In addition, provision must be made for an award coefficient for tenders offering the minimum selling price.

(7) It is also important that the Slovak intervention agency's notification to the Commission should maintain the anonymity of the tenderers.

(8) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(9) 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

1. The Slovak intervention agency shall open a standing invitation to tender for the sale on the Community market of 100 000 tonnes of maize held by it.

2. These sales are intended to supply the Spanish market.

Article 2

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

However, notwithstanding that Regulation:

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be fixed at a level that does not disturb the cereals markets.

Article 3

1. Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93, the tender security is set at EUR 10 per tonne.

2. Tenders shall be valid only if they are accompanied by the tenderer's written commitment to lodge a security of EUR 80 per tonne within two working days of the day on which the notice of award of contract is received.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as last 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 1169/2005 (OJ L 188, 20.7.2005, p. 19).

⁽³⁾ OJ L 177, 9.7.2005, p. 10.

Article 4

1. The first partial invitation to tender shall expire at 15.00 (Brussels time) on 5 October 2005.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Wednesday at 15.00 (Brussels time), with the exception of 2 November 2005 and 28 December 2005 and 12 April, 24 May and 14 June 2006, i.e. weeks when no invitation to tender shall be made.

The closing date for the submission of tenders for the last partial invitation to tender shall be 28 June 2006 at 15.00 (Brussels time).

2. Tenders must be lodged with the Slovak intervention agency at the following address:

Pôdohospodárska platobná agentúra
oddelenie obilnín a škrobu
Dobrovičova 12
SK-815 26 Bratislava
Tel. (421-2) 58 24 32 71
Fax (421-2) 58 24 33 62.

Article 5

The Slovak intervention agency shall send the Commission the tenders received, no later than two hours after expiry of the time-limit for submitting tenders. This notification shall be made by e-mail, using the form in the Annex hereto.

Article 6

Under the procedure laid down in Article 25(2) of Regulation (EC) No 1784/2003, the Commission shall set the minimum selling price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum selling price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum selling price.

Article 7

1. The security referred to in Article 3(1) shall be released in full in respect of quantities for which:

(a) no award is made;

(b) payment of the selling price is made within the period set and the security referred to in Article 3(2) has been lodged.

2. The security referred to in Article 3(2) shall be released in proportion to the quantities of cereals delivered to Spain. Proof of a particular destination shall be supplied in accordance with Commission Regulation (EEC) No 3002/92 ⁽¹⁾. The T5 control copy must provide proof of compliance with the conditions laid down in Article 1(2) of this Regulation.

Article 8

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

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 301, 17.10.1992, p. 17.

ANNEX

Standing invitation to tender for the resale on the Spanish market of 100 000 tonnes of maize held by the Slovak intervention agency

Form (*)

(Regulation (EC) No 1583/2005)

1	2	3	4
Serial numbers of tenderers	Lot No	Quantity (t)	Tender price EUR/t
1			
2			
3			
etc.			

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

COMMISSION REGULATION (EC) No 1584/2005**of 29 September 2005****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

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 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate

precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

- (5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.
- (6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.
- (7) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.
- (8) 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

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, shall be fixed as set out in the Annex to this Regulation.

⁽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 172, 5.7.2005, p. 24.

⁽³⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 30 September 2005 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	10,00	10,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	21,99	21,99
	(b) on exportation of other goods	52,10	52,10
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	46,00	46,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	99,25	99,25
	(c) on exportation of other goods	92,00	92,00

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 1585/2005**of 29 September 2005****fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

(1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.

(6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.

(7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.

(8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 September 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 172, 5.7.2005, p. 24.

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 29 September 2005.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 30 September 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,393	2,393
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,846	1,846
	– – in other cases	4,014	4,014
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	1,389	1,389
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,385	1,385
	– – in other cases	3,011	3,011
	– where goods falling within subheading 2208 ⁽³⁾ are exported	1,846	1,846
	– other (including unprocessed)	4,014	4,014
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	1,834	1,834
	– where goods falling within subheading 2208 ⁽³⁾ are exported	1,846	1,846
	– in other cases	4,014	4,014

(*) The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004 and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 1586/2005**of 29 September 2005****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

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 market in the sugar sector ⁽¹⁾, and in particular Article 27(5)(a) and (15) thereof,

Whereas:

- (1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex V to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

- (4) Article 27(3) of Regulation (EC) No 1260/2001 lays down that the export refund for a product contained in goods may not exceed the refund applicable to that product when exported without further processing.
- (5) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (6) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) and (2) of Regulation (EC) No 1260/2001, and exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 987/2005 (OJ L 167, 29.6.2005, p. 12).

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

ANNEX

Rates of refunds applicable from 30 September 2005 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	37,44	37,44

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 1587/2005
of 29 September 2005
fixing the export refunds on milk and milk products

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 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third-country markets;
- (b) the most favourable prices in third countries of destination for third-country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽²⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽³⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽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 558/2005 (OJ L 94, 13.4.2005, p. 22).

⁽³⁾ OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾ laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) In determining the products and destinations eligible for refunds, it is appropriate to take into account that the competitive position of certain Community products does not justify encouragement of exports and that the geographical proximity of certain territories risks facilitating diversion of trade and abuses.
- (10) It follows from applying the rules set out above to the present situation on the market in milk and in particular

to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

- (11) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71. Regulation as last amended by Regulation (EEC) No 222/88 (OJ L 28, 1.2.1988, p. 1).

ANNEX

to the Commission Regulation of 29 September 2005 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 30 31 9100	L01	EUR/100 kg	—	0402 21 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	13,20		068	EUR/100 kg	—
	A01	EUR/100 kg	18,86		L02	EUR/100 kg	38,08
0401 30 31 9400	L01	EUR/100 kg	—	0402 21 11 9900	A01	EUR/100 kg	48,89
	L02	EUR/100 kg	20,62		L01	EUR/100 kg	—
	A01	EUR/100 kg	29,47		068	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—	0402 21 17 9000	L02	EUR/100 kg	40,58
	L02	EUR/100 kg	22,75		A01	EUR/100 kg	52,10
	A01	EUR/100 kg	32,49		L01	EUR/100 kg	—
0401 30 39 9100	L01	EUR/100 kg	—	0402 21 19 9300	068	EUR/100 kg	—
	L02	EUR/100 kg	13,20		L02	EUR/100 kg	8,28
	A01	EUR/100 kg	18,86		A01	EUR/100 kg	10,00
0401 30 39 9400	L01	EUR/100 kg	—	0402 21 19 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	20,62		068	EUR/100 kg	—
	A01	EUR/100 kg	29,47		L02	EUR/100 kg	36,50
0401 30 39 9700	L01	EUR/100 kg	—	0402 21 19 9500	A01	EUR/100 kg	46,83
	L02	EUR/100 kg	22,75		L01	EUR/100 kg	—
	A01	EUR/100 kg	32,49		068	EUR/100 kg	—
0401 30 91 9100	L01	EUR/100 kg	—	0402 21 19 9900	L02	EUR/100 kg	38,08
	L02	EUR/100 kg	25,92		A01	EUR/100 kg	48,89
	A01	EUR/100 kg	37,04		L01	EUR/100 kg	—
0401 30 99 9100	L01	EUR/100 kg	—	0402 21 19 9900	068	EUR/100 kg	—
	L02	EUR/100 kg	25,92		L02	EUR/100 kg	40,58
	A01	EUR/100 kg	37,04		A01	EUR/100 kg	52,10
0401 30 99 9500	L01	EUR/100 kg	—	0402 21 91 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,10		068	EUR/100 kg	—
	A01	EUR/100 kg	54,43		L02	EUR/100 kg	40,84
0402 10 11 9000	L01	EUR/100 kg	—	0402 21 91 9200	A01	EUR/100 kg	52,41
	068	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		068	EUR/100 kg	—
0402 10 19 9000	A01	EUR/100 kg	10,00	0402 21 91 9200	L02	EUR/100 kg	41,08
	L01	EUR/100 kg	—		A01	EUR/100 kg	52,74
	068	EUR/100 kg	—	0402 21 91 9350	L01	EUR/100 kg	—
0402 10 91 9000	L02	EUR/100 kg	8,28		068	EUR/100 kg	—
	A01	EUR/100 kg	10,00		L02	EUR/100 kg	41,51
0402 10 99 9000	L01	EUR/kg	—	0402 21 91 9500	A01	EUR/100 kg	53,27
	068	EUR/kg	—		L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		068	EUR/100 kg	—
0402 10 99 9000	A01	EUR/kg	0,1000	0402 21 99 9100	L02	EUR/100 kg	44,60
	L01	EUR/kg	—		A01	EUR/100 kg	57,25
	068	EUR/kg	—	0402 21 99 9100	L01	EUR/100 kg	—
0402 21 11 9200	L02	EUR/kg	0,0828		068	EUR/100 kg	—
	A01	EUR/kg	0,1000		L02	EUR/100 kg	40,84
0402 21 11 9200	L01	EUR/100 kg	—	0402 21 99 9200	A01	EUR/100 kg	52,41
	068	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		068	EUR/100 kg	—
0402 21 11 9300	A01	EUR/100 kg	10,00	0402 21 99 9200	L02	EUR/100 kg	41,08
	L01	EUR/100 kg	—	0402 21 99 9300	A01	EUR/100 kg	52,74
	068	EUR/100 kg	—		L01	EUR/100 kg	—
0402 21 11 9300	L02	EUR/100 kg	36,50		068	EUR/100 kg	—
	A01	EUR/100 kg	46,83		L02	EUR/100 kg	41,51
					A01	EUR/100 kg	53,27

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 21 99 9400	L01	EUR/100 kg	—	0402 91 31 9300	L01	EUR/100 kg	—
	068	EUR/100 kg	—		L02	EUR/100 kg	4,877
	L02	EUR/100 kg	43,80		A01	EUR/100 kg	6,967
	A01	EUR/100 kg	56,23	0402 91 39 9300	L01	EUR/100 kg	—
0402 21 99 9500	L01	EUR/100 kg	—		L02	EUR/100 kg	4,877
	068	EUR/100 kg	—		A01	EUR/100 kg	6,967
	L02	EUR/100 kg	44,60	0402 91 99 9000	L01	EUR/100 kg	—
	A01	EUR/100 kg	57,25		L02	EUR/100 kg	15,93
0402 21 99 9600	L01	EUR/100 kg	—		A01	EUR/100 kg	22,76
	068	EUR/100 kg	—	0402 99 11 9350	L01	EUR/kg	—
	L02	EUR/100 kg	47,75		L02	EUR/kg	0,1055
	A01	EUR/100 kg	61,29		A01	EUR/kg	0,1508
0402 21 99 9700	L01	EUR/100 kg	—	0402 99 19 9350	L01	EUR/kg	—
	068	EUR/100 kg	—		L02	EUR/kg	0,1055
	L02	EUR/100 kg	49,52		A01	EUR/kg	0,1508
	A01	EUR/100 kg	63,59	0402 99 31 9150	L01	EUR/kg	—
0402 21 99 9900	L01	EUR/100 kg	—		L02	EUR/kg	0,1095
	068	EUR/100 kg	—		A01	EUR/kg	0,1565
	L02	EUR/100 kg	51,59	0402 99 31 9300	L01	EUR/kg	—
	A01	EUR/100 kg	66,22		L02	EUR/kg	0,0953
0402 29 15 9200	L01	EUR/kg	—		A01	EUR/kg	0,1362
	L02	EUR/kg	0,0828	0402 99 39 9150	L01	EUR/kg	—
	A01	EUR/kg	0,1000		L02	EUR/kg	0,1095
0402 29 15 9300	L01	EUR/kg	—		A01	EUR/kg	0,1565
	L02	EUR/kg	0,3650	0403 90 11 9000	L01	EUR/100 kg	—
	A01	EUR/kg	0,4683		L02	EUR/100 kg	8,18
0402 29 15 9500	L01	EUR/kg	—		A01	EUR/100 kg	9,86
	L02	EUR/kg	0,3808	0403 90 13 9200	L01	EUR/100 kg	—
	A01	EUR/kg	0,4889		L02	EUR/100 kg	8,18
0402 29 15 9900	L01	EUR/kg	—		A01	EUR/100 kg	9,86
	L02	EUR/kg	0,4058	0403 90 13 9300	L01	EUR/100 kg	—
	A01	EUR/kg	0,5210		L02	EUR/100 kg	36,16
0402 29 19 9300	L01	EUR/kg	—		A01	EUR/100 kg	46,42
	L02	EUR/kg	0,3650	0403 90 13 9500	L01	EUR/100 kg	—
	A01	EUR/kg	0,4683		L02	EUR/100 kg	37,75
0402 29 19 9500	L01	EUR/kg	—		A01	EUR/100 kg	48,45
	L02	EUR/kg	0,3808	0403 90 13 9900	L01	EUR/100 kg	—
	A01	EUR/kg	0,4889		L02	EUR/100 kg	40,23
0402 29 19 9900	L01	EUR/kg	—		A01	EUR/100 kg	51,63
	L02	EUR/kg	0,4058	0403 90 19 9000	L01	EUR/100 kg	—
	A01	EUR/kg	0,5210		L02	EUR/100 kg	40,47
0402 29 91 9000	L01	EUR/kg	—		A01	EUR/100 kg	51,95
	L02	EUR/kg	0,4084	0403 90 33 9400	L01	EUR/kg	—
	A01	EUR/kg	0,5241		L02	EUR/kg	0,3616
0402 29 99 9100	L01	EUR/kg	—		A01	EUR/kg	0,4642
	L02	EUR/kg	0,4084	0403 90 33 9900	L01	EUR/kg	—
	A01	EUR/kg	0,5241		L02	EUR/kg	0,4023
0402 29 99 9500	L01	EUR/kg	—		A01	EUR/kg	0,5163
	L02	EUR/kg	0,4380	0403 90 59 9310	L01	EUR/100 kg	—
	A01	EUR/kg	0,5623		L02	EUR/100 kg	13,20
0402 91 11 9370	L01	EUR/100 kg	—		A01	EUR/100 kg	18,86
	L02	EUR/100 kg	4,127	0403 90 59 9340	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
0402 91 19 9370	L01	EUR/100 kg	—		A01	EUR/100 kg	27,59
	L02	EUR/100 kg	4,127	0403 90 59 9370	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
					A01	EUR/100 kg	27,59

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0403 90 59 9510	L01	EUR/100 kg	—	0405 10 19 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	19,32		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	27,59		A01	EUR/100 kg	89,76
0404 90 21 9120	L01	EUR/100 kg	—	0405 10 19 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	7,07		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	8,53		A01	EUR/100 kg	92,00
0404 90 21 9160	L01	EUR/100 kg	—	0405 10 30 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	10,00		A01	EUR/100 kg	89,76
0404 90 23 9120	L01	EUR/100 kg	—	0405 10 30 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	10,00		A01	EUR/100 kg	92,00
0404 90 23 9130	L01	EUR/100 kg	—	0405 10 30 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	36,50		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	46,83		A01	EUR/100 kg	92,00
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 50 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,08		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	48,89		A01	EUR/100 kg	92,00
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 50 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	40,58		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	52,10		A01	EUR/100 kg	89,76
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 50 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	40,84		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	52,41		A01	EUR/100 kg	92,00
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 90 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	41,08		L02	EUR/100 kg	70,73
	A01	EUR/100 kg	52,74		A01	EUR/100 kg	95,37
0404 90 29 9125	L01	EUR/100 kg	—	0405 20 90 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	41,51		L02	EUR/100 kg	62,41
	A01	EUR/100 kg	53,27		A01	EUR/100 kg	84,16
0404 90 29 9140	L01	EUR/100 kg	—	0405 20 90 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	44,60		L02	EUR/100 kg	64,90
	A01	EUR/100 kg	57,25		A01	EUR/100 kg	87,51
0404 90 81 9100	L01	EUR/kg	—	0405 90 10 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		L02	EUR/100 kg	85,16
	A01	EUR/kg	0,1000		A01	EUR/100 kg	114,82
0404 90 83 9110	L01	EUR/kg	—	0405 90 90 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		L02	EUR/100 kg	68,11
	A01	EUR/kg	0,1000		A01	EUR/100 kg	91,83
0404 90 83 9130	L01	EUR/kg	—	0406 10 20 9100	L01	EUR/100 kg	—
	L02	EUR/kg	0,3650		L02	EUR/100 kg	—
	A01	EUR/kg	0,4683		A01	EUR/100 kg	16,24
0404 90 83 9150	L01	EUR/kg	—	0406 10 20 9230	L03	EUR/100 kg	—
	L02	EUR/kg	0,3808		L04	EUR/100 kg	12,99
	A01	EUR/kg	0,4889		400	EUR/100 kg	—
0404 90 83 9170	L01	EUR/kg	—	0406 10 20 9290	A01	EUR/100 kg	—
	L02	EUR/kg	0,4058		A00	EUR/100 kg	—
	A01	EUR/kg	0,5210		A00	EUR/100 kg	—
0404 90 83 9936	L01	EUR/kg	—	0406 10 20 9610	A00	EUR/100 kg	—
	L02	EUR/kg	0,1055		A00	EUR/100 kg	—
	A01	EUR/kg	0,1508	0406 10 20 9620	A00	EUR/100 kg	—
0405 10 11 9500	L01	EUR/100 kg	—		L03	EUR/100 kg	—
	L02	EUR/100 kg	66,57		L04	EUR/100 kg	19,96
	A01	EUR/100 kg	89,76	0406 10 20 9630	400	EUR/100 kg	—
0405 10 11 9700	L01	EUR/100 kg	—		A01	EUR/100 kg	24,94
	L02	EUR/100 kg	68,24				
	A01	EUR/100 kg	92,00				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9640	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	29,32		L04	EUR/100 kg	5,69
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	36,65		A01	EUR/100 kg	13,34
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9950	L03	EUR/100 kg	—
	L04	EUR/100 kg	24,44		L04	EUR/100 kg	6,44
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	30,55		A01	EUR/100 kg	15,09
0406 10 20 9830	L03	EUR/100 kg	—	0406 30 90 9000	A00	EUR/100 kg	—
	L04	EUR/100 kg	9,08	0406 40 50 9000	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	34,48
	A01	EUR/100 kg	11,33		400	EUR/100 kg	—
0406 10 20 9850	L03	EUR/100 kg	—	0406 40 90 9000	A01	EUR/100 kg	43,09
	L04	EUR/100 kg	10,99		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	35,41
	A01	EUR/100 kg	13,74		400	EUR/100 kg	—
0406 20 90 9100	A00	EUR/100 kg	—	0406 90 13 9000	A01	EUR/100 kg	44,26
0406 20 90 9913	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	21,76		L04	EUR/100 kg	39,25
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9915	A01	EUR/100 kg	27,20	0406 90 15 9100	A01	EUR/100 kg	56,18
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	29,54		L04	EUR/100 kg	40,57
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9917	A01	EUR/100 kg	36,93	0406 90 17 9100	A01	EUR/100 kg	58,06
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	31,41		L04	EUR/100 kg	40,57
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9919	A01	EUR/100 kg	39,24	0406 90 21 9900	A01	EUR/100 kg	58,06
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	35,08		L04	EUR/100 kg	39,43
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 31 9710	A00	EUR/100 kg	—	0406 90 23 9900	A01	EUR/100 kg	56,30
0406 30 31 9730	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	3,91		L04	EUR/100 kg	35,35
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 31 9910	A01	EUR/100 kg	9,17	0406 90 25 9900	A01	EUR/100 kg	50,82
	A00	EUR/100 kg	—		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	34,67
	L04	EUR/100 kg	3,91		400	EUR/100 kg	—
0406 30 31 9930	400	EUR/100 kg	—	0406 90 27 9900	A01	EUR/100 kg	49,63
	A01	EUR/100 kg	9,17		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	31,39
	L04	EUR/100 kg	5,69		400	EUR/100 kg	—
0406 30 31 9950	400	EUR/100 kg	—	0406 90 31 9119	A01	EUR/100 kg	44,95
	A01	EUR/100 kg	13,34		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	29,03
	L04	EUR/100 kg	3,91		400	EUR/100 kg	—
0406 30 39 9500	400	EUR/100 kg	—	0406 90 33 9119	A01	EUR/100 kg	41,60
	A01	EUR/100 kg	9,17		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	29,03
	L04	EUR/100 kg	5,69		400	EUR/100 kg	—
0406 30 39 9700	400	EUR/100 kg	—		A01	EUR/100 kg	41,60
	A01	EUR/100 kg	13,34				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 33 9919	A00	EUR/100 kg	—	0406 90 78 9300	L03	EUR/100 kg	—
0406 90 33 9951	A00	EUR/100 kg	—		L04	EUR/100 kg	35,54
0406 90 35 9190	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	41,33		A01	EUR/100 kg	50,76
	400	EUR/100 kg	—	0406 90 78 9500	L03	EUR/100 kg	—
	A01	EUR/100 kg	59,45		L04	EUR/100 kg	34,55
0406 90 35 9990	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	41,33		A01	EUR/100 kg	49,04
	400	EUR/100 kg	—	0406 90 79 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	59,45		L04	EUR/100 kg	29,35
0406 90 37 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	39,25		A01	EUR/100 kg	42,19
	400	EUR/100 kg	—	0406 90 81 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	56,18		L04	EUR/100 kg	36,63
0406 90 61 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	44,68		A01	EUR/100 kg	52,44
	400	EUR/100 kg	—	0406 90 85 9930	L03	EUR/100 kg	—
	A01	EUR/100 kg	64,65		L04	EUR/100 kg	40,16
0406 90 63 9100	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	44,02		A01	EUR/100 kg	57,80
	400	EUR/100 kg	—	0406 90 85 9970	L03	EUR/100 kg	—
	A01	EUR/100 kg	63,49		L04	EUR/100 kg	36,84
0406 90 63 9900	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	42,31		A01	EUR/100 kg	52,98
	400	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—
	A01	EUR/100 kg	61,32	0406 90 86 9200	L03	EUR/100 kg	—
0406 90 69 9100	A00	EUR/100 kg	—		L04	EUR/100 kg	35,61
0406 90 69 9910	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	42,93		A01	EUR/100 kg	52,80
	400	EUR/100 kg	—	0406 90 86 9300	A00	EUR/100 kg	—
	A01	EUR/100 kg	62,22	0406 90 86 9400	L03	EUR/100 kg	—
0406 90 73 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	38,16
	L04	EUR/100 kg	36,12		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	55,80
	A01	EUR/100 kg	51,75	0406 90 86 9900	L03	EUR/100 kg	—
0406 90 75 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	40,16
	L04	EUR/100 kg	36,84		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	57,80
	A01	EUR/100 kg	52,98	0406 90 87 9100	A00	EUR/100 kg	—
0406 90 76 9300	L03	EUR/100 kg	—	0406 90 87 9200	A00	EUR/100 kg	—
	L04	EUR/100 kg	32,71	0406 90 87 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	33,16
	A01	EUR/100 kg	46,82		400	EUR/100 kg	—
0406 90 76 9400	L03	EUR/100 kg	—		A01	EUR/100 kg	49,00
	L04	EUR/100 kg	36,63	0406 90 87 9400	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	33,86
	A01	EUR/100 kg	52,44		400	EUR/100 kg	—
0406 90 76 9500	L03	EUR/100 kg	—		A01	EUR/100 kg	49,49
	L04	EUR/100 kg	33,92	0406 90 87 9951	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	35,97
	A01	EUR/100 kg	48,15		400	EUR/100 kg	—
0406 90 78 9100	L03	EUR/100 kg	—		A01	EUR/100 kg	51,50
	L04	EUR/100 kg	35,88				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	52,42				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9971	L03	EUR/100 kg	—	0406 90 87 9975	L03	EUR/100 kg	—
	L04	EUR/100 kg	35,97		L04	EUR/100 kg	37,52
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	51,50		A01	EUR/100 kg	53,02
0406 90 87 9972	L03	EUR/100 kg	—	0406 90 87 9979	L03	EUR/100 kg	—
	L04	EUR/100 kg	15,21		L04	EUR/100 kg	35,35
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	21,86		A01	EUR/100 kg	50,82
0406 90 87 9973	L03	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	35,33	0406 90 88 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	29,29
	A01	EUR/100 kg	50,57		400	EUR/100 kg	—
0406 90 87 9974	L03	EUR/100 kg	—	0406 90 88 9500	A01	EUR/100 kg	43,13
	L04	EUR/100 kg	37,84		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	30,20
	A01	EUR/100 kg	53,93		400	EUR/100 kg	—
					A01	EUR/100 kg	43,15

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

The numeric destination codes are set out in Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

L01 Ceuta, Melilla, Holy See, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

L02 Andorra and Gibraltar.

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Turkey, Romania, Bulgaria, Croatia, Canada, Australia, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

L04 Albania, Bosnia and Herzegovina, Kosovo, Serbia, Montenegro and the former Yugoslav Republic of Macedonia.

COMMISSION REGULATION (EC) No 1588/2005**of 29 September 2005****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

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 the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 27 September 2005.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 27 September 2005, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 1239/2005 (OJ L 200, 30.7.2005, p. 32).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund for export to the destinations referred to in the second subparagraph of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—
Butter	ex 0405 10 19 9700	99,00
Butteroil	ex 0405 90 10 9000	121,00

COMMISSION REGULATION (EC) No 1589/2005**of 29 September 2005****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

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 the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds for skimmed milk powder ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 27 September 2005.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 27 September 2005, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 13,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 90, 27.3.2004, p. 67. Regulation as last amended by Regulation (EC) No 1239/2005 (OJ L 200, 30.7.2005, p. 32).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 1590/2005**of 29 September 2005****fixing the representative prices and the additional import duties for molasses in the sugar sector
applicable from 30 September 2005**

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 market in sugar ⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾, is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.
- (3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the

quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 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. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

⁽³⁾ OJ 145, 27.6.1968, p. 12. Regulation as amended by Regulation (EC) No 1422/95.

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 30 September 2005

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽¹⁾
1703 10 00 ⁽²⁾	11,00	—	0
1703 90 00 ⁽²⁾	11,60	—	0

⁽¹⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

⁽²⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

COMMISSION REGULATION (EC) No 1591/2005**of 29 September 2005****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

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⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 30 SEPTEMBER 2005 ^(a)**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	34,44 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	34,44 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	34,44 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	34,44 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3744
1701 99 10 9100	S00	EUR/100 kg	37,44
1701 99 10 9910	S00	EUR/100 kg	37,44
1701 99 10 9950	S00	EUR/100 kg	37,44
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3744

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

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

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 1592/2005**of 29 September 2005****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

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⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.
- (3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽³⁾, to the products listed in the Annex to the last mentioned Regulation.
- (4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes

account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

- (5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.
- (6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.
- (7) The abovementioned refunds must be fixed every month; they may be altered in the intervening period.
- (8) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (9) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

⁽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. 6).

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

- (10) In order to prevent any abuses associated with the reimportation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.
- (11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d), (f), (g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto to this Regulation.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 30 SEPTEMBER 2005 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	37,44 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	37,44 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	71,15 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3744 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	37,44 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3744 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3744 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,3744 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	37,44 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3744 ⁽³⁾

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

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

The other destinations are defined as follows:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, except for sugar incorporated into the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

^(a) The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽¹⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1593/2005**of 29 September 2005****fixing the maximum export refund for white sugar to certain third countries for the 7th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1138/2005**

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⁾ and in particular the second indent of Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1138/2005 of 15 July 2005 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽²⁾, for the 2005/2006 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1138/2005 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 7th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1138/2005 the maximum amount of the export refund shall be 39,848 EUR/100 kg.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽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 185, 16.7.2005, p. 3.

COMMISSION REGULATION (EC) No 1594/2005
of 29 September 2005
fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 14 of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 14 of Regulation (EC) No 1785/2003 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash,

crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 September 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 1549/2004 (OJ L 280, 31.8.2004, p. 13).

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

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

Done at Brussels, 29 September 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

to Commission Regulation of 29 September 2005 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	56,20	1104 23 10 9300	C10	EUR/t	46,16
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	48,17	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	48,17	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	10,04
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	72,25	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	56,20	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	48,17	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	48,17	1108 12 00 9200	C10	EUR/t	64,22
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	64,22
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	64,22
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	64,22
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	62,92
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	48,17
1104 19 50 9110	C10	EUR/t	64,22	1702 30 91 9000	C10	EUR/t	62,92
1104 19 50 9130	C10	EUR/t	52,18	1702 30 99 9000	C10	EUR/t	48,17
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	48,17
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	62,92
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	48,17
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	65,93
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	45,76
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	48,17
1104 23 10 9100	C10	EUR/t	60,21				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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

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

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

COMMISSION REGULATION (EC) No 1595/2005
of 29 September 2005
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 29 September 2005 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

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

C10: All destinations.

COMMISSION REGULATION (EC) No 1596/2005
of 29 September 2005
fixing production refunds on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003, on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively ⁽²⁾ lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.

- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR/tonne 12,64 for starch from maize, wheat, barley and oats;
- (b) EUR/tonne 21,54 for potato starch.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

COMMISSION REGULATION (EC) No 1597/2005
of 29 September 2005
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 28 September

2005, the quantity still available for the period until 15 November 2005, for destination zone (2) Asia, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 21 to 27 September 2005 should be applied and the submission of applications and the issue of licences suspended for this zone until 16 November 2005,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 21 to 27 September 2005 under Regulation (EC) No 883/2001 shall be issued in concurrence with 61,95 % of the quantities requested for zone (2) Asia.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 28 September 2005 and the submission of export licence applications from 30 September 2005 for destination zone (2) Asia shall be suspended until 16 November 2005.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 908/2004 (OJ L 163, 30.4.2004, p. 56).

⁽²⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1188/2005 (OJ L 193, 23.7.2005, p. 24).

COMMISSION REGULATION (EC) No 1598/2005**of 29 September 2005****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1058/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (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

No action shall be taken on the tenders notified from 23 to 29 September 2005 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1058/2005.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 174, 7.7.2005, p. 12.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1599/2005**of 29 September 2005****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1438/2005**

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 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1438/2005 of 2 September 2005 on a special intervention measure for cereals in Finland and Sweden for the 2005/2006 marketing year ⁽³⁾,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from

Finland and Sweden to all third countries, with the exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1438/2005.

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (3) 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

No action shall be taken on the tenders notified from 23 to 29 September 2005 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1438/2005.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

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

⁽³⁾ OJ L 228, 3.9.2005, p. 5.

COMMISSION REGULATION (EC) No 1600/2005**of 29 September 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 1059/2005 ⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

(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

For tenders notified from 23 to 29 September 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 7,50 EUR/t.

Article 2

This Regulation shall enter into force on 30 September 2005.

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

Done at Brussels, 29 September 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 174, 7.7.2005, p. 15.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 13 June 2005

on the signature of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the European Union

(2005/672/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the 2003 Act of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (hereinafter referred to as the Ankara Agreement)⁽¹⁾, entered into force on 1 December 1964.
- (2) Article 6(2) of the 2003 Act of Accession requires the new Member States to accede to the agreements concluded by the Member States and the Community, acting jointly, with third countries.
- (3) The Commission, authorised by the Council to negotiate with Turkey a Protocol to the Ankara Agreement to take

into account the enlargement of the European Union, has successfully accomplished these negotiations.

- (4) Subject to its conclusion, the Additional Protocol should be signed on behalf of the Community and its Member States,

HAS DECIDED AS FOLLOWS:

Sole Article

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, and subject to its conclusion, the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the Union.

The text of the Additional Protocol is attached to this Decision.

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ 217, 29.12.1964, p. 3687/64.

ADDITIONAL PROTOCOL**to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the European Union**

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the 'Member States', represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY, represented by the Council of the European Union,

of the one part, and

THE REPUBLIC OF TURKEY, hereinafter referred to as Turkey,

of the other part,

CONSIDERING THAT:

- (1) The Agreement establishing an Association between the European Economic Community and Turkey (hereinafter referred to as 'the Ankara Agreement') ⁽¹⁾ was signed in Ankara on 12 September 1963 and entered into force on 1 December 1964, and that it has been amended by a Supplementary Protocol, signed on 30 June 1973 ⁽²⁾, whereby it has become applicable to Denmark, Ireland and the United Kingdom.
- (2) The Ankara Agreement, as amended, has become applicable after their accession to the European Community to the Hellenic Republic, the Kingdom of Spain, the Republic of Austria, the Portuguese Republic, the Republic of Finland and the Kingdom of Sweden.
- (3) The Ankara Agreement shall be applicable to Turkey and to all Member States of the European Union as enlarged through the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (hereinafter referred to as 'Treaty of Accession') ⁽³⁾ which was signed in Athens on 16 April 2003 and entered into force on 1 May 2004;

DETERMINED to further develop the Association in the context of an enlarged Union,

HAVE AGREED AS FOLLOWS:

CONTRACTING PARTIES AND TERRITORY OF APPLICATION*Article 1*

1. The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic (hereinafter referred to as the new Member States) shall be Parties to the Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963, and shall respectively adopt and take note, like the other Member States of the European Community, namely the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland, of the texts of this Agreement, of the Protocols and Declarations annexed to the Final Act signed on the same date as well as of all subsequent amendments, Agreements, Protocols, Decisions and Declarations adopted which are related to the Ankara Agreement.

2. The expression 'European Economic Community' or, abbreviated, 'Community' shall be replaced by the expression 'European Community' throughout the texts referred to in the previous paragraph.

3. Article 29 of the Ankara Agreement is replaced by the following text:

⁽¹⁾ OJ 217, 29.12.1964, p. 3687.

⁽²⁾ OJ L 361, 31.12.1977, p. 2.

⁽³⁾ OJ L 236, 23.9.2003, p. 17.

'Article 29

This Agreement shall apply to the territory to which the Treaty establishing the European Community applies, under the conditions set out in that Treaty, and to the territory of the Republic of Turkey.'

EXPIRY OF THE ECSC TREATY AND ECSC PRODUCTS*Article 2***Expiry of the ECSC Treaty**

To take into account recent institutional developments within the European Union, the Parties agree that following the expiry of the Treaty establishing the European Coal and Steel Community (ECSC), existing provisions in the agreements and related acts in Article 1(1) referring to the European Coal and Steel Community shall be deemed to refer to the European Community, which has taken over all rights and obligations contracted by the European Coal and Steel Community.

*Article 3***Rules of Origin**

Protocol 1 to the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community ⁽⁴⁾ (hereinafter referred to as the Agreement on coal and steel products) shall be amended as follows:

⁽⁴⁾ OJ L 227, 7.9.1996, p. 3. Agreement as amended by Decision No 2/99 of the Joint Committee (OJ L 212, 12.8.1999, p. 21).

1. Article 16(4) shall be replaced by the following:

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

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

2. Article 17(2) shall be replaced by the following:

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

ES	“DUPLICADO”
CS	“DUPLIKÁT”
DA	“DUPLIKAT”
DE	“DUPLIKAT”
ET	“DUPLIKAAT”
EL	“ΑΝΤΙΓΡΑΦΟ”
EN	“DUPLICATE”
FR	“DUPLICATA”
IT	“DUPLICATO”
LV	“DUBLIKĀTS”
LT	“DUBLIKATAS”
HU	“MÁSODLAT”
MT	“DUPLIKAT”
NL	“DUPLICAAT”
PL	“DUPLIKAT”
PT	“SEGUNDA VIA”
SL	“DVOJNIK”

SK “DUPLIKÁT”

FI “KAKSOISKAPPALE”

SV “DUPLIKAT”

TR “İKİNCİ NÜSHADIR”;

3. Annex IV shall be replaced by the following:

‘ANNEX IV

Text of the invoice declaration

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

Spanish version

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

Czech version

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

Danish version

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

German version

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

Estonian version

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

Greek version

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

English version

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

French version

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

Italian version

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

Latvian version

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

Lithuanian version

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

Hungarian version

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

Maltese version

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

Dutch version

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

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ... ⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ... ⁽²⁾ preferencyjne pochodzenie.

Portuguese version

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

Slovenian version

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

Slovak version

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

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa nro ... ⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperäistuotteita ⁽²⁾.

Swedish version

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

Turkish version

İşbu belge (gümrük onay No: ... ⁽¹⁾) kapsamındaki maddelerin ihracatçısı aksi açıkça belirtilmedikçe, bu maddelerin ... menşeli ve tercihli ⁽²⁾ maddeler olduğunu beyan eder.

..... ⁽³⁾ (Place and date)

..... ⁽⁴⁾

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

⁽¹⁾ When the invoice declaration is made out by an approved exporter within the meaning of Article 20 of the Protocol, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

⁽²⁾ Origin of products to be indicated. When the invoice declaration relates, in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 33 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

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

⁽⁴⁾ See Article 19(5) of the Protocol. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory (*).

(*) The protocol referred to in these footnotes refers to Protocol 1 to the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community.

AGRICULTURAL PRODUCTS

Article 4

Rules of Origin

Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products ⁽⁵⁾ (hereinafter referred to as the Decision on agricultural products) shall be amended as follows:

1. Article 16(4) shall be replaced by the following:

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

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

2. Article 17(2) shall be replaced by the following:

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

ES	“DUPLICADO”
CS	“DUPLIKÁT”
DA	“DUPLIKAT”
DE	“DUPLIKAT”
ET	“DUPLIKAAT”
EL	“ΑΝΤΙΓΡΑΦΟ”
EN	“DUPLICATE”
FR	“DUPLICATA”
IT	“DUPLICATO”
LV	“DUBLIKĀTS”
LT	“DUBLIKATAS”

HU	“MÁSODLAT”
MT	“DUPLIKAT”
NL	“DUPLICAAT”
PL	“DUPLIKAT”
PT	“SEGUNDA VIA”
SL	“DVOJNIK”
SK	“DUPLIKÁT”
FI	“KAKSOISKAPPALE”
SV	“DUPLIKAT”
TR	“İKİNCİ NÜSHADIR”;

3. Annex IV shall be replaced by the following:

‘ANNEX IV

Text of the invoice declaration

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

Spanish version

El exportador de los productos incluidos en el presente documento [autorización aduanera nº ... ⁽¹⁾] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ... ⁽²⁾.

Czech version

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

Danish version

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

German version

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

Estonian version

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

Greek version

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

⁽⁵⁾ OJ L 86, 20.3.1998, p. 1.

English version

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

French version

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

Italian version

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

Latvian version

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

Lithuanian version

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

Hungarian version

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

Maltese version

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

Dutch version

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

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ...⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ...⁽²⁾ preferencyjne pochodzenie.

Portuguese version

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

Slovenian version

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

Slovak version

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

Finnish version

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

Swedish version

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

Turkish version

İşbu belge (gümrük onay No: ...⁽¹⁾) kapsamındaki maddelerin ihracatçısı aksi açıkça belirtilmedikçe, bu maddelerin ... menşeli ve tercihli⁽²⁾ maddeler olduğunu beyan eder.

.....⁽³⁾ (Place and date)

.....⁽⁴⁾

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

⁽¹⁾ When the invoice declaration is made out by an approved exporter within the meaning of Article 20 of the Protocol, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

⁽²⁾ Origin of products to be indicated. When the invoice declaration relates, in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 34 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

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

⁽⁴⁾ See Article 19(5) of the Protocol. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory^(*).

^(*) The protocol referred to in these footnotes refers to Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products.

Article 5

Adjustment of tariff quotas for agricultural products

The arrangements for import into the Community applicable to certain agricultural products originating in Turkey and the arrangements for import into Turkey applicable to certain agricultural products originating in the Community shall be jointly and orderly agreed by the Parties, as soon as possible, under the institutional framework of the Ankara Agreement. In doing so, existing trade concessions and the traditional trade flows in agricultural products between Turkey and the New Member States shall be duly respected.

CUSTOMS UNION PROVISIONS

Article 6

A.TR movement certificate and administrative cooperation

1. A.TR movement certificates properly issued by Turkey or the new Member States shall be accepted in the respective countries. The provisions for the issuing of A.TR movement certificates and for the relevant administrative cooperation are set out in Decision 1/2001 of the EC-Turkey Customs Cooperation Committee ⁽⁶⁾.

2. Duplicate A.TR movement certificates issued according to Article 10 of Decision 1/2001 must be endorsed with one of the following words:

ES 'DUPLICADO'
CS 'DUPLIKÁT'
DA 'DUPLIKAT'
DE 'DUPLIKAT'
ET 'DUPLIKAAT'
EL 'ΑΝΤΙΓΡΑΦΟ'
EN 'DUPLICATE'
FR 'DUPLICATA'
IT 'DUPLICATO'
LV 'DUBLIKĀTS'
LT 'DUBLIKATAS'
HU 'MÁSODLAT'
MT 'DUPLIKAT'
NL 'DUPLICAAT'
PL 'DUPLIKAT'
PT 'SEGUNDA VIA'
SL 'DVOJNIK'
SK 'DUPLIKÁT'
FI 'KAKSOISKAPPALE'
SV 'DUPLIKAT'
TR 'İKİNCİ NÜSHADIR';

3. A.TR movement certificates issued under the simplified procedure according to Article 11(6) of Decision 1/2001 must be endorsed with one of the following phrases:

ES 'PROCEDIMIENTO SIMPLIFICADO'
CS 'ZJEDNODUŠENÝ POSTUP'
DA 'FORENKLET FREMGANGSMÅDE'
DE 'VEREINFACHTES VERFAHREN'
ET 'LIHTSUSTATUD TOLLIPROTSEDUUR'
EL 'ΑΠΛΟΥΣΤΕΥΜΕΝΗ ΔΙΑΔΙΚΑΣΙΑ'
EN 'SIMPLIFIED PROCEDURE'
FR 'PROCÉDURE SIMPLIFIÉE'
IT 'PROCEDURA SEMPLIFICATA'
LV 'VIENKĀRŠOTA PROCEDŪRA'
LT 'SUPAPRASTINTA PROCEDŪRA'
HU 'EGYSZERŰSÍTETT ELJÁRÁS'
MT 'PROCEDURA SIMPLIFIKATA'
NL 'VEREENVOUDIGDE REGELING'
PL 'PROCEDURA UPROSZCZONA'
PT 'PROCEDIMENTO SIMPLIFICADO'
SL 'POENOSTAVLJEN POSTOPEK'
SK 'ZJEDNODUŠENÝ POSTUP'
FI 'YKSINKERTAISTETTU MENETTELY'
SV 'FÖRENKLAT FÖRFARANDE'
TR 'BASİTLEŞTİRİLMİŞ İŞLEM'.

4. A.TR movement certificates issued retrospectively according to Article 14 of Decision 1/2001 must be endorsed with one of the following phrases:

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

⁽⁶⁾ OJ L 98, 7.4.2001, p. 31. Decision as amended by Decision No 1/2003 (OJ L 28, 4.2.2003, p. 51).

*Article 7***Outward processing**

1. Information sheet INF 2, issued properly in accordance with Articles 22 to 26 of Decision 1/2001 of the EC-Turkey Customs Cooperation Committee by Turkey or the new Member States, shall be accepted in the respective countries.

2. Duplicate Information sheets INF 2 issued according to Article 26 of Decision 1/2001 must be endorsed with one of the following words:

ES 'DUPLICADO'

CS 'DUPLIKÁT'

DA 'DUPLIKAT'

DE 'DUPLIKAT'

ET 'DUPLIKAAT'

EL 'ΑΝΤΙΓΡΑΦΟ'

EN 'DUPLICATE'

FR 'DUPLICATA'

IT 'DUPLICATO'

LV 'DUBLIKĀTS'

LT 'DUBLIKATAS'

HU 'MÁSODLAT'

MT 'DUPLIKAT'

NL 'DUPLICAAT'

PL 'DUPLIKAT'

PT 'SEGUNDA VIA'

SL 'DVOJNIK'

SK 'DUPLIKÁT'

FI 'KAKSOISKAPPALE'

SV 'DUPLIKAT'

TR 'İKİNCİ NÜSHADIR'.

*Article 8***Returned goods**

1. Information sheet INF 3, issued properly in accordance with Articles 35 to 41 of Decision 1/2001 of the EC-Turkey Customs Cooperation Committee by Turkey or the new Member States, shall be accepted in the respective countries.

2. Duplicate Information sheets INF 3 issued according to Article 40 of Decision 1/2001 must be endorsed with one of the following words:

ES 'DUPLICADO'

CS 'DUPLIKÁT'

DA 'DUPLIKAT'

DE 'DUPLIKAT'

ET 'DUPLIKAAT'

EL 'ΑΝΤΙΓΡΑΦΟ'

EN 'DUPLICATE'

FR 'DUPLICATA'

IT 'DUPLICATO'

LV 'DUBLIKĀTS'

LT 'DUBLIKATAS'

HU 'MÁSODLAT'

MT 'DUPLIKAT'

NL 'DUPLICAAT'

PL 'DUPLIKAT'

PT 'SEGUNDA VIA'

SL 'DVOJNIK'

SK 'DUPLIKÁT'

FI 'KAKSOISKAPPALE'

SV 'DUPLIKAT'

TR 'İKİNCİ NÜSHADIR'.

TRANSITIONAL PROVISIONS*Article 9***Proof of status under the provisions on free circulation for industrial products**

1. Proofs of origin properly issued by either Turkey or a new Member State in the framework of preferential trade agreements applied between them and allowing with the Community a cumulation of origin based on identical rules of origin and a prohibition of any drawback or suspension from customs duties on the goods concerned, shall be accepted in the respective countries as a proof of status under the provisions on free circulation for industrial products, laid down in Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union (7), provided that:

- (a) the proof of origin and the transport documents were issued no later than 30 April 2004;
- (b) the proof of origin is submitted to the customs authorities within the period of four months from 1 May 2004.

Where goods were declared for importation in either Turkey or a new Member State, prior to 1 May 2004, in the framework of preferential trade agreements mentioned above, proof of origin issued retrospectively under those agreements may also be accepted provided that it is submitted to the customs authorities at the latest on 31 August 2004.

(7) OJ L 35, 13.2.1996, p. 1. Decision as amended by Decision No 2/1999 (OJ L 72, 18.3.1999, p. 36).

2. Requests for subsequent verification of proof of origin referred to in paragraph 1 shall be accepted by the competent customs authorities of either Turkey or the new Member States for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin submitted to those authorities in support of an import declaration.

Article 10

Proof of origin and administrative cooperation under the provisions of preferential agreements on coal and steel products and agricultural products ⁽⁸⁾

1. Proofs of origin properly issued by either Turkey or a new Member State in the framework of preferential agreements applied between them for products other than those referred to in Article 9 shall be accepted in the respective countries provided that:

- (a) the acquisition of such origin confers preferential tariff treatment on the basis of the preferential tariff measures contained in either the Agreement on coal and steel products or the Decision on agricultural products;
- (b) the proof of origin and the transport documents were issued no later than 30 April 2004;
- (c) the proof of origin is submitted to the customs authorities within the period of four months from 1 May 2004.

Where goods were declared for importation in either Turkey or a new Member State, prior to 1 May 2004, under preferential agreements applied between Turkey and that new Member State at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted provided that it is submitted to the customs authorities at the latest on 31 August 2004.

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

- (a) such a provision is also provided for in the agreements concluded prior to 1 May 2004 between Turkey and the Community; and
- (b) the approved exporter applies the rules of origin in force under that agreement provided for either in Protocol 1 to the Agreement on coal and steel products or in Protocol 3 to the Decision on agricultural products.

These authorisations shall be replaced, no later than one year after the date of accession, by new authorisations issued under the conditions of either Protocol 1 to the Agreement on coal and steel products or Protocol 3 to the Decision on agricultural products.

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

Article 11

Goods in transit

1. The provisions on free circulation for industrial products, laid down in Decision No 1/95 of the EC-Turkey Association Council, or the preferential tariff treatment conferred on the basis of the preferential tariff measures contained in either the Agreement on coal and steel products or the Decision on agricultural products may be applied to goods exported from either Turkey to one of the new Member States or from one of the new Member States to Turkey, which comply either with the conditions for the implementation of the provisions on free circulation for industrial products or with the provisions of either Protocol 1 to the Agreement on coal and steel products or Protocol 3 to the Decision on agricultural products and that on the date of accession are either in transit or in temporary storage, in a customs warehouse or in a free zone in Turkey or in that new Member State.

2. Provisions on free circulation for industrial products shall be applied or preferential tariff treatment shall be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months of the date of accession, of either a proof of status or a proof of origin issued retrospectively by the customs authorities of the exporting country.

GENERAL AND FINAL PROVISIONS

Article 12

This Protocol shall form an integral part of the Ankara Agreement.

Article 13

1. This Protocol shall be ratified or approved by the Parties in accordance with their own procedures.

2. The Parties shall notify each other of the accomplishment of the corresponding procedures referred to in paragraph 1. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.

⁽⁸⁾ Referred to in the 2003 Act of Accession, Annex IV No 5, paragraphs 3 to 5 (OJ L 236, 23.9.2003, p. 33).

Article 14

This Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of ratification or approval; it shall apply as of 1 May 2004.

Article 15

This Protocol is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish,

Portuguese, Slovene, Slovak, Spanish, and Swedish languages and Turkish, each of these texts being equally authentic.

Article 16

The text of the Ankara Agreement, including the Annexes and Protocols forming an integral part thereof, and the Final Act together with the declarations annexed thereto shall be drawn up in Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages, and these texts shall be authentic in the same way as the original text. The Association Council shall approve these texts.

Hecho en Bruselas, el

V Bruselu dne

Udfærdiget i Bruxelles, den

Geschehen zu Brüssel am

Brüsselis

Έγινε στις Βρυξέλλες, στις

Done at Brussels,

Fait à Bruxelles, le

Fatto a Bruxelles, addì

Briselē,

Priimta Briuselyje,

Kelt Brüsszelben,

Maghmula fi Brussel,

Gedaan te Brussel,

Sporządzono w Brukseli, dnia

Feito em Bruxelas,

V Bruseli

V Bruslju,

Tehty Brysselissä

Utfärdat i Bryssel den

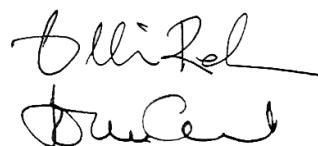
Brüksel 'de akdedilmiştir,

29/vii/2005

Por los Estados miembros
Za členské státy
For medlemsstaterne
Für die Mitgliedstaaten
Liikmesriikide nimel
Για τα κράτη μέλη
For the Member States
Pour les États membres
Per gli Stati membri
Dalībvalstu vārdā
Valstybių narių vardu
A tagállamok részéről
Ghall-Istati Membri
Voor de lidstaten
W imieniu Państw Członkowskich
Pelos Estados-Membros
Za členské štáty
Za države članice
Jäsenvaltioiden puolesta
På medlemsstaternas vägnar
Üye Devletler adına



Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Ghall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
Avrupa Topluluğu adına



Por la República de Turquía
Za Tureckou republiku
For Republikken Tyrkiet
Für die Republik Türkei
Türki Vabariigi nimel
Για την Τουρκική Δημοκρατία
For the Republic of Turkey
Pour la République de Turquie
Per la Repubblica di Turchia
Turcijas Republikas vārdā
Turkijos Respublikos vardu
A Török Köztársaság részéről
Ghar-Republikka tat- Turkija
Voor de Republiek Turkije
W imieniu Republiki Turcji
Pela República da Turquia
Za Tureckú republiku
Za Republiko Turčijo
Turkin tasavallan puolesta
för Republiken Turkiet
Türkiye Cumhuriyeti adına



COUNCIL DECISION
of 20 September 2005
amending Annex II of Directive 2000/53/EC of the European Parliament and of the Council on
end-of-life vehicles

(Text with EEA relevance)

(2005/673/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles ⁽¹⁾, and in particular Article 4(2)(b) thereof,

Whereas:

- (1) Under Directive 2000/53/EC the Commission is required to evaluate the use of lead, mercury, cadmium or hexavalent chromium which are prohibited by Article 4(2)(a) of that Directive.
- (2) Having carried out the requisite technical and scientific assessments the Commission has reached a number of conclusions.
- (3) Certain exemptions from the prohibition should not be prolonged because the use of lead, mercury, cadmium or hexavalent chromium in those applications has become avoidable.
- (4) Certain materials and components containing lead, mercury, cadmium or hexavalent chromium should be exempt or continue to be exempt from the prohibition of Article 4(2)(a), since the use of these substances in those specific materials and components is still unavoidable. In some cases it is appropriate to review the expiry date of these exemptions in order to assess whether the use of the prohibited substances is still unavoidable in the future.

- (5) In the case of aluminium for machining purposes with a lead content up to 1,5 % by weight, described in point

(2)(a) of the Annex, the Commission will assess, by 1 July 2007, whether the expiry date of that exemption has to be reviewed in relation to the availability of substitutes of lead.

- (6) In the case of lead-bearing shell and bushes, described in point (4) of the Annex, the Commission will assess, by 1 July 2007, whether the expiry date of that exemption has to be reviewed in order to ensure that lead-free technology can be applied in all engines and transmissions without harming their proper functioning.

- (7) In the case of the use of hexavalent chromium in corrosion preventive coatings related to bolt and nut assemblies for chassis applications, described in point (13)(b) of the Annex, the Commission will assess, by 1 July 2007, whether the expiry date of that exemption has to be reviewed in order to ensure that no accidental disconnection of essential mechanical parts can occur in the lifetime of the vehicle.

- (8) In the case of the use of cadmium in batteries for electrical vehicles, described in point 17 of the Annex, the Commission will assess, by the end of 2007, whether the expiry date of that exemption has to be reviewed in order to ensure the availability of alternative battery technologies and electrical vehicles.

- (9) Directive 2000/53/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to Commission Decision 2005/438/EC ⁽²⁾, Annex II to Directive 2000/53/EC shall be replaced by the text set out in the Annex to this Decision.

⁽¹⁾ OJ L 269, 21.10.2000, p. 34. Directive as last amended by Commission Decision 2005/438/EC (OJ L 152, 15.6.2005, p. 19).

⁽²⁾ OJ L 152, 15.6.2005, p. 19.

Article 2

This Decision shall apply from 1 July 2005.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 September 2005.

For the Council

The President

M. BECKETT

ANNEX

‘ANNEX II

Materials and components exempt from Article 4(2)(a)

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with Article 4(2)(b)(iv)
<i>Lead as an alloying element</i>		
1. Steel for machining purposes and galvanised steel containing up to 0,35 % lead by weight		
2(a). Aluminium for machining purposes with a lead content up to 1,5 % by weight	1 July 2008	
2(b). Aluminium for machining purposes with a lead content up to 0,4 % by weight		
3. Copper alloy containing up to 4 % lead by weight		
4. Bearing shells and bushes	1 July 2008	
<i>Lead and lead compounds in components</i>		
5. Batteries		X
6. Vibration dampers		X
7(a). Vulcanising agents and stabilisers for elastomers in fluid handling and powertrain applications containing up to 0,5 % lead by weight	1 July 2006	
7(b). Bonding agents for elastomers in powertrain applications containing up to 0,5 % lead by weight		
8. Solder in electronic circuit boards and other electric applications		X ⁽ⁱ⁾
9. Copper in friction materials of brake linings containing more than 0,4 % lead by weight	1 July 2007	X
10. Valve seats	Engine types developed before 1 July 2003: 1 July 2007	
11. Electrical components which contain lead in a glass or ceramic matrix compound except glass in bulbs and glaze of spark plugs		X ⁽ⁱⁱ⁾ (for components other than piezo in engines)
12. Pyrotechnic initiators	Vehicles type-approved before 1 July 2006 and replacement initiators for these vehicles	
<i>Hexavalent chromium</i>		
13(a). Corrosion preventive coatings	1 July 2007	
13(b). Corrosion preventive coatings related to bolt and nut assemblies for chassis applications	1 July 2008	
14. Absorption refrigerators in motorcaravans		X
<i>Mercury</i>		
15. Discharge lamps and instrument panel displays		X
<i>Cadmium</i>		
16. Thick film pastes	1 July 2006	

17. Batteries for electrical vehicles	After 31 December 2008, the placing on the market of NiCd batteries shall only be allowed as replacement parts for vehicles put on the market before this date	X
18. Optical components in glass matrixes used for Driver Assistance Systems	1 July 2007	X

(ⁱ) Dismantling if, in correlation with entry 11, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

(ⁱⁱ) Dismantling if, in correlation with entry 8, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

Notes:

- A maximum concentration value up to 0,1 % by weight and per homogeneous material, for lead, hexavalent chromium and mercury and up to 0,01 % by weight per homogeneous material for cadmium shall be tolerated.
- The re-use of parts of vehicles which were already on the market at the date of expiry of an exemption is allowed without limitation since it is not covered by Article 4(2)(a).'