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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2047/2005
of 15 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 16 December 2005.

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

Done at Brussels, 15 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 15 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	58,5
	204	54,8
	212	92,7
	999	68,7
0707 00 05	052	142,4
	204	60,1
	628	155,5
	999	119,3
0709 90 70	052	142,7
	204	113,0
	999	127,9
0805 10 20	052	56,8
	204	45,9
	999	51,4
0805 20 10	052	69,9
	204	58,5
	999	64,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	76,3
	400	80,1
	464	143,2
	624	90,4
	999	97,5
0805 50 10	052	51,1
	999	51,1
0808 10 80	400	96,8
	404	97,2
	720	74,5
	999	89,5
0808 20 50	052	138,4
	400	117,2
	404	53,1
	720	63,7
	999	93,1

⁽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 2048/2005
of 15 December 2005
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 14 December

2005, the quantity still available for the period until 15 January 2006, for destination zone (1) Africa, referred to in Article 9(5) of Regulation (EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 7 to 13 December 2005 should be applied and the submission of applications and the issue of licences suspended for this zone until 16 January 2006,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 7 to 13 December 2005 under Regulation (EC) No 883/2001 shall be issued in concurrence with 36,59 % of the quantities requested for zone (1) Africa.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 14 December 2005 and the submission of export licence applications from 16 December 2005 for destination zone (1) Africa shall be suspended until 16 January 2006.

Article 2

This Regulation shall enter into force on 16 December 2005.

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

Done at Brussels, 15 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

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

COMMISSION REGULATION (EC) No 2049/2005

of 15 December 2005

laying down, pursuant to Regulation (EC) No 726/2004 of the European Parliament and of the Council, rules regarding the payment of fees to, and the receipt of administrative assistance from, the European Medicines Agency by micro, small and medium-sized enterprises

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

sectors and should aim at promoting innovation and the development of new medicinal products by SMEs.

Having regard to the Treaty establishing the European Community,

(4) The definition of micro, small and medium-sized enterprises provided in Commission Recommendation 2003/361/EC ⁽⁴⁾ should apply, for reasons of coherence and transparency.

Having regard to European Parliament and Council Regulation (EC) No 726/2004 of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ⁽¹⁾, and in particular Article 70(2) thereof,

(5) Experience gained since the adoption of Regulation (EEC) No 2309/93 shows that the main financial and administrative entry hurdles for SMEs are the various steps involved in pre-marketing authorisation procedures, such as the seeking of scientific advice, the submission of the marketing authorisation application, and the undergoing of inspections. Provisions laid down in this Regulation should therefore be focused on these aspects.

Whereas:

(1) Regulation (EC) No 726/2004, which replaces Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products ⁽²⁾, provides that the revenue of the European Medicines Agency (hereinafter referred to as the Agency) must consist of a contribution from the Community and fees paid by companies.

(6) The fees for the marketing authorisation application and the related inspections conducted for the purpose of assessing the application could constitute a significant financial constraint for SMEs. Consequently, in order to avoid a weakening of the financial situation of undertakings during the assessment of the marketing authorisation application, it is appropriate to defer the payment of these fees until the end of the procedure.

(2) In the context of the system established by Regulation (EEC) No 2309/93, Council Regulation (EC) No 297/95 ⁽³⁾ provides for fees payable to the Agency.

(7) SMEs operating in the pharmaceutical sector are often innovative companies, such as those active in the fields of gene or somatic cell therapy, which can notably benefit from the pooling of scientific expertise at a Community level. Furthermore, the scientific evaluation of a marketing authorisation application is more likely to be favourable in the case of medicinal products which have obtained scientific advice. Therefore, access to the Agency's scientific advice for SMEs seeking marketing authorisation should be facilitated through fee reductions. As an additional incentive, a conditional fee exemption should be given to applicants who have requested such advice and who have actually taken it into account for the development of their medicinal product.

(3) Pursuant to Regulation (EC) No 726/2004, the situation of micro, small and medium-sized enterprises (SMEs) has to be considered separately. In order to reduce the cost for SMEs of marketing medicinal products authorised via the centralised procedure, that Regulation therefore foresees the adoption of specific provisions allowing a reduction of fees, deferring the payment of fees, and providing administrative assistance. Such provisions should apply equally to the human and veterinary

(8) Another incentive should also be provided, in the form of a fee reduction, for the establishment of maximum residue limits (MRL) for veterinary medicinal products in order to further support the establishment of such limits.

⁽¹⁾ OJ L 136, 30.4.2004, p. 1.

⁽²⁾ OJ L 214, 24.8.1993, p. 1.

⁽³⁾ OJ L 35, 15.2.1995, p. 1. Regulation as last amended by Regulation (EC) No 1905/2005 (OJ L 304, 23.11.2005, p. 1).

⁽⁴⁾ OJ L 124, 20.5.2003, p. 36.

- (9) Translations can constitute a significant administrative burden for SMEs. The Agency should therefore make appropriate arrangements to provide for the translations of certain documents required for the granting of marketing authorisation, in particular the draft summary of the product characteristics and the draft text of the labelling and package leaflet.
- (10) A lack of experience with the centralised procedure and the Agency as an administrative organisation should not impair the development and marketing of new medicinal products. Consequently, it is appropriate to create an SME office, with the sole remit of offering administrative assistance to SMEs. The SME office should provide a single interface between the applicant SME and the Agency, so as to facilitate communication and to answer practical or procedural enquiries.
- (11) In order to provide practical guidance to applicant SMEs, the Agency should publish a user guide on the administrative and procedural aspects linked to the centralised procedure which are of particular relevance for SMEs.
- (12) The Agency should report annually on the operation of the provisions laid down in this Regulation, so that feedback on their practical application is available.
- (13) In order to ensure that SMEs benefit, to the largest extent possible, from the derogation provided for in this Regulation it should enter into force immediately.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Medicinal Products for Human Use and of the Standing Committee for Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation establishes the circumstances in which, by derogation from the relevant provisions of Regulation (EC) No 297/95, micro, small and medium-sized enterprises (SMEs) may pay reduced fees, defer payment of fees, or receive administrative assistance when submitting applications under Regulation (EC) No 726/2004 to the European Medicines Agency, hereinafter 'the Agency'.

Article 2

Scope

1. This Regulation shall apply to SMEs within the meaning of Recommendation 2003/361/EC in the version of 6 May 2003 which are established in the Community.

2. Unless otherwise specified, this Regulation shall apply both to applications concerning medicinal products for human use and to applications concerning veterinary medicinal products, within the meaning of Directives 2001/83/EC ⁽¹⁾ and 2001/82/EC ⁽²⁾ of the European Parliament and of the Council respectively.

Article 3

Definition

For the purposes of this Regulation, applicant means an undertaking seeking to benefit from the application of the provisions laid down in Chapters II and III.

Article 4

Submission of information

An SME wishing to benefit from the provisions of this Regulation shall submit to the Agency the information necessary to demonstrate compliance with the criteria mentioned in Article 2(1).

CHAPTER II

FEE DEFERRALS AND REDUCTIONS

Article 5

Fee deferrals

1. The payment of the following fees shall be deferred until the notification of the final decision on the marketing authorisation is issued, or the application is withdrawn:

- (a) the fee for an application for a marketing authorisation of a medicinal product, as referred to in points (a) and (b) of Article 3(1) and points (a) and (b) of Article 5(1) of Regulation (EC) No 297/95;
- (b) the fee for inspections undertaken for the purpose of assessing a marketing authorisation application for a medicinal product, as referred to in Article 3(4) and Article 5(4) of Regulation (EC) No 297/95.

⁽¹⁾ OJ L 311, 28.11.2001, p. 67.

⁽²⁾ OJ L 311, 28.11.2001, p. 1.

2. The fees referred to in paragraph 1 shall be payable within 45 days of the date of the notification of the final decision on the marketing authorisation, or within 45 days of the date of the notification of withdrawal of the application.

Article 6

Conditional fee exemption

Without prejudice to Article 5, where an application for marketing authorisation is submitted for a medicinal product on which scientific advice has already been given by the Agency, the fee payable to the Agency for the examination of that application shall be due only if a marketing authorisation is granted.

Article 7

Fee reductions

1. The following reductions shall apply:
 - (a) in the case of inspections a 90 % reduction to the inspection fee, as referred to in Article 3(4) and Article 5(4) of Regulation (EC) No 297/95;
 - (b) in the case of scientific advice a 90 % reduction to the scientific advice fee, as referred to in Article 8(1) of Regulation (EC) No 297/95;
 - (c) in the case of scientific services a 90 % reduction to the scientific service fee, as referred to in Article 8(2) of Regulation (EC) No 297/95.
2. The administrative services, as referred to in Article 8(3) of Regulation (EC) No 297/95, shall be provided free of charge, except where those services concern the parallel distribution of medicinal products, as referred to in Article 57(1)(o) of Regulation (EC) No 726/2004.
3. By derogation from points (b) and (c) of paragraph 1, scientific advice and scientific services for designated orphan medicinal products as referred to in Regulation (EC) No 141/2000 of the European Parliament and of the Council ⁽¹⁾ shall be provided free of charge.

Article 8

Fee reduction for the establishment of maximum residue limits for veterinary medicinal products

1. A 90 % reduction shall apply to the full and additional maximum residue limits (MRL) fees, as referred to in Article 7 of Regulation (EC) No 297/95.

⁽¹⁾ OJ L 18, 22.1.2000, p. 1.

2. The reduction referred to in paragraph 1 shall not be taken into account when calculating the deduction of the MRL fees from the fee payable for an application for a marketing authorisation or an application to extend a marketing authorisation, for a medicinal product containing the substance for which the MRL concerned has been set, where such applications are submitted by the same applicant.

However, this deduction shall not exceed one half of the fee to which it applies.

Article 9

Multiple fee reductions

By derogation from Articles 7 and 8, where the applicant could, in respect of the same fee, also benefit from other reductions provided for in Community legislation, the provisions which are the most favourable to the applicant shall apply.

Cumulative fee reductions for a given fee and a given applicant shall not be allowed.

CHAPTER III

ADMINISTRATIVE ASSISTANCE

Article 10

Translations

The Agency shall provide for the translations of the documents referred to in points (a) to (d) of Article 9(4) and points (a) to (e) of Article 34(4) of Regulation (EC) No 726/2004 that are required for the purpose of granting a Community marketing authorisation.

Article 11

SME Office

1. The Executive Director of the Agency shall set up dedicated administrative structures and specific procedures for the establishment of an SME Office.
2. The SME Office shall have the following tasks:
 - (a) to give advice to applicants on the administrative and procedural steps necessary to comply with the requirements laid down in Regulation (EC) No 726/2004;
 - (b) to ensure the appropriate monitoring of all requests and applications submitted by the same applicant and related to a particular medicinal product;

- (c) to organise workshops and training sessions for applicants on the administrative and procedural steps necessary to comply with the requirements laid down in Regulation (EC) No 726/2004.

Article 12

User Guide

The Agency shall, upon agreement of the Commission, publish a detailed User Guide on the administrative and procedural aspects of the provisions laid down in Regulation (EC) No 726/2004, which are of particular relevance for SMEs. The User Guide shall be kept updated.

The User Guide shall also contain references to existing national provisions for SMEs applicable to the pharmaceutical sector.

For the purposes of the second paragraph, the Member States shall communicate those references to the Agency.

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

Done at Brussels, 15 December 2005.

CHAPTER IV

FINAL PROVISIONS

Article 13

Report

The Agency shall include in the Annual Report of its activities a section on the experience acquired as a result of the application of this Regulation.

Article 14

Transitional provision

This Regulation shall not apply to valid applications pending at the date of its entry into force.

Article 15

Entry into force

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

For the Commission

Günter VERHEUGEN

Vice-President

COMMISSION REGULATION (EC) No 2050/2005
of 15 December 2005
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

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

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

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

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being

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

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

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

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

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

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

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

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

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

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

- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 December 2005.

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

Done at Brussels, 15 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

ANNEX

to the Commission Regulation of 15 December 2005 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 30 31 9100	L01	EUR/100 kg	—	0402 21 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	13,20		068	EUR/100 kg	—
	A01	EUR/100 kg	18,86		L02	EUR/100 kg	36,55
0401 30 31 9400	L01	EUR/100 kg	—	0402 21 11 9900	A01	EUR/100 kg	46,92
	L02	EUR/100 kg	20,62		L01	EUR/100 kg	—
	A01	EUR/100 kg	29,47		068	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—	0402 21 17 9000	L02	EUR/100 kg	38,94
	L02	EUR/100 kg	22,75		A01	EUR/100 kg	50,00
	A01	EUR/100 kg	32,49	0402 21 19 9300	L01	EUR/100 kg	—
0401 30 39 9100	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	13,20		L02	EUR/100 kg	8,28
	A01	EUR/100 kg	18,86	0402 21 19 9300	A01	EUR/100 kg	10,00
0401 30 39 9400	L01	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	20,62		068	EUR/100 kg	—
	A01	EUR/100 kg	29,47	0402 21 19 9500	L02	EUR/100 kg	35,03
0401 30 39 9700	L01	EUR/100 kg	—		A01	EUR/100 kg	44,94
	L02	EUR/100 kg	22,75	0402 21 19 9900	L01	EUR/100 kg	—
	A01	EUR/100 kg	32,49		068	EUR/100 kg	—
0401 30 91 9100	L01	EUR/100 kg	—		L02	EUR/100 kg	36,55
	L02	EUR/100 kg	25,92	0402 21 19 9900	A01	EUR/100 kg	46,92
	A01	EUR/100 kg	37,04		L01	EUR/100 kg	—
0401 30 99 9100	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	25,92	0402 21 91 9100	L02	EUR/100 kg	38,94
	A01	EUR/100 kg	37,04		A01	EUR/100 kg	50,00
0401 30 99 9500	L01	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	38,10		068	EUR/100 kg	—
	A01	EUR/100 kg	54,43	0402 21 91 9200	L02	EUR/100 kg	39,19
0402 10 11 9000	L01	EUR/100 kg	—		A01	EUR/100 kg	50,30
	068	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28	0402 21 91 9200	068	EUR/100 kg	—
0402 10 19 9000	A01	EUR/100 kg	10,00		L02	EUR/100 kg	39,42
	L01	EUR/100 kg	—		A01	EUR/100 kg	50,61
	068	EUR/100 kg	—	0402 21 91 9350	L01	EUR/100 kg	—
0402 10 91 9000	L02	EUR/100 kg	8,28		068	EUR/100 kg	—
	A01	EUR/100 kg	10,00		L02	EUR/100 kg	39,84
0402 10 99 9000	L01	EUR/kg	—	0402 21 91 9500	A01	EUR/100 kg	51,12
	068	EUR/kg	—		L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		068	EUR/100 kg	—
0402 10 99 9000	A01	EUR/kg	0,1000	0402 21 99 9100	L02	EUR/100 kg	42,80
	L01	EUR/kg	—		A01	EUR/100 kg	54,94
	068	EUR/kg	—	0402 21 99 9100	L01	EUR/100 kg	—
0402 21 11 9200	L02	EUR/kg	0,0828		068	EUR/100 kg	—
	A01	EUR/kg	0,1000		L02	EUR/100 kg	39,19
0402 21 11 9200	L01	EUR/100 kg	—	0402 21 99 9200	A01	EUR/100 kg	50,30
	068	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		068	EUR/100 kg	—
0402 21 11 9300	A01	EUR/100 kg	10,00	0402 21 99 9200	L02	EUR/100 kg	39,42
	L01	EUR/100 kg	—		A01	EUR/100 kg	50,61
	068	EUR/100 kg	—	0402 21 99 9300	L01	EUR/100 kg	—
0402 21 11 9300	L02	EUR/100 kg	35,03		068	EUR/100 kg	—
	A01	EUR/100 kg	44,94		L02	EUR/100 kg	39,84
					A01	EUR/100 kg	51,12

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 21 99 9400	L01	EUR/100 kg	—	0402 91 31 9300	L01	EUR/100 kg	—
	068	EUR/100 kg	—		L02	EUR/100 kg	4,877
	L02	EUR/100 kg	42,03		A01	EUR/100 kg	6,967
	A01	EUR/100 kg	53,96	0402 91 39 9300	L01	EUR/100 kg	—
0402 21 99 9500	L01	EUR/100 kg	—		L02	EUR/100 kg	4,877
	068	EUR/100 kg	—		A01	EUR/100 kg	6,967
	L02	EUR/100 kg	42,80	0402 91 99 9000	L01	EUR/100 kg	—
	A01	EUR/100 kg	54,94		L02	EUR/100 kg	15,93
0402 21 99 9600	L01	EUR/100 kg	—		A01	EUR/100 kg	22,76
	068	EUR/100 kg	—	0402 99 11 9350	L01	EUR/kg	—
	L02	EUR/100 kg	45,83		L02	EUR/kg	0,1055
	A01	EUR/100 kg	58,82		A01	EUR/kg	0,1508
0402 21 99 9700	L01	EUR/100 kg	—	0402 99 19 9350	L01	EUR/kg	—
	068	EUR/100 kg	—		L02	EUR/kg	0,1055
	L02	EUR/100 kg	47,52		A01	EUR/kg	0,1508
	A01	EUR/100 kg	61,03	0402 99 31 9150	L01	EUR/kg	—
0402 21 99 9900	L01	EUR/100 kg	—		L02	EUR/kg	0,1095
	068	EUR/100 kg	—		A01	EUR/kg	0,1565
	L02	EUR/100 kg	49,51	0402 99 31 9300	L01	EUR/kg	—
	A01	EUR/100 kg	63,55		L02	EUR/kg	0,0953
0402 29 15 9200	L01	EUR/kg	—		A01	EUR/kg	0,1362
	L02	EUR/kg	0,0828	0402 99 39 9150	L01	EUR/kg	—
	A01	EUR/kg	0,1000		L02	EUR/kg	0,1095
0402 29 15 9300	L01	EUR/kg	—		A01	EUR/kg	0,1565
	L02	EUR/kg	0,3503	0403 90 11 9000	L01	EUR/100 kg	—
	A01	EUR/kg	0,4494		L02	EUR/100 kg	8,18
0402 29 15 9500	L01	EUR/kg	—		A01	EUR/100 kg	9,86
	L02	EUR/kg	0,3655	0403 90 13 9200	L01	EUR/100 kg	—
	A01	EUR/kg	0,4692		L02	EUR/100 kg	8,18
0402 29 15 9900	L01	EUR/kg	—		A01	EUR/100 kg	9,86
	L02	EUR/kg	0,3894	0403 90 13 9300	L01	EUR/100 kg	—
	A01	EUR/kg	0,5000		L02	EUR/100 kg	34,70
0402 29 19 9300	L01	EUR/kg	—		A01	EUR/100 kg	44,55
	L02	EUR/kg	0,3503	0403 90 13 9500	L01	EUR/100 kg	—
	A01	EUR/kg	0,4494		L02	EUR/100 kg	36,23
0402 29 19 9500	L01	EUR/kg	—		A01	EUR/100 kg	46,50
	L02	EUR/kg	0,3655	0403 90 13 9900	L01	EUR/100 kg	—
	A01	EUR/kg	0,4692		L02	EUR/100 kg	38,61
0402 29 19 9900	L01	EUR/kg	—		A01	EUR/100 kg	49,55
	L02	EUR/kg	0,3894	0403 90 19 9000	L01	EUR/100 kg	—
	A01	EUR/kg	0,5000		L02	EUR/100 kg	38,84
0402 29 91 9000	L01	EUR/kg	—		A01	EUR/100 kg	49,86
	L02	EUR/kg	0,3919	0403 90 33 9400	L01	EUR/kg	—
	A01	EUR/kg	0,5030		L02	EUR/kg	0,3470
0402 29 99 9100	L01	EUR/kg	—		A01	EUR/kg	0,4455
	L02	EUR/kg	0,3919	0403 90 33 9900	L01	EUR/kg	—
	A01	EUR/kg	0,5030		L02	EUR/kg	0,3861
0402 29 99 9500	L01	EUR/kg	—		A01	EUR/kg	0,4955
	L02	EUR/kg	0,4203	0403 90 59 9310	L01	EUR/100 kg	—
	A01	EUR/kg	0,5396		L02	EUR/100 kg	13,20
0402 91 11 9370	L01	EUR/100 kg	—		A01	EUR/100 kg	18,86
	L02	EUR/100 kg	4,127	0403 90 59 9340	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
0402 91 19 9370	L01	EUR/100 kg	—		A01	EUR/100 kg	27,59
	L02	EUR/100 kg	4,127	0403 90 59 9370	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
					A01	EUR/100 kg	27,59

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0403 90 59 9510	L01	EUR/100 kg	—	0405 10 19 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	19,32		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	27,59		A01	EUR/100 kg	89,76
0404 90 21 9120	L01	EUR/100 kg	—	0405 10 19 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	7,07		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	8,53		A01	EUR/100 kg	92,00
0404 90 21 9160	L01	EUR/100 kg	—	0405 10 30 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	10,00		A01	EUR/100 kg	89,76
0404 90 23 9120	L01	EUR/100 kg	—	0405 10 30 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	10,00		A01	EUR/100 kg	92,00
0404 90 23 9130	L01	EUR/100 kg	—	0405 10 30 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	35,03		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	44,94		A01	EUR/100 kg	92,00
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 50 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	36,55		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	46,92		A01	EUR/100 kg	92,00
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 50 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,94		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	50,00		A01	EUR/100 kg	89,76
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 50 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	39,19		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	50,30		A01	EUR/100 kg	92,00
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 90 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	39,42		L02	EUR/100 kg	70,73
	A01	EUR/100 kg	50,61		A01	EUR/100 kg	95,37
0404 90 29 9125	L01	EUR/100 kg	—	0405 20 90 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	39,84		L02	EUR/100 kg	62,41
	A01	EUR/100 kg	51,12		A01	EUR/100 kg	84,16
0404 90 29 9140	L01	EUR/100 kg	—	0405 20 90 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	42,80		L02	EUR/100 kg	64,90
	A01	EUR/100 kg	54,94		A01	EUR/100 kg	87,51
0404 90 81 9100	L01	EUR/kg	—	0405 90 10 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		L02	EUR/100 kg	85,16
	A01	EUR/kg	0,1000		A01	EUR/100 kg	114,82
0404 90 83 9110	L01	EUR/kg	—	0405 90 90 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		L02	EUR/100 kg	68,11
	A01	EUR/kg	0,1000		A01	EUR/100 kg	91,83
0404 90 83 9130	L01	EUR/kg	—	0406 10 20 9100	L01	EUR/100 kg	—
	L02	EUR/kg	0,3503		L02	EUR/100 kg	—
	A01	EUR/kg	0,4494		A01	EUR/100 kg	16,24
0404 90 83 9150	L01	EUR/kg	—	0406 10 20 9230	L03	EUR/100 kg	—
	L02	EUR/kg	0,3655		L04	EUR/100 kg	12,99
	A01	EUR/kg	0,4692		400	EUR/100 kg	—
0404 90 83 9170	L01	EUR/kg	—	0406 10 20 9290	A01	EUR/100 kg	—
	L02	EUR/kg	0,3894		A00	EUR/100 kg	—
	A01	EUR/kg	0,5000		A00	EUR/100 kg	—
0404 90 83 9936	L01	EUR/kg	—	0406 10 20 9300	A00	EUR/100 kg	—
	L02	EUR/kg	0,1055		A00	EUR/100 kg	—
	A01	EUR/kg	0,1508		A00	EUR/100 kg	—
0405 10 11 9500	L01	EUR/100 kg	—	0406 10 20 9610	A00	EUR/100 kg	—
	L02	EUR/100 kg	66,57		A00	EUR/100 kg	—
	A01	EUR/100 kg	89,76		A00	EUR/100 kg	—
0405 10 11 9700	L01	EUR/100 kg	—	0406 10 20 9620	L03	EUR/100 kg	—
	L02	EUR/100 kg	68,24		L04	EUR/100 kg	19,96
	A01	EUR/100 kg	92,00		400	EUR/100 kg	—
					A01	EUR/100 kg	24,94

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

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

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

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

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

The other destinations are defined as follows:

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

L02 Andorra and Gibraltar.

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

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

COMMISSION REGULATION (EC) No 2051/2005**of 15 December 2005****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

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

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 13 December 2005.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 13 December 2005, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 16 December 2005.

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

Done at Brussels, 15 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

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

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

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund for export to the destinations referred to in the second subparagraph of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—
Butter	ex 0405 10 19 9700	98,50
Butteroil	ex 0405 90 10 9000	120,10

COMMISSION REGULATION (EC) No 2052/2005**of 15 December 2005****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

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

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 13 December 2005.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 13 December 2005, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 12,24 EUR/100 kg.

Article 2

This Regulation shall enter into force on 16 December 2005.

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

Done at Brussels, 15 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

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

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

COMMISSION REGULATION (EC) No 2053/2005**of 15 December 2005****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

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

(4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate

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

(5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.

(6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(7) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

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

Article 2

This Regulation shall enter into force on 16 December 2005.

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

Done at Brussels, 15 December 2005.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 16 December 2005 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	10,00	10,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	23,57	23,57
	(b) on exportation of other goods	50,00	50,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	51,00	51,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	99,25	99,25
	(c) on exportation of other goods	92,00	92,00

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

COMMISSION REGULATION (EC) No 2054/2005**of 15 December 2005****fixing the import duties in the cereals sector applicable from 16 December 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 December 2005.

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

Done at Brussels, 15 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

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

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	36,02
1005 10 90	Maize seed other than hybrid	54,82
1005 90 00	Maize other than seed ⁽²⁾	54,82
1007 00 90	Grain sorghum other than hybrids for sowing	36,02

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

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

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

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

ANNEX II

Factors for calculating duties

period from 1.12.2005-14.12.2005

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	129,55 (***)	67,33	178,61	168,61	148,61	94,79
Gulf premium (EUR/t)	—	17,85	—			—
Great Lakes premium (EUR/t)	28,48	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 18,46 EUR/t; Great Lakes–Rotterdam: 27,65 EUR/t.

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

COMMISSION REGULATION (EC) No 2055/2005**of 15 December 2005****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 December 2005.

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

Done at Brussels, 15 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

to the Commission Regulation of 15 December 2005 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	10,24
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	9,44
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	8,72
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	8,16
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	10,96				

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

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

COMMISSION REGULATION (EC) No 2056/2005**of 15 December 2005****fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1058/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 ⁽²⁾.

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 9 to 15 December 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1058/2005, the maximum refund on exportation of barley shall be 2,97 EUR/t.

Article 2

This Regulation shall enter into force on 16 December 2005.

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

Done at Brussels, 15 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 174, 7.7.2005, p. 12.

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

COMMISSION REGULATION (EC) No 2057/2005**of 15 December 2005****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1438/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 7 thereof,

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

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

Whereas:

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

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

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 9 to 15 December 2005 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1438/2005.

Article 2

This Regulation shall enter into force on 16 December 2005.

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

Done at Brussels, 15 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

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

⁽³⁾ OJ L 228, 3.9.2005, p. 5.

COMMISSION REGULATION (EC) No 2058/2005**of 15 December 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 1059/2005 ⁽²⁾.
- (2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

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

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 9 to 15 December 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 8,00 EUR/t.

Article 2

This Regulation shall enter into force on 16 December 2005.

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

Done at Brussels, 15 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 174, 7.7.2005, p. 15.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 October 2005

on the signing by the European Community of the Energy Community Treaty

(2005/905/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Articles 47(2), 55, 83, 89, 95, 133, and 175 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with the Council Decision of 17 May 2004, the Commission has negotiated the Treaty establishing the Energy Community, hereinafter referred to as 'the Energy Community Treaty', with the Republic of Albania, the Republic of Bulgaria, Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Montenegro, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo (pursuant to the United Nations Security Council Resolution 1244).
- (2) Subject to its possible conclusion at a later stage, the Energy Community Treaty initialled on 31 May 2005 should be signed on behalf of the Community,

Article 1

The signing of the Energy Community Treaty is hereby approved on behalf of the Community.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Energy Community Treaty on behalf of the Community, subject to its conclusion.

Article 3

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

Done at Luxembourg, 17 October 2005.

For the Council
The President
M. BECKETT

COMMISSION

COMMISSION DECISION

of 16 March 2004

concerning the aid scheme that Italy plans to implement to compensate processing and marketing cooperatives for losses caused by an outbreak of blue tongue — Article 5 of Region of Sardinia Law No 22 of 17 November 2000

(notified under document number C(2004) 471)

(Only the Italian text is authentic)

(2005/906/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having called on interested parties to submit their comments pursuant to the above Article,

Whereas:

I. PROCEDURE

(1) By letter dated 24 November 2000, registered on 28 November 2000, the Permanent Representation of Italy to the European Union notified the Commission, under Article 88(3) of the Treaty, of Region of Sardinia Law No 22 concerning measures to enable livestock farmers to cope with the epizootic disease blue tongue⁽¹⁾, hereafter referred to as 'Law No 22/2000'. Article 10 of the Law makes the grant of some aid conditional on Commission approval under the procedure provided for in Articles 87 and 88 of the Treaty.

(2) By letter dated 15 December 2000, registered on 19 December 2000, the Permanent Representation of Italy to the European Union sent the Commission the additional information requested in a letter dated 13 December 2000.

(3) By letter dated 2 February 2001, the Commission informed Italy of its decision to initiate the procedure provided for in Article 88(2) of the Treaty in respect of this aid.

(4) The Commission Decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽²⁾. The Commission called on the interested parties to make their comments on the measure in question.

(5) In that same Decision, the Commission approved the aid measures provided for in Articles 2, 3 and 4 of Law No 22/2000, taking the view that they complied with the conditions for being considered aid to facilitate the development of certain economic activities within the meaning of Article 87(3)(c) of the Treaty.

(6) The Italian authorities submitted no comments on the measures in question. The Commission received no comments from other interested parties.

II. DESCRIPTION

(7) The aid is based on Article 5 of Region of Sardinia Law No 22/2000 concerning measures to compensate processing and marketing cooperatives for losses caused by blue tongue.

⁽¹⁾ The Law was approved by the Regional Council of Sardinia on 25 October 2000 and published in the *Bollettino ufficiale della Regione Sardegna* (Official Bulletin of the Region of Sardinia) No 36 on 25 November 2000.

⁽²⁾ OJ C 327, 22.11.2001, p. 5.

- (8) In August 2000, blue tongue broke out in Sardinia and, despite the measures taken by the authorities, spread throughout the island. The spread of the disease was facilitated by climatic conditions (hot, dry weather). In order to combat the disease, on 28 August 2000 the Italian health authorities prohibited the movement of domestic and wild ruminants originating in or coming from the Region of Sardinia (including sperm, ova and embryos) to the rest of national territory and to the other Member States of the EU. A ban was also placed on the movement of those animals from the Province of Cagliari to the rest of Sardinia and the veterinary services of other regions were ordered to carry out clinical checks on all holdings onto which sheep from Sardinia had been introduced within the past two months. The regional authorities then adopted Decree No 34 of 5 September 2000 on emergency measures for the control of blue tongue⁽¹⁾, which prohibited the movement from holdings anywhere in Sardinia of sheep, goats, cattle, buffaloes and reared animals of wild species. The Decree also made the control of insects carrying the disease compulsory. On 16 October 2000, the Sardinian health authorities adopted the plan to control and eradicate blue tongue in Sardinia and on 25 October 2000 the Regional Council of Sardinia adopted Law No 22/2000 concerning measures to enable livestock farmers to cope with the epizootic disease blue tongue, which was notified to the Commission for examination of compliance with Articles 87, 88 and 89 of the Treaty. The measures provided for in Articles 2, 3 and 4 of Law No 22/2000 were considered to be compatible with the common market⁽²⁾. The Commission decided to initiate the procedure provided for in Article 88(2) of the Treaty with regard to the aid provided for in Article 5 of the Law.
- (9) Article 5 of Law No 22/2000 authorises the regional authorities to grant aid to undertakings and cooperatives having their registered office in Sardinia involved in the harvesting, processing, packaging and marketing of crop and animal products and which have suffered a reduction in supplies due under statutory or contractual obligations of more than 20 % (less-favoured agricultural areas) or 30 % (other areas) compared with the average of the last three years. This aid is intended to compensate for losses due to the lack of raw materials for processing and is limited to losses related to the reduction of the supplies from the cooperatives' members.
- (10) A total of LIT 5 billion (around EUR 2 582 280) was provided for aid for 2000.
- (11) The Commission decided to initiate the procedure provided for in Article 88(2) of the Treaty because of doubts regarding the compatibility of the scheme with the common market. These doubts concerned, in particular, the fact that point 11.4 of the Guidelines does not provide for granting compensation to processing undertakings for losses caused by epizootic diseases. The Commission considered that, even though the Italian authorities had decided to restrict aid to cooperatives, no causal link had been established between the disease (blue tongue) and the reduction in supplies. In particular, the region had been hit by drought (see Aid N 745/2000), which could have contributed to the reduction in supplies. In addition, certain cooperatives could have suffered a reduction in raw materials received for reasons other than blue tongue (or the drought).
- (12) Under point 11.3.8 of the Guidelines, which lays down that aid may be paid only to farmers or to a producer organisation of which farmers are members for damage caused by adverse weather events, it is not possible to apply these rules by analogy to processing undertakings that have suffered losses from blue tongue. As a general rule, the Commission considers that agricultural processing undertakings have a degree of flexibility in the management of their sources of supply. This can, of course, involve additional costs for raw materials and a reduction in profitability, but this does not appear to justify a direct application of the rules applicable to agricultural production.
- (13) In the absence of any other legal basis for examining and possibly approving the aid measure provided for in Article 5 of Law No 22/2000, it seemed that the aid should be regarded as operating aid, i.e. aid intended to cover expenditure which processing undertakings would normally bear themselves in the day-to-day administration of their activities. Such aid must in principle be considered as incompatible with the common market.
- (14) Following the decision to open the procedure provided for in Article 88(2) of the Treaty, Italy sent the Commission no comments.
- (15) Under Article 87(1) of the Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is, insofar as it affects trade between Member States, incompatible with the common market.

III. LEGAL ASSESSMENT

⁽¹⁾ Published in the *Bollettino ufficiale della Regione Sardegna* No 29 of 19.9.2000, p. 1958.

⁽²⁾ Decision SG(01) D/285817 of 2 February 2001.

- (16) Article 40 of Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾ lays down that, save as otherwise provided in the Regulation, Articles 87, 88 and 89 of the Treaty apply to the production of and trade in the products covered by that Regulation. Similarly, Article 23 of Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat ⁽²⁾ lays down that, save as otherwise provided for in the Regulation, Articles 87, 88 and 89 of the Treaty apply to the production of and trade in the products referred to in Article 1 of that Regulation.
- (17) Article 5 of Law No 22/2000 provides for aid to compensate agricultural undertakings and cooperatives for losses due to a lack of raw material for processing caused by a reduction in deliveries from members following the outbreak of blue tongue. The undertakings and cooperatives in question thus enjoy economic benefits they would not otherwise have received in their normal course of business and which improve their competitive position when compared to other farmers in the Community who do not receive the same type of aid.
- (18) The aid concerned affects competition and trade between Member States. The beneficiaries carry out an economic activity in sectors (the beef and veal and sheepmeat sectors) that are the subject of trade between Member States. In 2001, the cattle population in Italy totalled 6 932 700 head, including 273 900 head in Sardinia. In that same year, the sheep population was 8 311 400 head, including 3 602 200 in Sardinia, and the goat population was 1 024 800 head, including 240 200 head in Sardinia.
- (19) The measure under examination is therefore state aid as defined in Article 87(1).
- (20) The prohibition on state aid is not absolute. However, in this case, the derogations provided for in Article 87(2) are clearly not applicable and, moreover, were not requested by the Italian authorities.
- (21) Neither does Article 87(3)(a) apply, because the aid is not intended to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment.
- (22) By the same token, the aid is not intended to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Member State within the meaning of Article 87(3)(b).
- (23) Neither is the aid intended to fulfil the objectives laid down in Article 87(3)(d).
- (24) Given the nature of the aid scheme notified, the only derogation that could be applied is that laid down in Article 87(3)(c). It must therefore be checked whether implementation of the planned measures is eligible for this derogation.
- (25) Since Law No 22/2000 was correctly notified by the Italian authorities in accordance with Article 88(3) of the Treaty, it must be assessed in accordance with the Community Guidelines for state aid in the agriculture sector ⁽³⁾ (hereafter referred to as the Guidelines). Under point 23.3 of the Guidelines, these apply from 1 January 2000 to new state aid, including aid already notified by the Member States on which the Commission has not yet adopted a Decision.
- (26) Under point 11.1.1 of the Guidelines, state aids for agriculture include a group of measures intended to safeguard farmers against damage to agricultural production or the means of production, including buildings and plantations, caused by unforeseen occurrences such as natural disasters, adverse weather conditions or outbreaks of animal or plant disease.
- (27) It is therefore clear that, in the case of losses caused by an epizootic disease, compensation may be provided only for losses borne by the productive sector and not those borne by undertakings processing or marketing agricultural products. Aid to compensate for such losses must also be compatible with point 11.4 of the Guidelines, which concerns, in particular, aid for combating animal and plant diseases.
- (28) The Italian authorities submitted no comments. The Commission did therefore not receive additional information that could dispel the doubts stated when it initiated the procedure provided for in Article 88(2) of the Treaty with regard to the aid in question.
- (29) Furthermore, the Italian authorities have not established in a clear and indisputable manner a direct link between the reduction in deliveries from members of the undertakings or cooperatives due to blue tongue and the losses of income incurred during the same period. In the absence of a direct link, the losses in question could have been caused by other factors, such as the drought, the crisis on the markets, the financial management of the undertakings concerned, etc. Any aid intended to compensate for this type of loss would constitute operating aid, incompatible with the common market under point 3.5 of the Guidelines ⁽⁴⁾.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 341, 22.12.2001, p. 3.

⁽³⁾ OJ C 28, 1.2.2000, p. 2.

⁽⁴⁾ Judgment of the Court of First Instance of 8 June 1995 in Case T-459/93 *Siemens SA v Commission of the European Communities* [1995] ECR II-1675.

IV. CONCLUSIONS

- (30) In the light of the above, the Commission concludes that the aid provided for in Article 5 of Regional Law No 22/2000 constitutes state aid within the meaning of Article 87(1) of the Treaty and that it is ineligible for any of the derogations provided for in Article 87(3).
- (31) Since Article 10 of Law No 22/2000, notified in accordance with Article 88(3) of the Treaty, lays down that the aid provided for in Articles 3, 4 and 5 is to be implemented by the regional authorities only after approval by the European Commission, it is not necessary to provide for the recovery of the aid referred to in Article 5 of the Law,

HAS ADOPTED THIS DECISION:

Article 1

The aid planned by Italy under Article 5 of Region of Sardinia Law No 22 of 17 November 2000 to compensate agricultural

undertakings and cooperatives for losses caused by a lack of raw material for processing caused by a reduction in deliveries from members is incompatible with the common market. The above aid may accordingly not be implemented.

Article 2

Italy shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 16 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 13 July 2005

amending the Decision 2002/191/EC declaring a concentration to be compatible with the common market and the EEA Agreement (Case COMP/M.2139 — Bombardier/ADtranz)

(notified under document number C(2005) 2683)

(Only the English text is authentic)

(Text with EEA relevance)

(2005/907/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement on the European Economic Area, and in particular Article 57 thereof,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings ⁽¹⁾, and in particular Article 8(2) thereof,

Having regard to Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) ⁽²⁾, and in particular Article 26(2) thereof,

Having regard to the Commission Decision 2002/191/EC of 3 April 2001 declaring a concentration to be compatible with the common market and the functioning of the EEA Agreement (Case COMP/M.2139 — Bombardier/ADtranz) ⁽³⁾,

After consulting the Advisory Committee on Concentrations ⁽⁴⁾,

Whereas:

- (1) On 3 April 2001, the Commission declared a concentration whereby Bombardier Inc. acquired within the meaning of Article 3(1)(b) of Regulation (EEC) No 4064/89 sole control of the undertaking DaimlerChrysler Rail Systems GmbH (ADtranz) compatible with the common market and with the functioning of the EEA Agreement. That declaration of compatibility was subject to full compliance with several conditions and obligations as set out in the Annex to the Decision.

- (2) One of the conditions concerned the undertaking Elin EBG Traction (ETR), a subsidiary of VA Tech AG, established in Linz, Austria. Bombardier had joint control over ETR, a supplier of electrical propulsion for rail rolling stock. Severing ETR's structural link with Bombardier, as required by paragraph 1(a) of the Annex, turned that company into an independent supplier of propulsion technology for, among others, regional trains and trams/light rail vehicles. Nevertheless, certain guarantees were necessary for a transitional period in order to allow ETR to find new partners, replacing Bombardier, which became vertically integrated after the acquisition of ADtranz and, thus, was no longer to rely on ETR as a supplier of electrical propulsion equipment.

- (3) These guarantees were intended to create a workload for ETR for a transitional period in order to enable it to survive economically. The condition as set out in paragraph 1(b) of the Annex provided for Bombardier to enter into a Joint Development Agreement with ETR for cooperation between these two companies until 2006 in relation to the tram 'CityRunner Type Linz', for which ETR supplies the electrical traction, thereby allowing ETR to continue to be active in the market for trams.

- (4) On 10 January 2005, Siemens notified its planned acquisition of sole control, within the meaning of Article 3(1)(b) of the EC Merger Regulation, of VA Tech, whereby it would also acquire control of ETR. Siemens is a leading supplier of rail rolling stock which manufactures its own electrical traction for all types of rolling stock it offers. On 13 July 2005, pursuant to Article 8(2) of the EC Merger Regulation, the Commission declared the acquisition of VA Tech by Siemens compatible with the common market and with the functioning of the EEA Agreement, subject to several conditions and obligations as set out in the Annexes to that Decision.

- (5) As part of Siemens, ETR has the financial background of a multinational firm which is a leader in rolling stock. Therefore, ETR no longer needs secured orders for its economic survival as was deemed necessary in 2001 when the structural link with Bombardier was severed. It is, consequently, no longer necessary to impose on Bombardier the condition to source the electrical traction for its CityRunner Type Linz from ETR, should Siemens acquire sole control of ETR.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1. As corrected by OJ L 257, 21.9.1990, p. 13. Regulation as last amended by Regulation (EC) No 1310/97 (OJ L 180, 9.7.1997, p. 1).

⁽²⁾ OJ L 24, 29.1.2004, p. 1.

⁽³⁾ OJ L 69, 12.3.2002, p. 50.

⁽⁴⁾ OJ C 321, 16.12.2005.

- (6) The acquisition of VA Tech by Siemens has been declared compatible with the common market and with the functioning of the EEA subject to compliance with certain conditions. However, there is a possibility that that decision will be revoked pursuant to Article 8(6) of the EC Merger Regulation. This Decision, therefore, is conditional on the Commission Decision of 13 July 2005 in case COMP/M.3653 — Siemens/VA Tech ⁽¹⁾ remaining in force,

proposes to acquire sole control over VA Tech AG (Case COMP/M.3653 — Siemens/VA Tech) compatible with the common market and the EEA agreement, subject to certain conditions and obligations, and

- (b) the implementation of the proposed concentration referred to in point (a).

HAS ADOPTED THIS DECISION:

Article 3

Article 1

This decision is addressed to:

Article 2 of Decision 2002/191/EC is replaced by the following:

Article 2

Article 1 is subject to full compliance with the conditions set out in paragraphs 1(a), first subparagraph, 1(c), 1(d), 1(e), first and fourth subparagraphs, 1(f), 1(g), 1(h), and 1(i) of the Annex.'

Bombardier Inc.
800 René-Lévesque Blvd. West,
Montréal
Canada — H3B 1Y8 — Québec.

Article 2

Done at Brussels, 13 July 2005.

This decision shall be conditional on

- (a) the remaining in force of the Commission Decision of 13 July 2005 declaring the concentration whereby Siemens AG

For the Commission

Neelie KROES
Member of the Commission

⁽¹⁾ Not yet published in the Official Journal.

COMMISSION DECISION**of 14 December 2005****amending Council Directive 2002/56/EC as regards the date laid down in Article 21(3) until which Member States are authorised to extend the validity of decisions concerning equivalence of seed potatoes from third countries***(notified under document number C(2005) 5020)***(Text with EEA relevance)****(2005/908/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes ⁽¹⁾, and in particular the second subparagraph of Article 21(3) thereof,

Whereas:

(1) Directive 2002/56/EC provides that, with effect from certain dates, Member States may no longer determine for themselves the equivalence of seed potatoes harvested in third countries with seed potatoes harvested within the Community and complying with that Directive.

(2) However, as work to establish a Community equivalence for seed potatoes from all the third countries concerned had not been completed, Directive 2002/56/EC permitted Member States to extend until 31 March 2005 the validity of equivalence decisions which they had already taken for seed potatoes from certain third countries not covered by a Community equivalence.

(3) In the absence of Community rules on the equivalence of seed potatoes harvested in third countries with seed

potatoes harvested within the Community, the authorisation granted to Member States by Directive 2002/56/EC to extend the period of validity of equivalence decisions should be continued for a three year period.

(4) Directive 2002/56/EC should therefore be amended accordingly.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

In the first subparagraph of Article 21(3) of Directive 2002/56/EC, '31 March 2005' is replaced by '31 March 2008'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 December 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 193, 20.7.2002, p. 60. Directive as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

COMMISSION DECISION

of 14 December 2005

setting up a group of experts to advise the Commission and to facilitate cooperation between public oversight systems for statutory auditors and audit firms

(2005/909/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) Reinforcement of the statutory audit is essential in order to restore investors' confidence in the financial markets. The modernised Eighth Directive on statutory audit of annual accounts and consolidated accounts and amending Council Directives 78/660/EEC and 83/349/EEC ⁽¹⁾ (hereinafter referred to as modernised Eighth Directive) introduces, *inter alia*, a requirement for Member States to set up a system of public oversight for statutory auditors and audit firms. The modernised Eighth Directive aims also to establish co-ordination of public oversight systems at the community level and includes a possibility for the Commission to adopt implementing measures.
- (2) In order to reach the goals outlined in the modernised Eighth Directive, the Commission needs to call upon an expert group which would contribute to the co-ordination and the development of public oversight systems within the European Union. The group could also contribute to the technical preparation of the implementing measures of the modernised Eighth Directive.
- (3) The expert group should be composed of high level representatives drawn from the public oversight systems for statutory auditors and audit firms in Member States. If such systems are not yet established, representatives from the national ministries responsible for their establishment in the future should join the group. Only non-practitioners, as defined under Article 2(11)(b) of the modernised Eighth Directive, can be designated as representatives or alternate representatives because of the potential conflicts of interest between the profession and the private sector on one side, and the public interest on the other side. Nevertheless, the work of the Commission and of the group should draw upon the knowledge and experience of practitioners. As a result, the Commission should, after discussion with the expert group, consult extensively and at an early stage with market participants, consumers, the audit profession and end-users in an open and transparent manner, on the work of the group.
- (4) The expert group called the 'European Group of Auditors' Oversight Bodies' therefore should be set up and its terms of reference and structures detailed,

Article 1

The expert group called the 'European Group of Auditors' Oversight Bodies' hereinafter referred to as 'the group' is hereby set up by the Commission.

*Article 2***Task**

The Commission may consult the group on any question relating to the preparation of the implementing measures of the modernised Eighth Directive. The group may also discuss any matter relating to cooperation between public oversight systems for statutory auditors and audit firms.

The group's tasks are mainly to:

- facilitate cooperation between public oversight systems of Member States and to bring about an exchange of good practice concerning the establishment and ongoing cooperation of such systems;
- contribute to the technical assessment of public oversight systems of third countries and to the international cooperation between Member States and third countries in this area;
- contribute to the technical examination of international auditing standards, including the processes for their elaboration, with a view to their adoption at the community level.

*Article 3***Composition — Appointment**

1. The group shall be composed of high level representatives from the entities responsible for the public oversight of statutory auditors and audit firms in Member States or in their absence, of representatives from the competent national ministries.
2. Each Member State shall designate a high level representative from one of the authorities mentioned in paragraph 1 to participate in the meetings of the group. The Commission can refuse the representative designated by a Member State when it does not consider the representative appropriate, particularly if there is any conflict of interest. In such a case, the Commission will quickly inform the Member State concerned which can then designate another representative.

⁽¹⁾ Not yet published in the Official Journal.

3. Only non-practitioners can be designated as representatives.

4. Each Member State shall designate one representative. One alternate representative per Member State may be designated under the conditions set up in paragraphs 1, 2, 3 and 5.

5. The following provisions shall apply:

- in a case where a Member State is represented by a ministry, when a public oversight system for auditors and audit firms is established, the Member State shall replace its representative by a representative drawn from the public oversight system;
- representatives who are no longer able to contribute effectively to the group's deliberations, who resign or who do not respect the conditions set out in the first or third point of this Article or Article 287 of the Treaty establishing the European Community, shall be replaced;
- members of sub-groups mentioned in Article 4 below and being practitioners, shall sign at the beginning of their mandate and, each time it is required by the chairman, an undertaking to act in the public interest and a declaration indicating the absence or existence of any interest which may undermine their objectivity.

Article 4

Operation

1. The group is chaired by the Commission.

2. As general rule, after discussion with the group, the Commission should consult extensively and at an early stage with market participants, consumers, the audit profession and end-users in an open and transparent manner, on the work of the group.

3. In agreement with the Commission, sub-groups may be set up to examine specific questions under terms of reference established by the group; they shall be disbanded as soon as these have been fulfilled. The sub-groups can also include practitioners.

4. The chairman may ask experts or observers with specific competence on a subject on the agenda to participate in the group's or sub-group's deliberations if this is useful and/or necessary.

5. The group's discussions shall not be public.

6. The group and its sub-groups normally meet on Commission premises in accordance with the procedures and schedule established by it. The Commission provides secretarial services. Other Commission officials with an interest in the proceedings may attend these meetings.

7. The group shall adopt its rules of procedure on the basis of the standard rules of procedure adopted by the Commission.

8. The Commission may publish, in the original language of the document concerned, any résumé, conclusion, or partial conclusion or working document of the group.

Article 5

Meeting expenses

The Commission shall reimburse travel and, where appropriate, subsistence expenses for representatives, members of the sub-groups, experts and observers in connection with the group's activities in accordance with the provisions in force at the Commission. The representatives shall not be paid for their duties.

Meeting expenses are reimbursed within the limits of the appropriations allocated to the department concerned under the annual procedure for allocating resources.

Article 6

Entry into force

The decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 14 December 2005.

For the Commission

Charlie McCREEVY

Member of the Commission

CORRIGENDA**Corrigendum to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy**

(Official Journal of the European Union L 209 of 11 August 2005)

On page 17 in Article 33(3), under point (c):

for: '(c) amounts of Community financing which are cancelled and amounts recovered, as well as the interest thereon, shall be reallocated to the programme concerned. However, the cancelled or recovered Community funds may be reused by Member States only for an operation under the same rural development programme and provided the funds are reallocated to operations which have been the subject of a financial adjustment.'

read: '(c) amounts of Community financing which are cancelled and amounts recovered, as well as the interest thereon, shall be reallocated to the programme concerned. However, the cancelled or recovered Community funds may be reused by Member States only for an operation under the same rural development programme and provided the funds are not reallocated to operations which have been the subject of a financial adjustment.'
