

Official Journal

of the European Union

L 317

Volume 48

3 December 2005

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC, EURATOM) No 1972/2005**of 29 November 2005****adjusting, from 1 July 2005, the rate of contribution to the pension scheme of officials and other servants of the European Communities**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾ and last amended by Regulation (EC, Euratom) No 723/2004 ⁽²⁾, and in particular Article 83a of, and Annex XII to, the Staff Regulations,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with Article 13 of Annex XII to the Staff Regulations, on 1 September 2005 Eurostat submitted a report on the 2005 actuarial assessment of the pension scheme updating the parameters referred to in that Annex. According to this assessment, the rate of contribution required to maintain actuarial balance of the pension scheme is 10,3 % of the basic salary.

- (2) However, under Article 2(2) of Annex XII to the Staff Regulations, the adjustment taking effect on 1 July 2005 must not lead to a contribution higher than 10,25 %.

- (3) In the interests of actuarial balance of the pension scheme of officials and other servants of the European Communities, the rate of contribution should therefore be adjusted to the maximum permitted, i.e. 10,25 % of the basic salary,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 July 2005, the rate of the contribution referred to in Article 83(2) of the Staff Regulations shall be 10,25 %.

Article 2

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

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

Done at Brussels, 29 November 2005.

For the Council
The President
A. JOHNSON

⁽¹⁾ OJ L 56, 4.3.1968, p. 1.

⁽²⁾ OJ L 124, 27.4.2004, p. 1.

COMMISSION REGULATION (EC) No 1973/2005**of 2 December 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 3 December 2005.

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

Done at Brussels, 2 December 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 2 December 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	60,8
	204	33,7
	212	74,2
	999	56,2
0707 00 05	052	101,5
	204	51,2
	220	147,3
	999	100,0
0709 90 70	052	116,7
	204	110,6
	999	113,7
0805 10 20	052	72,9
	382	31,4
	388	38,0
	524	43,6
	999	46,5
0805 20 10	204	62,9
	624	79,3
	999	71,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,7
	624	86,0
	999	78,4
0805 50 10	052	63,0
	220	47,3
	999	55,2
0808 10 80	052	78,2
	388	68,7
	400	80,9
	404	89,9
	720	62,1
	999	76,0
0808 20 50	052	101,8
	400	92,7
	404	53,2
	720	49,3
	999	74,3

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

COMMISSION REGULATION (EC) No 1974/2005**of 2 December 2005****amending Annexes X and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards national reference laboratories and specified risk material****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular the first paragraph of Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 sets out a list of designated national reference laboratories for Transmissible Spongiform Encephalopathies (TSEs).
- (2) Certain Member States have notified to the Commission changes in the name or address of their national reference laboratories, therefore the list of those laboratories should be updated.
- (3) Regulation (EC) No 999/2001 designates certain bovine tissues as specified risk materials and lays down the rules for its removal.
- (4) Regulation (EC) No 999/2001 provides that export of specified risk material is prohibited but can be authorised only with view to their final destruction. Transitional measures set out in Annex XI to that Regulation provide that carcasses, half-carcasses or quarters containing no specified risk material other than vertebral column, may be dispatched to another Member State, where the vertebral column is to be removed in accordance with Community legislation. Such removal is not certain in case of exports to third countries. For food safety reasons, such an exception should not be allowed for exports of specified risk material to third countries.

- (5) In its opinion of 9 December 1997 the Scientific Steering Committee (SSC) suggested a list of specified risk materials (SRM) in bovine animals to be excluded from human and animal consumption on the basis of relative tissue infectivity, species and age. This opinion was revised and updated by SSC opinions on Bovine Spongiform Encephalopathy (BSE) risk on February 1998, on the human exposure risk via food with respect to BSE in December 1999, on the oral exposure of humans to the BSE agent in April 2000 and on TSE infectivity distribution in ruminant tissues in January 2002.
- (6) The SSC considered extremely unlikely that the central nervous system was detectably infected below the age of 30 months even in cattle exposed to infection as calves. However, the exceptional detection of young animals with clinical signs of BSE supported a cautious approach and, therefore, the SSC recommended the removal of various SRM from cattle 12 months of age or older. That recommendation led to the management decision to set the age limit for the removal of certain SRM in bovine animals at 12 months.
- (7) Different factors indicate a favourable trend in the BSE epidemic and a clear improvement of the situation in recent years due to the risk-reducing measures in place, in particular the total feed ban and the removal and destruction of SRM. Furthermore inspection reports indicate that implementation of BSE requirements in the Member States has improved. Taking into account the favourable evolution of the BSE epidemic and new data available from BSE pathogenesis studies, the European Commission submitted a new mandate to the European Food Safety Authority in October 2004 for an assessment of the age limit for the removal of SRM in bovines.
- (8) The average age of BSE positive cases reported in the EU increased from 86 to 108 months between 2001 and 2004. Only four BSE cases under the age of 35 months of a total of 6 520 BSE cases on a total of close to 41 million animals tested since 2001 have been reported.
- (9) In its opinion of 28 April 2005 the EFSA concluded that on the basis of the current scientific knowledge likely detectable infectivity appears at about three quarters of the incubation period.

⁽¹⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1292/2005 (OJ L 205, 6.8.2005, p. 3).

(10) Therefore a scientific basis exists to review the age limit for the removal of certain SRM in bovine animals, in particular as regards the vertebral column. In view of the development of the infectivity in the central nervous system during the incubation period, the age structure of positive BSE cases and the decrease in exposure of cattle born after 1 January 2001 the age limit for removing vertebral column, including dorsal root ganglia of bovine animals as specified risk material can be increased to 24 months. This age limit can be reviewed in the light of the evaluation of the BSE epidemic.

(11) Regulation (EC) No 999/2001 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes X and XI to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2006.

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

Done at Brussels, 2 December 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Annexes X and XI to Regulation (EC) No 999/2001 are amended as follows:

1. In Annex X, Chapter A, point 3 is replaced by the following:

‘3. The national reference laboratories are:

Austria:	Österreichische Agentur für Gesundheit und Ernährungssicherheit GmbH, Institut für veterinärmedizinische Untersuchungen Mödling Robert Koch Gasse 17 A-2340 Mödling
Belgium:	CERVA -CODA-VAR Centre d'Étude et de Recherches Vétérinaires et Agrochimiques Centrum voor Onderzoek in Diergeneeskunde en Agrochemie Veterinary and Agrochemical Research Centre Groeselenberg 99 B-1180 Bruxelles
Cyprus:	State Veterinary Laboratories Veterinary Services CY-1417 Athalassa Nicosia
Czech Republic:	Státní veterinární ústav Jihlava Rantířovská 93 586 05 Jihlava
Denmark:	Danmarks Fødevareforskning Bülowsvej 27 DK-1790 København V
Estonia:	Veterinaar- ja Toidulaboratoorium Kreutzwaldi 30 Tartu 51006
Finland:	Eläinlääkintä- ja elintarvikelaitos Hämeentie 57 FIN-00550 Helsinki
France:	Agence française de sécurité sanitaire des aliments Laboratoire de pathologie bovine 31, avenue Tony Garnier 69 364 LYON CEDEX 07
Germany:	Friedrich-Loeffler-Institut, Bundesforschungsinstitut für Tiergesundheit Anstaltsteil Insel Riems Boddenblick 5A D-17498 Insel Riems
Greece:	Ministry of Agriculture — Veterinary Laboratory of Larisa 7th km of Larisa — Trikala Highway GR-411 10 Larisa
Hungary:	Országos Állategészségügyi Intézet (OÁI) Pf. 2. Tábornok u. 2. H-1581 Budapest
Ireland:	Central Veterinary Research Laboratory Young's Cross Celbridge Co. Kildare
Italy:	Istituto Zooprofilattico Sperimentale del Piemonte, Liguria e Valle d'Aosta — CEA Via Bologna, 148 I-10154 Torino
Latvia:	State Veterinary Medicine Diagnostic Centre Lejupes Str. 3 Riga LV 1076

Lithuania:	Nacionalinė veterinarijos laboratorija J. Kairiūkščio g. 10 LT-08409 Vilnius
Luxembourg:	CERVA -CODA-VAR Centre d'Étude et de Recherches Vétérinaires et Agrochimiques Centrum voor Onderzoek in Diergeneeskunde en Agrochemie Veterinary and Agrochemical Research Centre Groeselenberg 99 B-1180 Bruxelles
Malta:	National Veterinary Laboratory Albert Town Marsa
Netherlands:	Centraal Instituut voor Dierziektecontrole-Lelystad Houtribweg 3g 8221 RA Lelystad Postbus 2004 8203 AA Lelystad
Poland:	Państwowy Instytut Weterynaryjny (PIWet) 24-100 Puławy al. Partyzantów 57
Portugal:	Laboratório Nacional de Investigação Veterinária Estrada de Benfica 701 P-1500 Lisboa
Slovakia:	State Veterinary Institute Zvolen Pod dráhami 918 SK-960 86, Zvolen
Slovenia:	National Veterinary Institute Gerbičeva 60 1000 Ljubljana
Spain:	Laboratorio Central de Veterinaria (Algete) Ctra. de Algete km. 8 28110 Algete (Madrid)
Sweden:	National Veterinary Institute S-751 89 Uppsala
United Kingdom:	Veterinary Laboratories Agency Woodham Lane New Haw Addlestone Surrey KT15 3NB

2. Annex XI, Part A is amended as follows:

(a) point 1(a)(i) is replaced by the following:

- '(i) the skull excluding the mandible and including the brain and eyes, and the spinal cord of bovine animals aged over 12 months, the vertebral column excluding the vertebrae of the tail, the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae and the median sacral crest and wings of the sacrum, but including the dorsal root ganglia of bovine animals aged over 24 months, and the tonsils, the intestines from the duodenum to the rectum and the mesentery of bovine animals of all ages;'

(b) point 13 is replaced by the following:

'13. Member States may decide to allow dispatch of heads or of un-split carcasses containing specified risk material to another Member State, only after that other Member State has agreed to receive the material and has approved the specific dispatching conditions applicable to such transport.

However, carcasses, half carcasses or half carcasses cut into no more than three wholesale cuts, and quarters containing no specified risk material other than the vertebral column, including dorsal root ganglia, may be imported from a third country into a Member State, or may be dispatched to another Member State without the latter's prior agreement.

Exports outside the Community of heads and of fresh meat of bovine, ovine or caprine animals containing specified risk materials shall be prohibited.'

COMMISSION REGULATION (EC) No 1975/2005

of 2 December 2005

apportioning, for the 2005/06 marketing year, 5 000 tonnes of short flax fibre and hemp fibre as national guaranteed quantities between Denmark, Greece, Ireland, Italy and Luxembourg

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1673/2000 of 27 July 2000 on the common organisation of the markets in flax and hemp grown for fibre ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) Article 8(1) of Commission Regulation (EC) No 245/2001 ⁽²⁾, which laid down detailed rules for the application of Regulation (EC) No 1673/2000, stipulates that the apportioning of 5 000 tonnes of short flax fibre and hemp fibre as national guaranteed quantities, as provided for in Article 3(2)(b) of Regulation (EC) No 1673/2000, must be effected before 16 November of the marketing year in progress.
- (2) To that end, Denmark and Italy have sent the Commission information relating to areas covered by sale/purchase contracts, processing commitments and processing contracts, and estimated flax and hemp straw and fibre yields.
- (3) Conversely, no flax or hemp fibre will be produced for the 2005/2006 marketing year in Greece, Ireland or Luxembourg.
- (4) On the basis of estimates of production resulting from the information provided, total production in the five Member States concerned will not reach the overall

quantity of 5 000 tonnes allocated to them, and the national guaranteed quantities as set out below should be set.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Natural Fibres,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2005/06 marketing year, the apportionment in national guaranteed quantities provided for in Article 3(2)(b) of Regulation (EC) No 1673/2000 shall be as follows:

— Denmark	60 tonnes,
— Greece	0 tonnes,
— Ireland	0 tonnes,
— Italy	112 tonnes,
— Luxembourg	0 tonnes.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply from 16 November 2005.

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

Done at Brussels, 2 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 193, 29.7.2000, p. 16. Regulation as last amended by Regulation (EC) No 393/2004 (OJ L 65, 3.3.2004, p. 4).

⁽²⁾ OJ L 35, 6.2.2001, p. 18. Regulation as last amended by Regulation (EC) No 873/2005 (OJ L 146, 10.6.2005, p. 3).

COMMISSION REGULATION (EC) No 1976/2005**of 2 December 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾,

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

Whereas:

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

Commission Regulation (EC) No 1011/2005 ⁽³⁾. These prices and duties were last amended by Commission Regulation (EC) No 1951/2005 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 December 2005.

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

Done at Brussels, 2 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

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

⁽³⁾ OJ L 170, 1.7.2005, p. 35.

⁽⁴⁾ OJ L 312, 28.11.2005, p. 45.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 3 December 2005

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	26,90	3,22
1701 11 90 ⁽¹⁾	26,90	8,08
1701 12 10 ⁽¹⁾	26,90	3,08
1701 12 90 ⁽¹⁾	26,90	7,65
1701 91 00 ⁽²⁾	27,05	11,71
1701 99 10 ⁽²⁾	27,05	7,19
1701 99 90 ⁽²⁾	27,05	7,19
1702 90 99 ⁽³⁾	0,27	0,38

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).⁽²⁾ Fixed for the standard quality defined in Annex I.I to Regulation (EC) No 1260/2001.⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1977/2005**of 2 December 2005****altering the export refunds on white sugar and raw sugar exported in the natural state fixed by
Regulation (EC) No 1918/2005**

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 third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The export refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1918/2005 ⁽²⁾.

- (2) Since the data currently available to the Commission are different to the data at the time Regulation (EC) No 1918/2005 was adopted, those refunds should be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1918/2005 are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 3 December 2005.

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

Done at Brussels, 2 December 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 307, 25.11.2005, p. 14.

ANNEX

AMENDED AMOUNTS OF REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 3 DECEMBER 2005 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	31,39 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	31,39 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	31,39 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	31,39 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3412
1701 99 10 9100	S00	EUR/100 kg	34,12
1701 99 10 9910	S00	EUR/100 kg	34,12
1701 99 10 9950	S00	EUR/100 kg	34,12
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3412

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

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

The other destinations are:

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

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

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

COMMISSION REGULATION (EC) No 1978/2005**of 2 December 2005****amending the export refunds on syrups and certain other sugar sector products exported in the natural state, as fixed by Regulation (EC) No 1919/2005**

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 third indent of Article 27(5) thereof,

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 1919/2005 ⁽²⁾.
- (2) Since the information at present available to the Commission is different to that available to it at the

time Regulation (EC) No 1919/2005 was adopted, these refunds should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1(1)(d), (f) and (g), of Regulation (EC) No 1260/2001, fixed by Regulation (EC) No 1919/2005 for the marketing year 2005/06, are hereby amended and detailed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 3 December 2005.

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

Done at Brussels, 2 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 307, 25.11.2005, p. 16.

ANNEX

AMENDED AMOUNTS FOR EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	34,12 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	34,12 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	64,83 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3412 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	34,12 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3412 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3412 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,3412 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	34,12 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3412 ⁽³⁾

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

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

The other destinations are defined as follows:

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

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

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

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

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

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

II

(Acts whose publication is not obligatory)

COUNCIL

POLITICAL AND SECURITY COMMITTEE DECISION ACEH/1/2005

of 15 November 2005

on the establishment of the Committee of Contributors for the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM)

(2005/860/EC)

THE POLITICAL AND SECURITY COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

Article 1

Establishment

Having regard to Council Joint Action 2005/643/CFSP of 9 September 2005 on the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) ⁽¹⁾, and in particular Article 10(3), thereof,

A Committee of Contributors for the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM) (hereafter called the CoC) is hereby established.

Article 2

Functions

Whereas:

(1) Under Article 10(3) of Joint Action 2005/643/CFSP, the Council authorised the Political and Security Committee (PSC) to establish a Committee of Contributors for the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM).

1. The CoC may express views. the PSC shall take such views into account and exercise the political control and strategic direction of the mission.

(2) On 10 December 2002, the Council approved 'Consultations and Modalities for the Contribution of non-EU States to EU civilian crisis management operations', which developed the arrangements for the participation of third States in civilian crisis management operations, including the setting-up of a Committee of Contributors.

2. The CoC's terms of reference are laid down in the 'Consultations and Modalities for the Contribution of non-EU States to EU civilian crisis management operations'.

Article 3

Composition

(3) The Committee of Contributors is to play a key role in the day-to-day management of the mission; it is to be the main forum for discussing all problems relating to the day-to-day management of the mission; the PSC, which exercises the political control and strategic direction of the mission, it is to take account of the Committee's views,

1. All EU Member States shall be entitled to be present at the CoC's discussions. However, only contributing States will take part in the day-to-day management of the mission. Representatives of the third States participating in the mission may attend CoC meetings. A representative of the Commission of the European Communities may also attend CoC meetings.

2. The CoC shall receive regular information from the Head of Mission.

⁽¹⁾ OJ L 234, 10.9.2005, p. 13.

*Article 4***Chair**

For the mission referred to in Article 1, the CoC shall be chaired, in accordance with the Consultations and Modalities referred to in Article 2(2), by a representative of the Secretary-General/High Representative, in close consultation with the Presidency.

*Article 5***Meetings**

1. The CoC shall be convened by the Chair on a regular basis. Where circumstances require, emergency meetings may be convened on the Chair's initiative, or at the request of a representative of a participating State.

2. The Chair shall circulate in advance a provisional agenda and documents relating to the meeting. The Chairman shall be responsible for conveying the outcome of the CoC's discussions to the PSC.

*Article 6***Confidentiality**

1. The Council Security Regulations shall apply to the CoC's meetings and proceedings. In particular, representatives in the CoC shall possess adequate security clearance.

2. The deliberations of the CoC shall be covered by the obligation of professional secrecy.

*Article 7***Entry into force**

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 15 November 2005.

For the Political and Security Committee

The Chairperson

J. KING

COUNCIL DECISION
of 24 November 2005
appointing an alternate member of the Committee of the Regions
(2005/861/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Article 1

Ms L. J. GRIFFITH,
'Wethouder' in Amsterdam,

Having regard to the proposal from the Netherlands Government,

is hereby appointed an alternate member of the Committee of the Regions in place of Mr G. Ph. HUFFNAGEL for the remainder of the latter's term of office, which runs until 25 January 2006.

Whereas:

Article 2

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

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions for the period 26 January 2002 to 25 January 2006.

It shall take effect on the date of its adoption.

Done at Brussels, 24 November 2005.

- (2) A seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Mr G. Ph. HUFFNAGEL,

For the Council
The President
I. LEWIS

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COMMISSION

COMMISSION DECISION

of 30 November 2005

amending Decisions 2005/759/EC and 2005/760/EC relating to measures to combat avian influenza in birds other than poultry

(notified under document number C(2005) 4663)

(Text with EEA relevance)

(2005/862/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 10(3) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, and in particular Article 18(1) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾, and in particular Article 22(1) thereof,

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽⁴⁾, and in particular Article 18 thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in poultry and other birds, causing mortality and disturbances which can quickly take epizootic proportions liable to

present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming. There is a risk that the disease agent might be introduced via international trade in live birds other than poultry, including birds accompanying their owners (pet birds).

- (2) Commission Decision 2000/666/EC of 16 October 2000 laying down the animal health requirements and the veterinary certification for the import of birds, other than poultry and the conditions for quarantine ⁽⁵⁾ provides that Member States shall only authorise the import of birds from the third countries listed as members of the World Organisation for Animal Health (OIE).

- (3) Highly pathogenic avian influenza was detected in imported birds in quarantine in a Member State, and the Commission adopted Decision 2005/759/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries and the movement from third countries of birds accompanying their owners ⁽⁶⁾, and Decision 2005/760/EC of 27 October 2005 concerning certain protection measures in relation to highly pathogenic avian influenza in certain third countries for the import of captive birds ⁽⁷⁾.

- (4) New cases of avian influenza have been reported in certain member countries of the OIE. The suspension of movement of pet birds and of imports of other birds from certain areas at risk should therefore be extended.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽²⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

⁽³⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by the 2003 Act of Accession.

⁽⁴⁾ OJ L 146, 13.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 1193/2005 (OJ L 194, 26.7.2005, p. 4).

⁽⁵⁾ OJ L 278, 31.10.2000, p. 26. Decision as last amended by Decision 2002/279/EC (OJ L 99, 16.4.2002, p. 17).

⁽⁶⁾ OJ L 285, 28.10.2005, p. 52.

⁽⁷⁾ OJ L 285, 28.10.2005, p. 60.

- (5) Regulation (EC) No 998/2003 provides for different veterinary control regimes depending on the number and the country of origin of the animals. It is appropriate to use the list of third countries in Section 2 of Part B of Annex II to that Regulation in combination with the list of countries provided for in Article 1(4) of Commission Regulation (EC) No 745/2004 of 16 April 2004 laying down measures with regard to imports of products of animal origin for personal consumption⁽¹⁾ in order to provide for derogations in this Decision.
- (6) Pursuant to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption⁽²⁾, the placing on the market of a range of animal by-products, such as gelatine for technical use, materials for pharmaceutical use and others, originating in areas of the Community under animal health restrictions is authorised, as such products are considered safe due to the specific conditions of production, processing and utilisation that effectively inactivate possible pathogens or prevent contact to susceptible animals. In accordance with point 7 of Part B of Section II in Chapter III of Annex VIII to that Regulation, the placing on the market of guano is not subject to any animal health conditions.
- (7) In accordance with Article 21 of Regulation (EC) No 1774/2002, safeguard measures in relation to products covered by Annexes VII and VIII to that Regulation are adopted in accordance with Article 10 of Directive 90/425/EEC.
- (8) Decisions 2005/759/EC and 2005/760/EC should therefore be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,
- (a) the birds come from an OIE member country falling within the competence of a Regional Commission listed in Part A of Annex I; or
- (b) the birds come from an OIE member country falling within the competence of a Regional Commission listed in Part B of Annex I on condition that the birds:
- (i) have undergone isolation for 30 days prior to export at the place of departure in a third country listed in Decision 79/542/EEC, or
 - (ii) undergo quarantine for 30 days after import in the Member State of destination on premises approved in accordance with Article 3(4) of Decision 2000/666/EC, or
 - (iii) have, within the last six months and not later than 60 days prior to dispatch from the third country, been vaccinated, and at least on one occasion re-vaccinated, against avian influenza using an H5 vaccine approved for the species concerned in accordance with the manufacturer's instructions; or
 - (iv) have been in isolation for at least 10 days prior to export and have undergone a test to detect the H5N1 antigen or genome as laid down in Chapter 2.7.12 of the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals carried out on a sample taken not earlier than the third day of isolation.

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/759/EC is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

Movement from third countries

1. Member States shall authorise the movement from third countries of live pet birds solely where the consignment consists of not more than five birds and:

2. Compliance with the conditions in paragraph 1 shall be certified by an official veterinarian, in the case of the conditions provided for in paragraph 1(b)(ii) based on owners' declaration, in the third country of dispatch in accordance with the model certificate provided for in Annex II.

3. The veterinary certificate shall be complemented by

- (a) a declaration of the owner or the representative of the owner in accordance with Annex III,
- (b) a confirmation as follows:

"Pet birds in accordance with Article 1 of Decision 2005/759/EC".

⁽¹⁾ OJ L 122, 26.4.2004, p. 1.

⁽²⁾ OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 416/2005 (OJ L 66, 12.3.2005, p. 10).

2. Article 3 is replaced by the following:

'Article 3

This Decision shall not apply to the movement onto Community territory of live pet birds accompanying their owners from Andorra, the Faeroe Islands, Greenland, Iceland, Liechtenstein, Monaco, Norway, San Marino, Switzerland and the Vatican City State.'

3. In Article 5, the date '30 November 2005' is replaced by '31 January 2006'.

4. Annex I is amended in accordance with the Annex to this Decision.

Article 2

Decision 2005/760/EC is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. By way of derogation from Article 1(1)(a), Member States shall authorise imports of birds from bodies, institutes and centres and destined for bodies, institutes and centres approved by the competent authority of the Member State of destination in compliance with Directive 92/65/EEC.

2. By way of derogation from Article 1(1)(b), Member States shall authorise imports of:

(a) hatching eggs of the species referred to in Article 1(1)(a), provided that the eggs are destined for:

(i) the approved bodies, institutes and centres referred to in paragraph 1, or

(ii) dedicated hatcheries approved by the competent authority for that purpose, which are not at the same time engaged in hatching eggs for poultry and in which eggs are placed only after fumigation effectively to decontaminate the shells;

(b) specimens collected from any species of birds and which are safely packaged and sent directly to an approved laboratory in a Member State for laboratory diagnosis under the responsibility of the competent authorities of a dispatching country listed in the Annex;

(c) products derived from those species complying with the conditions provided for in Chapter II(C), Chapter III(C), Chapter IV(B), Chapter VI(C) and Chapter X(B) of Annex VII, and Chapter II(C), Chapter III(II)(B), Chapter VII(A)(1)(a), Chapter VII(B)(5) and Chapter X of Annex VIII to Regulation (EC) No 1774/2002;

(d) products derived from those species which, in accordance with Community legislation, are not subject to any animal health conditions or which are not subject to any ban or restriction for reason of animal health, including the products referred to in Chapter III(III) of Annex VIII to Regulation (EC) No 1774/2002, as far as regards mineralized bird guano coming from countries which have not declared the presence of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 during the last 12 months.'

2. In Article 6, the date '30 November 2005' is replaced by '31 January 2006'.

Article 3

Member States shall take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Annex I to Decision 2005/759/EC is replaced by the following:

‘ANNEX I

PART A

OIE member countries falling within the competence of the OIE Regional Commissions referred to in Article 1(1)(a):

—

PART B

OIE member countries falling within the competence of the OIE Regional Commissions referred to in Article 1(1)(b) of:

- Africa,
- Americas,
- Asia, Far East and Oceania,
- Europe, except countries mentioned in Article 3, and
- Middle East.’

COMMISSION DECISION

of 2 December 2005

establishing the Community's financial contribution to the expenditure incurred for the eradication of classical swine fever in Spain in late 2001 and in 2002*(notified under document number C(2005) 4627)***(Only the Spanish text is authentic)**

(2005/863/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

detailing the figures quoted in the request, and the results of the in situ inspections carried out by the Commission.

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3) thereof,

- (6) In view of the above considerations, the total amount of the Community's financial contribution to the expenditure incurred for the eradication of classical swine fever in Spain in late 2001 and in 2002 should now be fixed.

Whereas:

- (1) Outbreaks of classical swine fever occurred in Spain in late 2001 and in 2002. The emergence of this disease represented a serious risk to the Community's livestock population.

- (7) The results of the inspections carried out by the Commission in compliance with the Community veterinary rules and the conditions for benefiting from Community financial support do not allow the entire amount of the expenditure submitted to be recognised as eligible.

- (2) In order to prevent the spread of the disease and to help eradicate it as quickly as possible, the Community must contribute financially to the eligible expenditure incurred by the Member State in the context of the emergency measures taken to combat the disease, as provided for in Decision 90/424/EEC.

- (8) The Commission's observations and method of calculating the eligible expenses were communicated to the Spanish authorities in a letter dated 14 September 2005.

- (3) Pursuant to Commission Decision 2003/494/EC of 3 July 2003 on a financial contribution from the Community towards the eradication of classical swine fever in Spain at the end of 2001 and in 2002 ⁽²⁾, a financial contribution from the Community was awarded to Spain for the expenditure incurred as part of the emergency measures to combat classical swine fever implemented in late 2001 and in 2002.

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

HAS ADOPTED THIS DECISION:

- (4) In accordance with this Decision, a first instalment of EUR 6 000 000 was awarded.

Article 1

The total amount of the Community financial contribution to the expenses associated with eradicating classical swine fever in Spain in late 2001 and in 2002, pursuant to Decision 2003/494/EC, is EUR 6 784 124,44.

- (5) Pursuant to the same Decision, the balance of the Community contribution is based on the request submitted by Spain on 1 August 2003, documents

Given that a first instalment of EUR 6 000 000 has already been paid pursuant to Decision 2003/494/EC, the balance of EUR 784 124,44 shall be paid to Spain.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).

⁽²⁾ OJ L 169, 8.7.2003, p. 67.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 2 December 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION DECISION

of 2 December 2005

concerning the non-inclusion of endosulfan in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance

*(notified under document number C(2005) 4611)***(Text with EEA relevance)**

(2005/864/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

State to act as rapporteur in respect of the assessment of each substance and identified the producers of each active substance who submitted a notification in due time.

Having regard to the Treaty establishing the European Community,

- (3) Endosulfan is one of the 89 active substances designated in Regulation (EC) No 933/94.

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

- (4) In accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92, Spain, being the designated rapporteur Member State, submitted on 22 February 2000 to the Commission the report of its assessment of the information submitted by the notifiers in accordance with Article 6(1) of that Regulation.

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provided for the Commission to carry out a programme of work for the examination of the active substances used in plant protection products which were already on the market on 25 July 1993. Detailed rules for the carrying out of this programme were established in Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽²⁾.

- (5) On receipt of the report of the rapporteur Member State, the Commission undertook consultations with experts of the Member States as well as with the main notifiers Bayer CropScience and Makhteshim Agan as provided for in Article 7(3) of Regulation (EEC) No 3600/92. It appeared that further data were required. Commission Decision 2001/810/EC ⁽⁴⁾ laid down a deadline for data submission by the notifier, which expired 25 May 2002. The same decision set a further deadline of 31 May 2003 for specified long term studies.

- (2) Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member States for the implementation of Commission Regulation (EEC) No 3600/92 ⁽³⁾, designated the active substances which should be assessed in the framework of Regulation (EEC) No 3600/92, designated a Member

- (6) The Commission organised a tripartite meeting with the main data submitters and the rapporteur Member State for this active substance on 17 May 2004.

- (7) The assessment report prepared by Spain has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. This review was finalised on 15 February 2005 in the format of the Commission review report for endosulfan.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2005/58/EC (OJ L 246, 22.9.2005, p. 17).

⁽²⁾ OJ L 366, 15.12.1992, p. 10. Regulation as last amended by Regulation (EC) No 2266/2000 (OJ L 259, 13.10.2000, p. 27).

⁽³⁾ OJ L 107, 28.4.1994, p. 8. Regulation as last amended by Regulation (EC) No 2230/95 (OJ L 225, 22.9.1995, p. 1).

⁽⁴⁾ OJ L 305, 22.11.2001, p. 32.

(8) During the evaluation of this active substance, a number of areas of concern have been identified. This was in particular the case concerning its environmental fate and behaviour as the route of degradation of the active substance is not completely clear and unknown metabolites were found in soil degradation, water/sediment degradation and mesocosm studies. In ecotoxicology many concerns remain since the long term risk, in particular, due to the presence of the abovementioned metabolites, cannot be sufficiently addressed with the available information. In addition exposure of operators under indoor conditions has not been considered to be sufficiently addressed with the available information. Moreover endosulfan is volatile, its main metabolite is persistent and it has been found in monitoring results of regions where the substance was not used. Consequently, as these concerns remain unsolved, assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing endosulfan satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.

(9) Endosulfan should therefore not be included in Annex I to Directive 91/414/EEC.

(10) Measures should be taken to ensure that existing authorisations for plant protection products containing endosulfan are withdrawn within a prescribed period and are not renewed and that no new authorisations for such products are granted.

(11) In the light of the information submitted to the Commission it appears that, in the absence of efficient alternatives for certain limited uses in certain Member States, there is a need for further use of the active substance so as to enable the development of alternatives. It is therefore justified in the present circumstances to prescribe under strict conditions aimed at minimising risk a longer period for the withdrawal of existing authorisations for the limited uses considered as essential for which no efficient alternatives appear currently to be available for the control of harmful organisms.

(12) Any period of grace for disposal, storage, placing on the market and use of existing stocks of plant protection products containing endosulfan allowed by Member States, should be limited to a period no longer than 12 months to allow existing stocks to be used in no more than one further growing season.

(13) This Decision does not prejudice any action the Commission may undertake at a later stage for this

active substance within the framework of Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances ⁽¹⁾,

(14) This decision does not prejudice the submission of an application for endosulfan according to the provisions of Article 6(2) of Directive 91/414/EEC in view of a possible inclusion in its Annex I.

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

HAS ADOPTED THIS DECISION:

Article 1

Endosulfan shall not be included as active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

1. authorisations for plant protection products containing endosulfan are withdrawn by 2 June 2006;

2. from 3 December 2005 no authorisations for plant protection products containing endosulfan are granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC;

3. in relation to the uses listed in column B of the Annex, a Member State specified in column A may maintain in force authorisations for plant protection products containing endosulfan until 30 June 2007 provided that it:

(a) ensures that such plant protection products remaining on the market are relabelled in order to match the restricted use conditions;

⁽¹⁾ OJ L 33, 8.2.1979, p. 36. Directive as last amended by Regulation (EC) No 850/2004 of the European Parliament and of the Council (OJ L 158, 30.4.2004, p. 7).

- (b) imposes all appropriate risk mitigation measures to reduce any possible risks in order to ensure the protection of human and animal health and the environment; and
- (c) ensures that alternative products or methods for such uses are being seriously sought, in particular, by means of action plans.

The Member State concerned shall inform the Commission on 31 December 2005 at the latest on the application of this paragraph and in particular on the actions taken pursuant to points (a) to (c) and provide on a yearly basis estimates of the amounts of endosulfan used for essential uses pursuant to this Article.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and:

- (a) for the uses for which the authorisation is to be withdrawn on 2 June 2006, shall expire not later than 2 June 2007;
- (b) for the uses for which the authorisation is to be withdrawn by 30 June 2007, shall expire not later than 31 December 2007.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 2 December 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

List of authorisations referred to in Article 2(3)

Column A	Column B
Member State	Use
Greece	Cotton, tomato, peppers, pears, potato, alfa-alfa
Spain	Hazel nut, cotton, tomato
Italy	Hazel nut
Poland	Hazel nut, strawberry, gerbera, ornamental bulbs

CORRIGENDA

Corrigendum to 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

(This text annuls and replaces that published in Official Journal L 314 of 30 November 2005)

**‘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:

(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 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.

(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.

(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.

⁽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).

- (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;
- (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.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

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 5(1) and (2)	Article 9
Article 5(3)	Article 17
Article 6(1), (2) and (3)	Article 14
Article 6(3)	Article 15
Article 6(5)	Article 17
Article 7(1a), (b), (c) and (d)	Article 6
Article 7(1)(e)	—
Article 7(1)(a) 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'

Corrigendum to Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials

(Official Journal of the European Union L 345 of 20 November 2004)

On page 84 in Annex XXIII, fifth indent:

for: '... CN code 0602 91 10,'

read: '... CN code 0602 90 10,'.
