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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1679/2005**of 6 October 2005****amending Regulation (EEC) No 2075/92 on the common organisation of the market in raw tobacco**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

(1) Titles I and II of Regulation (EEC) No 2075/92 ⁽³⁾ establish a premium as well as a production limitation system for tobacco production.

(2) Article 152 of Regulation (EC) No 1782/2003 ⁽⁴⁾, which has established common rules for direct support schemes under the common agricultural policy and certain support schemes for farmers, provides for the deletion of Titles I and II of Regulation (EEC) No 2075/92 as of 1 January 2005 but specifies that they shall continue to apply in respect of the 2005 harvest. The premium and production limitation schemes provided for in Regulation (EEC) No 2075/92 expire as from the end of the 2005 harvest.

(3) Consequently a number of Articles of Regulation (EEC) No 2075/92 become obsolete and should be deleted for reasons of legal clarity and transparency.

(4) It is therefore necessary to amend Regulation (EEC) No 2075/92 accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2075/92 is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

The common organisation of the market in raw tobacco shall cover raw or non-manufactured tobacco and tobacco refuse falling within CN heading 2401.;

2. Articles 2, 12, 19, 25, 26 and 27 and the Annex shall be deleted;

3. Article 13(2)(b) shall be replaced by the following:

'(b) specific measures to help tobacco growers to switch to other crops or other economic activities that create employment and studies of the possibilities for tobacco growers to do so;'

4. Article 14 shall be deleted;

5. Article 14a shall be replaced by the following:

'Article 14a

Detailed rules for the application of Article 13 shall be adopted in accordance with the procedure referred to in Article 23.;

⁽¹⁾ Opinion delivered on 6 September 2005 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 28 September 2005 (not yet published in the Official Journal).

⁽³⁾ OJ L 215, 30.7.1992, p. 70. Regulation as last amended by Regulation (EC) No 2319/2003 (OJ L 345, 31.12.2003, p. 17).

⁽⁴⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 118/2005 (OJ L 24, 27.1.2005, p. 15).

6. Article 17 shall be replaced by the following:

‘Article 17

1. Member States shall take all the necessary action to ensure and verify compliance with Community provisions concerning raw tobacco.

2. Detailed rules for the application of this Title shall be adopted in accordance with the procedure referred to in Article 23.’

Article 2

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

Article 1(1), (2) and (6) shall apply from 1 January 2006.

However, the provisions necessary for the management and control of the premium system shall continue to apply in respect of the 2005 harvest.

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

Done at Luxembourg, 6 October 2005.

For the Council

The President

A. DARLING

COMMISSION REGULATION (EC) No 1680/2005**of 14 October 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 15 October 2005.

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

Done at Brussels, 14 October 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 14 October 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	49,2
	204	45,6
	999	47,4
0707 00 05	052	105,9
	999	105,9
0709 90 70	052	96,3
	999	96,3
0805 50 10	052	73,1
	388	65,2
	524	57,2
	528	64,9
	999	65,1
0806 10 10	052	89,2
	400	215,8
	999	152,5
0808 10 80	388	85,3
	400	101,3
	512	86,0
	528	11,2
	720	48,5
	800	163,1
	804	80,4
0808 20 50	999	82,3
	052	92,7
	388	56,9
	720	55,6
	999	68,4

⁽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 1681/2005**of 14 October 2005****fixing the minimum selling prices for butter for the 172nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The intervention agencies are, pursuant to 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 ⁽²⁾, to sell by invitation to tender certain quantities of butter from intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price or aid may vary according to the

intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) 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 minimum selling prices of butter from intervention stocks and processing securities applying for the 172nd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 October 2005.

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

Done at Brussels, 14 October 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 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

to the Commission Regulation of 14 October 2005 fixing the minimum selling prices for butter for the 172nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	206	210	—	—
		Concentrated	204,1	—	—	—
Processing security		Unaltered	79	79	—	—
		Concentrated	79	—	—	—

COMMISSION REGULATION (EC) No 1682/2005**of 14 October 2005****fixing the maximum aid for cream, butter and concentrated butter for the 172nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The intervention agencies are, pursuant to 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 ⁽²⁾, to sell by invitation to tender certain quantities of butter of intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further

stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) 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 maximum aid and processing securities applying for the 172nd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 October 2005.

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

Done at Brussels, 14 October 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 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

to the Commission Regulation of 14 October 2005 fixing the maximum aid for cream, butter and concentrated butter for the 172nd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter $\geq 82\%$	39	35	39	35
	Butter $< 82\%$	37	34,1	—	34
	Concentrated butter	46,5	42,6	46,5	42
	Cream	—	—	19	15
Processing security	Butter	43	—	43	—
	Concentrated butter	51	—	51	—
	Cream	—	—	21	—

COMMISSION REGULATION (EC) No 1683/2005

of 14 October 2005

fixing the minimum selling price for skimmed-milk powder for the 91st individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) According to Article 30 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award. The amount of the processing security shall also be fixed taking account of the difference between the market price of skimmed-milk powder and the minimum selling price.

(3) In the light of the tenders received, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly.

(4) 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

For the 91st individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 11 October 2005, the minimum selling price and the processing security are fixed as follows:

- | | |
|--------------------------|--------------------|
| — minimum selling price: | 185,30 EUR/100 kg, |
| — processing security: | 35,00 EUR/100 kg. |

Article 2

This Regulation shall enter into force on 15 October 2005.

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

Done at Brussels, 14 October 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 340, 31.12.1999, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 1684/2005**of 14 October 2005****fixing the maximum aid for concentrated butter for the 344th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (3) 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

For the 344th tender under the standing invitation to tender opened by Regulation (EEC) No 429/90 the maximum aid and the end-use security are fixed as follows:

- | | |
|---------------------|------------------|
| — maximum aid: | 45,5 EUR/100 kg, |
| — end-use security: | 50 EUR/100 kg. |

Article 2

This Regulation shall enter into force on 15 October 2005.

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

Done at Brussels, 14 October 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 45, 21.2.1990, p. 8. Regulation as last amended by Commission Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 1685/2005**of 14 October 2005****fixing the minimum selling price for butter for the 28th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no

award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

(3) In the light of the tenders received, a minimum selling price should be fixed.

(4) 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

For the 28th individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 11 October 2005, the minimum selling price for butter is fixed at 261,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 15 October 2005.

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

Done at Brussels, 14 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

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

COMMISSION REGULATION (EC) No 1686/2005**of 14 October 2005****setting the production levies and the coefficient for the additional levy in the sugar sector for the 2004/05 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the first indent of Article 15(8) and Article 16(5) thereof,

Whereas:

- (1) Article 8 of Commission Regulation (EC) No 314/2002 of 20 February 2002 laying down detailed rules for the application of the quota system in the sugar sector ⁽²⁾ provides that the basic production levy and the B levy together with, if required, the coefficient referred to in Article 16(2) of Regulation (EC) No 1260/2001 for sugar, isoglucose and inulin syrup are to be set before 15 October in respect of the preceding marketing year.
- (2) For the 2004/05 marketing year, Commission Regulation (EC) No 1462/2004 of 17 August 2004 revising the maximum amount for the B production levy and amending the minimum price for B beet in the sugar sector for the 2004/05 marketing year ⁽³⁾ increases the maximum amount of the B levy referred to in the first indent of Article 15(4) of Regulation (EC) No 1260/2001 to 37,5 % of the intervention price for white sugar.
- (3) For the 2004/05 marketing year, the estimate of the overall loss recorded in accordance with Article 15(1) and (2) of Regulation (EC) No 1260/2001 requires, in accordance with paragraphs 4 and 5 of that Article, the adoption of the maximum amounts of 2 % for the basic levy and 37,5 % for the B levy, set in the first indent of the second subparagraph of paragraph 3 of that Article and in Article 1 of Regulation (EC) No 1462/2004 respectively.
- (4) Article 16(1) of Regulation (EC) No 1260/2001 provides that an additional levy is to be charged where the overall loss recorded in accordance with Article 15(1) and (2) of that Regulation is not fully covered by the proceeds from the basic production levy and the B levy. For the

2004/05 marketing year, this uncovered overall loss amounts to EUR 133 529 997. The coefficient referred to in Article 16(2) of Regulation (EC) No 1260/2001 should therefore be set. For the purposes of fixing that coefficient, account should be taken of the levies set for the 2003/04 marketing year for the Member States of the Community as constituted on 30 April 2004.

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

HAS ADOPTED THIS REGULATION:

Article 1

The production levies in the sugar sector for the 2004/05 marketing year shall be as follows:

- (a) EUR 12,638 per tonne of white sugar as the basic production levy on A sugar and B sugar;
- (b) EUR 236,963 per tonne of white sugar as the B levy on B sugar;
- (c) EUR 5,330 per tonne of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (d) EUR 99,424 per tonne of dry matter as the B levy on B isoglucose;
- (e) EUR 12,638 per tonne of dry matter sugar/isoglucose equivalent as the basic production levy on A inulin syrup and B inulin syrup;
- (f) EUR 236,963 per tonne of dry matter sugar/isoglucose equivalent as the B levy on B inulin syrup.

Article 2

For the 2004/05 marketing year, the coefficient provided for in Article 16(2) of Regulation (EC) No 1260/2001 shall be 0,27033 for the Czech Republic, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia and 0,15935 for the other Member States.

⁽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 50, 21.2.2002, p. 40. Regulation as last amended by Regulation (EC) No 38/2004 (OJ L 6, 10.1.2004, p. 13).

⁽³⁾ OJ L 270, 18.8.2004, p. 4.

Article 3

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, 14 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1687/2005

of 14 October 2005

amending Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) with regard to adapting certain fees

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark ⁽¹⁾, and in particular Article 139(3) thereof,

Whereas:

- (1) Article 139(2) of Regulation (EC) No 40/94 lays down that the amounts of the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) (hereinafter referred to as 'the Office') are to be fixed at such a level as to ensure that the revenue in respect thereof is sufficient to ensure its budget is balanced.
- (2) A considerable increase in the Office's revenue is expected in the medium term, as a result, in particular, of the payment of renewal fees for Community trade marks.

- (3) The accession of the European Community to the Protocol relating to the Madrid Agreement concerning the international registration of marks approved by Council Decision 2003/793/EC ⁽²⁾ (hereinafter referred to as the 'Madrid Protocol') and the administration of the electronic registration procedure should simplify the said procedure and decrease its costs. The efficiency of the Office's management should also reduce expenditure.

- (4) A reduction in fees would therefore be an appropriate measure for ensuring that the budget is balanced as required, while fostering access to the system for users. Nonetheless, it should be pointed out that a slight surplus is always justified, as it makes it possible to deal with more or less unforeseeable situations as they arise, and to avoid undesirable deficits.

- (5) It would therefore be justified to modify the fees by an overall total of approximately EUR 35 to 40 million per

year. This sum should be divided between the application and registration fees on the one hand, and the renewal fee on the other. Moreover, a lower fee should be provided for if the application is made electronically.

- (6) Fluctuations in the main indicators should be monitored regularly in order to ensure that revenue is balanced with expenditure.

- (7) Commission Regulation (EC) No 2869/95 ⁽³⁾ should therefore be amended accordingly.

- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Fees, Implementation Rules and the Procedure of the Boards of Appeal of the Office for Harmonization in the Internal Market (Trade Marks and Designs),

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2869/95 is hereby amended as follows:

1. The table in Article 2 shall be amended as follows:

- (a) Point 1 shall be replaced by the following:

'1. Basic fee for the application for an individual mark [Article 26(2), Rule 4(a)] 900'.

- (b) The following point 1b shall be inserted:

'1b. Basic fee for the application for an individual mark by electronic means [Article 26(2), Rule 4(a)] 750'.

⁽¹⁾ OJ L 11, 14.1.1994, p. 1. Regulation as last amended by Regulation (EC) No 4221/2004 (OJ L 70, 9.3.2004, p. 1).

⁽²⁾ OJ L 296, 14.11.2003, p. 20.

⁽³⁾ OJ L 303, 15.12.1995, p. 33. Regulation as last amended by Regulation (EC) No 1042/2005 (OJ L 172, 5.7.2005, p. 22).

(c) Points 2 to 4 are replaced by:

- | | |
|--|-------|
| 2. Fee for each class of goods and services exceeding three for an individual mark [Article 26(2), Rule 4(a)] | 150 |
| 3. Basic fee for the application for a collective mark [Article 26(2) and Article 64(3), Rule 4(a) and Rule 42] | 1 300 |
| 4. Fee for each class of goods and services exceeding three for a collective mark [Article 26(2) and Article 64(3), Rule 4(b) and Rule 42] | 300' |

(d) Points 7 to 10 are replaced by:

- | | |
|--|-------|
| 7. Basic fee for the registration of an individual mark [Article 45, Rule 23(1)(a)] | 850 |
| 8. Fee for each class of goods and services exceeding three for an individual mark [Article 45, Rule 23(1)(b)] | 150 |
| 9. Basic fee for the registration of a collective mark [Article 45, Rule 23(1)(a)] and Rule 42] | 1 700 |
| 10. Fee for each class of goods and services exceeding three for a collective mark [Article 45 and Article 64(3); Rule 23(1)(b) and Rule 42] | 300'. |

(e) Points 12 to 15 are replaced by:

- | | |
|--|-------|
| 12. Basic fee for the renewal of an individual mark [Article 47(1), Rule 30(2)a)] | 1 500 |
| 12a. Basic fee for the renewal for an individual mark by electronic means [Article 47(1), Rule 30(2)a)] | 1 350 |
| 13. Fee for the renewal of each class of goods and services exceeding three for an individual mark [Article 47(1), Rule 30(2)(b)] | 400 |
| 14. Basic fee for the renewal of a collective mark [Article 47(1) and Article 64(3); Rule 30(2)(a) and Rule 42] | 3 000 |
| 15. Fee for the renewal of each class of goods and services exceeding three for a collective mark [Article 47(1) and Article 64(3); Rule 30(2)(b) and Rule 42] | 800' |

2. In Article 5(1), points (b) and (c) shall be deleted.

3. Article 8 is amended as follows:

(a) In paragraph 1, points (b) and (c) are deleted.

(b) In paragraph 3, points (a)(i) and (a)(iii) are deleted.

4. In Article 11(3), points (a) and (b) are replaced by the following:

'(a) for an individual mark: EUR 1 450 plus, where applicable, EUR 300 for each class of goods or services exceeding three;

(b) for a collective mark as referred to in Rule 121(1) of Commission Regulation (EC) No 2868/95: EUR 2 700 plus, where applicable, EUR 600 for each class of goods or services exceeding three.'

5. In Article 12(2), points (a) and (b) are replaced by the following:

'(a) for an individual mark: EUR 1 200 plus EUR 400 for each class of goods and services contained in the international registration exceeding three;

(b) for a collective mark as referred to in Rule 121(1) of Commission Regulation (EC) No 2868/95: EUR 2 700 plus EUR 800 for each class of goods and services contained in the international registration exceeding three.'

6. In Article 13(1), points (a) and (b) are replaced by the following:

'(a) for an individual mark: EUR 850 plus EUR 150 for each class of goods and services contained in the international registration exceeding three;

(b) for a collective mark: EUR 1 700 plus EUR 300 for each class of goods and services contained in the international registration exceeding three.'

Article 2

If the amounts of the fees described in articles 2, 11 and 12 change, the following transitional rules shall apply:

1. The amount of the application fee for Community trade marks, including, where applicable, fees for classes, shall be that which is laid down by the Regulation in force at the time that the application is filed in accordance with Article 25(1)(a) or (b) of Regulation (EC) No 40/94.

2. The amount of the registration fee for Community trade marks, including, where applicable, class fees, shall be that which is laid down by the Regulation in force at the time that the notification described in Rule 23(2) of Regulation (EC) No 2868/95 is sent.
3. The amount of the fee to be paid for submitting any other application or for initiating any other act shall be that which is laid down by the Regulation in force at the time of payment.
4. The amount of the fees provided for in Articles 11 and 12 shall be fixed in accordance with the common regulations under the Madrid agreement concerning the international registration of marks and the Protocol relating to that agreement.

Article 3

This Regulation shall enter into force on the seventh 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, 14 October 2005.

For the Commission

Charlie McCREEVY

Member of the Commission

COMMISSION REGULATION (EC) No 1688/2005

of 14 October 2005

implementing Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) At the time of their accession, Finland and Sweden were granted additional salmonella guarantees covering trade in fresh meat from bovine and porcine animals, fresh poultrymeat and table eggs which were extended to minced meat by Council Directive 94/65/EC ⁽²⁾. Those guarantees were set out in certain Directives, as amended by the Act of Accession for Austria, Finland and Sweden, namely as regards food in Council Directive 64/433/EEC ⁽³⁾, in respect of fresh meat, Council Directive 71/118/EEC ⁽⁴⁾ in respect of fresh poultrymeat and Directive 92/118/EEC ⁽⁵⁾ in respect of eggs.
- (2) As from 1 January 2006, Directives 64/433/EEC, 71/118/EEC, and 94/65/EC are to be repealed by Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC ⁽⁶⁾. Directive 92/118/EEC is to be amended by Directive 2004/41/EC.
- (3) Article 4 of Directive 2004/41/EC provides that pending the adoption of the necessary provisions on the basis of Regulations (EC) No 852/2004 ⁽⁷⁾, (EC) No 853/2004, (EC) No 854/2004 ⁽⁸⁾ of the European Parliament and of the Council or Council Directive 2002/99/EC ⁽⁹⁾, the implementing rules adopted on the basis of Directives 71/118/EEC and 94/65/EC and those adopted on the basis of Annex II to Directive 92/118/EEC, with the exception of Council Decision 94/371/EC ⁽¹⁰⁾ are to continue to apply *mutatis mutandis*.
- (4) As from 1 January 2006, new rules concerning special guarantees for food in respect of salmonella will apply under Regulation (EC) No 853/2004.
- (5) There is therefore a need to update and complement as appropriate the implementing provisions provided for in Commission Decision 95/168/EC of 8 May 1995 establishing, as regards salmonella, additional guarantees for consignments to Finland and Sweden of certain types of eggs intended for human consumption ⁽¹¹⁾, Council Decision 95/409/EC of 22 June 1995 laying down the rules for the microbiological testing by sampling of fresh beef and veal and pigmeat intended for Finland and Sweden ⁽¹²⁾, Council Decision 95/411/EC of 22 June 1995 laying down the rules for the microbiological testing for salmonella by sampling of fresh poultry meat intended for Finland and Sweden ⁽¹³⁾, and Commission Decision 2003/470/EC of 24 June 2003 on the authorisation of certain alternative methods to be used in microbiological testing of meat intended for Finland and Sweden ⁽¹⁴⁾, pursuant to the new provisions of Regulation (EC) No 853/2004. It is furthermore appropriate to gather all the provisions in one Commission Regulation and to repeal Decisions 95/168/EC, 95/409/EC, 95/411/EC and 2003/470/EC.

⁽¹⁾ OJ L 139, 30.4.2004, p. 3, as corrected by OJ L 226, 25.6.2004, p. 22.

⁽²⁾ OJ L 368, 31.12.1994, p. 10. Directive as amended by Regulation (EC) No 806/2003 (OJ L 22, 16.5.2003, p. 1).

⁽³⁾ OJ L 121, 29.7.1964, p. 2012/64. Directive as last amended by the 2005 Act of Accession.

⁽⁴⁾ OJ L 55, 8.3.1971, p. 23. Directive as last amended by the 2005 Act of Accession.

⁽⁵⁾ OJ L 62, 15.3.1993, p. 49. Directive as last amended by Commission Regulation (EC) No 445/2004 (OJ L 72, 11.3.2004, p. 60).

⁽⁶⁾ OJ L 157, 30.4.2004, p. 33, as corrected by OJ L 195, 2.6.2004, p. 12.

⁽⁷⁾ OJ L 139, 30.4.2004, p. 1, as corrected by OJ L 226, 25.6.2004, p. 3.

⁽⁸⁾ OJ L 139, 30.4.2004, p. 206, as corrected by OJ L 226, 25.6.2004, p. 83.

⁽⁹⁾ OJ L 18, 23.1.2003, p. 11.

⁽¹⁰⁾ OJ L 168, 2.7.1994, p. 34.

⁽¹¹⁾ OJ L 109, 16.5.1995, p. 44. Decision as amended by Decision 97/278/EC (OJ L 110, 26.4.1997, p. 77).

⁽¹²⁾ OJ L 243, 11.10.1995, p. 21. Decision as amended by Decision 98/227/EC (OJ L 87, 21.3.1998, p. 14).

⁽¹³⁾ OJ L 243, 11.10.1995, p. 29. Decision as amended by Decision 98/227/EC.

⁽¹⁴⁾ OJ L 157, 26.6.2003, p. 66.

- (6) Implementing provisions should also be adopted for the new special guarantees laid down in Regulation (EC) No 853/2004 as regard minced meat from poultry.
- (7) The rules relating to microbiological tests by sampling should be drawn up laying down the sampling method, the number of samples to be taken and the microbiological method to be used for examining the samples.
- (8) In the rules on sampling methods, it is appropriate to make a distinction, as regards meat from bovine and porcine animals, between carcasses and half carcasses, on the one hand and quarters, cuts and smaller pieces on the other, and, as regards meat from poultry, between whole carcasses, on the one hand, and parts of carcasses and offal on the other.
- (9) It is appropriate to take account of international methods for the sampling and for the microbiological examination of samples, as reference methods, while allowing the use of certain alternative methods that have been validated and certified as providing equivalent guarantees.
- (10) It is necessary to update or to establish where appropriate the models of trade and certification documents accompanying consignments and declaring or certifying that the guarantees are fulfilled.
- (11) Pursuant to Article 8(2)(c) and (d) of Regulation (EC) No 853/2004, the special guarantees should not be applicable to any consignment that is subject to a programme recognised as equivalent to that implemented by Finland and Sweden, or to consignments of meat from bovine and porcine animals and eggs destined to special treatments.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Sampling of meat from bovine animals

The sampling of meat from bovine animals, including minced meat but excluding meat preparations and mechanically separated meat, intended for Finland and Sweden, and subjected to a microbiological test shall be carried out in accordance with Annex I.

Article 2

Sampling of meat from porcine animals

The sampling of meat from porcine animals, including minced meat but excluding meat preparations and mechanically separated meat, intended for Finland and Sweden and subjected to a microbiological test, shall be carried out in accordance with Annex I.

Article 3

Sampling of meat from poultry

The sampling of meat from domestic fowl, turkeys, guinea fowl, ducks and geese, including minced meat but excluding meat preparations and mechanically separated meat, intended for Finland and Sweden and subjected to a microbiological test, shall be carried out in accordance with Annex II.

Article 4

Sampling of the flocks of origin of eggs

The sampling of the flocks of origin of the eggs intended for Finland and Sweden and subjected to a microbiological test shall be carried out in accordance with Annex III.

Article 5

Microbiological methods for the examination of the samples

1. Microbiological testing for salmonella of the samples taken in accordance with Articles 1 to 4 shall be carried out in accordance with the most recent edition of:

(a) standard EN/ISO 6579 ⁽¹⁵⁾ (EN/ISO 6579); or

(b) method No 71 described by the Nordic Committee on Food Analysis (NMKL) ⁽¹⁶⁾ (method No 71).

Where the results of the microbiological testing are contested between Member States, the most recent edition of EN/ISO 6579 shall be regarded as the reference method.

2. However, for samples of meat from bovine and porcine animals and of meat from poultry, the following analytical methods, which shall be validated by the use of meat samples in the validation studies, may be used for the microbiological testing for salmonella:

⁽¹⁵⁾ EN/ISO 6579: Microbiology of food and animal feeding stuffs — Horizontal method for the detection of *Salmonella* spp.

⁽¹⁶⁾ NMKL method No 71: *Salmonella*. Detection in food.

methods that have been validated against the most recent editions of EN/ISO 6579 or of method No 71 and if a proprietary method, certified by a third party in accordance with the protocol set out in standard EN/ISO 16140 (EN/ISO 16140) or other internationally accepted protocols.

Article 6

Documentation

1. Consignments of meat referred to in Articles 1, 2 and 3 shall be accompanied by a trade document complying with the model set out in Annex IV.

2. Consignments of egg referred to in Article 4 shall be accompanied by a certificate complying with the model set out in Annex V.

Article 7

Decisions 95/168/EC, 95/409/EC, 95/411/EC and 2003/470/EC are repealed.

Article 8

This Regulation shall enter into force on the 20th day following its publication in the *Official journal of the European Union*.

It shall apply from 1 January 2006.

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

Done at Brussels, 14 October 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Sampling rules applicable to meat or minced meat from bovine and porcine animals when intended for Finland and Sweden**Section A****SAMPLING METHOD****1. Carcasses, half-carcasses and quarters obtained from the slaughterhouse of origin (swab technique)**

The non-destructive sampling method as described in ISO 17604 standard, including the rules for storage and transport of samples must be used.

For beef carcasses, three sites must be sampled (leg, flank and neck). For pork carcasses, two sites must be sampled (leg and brisket). An abrasive sponge sampling method must be used. The sampling area must cover a minimum of 100 cm² per site selected. Samples from the different sampling sites on the carcass must be pooled before examination.

Each sample must be duly marked and identified.

2. Quarter cuts obtained from an establishment other than the slaughterhouse of origin of the carcass, cuts and smaller pieces (destructive method)

Pieces of tissue must be obtained by punching a sterile cork borer into the meat surface or cutting a slice of tissue of approximately 25 cm² with sterile instruments. The samples must be aseptically transferred into a sample container or plastic dilution bag and then homogenised (peristaltic stomacher or rotary blender (homogeniser)). Samples of frozen meat must remain frozen during transport to the laboratory. Samples from chilled meat must not be frozen but kept refrigerated. Separate samples of the same consignment may be pooled as established in EN/ISO 6579 standard, up to a maximum of 10.

Each sample must be duly marked and identified.

3. Minced meat (destructive method)

Pieces of meat must be obtained by sampling of approximately 25 g with sterile instruments. The samples must be aseptically transferred into a sample container or plastic dilution bag and then homogenised (peristaltic stomacher or rotary blender (homogeniser)). Samples of frozen meat must remain frozen during transport to the laboratory. Samples from chilled meat must not be frozen but kept refrigerated. Separate samples of the same consignment may be pooled as established in EN/ISO 6579 standard, up to a maximum of 10.

Each sample must be duly marked and identified.

Section B**NUMBER OF SAMPLES TO BE TAKEN****1. Carcasses, half-carcasses, half-carcasses cut into a maximum of three pieces and quarters referred to under A(1)**

The number of carcasses or half-carcasses (units) in a consignment of which separate random samples are to be taken must be as follows:

Consignment (number of packing units)	Number of packing units to be sampled
1-24	Number equal to the number of packing units, with a maximum of 20
25-29	20
30-39	25
40-49	30
50-59	35
60-89	40
90-199	50
200-499	55
500 or more	60

2. Quarters, cuts and smaller pieces as referred to under A(2) and minced meat as referred to under A(3)

The number of packing units in the consignment of which separate random samples are to be taken must be as follows:

Consignment (number of packing units)	Number of packing units to be sampled
1-24	Number equal to the number of packing units, with a maximum of 20
25-29	20
30-39	25
40-49	30
50-59	35
60-89	40
90-199	50
200-499	55
500 or more	60

Depending on the weight of the packing units, the number of packing units to be sampled may be reduced using the following multiplication factors:

Weight of packing units	> 20 kg	10-20 kg	< 10 kg
Multiplication factors	× 1	× 3/4	× 1/2

ANNEX II

Sampling rules applicable to meat or minced meat from poultry when intended for Finland and Sweden

Section A

SAMPLING METHOD

1. Carcasses (with the neck skin still attached)

Random samples must be evenly distributed through the whole consignment. Sampling must consist of pieces of about 10 g of neck skin to be removed aseptically with a sterile scalpel and tweezers. Samples must be kept refrigerated until examination. Samples may be pooled as established in EN/ISO 6579 standard, up to a maximum of 10.

Samples must be duly marked and identified.

2. Carcasses without neck skin, carcase parts and offal (Destructive method)

Pieces of tissue of about 25 g must be obtained by punching a sterile cork borer into the meat surface or cutting a slice of tissue with sterile instruments. Samples must be kept refrigerated until examination. Samples may be pooled as established in EN/ISO 6579 standard, up to a maximum of 10.

Samples must be duly marked and identified.

3. Minced meat (Destructive method)

Pieces of meat must be obtained by sampling of approximately 25 g with sterile instruments. Samples must be kept refrigerated until examination. Samples may be pooled as established in EN/ISO 6579 standard, up to a maximum of 10.

Samples must be duly marked and identified.

Section B

NUMBER OF SAMPLES TO BE TAKEN

The number of packing units in the consignment of which separate random samples are to be taken must be as follows:

Consignment (number of packing units)	Number of packing units to be sampled
1-24	Number equal to the number of packing units, with a maximum of 20
25-29	20
30-39	25
40-49	30
50-59	35
60-89	40
90-199	50
200-499	55
500 or more	60

Depending on the weight of the packing units, the number of samples may be reduced by using the following multiplication factors:

Weight of packing units	> 20 kg	10-20 kg	< 10 kg
Multiplication factors	× 1	× $\frac{3}{4}$	× $\frac{1}{2}$

ANNEX III

Sampling rules applicable to flocks when eggs are intended for Finland and Sweden

Section A

SAMPLING METHOD

Sampling must consist of faecal material collected according to one of the following methods:

1. in the case of hens raised on perches or free-range:
 - 1.1. composite samples of faeces, each sample consisting of separate samples of fresh faeces, each weighing at least 1 gram, are to be taken at random at a number of points in the building in which the hens are kept or, where such hens have free access to more than one building on a given farm, such samples must be taken in each group of farm buildings in which the hens are kept;
 - 1.2. boot swabs (i.e. overboots or tubegauze 'socks'): the surface of the boot swab must be moistened using appropriate recovery diluent (such as 0,8 % sodium chloride plus 0,1 % peptone in sterile dionised water), or sterile water, or any other diluent approved by the competent authority. Farm water containing antimicrobials or additional disinfectants must not be used. Walking around must be done in a manner which will sample representatively all parts of the building, including littered and slatted areas when slats are safe to walk on. On completion of sampling, boot swabs must be removed carefully so as not to dislodge adherent material. The two pairs of boot swabs may be pooled for analysis;
2. in the case of laying hens in cages, such samples are to be taken from scrapers or from surface droppings in the pit.

Section B

QUANTITY OF SAMPLES TO BE TAKEN

The quantity of samples must be as follows, depending of the sampling method used under section A:

- in case of the method referred to under 1.1.: 60 faeces samples must be taken in the building or group of farm buildings,
- in case of the method referred to under 1.2.: 2 pairs of boot swabs must be used,
- in case of the method referred to under 2.: 60 faeces samples must be taken, or at least 60 gram of naturally mixed faeces.

Section C

SAMPLING FREQUENCY

The flock must be sampled within a period of two weeks before the beginning of laying and thereafter at least once every 25 weeks.

ANNEX IV

Notes:

- (a) Commercial documents shall be produced, according to the layout of the model appearing in this Annex. It shall contain, in the numbered order that appears in the model, the attestations that are required for the transportation of meat from bovine or porcine animals or meat from poultry, including minced meat.
- (b) It shall be drawn up in one of the official languages of the EU Member State of destination. However, it may also be drawn up in other EU languages, if accompanied by an official translation or if previously agreed by the competent authority of the Member State of destination.
- (c) The commercial document shall be produced at least in triplicate (one original and two copies). The original shall accompany the consignment to its final destination. The receiver must retain it. The producer must retain one of the copies and the carrier the other.
- (d) The original of each commercial document shall consist of a single page, both sides, or, where more text is required it shall be in such a form that all pages needed are part of an integrated whole and indivisible.
- (e) If for reasons of identification of the items of the consignment, additional pages are attached to the document, these pages shall also be considered as forming part of the original of the document by the application of the signature of the responsible person, in each of the pages.
- (f) When the document, including additional pages referred to in (e), comprises more than one page, each page shall be numbered, (*page number*) of (*total number of pages*), at the bottom and shall bear the code number of the document that has been designated by the responsible person at the top.
- (g) The original of the document shall be completed and signed by the responsible person.
- (h) The colour of the signature of the responsible person shall be different to that of the printing.

**Model commercial document for the consignment to Finland and Sweden of meat from bovine or porcine animals or meat from poultry,
including minced meat**

1. Consignor (name of despatching establishment and address in full and, if appropriate approval number of the despatching establishment) 	Document reference number ⁽¹⁾: Total number of pages of this document: Date (on which the material was taken from the premises):
2. Consignee (receiver's name and address in full and, if appropriate approval number of the establishment of destination of the product) 	3. Place of loading for dispatch (address in full if different from point 1)
4. Carrier, means of transport, quantity and identification of consignment 4.1. Carrier (name and address in full): 4.2. Lorry, rail-wagon, ship or aircraft ⁽²⁾ 4.3. Registration number(s), ship name or flight number: 	4.5. Nature of packaging: 4.6. Number of packages per category of products: 4.7. Net weight (kg): 4.8. Container number if applicable:
5. Description of the products 5.1. Type of products ⁽³⁾: 5.2. Condition of products ⁽⁴⁾:	
6. Declaration by the consignor I, the undersigned, declare that: The checks referred to in Commission Regulation [...] have been carried out with negative results and a statement from the laboratory concerning the analyses performed on the consignment or the results of such analyses is attached to this document ⁽²⁾. The meat from bovine or porcine animals, including minced meat thereof, is intended for an establishment for the purposes of pasteurisation, sterilisation or treatment having a similar effect ⁽²⁾. The meat, including minced meat, comes from an establishment that is subject to a control programme recognised as equivalent to that approved for Sweden and Finland ⁽²⁾.	
Signature Done at on (place) (date) (signature of the responsible person/consignor) ⁽⁵⁾ (name, in capital letters)	
Notes ⁽¹⁾ Reference number issued by the responsible person for purpose of traceability. ⁽²⁾ Delete as appropriate. ⁽³⁾ Describe the type of product (e.g. meat from bovine animals, meat from porcine animals, meat from poultry, minced meat). ⁽⁴⁾ Describe the condition of product: chilled or frozen. ⁽⁵⁾ The signature must be in a different colour to that of the printing.	

ANNEX V

Model certificate for the consignment to Finland and Sweden of eggs intended for human consumption

EUROPEAN COMMUNITY

Intra trade certificate

Part I: Details of consignment presented	I.1. Consignor ☐ Name Address Postal code		I.2. Certificate reference number		I.2.a. Local reference number:			
			I.3. Central Competent Authority					
			I.4. Local Competent Authority					
	I.5. Consignee Name Address Postal code		I.6. No(s) of related original certificates * No(s) of accompanying documents *					
			I.7. Dealer * Name Approval number					
	I.8. Country of origin	ISO code	I.9. Region of origin	Code	I.10. Country of destination	ISO code	I.11. Region of destination	Code
	I.12. Place of origin/Place of harvest * Holding ☐ * Assembly centre ☐ * Dealer's premise ☐ * Approved body ☐ * Semen centre ☐ * Approved aquaculture holding ☐ * Embryo team ☐ * Establishment ☐ * Other ☐ Name Approval number Address Postal code		I.13. Place of destination * Holding ☐ * Assembly centre ☐ * Dealer's premise ☐ * Approved body ☐ * Semen centre ☐ * Approved aquaculture holding ☐ * Embryo team ☐ Establishment ☐ Other ☐ Name Approval number Address Postal code					
	I.14. Place of loading * Postal code		I.15. Date and time of departure *					
	I.16. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification:		I.17. Transporter * Name Approval number Address Postal code Member State					
	I.18. Animal species/Product		I.19. Commodity code (CN code)					
			I.20. Number/Quantity					
	I.21. Temperature of products Ambient ☐ Chilled ☐ Frozen ☐		I.22. Number of packages					
	I.23. Identification of container/Seal number		I.24. Type of packaging					
	I.25. Animals certified as/products certified for: * Breeding ☐ * Fattening ☐ * Slaughter ☐ * Transhumance ☐ * Approved body ☐ * Artificial reproduction ☐ * Registered equidae ☐ * Game restocking ☐ * Pets ☐ Human consumption ☐ * Animal feedingstuff ☐ * Pharmaceutical use ☐ * Technical use ☐ * Other ☐							
	I.26. Transit through Third country ☐ Third country ISO code Exit point Code Entry point BIP unit no.:		I.27. Transit through Member states ☐ Member State ISO code Member State ISO code Member State ISO code					
I.28. Export ☐ Third country ISO code Exit point Code		I.29. Estimated journey time						
I.30. Route plan * Yes ☐ No ☐								
I.31. Identification of the animals/products Approval number of establishments/vessels Species (Scientific name) Category Processing plant Quantity Net weight								

* Not to be completed

EUROPEAN COMMUNITY

Eggs for human consumption dispatched to Finland and Sweden

Part II: Certification	II. Health information	II(a) Certificate reference number	II(b) Local reference number		
	Attestation I, the undersigned, hereby certify that: (i) the eggs described above originate from a flock which has been subjected, with negative results, to the checks provided for in Commission Regulation [...] ⁽⁴⁾; (ii) the eggs are destined to be used for the manufacture of processed products by a process that guarantees the elimination of salmonella ⁽⁴⁾.				
Notes ⁽¹⁾ Box reference No L16: the registration number(s) of rail-wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft. ⁽²⁾ Box reference No L23: in case of transport in containers or boxes, the total number, their registration and seal numbers, if present, should be indicated. ⁽³⁾ Box reference No L31: for 'category', indicate class A or B as in revised Council Regulation (EC) No 1907/90. ⁽⁴⁾ Delete as appropriate. ⁽⁵⁾ The signature and the stamp must be in a colour different to that of the printing.					
Official veterinarian or official inspector <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Name (in Capital): Local Veterinary Unit: Date: Stamp ⁽⁵⁾: </td> <td style="width: 50%;"> Qualification and title: No of the related LVU: Signature ⁽⁵⁾: </td> </tr> </table>				Name (in Capital): Local Veterinary Unit: Date: Stamp ⁽⁵⁾:	Qualification and title: No of the related LVU: Signature ⁽⁵⁾:
Name (in Capital): Local Veterinary Unit: Date: Stamp ⁽⁵⁾:	Qualification and title: No of the related LVU: Signature ⁽⁵⁾:				

COMMISSION REGULATION (EC) No 1689/2005**of 14 October 2005****fixing the depreciation coefficients to be applied when agricultural products are bought in, for the 2006 financial year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section ⁽¹⁾, and in particular the second sentence of Article 8(1)

Whereas:

- (1) Pursuant to Article 8 of Regulation (EEC) No 1883/78, depreciation of agricultural products in public intervention storage must take place when they are bought in. The depreciation percentage must not exceed the difference between the buying-in price and the foreseeable disposal price for each of these products.
- (2) In accordance with Article 8(3) of Regulation (EEC) No 1883/78, the Commission may restrict depreciation at the time of buying-in to a proportion of this depreciation percentage, but such proportion may not be less than 70 % of total depreciation.
- (3) Coefficients to be applied for the 2006 financial year by the intervention agencies to the monthly buying-in values of products should be fixed, to enable the agencies to establish the depreciation amounts.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the EAGGF Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In respect of the products listed in the Annex which, having been bought in by public intervention, have entered store or been taken over by the intervention agencies between 1 October 2005 and 30 September 2006, the intervention agencies shall apply, to the value of the products bought in every month, the coefficients set out in the Annex.

Article 2

The expenditure amounts, calculated by taking account of the depreciation referred to in Article 1 shall be notified to the Commission under the declarations established pursuant to Commission Regulation (EC) No 296/96 ⁽²⁾.

Article 3

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

This Regulation shall apply from 1 October 2005.

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

Done at Brussels, 14 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 216, 5.8.1978, p. 1. Regulation as last amended by Regulation (EC) No 695/2005 (OJ L 114, 4.5.2005, p. 1).

⁽²⁾ OJ L 39, 17.2.1996, p. 5. Regulation as last amended by Regulation (EC) No 1607/2005 (OJ L 256, 1.10.2005, p. 12).

ANNEX

Depreciation coefficients to be applied to the monthly buying-in values

Product	Coefficient
Common wheat of bread-making quality	0,10
Barley	0,15
Maize	—
Sorghum	—
Sugar	0,40
Paddy rice	—
Alcohol	0,55
Butter	0,01
Skimmed-milk powder	0,02
Beef quarters	—
Boned beef	—

COMMISSION REGULATION (EC) No 1690/2005**of 14 October 2005****amending for the 55th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 6 October 2005, the Sanctions Committee of the United Nations Security Council decided to supplement

the data concerning two individuals added on 29 September 2005 to the list of persons groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 14 October 2005.

For the Commission

Eneko LANDÁBURU

Director-General of External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 1629/2005 (OJ L 260, 6.10.2005, p. 9).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

1. The entry 'Hani El Sayyed Elsebai **Yusef** (*alias* Abu Karim). Date of birth: 1.3.1961. Place of birth: Qaylubiyah. Nationality: Egyptian. Other information: Resides in the United Kingdom.' Under the heading 'Natural persons' shall be replaced by the following:

'Hani Al-Sayyid **Al-Sebai** (*alias* (a) Hani Yousef Al-Sebai, (b) Hani Youssef, (c) Hany Youseff, (d) Hani Yusef, (e) Hani al-Sayyid Al-Sabai, (f) Hani al-Sayyid El Sebai, (g) Hani al-Sayyid Al Siba'i, (h) Hani al-Sayyid El Sabaay, (i) El-Sababt, (j) Abu Tusnin, (k) Abu Akram, (l) Hani El Sayyed Elsebai Yusef, (m) Abu Karim). Address: London, United Kingdom. Date of birth: (a) 1.3.1961, (b) 16.6.1960. Place of birth: Qaylubiyah, Egypt. Nationality: Egyptian.'

2. The entry 'El Sayed Ahmad Fathi **Hussein Elaiwa** (*alias* (a) Hatim, (b) Hisham, (c) Abu Umar). Date of birth: 30.7.1964. Place of birth: Suez. Nationality: Egyptian'. Under the heading 'Natural persons' shall be replaced by the following:

'Al Sayyid Ahmed Fathi **Hussein Eliwah** (*alias* (a) Al Sayyid Ahmed Fathi Hussein Eliwa, (b) Al Sayyid Ahmed Fathi Hussein Alaiwah, (c) Al Sayyid Ahmed Fathi Hussein Elaiwa, (d) Al Sayyid Ahmed Fathi Hussein Ilewah, (e) Al Sayyid Ahmed Fathi Hussein Alaywah, (f) El Sayed Ahmad Fathi Hussein Elaiwa, (g) Hatim, (h) Hisham, (i) Abu Umar). Date of birth: (a) 30.7.1964, (b) 30.1.1964. Place of birth: (a) Suez, Egypt, (b) Alexandria, Egypt. Nationality: Egyptian. Other information: lives in the United Kingdom.'

COMMISSION REGULATION (EC) No 1691/2005**of 14 October 2005****on the issue of licences for the import of garlic in the quarter from 1 December 2005 to 28 February 2006**

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⁾,

Having regard to Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing the tariff quotas and introducing a system of certificates of origin for garlic imported from third countries ⁽²⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) The quantities for which licence applications have been lodged by traditional importers and by new importers on 10 and 11 October 2005, pursuant to Article 5(2) of Regulation (EC) No 565/2002 exceed the quantities available for products originating in China and in all third countries other than China or Argentina.
- (2) The quantities for which licence applications have been lodged by new importers on 10 and 11 October 2005, pursuant to Article 5(2) of Regulation (EC) No 565/2002 exceed the quantities available for products originating in Argentina.

- (3) It is now necessary to establish the extent to which the licence applications sent to the Commission on 13 October 2005 can be met and to fix, for each category of importer and product origin, the dates until which the issue of certificates must be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences lodged pursuant to Article 3(1) of Regulation (EC) No 565/2002, on 10 and 11 October 2005 and sent to the Commission on 13 October 2005, shall be met at a percentage rate of the quantities applied for as set out in Annex I hereto.

Article 2

For each category of importer and the origin involved, applications for import licences pursuant to Article 3(1) of Regulation (EC) No 565/2002 relating to the quarter from 1 December 2005 to 28 February 2006 and lodged after 11 October 2005 but before the date in Annex II hereto, shall be rejected.

Article 3

This Regulation shall enter into force on 15 October 2005.

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

Done at Brussels, 14 October 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽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 86, 3.4.2002, p. 11. Regulation as last amended by Regulation (EC) No 537/2004 (OJ L 86, 24.3.2004, p. 9).

ANNEX I

Origin of the products	Percentage allocations		
	China	Third countries other than China or Argentina	Argentina
— traditional importers (Article 2(c) of Regulation (EC) No 565/2002)	10,642 %	100 %	95,813 %
— new importers (Article 2(e) of Regulation (EC) No 565/2002)	0,650 %	29,335 %	2,088 %

'X': No quota for this origin for the quarter in question.

'—': No application for a licence has been sent to the Commission.

ANNEX II

Origin of the products	Dates		
	China	Third countries other than China or Argentina	Argentina
— traditional importers (Article 2(c) of Regulation (EC) No 565/2002)	28.2.2006	—	28.2.2006
— new importers (Article 2(e) of Regulation (EC) No 565/2002)	28.2.2006	2.1.2006	28.2.2006

COMMISSION REGULATION (EC) No 1692/2005**of 14 October 2005****fixing the import duties in the cereals sector applicable from 16 October 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⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.

- (4) The import duties are applicable until new duties are fixed and enter into force.

- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.

- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 October 2005.

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

Done at Brussels, 14 October 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 16 October 2005

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	37,19
1005 10 90	Maize seed other than hybrid	50,97
1005 90 00	Maize other than seed ⁽²⁾	50,97
1007 00 90	Grain sorghum other than hybrids for sowing	37,19

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

period from 30.9.2005-13.10.2005

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	131,95 (***)	67,02	173,31	163,31	143,31	91,88
Gulf premium (EUR/t)	—	17,01	—			—
Great Lakes premium (EUR/t)	30,28	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 22,03 EUR/t; Great Lakes–Rotterdam: 27,96 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
-
- 0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1693/2005
of 14 October 2005
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned

cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 24,010 EUR/100 kg.

Article 2

This Regulation shall enter into force on 15 October 2005.

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

Done at Brussels, 14 October 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 11 October 2005

authorising the Federal Republic of Germany and the Kingdom of the Netherlands to apply a measure derogating from Article 3 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2005/713/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Rodebach between Selfkant (north of Millen, Germany) and Echt-Susteren (north of Sittard, the Netherlands).

Having regard to the Treaty establishing the European Community,

Having regard to Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, and in particular Article 27(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Under Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce special measures for derogation from that Directive, in order to simplify the procedure of charging the tax.

(2) By letters registered with the Secretariat-General of the Commission on 14 October 2004 and 27 October 2004, the Federal Republic of Germany (hereinafter 'Germany') and the Kingdom of the Netherlands (hereinafter 'the Netherlands') have requested authorisation to introduce a special measure concerning the construction, repair and renovation of a cross-border bridge over the

(3) In accordance with Article 27(2) of Directive 77/388/EEC, the Commission informed the other Member States by letter dated 11 January 2005 of the request made by Germany and the Netherlands. By letters dated 14 January 2005, the Commission notified Germany and the Netherlands that it had all the information it considered necessary for appraisal of the request.

(4) For supplies of goods and services, for intra-Community acquisitions and for imports of goods intended for the construction, repair and renovation of the bridge, the purpose of the special measure is to regard the entire construction site of the cross-border bridge and, after its completion, the cross-border bridge itself as being on the territory of Germany.

(5) In absence of a special measure, for each supply of goods and services used for the construction, repair or renovation of the bridge in question, it would be necessary to ascertain whether the place of taxation was Germany or the Netherlands, which would in practice be very complicated for the contractors in charge of the works concerned.

(6) The purpose of this derogation is to simplify the procedure for charging the tax on the construction, repair or renovation of the bridge in question.

(7) The derogation will have no negative impact on the Community's own resources provided from VAT,

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 3 of Directive 77/388/EEC, the Federal Republic of Germany and the Kingdom of the Netherlands are hereby authorised, in respect of supplies of goods or services, intra-Community acquisitions and imports of goods intended for the construction, repair or renovation of the cross-border bridge over the Rodebach between Selfkant (north of Millen, Germany) and Echt-Susteren (north of Sittard, the Netherlands), to regard the entire construction site of the cross-border bridge and, after its completion, the cross-border bridge itself as being on German territory.

Article 2

This Decision is addressed to the Federal Republic of Germany and the Kingdom of the Netherlands.

Done at Luxembourg, 11 October 2005.

For the Council
The President
G. BROWN

POLITICAL AND SECURITY COMMITTEE DECISION BiH/7/2005**of 20 September 2005****on the appointment of the Head of the EU Command Element at Naples for the European Union
military operation in Bosnia and Herzegovina**

(2005/714/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 25, third paragraph, thereof,

Having regard to the Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) By Exchange of Letters between the Secretary-General/High Representative and the NATO Secretary-General on 28 September 2004 and on 8 October 2004, respectively, the North Atlantic Council has agreed to make available the Chief of Staff of the Joint Force Command Headquarters Naples as Head of the EU Command Element at Naples.
- (2) The EU Military Committee has supported the recommendation by the EU Operation Commander to appoint the Chief of Staff of the Joint Force Command Headquarters Naples, Lieutenant General (select) Giuseppe MARANI, as Head of the EU Command Element at Naples for the European Union military operation in Bosnia and Herzegovina.
- (3) Pursuant to Article 6 of Joint Action 2004/570/CFSP, the Council authorised the Political and Security Committee (PSC) to exercise the political and strategic direction of the EU military operation.
- (4) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on

European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications.

- (5) The Copenhagen European Council adopted on 12 and 13 December 2002 a Declaration stating that the 'Berlin plus' arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the 'Partnership for Peace' and which have consequently concluded bilateral security agreements with NATO,

HAS DECIDED AS FOLLOWS:

Article 1

Lieutenant General (select) Giuseppe MARANI is hereby appointed Head of the EU Command Element at Naples for the European Union military operation in Bosnia and Herzegovina.

Article 2

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

Done at Brussels, 20 September 2005.

For the Political and Security Committee
The Chairperson
J. KING

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.

COMMISSION

COMMISSION DECISION

of 10 October 2005

fixing, for the 2005 financial year and in respect of a certain number of hectares, the definitive financial allocations by Member State for the restructuring and conversion of vineyards under Council Regulation (EC) No 1493/1999

(notified under document number C(2005) 3737)

(Only the Spanish, Czech, German, Greek, English, French, Italian, Hungarian, Portuguese, Slovak and Slovenian texts are authentic)

(2005/715/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Member States each year on the basis of objective criteria, taking into account particular situations and needs and the efforts to be undertaken in the light of the objective of the scheme.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 14(2) thereof,

(4) The Commission fixed the indicative financial allocations for 2004/05 in Decision 2004/687/EC ⁽³⁾.

Whereas:

(5) Under Article 17(1) and (3) of Regulation (EC) No 1227/2000, expenditure incurred and validated by the Member States is limited to the amount allocated to them as laid down in Decision 2004/687/EC. This limit does not apply in 2005 to any Member State.

(1) The rules for the restructuring and conversion of vineyards are laid down in Regulation (EC) No 1493/1999 and Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential ⁽²⁾.

(6) Under Article 17(4), a penalty is applied where the actual per hectare expenditure of a Member State exceeds that laid down in Decision 2004/687/EC. This year, a penalty of EUR 289 applies to Luxembourg.

(2) The detailed rules on financial planning and participation in financing the restructuring and conversion scheme laid down in Regulation (EC) No 1227/2000 stipulate that the references to a given financial year refer to the payments actually made by the Member States between 16 October and the following 15 October.

(7) Under Article 16(1)(c) of Regulation (EC) No 1227/2000, Member States may submit a further request in the current financial year. Germany, Spain, France, Italy, Austria and Portugal have done so.

(3) In accordance with Article 14(1) of Regulation (EC) No 1493/1999, the Commission makes initial allocations to

(8) Under Article 17(9) of Regulation (EC) No 1227/2000, Member States for which 2005 is the first year of implementation of the restructuring and conversion scheme may submit a request for additional financing within the limit of 90 % of the financial allocation made to them under Decision 2004/687/EC. The Czech Republic, Hungary, Malta and Slovakia have done so.

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

⁽²⁾ OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1216/2005 (OJ L 199, 29.7.2005, p. 32).

⁽³⁾ OJ L 313, 12.10.2004, p. 23.

- (9) Under Article 17(3) of Regulation (EC) No 1227/2000, requests submitted under Article 16(1)(c) of that Regulation are accepted on a pro rata basis for those Member States that have spent their initial allocation, using the appropriations available after deducting for all Member States the amounts notified in accordance with Article 16(1)(a) and (b) and corrected, where appropriate, under Article 17(1) and (3), and the amounts notified and accepted under Article 17(9) of that Regulation, from the total amount allocated to the Member States. This provision applies in 2005 to Germany, Spain, France, Italy, Austria and Portugal,

HAS ADOPTED THIS DECISION:

Article 1

The definitive financial allocations to the Member States for the 2004/05 wine year, in respect of a certain number of hectares, for the restructuring and conversion of vineyards under Regu-

lation (EC) No 1493/1999, for the period in the 2005 financial year, shall be as set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Czech Republic, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Portuguese Republic, the Republic of Slovenia and the Slovak Republic.

Done at Brussels, 10 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Definitive financial allocations for the 2004/05 marketing year (2005 financial year)

Member State	Area (ha)	Financial allocation (EUR)
Czech Republic	84	772 352
Germany	1 975	12 695 680
Greece	988	7 047 724
Spain	19 888	149 316 032
France	13 691	108 227 509
Italy	14 633	103 757 903
Cyprus	193	2 340 941
Luxembourg	10	83 200
Hungary	1 132	9 054 545
Malta	15	154 474
Austria	1 275	7 248 066
Portugal	7 153	45 588 331
Slovenia	172	2 913 565
Slovakia	221	799 448
Total	61 429	449 999 711

COMMISSION DECISION

of 10 October 2005

fixing, for the 2005/06 marketing year and in respect of a certain number of hectares, an indicative financial allocation by Member State for the restructuring and conversion of vineyards under Council Regulation (EC) No 1493/1999

(notified under document number C(2005) 3738)

(Only the Spanish, Czech, German, English, Greek, French, Italian, Hungarian, Portuguese, Slovak and Slovenian texts are authentic)

(2005/716/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 14(1) thereof,

Whereas:

(1) The rules for the restructuring and conversion of vineyards are laid down in Regulation (EC) No 1493/1999 and Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential ⁽²⁾.

(2) The detailed rules on financial planning and participation in financing the restructuring and conversion scheme laid down in Regulation (EC) No 1227/2000 stipulate that the references to a given financial year refer to the payments actually made by the Member States between 16 October and the following 15 October.

(3) In accordance with Article 14(3) of Regulation (EC) No 1493/1999, the financial allocation between Member States must take due account of the proportion of the Community vineyard area in the Member State concerned.

(4) For the purposes of implementing Article 14(4) of Regulation (EC) No 1493/1999, the financial allocations should be made in respect of a certain number of hectares.

(5) Under Article 13(3) of Regulation (EC) No 1493/1999, the Community contribution to the costs of restructuring and conversion is higher in regions classified as Objective 1 in accordance with Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽³⁾.

(6) Account must be taken of the compensation for the loss of income incurred by the wine growers during the period when the vineyard is not yet in production.

(7) In accordance with Article 17(5) of Regulation (EC) No 1227/2000, where expenditure actually incurred by a Member State in a given financial year is less than 75 % of the initial allocation, the expenditure to be recognised for the following financial year, and the corresponding total area, are to be reduced by a third of the difference between this threshold and the actual expenditure incurred during the financial year in question. This provision applies in the 2005/06 wine year to Greece, whose expenditure in respect of 2005 amounts to 72,63 % of its initial allocation, and to Luxembourg, whose expenditure amounts to 74,54 % of its initial allocation. This provision does not apply to Member States which took part for the first time in the restructuring and conversion scheme during the 2004/05 wine year, under Article 17(9) of Regulation (EC) No 1227/2000.

(8) In accordance with Article 14(2) of Regulation (EC) No 1493/1999, the initial allocation is adapted in view of real expenditure and on the basis of revised expenditure forecasts submitted by the Member States, taking account of the objective of the scheme and subject to the funds available,

HAS ADOPTED THIS DECISION:

Article 1

The financial allocations by Member State, in respect of a certain number of hectares, for the restructuring and conversion of vineyards under Regulation (EC) No 1493/1999 for the 2005/06 marketing year shall be as set out in the Annex hereto.

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

⁽²⁾ OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1216/2005 (OJ L 199, 29.7.2005, p. 32).

⁽³⁾ OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 173/2005 (OJ L 29, 2.2.2005, p. 3).

Article 2

This Decision is addressed to the Czech Republic, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Portuguese Republic, the Republic of Slovenia and the Slovak Republic.

Done at Brussels, 10 October 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Indicative financial allocations for 2005/06

Member State	Area (ha)	Financial allocation (EUR)
Czech Republic	526	1 821 677
Germany	1 998	12 468 667
Greece	1 249	8 574 504
Spain	21 131	151 508 106
France	11 380	106 286 269
Italy	13 874	99 743 891
Cyprus	206	2 378 971
Luxembourg	10	76 000
Hungary	1 331	10 645 176
Malta	23	119 973
Austria	1 077	6 574 057
Portugal	5 747	44 975 908
Slovenia	153	2 336 740
Slovakia	299	2 490 063
Total	59 002	450 000 000

COMMISSION DECISION

of 13 October 2005

amending for the purposes of adapting to the technical progress the Annex to Directive 2002/95/EC of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment

*(notified under document number C(2005) 3754)***(Text with EEA relevance)**

(2005/717/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ⁽¹⁾, and in particular Article 5(1)(b) thereof,

Whereas:

(1) Under Directive 2002/95/EC the Commission is required to evaluate certain hazardous substances prohibited pursuant to Article 4(1) of that Directive.

(2) Certain materials and components containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE) should be exempt from the prohibition, since the elimination or substitution of these hazardous substances in those specific materials and components is still impracticable.

(3) Since the risk assessment of DecaBDE, under Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances ⁽²⁾, has concluded that there is at present no need for measures to reduce the risks for consumers beyond those which are being applied already, but additional studies are required under the risk assessment, DecaBDE can be exempted until further notice from the requirements of Article 4(1) of Directive 2002/95/EC. Should new evidence lead to a different conclusion of the risk assessment, this decision would be re-examined and amended, if appropriate. In parallel industry is implementing a voluntary emissions reduction programme.

(4) Exemptions from the prohibition for certain specific materials or components should be limited in their scope, in order to achieve a gradual phase-out of hazardous substances in electrical and electronic equipment, given that the use of those substances in such applications will become avoidable.

(5) Pursuant to Article 5(1)(c) of Directive 2002/95/EC, each exemption listed in the Annex to that Directive must be subject to a review at least every four years or four years after an item is added to the list with the aim of considering deletion of materials and components of electrical and electronic equipment if their elimination or substitution via design changes or materials and components which do not require any of the materials or substances referred to in Article 4(1) is technically or scientifically possible, provided that the negative environmental, health and/or consumer safety impacts caused by substitution do not outweigh the possible environmental, health and/or consumer safety benefits thereof. Therefore, the review of each exemption provided for in this Decision will be done before 2010.

(6) Pursuant to Article 5(2) of Directive 2002/95/EC, the Commission has consulted producers of electrical and electronic equipment, recyclers, treatment operators, environmental organisations and employee and consumers associations and forwarded the comments to the Committee established by Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste ⁽³⁾ (the Committee).

(7) The Commission submitted the measures provided for in this Decision for vote in the Committee established under Article 18 of Directive 75/442/EEC on waste on 19 April 2005. There was no qualified majority in favour of these measures. Thus, in accordance with the procedure set out in Article 18 of Directive 75/442/EEC, a Proposal for a Council Decision was submitted to Council on 6 June 2005. Since on the expiry date of the period laid down in Article 7(2) of Directive 2002/95/EC the Council had neither adopted the proposed measures nor indicated its opposition to them in accordance with Article 5(6) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾ the measures should be adopted by the Commission,

⁽¹⁾ OJ L 37, 13.2.2003, p. 19.

⁽²⁾ OJ L 84, 5.4.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽³⁾ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

HAS ADOPTED THIS DECISION:

Sole Article

The Annex to Directive 2002/95/EC is amended as set out in the Annex to this Decision.

This Decision is addressed to the Member States.

Done at Brussels, 13 October 2005.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The Annex to Directive 2002/95/EC is amended as follows:

1. The title is replaced by the following:

‘Applications of lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE) which are exempted from the requirements of Article 4(1)’;

2. The following point 9a is added:

‘9a. DecaBDE in polymeric applications’;

3. The following point 9b is added:

‘9b. Lead in lead-bronze bearing shells and bushes’.

COMMISSION DECISION

of 13 October 2005

on compliance of certain standards with the general safety requirement of Directive 2001/95/EC of the European Parliament and of the Council and the publication of their references in the Official Journal

*(notified under document number C(2005) 3803)***(Text with EEA relevance)**

(2005/718/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety⁽¹⁾, and in particular Article 4(2), second and fourth subparagraphs thereof,

After consulting the Standing Committee set up in accordance with Article 5 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations⁽²⁾,

Whereas:

(1) Article 3(1) of Directive 2001/95/EC lays down an obligation on producers to place only safe products on the market.

(2) According to Article 3(2) of Directive 2001/95/EC a product shall be presumed safe as far as the risks and risk categories covered by relevant national standards are concerned when it conforms to voluntary national standards transposing European standards, the references of which have been published by the Commission in the *Official Journal of the European Union* in accordance with Article 4 of that Directive.

(3) According to Article 4(1) of the Directive, European standards should be established by European standardisation bodies under mandate set by the Commission. The Commission will publish the references of such standards.

(4) Article 4(2) of the Directive lays down a procedure for publication of references of standards adopted by the European standardisation bodies before the entry into force of the Directive. If those standards ensure compliance with the general safety requirement, the Commission shall decide to publish their references in the *Official Journal of the European Union*. In these cases, the Commission shall, on its initiative or at the request of a Member State, decide in accordance with the procedure laid down in Article 15(2) of that Directive whether the standard in question meets the general safety requirement. The Commission shall decide to publish its references after consulting the Committee established by Article 5 of the Directive 98/34/EC. The Commission shall notify the Member States of its decision.

(5) Some standards have however been adopted by the European standardisation bodies since the entry into force of the Directive without a mandate under Article 4(1) of the Directive. The intention of the legislator was to ensure cooperation with the European standardisation bodies and to recognise suitable safety standards applicable to products falling under the scope of the Directive for which a Commission mandate was not issued in accordance with the relevant provisions referred to in Article 4. It is therefore appropriate to consider the publication of the references of such standards and to that aim to proceed according to the procedure provided for in Article 4(2).

(6) This decision on compliance of the standards listed in the Annex with the general safety requirement is taken at the initiative of the Commission.

(7) The measures provided for in this Decision are in accordance with the opinion of the Committee of Directive 2001/95/EC,

HAS ADOPTED THIS DECISION:

Article 1

The standards listed in the Annex meet the general safety requirement of Directive 2001/95/EC for the risks that they cover.

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.

⁽²⁾ OJ L 204, 21.7.1998, p. 37. Directive as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p. 18).

Article 2

The references of the standards in the Annex shall be published in the C series of the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 October 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Standards referred to in Articles 1 and 2 of this Decision:

1. EN 13899:2003 — Roller sports equipment — Roller skates — Safety requirements and test methods
 2. EN 13138-2:2003 — Buoyant aids for swimming instruction — Part 2: Safety requirements and test methods for buoyant aids to be held
 3. EN 13319:2000 — Diving accessories — Depth gauges and combined depth and time measuring devices — Functional and safety requirements, test methods
 4. EN 1651:1999 — Paragliding equipment — Harnesses — Safety requirements and strength tests
 5. EN 12491:2001 — Paragliding equipment — Emergency parachutes — Safety requirements and test methods
 6. EN 913:1996 — Gymnastic equipment — General safety requirements and test methods
 7. EN 12655:1998 — Gymnastic equipment — Hanging rings — Functional and safety requirements, test methods
 8. EN 12197:1997 — Gymnastic equipment — Horizontal bars — Safety requirements and test methods
 9. EN 12346:1998 — Gymnastic equipment — Wall bars, lattice ladders and climbing frames — Safety requirements and test methods
 10. EN 12432:1998 — Gymnastic equipment — Balancing beams — Functional and safety requirements, test methods
 11. EN 916:2003 — Gymnastic equipment — Vaulting boxes — Requirements and test methods including safety
 12. EN 12196:2003 — Gymnastic equipment — Horses and bucks — Functional and safety requirements, test methods
 13. EN 1860-1:2003 — Appliances, solid fuels and firelighters for barbecuing — Part 1: Barbecues burning solid fuels — Requirements and test methods
 14. EN 1129-1:1995 — Furniture — Foldaway beds — Safety requirements and testing — Part 1: Safety requirements
 15. EN 1129-2:1995 — Furniture — Foldaway beds — Safety requirements and testing — Part 2: Test methods
 16. EN 14344:2004 — Child use and care articles — Child seats for cycles — Safety requirements and test methods
 17. EN 14350-1:2004 — Child use and care articles — Drinking equipment — Part 1: General and mechanical requirements and tests
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(Acts adopted under Title VI of the Treaty on European Union)

COUNCIL DECISION 2005/719/JHA

of 12 October 2005

fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism ⁽¹⁾, and in particular to Article 2(4) thereof,

Whereas:

- (1) Decision 2005/211/JHA specifies that the provisions of Article 1 of that Decision shall apply from a date fixed by the Council, as soon as the necessary preconditions have been fulfilled, and that the Council may decide to fix different dates for the application of different provisions. Those preconditions have been fulfilled in respect of Article 1(12) of Decision 2005/211/JHA.
- (2) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis* ⁽²⁾,

which falls in the area referred to in Article 1, point G of Decision 1999/437/EC ⁽³⁾ read in conjunction with Article 4(1) of the Council Decisions 2004/849/EC ⁽⁴⁾ and 2004/860/EC ⁽⁵⁾ on the signing on behalf of the European Union, and on the signing on behalf of the European Community, and on the provisional application of certain provisions of that Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Article 1(12) of Decision 2005/211/JHA shall apply from 15 October 2005.

Article 2

This Decision shall take effect on the date of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 12 October 2005.

For the Council
The President
C. CLARKE

⁽¹⁾ OJ L 68, 15.3.2005, p. 44.

⁽²⁾ Council document 13054/04 accessible on <http://register.consilium.eu.int>

⁽³⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁴⁾ OJ L 368, 15.12.2004, p. 26.

⁽⁵⁾ OJ L 370, 17.12.2004, p. 78.