

Official Journal

of the European Union

L 314

Volume 48

30 November 2005

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1952/2005 of 23 November 2005 concerning the common organisation of the market in hops and repealing Regulations (EEC) No 1696/71, (EEC) No 1037/72, (EEC) No 879/73 and (EEC) No 1981/82** 1
- Commission Regulation (EC) No 1953/2005 of 29 November 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 8
- ★ **Commission Regulation (EC) No 1954/2005 of 29 November 2005 amending Regulation (EC) No 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and derogating from Regulation (EC) No 1782/2003 as regards payment of the aid** 10
- Commission Regulation (EC) No 1955/2005 of 29 November 2005 fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 December 2005 13
- ★ **Commission Regulation (EC) No 1956/2005 of 29 November 2005 amending for the 58th 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** 14
- ★ **Commission Regulation (EC) No 1957/2005 of 29 November 2005 amending Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism** 16

Council

2005/843/EC:

- ★ **Council Decision of 8 November 2005 establishing, in accordance with Article 104(8) of the Treaty establishing the European Community, that the action taken by Hungary in response to the recommendation of the Council of 8 March 2005 pursuant to Article 104(7) of the Treaty is proving to be inadequate** 18

Commission

2005/844/Euratom:

- ★ **Commission Decision of 25 November 2005 concerning the accession of the European Atomic Energy Community to the Convention on Early Notification of a Nuclear Accident** 21

Convention on Early Notification of a Nuclear Accident 22

2005/845/Euratom:

- ★ **Commission Decision of 25 November 2005 concerning the accession of the European Atomic Energy Community to the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency** 27

Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency 28

Acts adopted under Title V of the Treaty on European Union

- ★ **Council Decision 2005/846/CFSP of 29 November 2005 implementing Common Position 2005/440/CFSP concerning restrictive measures against the Democratic Republic of Congo** 35
- ★ **Council Common Position 2005/847/CFSP of 29 November 2005 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2005/725/CFSP** 41
- ★ **Council Decision 2005/848/EC of 29 November 2005 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/722/EC** 46

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1952/2005**of 23 November 2005****concerning the common organisation of the market in hops and repealing Regulations (EEC) No 1696/71, (EEC) No 1037/72, (EEC) No 879/73 and (EEC) No 1981/82**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 36 and the third subparagraph of Article 37(2) thereof,

Having regard to the proposal from the Commission,

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

After consulting the European Economic and Social Committee ⁽²⁾,

Whereas:

1981/82 of 19 July 1982 drawing up the list of Community regions, in which production aid for hops is granted only to recognised producer groups ⁽⁶⁾, and Council Regulation (EEC) No 879/73 of 26 March 1973 on the granting and reimbursement of aid accorded by the Member States to recognised producer groups in the hop sector ⁽⁷⁾, which have become obsolete following the adoption of Regulation (EC) No 1782/2003, should also be repealed. However, since Slovenia does not plan to apply the single payment scheme until 1 January 2007, provision should be made for Article 7 of Regulation (EEC) No 1696/71 and Regulations (EEC) No 1037/72 and (EEC) No 1981/82 to continue to apply in Slovenia for the 2006 harvest.

(3) Hops and vegetable saps and extracts of hops are products which are generally interchangeable. To enable the objectives of Article 33 of the Treaty to be achieved and ensure that the common agricultural policy has full effect in the hops sector, the measures on trade with third countries and the marketing rules adopted for hops should be extended to vegetable saps and extracts of hops.

(1) Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organisation of the market in hops ⁽³⁾ has been substantially amended several times, in particular by Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ⁽⁴⁾. For the sake of clarity, Regulation (EEC) No 1696/71 should be repealed and replaced.

(2) Council Regulation (EEC) No 1037/72 of 18 May 1972 laying down general rules for granting and financing aid for hop producers ⁽⁵⁾, Council Regulation (EEC) No

(4) To ensure a fair standard of living for producers, Regulation (EC) No 1782/2003 lays down aid schemes for certain sectors, including hops.

(5) A quality policy should be followed throughout the Community by implementing provisions concerning certification together with rules prohibiting, as a general rule, the marketing of products for which a certificate has not been issued or, in the case of imported products, those which do not comply with equivalent minimum quality characteristics.

(6) To stabilise markets and ensure reasonable prices for supplies to consumers, centralisation of supply and the joint adaptation by growers of their produce to the requirements of the market should be encouraged.

⁽¹⁾ Not yet published by the Official Journal.

⁽²⁾ Not yet published by the Official Journal.

⁽³⁾ OJ L 175, 4.8.1971, p. 1. Regulation as last amended by Regulation (EC) No 2320/2003 (OJ L 345, 31.12.2003, p. 18).

⁽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).

⁽⁵⁾ OJ L 118, 20.5.1972, p. 19. Regulation as last amended by Regulation (EEC) No 1604/91 (OJ L 149, 14.6.1991, p. 13).

⁽⁶⁾ OJ L 215, 23.7.1982, p. 3. Regulation as last amended by the 2003 Act of Accession.

⁽⁷⁾ OJ L 86, 31.3.1973, p. 26. Regulation as last amended by Regulation (EEC) No 2254/77 (OJ L 261, 14.10.1977, p. 3).

- (7) To that end the grouping of growers in bodies which require their members to comply with certain common rules should further the achievement of the objectives of Article 33 of the Treaty.
- (8) To avoid any discrimination between producers and to ensure the unity and effectiveness of any action undertaken, conditions should be laid down, for the whole of the Community, with which producer groups must comply in order to be recognised by the Member States. To achieve an effective centralisation of supply, it is necessary in particular that the groups should be of an economically viable size and that the entire output of producers should be marketed either directly by the group or by the producers, according to common rules.
- (9) The measures envisaged should enable an import scheme to be provided for, based solely on application of the common customs tariff.
- (10) These measures should make it possible to waive all quantitative restrictions at the external frontiers of the Community. This procedure may, however, in exceptional cases, be found to be inadequate. In such cases, in order not to leave the Community market defenceless against any disturbances arising therefrom, the Community should be empowered to take all necessary measures quickly. These measures should be in accordance with the Community's international obligations.
- (11) The proper functioning of the internal market would be compromised by the grant of national aid. As a result, the provisions of the Treaty governing State aid should apply to the products covered by this common market organisation.
- (12) The experience gained in the application of Regulation (EEC) No 1696/71 has revealed the need for instruments enabling preventive action to be taken where a risk of structural surpluses or market disturbance arises.
- (13) Adequate information is needed about the present state of the market within the Community and the prospects for its development. Provision should therefore be made for the registration of all contracts to supply hops produced within the Community.
- (14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (15) The transition from Regulation (EEC) No 1696/71 to this Regulation is likely to create difficulties not envisaged in this Regulation. In order to deal with those difficulties, the Commission should be authorised to adopt transitional measures,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

1. A common organisation of the market in hops, including rules on marketing, producer groups and trade with third countries, is hereby established, covering the following products:

CN code	Description of goods
1210	Hop cones, fresh or dried, whether or not ground, powdered or in the form of pellets; lupulin

2. The rules of this Regulation on marketing and trade with third countries shall also apply to the following products:

CN code	Description of goods
1302 13 00	Vegetable saps and extracts of hops

Article 2

For the purposes of this Regulation:

- (a) 'hops' means the dried inflorescences, also known as cones, of the (female) climbing hop plant (*Humulus lupulus*); these inflorescences, which are greenish yellow and of an ovoid shape, have a flower stalk and their longest dimension generally varies from 2 to 5 cm;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

- (b) 'hop powder' means the product obtained by milling the hops, containing all the natural elements thereof;
- (c) 'hop powder with higher lupulin content' means the product obtained by milling the hops after mechanical removal of a part of the leaves, stalks, bracts and rachides;
- (d) 'extract of hops' means the concentrated products obtained by the action of a solvent on the hops or on the hop powder;
- (e) 'mixed hop products' means a mixture of two or more of the products referred to in points (a) to (d).

Article 3

This Regulation shall apply without prejudice to the measures provided for in Regulation (EC) No 1782/2003.

CHAPTER II MARKETING

Article 4

1. The products referred to in Article 1, harvested or prepared within the Community, shall be subject to a certification procedure.
2. The certificate may be issued only for products having the minimum quality characteristics appropriate to a specific stage of marketing. In the case of hop powder, hop powder with higher lupulin content, extract of hops and mixed hop products, the certificate may only be issued if the alpha acid content of these products is not lower than that of the hops from which they have been prepared.
3. The certificate shall indicate at least:
 - (a) the place(s) of production of the hops;
 - (b) the year(s) of harvesting;
 - (c) the variety or varieties.

Article 5

1. The products referred to in Article 1 may be marketed or exported only if the certificate referred to in Article 4 has been issued.

In the case of imported products referred to in Article 1, the attestation provided for in Article 9(2) shall be deemed to be equivalent to the certificate.

2. Measures derogating from paragraph 1 may be adopted in accordance with the procedure referred to in Article 16(2):

- (a) in order to satisfy the trade requirements of certain third countries; or
- (b) for products intended for special uses.

The measures provided for in the first subparagraph must:

- (a) not prejudice the normal marketing of products for which the certificate has been issued;
- (b) be accompanied by guarantees intended to avoid any confusion with those products.

CHAPTER III PRODUCER GROUPS

Article 6

For the purposes of this Regulation, 'producer group' means a group consisting exclusively or, where national legislation allows, mainly of hop producers recognised by a Member State under Article 7 and formed on the initiative of the producers, in particular for the purpose of achieving one or more of the following objectives:

- (a) concentrating supply and helping to stabilise the market by marketing all the produce of the members or, if necessary, by purchasing hops at a higher price in accordance with Article 7(4)(a);
- (b) adapting such production jointly to the requirements of the market and improving the product, in particular by converting to other varieties, reorganising hop gardens, carrying out promotion, and conducting research into production, marketing and integrated protection;
- (c) promoting the rationalisation and mechanisation of cultivation and harvesting operations in order to render production more profitable and better protect the environment;
- (d) deciding what varieties of hops may be grown by its members and adopting common rules on production.

Article 7

1. The authority competent to recognise producer groups shall be the Member State within whose territory the producer group has its registered office.

2. Member States shall recognise producer groups which request recognition and fulfil the following general conditions:

- (a) they have legal personality or sufficient legal capacity to be subject, under national legislation, to rights and obligations;
- (b) they apply common rules for production and placing on the market (first stage of marketing);
- (c) their statutes include an obligation for producers who are members of groups to:
 - (i) comply with the common rules on production and decisions on the varieties to be grown;
 - (ii) market all their produce through the group;
- (d) they provide proof of economically viable activity;
- (e) they exclude throughout their field of activity any discrimination between Community producers or groups in respect of, in particular, their nationality or place of establishment;
- (f) they guarantee all producers who undertake to comply with the statutes, without discrimination, the right to belong to a group;
- (g) their statutes include provisions aimed at ensuring that the members of a group who wish to give up their membership may do so after having been a member for at least three years and provided that they inform the group of their intention at least one year before they leave, without prejudice to the national laws or regulations designed to protect, in specific cases, the group or creditors thereof against the financial consequences which might arise from a member leaving, or to prevent a member from leaving during the financial year;
- (h) their statutes include the obligation to keep separate accounts for the activities in respect of which they have been recognised;
- (i) they do not hold a dominant position in the Community.

3. The obligation provided for in paragraph 2(c) shall not apply to products covered by sales contracts concluded by producers before they joined the producer group, provided that the latter was informed of and approved such contracts.

4. Notwithstanding paragraph 2(c)(ii), where the producer group so authorises and under the conditions it lays down, members of a producer group may:

- (a) replace the obligation to have all their production marketed by the producer group provided for in paragraph 2(c)(ii) with marketing in accordance with common rules incorporated in the statutes, in order to ensure that the producer group has the right to monitor selling prices, which it must approve, failure to do so requiring the group to buy back the hops concerned at a higher price;
- (b) market, through the offices of another producer group chosen by their own group, products which by virtue of their characteristics are not necessarily covered by the commercial activities of the latter.

CHAPTER IV

TRADE WITH THIRD COUNTRIES

Article 8

Save as otherwise provided for in this Regulation, the rates of import duty in the common customs tariff shall apply to the products listed in Article 1.

Article 9

1. The products referred to in Article 1 coming from third countries may be imported only if their quality standards are at least equivalent to those adopted for like products harvested within the Community or made from such products.

2. The products referred to in Article 1 shall be considered as being of the standard referred to in paragraph 1 of this Article if they are accompanied by an attestation issued by the authorities of the country of origin and recognised as equivalent to the certificate referred to in Article 4.

In the case of hop powder, hop powder with higher lupulin content, extract of hops and mixed hop products, the attestation may only be recognised as being equivalent to the certificate if the alpha acid content of these products is not lower than that of the hops from which they have been prepared.

The equivalence of these attestations shall be verified according to the procedure referred to in Article 16(2).

Article 10

1. The general rules for the interpretation of the Combined Nomenclature and the special rules for its application shall apply to the tariff classification of products referred to in Article 1. The tariff nomenclature resulting from the application of this Regulation shall be incorporated in the common customs tariff.

2. Save as otherwise provided for in this Regulation or in provisions adopted under it, the following shall be prohibited in trade with third countries:

- (a) the levying of any charge having equivalent effect to a customs duty;
- (b) the application of any quantitative restriction or measure having equivalent effect.

Article 11

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 is affected by, or is threatened with, serious disturbance likely to jeopardise the achievement of the objectives set out in Article 33 of the Treaty, appropriate measures may be applied in trade with non-member third countries of the World Trade Organisation until such disturbance or threat of it has ceased.

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures. The Member States shall be notified of such measures, and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days of receipt of the request.

3. The measures referred to in paragraph 2 may be referred to the Council by any Member State within three working days of the day on which they are notified. The Council shall meet immediately. It may, acting by a qualified majority, amend or repeal the measures in question within one month of the day on which they were referred to the Council.

4. The provisions of this Article shall be applied having regard to the obligations arising from agreements concluded in accordance with Article 300(2) of the Treaty.

CHAPTER V

GENERAL PROVISIONS

Article 12

Save as otherwise provided for in this Regulation, Articles 87, 88 and 89 of the Treaty shall apply to production of and trade in the products referred to in Article 1(1) of this Regulation.

Article 13

In cases where there is a danger of creating surpluses or of a disturbance in the supply structure of the market, the Council, acting by a qualified majority on a proposal from the Commission, may take appropriate measures to prevent market imbalance. Such measures may, for instance, take the form of action affecting:

- (a) the production potential;

- (b) the volume of supply;

- (c) the marketing conditions.

Article 14

1. Any contract to supply hops produced within the Community concluded between a producer or an association of producers and a buyer shall be registered by the bodies designated for that purpose by each producer Member State concerned.

2. Contracts relating to the supply of specific quantities at agreed prices for a period covering one or more harvests and concluded before 1 August of the year of the first harvest concerned shall be known as 'contracts concluded in advance'. They shall be registered separately.

3. The data on which registration is based may be used only for the purposes of this Regulation.

Article 15

The Member States and the Commission shall send each other such information as is necessary for the implementation of this Regulation.

Article 16

1. The Commission shall be assisted by a Management Committee for Hops (hereinafter the Committee).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 17

The rules for applying this Regulation shall be adopted in accordance with the procedure referred to in Article 16(2), in particular those concerning:

- the minimum quality characteristics referred to in Article 4(2),
- the placing on the market within the meaning of Article 7(2)(b),
- the provisions laid down in Article 7(2)(g),
- the registration of contracts to supply hops as referred to in Article 14,
- the rules for sending the information referred to in Article 15.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS*Article 18*

1. Regulation (EEC) No 1696/71 is hereby repealed with effect from 1 January 2006.

However, in the case of Slovenia, Article 7 shall continue to apply up to and including the 2006 harvest.

References to Regulation (EEC) No 1696/71 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in the Annex.

2. Regulations (EEC) No 1037/72, (EEC) No 879/73 and (EEC) No 1981/82 are hereby repealed with effect from 1 January 2006.

However, in the case of Slovenia, Regulations (EEC) No 1037/72 and (EEC) No 1981/82 shall continue to apply up to and including the 2006 harvest.

Article 19

1. Producer groups recognised under Regulation (EEC) No 1696/71 shall be deemed to be recognised under this Regulation.

2. Transitional measures to facilitate the transition from Regulation (EEC) No 1696/71 to this Regulation may be adopted in accordance with the procedure referred to in Article 16(2).

Article 20

This Regulation shall enter into force on the seventh day following that of 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, 23 November 2005.

For the Council
The President
M. BECKETT

ANNEX

Correlation table

Regulation (EEC) No 1696/71	This Regulation
Article 1(1) and (2)	Article 1
Article 1(3)	Article 2
Article 1(4)	—
—	Article 3
Article 2(1), (2) and (3)	Article 4
Article 2(4)	—
Article 2(5)	Article 17
Article 3	Article 5
Article 4	—
Article 5(1) and (2)	Article 9
Article 5(3)	Article 17
Article 6	—
Article 7(1)(a), (b), (c) and (d)	Article 6
Article 7(1)(e)	—
Article 7(1a) and (2)	—
Article 7(3)(a)	Article 7(2)(b)
Article 7(3)(b), first subparagraph	Article 7(2)(c)
Article 7(3)(b), second subparagraph	Article 7(3)
Article 7(3)(b), third subparagraph	Article 7(4)
Article 7(3)(c) to (f)	Article 7(2)(d) to (g)
Article 7(3)(g)	Article 7(2)(a)
Article 7(3)(h) and (i)	Article 7(2)(h) and (i)
Article 7(4)	Article 7(1)
Article 7(5)	Article 17
Article 12	—
Article 13	—
Article 14	Article 8
Article 15	Article 10
Article 15a(1), first subparagraph	Article 11(1)
Article 15a(1), second subparagraph	—
Article 15a(2), (3) and (4)	Article 11(2), (3) and (4)
Article 16	Article 12
Article 16a	Article 13
Article 17	—
Article 18, first subparagraph, first sentence	Article 15
Article 18, first subparagraph, second sentence	Article 17
Article 18, second subparagraph	—
Article 20	Article 16
Article 21	—
Article 22	—
—	Article 18
—	Article 19(1)
Article 23, first paragraph	Article 19(2)
Article 23, second paragraph	—
Article 24	Article 20

COMMISSION REGULATION (EC) No 1953/2005**of 29 November 2005****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 November 2005.

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

Done at Brussels, 29 November 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 29 November 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	50,9
	204	29,6
	999	40,3
0707 00 05	052	139,7
	204	54,7
	999	97,2
0709 90 70	052	114,7
	204	75,8
	999	95,3
0805 20 10	204	62,8
	624	79,3
	999	71,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,4
	624	66,7
	999	68,6
0805 50 10	052	56,7
	999	56,7
0808 10 80	388	68,5
	400	91,8
	404	90,6
	720	75,8
	999	81,7
0808 20 50	052	73,0
	400	92,7
	720	49,3
	999	71,7

⁽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 1954/2005
of 29 November 2005**

amending Regulation (EC) No 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and derogating from Regulation (EC) No 1782/2003 as regards payment of the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 ⁽¹⁾, and in particular of Articles 28(3) and 145(c) thereof,

Whereas:

- (1) Commission Regulation (EC) No 796/2004 ⁽²⁾ lays down the method for the calculation of the various reductions that may have to be applied in respect of direct aid governed by Regulation (EC) No 1782/2003. That method needs to be clarified. To this end, the sequence for the calculation of potential reductions should be determined.
- (2) Articles 64, 70, 71 and 143b of Regulation (EC) No 1782/2003 provide for the fixing of budgetary ceilings by the Commission for each of the direct payments concerned. Provision should be made in order to determine whether and to which extent those budgetary ceilings are overshoot. In so doing, it should be avoided that the consequences of irregularities attributable to individual aid applicants affect the calculation of such overshoot.
- (3) Articles 10 and 11 of Regulation (EC) No 1782/2003 provide for reductions and, as the case may be, adjustments of all direct payments to be granted in

respect of a calendar year due to modulation and financial discipline, respectively. The respective implementing provisions need to be adapted to the new sequence of calculation of reductions in the process of calculating the amount of the payments to be made to farmers.

- (4) Article 79 of Regulation (EC) No 796/2004 sets out the method for determining whether the threshold of EUR 5 000 referred to in Article 12 of Regulation (EC) No 1782/2003 has been reached. Due to the new sequence of calculation of reductions, that method should be adapted.
- (5) Several Member States are facing various difficulties in the finalisation of the measures necessary for the application of aid schemes introduced by Regulation (EC) No 1782/2003. In such cases, Member States should therefore be authorised, by way of derogation from Article 28(2) of Regulation (EC) No 1782/2003, to grant payments in two instalments. However, in order to protect the financial interests of the Community, Member States should grant the first instalment only up to an amount for which eligibility has already been established and for which it is clear that it is not higher than the overall amount to be paid.
- (6) As a result of the change in the sequence of calculation of the reductions in the process of calculating the amount of the direct payments, certain Member States need to adapt their systems for the administration of the aid schemes concerned. In order to avoid that such adaptations lead to delays as regards payments in respect of the year 2005, Member States should, as regards certain aid schemes, therefore be authorised to start to apply the new sequence of the calculations of the reductions for the first time with regard to aid applications submitted in respect of the year 2006.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

⁽¹⁾ 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).

⁽²⁾ OJ L 141, 30.4.2004, p. 18. Regulation as last amended by Regulation (EC) No 436/2005 (OJ L 72, 18.3.2005, p. 4).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 796/2004 is amended as follows:

1. Article 71 is replaced by the following:

'Article 71

Accumulation of reductions

1. Where a case of non-compliance also constitutes an irregularity, therefore being relevant in view of the application of reductions or exclusions in accordance with both Chapter I and with Chapter II of Title IV:

- (a) the reductions or exclusions pursuant to Chapter I of Title IV shall be applied with regard to the aid schemes in question;
- (b) the reductions and exclusions pursuant to Chapter II of Title IV shall be applied to the total amount of payments to be granted under the single payment scheme and any aid schemes that are not subject to reductions or exclusions referred to in point (a).

The reductions or exclusions referred to in the first subparagraph shall be applied in accordance with the procedure provided for in Article 71a(2).

2. Subject to Article 6 of Council Regulation (EC) No 2988/95 (*), the reductions and exclusions under this Regulation shall be without prejudice to additional sanctions pursuant to other provisions under Community or national law.

(*) OJ L 312, 23.12.1995, p. 1.;

2. the following Article 71a is inserted:

'Article 71a

Application of reductions

1. The amount of the payment to be granted to a farmer under a support scheme listed in Annex I to Regulation (EC) No 1782/2003 shall be calculated by the Member States on the basis of the conditions established in the support scheme in question, taking into account, if necessary, the overrun of the basic area, of the maximum guaranteed area, or of the number of animals entitled to benefit from the premiums.

2. For each aid scheme, reductions or exclusions due to irregularities, late submissions, non-declarations of parcels, overshooting of the budgetary ceilings, modulation,

financial discipline and non-respect of cross-compliance shall be carried out, if necessary, in the following way and sequence:

- (a) the reductions or exclusions provided for in Chapter I of Title IV or, as the case may be, those provided for in Article 138 of Regulation (EC) No 1973/2004, shall be applied with regard to irregularities;
- (b) the amount resulting from the application of point (a) shall serve as a basis for the calculation of any reductions to be applied in case of late submissions in accordance with Articles 21 and 21a of this Regulation;
- (c) the amount resulting from the application of point (b) shall serve as a basis for the calculation of any reductions to be applied in cases of non-declaration of agricultural parcels in accordance with Article 14(1a) of this Regulation;
- (d) with regard to aid schemes listed in Annex I to Regulation (EC) No 1782/2003 for which a budgetary ceiling is fixed in accordance with Articles 64(2), 70(2), 71(2) and 143b(7) of that Regulation, the Member State shall sum up the amounts resulting from the application of points (a), (b) and (c).

For each of those aid schemes, a coefficient shall be determined by dividing the amount of the budgetary ceiling in question by the sum of the amounts referred to in the first subparagraph. If the coefficient obtained is higher than 1, a coefficient equal to 1 shall be applied.

To calculate the payment to be granted to the individual farmer under an aid scheme for which a budgetary ceiling is fixed, the amount resulting from the application of points (a), (b) and (c) shall be multiplied by the coefficient determined in the second subparagraph;

- (e) reductions due to modulation provided for in Article 10 of Regulation (EC) No 1782/2003 and, as the case may be, in accordance with Commission Regulation (EC) No 1655/2004 (*), as well as the reduction due to the financial discipline provided for in Article 11 of Regulation (EC) No 1782/2003, shall be applied to the amount of the payment resulting from the application of points (a), (b), (c) and (d);
- (f) the amount of the payment resulting from the application of point (e) shall serve as the basis for the calculation of any reductions to be applied for the non-respect of cross-compliance in accordance with Chapter II of Title IV of this Regulation.

(*) OJ L 298, 23.9.2004, p. 3.;

3. Article 77 is replaced by the following:

'Article 77

Basis for the calculation of the reduction

The amount of reduction in accordance with Article 10 of Regulation (EC) No 1782/2003 shall be calculated on the basis of the amounts of direct payments to which farmers are entitled, in accordance with the procedure provided for in Article 71a of this Regulation or, in the case of aid schemes listed in Annex I to Regulation (EC) No 1782/2003 but not falling under Titles III or IV of that Regulation, under the specific legislation applicable thereto.;

4. in Article 79(1), the first subparagraph is replaced by the following:

'For the purposes of determining whether the threshold of EUR 5 000 referred to in Article 12 of Regulation (EC) No 1782/2003 has been reached, the total amount of direct payments that would have to be granted before the application of any reductions due to modulation in accordance with Article 10 of that Regulation or, in the case of aid schemes listed in Annex I to that Regulation but not falling under Titles III or IV of that Regulation, under the specific legislation applicable thereto, shall be taken into account.'

Article 2

By way of derogation from Article 28(2) of Regulation (EC) No 1782/2003, in respect of the year 2005, the Member States are authorised to carry out the payments under the support schemes referred to in Annex I to that Regulation in two instalments where administrative difficulties resulting from the first application of those support schemes so require.

The first instalment may only be paid up to an amount for which eligibility has already been established on the basis of checks carried out in accordance with Regulation (EC) No 796/2004 and where there is no risk that the amount of the total payment yet to be established is lower than that of the first instalment.

Article 3

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

It shall apply to aid applications relating to years starting as of 1 January 2005.

However, Member States may decide not to apply Article 1 of this Regulation with regard to payments under the Single Payment Scheme established in Title III of Regulation (EC) No 1782/2003 and to the aid schemes established in Chapters 1 to 7 of Title IV of that Regulation, to be made in respect of the year 2005.

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

Done at Brussels, 29 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1955/2005**of 29 November 2005****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 December 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the fifth indent of Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of

Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽²⁾ provides that these refunds shall be determined according to the refund fixed for white sugar.

- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each month.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 33,550 EUR/100 kg net for the period from 1 to 31 December 2005.

Article 2

This Regulation shall enter into force on 1 December 2005.

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

Done at Brussels, 29 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 1956/2005**of 29 November 2005****amending for the 58th 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,

requests concerning the measures imposed by that Regulation should be sent.

Having regard to the Treaty establishing the European Community,

- (2) Germany requested that the address details concerning its competent authorities be amended,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 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), second indent, thereof,

HAS ADOPTED THIS REGULATION:

Article 1

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

Whereas:

Article 2

- (1) Annex II to Regulation (EC) No 881/2002 lists the competent authorities to whom information and

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

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

Done at Brussels, 29 November 2005.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 1825/2005 (OJ L 294, 10.11.2005, p. 5).

ANNEX

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

The address details under the heading 'Germany' shall be replaced with:

— *concerning funds:*

Deutsche Bundesbank
Servicezentrum Finanzsanktionen
D-80281 München
Tel.: (49-89) 28 89 38 00
Fax: (49-89) 35 01 63 38 00

— *concerning economic resources:*

— for notifications in accordance with Articles 4(2) and 5:

Bundesministerium für Wirtschaft und Arbeit
Referat V B 2
Scharnhorststraße 34—37
D-10115 Berlin
Tel.: (49-1888) 6 15-9
Fax: (49-1888) 6 15-53 58
Email: BUERO-VB2@bmwa.bund.de

— for granting of exemptions in accordance with Article 2a

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29—35
D-65760 Eschborn
Tel.: (49-619) 69 08-0
Fax: (49-619) 69 08-8 00'

COMMISSION REGULATION (EC) No 1957/2005**of 29 November 2005****amending Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

concerning the measures imposed by that Regulation should be sent.

Having regard to the Treaty establishing the European Community,

(2) Germany requested that the address details concerning its competent authorities be amended,

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 7 thereof,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2580/2001 is hereby amended as set out in the Annex to this Regulation.

Whereas:

Article 2

(1) The Annex to Regulation (EC) No 2580/2001 lists the competent authorities to whom information and requests

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

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

Done at Brussels, 29 November 2005.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 344, 28.12.2001, p. 70. Regulation as last amended by Commission Regulation (EC) No 1207/2005 (OJ L 197, 28.7.2005, p. 16).

ANNEX

The Annex to Regulation (EC) No 2580/2001 is amended as follows:

The address details under the heading 'Germany' shall be replaced with:

— *concerning funds and financial services:*

Deutsche Bundesbank
Servicezentrum Finanzsanktionen
D-80281 München
Tel. (49-89) 28 89 38 00
Fax (49-89) 35 01 63 38 00

— *concerning economic resources:*

— for notifications in accordance with Articles 3(2) and 4:

Bundesministerium für Wirtschaft und Arbeit
Referat V B 2
Scharnhorststraße 34—37
D-10115 Berlin
Tel. (49-1888) 615-9
Fax (49-1888) 615-5358
E-mail: BUERO-VB2@bmwa.bund.de

— for granting of exemptions in accordance with Articles 5(2) and 6(1):

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29—35
D-65760 Eschborn
Tel. (49-6196) 908-0
Fax (49-6196) 908-800'

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 November 2005

establishing, in accordance with Article 104(8) of the Treaty establishing the European Community, that the action taken by Hungary in response to the recommendation of the Council of 8 March 2005 pursuant to Article 104(7) of the Treaty is proving to be inadequate

(2005/843/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 104(8) thereof,

Having regard to the recommendation from the Commission,

Whereas:

(1) According to Article 104 of the Treaty, Member States are to avoid excessive government deficits.

(2) The Stability and Growth Pact is based on the objective of sound government finances as a means of strengthening the conditions for price stability and for strong sustainable growth conducive to employment creation. The Stability and Growth Pact includes Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure⁽¹⁾, which was adopted in order to further the prompt correction of excessive general government deficits.

(3) The Resolution of the European Council on the Stability and Growth Pact in Amsterdam of 17 June 1997⁽²⁾ solemnly invites all parties, namely the Member States, the Council and the Commission, to implement the Treaty and the Stability and Growth Pact in a strict and timely manner.

(4) By Council Decision 2004/918/EC of 5 July 2004, the Council decided, in accordance with Article 104(6), that an excessive deficit exists in Hungary⁽³⁾.

(5) In accordance with Article 104(7) of the Treaty and Article 3(4) of Regulation (EC) No 1467/97, on 5 July 2004 the Council also adopted a recommendation⁽⁴⁾ addressed to the Hungarian authorities and calling on them to bring the existence of an excessive deficit to an end as rapidly as possible and to take action in a medium-term framework to achieve the objective of bringing the deficit below 3 % of GDP by 2008 in a credible and sustainable manner, in accordance with the path for deficit reduction specified in the convergence programme submitted by the authorities and endorsed in the opinion of the Council of 5 July 2004⁽⁵⁾. That recommendation established the deadline of 5 November 2004 for the Hungarian Government to take effective action regarding the measures envisaged to achieve the original 2005 deficit target of 4,1 % of GDP.

⁽²⁾ OJ C 236, 2.8.1997, p. 1.

⁽³⁾ http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ecofin/81342.pdf#page=8 (OJ L 389, 30.12.2004, p. 27).

⁽⁴⁾ <http://register.consilium.eu.int/pdf/en/04/st11/st11218.en04.pdf#page=2>

⁽⁵⁾ <http://register.consilium.eu.int/pdf/en/04/st11/st11194.en04.pdf#page=2>

⁽¹⁾ OJ L 209, 2.8.1997, p. 6. Regulation as amended by Regulation (EC) No 1056/2005 (OJ L 174, 7.7.2005, p. 5).

- (6) On 18 January 2005, in accordance with Article 104(8) of the Treaty, on the basis of a recommendation by the Commission, the Council recognised that a number of measures had been taken to reduce the government deficit in 2004 and 2005 by the deadline of 5 November 2004. However, it considered that they were not sufficient to achieve the targets and would not avoid a deviation from the planned adjustment path of the Hungarian convergence programme of May 2004. Moreover, it considered that the continued commitment of the government to correct the excessive deficit by 2008 needed to be underpinned by decisive measures of further fiscal consolidation and a more determined pursuit of structural reforms. Against that background, the Council decided that Hungary had not taken effective action by 5 November 2004 in response to the recommendation of 5 July 2004.
- (7) In accordance with Article 104(7) of the Treaty and Article 3(4) of Regulation (EC) No 1467/97, on 8 March 2005 the Council adopted a second recommendation⁽¹⁾ addressed to the Hungarian authorities and calling on them to bring the existence of an excessive deficit to an end as rapidly as possible and to take action in a medium-term framework to achieve the objective of bringing the deficit below 3 % of GDP by 2008 in a credible and sustainable manner, in accordance with the path for deficit reduction specified in the convergence programme update submitted by the Hungarian authorities in December 2004 and endorsed in the opinion of the Council of 8 March 2005. Among other things, that recommendation established the deadline of 8 July 2005 for the Hungarian government to take effective action regarding the measures envisaged to achieve the 2005 deficit target of 3,6 % of GDP⁽²⁾.
- (8) On 13 July 2005 the Commission adopted a Communication on Hungary. On the basis of the information available at the time, including corrective measures decided by the Government in March and June totalling 1,5 % of GDP to compensate for slippages and the firm commitment of the Hungarian government to carry out further measures if necessary, it stated that the Hungarian authorities had taken effective action by the deadline of 8 July 2005, although the situation remained fragile and further measures would be needed in the future.
- (9) However, the recent developments show that the action taken by the Hungarian authorities is now proving to be inadequate:
- the 2005 target of 3,6 % of GDP referred to in the recommendation of the Council (and endorsed in the opinion of the Council of March 2005 December 2004 update of the convergence programme) will be missed by a sizeable margin and the Government has decided not to take new action to correct any slippages contrary to earlier commitments; this is confirmed by the revised EDP notification by the Hungarian authorities on 20 September 2005 of a deficit of 6,1 % of GDP for 2005. The outcome for 2005 will be worse if further slippages occur (not excluded particularly on the expenditure side) and are also not compensated by corrective measures. According to this notification, the debt-to-GDP ratio in 2005 will remain below the 60 % threshold, at 57,1 %,
 - the target for 2006 contained in the convergence programme update and the recommendation adopted by the Council on 8 March 2005 that the deficit be brought to 2,9 % of GDP has been abandoned by the authorities. The substantially higher new target of 5,2 % of GDP⁽³⁾ contained in the draft budget for 2006 could be missed in the absence of substantial expenditure reduction since the planned tax reform is expected to reduce revenue by 1,1 % of GDP and the recently adopted draft budget for 2006 does not contain comprehensive measures of a structural nature that would support such a substantial reduction in expenditure,
 - the implementation of tax cuts in 2006 in particular is contrary to the recommendation of the Council that the timing and implementation of any tax cuts be made conditional upon the achievement of the deficit targets of the convergence programme update submitted in December 2004,
 - the substantial deviation, both in 2005 and 2006, from Hungary's deficit adjustment path aiming at correcting the excessive deficit by 2008, which was set by the Hungarian government and endorsed in the recommendation of the Council of 8 March 2005, puts into question the credibility of this correction and, together with the slow progress in structural reforms, jeopardises the needed improvement in the macroeconomic imbalances.

(1) http://europa.eu.int/comm/economy_finance/about/activities/sgp/edp/com_ass_hu_22_dec_en.pdf

(2) The difference to the previous target of 3,8 % of GDP is based on the increase in the contribution to the second pillar pension scheme by 0,2 percentage point of GDP in the March 2005 fiscal notification.

(3) This includes the standard recording of the purchase of military aircraft that add 0,5 % of GDP to the announced new deficit target of 4,7 % of GDP in 2006.

- (10) In line with the Resolution of the European Council of the Stability and Growth Pact, Hungary agreed to make the Council's recommendation of 8 March 2005 public,

Article 2

This decision is addressed to the Republic of Hungary.

HAS ADOPTED THIS DECISION:

Done at Brussels, 8 November 2005.

Article 1

The action taken by Hungary is proving to be inadequate in response to the recommendation of the Council of 8 March 2005.

For the Council

The President

G. BROWN

COMMISSION

COMMISSION DECISION

of 25 November 2005

concerning the accession of the European Atomic Energy Community to the Convention on Early Notification of a Nuclear Accident

(2005/844/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community and in particular the second paragraph of Article 101 thereof,

Having regard to the Council Decision of 23 May 2005 approving the conclusion of the Convention on Early Notification of a Nuclear Accident,

Whereas:

- (1) Twenty-four Member States are contracting parties to the Convention on Early Notification of a Nuclear Accident.
- (2) The European Atomic Energy Community should accede to the Convention on Early Notification of a Nuclear Accident,

HAS DECIDED AS FOLLOW:

Article 1

Accession to the Convention on Early Notification of a Nuclear Accident is hereby approved on behalf of the European Atomic Energy Community.

The text of the Convention on Early Notification of a Nuclear Accident and the declaration by the European Atomic Energy Community according to the provisions of Article 12(5)(c) of that Convention are attached to this Decision.

Article 2

The instrument of accession shall be deposited with the Director General of the International Atomic Energy Agency, depositary of the Convention on Early Notification of a Nuclear Accident, as soon as possible after the adoption of this Decision in the form of a letter signed by the Head of Delegation of the European Commission to the International Organisations in Vienna.

Done at Brussels, 25 November 2005.

For the Commission

Andris PIEBALGS

Member of the Commission

CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT

THE STATES PARTIES TO THIS CONVENTION,

AWARE that nuclear activities are being carried out in a number of States,

NOTING that comprehensive measures have been and are being taken to ensure a high level of safety in nuclear activities, aimed at preventing nuclear accidents and minimising the consequences of any such accident, should it occur,

DESIRING to strengthen further international cooperation in the safe development and use of nuclear energy,

CONVINCED of the need for States to provide relevant information about nuclear accidents as early as possible in order that transboundary radiological consequences can be minimised,

NOTING the usefulness of bilateral and multilateral arrangements on information exchange in this area,

HAVE AGREED as follows:

Article 1

Scope of application

1. This Convention shall apply in the event of any accident involving facilities or activities of a State Party or of persons or legal entities under its jurisdiction or control, referred to in paragraph 2 below, from which a release of radioactive material occurs or is likely to occur and which has resulted or may result in an international transboundary release that could be of radiological safety significance for another State.

2. The facilities and activities referred to in paragraph 1 are the following:

- (a) any nuclear reactor wherever located;
- (b) any nuclear fuel cycle facility;
- (c) any radioactive waste management facility;
- (d) the transport and storage of nuclear fuels or radioactive wastes;
- (e) the manufacture, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific and research purposes; and
- (f) the use of radioisotopes for power generation in space objects.

Article 2

Notification and information

In the event of an accident specified in Article 1 (hereinafter referred to as a nuclear accident), the State Party referred to in that article shall:

- (a) forthwith notify, directly or through the International Atomic Energy Agency (hereinafter referred to as the Agency), those States which are or may be physically affected as specified in

Article 1 and the Agency of the nuclear accident, its nature, the time of its occurrence and its exact location where appropriate; and

- (b) promptly provide the States referred to in sub-paragraph (a), directly or through the Agency, and the Agency with such available information relevant to minimising the radiological consequences in those States, as specified in Article 5.

Article 3

Other Nuclear Accidents

With a view to minimising the radiological consequences, States Parties may notify in the event of nuclear accidents other than those specified in Article 1.

Article 4

Functions of the Agency

The Agency shall:

- (a) forthwith inform States Parties, Member States, other States which are or may be physically affected as specified in Article 1 and relevant international intergovernmental organisations (hereinafter referred to as international organisations) of a notification received pursuant to sub-paragraph (a) of Article 2; and
- (b) promptly provide any State Party, Member State or relevant international organisation, upon request, with the information received pursuant to sub-paragraph (b) of Article 2.

Article 5

Information to be provided

1. The information to be provided pursuant to sub-paragraph (b) of Article 2 shall comprise the following data as then available to the notifying State Party:

- (a) the time, exact location where appropriate, and the nature of the nuclear accident;
- (b) the facility or activity involved;
- (c) the assumed or established cause and the foreseeable development of the nuclear accident relevant to the transboundary release of the radioactive materials;
- (d) the general characteristics of the radioactive release, including, as far as is practicable and appropriate, the nature, probable physical and chemical form and the quantity, composition and effective height of the radioactive release;
- (e) information on current and forecast meteorological and hydrological conditions, necessary for forecasting the transboundary release of the radioactive materials;
- (f) the results of environmental monitoring relevant to the transboundary release of the radioactive materials;
- (g) the off-site protective measures taken or planned;
- (h) the predicted behaviour over time of the radioactive release.

2. Such information shall be supplemented at appropriate intervals by further relevant information on the development of the emergency situation, including its foreseeable or actual termination.

3. Information received pursuant to subparagraph (b) of Article 2 may be used without restriction, except when such information is provided in confidence by the notifying State Party.

Article 6

Consultations

A State Party providing information pursuant to subparagraph (b) of Article 2 shall, as far as is reasonably practicable, respond promptly to a request for further information or consultations sought by an affected State Party with a view to minimising the radiological consequences in that State.

Article 7

Competent authorities and points of contact

1. Each State Party shall make known to the Agency and to other States Parties, directly or through the Agency, its competent authorities and point of contact responsible for issuing and receiving the notification and information referred to in Article 2. Such points of contact and a focal point within the Agency shall be available continuously.

2. Each State Party shall promptly inform the Agency of any changes that may occur in the information referred to in paragraph 1.

3. The Agency shall maintain an up-to-date list of such national authorities and points of contact as well as points of contact of relevant international organisations and shall provide it to States Parties and Member States and to relevant international organisations.

Article 8

Assistance to States Parties

The Agency shall, in accordance with its Statute and upon a request of a State Party which does not have nuclear activities itself and borders on a State having an active nuclear programme but not Party, conduct investigations into the feasibility and establishment of an appropriate radiation monitoring system in order to facilitate the achievement of the objectives of this Convention.

Article 9

Bilateral and multilateral arrangements

In furtherance of their mutual interests, States Parties may consider, where deemed appropriate, the conclusion of bilateral or multilateral arrangements relating to the subject matter of this Convention.

Article 10

Relationship to other international agreements

This Convention shall not affect the reciprocal rights and obligations of State Parties under existing international agreements which relate to the matters covered by this Convention, or under future international agreements concluded in accordance with the object and purpose of this Convention.

Article 11

Settlement of disputes

1. In the event of a dispute between States Parties, or between a State Party and the Agency, concerning the interpretation or application of this Convention, the parties to the dispute shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them.

2. If a dispute of this character between States Parties cannot be settled within one year from the request for consultation pursuant to paragraph 1, it shall, at the request of any party to such a dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organisation of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2 with respect to a State Party for which such a declaration is in force.

4. A State Party which has made a declaration in accordance with paragraph 3 may at any time withdraw it by notification to the depositary.

Article 12

Entry into force

1. This Convention shall be open for signature by all States and Namibia, represented by the United Nations Council for Namibia, at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York, from 26 September 1986 and 6 October 1986 respectively, until its entry into force or for 12 months, whichever period is longer.

2. A State and Namibia, represented by the United Nations Council for Namibia, may express its consent to be bound by this Convention either by signature, or by deposit of an instrument of ratification, acceptance or approval following signature made subject to ratification, acceptance or approval, or by deposit of an instrument of accession. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

3. This Convention shall enter into force 30 days after consent to be bound has been expressed by three States.

4. For each State expressing consent to be bound by this Convention after its entry into force, this Convention shall enter into force for that State 30 days after the date of expression of consent.

5. (a) This Convention shall be open for accession, as provided for in this article, by international organisations and regional integration organisations constituted by sovereign States, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence such organisations shall, on their own behalf, exercise the rights and fulfil the obligations which this Convention attributes to States Parties.

(c) When depositing its instrument of accession, such an organisation shall communicate to the depositary a declaration indicating the extent of its competence in respect of matters covered by this Convention.

(d) Such an organisation shall not hold any vote additional to those of its Member States.

Article 13

Provisional application

A State may, upon signature or at any later date before this Convention enters into force for it, declare that it will apply this Convention provisionally.

Article 14

Amendments

1. A State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all other States Parties.

2. If a majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than 30 days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be laid down in a protocol which is open to signature in Vienna and New York by all States Parties.

3. The protocol shall enter into force 30 days after consent to be bound has been expressed by three States. For each State expressing consent to be bound by the protocol after its entry into force, the protocol shall enter into force for the State 30 days after the date of expression of consent.

Article 15

Denunciation

1. A State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect on year following the date on which the notification is received by the depositary.

Article 16

Depositary

1. The Director General of the Agency shall be the depositary of this Convention.

2. The Director General of the Agency shall promptly notify States Parties and all other States of:

(a) each signature of this Convention or any protocol of amendment;

(b) each deposit of an instrument of ratification, acceptance, approval or accession concerning this Convention of any protocol of amendment;

(c) any declaration or withdrawal thereof in accordance with Article 11;

- (d) any declaration of provisional application of this Convention in accordance with Article 13;
- (e) the entry into force of this Convention and of any amendment thereto; and
- (f) any denunciation made under Article 15.

shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies to States Parties and all other States.

IN WITNESS WHEREOF the undersigned, being duly authorised, have signed this Convention, open for signature as provided for in paragraph 1 of Article 12.

Article 17

Authentic texts and certified copies

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic,

ADOPTED by the General Conference of the International Atomic Energy Agency meeting in special session at Vienna on the twenty-sixth day of September one thousand nine hundred and eighty-six.

Declaration referred to in Article 12(5)(c) of the Convention on Early Notification of a Nuclear Accident

The Community possesses competences, shared with its Member States, in the field of notification of radiological emergencies, to the extent provided by Article 2(b) and the relevant provisions of Title II, Chapter 3 'Health and Safety' of the Treaty establishing the European Atomic Energy Community.

COMMISSION DECISION**of 25 November 2005****concerning the accession of the European Atomic Energy Community to the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency**

(2005/845/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community and in particular the second paragraph of Article 101 thereof,

Having regard to the Council Decision of 23 May 2005 approving the conclusion of the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency,

Whereas:

- (1) Twenty-three Member States are contracting parties to the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency.
- (2) The European Atomic Energy Community should accede to the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency,

HAS DECIDED AS FOLLOWS:

Article 1

Accession to the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency is hereby

approved on behalf of the European Atomic Energy Community.

The text of the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency and the declaration by the European Atomic Energy Community according to the provisions of Article 14(5)(c) of that Convention are attached to this Decision.

Article 2

The instrument of accession shall be deposited with the Director General of the International Atomic Energy Agency, depositary of the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency, as soon as possible after the adoption of this Decision in the form of a letter signed by the Head of Delegation of the European Commission to the International Organisations in Vienna.

Done at Brussels, 25 November 2005.

For the Commission

Andris PIEBALGS

Member of the Commission

CONVENTION ON ASSISTANCE IN THE CASE OF A NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY

THE STATES PARTIES TO THIS CONVENTION,

AWARE that nuclear activities are being carried out in a number of States,

NOTING that comprehensive measures have been and are being taken to ensure a high level of safety in nuclear activities, aimed at preventing nuclear accidents and minimising the consequences of any such accident, should it occur,

DESIRING to strengthen further international cooperation in the safe development and use of nuclear energy,

CONVINCED of the need for an international framework which will facilitate the prompt provision of assistance in the event of a nuclear accident or radiological emergency to mitigate its consequences,

NOTING the usefulness of bilateral and multilateral arrangements on mutual assistance in this area,

NOTING the activities of the International Atomic Energy Agency in developing guidelines for mutual emergency assistance arrangements in connection with a nuclear accident or radiological emergency,

HAVE AGREED as follows:

Article 1

General provisions

1. The States Parties shall cooperate between themselves and with the International Atomic Energy Agency (hereinafter referred to as the Agency) in accordance with the provisions of this Convention to facilitate prompt assistance in the event of a nuclear accident or radiological emergency to minimise its consequences and to protect life, property and the environment from the effects of radioactive releases.

2. To facilitate such cooperation States Parties may agree on bilateral or multilateral arrangements or, where appropriate, a combination of these, for preventing or minimising injury and damage which may result in the event of a nuclear accident or radiological emergency.

3. The States Parties request the Agency, acting within the framework of its Statute, to use its best endeavours in accordance with the provisions of this Convention to promote, facilitate and support the cooperation between States Parties provided for in this Convention.

Article 2

Provision of assistance

1. If a State Party needs assistance in the event of a nuclear accident or radiological emergency, whether or not such accident or emergency originates within its territory, jurisdiction or control, it may call for such assistance from any other State Party, directly or through the Agency, and from the Agency, or,

where appropriate, from other international intergovernmental organisations (hereinafter referred to as international organisations).

2. A State Party requesting assistance shall specify the scope and type of assistance required and, where practicable, provide the assisting party with such information as may be necessary for that party to determine the extent to which it is able to meet the request. In the event that it is not practicable for the requesting State Party to specify the scope and type of assistance required, the requesting State Party and the assisting party shall, in consultation, decide upon the scope and type of assistance required.

3. Each State Party to which a request for such assistance is directed shall promptly decide and notify the requesting State Party, directly or through the Agency, whether it is in a position to render the assistance requested and the scope and terms of the assistance that might be rendered.

4. States Parties shall, within the limits of their capabilities, identify and notify the Agency of experts, equipment and materials which could be made available for the provision of assistance to other States Parties in the event of a nuclear accident or radiological emergency as well as the terms, especially financial, under which such assistance could be provided.

5. Any State Party may request assistance relating to medical treatment or temporary relocation into the territory of another State Party of people involved in a nuclear accident or radiological emergency.

6. The Agency shall respond, in accordance with its Statute and as provided for in this Convention, to a requesting State Party's or a Member State's request for assistance in the event of a nuclear accident or radiological emergency by:

- (a) making available appropriate resources allocated for this purpose;
- (b) transmitting promptly the request to other States and international organisations which, according to the Agency's information, may possess the necessary resources; and
- (c) if so requested by the requesting State, coordinating the assistance at the international level which may thus become available.

Article 3

Direction and control of assistance

Unless otherwise agreed:

- (a) the overall direction, control, coordination and supervision of the assistance shall be the responsibility within its territory of the requesting State. The assisting party should, where the assistance involves personnel, designate in consultation with the requesting State, the person who should be in charge of and retain immediate operational supervision over the personnel and the equipment provided by it. The designated person should exercise such supervision in cooperation with the appropriate authorities of the requesting State;
- (b) the requesting State shall provide, to the extent of its capabilities, local facilities and services for the proper and effective administration of the assistance. It shall also ensure the protection of personnel, equipment and materials brought into its territory by or on behalf of the assisting party for such purpose;
- (c) ownership of equipment and materials provided by either party during the periods of assistance shall be unaffected, and their return shall be ensured;
- (d) a State Party providing assistance in response to a request under Article 2(5) shall coordinate that assistance within its territory.

Article 4

Competent authorities and points of contact

1. Each State Party shall make known to the Agency and to other States Parties, directly or through the Agency, its

competent authorities and point of contact authorised to make and receive requests for and to accept offers of assistance. Such points of contact and a focal point within the Agency shall be available continuously.

2. Each State Party shall promptly inform the Agency of any changes that may occur in the information referred to in paragraph 1.

3. The Agency shall regularly and expeditiously provide to States Parties, Member States and relevant international organisations the information referred to in paragraphs 1 and 2.

Article 5

Functions of the Agency

The States Parties request the Agency, in accordance with Article 1(3) and without prejudice to other provisions of this Convention, to:

- (a) collect and disseminate to States Parties and Member States information concerning:
 - (i) experts, equipment and materials which could be made available in the event of nuclear accidents or radiological emergencies;
 - (ii) methodologies, techniques and available results of research relating to response to nuclear accidents or radiological emergencies;
- (b) assist a State Party or a Member State when requested in any of the following or other appropriate matters:
 - (i) preparing both emergency plans in the case of nuclear accidents and radiological emergencies and the appropriate legislation;
 - (ii) developing appropriate training programmes for personnel to deal with nuclear accidents and radiological emergencies;
 - (iii) transmitting requests for assistance and relevant information in the event of a nuclear accident or radiological emergency;
 - (iv) developing appropriate radiation monitoring programmes, procedures and standards;
 - (v) conducting investigations into the feasibility of establishing appropriate radiation monitoring systems;

- (c) make available to a State Party or a Member State requesting assistance in the event of a nuclear accident or radiological emergency appropriate resources allocated for the purpose of conducting an initial assessment of the accident or emergency;
- (d) offer its good offices to the States Parties and Member States in the event of a nuclear accident or radiological emergency;
- (e) establish and maintain liaison with relevant international organisations for the purposes of obtaining and exchanging relevant information and data, and make a list of such organisations available to States Parties, Member States and the aforementioned organisations.

Article 6

Confidentiality and public statements

1. The requesting State and the assisting party shall protect the confidentiality of any confidential information that becomes available to either of them in connection with the assistance in the event of a nuclear accident or radiological emergency. Such information shall be used exclusively for the purpose of the assistance agreed upon.
2. The assisting party shall make every effort to coordinate with the requesting State before releasing information to the public on the assistance provided in connection with a nuclear accident or radiological emergency.

Article 7

Reimbursement of costs

1. An assisting party may offer assistance without costs to the requesting State. When considering whether to offer assistance on such a basis, the assisting party shall take into account:
 - (a) the nature of the nuclear accident or radiological emergency;
 - (b) the place of origin of the nuclear accident or radiological emergency;
 - (c) the needs of developing countries;
 - (d) the particular needs of countries without nuclear facilities; and
 - (e) any other relevant factors.

2. When assistance is provided wholly or partly on a reimbursement basis, the requesting State shall reimburse the assisting party for the costs incurred for the services rendered by persons or organisations acting on its behalf, and for all expenses in connection with the assistance to the extent that such expenses are not directly defrayed by the requesting State. Unless otherwise agreed, reimbursement shall be provided promptly after the assisting party has presented its request for reimbursement to the requesting State, and in respect of costs other than local costs, shall be freely transferrable.

3. Notwithstanding paragraph 2, the assisting party may at any time waive, or agree to the postponement of, the reimbursement in whole or in part. In considering such waiver or postponement, assisting parties shall give due consideration to the needs of developing countries.

Article 8

Privileges, immunities and facilities

1. The requesting State shall afford to personnel of the assisting party and personnel acting on its behalf the necessary privileges, immunities and facilities for the performance of their assistance functions.
2. The requesting State shall afford the following privileges and immunities to personnel of the assisting party or personnel acting on its behalf who have been duly notified to and accepted by the requesting State:
 - (a) immunity from arrest, detention and legal process, including criminal, civil and administrative jurisdiction, of the requesting State, in respect of acts or omissions in the performance of their duties; and
 - (b) exemption from taxation, duties or other charges, except those which are normally incorporated in the price of goods or paid for services rendered, in respect of the performance of their assistance functions.
3. The requesting State shall:
 - (a) afford the assisting party exemption from taxation, duties or other charges on the equipment and property brought into the territory of the requesting State by the assisting party for the purpose of the assistance; and
 - (b) provide immunity from seizure, attachment or requisition of such equipment and property.

4. The requesting State shall ensure the return of such equipment and property. If requested by the assisting party, the requesting State shall arrange, to the extent it is able to do so, for the necessary decontamination of recoverable equipment involved in the assistance before its return.

5. The requesting State shall facilitate the entry into, stay in and departure from its national territory of personnel notified pursuant to paragraph 2 and of equipment and property involved in the assistance.

6. Nothing in this article shall require the requesting State to provide its nationals or permanent residents with the privileges and immunities provided for in the foregoing paragraphs.

7. Without prejudice to the privileges and immunities, all beneficiaries enjoying such privileges and immunities under this article have a duty to respect the laws and regulations of the requesting State. They shall also have the duty not to interfere in the domestic affairs of the requesting State.

8. Nothing in this article shall prejudice rights and obligations with respect to privileges and immunities afforded pursuant to other international agreements or the rules of customary international law.

9. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound in whole or in part by paragraphs 2 and 3.

10. A State Party which has made a declaration in accordance with paragraph 9 may at any time withdraw it by notification to the depositary.

Article 9

Transit of personnel, equipment and property

Each State Party shall, at the request of the requesting State or the assisting party, seek to facilitate the transit through its territory of duly notified personnel, equipment and property involved in the assistance to and from the requesting State.

Article 10

Claims and compensation

1. The States Parties shall closely cooperate in order to facilitate the settlement of legal proceedings and claims under this article.

2. Unless otherwise agreed, a requesting State shall in respect of death or of injury to persons, damage to or loss of property,

or damage to the environment caused within its territory or other area under its jurisdiction or control in the course of providing the assistance requested:

(a) not bring any legal proceedings against the assisting party or persons or other legal entities acting on its behalf;

(b) assume responsibility for dealing with legal proceedings and claims brought by third parties against the assisting party or against persons or other legal entities acting on its behalf;

(c) hold the assisting party or persons or other legal entities acting on its behalf harmless in respect of legal proceedings and claims referred to in sub-paragraph (b); and

(d) compensate the assisting party or persons or other legal entities acting on its behalf for:

(i) death of or injury to personnel of the assisting party or persons acting on its behalf;

(ii) loss of or damage to non-consumable equipment or materials related to the assistance;

except in cases of wilful misconduct by the individuals who caused the death, injury, loss or damage.

3. This article shall not prevent compensation or indemnity available under any applicable international agreement or national law of any State.

4. Nothing in this article shall require the requesting State to apply paragraph 2 in whole or in part to its nationals or permanent residents.

5. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare:

(a) that it does not consider itself bound in whole or in part by paragraph 2;

(b) that it will not apply paragraph 2 in whole or in part in cases of gross negligence by the individuals who caused the death, injury, loss or damage.

6. A State Party which has made a declaration in accordance with paragraph 5 may at any time withdraw it by notification to the depositary.

*Article 11***Termination of assistance**

The requesting State or the assisting party may at any time, after appropriate consultations and by notification in writing, request the termination of assistance received or provided under this Convention. Once such a request has been made, the parties involved shall consult with each other to make arrangements for the proper conclusion of the assistance.

*Article 12***Relationship to other international agreements**

This Convention shall not affect the reciprocal rights and obligations of States Parties under existing international agreements which relate to the matters covered by this Convention, or under future international agreements concluded in accordance with the object and purpose of this Convention.

*Article 13***Settlement of disputes**

1. In the event of a dispute between States Parties, or between a State Party and the Agency, concerning the interpretation or application of this Convention, the parties to the dispute shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them.

2. If a dispute of this character between States Parties cannot be settled within one year from the request for consultation pursuant to paragraph 1, it shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organisation of the arbitration, a party may request the President of The International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2 with respect to a State Party for which such a declaration is in force.

4. A State Party which has made a declaration in accordance with paragraph 3 may at any time withdraw it by notification to the depositary.

*Article 14***Entry into force**

1. This Convention shall be open for signature by all States and Namibia, represented by the United Nations Council for Namibia, at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York, from 26 September 1986 and 6 October 1986 respectively, until its entry into force or for 12 months, whichever period is longer.

2. A State and Namibia, represented by the United Nations Council for Namibia, may express its consent to be bound by this Convention either by signature, or by deposit of an instrument of ratification, acceptance or approval following signature made subject to ratification, acceptance or approval, or by deposit of an instrument of accession. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

3. This Convention shall enter into force 30 days after consent to be bound has been expressed by three States.

4. For each State expressing consent to be bound by this Convention after its entry into force, this Convention shall enter into force for that State 30 days after the date of expression of consent.

5. (a) This Convention shall be open for accession, as provided for in this article, by international organisations and regional integration organisations constituted by sovereign States, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence such organisations shall, on their own behalf, exercise the rights and fulfil the obligations which this Convention attributes to States Parties.

(c) When depositing its instrument of accession, such an organisation shall communicate to the depositary a declaration indicating the extent of its competence in respect of matters covered by this Convention.

(d) Such an organisation shall not hold any vote additional to those of its Member States.

*Article 15***Provisional application**

A State may, upon signature or at any later date before this Convention enters into force for it, declare that it will apply this Convention provisionally.

*Article 16***Amendments**

1. A State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all other States Parties.

2. If a majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than 30 days after the invitations are issued. Any amendment adopted at the conference by a two thirds majority of all States Parties shall be laid down in a protocol which is open to signature in Vienna and New York by all States Parties.

3. The protocol shall enter into force 30 days after consent to be bound has been expressed by three States. For each State expressing consent to be bound by the protocol after its entry into force, the protocol shall enter into force for that State 30 days after the date of expression of consent.

*Article 17***Denunciation**

1. A State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one year following the date on which the notification is received by the depositary.

*Article 18***Depositary**

1. The Director General of the Agency shall be the depositary of this Convention.

2. The Director General of the Agency shall promptly notify States Parties and all other States of:

- (a) each signature of this Convention or any protocol of amendment;
- (b) each deposit of an instrument of ratification, acceptance, approval or accession concerning this Convention or any protocol of amendment;
- (c) any declaration or withdrawal thereof in accordance with Articles 8, 10 and 13;
- (d) any declaration of provisional application of this Convention in accordance with Article 15;
- (e) the entry into force of this Convention and of any amendment thereto; and
- (f) any denunciation made under Article 17.

*Article 19***Authentic texts and certified copies**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies to States Parties and all other States.

IN WITNESS WHEREOF the undersigned, being duly authorised, have signed this Convention, open for signature as provided for in Article 14(1).

ADOPTED by the General Conference of the International Atomic Energy Agency meeting in special session at Vienna on the twenty-sixth day of September one thousand nine hundred and eighty-six.

Declaration referred to in Article 14(5)(c) of the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency

The Community possesses competences, shared with its Member States, in the field of assistance in the event of a radiological emergency, to the extent provided by Article 2(b) and the relevant provisions of Title II, Chapter 3 'Health and Safety' of the Treaty establishing the European Atomic Energy Community.

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL DECISION 2005/846/CFSP
of 29 November 2005
implementing Common Position 2005/440/CFSP concerning restrictive measures against the
Democratic Republic of Congo

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to Council Common Position 2005/440/CFSP of 13 June 2005 ⁽¹⁾, and in particular Article 6 thereof, in conjunction with Article 23(2) of the Treaty on European Union,

The list of persons and entity set out in the Annex to this Decision shall be inserted in the Annex to Common Position 2005/440/CFSP.

Article 2

Whereas:

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

Article 3

- (1) On 1 November 2005, the Committee established pursuant to United Nations Security Council (UNSC) Resolution 1533 (2004) approved the list of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of UNSC Resolution 1596 (2005) concerning the Democratic Republic of the Congo.

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 29 November 2005.

- (2) The Annex to Common Position 2005/440/CFSP should be completed accordingly,

For the Council
The President
A. JOHNSON

⁽¹⁾ OJ L 152, 15.6.2005, p. 22.

ANNEX

List of persons and entity referred to in Article 1

1. Surname, First Name: BWAMBALE, Frank Kakolele

Alias: Frank Kakorere, Frank Kakorere Bwambale

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue):

Nationality:

Other information: Former RCD-ML leader, exercising influence over policies and maintaining command and control over the activities of RCD-ML forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo.

2. Surname, First Name: KAKWAVU BUKANDE, Jérôme

Alias: Jérôme Kakwavu

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Congolese

Other information: Known as: 'Commandant Jérôme'. Former President of UCD/FAPC. FAPC's control of illegal border posts between Uganda and the DRC — a key transit route for arms flows. As President of the FAPC, he exercises influence over policies and maintains command and control over the activities of FAPC forces, which have been involved in arms trafficking and, consequently, in violations of the arms embargo. Given the rank of General in the FARDC in December 2004.

3. Surname, First Name: KATANGA, Germain

Alias:

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Congolese

Other information: Under house arrest in Kinshasa from March 2005 for FRPI involvement in human rights abuses. FRPI chief. Appointed General in the FARDC in December 2004. Involved in weapons transfers, in violation of the arms embargo.

4. Surname, First Name: LUBANGA, Thomas

Alias:

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country): Ituri

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Congolese

Other information: Arrested in Kinshasa from March 2005 for UPC/L involvement in human rights abuses violations. President of the UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo.

5. Surname, First Name: MANDRO, Khawa Panga

Alias: Kawa Panga, Kawa Panga Mandro, Kawa Mandro, Yves Andoul Karim

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth: 20.8.1973

Place of birth (town, country): Bunia

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Congolese

Other information: Known as: 'Chief Kahwa', 'Kawa'. Ex-President of PUSIC, one of the armed groups and militia referred to in paragraph 20 of Res. 1493 (2003) involved in arms trafficking, in violation of the arms embargo. In prison in Bunia since 04/05 for sabotage of the Ituri peace process.

6. Surname, First Name: MPANO, Douglas

Alias:

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Congolese

Other information: Based in Goma. Manager of the Compagnie Aérienne des Grands Lacs and of Great Lakes Business Company, whose aircraft were used to provide assistance to armed groups and militias referred to in paragraph 20 of Res. 1493 (2003). Also responsible for disguising information on flights and cargo apparently to allow for the violation of the arms embargo.

7. Surname, First Name: MUDACUMURA, Sylvestre

Alias:

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Rwandan

Other information: Known as: 'Radja', 'Mupenzi Bernard', 'General Major Mupenzi'. FDLR Commander on the ground, exercising influence over policies, and maintaining command and control over the activities of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo.

8. Surname, First Name: MURWANASHY-AKA, Dr Ignace

Alias: Ignace

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Rwandan

Other information: Resident in Germany. President of FDLR, exercising influence over policies, and maintaining command and control over the activities of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo.

9. Surname, First Name: MUTEBUTSI, Jules

Alias: Jules Mutebusi, Jules Mutebuzi

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country): South Kivu

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Congolese (South Kivu)

Other information: Currently detained in Rwanda. Known as: 'Colonel Mutebutsi'. Former FARDC Deputy Military Regional Commander of 10th MR in April 2004, dismissed for indiscipline and joined forces with other renegade elements of former RCD-G to take town of Bukavu in May 2004 by force. Implicated in the receipt of weapons outside of FARDC structures and provision of supplies to armed groups and militia mentioned in paragraph 20 of Res. 1493 (2003), in violation of the arms embargo.

10. Surname, First Name: NGUDJOLO, Matthieu

Alias: Cui Ngudjolo

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue):

Nationality:

Other information: 'Colonel' or 'General'. FNI Chief of Staff and former Chief of Staff of the FRPI, exercising influence over policies and maintaining command and control the activities of FRPI forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo. Arrested by MONUC in Bunia in October 2003.

11. Surname, First Name: NJABU, Floribert Ngabu

Alias: Floribert Njabu, Floribert Ndjabu, Floribert Ngabu Ndjabu

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue):

Nationality:

Other information: Arrested and placed under house arrest in Kinshasa from March 2005 for FNI involvement in human rights abuses. President of FNI, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo.

12. Surname, First Name: NKUNDA, Laurent

Alias: Laurent Nkunda Bware, Laurent Nkundabatware, Laurent Nkunda Mahoro Batware

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth: 6.2.1967

Place of birth (town, country): North Kivu/Rutshuru

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Congolese

Other information: Currently unlocated. Sightings in Rwanda and Goma. Known as: 'General Nkunda'. Former RCD-G General. Joined forces with other renegade elements of former RCD-G to take Bukavu in May 2004 by force. In receipt of weapons outside of FARDC in violation of the arms embargo.

13. Surname, First Name: NYAKUNI, James

Alias:

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Ugandan

Other information: Trade partnership with Commandant Jerome, particularly smuggling across the DRC/Uganda border, including suspected smuggling of weapons and military material in unchecked trucks. Violation of the arms embargo and provision of assistance to armed groups and militia referred to in paragraph 20 of Res. 1493 (2003), including financial support that allows them to operate militarily.

14. Surname, First Name: OZIA MAZIO, Dieudonné

Alias: Ozia Mazio

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth: 6.6.1949

Place of birth (town, country): Ariwara, DRC

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Congolese

Other information: Known as: 'Omari', 'Mr Omari'. President of FEC in Aru territory. Financial schemes with Commandant Jerome and FAPC and smuggling across the DRC/Uganda border, allowing supplies and cash to be made available to Commandant Jerome and his troops. Violation of the arms embargo, including by providing assistance to armed groups and militia referred to in paragraph 20 of Res. 1493 (2003).

15. Surname, First Name: TAGANDA, Bosco

Alias: Bosco Ntaganda, Bosco Ntagenda

Sex:

Title, Function:

Address (No, street, postal code, town, country):

Date of birth:

Place of birth (town, country):

Passport or ID Number (including country that issued and date and place of issue):

Nationality: Congolese

Other information: Known as: 'Terminator', 'Major'. UPC/L military commander, exercising influence over policies and maintaining command and control over the activities of UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. He was appointed General in the FARDC in December 2004 but refused to accept the promotion, therefore remaining outside of the FARDC.

16. Name: TOUS POUR LA PAIX ET LE DEVELOPPMENT (NGO)

Alias: TPD

Address (No, street, postal code, town, country): Goma, North Kivu

Place of registration (town, country):

Date of registration:

Registration number:

Principal place of business:

Other information: Implicated in violation of the arms embargo, by providing assistance to RCD-G, particularly in supplying trucks to transport arms and troops, and also by transporting weapons to be distributed, to parts of the population in Masisi and Rutshuru, North Kivu, in early 2005.

COUNCIL COMMON POSITION 2005/847/CFSP**of 29 November 2005****updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2005/725/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Article 1

The list of persons, groups and entities to which Common Position 2001/931/CFSP applies is contained in the Annex hereto.

Whereas:

Article 2

Common Position 2005/725/CFSP is hereby repealed.

(1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ⁽¹⁾.

Article 3

This Common Position shall take effect on the date of its adoption.

(2) On 17 October 2005, the Council adopted Common Position 2005/725/CFSP updating Common Position 2001/931/CFSP ⁽²⁾.

Article 4

This Common Position shall be published in the *Official Journal of the European Union*.

(3) Common Position 2001/931/CFSP provides for a review at regular intervals.

Done at Brussels, 29 November 2005.

(4) It has been decided to update the Annex to Common Position 2001/931/CFSP and to repeal Common Position 2005/725/CFSP.

(5) A list has been elaborated in compliance with the criteria laid down in Article 1(4) of Common Position 2001/931/CFSP,

For the Council
The President
A. JOHNSON

⁽¹⁾ OJ L 344, 28.12.2001, p. 93.

⁽²⁾ OJ L 272, 18.10.2005, p. 28.

ANNEX

List of persons, groups and entities referred to in Article 1 ⁽¹⁾

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rème Lahdi) born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane) born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
3. * ALBERDI URANGA, Itziar (E.T.A. Activist) born 7.10.1963 in Durango (Biscay), identity card No 78.865.693
4. * ALBISU IRIARTE, Miguel (E.T.A. Activist; Member of Gestoras Pro-amnistía) born 7.6.1961 in San Sebastián (Guipúzcoa), identity card No 15.954.596
5. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen of Saudi Arabia
6. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen of Saudi Arabia
7. AL YACoub, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen of Saudi Arabia
8. * APAOLAZA SANCHO, Iván (E.T.A. Activist; Member of K. Madrid) born 10.11.1971 in Beasain (Guipúzcoa), identity card No 44.129.178
9. ARIOUA, Azzedine born 20.11.1960 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
10. ARIOUA, Kamel (a.k.a. Lamine Kamel) born 18.8.1969 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
11. ASLI, Mohamed (a.k.a. Dahmane Mohamed) born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
12. ASLI, Rabah born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
13. * ARZALLUS TAPIA, Eusebio (E.T.A. Activist) born 8.11.1957 in Regil (Guipúzcoa), identity card No 15.927.207
14. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen of Lebanon
15. DARIB, Noureddine (a.k.a. Carreto; a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)
16. DJABALI, Abderrahmane (a.k.a. Touil) born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)
17. * ECHEBERRIA SIMARRO, Leire (E.T.A. Activist) born 20.12.1977 in Basauri (Bizcay), identity card No 45.625.646
18. * ECHEGARAY ACHIRICA, Alfonso (E.T.A. Activist) born 10.1.1958 in Plencia (Bizcay), identity card No 16.027.051
19. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen of Saudi Arabia
20. FAHAS, Sofiane Yacine born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
21. * GOGESCOECHEA ARRONATEGUI, Eneko (E.T.A. Activist), born 29.4.1967 in Guernica (Biscay), identity card No 44.556.097
22. * IPARRAGUIRRE GUENECHEA, Ma Soledad (E.T.A. Activist) born 25.4.1961 in Escoriaza (Navarra), identity card No 16.255.819
23. * IZTUETA BARANDICA, Enrique (E.T.A. Activist) born 30.7.1955 in Santurce (Biscay), identity card No 14.929.950

⁽¹⁾ Persons, groups and entities marked with an * shall be the subject of Article 4 of Common Position 2001/931/CFSP only.

24. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
25. LASSASSI, Saber (a.k.a. Mimiche) born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
26. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul) born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555
27. MOKTARI, Fateh (a.k.a. Ferdi Omar) born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
28. * MORCILLO TORRES, Gracia (E.T.A. Activist; Member of Kas/Ekin) born 15.3.1967 in San Sebastián (Guipúzcoa), identity card No 72.439.052
29. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)
30. * NARVÁEZ GOÑI, Juan Jesús (E.T.A. Activist) born 23.2.1961 in Pamplona (Navarra), identity card No 15.841.101
31. NOUARA, Farid born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
32. * ORBE SEVILLANO, Zigor (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.9.1975 in Basauri (Biscay), identity card No 45.622.851
33. * PALACIOS ALDAY, Gorka (E.T.A. Activist; Member of K. Madrid), born 17.10.1974 in Baracaldo (Biscay), identity card No 30.654.356
34. * PEREZ ARAMBURU, Jon Iñaki (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 18.9.1964 in San Sebastián (Guipúzcoa), identity card No 15.976.521
35. * QUINTANA ZORROZUA, Asier (E.T.A. Activist; Member of K. Madrid), born 27.2.1968 in Bilbao (Biscay), identity card No 30.609.430
36. RESSOUS, Hoari (a.k.a. Hallasa Farid) born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
37. * RUBENACH ROIG, Juan Luis (E.T.A. Activist; Member of K. Madrid), born 18.9.1963 in Bilbao (Biscay), identity card No 18.197.545
38. SEDKAOUI, Noureddine (a.k.a. Nounou) born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
39. SELMANI, Abdelghani (a.k.a. Gano) born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
40. SENOUCI, Sofiane born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
41. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines including NPA) born 8.2.1939 in Cabugao, Philippines
42. TINGUALI, Mohammed (a.k.a. Mouh di Kouba) born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra)
43. * URANGA ARTOLA, Kemen (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna) born 25.5.1969 in Ondarroa (Biscay), identity card No 30.627.290
44. * VALLEJO FRANCO, Iñigo (E.T.A. Activist) born 21.5.1976 in Bilbao (Biscay), identity card No 29.036.694
45. * VILA MICHELENA, Fermín (E.T.A. Activist; Member of Kas/Ekin) born 12.3.1970 in Irún (Guipúzcoa), identity card No 15.254.214

2. GROUPS AND ENTITIES

1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)
2. Al-Aqsa Martyr's Brigade
3. Al-Aqsa e.V.

4. Al-Takfir and Al-Hijra
5. * Nuclei Territoriali Antimperialisti (Anti-Imperialist Territorial Units)
6. * Cooperativa Artigiana Fuoco ed Affini — Occasionalmente Spettacolare (Artisans' Cooperative Fire and Similar — Occasionally Spectacular)
7. * Nuclei Armati per il Comunismo (Armed Units for Communism)
8. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
9. Babbar Khalsa
10. * CCCCC — Cellula Contro Capitale, Carcere i suoi Carcerieri e le sue Celle (Cell Against Capital, Prison, Prison Warders and Prison Cells)
11. Communist Party of the Philippines, including New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines, including NPA)
12. * Continuity Irish Republican Army (CIRA)
13. * Euskadi Ta Askatasuna/Tierra Vasca y Libertad/Basque Fatherland and Liberty (E.T.A.) (The following organisations are part of the terrorist group E.T.A.: K.a.s., Xaki, Ekin, Jarrai-Haika-Segi, Gestoras pro-amnistía, Askatasuna, Batasuna (a.k.a. Herri Batasuna, a.k.a. Euskal Herritarrok)
14. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
15. Great Islamic Eastern Warriors Front (IBDA-C)
16. * Grupos de Resistencia Antifascista Primero de Octubre/Antifascist Resistance Groups First of October (G.R.A.P.O.)
17. Hamas (including Hamas-Izz al-Din al-Qassem)
18. Hizbul Mujahideen (HM)
19. Holy Land Foundation for Relief and Development
20. International Sikh Youth Federation (ISYF)
21. * Solidarietà Internazionale (International Solidarity)
22. Kahane Chai (Kach)
23. Kurdistan Workers' Party (PKK), (a.k.a. KADEK; a.k.a. KONGRA-GEL)
24. * Loyalist Volunteer Force (LVF)
25. Mujahedin-e Khalq Organisation (MEK or MKO) (minus the 'National Council of Resistance of Iran' (NCRI)) (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Student's Society)
26. National Liberation Army (Ejército de Liberación Nacional)
27. * Orange Volunteers (OV)
28. Palestine Liberation Front (PLF)
29. Palestinian Islamic Jihad (PIJ)
30. Popular Front for the Liberation of Palestine (PFLP)
31. Popular Front for the Liberation of Palestine-General Command, (a.k.a. PFLP-General Command)
32. * Real IRA

33. * Brigate Rosse per la Costruzione del Partito Comunista Combattente (Red Brigades for the Construction of the Fighting Communist Party)
 34. * Red Hand Defenders (RHD)
 35. Revolutionary Armed Forces of Colombia (FARC)
 36. * Revolutionary Nuclei/Epanastatiki Pirines
 37. * Revolutionary Organisation 17 November/Dekati Evdomi Noemvri
 38. Revolutionary People's Liberation Army/Front/Party (DHKP/C), (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
 39. * Revolutionary Popular Struggle/Epanastatikos Laikos Agonas (ELA)
 40. Shining Path (SL) (Sendero Luminoso)
 41. Stichting Al Aqsa (a.k.a. Stichting Al Aqsa Nederland, a.k.a. Al Aqsa Nederland)
 42. * Brigata XX Luglio (Twentieth of July Brigade)
 43. * Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF)
 44. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia)
 45. * Nucleo di Iniziativa Proletaria Rivoluzionaria (Unit for Revolutionary Proletarian Initiative)
 46. * Nuclei di Iniziativa Proletaria (Units for Proletarian Initiative)
 47. * F.A.I. — Federazione Anarchica Informale (Unofficial Anarchist Federation)
-

COUNCIL DECISION 2005/848/EC**of 29 November 2005****implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/722/EC**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) On 17 October 2005 the Council adopted Decision 2005/722/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/428/CFSP ⁽²⁾.
- (2) It has been decided to adopt an updated list of the persons, groups and entities to which Regulation (EC) No 2580/2001 applies,

HAS DECIDED AS FOLLOWS:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be replaced by the following:

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rème Lahdi), born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
3. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim), born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen of Saudi Arabia
4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen of Saudi Arabia
5. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen of Saudi Arabia

6. ARIOUA, Azzedine, born 20.11.1960 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)
7. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)
8. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
9. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
10. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen of Lebanon
11. DARIB, Noureddine (a.k.a. Carreto; a.k.a. Zitoun Mourad), born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)
12. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)
13. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali), born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen of Saudi Arabia
14. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
15. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
16. LASSASSI, Saber (a.k.a. Mimiche), born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
17. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Abdul), born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555
18. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
19. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)
20. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

⁽¹⁾ OJ L 344, 28.12.2001, p. 70. Regulation as last amended by Commission Regulation (EC) No 1207/2005 (OJ L 197, 28.7.2005, p. 16).

⁽²⁾ OJ L 272, 18.10.2005, p. 15, and Corrigendum (OJ L 276, 21.10.2005, p. 70).

21. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
22. SEDKAOUI, Nouredine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
23. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
24. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
25. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines including NPA) born 8.2.1939 in Cabaugao, Philippines
26. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra)

2. GROUPS AND ENTITIES

1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)
2. Al-Aqsa Martyrs' Brigade
3. Al-Aqsa e.V.
4. Al-Takfir and Al-Hijra
5. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
6. Babbar Khalsa
7. Communist Party of the Philippines, including New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of the Communist Party of the Philippines, including NPA)
8. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
9. Great Islamic Eastern Warriors Front (IBDA-C)
10. Hamas (including Hamas-Izz al-Din al-Qassem)
11. Hizbul Mujahideen (HM)
12. Holy Land Foundation for Relief and Development
13. International Sikh Youth Federation (ISYF)

14. Kahane Chai (Kach)
15. Kurdistan Workers' Party (PKK), (a.k.a. KADEK; a.k.a. KONGRA-GEL)
16. Mujahedin-e Khalq Organisation (MEK or MKO) (minus the 'National Council of Resistance of Iran' (NCRI)) (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Students' Society)
17. National Liberation Army (Ejército de Liberación Nacional)
18. Palestine Liberation Front (PLF)
19. Palestinian Islamic Jihad (PIJ)
20. Popular Front for the Liberation of Palestine (PFLP)
21. Popular Front for the Liberation of Palestine — General Command (a.k.a. PFLP — General Command)
22. Revolutionary Armed Forces of Colombia (FARC)
23. Revolutionary People's Liberation Army/Front/Party (DHKP/C) (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
24. Shining Path (SL) (Sendero Luminoso)
25. Stichting Al Aqsa (a.k.a. Stichting Al Aqsa Nederland, a.k.a. Al Aqsa Nederland)
26. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia).

Article 2

Decision 2005/722/EC is hereby repealed.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

It shall take effect on the day of its publication.

Done at Brussels, 29 November 2005.

For the Council
The President
A. JOHNSON