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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2077/2005
of 19 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 20 December 2005.

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

Done at Brussels, 19 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 19 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	58,8
	204	55,5
	212	92,7
	999	69,0
0707 00 05	052	109,0
	204	82,1
	628	155,5
	999	115,5
0709 90 70	052	152,4
	204	113,1
	999	132,8
0805 10 20	052	66,3
	204	61,9
	220	66,6
	999	64,9
0805 20 10	052	59,8
	204	59,2
	999	59,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	50,8
	220	36,8
	400	83,8
	464	143,2
	624	79,6
	999	78,8
0805 50 10	052	54,5
	999	54,5
0808 10 80	096	18,3
	400	95,5
	404	93,9
	720	65,2
	999	68,2
0808 20 50	052	138,4
	400	94,3
	720	42,4
	999	91,7

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

COMMISSION REGULATION (EC) No 2078/2005**of 19 December 2005****opening an invitation to tender for the allocation of A3 export licences for fruit and vegetables
(tomatoes, oranges, lemons and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

transport and marketing costs and of the economic aspect of the exports planned.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1961/2001 ⁽²⁾ lays down the detailed rules of application for export refunds on fruit and vegetables.

(2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾. These quantities must be allocated taking account of the perishability of the products concerned.

(4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation and outlook for fruit and vegetable prices on the Community market and supplies available, on the one hand, and, on the other hand, prices on the international market. Account must also be taken of the

(5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.

(6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.

(7) Tomatoes, oranges, lemons and apples of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.

(8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to proceed by an open invitation to tender and to set the indicative refund amount and the scheduled quantities for the period concerned.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender for the allocation of A3 export licences is hereby opened. The products concerned, the tender submission period, the indicative refund rates and the scheduled quantities are laid down in the Annex hereto.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not count against the eligible quantities in the Annex hereto.

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

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation, as last amended by Regulation (EC) No 558/2005 (OJ L 94, 13.4.2005, p. 22).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1.

3. Notwithstanding Article 5(6) of Regulation (EC) No 1961/2001, the term of validity of the A3 licences shall be two months.

Article 2

This Regulation shall enter into force on 5 January 2006.

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

Done at Brussels, 19 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Opening an invitation to tender for the allocation of A3 export licences for fruit and vegetables (tomatoes, oranges, lemons and apples)

Tender submission period: 5-6 January 2006.

Product code ⁽¹⁾	Destination ⁽²⁾	Indicative refund amount (EUR/tonnes net)	Scheduled quantity (tonnes)
0702 00 00 9100	F08	40	9 770
0805 10 20 9100	A00	46	142 183
0805 50 10 9100	A00	70	20 210
0808 10 80 9100	F04, F09	44	83 660

⁽¹⁾ The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The 'A' series destination codes are defined in Annex II to Regulation (EEC) No 3846/87. The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). The other destinations are defined as follows:

F03: All destinations except Switzerland.

F04: Hong Kong, Singapore, Malaysia, Sri Lanka, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Japan, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

F08: All destinations except Bulgaria.

F09: The following destinations:

- Norway, Iceland, Greenland, Faeroe Islands, Romania, Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah and Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia,
- African countries and territories except South Africa,
- destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

COMMISSION REGULATION (EC) No 2079/2005

of 19 December 2005

amending Regulation (EC) No 883/2001, Council Regulation (EC) No 1037/2001 and Regulation (EC) No 2303/2003 regarding the prolongation of certain derogations relating to wine certification, labelling and oenological processes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 53 and Article 68(3) thereof,

Having regard to Council Decision 2005/798/EC of 14 November 2005, concerning the conclusion of an Agreement in the form of an exchange of letters between the European Community and the United States of America on matters related to trade in wine ⁽²⁾, and in particular Article 3 thereof,

Whereas:

(1) In accordance with Article 24(2), Article 26 and Article 27(2) of 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 ⁽³⁾, the simplified procedure as regards the requirements for drawing up and using the certificate and analysis report for imports of wines applies to wines imported from the United States of America until 31 December 2005.

(2) Commission Regulation (EC) No 2303/2003 of 29 December 2003 on specific labelling rules for wines imported from the United States of America ⁽⁴⁾ provides for certain temporary derogations as regards the labelling of wines, which also expire on 31 December 2005.

(3) Notwithstanding Article 45(1) of Regulation (EC) No 1493/1999, Council Regulation (EC) No 1037/2001 of 22 May 2001 authorising the offer and delivery for direct human consumption of certain imported wines which may have undergone oenological

processes not provided for in Regulation (EC) No 1493/1999 ⁽⁵⁾ authorises the import into the Community of wines originating in the United States of America which have undergone certain oenological processes not provided for in the Community rules. That authorisation also expires on 31 December 2005 in respect of the oenological processes referred to in point 1(b) of the Annex to Regulation (EC) No 1037/2001.

(4) Following negotiations, an Agreement between the European Community and the United States of America on trade in wine has been initialled by the two Parties on 14 September 2005. Articles 4 and 9 of the Agreement will continue to treat wines originating in the United States in the same way as in Regulations (EC) No 883/2001, (EC) No 1037/2001 and (EC) No 2303/2003. However, in accordance with Article 17(2) of that Agreement, Articles 4 and 9 will apply only from the first day of the second month following receipt of the written notice referred to in Article 6(3) of the Agreement. It was therefore necessary to negotiate a separate Agreement in the form of an exchange of letters between the European Community and the United States of America on matters related to trade in wine ⁽⁶⁾ covering the period from 31 December 2005 to the date of application of Articles 4 and 9 of the Agreement on trade in wine.

(5) In order to avoid any disruption of trade, provisions to implement the Agreement in the form of an exchange of letters should be adopted and in particular the three derogations provided for in Regulations (EC) No 883/2001, (EC) No 1037/2001 and (EC) No 2303/2003 should remain in force until the date of application of Articles 4 and 9 of the Agreement on trade in wine but no later than three years from the date of entry into force of the Agreement in the form of an exchange of letters.

(6) Regulations (EC) No 883/2001, (EC) No 1037/2001 and (EC) No 2303/2003 should be amended accordingly.

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

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

⁽²⁾ OJ L 301, 18.11.2005, p. 14.

⁽³⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 1747/2005 (OJ L 280, 25.10.2005, p. 9).

⁽⁴⁾ OJ L 342, 30.12.2003, p. 5.

⁽⁵⁾ OJ L 145, 31.5.2001, p. 12. Regulation as amended by Regulation (EC) No 2324/2003 (OJ L 345, 31.12.2003, p. 24).

⁽⁶⁾ OJ L 301, 18.11.2005, p. 16.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 27 of Regulation (EC) No 883/2001, paragraph 2 is replaced by the following:

‘2. Article 24(2) and Article 26 shall apply until the date of application of Articles 4 and 9 of the Agreement between the European Community and the United States of America on trade in wine but no later than three years from the date of entry into force of the Agreement in the form of an exchange of letters between the European Community and the United States of America on matters related to trade in wine (*).

(*) OJ L 301, 18.11.2005, p. 16.’

Article 2

Regulation (EC) No 1037/2001 is amended as follows:

1. The second subparagraph of Article 1(1) is replaced by the following:

‘However, this authorisation shall be valid, as regards use of the oenological processes listed in 1(b) of the Annex, only until the date of application of Articles 4 and 9 of the Agreement between the European Community and the United States of America on trade in wine but no later than three years from the date of entry into force of the Agreement in the form of an exchange of letters between the

European Community and the United States of America on matters related to trade in wine (*).

(*) OJ L 301, 18.11.2005, p. 16.’

2. In point 1(b) of the Annex, the introductory words ‘until 31 December 2003 at the latest’ are replaced by the following:

‘until the date referred to in the second subparagraph of Article 1(1) at the latest’.

Article 3

The second subparagraph of Article 2 of Regulation (EC) No 2303/2003 is replaced by the following:

‘It shall apply until the date of application of Articles 4 and 9 of the Agreement between the European Community and the United States of America on trade in wine but no later than three years from the date of entry into force of the Agreement in the form of an exchange of letters between the European Community and the United States of America on matters related to trade in wine (*).

(*) OJ L 301, 18.11.2005, p. 16.’

Article 4

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

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

Done at Brussels, 19 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 2080/2005**of 19 December 2005****laying down detailed rules for the application of Council Regulation (EC) No 865/2004 as regards operators' organisations in the olive sector, their work programmes and the financing thereof**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 865/2004 of 29 April 2004 on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68 ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) To ensure that approved operators' organisations are effective, approval must relate to the various categories of operators having a major impact in the olive oil or table olives sectors, while ensuring that those organisations can guarantee compliance with certain minimum conditions that are sufficient to obtain economically significant results.
- (2) To allow producer Member States to implement administrative management of the system of approved operators' organisations in the olive sector, the procedures and time-limits for the approval of such organisations, the criteria for selecting their work programmes, the arrangements for paying Community financing and the allocation thereof should be laid down.
- (3) Under Article 110i(4) of Council Regulation (EC) No 1782/2003 ⁽²⁾, which establishes common rules for direct support schemes under the common agricultural policy and certain support schemes for farmers, Member States may withhold up to 10 % of the olive oil component in the national ceiling referred to in Article 41 thereof to provide Community financing for the work programmes drawn up by approved operators' organisations in one or more of the areas referred to in Article 8(1) of Regulation (EC) No 865/2004.
- (4) In accordance with the common rules on financing direct support schemes, and to allow the use of the amounts

available by Member State, the annual expenditure intended for the implementation of the work programmes should not exceed the annual amounts withheld by the Member States in accordance with Article 110i(4) of Regulation (EC) No 1782/2003.

- (5) To ensure overall consistency between the activities of approved operators' organisations, the types of measures that are eligible for Community financing and those that are ineligible should be laid down. The arrangements for the submission of the programmes and the selection criteria for those programmes should also be laid down. The Member States concerned should, however, be allowed to lay down additional eligibility conditions so as to gear measures more closely to the national situation in the olive sector.
- (6) In the light of experience, the Community financing thresholds should be fixed at the very least for the areas of improving the environmental impacts of olive cultivation and traceability, certification and protection, under the authority of the national administrations, of the quality of olive oil and table olives by means of quality control on the olive oils sold to the final consumer so as to ensure implementation of at least a certain number of measures in sensitive priority areas.
- (7) To ensure that the work programmes are implemented within the given time periods and in accordance with Article 8(1) of Regulation (EC) No 865/2004, and to ensure efficient administrative management of the system of approved operators' organisations in the olive sector, the procedures should be laid down for applications for approval, and the selection and approval of work programmes.
- (8) To allow correct use of the financing available by Member State, provision should be made for an annual amendment of the work programmes approved for the following year, to take into account any duly justified changes over the initial conditions. Member States should also be able to lay down the conditions required to amend the work programmes and redistribute the amounts allocated without exceeding the annual amounts withheld by the producer Member States pursuant to Article 110i(4) of Regulation (EC) No 1782/2003.

⁽¹⁾ OJ L 161, 30.4.2004, p. 97, as corrected by OJ L 206, 9.6.2004, p. 37.

⁽²⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 118/2005 (OJ L 24, 27.1.2005, p. 15).

- (9) To allow work to commence in good time, operators' organisations should be able to receive a maximum advance of 90 % of the eligible annual expenditure for the approved work programme, subject to the lodging of a security under the terms laid down by Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽¹⁾.
- (10) For the purposes of proper management of the rules on operators' organisations in the olive sector, the Member States concerned should draw up a control plan and specify a system of penalties for any irregularities committed. Provision should also be made for operators' organisations to notify the results of their work to the national authorities in the Member States concerned and to transmit those results to the Commission.
- (11) In the interests of clarity and transparency, Commission Regulation (EC) No 1334/2002 of 23 July 2002 laying down detailed rules for the application of Council Regulation (EC) No 1638/98 as regards the work programmes of operators organisations in the olive sector for the marketing years 2002/03, 2003/04 and 2004/05 ⁽²⁾ should be repealed and replaced by a new Regulation.
- (12) The Management Committee for Olive Oil and Table Olives has not delivered an opinion within the time-limit set by its chairman,
2. Member States shall draw up the conditions for approval, which shall include at least the following:
- (a) producer organisations shall be composed exclusively of olive producers who are not members of any other approved producer organisation;
 - (b) associations of producer organisations shall be composed exclusively of approved producer organisations which are not part of another approved association of producer organisations;
 - (c) other operators' organisations shall be composed exclusively of operators in the olive sector who are not part of another approved operators' organisation;
 - (d) interbranch organisations shall provide a broad and balanced representation of all economic activities linked to the production and processing of, and trade in, olive oil and/or table olives;
 - (e) the operators' organisation shall be in a position to submit a work programme for at least one of the areas of measures referred to in points (a), (b), (c), (d) and (e) of the first subparagraph of Article 5(1);
 - (f) the operators' organisation shall undertake to submit to the checks provided for in Article 14 of this Regulation.
- HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down detailed rules for the application of Articles 7 and 8 of Regulation (EC) No 865/2004 as regards the approval of operators' organisations, the measures that are eligible for Community financing, the approval of work programmes, and the implementation of approved work programmes.

Article 2

Conditions for approving operators' organisations in the olive sector

1. Member States shall approve operators' organisations eligible for Community financing of work programmes as referred to in Article 8 of Regulation (EC) No 865/2004.

3. In evaluating the applications for approval submitted by operators' organisations, Member States shall consider in particular the following aspects:

- (a) the specific features of the olive sector in each regional area defined by the Member States (hereinafter regional area);
- (b) consumer interests and market balance;
- (c) improving the production quality of olive oil and table olives;
- (d) an assessment of the effectiveness of the work programmes submitted.

⁽¹⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 673/2004 (OJ L 105, 14.4.2004, p. 17).

⁽²⁾ OJ L 195, 24.7.2002, p. 16. Regulation last amended by Regulation (EC) No 1331/2004 (OJ L 247, 21.7.2004, p. 5).

*Article 3***Procedure for approving operators' organisations in the olive sector**

1. For the purposes of approval, operators' organisations in the olive sector must lodge, by a date to be determined by the Member State but no later than 15 February each year, an application demonstrating that they meet the conditions laid down in Article 2(2).

The application for approval shall be drawn up in accordance with a model provided by the competent authority in the Member State in order to be able to monitor compliance with the conditions provided for in Article 2(2). It shall include elements allowing the identification of each member of the operators' organisation.

2. No later than 1 April of each year of implementation of the approved work programme, the operators' organisation shall be approved by the Member State and shall receive an approval number.

3. Approval shall be rejected, suspended or withdrawn immediately if the operators' organisation does not meet the conditions referred to in Article 2(2).

4. Nevertheless, the operators' organisation shall retain the rights which devolve from its approval until the moment that its approval is withdrawn, provided that it acted in good faith as regards conformity with the conditions referred to in Article 2(2).

Where approval is withdrawn because the operators' organisation has failed deliberately or as a result of serious negligence to comply with the conditions for approval referred to in Article 2(2), the decision to withdraw approval shall take effect from the date from which the conditions for approval are no longer being fulfilled.

5. Approval shall be rejected, suspended or withdrawn immediately if the operators' organisation:

(a) has been penalised for infringing the production aid scheme provided for in Council Regulation No 136/66/EEC ⁽¹⁾ in the 2002/03 or 2003/04 marketing years,

(b) has been penalised for infringing the scheme to fund the activities of operators' organisations provided for in Council Regulation No 1638/98 ⁽²⁾ in the 2002/03 or 2003/04 marketing years.

6. Operators' organisations which have been approved by the Member State under Regulation (EC) No 1334/2002 and/or have received financing for the work programmes of operators' organisations in the marketing years from 2002/03 to 2004/05 may be deemed approved under this Regulation if they meet the conditions referred to in Article 2(2).

*Article 4***Community financing**

1. The annual Community financing for the work programmes of operators' organisations shall be provided up to the amount withheld in accordance with Article 110i(4) of Regulation (EC) No 1782/2003.

Member States shall ensure that the annual expenditure for the implementation of approved work programmes does not exceed the amount referred to in the first subparagraph.

2. Member States shall ensure that the Community financing is allocated proportionately over the period provided for in Article 8(1).

*Article 5***Measures eligible for Community financing**

1. The measures eligible for Community financing under Article 8(1) of Regulation (EC) No 865/2004 (hereinafter eligible measures) shall be as follows:

(a) in the area of market follow-up and administrative management in the olive oil and table olives sector:

(i) collecting data on the sector and the market, in accordance with specifications relating to method, geographical representativeness and precision laid down by the competent national authority;

(ii) drawing up studies, in particular on subjects linked to the other activities provided for in the work programme of the operators' organisation concerned;

⁽¹⁾ OJ L 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 210, 28.7.1998, p. 32.

- (b) in the area of improving the environmental impacts of olive cultivation:
- (i) collective operations to maintain olive groves of high environmental value at risk of abandonment, in conformity with specified conditions, on the basis of objective criteria, by the competent national authority in particular concerning the regional areas which may be eligible and the area and minimum number of olive oil producers who must be involved to make the operations in question effective;
 - (ii) developing good agricultural practice in olive growing, based on environmental criteria adapted to local conditions, its dissemination among olive growers and following up its practical application;
 - (iii) practical demonstrations of alternatives to chemical products for controlling olive fly;
 - (iv) practical demonstrations of olive-growing techniques geared towards environmental protection and stewardship of the countryside, such as organic farming, low-input farming, integrated farming, etc.;
 - (v) adding environmental data to the geographic information system for olive cultivation (olive GIS) referred to in Article 20 of Regulation (EC) No 1782/2003;
- (c) in the area of improving the production quality of olive oil and table olives:
- (i) improving conditions for growing, in particular controlling olive fly, harvesting, delivering and storing olives prior to processing, in accordance with the technical specifications laid down by the competent national authority;
 - (ii) varietal improvement of olive groves on individual holdings, provided that they contribute to the objectives of the work programmes;
 - (iii) improving conditions for storage and use of the residues of olive oil and table olive production;
 - (iv) technical assistance to the olive oil processing industry covering aspects linked to the quality of products;
- (v) setting up and improving laboratories for the analysis of virgin olive oils;
- (vi) training tasters to carry out organoleptic checks on virgin olive oils;
- (d) in the area of traceability, certification and protection, under the authority of the national administrations, of the quality of olive oil and table olives by means of quality control on the olive oils sold to the final consumer:
- (i) setting up and managing systems allowing products to be traced from the olive grower through to packaging and labelling, in accordance with specifications set out by the competent national authority;
 - (ii) setting up and managing quality certification systems, based on a system of risk analysis and checks on critical points, which is in conformity with technical criteria adopted by the competent national authority;
 - (iii) setting up and managing systems to monitor compliance with norms attesting to the authenticity, quality and marketing of the olive oil and table olives placed on the market, in accordance with the technical specifications laid down by the competent national authority;
- (e) in the area of disseminating information on measures carried out by operators' organisations to improve the quality of olive oil and table olives:
- (i) disseminating information on the work carried out by operators' organisations in the areas referred to in points (a), (b), (c) and (d);
 - (ii) setting up and maintaining an internet site on measures carried out by operators' organisations in the areas referred to in points (a), (b), (c) and (d).
- As regards the measure provided for in point (c)(ii) of the first subparagraph, Member States shall ensure that appropriate provisions are made in order to recover the investment or its residual value if the member leaves the operators' organisation.
2. Member States may adopt additional conditions specifying the eligible measures, provided that these do not render their presentation or implementation impossible.

*Article 6***Allocation of Community financing**

In each Member State a minimum percentage of 20 % of the amount of Community financing available under Article 8 of Regulation (EC) No 865/2004 shall be allocated to the area referred to in point (b) of the first subparagraph of Article 5(1), and a minimum percentage of 12 % of that Community financing shall be allocated to the area referred to in point (d) of the first subparagraph of Article 5(1).

If the minimum percentage referred to in the first subparagraph cannot be fully used in the areas of measures mentioned therein, the amounts which have not been used may not be allocated to other areas of measures but shall be returned to the Community budget.

*Article 7***Activities and costs ineligible for Community financing**

1. The following activities shall not be eligible for Community financing under Article 8 of Regulation (EC) No 865/2004:

- (a) activities which are in receipt of Community financing other than that provided for in Article 8 of Regulation (EC) No 865/2004;
- (b) activities aiming at a direct increase in production or involving a rise in storage or processing capacity;
- (c) activities linked to the purchase or storage of olive oil or table olives or having an impact on their prices;
- (d) activities linked to the commercial promotion of olive oil or table olives;
- (e) activities linked to scientific research;
- (f) activities that could distort competition in the other economic activities of the operators' organisation.

2. To ensure compliance with paragraph 1(a), operators' organisations shall undertake in writing, on behalf of themselves and their members, to refuse any financing under another Community or national aid scheme for measures which are actually financed under Article 8 of Regulation (EC) No 865/2004.

3. In the implementation of the measures referred to in Article 5, costs incurred as a result of the following shall not be eligible for Community financing:

- (a) reimbursement (including in the form of annual payments) of loans taken out for a measure carried out in full or in part before the beginning of the work programme;
- (b) payments to operators participating in meetings and training programmes, to compensate for loss of income;
- (c) expenditure relating to administrative and personnel costs incurred by Member States and beneficiaries of aid from the EAGGF shall not be borne by the Fund;
- (d) the purchase of land which has not been built on;
- (e) the purchase of second-hand equipment;
- (f) expenditure linked to leasing contracts, including taxes, interest and insurance costs;
- (g) hire as an alternative to purchase, and the operating costs of the goods hired.

4. Member States may adopt additional conditions giving further details of the ineligible activities and costs referred to in paragraphs 1 and 3.

*Article 8***Work programmes and applications for approval**

1. The work programmes eligible for Community financing under Article 8(1) of Regulation (EC) No 865/2004 shall be carried out over a maximum period of three years. The first period shall begin on 1 April 2006. The following periods shall begin every three years on 1 April.

2. Each operators' organisation approved under this Regulation may lodge an application for approval for one single work programme by a date to be determined by the Member State but no later than 15 February each year.

The application for approval shall contain the following elements:

- (a) details of the operators' organisation in question;
- (b) information on the selection criteria provided for in Article 9(1);
- (c) a description and justification of each proposed measure, and a timetable;

- (d) the planned expenditure, broken down by measure and by area of measures, as referred to in Article 5, with details for each 12-month period from the date of approval of the work programme, distinguishing the overheads, which may not exceed 2 % of the total, and the other main types of costs;
- (e) the financing plan by area of measures referred to in Article 5, with details for each 12-month period maximum from the date of approval of the work programme, indicating in particular the Community financing applied for and, where appropriate, the financial contributions from operators and the national contribution;
- (f) the description of the quantitative and qualitative efficiency indicators allowing interim evaluation in the course of implementation, and *ex post* evaluation of the programme on the basis of general principles laid down by the Member State;
- (g) proof that a bank security for an amount equivalent to at least 5 % of the requested Community financing has been lodged;
- (h) an application for an advance under Article 11;
- (i) the declaration provided for in Article 7(2);
- (j) for interbranch organisations and associations of producer organisations, details of the operators' organisations responsible for the actual implementation of the subcontracted measures in their programmes;
- (k) for operators' organisations forming part of an association of producers or of an interbranch organisation, a statement that the measures provided for in their programmes are not covered by any other application for Community financing under this Regulation.

Article 9

Selection and approval of work programmes

1. Member States shall select the work programmes on the basis of the following criteria:

- (a) the general quality of the programme and its consistency with the goals and priorities of the olive sector in the regional area concerned, as laid down by the Member State;
- (b) the financial credibility and the sufficiency of the financial resources of the operators' organisation concerned for the purposes of implementing the proposed measures;

- (c) the size of the regional area involved in the work programme;
- (d) the divergent economic situations in the regional area involved which are taken into account in the work programme;
- (e) the existence of several areas of measures and the size of the financial contribution from the operators;
- (f) the quantitative and qualitative efficiency indicators allowing interim evaluation in the course of implementation, and *ex post* evaluation of the programme drawn up by the Member State.

Member States shall take account of the distribution of applications among the different types of operators' organisations in each regional area.

2. Member States shall reject any work programmes that are incomplete or contain inaccurate information, or include any of the ineligible activities provided for in Article 7.

3. No later than 15 March each year, Member States shall inform operators' organisations which work programmes have been approved and, where applicable, to which work programmes they have granted the corresponding national financing.

Final approval of a work programme may be made subject to the incorporation of amendments judged necessary by the Member State. In this case, the operators' organisation concerned shall communicate its agreement within 15 days of the notification of amendments.

4. Should the proposed work programme not be selected, the Member State shall immediately release the security referred to in Article 8(2)(g).

5. Member States shall ensure that the amount of Community financing is allocated within each category of operators' organisation taking account of the value of olive oil produced or marketed by the members of the operators' organisation.

Article 10

Amendments to work programmes

1. Operators' organisations may, in accordance with a procedure laid down by the Member State, request amendments to the content and budget of their approved work programme, provided that this does not involve an overrun on the amount withheld pursuant to Article 110i(4) of Regulation (EC) No 1782/2003.

2. Requests for amendment to a work programme shall be accompanied by supporting documents setting out the reasons for and the nature and implications of the proposed changes. Such requests shall be submitted by the operators' organisation to the competent authority at least six months before the planned start of implementation of the measure in question.

3. Where operators' organisations with previously separate work plans have merged, they shall operate the plans in parallel and separately until 1 January of the year following the merger. These organisations shall merge their work programmes by means of an application to amend their respective work programmes, in accordance with paragraphs 1 and 2.

Notwithstanding the first subparagraph, the Member States may authorise the operators' organisations which so request, for duly substantiated reasons, to implement their respective work programmes without merging them.

4. No later than two months after receiving the amendment request referred to in paragraph 2, once it has examined the documents provided, the competent authority in the Member State shall communicate its decision to the operators' organisation concerned. If a decision is not taken within that time-limit, the request shall be deemed to have been accepted.

5. Should the Community financing obtained by the operators' organisation be less than the amount in the approved programme, beneficiaries may adapt their programme to the financing obtained.

Article 11

Advances

1. An operators' organisation which has lodged the application provided for in Article 8(2)(h) shall receive, under the conditions referred to in paragraph 2 of this Article, a total advance of a maximum of 90 % of the eligible expenditure planned for each year covered by the approved work programme.

2. During the month following the beginning of the implementation of each year of the approved work programme, the Member State shall pay the operators' organisation concerned an initial instalment of one third of the amount referred to in paragraph 1.

A second instalment equivalent to the remaining two thirds of the amount referred to in paragraph 1 shall be paid after carrying out the check referred to in paragraph 3.

3. Member States shall check that each instalment of the advance has actually been spent, before paying the following instalment.

This check shall be carried out by the Member State on the basis of the report referred to in Article 13 or on the basis of an on-the-spot check as referred to in Article 14.

4. The payments referred to in paragraph 2 shall be subject to the lodging of a security by the operators' organisation concerned in accordance with Regulation (EEC) No 2220/85 of an amount equal to 110 % of the advance requested. The primary requirement within the meaning of Article 20(2) of that Regulation is the implementation of the measures listed in the approved work programme.

Once the security referred to in the first subparagraph has been lodged, the Member State shall immediately release the security referred to in Article 8(2)(g).

5. By a date to be determined by the Member State but no later than the end of each year of implementation of the work programme, the operators' organisations concerned may lodge an application for release of the security referred to in paragraph 4 up to an amount equal to half the expenditure actually carried out. The Member State shall lay down which supporting documents must accompany this application and check them, and shall release the securities corresponding to the expenditure concerned no later than in the course of the second month following that in which the application is lodged.

Article 12

Application for Community financing

1. For the purposes of payment of the Community financing under Article 8 of Regulation (EC) No 865/2004, an operators' organisation shall lodge, by a date to be determined by the Member State but no later than three months after the end of each year of implementation of its work programme, an application for financing with the paying agency.

The Member State may pay operators' organisations the balance of Community financing corresponding to each year of implementation of the work programme after checking, on the basis of the report referred to in Article 13 or on the basis of an on-the-spot check as referred to in Article 14, that the two instalments of the advance referred to in Article 11(2) have actually been spent.

Applications for Community financing submitted after the date referred to in the first subparagraph shall be inadmissible and any amounts received in respect of Community financing for the programme shall be reimbursed in accordance with the procedure laid down in Article 17.

2. The application for Community financing shall be drawn up in accordance with a model provided by the competent authority in the Member State. To be admissible, the application shall be accompanied by:

(a) supporting documents proving:

- (i) the expenditure effected in the period of implementation of the work programme (invoices and bank documentation proving that they have been paid);
- (ii) where appropriate, payment of the financial contributions of the operators and the Member State concerned;

(b) a summary report comprising the following elements:

- (i) a detailed description of the stages of the programme implemented, broken down by areas of measures as detailed in Article 5;
- (ii) where appropriate, the justification and the financial repercussions of the gaps between the stages of the work programme approved by the Member State and the stages of the work programme actually implemented;
- (iii) an evaluation of the work programme implemented based on the indicators laid down in Article 8(2)(f).

3. Applications for financing which do not comply with the conditions set out in paragraphs 1 and 2 shall be rejected. The operators' organisation concerned may lodge a new application for financing within a period to be laid down by the Member State.

4. Applications for expenditure made more than two months after the end of the period of implementation of the work programme shall be rejected.

5. No later than three months after the date of submission of the application for financing and the supporting documents referred to in paragraph 2, and once they have carried out the examination of the supporting documents and the checks referred to in Article 14, Member States shall pay the Community financing that is due and, as appropriate, release the securities referred to in Article 8(2)(g) or Article 11(4).

Article 13

Operators' organisation reports

1. With effect from 2007, operators' organisations shall submit by 1 May of each year annual reports on the implemen-

tation of the work programmes during the previous calendar year. These reports shall cover the following:

- (a) the stages of the work programme implemented or being implemented;
- (b) the main amendments to the work programmes;
- (c) an evaluation of the results already obtained based on the indicators laid down in Article 8(2)(f).

For the final year of implementation of the work programme, a final report shall replace the reports provided for in the first subparagraph.

2. For work programmes with a duration of under one year, the final report shall be presented no later than two months after the end of implementation of the programme.

3. The final report shall evaluate the work programme and shall comprise at least the following:

- (a) an account, based at least on the indicators set out in Article 9(1)(f) and any other relevant criteria, showing to what extent the objectives pursued by the programmes have been achieved;
- (b) an account of the changes to the work programme;
- (c) where appropriate, an indication of the factors to be taken into account in drawing up the next work programme.

Article 14

On-the-spot checks

1. Member States shall verify that the conditions for granting Community financing are met, in particular as regards compliance with the following aspects:

- (a) compliance with the approval conditions;
- (b) implementation of the approved work programmes, in particular investment measures;
- (c) the expenditure actually implemented as compared to the assistance applied for and the financial contribution by the olive operators concerned.

2. The competent authority shall introduce control plans for on-the-spot checks covering a sample of approved operators' organisations in accordance with Article 8(3) of Regulation (EC) No 865/2004. The competent authority shall select the sample on the basis of risk analysis in such a way that:

- producer organisations and associations thereof are all subject to on-the-spot checks at least once after payment of the advance and before the final payment of Community financing;
- other operators' organisations and interbranch organisations are all checked each year during the period of implementation of each approved work programme, unless they have benefited from an advance in the course of that year, in which case the check will be carried out after the date of payment of that advance.

If the checks reveal irregularities, the competent authority shall carry out additional checks during the year in question and shall increase the number of operators' organisations to be checked the following year.

3. The on-the-spot checks shall be unannounced. However, in order to facilitate the practical organisation of checks, advance warning of no more than 48 hours may be given to the operators' organisation to be checked.

4. The competent authority shall determine which operators' organisations to check on the basis of a risk analysis based on the following criteria:

- (a) the amount of financing for the approved work programme;
- (b) the nature of the measures financed under the work programme;
- (c) the degree of progress in implementing work programmes;
- (d) findings made during previous on-the-spot checks or verifications carried out during the approval procedure;
- (e) other risk criteria to be defined by the Member States.

5. The duration of each on-the-spot check shall correspond to the degree of progress in implementing the approved work programme.

Article 15

Inspection reports

Every on-the-spot check shall be the subject of a detailed inspection report, indicating in particular:

- (a) the date and duration of the check;
- (b) a list of those present;
- (c) a list of invoices checked;
- (d) reference numbers of invoices selected from the accounting documents (register of sales, or of purchases, and VAT register in which the selected invoices have been recorded);
- (e) bank documents proving payment of the amounts selected;
- (f) an indication of the measures already carried out which have been specifically analysed on-the-spot.

Article 16

Corrections and penalties

1. Where the withdrawal of approval referred to in Article 3(3) results from the fact that the operators' organisation has failed deliberately or by serious negligence to meet its obligations, the operators' organisation shall be ineligible for financing in respect of the entire work programme and shall also pay the competent authority an amount equal to the ineligible amount of financing.

2. If a given measure has not been implemented in conformity with a work programme, the operators' organisation shall be ineligible for financing for the measure in question. This exclusion shall not apply if the operators' organisation has submitted factually correct information or can show by any other means that it is not at fault.

3. The following penalties shall apply to operators' organisations where irregularities are found in the implementation of the work programme:

- (a) in the event of an irregularity caused by negligence, the operators' organisation:
 - (i) shall be ineligible for financing for the measure in question;
 - (ii) shall also pay the competent authority an amount equal to the ineligible amount of financing;

(b) in the event of an intentional irregularity, including false declarations, the operators' organisation:

(i) shall be ineligible for financing in respect of the entire work programme;

(ii) shall also pay the competent authority an amount equal to the ineligible amount of financing;

(iii) shall be ineligible for Community financing under Article 8 of Regulation (EC) No 865/2004 for the entire three-year period following that in which the irregularity was discovered.

4. Amounts resulting from the application of the corrections or penalties under this Article shall be paid to the responsible paying agency and deducted by it from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 17

Recovery of undue payments

1. The competent authority in the Member State shall recover any amount unduly paid plus, where appropriate, interest calculated in accordance with paragraph 2.

2. Interest shall be calculated:

(a) on the basis of the period elapsing between payment and reimbursement by the beneficiary;

(b) at the rate applied by the European Central Bank to its main refinancing operations published in the 'C' series of the *Official Journal of the European Union* and in force on the date on which the undue payment is made, plus three percentage points.

3. In the case of a measure which is subsequently found to be ineligible, and which has been implemented in conformity with an approved work programme, the Member State may decide to pay the relevant financing due or not to proceed to the recovery of amounts which have already been paid out, if such a decision is permitted in comparable cases financed from the national budget and if the operators' organisation has not acted negligently or intentionally.

4. The amounts recovered or paid under this Article shall be paid to the paying agency and deducted from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 18

Communications from the Member States

1. No later than 31 January 2006 the Member States producing olive oil shall communicate to the Commission the national measures implementing this Regulation, and in particular those relating to:

(a) the conditions for approval of the operators' organisations referred to in Article 2(2);

(b) the additional conditions specifying the eligible measures adopted pursuant to Article 5(2);

(c) the goals and priorities of the olive sector referred to in Article 9(1)(a) and the quantitative and qualitative indicators referred to in Article 9(1)(f);

(d) the arrangements for the system of advances referred to in Article 11 and, where appropriate, the system for paying the national financing;

(e) the application of the checks referred to in Article 14 and of the penalties and corrections provided for in Article 16;

(f) the period referred to in Article 12(3).

2. No later than 1 May of each year of implementation of the approved work programme, Member States shall transmit to the Commission data on:

(a) approved operators' organisations;

(b) the work programmes and their characteristics, broken down by type of operators' organisation, by area of measures and by regional area;

(c) the amount of financing allocated to each work programme;

(d) the planned schedule of Community financing by budget year for the total period covered by the work programmes.

3. No later than 10 September of each year of implementation of the approved work programmes, Member States shall transmit to the Commission a report on the implementation of this Regulation comprising at least the following information:

- (a) the number of work programmes financed, recipients, areas under olive trees, mills, processing facilities and volumes of oil and table olives concerned;
- (b) the characteristics of the measures developed in each of the areas of measures;
- (c) any discrepancy between measures planned and measures actually carried out, and its implications at the level of expenditure;
- (d) a description and evaluation of results, based in particular on the evaluations of the work programmes referred to in the third indent of Article 12(2)(b)(iii);
- (e) statistics on the checks carried out in accordance with Articles 14 and 15 and the penalties or corrections applied in accordance with Article 16;
- (f) expenditure by programme and by area of measures, and the Community, national and operators' financial contributions.

4. The communications provided for in this Article shall be carried out electronically in accordance with the information provided to the Member States by the Commission.

Article 19

Transitional provision

1. The Member States may advance the Community financing for the first year of implementation of the programme.
2. This advance must be limited exclusively to the amount corresponding to that Community financing.
3. Expenditure resulting from the payment of the advance provided for in paragraph 2 shall be entered in the accounts as expenditure incurred from 16 to 31 October 2006.

Article 20

Repeal

Regulation (EC) No 1334/2002 is hereby repealed.

However, Articles 9, 10 and 11(3) thereof shall continue to apply in the case of work programmes covering the 2004/05 marketing year.

Article 21

Entry into force

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

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

Done at Brussels, 19 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 2081/2005**of 19 December 2005****opening and providing for the administration of a Community tariff quota for 2006 for manioc originating in Thailand**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1(1) thereof,

Whereas:

(1) During the World Trade Organisation multilateral trade negotiations, the Community undertook to open a tariff quota restricted to 21 million tonnes of products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand per four-year period, with customs duty reduced to 6 %. This quota must be opened and administered by the Commission.

(2) It is necessary to keep an administration system which ensures that only products originating in Thailand may be imported under the quota. The issue of an import licence should therefore continue to be subject to the presentation of an export certificate issued by the Thai authorities, a specimen of which has been notified to the Commission.

(3) Since imports to the Community market of the products concerned have traditionally been administered on the basis of a calendar year, this system should be retained. A quota must therefore be opened for 2006.

(4) The import of products covered by CN codes 0714 10 10, 0714 10 91 and 0714 10 99 is subject to the presentation of an import licence in accordance with Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽²⁾,

and with Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾.

(5) In the light of past experience and taking into account that the Community concession provides for an overall quantity of 21 000 000 tonnes for four years with an annual maximum of 5 500 000 tonnes, it is advisable to maintain measures which, under certain conditions, either facilitate the release for free circulation of quantities of products exceeding those given in the import licences, or allow the difference between the figure given in the import licences and the smaller figure actually imported to be carried forward.

(6) In order to ensure the correct application of the agreement, a system of strict and systematic controls is needed that take account of the information given on the Thai export certificates and the Thai authorities' procedures for issuing export certificates.

(7) Where the quantities requested exceed the quantities available, a mechanism should be provided for reducing the quantities in order not to exceed the annual maximum laid down.

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

HAS ADOPTED THIS REGULATION:

CHAPTER I**OPENING OF THE QUOTA***Article 1*

1. An import tariff quota for 5 500 000 tonnes of manioc falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand is hereby opened for the period 1 January to 31 December 2006.

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1856/2005 (OJ L 297, 15.11.2005, p. 7).

⁽³⁾ OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 1092/2004 (OJ L 209, 11.6.2004, p. 9).

The customs duty applicable is hereby fixed at 6 % *ad valorem*.

The serial number of the quota shall be 09.4008.

2. The products referred to in paragraph 1 shall benefit from the arrangements provided for in this Regulation on condition that they are imported under import licences issued subject to the submission of a certificate for export to the European Community issued by the Department of Foreign Trade, Ministry of Commerce, Government of Thailand, hereinafter referred to as an 'export certificate'.

CHAPTER II

EXPORT CERTIFICATES

Article 2

1. There shall be one original and at least one copy of the export certificate, to be made out on a form of which a specimen is given in Annex I.

The size of the form shall be approximately 210 × 297 millimetres. The original shall be made out on white paper having a printed yellow guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

2. Export certificates shall be completed in English.

3. The original and copies of export certificates shall be completed in typescript or in handwriting. In the latter case, they must be completed in ink and in block capitals.

4. Each export certificate shall bear a pre-printed serial number; in the upper section it shall also bear a certificate number. The copies shall bear the same numbers as the original.

Article 3

1. Export certificates shall be valid for 120 days from the date of issue. The date of issue of the certificate shall be included in the period of validity of the certificate.

For the certificate to be valid, its different sections must be properly completed and duly authenticated in accordance with paragraph 2. In the 'shipped weight' section, the quantity must be written out in full and also given in figures.

2. The export certificate shall be duly authenticated when it indicates the date of issue and bears the stamp of the issuing body and the signature of the authorised person or persons.

CHAPTER III

IMPORT LICENCES

Article 4

Applications for an import licence for products falling within CN codes 0714 10 10, 0714 10 91 and 0714 10 99 originating in Thailand, drawn up in accordance with Regulations (EC) No 1291/2000 and (EC) No 1342/2003, shall be submitted to the competent authorities in the Member States, accompanied by the original of the export certificate.

The original of the export certificate shall be retained by the body which issues the import licence. However, where the application for an import licence relates to only a part of the quantity indicated on the export certificate, the issuing body shall indicate on the original the quantity for which it was used and, after affixing its stamp, shall return it to the party concerned.

Only the quantity indicated under 'shipped weight' on the export certificate shall be taken into consideration for the issue of the import licence.

Article 5

Where it is found that the quantities actually unloaded in the case of a given consignment are greater than the total figuring on the import licence or licences issued for this consignment, the competent authorities who issued the import licence or licences concerned shall, at the request of the importer, communicate to the Commission by electronic means, case by case and as soon as possible, the number or numbers of the Thai export certificates, the number or numbers of the import licences, the excess quantity concerned and the name of the cargo vessel.

The Commission shall contact the Thai authorities so that new export certificates may be drawn up.

Until the new certificates have been drawn up, the excess quantities may not be released for free circulation under this Regulation unless new import licences are presented for the quantities concerned.

New import licences shall be issued on the terms laid down in Article 10.

Article 6

Notwithstanding the third paragraph of Article 5, where it is found that the quantities actually unloaded in the case of a given consignment do not exceed the quantities covered by the import licence or licences presented by more than 2 %, the competent authorities of the Member State of release for free circulation shall, at the importer's request, authorise the release for free circulation of the surplus quantities in return for payment of a customs duty with a ceiling of 6 % *ad valorem* and the lodging by the importer of a security of an amount equal to the difference between the duty laid down in the Common Customs Tariff and the duty paid.

The security shall be released upon presentation to the competent authorities of the Member State of release for free circulation of an additional import licence for the quantities concerned. The security referred to in Article 15(2) of Regulation (EC) No 1291/2000 or Article 8 of this Regulation shall not be required for additional licences.

Additional import licences shall be issued on the terms laid down in Article 10 and on presentation of one or more new export certificates issued by the Thai authorities.

Section 20 of additional import licences shall contain one of the entries given in Annex II.

Except in cases of *force majeure*, the security shall be forfeit for quantities for which an additional import licence is not presented within four months from the date of acceptance of the declaration of release for free circulation referred to in the first paragraph. It shall be forfeit in particular for quantities for which no additional import licence has been issued under Article 10(1).

After the competent authority has entered the quantity on the additional import licence and authenticated the entry, when the security provided for in the first paragraph is released, the licence shall be returned to the issuing body as soon as possible.

Article 7

Applications for import licences under this Regulation may be submitted in all Member States and licences issued shall be valid throughout the Community.

The fourth indent of the first subparagraph of Article 5(1) of Regulation (EC) No 1291/2000 shall not apply to imports carried out under this Regulation.

Article 8

Notwithstanding Article 12 of Regulation (EC) No 1342/2003, the security relating to the import licences provided for in this Regulation shall be EUR 5 per tonne.

Article 9

1. Section 8 of applications for import licences and the licences themselves shall be marked 'Thailand'.

2. Import licences shall contain:

(a) in section 24, one of the entries given in Annex III;

(b) in section 20, the following information:

(i) the name of the cargo vessel as given in the Thai export certificate;

(ii) the number and date of the Thai export certificate.

3. The import licence shall be accepted in support of a declaration of release for free circulation only if it is shown, in particular by a copy of the bill of lading presented by the party concerned, that the products for which release for free circulation is requested have been transported to the Community by the vessel referred to in the import licence.

4. Subject to Article 6 of this Regulation and notwithstanding Article 8(4) of Regulation (EC) No 1291/2000, the quantity released for free circulation may not exceed that shown in sections 17 and 18 of the import licence. The figure 0 shall be entered to that effect in section 19 of the said licence.

Article 10

1. Where applications for licences exceed the quantity laid down in Article 1, the Commission shall fix a percentage of the quantities requested to be accepted or decide to reject applications.

2. Import licences shall be issued on the fifth working day following the day on which the application is lodged, subject to any measure the Commission might adopt pursuant to paragraph 1.

3. Where an acceptance percentage is fixed pursuant to paragraph 1, applications may be withdrawn within 10 working days of publication of the percentage.

Where applications are withdrawn, licences issued in accordance with paragraph 2 shall be returned.

When an application is withdrawn, the security shall be released. The security shall also be released when an application is rejected.

4. Where the conditions governing the issue of the import licence have not been complied with, the Commission may, where necessary, and following consultation with the Thai authorities, adopt appropriate measures.

Article 11

Notwithstanding Article 6 of Regulation (EC) No 1342/2003, the last day of the period of validity of the import licence shall correspond to the last day of the period of validity of the corresponding export certificate plus 30 days.

Article 12

1. The Member States shall send the Commission each working day and by electronic means the following information concerning each import licence application:

- (a) the quantity for which each import licence is requested, with the indication, where appropriate, 'additional import licence';

- (b) the name of the applicant for the import licence;

- (c) the number of the export certificate submitted, as indicated in the upper section of the certificate;

- (d) the date of issue of the export certificate;

- (e) the total quantity for which the export certificate was issued;

- (f) the name of the exporter indicated on the export certificate.

2. No later than the end of the first six months of 2007, the authorities responsible for issuing import licences shall send the Commission, by electronic means, a complete list of quantities not taken up as endorsed on the back of the import licences, the name of the cargo vessel, the number of the contract for transport to the European Community and the numbers of the export certificates in question.

CHAPTER IV

FINAL PROVISIONS

Article 13

This Regulation shall enter into force on 1 January 2006.

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

Done at Brussels, 19 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

SERIAL No

**ORIGINAL****DEPARTMENT OF FOREIGN TRADE**
**MINISTRY OF COMMERCE
GOVERNMENT OF THAILAND**
EXPORT CERTIFICATE SUBJECT TO REGULATION (EC) No 2248/2004

SPECIAL FORM FOR PRODUCTS FALLING WITHIN CN CODES 0714 10 10, 0714 10 91, 0714 10 99

EXPORT CERTIFICATE No	
EXPORT PERMIT No	

1. EXPORTER (NAME, ADDRESS AND COUNTRY)		2. FIRST CONSIGNEE (NAME, ADDRESS AND COUNTRY)	
NAME		NAME	
ADDRESS		ADDRESS	
COUNTRY		COUNTRY	
3. SHIPPED PER		4. COUNTRY/COUNTRIES OF DESTINATION IN EU	
5. TYPE OF MANIOC PRODUCTS		6. WEIGHT (TONNES)	
☐ CN CODE 0714 10 10 ☐ CN CODE 0714 10 91 ☐ CN CODE 0714 10 99	SHIPPED WEIGHT		7. PACKING ☐ IN BULK ☐ BAGS ☐ OTHERS
	ESTIMATED NET WEIGHT		

WE HEREBY CERTIFY THAT THE ABOVEMENTIONED PRODUCTS ARE PRODUCED IN AND ARE EXPORTED FROM THAILAND

DEPARTMENT OF FOREIGN TRADE

DATE

NAME AND SIGNATURE OF AUTHORISED OFFICIAL AND STAMP

THIS CERTIFICATE IS VALID FOR 120 DAYS FROM THE DATE OF ISSUE

FOR USE BY EU AUTHORITIES:

ANNEX II

- *In Spanish:* Certificado complementario, artículo 6 del Reglamento (CE) n° 2081/2005,
 - *In Czech:* Licence pro dodatečné množství, čl. 6 nařízení (ES) č. 2081/2005,
 - *In Danish:* Supplerende licens, forordning (EF) nr. 2081/2005, artikel 6,
 - *In German:* Zusätzliche Lizenz — Artikel 6 der Verordnung (EG) Nr. 2081/2005,
 - *In Estonian:* Lisakoguse litsents, määruse (EÜ) nr 2081/2005 artikkel 6,
 - *In Greek:* Συμπληρωματικό πιστοποιητικό — Άρθρο 6 του κανονισμού (ΕΚ) αριθ. 2081/2005,
 - *In English:* Licence for additional quantity, Article 6 of Regulation (EC) No 2081/2005,
 - *In French:* Certificat complémentaire, article 6 du règlement (CE) n° 2081/2005,
 - *In Italian:* Titolo complementare, regolamento (CE) n. 2081/2005 articolo 6,
 - *In Latvian:* Aļauja par papildu daudzumu, Regulas (EK) Nr. 2081/2005 6. pants,
 - *In Lithuanian:* Papildomoji licencija, Reglamento (EB) Nr. 2081/2005 6 straipsnio,
 - *In Hungarian:* Kiegészítő engedély, 2081/2005/EK rendelet 6. cikk,
 - *In Dutch:* Aanvullend certificaat — artikel 6 van Verordening (EG) nr. 2081/2005,
 - *In Polish:* Uzupełniające pozwolenie, rozporządzenie (WE) nr 2081/2005 art. 6,
 - *In Portuguese:* Certificado complementar, artigo 6.º do Regulamento (CE) n.º 2081/2005,
 - *In Slovak:* Dodatočné povolenie, článok 6 nariadenia (ES) č. 2081/2005,
 - *In Slovenian:* Dovoljenje za dodatne količine, člen 6, Uredba (ES) št. 2081/2005,
 - *In Finnish:* Lisätodistus, asetuksen (EY) N:o 2081/2005 6 artikla,
 - *In Swedish:* Kompletterande licens, artikel 6 i förordning (EG) nr 2081/2005.
-

ANNEX III

- *In Spanish:* Derechos de aduana limitados al 6 % *ad valorem* [Reglamento (CE) n° 2081/2005],
 - *In Czech:* Clo limitované 6 % *ad valorem* (nařízení (ES) č. 2081/2005),
 - *In Danish:* Toldsatsen begrænses til 6 % af værdien (forordning (EF) nr. 2081/2005),
 - *In German:* Beschränkung des Zolls auf 6 % des Zollwerts (Verordnung (EG) Nr. 2081/2005),
 - *In Estonian:* Väärtuseline tollimaks piiratud 6 protsendini (määrus (EÜ) nr 2081/2005),
 - *In Greek:* Τελωνειακός δασμός κατ' ανώτατο όριο 6 % κατ' αξία [κανονισμός (ΕΚ) αριθ. 2081/2005],
 - *In English:* Customs duties limited to 6 % *ad valorem* (Regulation (EC) No 2081/2005),
 - *In French:* Droits de douane limités a 6 % *ad valorem* [règlement (CE) n° 2081/2005],
 - *In Italian:* Dazi doganali limitati al 6 % *ad valorem* [regolamento (CE) n. 2081/2005],
 - *In Latvian:* Muitas nodokļi nepārsniedz 6 % *ad valorem* (Regula (EK) Nr. 2081/2005),
 - *In Lithuanian:* Muito mokestis neviršija 6 % *ad valorem* (Reglamentas (EB) Nr. 2081/2005),
 - *In Hungarian:* Mérsékelt, 6 %-os értékvám (2081/2005/EK rendelet),
 - *In Dutch:* Douanerechten beperkt tot 6 % *ad valorem* (Verordening (EG) nr. 2081/2005),
 - *In Polish:* Należności celne ograniczone do 6 % *ad valorem* (Rozporządzenie (WE) nr 2081/2005),
 - *In Portuguese:* Direitos aduaneiros limitados a 6 % *ad valorem* [Regulamento (CE) n.º 2081/2005],
 - *In Slovak:* Dovozné clo so stropom 6 % *ad valorem* (Nariadenie (ES) č 2081/2005),
 - *In Slovenian:* Omejitev carinskih dajatev na 6 % *ad valorem* (Uredba (ES) št. 2081/2005),
 - *In Finnish:* Arvotulli rajoitettu 6 prosenttiin (asetus (EY) N:o 2081/2005),
 - *In Swedish:* Tullsatsen begränsad till 6 % av värdet (förordning (EG) nr 2081/2005).
-

COMMISSION REGULATION (EC) No 2082/2005

of 19 December 2005

amending Regulation (EC) No 1497/2001 imposing provisional anti-dumping duties on imports of urea originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine, accepting an undertaking offered by the exporting producer in Bulgaria and terminating the proceeding as regards imports of urea originating from Egypt and Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Articles 8 and 9 thereof,

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 21 October 2000, by means of a notice published in the *Official Journal of the European Communities*, the Commission announced the initiation of an anti-dumping proceeding⁽²⁾ in respect of imports of urea (the product concerned) originating in Belarus, Bulgaria, Croatia, Egypt, Estonia, Libya, Lithuania, Poland, Romania and the Ukraine.
- (2) This proceeding resulted in provisional anti-dumping duties being imposed in July 2001 on imports of urea originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine and a termination of the proceeding concerning imports of urea originating from Egypt and Poland by Commission Regulation (EC) No 1497/2001⁽³⁾.
- (3) In the same Regulation, the Commission accepted an undertaking offered by the exporting producer in Bulgaria, Chimco AD. Subject to the conditions set out in Regulation (EC) 1497/2001, imports of the product concerned into the Community from this company were exempted from the said provisional anti-dumping duties, pursuant to Article 3(1) of the same Regulation.
- (4) Definitive duties were later imposed on imports of goods originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine by Council Regu-

lation (EC) No 92/2002⁽⁴⁾ (the definitive Regulation). Subject to the conditions set out therein, this Regulation also granted goods produced and directly exported to the first independent customer in the Community by Chimco AD an exemption to the payment of the definitive anti-dumping duties as an undertaking had already been accepted definitively from this company at the provisional stage of the proceeding. As mentioned in recital 137 of the definitive Regulation, the minimum price of the undertaking was adapted due to a change in the injury elimination level.

B. BREACHES OF THE UNDERTAKING

1. Obligations of the company with an undertaking

- (5) The undertaking offered by Chimco AD obliges the company concerned, *inter alia*, to export the product concerned to the Community at or above certain minimum import price levels (MIPs) specified therein. This minimum price level has to be respected on a quarterly weighted average. The company also undertakes not to circumvent the undertaking by making compensatory arrangements with any other party.
- (6) Furthermore, in order to allow effective monitoring of the undertaking, Chimco AD is obliged to send to the European Commission a quarterly report of all of its exports sales of the product concerned to the European Community. These reports should include details of all invoices issued during the period for sales made under the terms of the undertaking for which exemption to the anti-dumping duties is sought. The data submitted in these sales reports should be complete and correct in all particulars.
- (7) It is stipulated in the undertaking that the European Commission may give further technical instructions for the monitoring of this undertaking and that the company undertakes to cooperate in providing all information considered necessary by the European Commission for the purpose of ensuring compliance with this undertaking.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ C 301, 21.10.2000, p. 2.

⁽³⁾ OJ L 197, 21.7.2001, p. 4.

⁽⁴⁾ OJ L 17, 19.1.2002, p. 1. Regulation as amended by Regulation (EC) No 1107/2002 (OJ L 168, 27.6.2002, p. 1).

2. Breaches of the undertaking

- (8) The company was informed in December 2003 by the European Commission that a new system would be made available for the company to report the quarterly sales reports to the European Union. This system would be used for the reports from 2004 onwards if the company agreed to it.
- (9) In return, the company sent an acceptance declaration of the new reporting system for undertakings and continued offer of an undertaking. Further, the two first reports under the new system have been correctly transmitted to the European Commission.
- (10) Reports for the third and fourth quarter have not been received within the framework of the reporting system. The company was informed about this and was granted a sufficient period to remedy this situation. No reaction was received from the company.
- (11) Further the company no longer sent any quarterly sales reports for 2005 to the European Commission. The obligation of the company to report their sales to the European Union was therefore not met.
- (12) The failure to report in conformity to the technical specifications as well as the non-transmission of the quarterly reports constituted a breach of the undertaking. The company was therefore informed in writing of the essential facts and considerations on the basis of which the Commission intended to withdraw acceptance of the undertaking and to recommend the imposition of the definitive anti-dumping duty. No reaction was received

from the company, which is now under a bankruptcy procedure.

C. AMENDMENT OF REGULATION (EC) No 1497/2001

- (13) In the light of the above, Article 3 of Regulation (EC) No 1497/2001 accepting an undertaking from Chimco AD should be deleted and Articles 4 and 5 of that Regulation should be renumbered accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Acceptance of the undertaking offered by Chimco AD is hereby withdrawn.

Article 2

1. Article 3 of Regulation (EC) No 1497/2001 is hereby deleted.
2. Article 4 of Regulation (EC) No 1497/2001 is hereby renumbered 'Article 3'.
3. Article 5 of Regulation (EC) No 1497/2001 is hereby renumbered 'Article 4'.

Article 3

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

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

Done at Brussels, 19 December 2005.

For the Commission

Peter MANDELSON

Member of the Commission

COMMISSION REGULATION (EC) No 2083/2005**of 19 December 2005****amending Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council in respect of their application thresholds for the procedures for the award of contracts****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾, and in particular Article 69 thereof,

Having regard to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts ⁽²⁾, and in particular Article 78 thereof,

After consultation of the Advisory Committee for Public Contracts,

Whereas:

(1) By Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986 to 1994) ⁽³⁾ the Council approved the Agreement on government procurement, hereinafter referred to as 'the Agreement', shown in Annex 4 to that Decision. Under the terms of the Agreement, the rules it lays down are to be complied with as soon as the contracts in question reach or surpass the amounts, hereinafter referred to as 'thresholds', set in the Agreement and expressed as special drawing rights.

(2) Directives 2004/17/EC and 2004/18/EC have as one of their objectives the goal of allowing the contracting entities and the contracting authorities which apply them to comply at the same time with the obligations laid down in the Agreement. To achieve this, the Commission must check the thresholds laid down by the Directives to which the Agreement relates and, where necessary, revise them upwards or downwards

so as to ensure that they correspond to the euro equivalents, rounded down to the nearest thousand, of the thresholds set in the Agreement. The values of the thresholds under the Directives are not the same as the values of the thresholds under the Agreement, recalculated to cover the period from 1 January 2006 to 31 December 2007. They should therefore be revised.

- (3) Furthermore, in Directives 2004/17/EC and 2004/18/EC, in order to reduce the number of thresholds to be complied with, those thresholds which are independent of the Agreement have been aligned on those which result from it. It is therefore appropriate to revise them as well.
- (4) The amendments do not affect the national provisions implementing Directives 2004/17/EC and 2004/18/EC starting from lower thresholds than the thresholds specified in the Directives.
- (5) Directives 2004/17/EC and 2004/18/EC should therefore be modified accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Directive 2004/17/EC is amended as follows:

1. Article 16 is amended as follows:

- (a) in point (a), the amount 'EUR 473 000' is replaced by 'EUR 422 000';
- (b) in point (b), the amount 'EUR 5 923 000' is replaced by 'EUR 5 278 000'.

2. Article 61 is amended as follows:

- (a) in paragraph 1, the amount 'EUR 473 000' is replaced by 'EUR 422 000';
- (b) in paragraph 2, the amount 'EUR 473 000' is replaced by 'EUR 422 000'.

⁽¹⁾ OJ L 134, 30.4.2004, p. 1, corrected by OJ L 358, 3.12.2004. Directive as last amended by Commission Directive 2005/51/EC (OJ L 257, 1.10.2005, p. 127).

⁽²⁾ OJ L 134, 30.4.2004, p. 114, corrected by OJ L 351, 26.11.2004. Directive as last amended by Commission Directive 2005/75/EC (OJ L 323, 9.12.2005, p. 55).

⁽³⁾ OJ L 336, 23.12.1994, p. 1.

Article 2

Directive 2004/18/EC is amended as follows:

1. Article 7 is amended as follows:

- (a) in point (a), the amount 'EUR 154 000' is replaced by 'EUR 137 000';
- (b) in point (b), the amount 'EUR 236 000' is replaced by 'EUR 211 000';
- (c) in point (c), the amount 'EUR 5 923 000' is replaced by 'EUR 5 278 000'.

2. The first paragraph of Article 8 is amended as follows:

- (a) in point (a), the amount 'EUR 5 923 000' is replaced by 'EUR 5 278 000';
- (b) in point (b) the amount 'EUR 154 000' is replaced by 'EUR 211 000'.

3. In Article 56, the amount 'EUR 5 923 000' is replaced by 'EUR 5 278 000'.

4. In the first subparagraph of Article 63(1), the amount 'EUR 5 923 000' is replaced by 'EUR 5 278 000'.

5. Article 67(1) is amended as follows:

- (a) in point (a), the amount 'EUR 154 000' is replaced by 'EUR 137 000';
- (b) in point (b), the amount 'EUR 236 000' is replaced by 'EUR 211 000';
- (c) in point (c), the amount 'EUR 236 000' is replaced by 'EUR 211 000'.

Article 3

Commission Regulation (EC) No 1874/2004 ⁽¹⁾ shall hereby be repealed from 1 January 2006.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 4

This Regulation shall enter into force on 1 January 2006.

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

Done at Brussels, 19 December 2005.

For the Commission

Charlie McCREEVY

Member of the Commission

⁽¹⁾ OJ L 326, 29.10.2004, p. 17.

COMMISSION REGULATION (EC) No 2084/2005**of 19 December 2005****on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) ⁽³⁾, and in particular Article 5 thereof,

Whereas:

(1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.

(2) The applications for import licences submitted between 1 to 10 December 2005, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.

(3) The quantities in respect of which licences may be applied for from 1 January 2006 should be fixed within the scope of the total quantity of 52 100 t.

(4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 December 2005 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

United Kingdom:

— 34 t originating in Botswana;

Article 2

Licence applications may be submitted, pursuant to Article 4(2) of Regulation (EC) No 2247/2003, during the first 10 days of January 2006 for the following quantities of boned beef and veal:

Botswana:	18 916 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 363 t,
Zimbabwe:	9 100 t,
Namibia:	13 000 t.

Article 3

This Regulation shall enter into force on 21 December 2005.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 19 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

COMMISSION REGULATION (EC) No 2085/2005**of 19 December 2005****determining the extent to which applications lodged in December 2005 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 593/2004 of 30 March 2004 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin ⁽¹⁾, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged for the period from 1 January to 31 March 2006 are, in the case of certain products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of

other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2006 submitted pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 April to 30 June 2006, may be lodged pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 for the total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2006.

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

Done at Brussels, 19 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 94, 31.3.2004, p. 10.

⁽²⁾ OJ L 161, 29.6.1996, p. 136. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period of 1 January to 31 March 2006	Total quantity available for the period of 1 April to 30 June 2006 (t)
E1	100,0	134 833,700
E2	40,047434	1 750,000
E3	100,0	9 257,817
P1	100,0	3 684,000
P2	100,0	3 861,500
P3	1,754385	175,000
P4	100,0	484,000

COMMISSION REGULATION (EC) No 2086/2005**of 19 December 2005**

determining the extent to which applications lodged in December 2005 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products ⁽¹⁾ and in particular Article 4(4) thereof,

Whereas:

The applications for import licences lodged for the period from 1 January to 31 March 2006 are, in the case of certain products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater

than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2006 submitted pursuant to Regulation (EC) No 1431/94 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 April to 30 June 2006 may be lodged pursuant to Regulation (EC) No 1431/94 for the total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2006.

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

Done at Brussels, 19 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 156, 23.6.1994, p. 9. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

ANNEX

Group No	Percentage of acceptance of import certificates submitted for the period 1 January to 31 March 2006	Total quantity available for the period 1 April to 30 June 2006 (t)
1	1,261034	1 775,00
2	—	2 550,00
3	1,302083	825,00
4	1,620745	450,00
5	2,044989	175,00

COMMISSION REGULATION (EC) No 2087/2005**of 19 December 2005****determining the extent to which applications lodged in December 2005 for import licences for certain poultrymeat sector products pursuant to Regulation (EC) No 2497/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EC) No 2497/96 of 18 December 1996 laying down rules for the application in the poultrymeat sector of the system provided for by the Association Agreement and the Interim Agreement between the European Community and the State of Israel⁽¹⁾, and in particular Article 4(5) thereof,

1. Applications for import licences for the period 1 January to 31 March 2006 submitted pursuant to Regulation (EC) No 2497/96 shall be met as referred to in the Annex.

2. Application for import licences for the period 1 April to 30 June 2006 may be lodged pursuant to Regulation (EC) No 2497/96 for the total quantity as referred to in the Annex to this Regulation.

Whereas:

The applications for import licences lodged for the period 1 January to 31 March 2006 are greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

Article 2

This Regulation shall enter into force on 1 January 2006.

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

Done at Brussels, 19 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 338, 28.12.1996, p. 48. Regulation as last amended by Regulation (EC) No 361/2004 (OJ L 63, 28.2.2004, p. 15).

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period of 1 January to 31 March 2006	Total quantity available for the period of 1 April to 30 June 2006 (t)
I1	4,336409	381,50
I2	100,0	136,25

COMMISSION REGULATION (EC) No 2088/2005

of 19 December 2005

determining the extent to which applications lodged in December 2005 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products ⁽¹⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the first quarter of 2006 are for quantities less than the quantities available and can therefore be met in full.
- (2) The quantity available for the following period should be determined.

- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2006 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. For the period 1 April to 30 June 2006, applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 1 January 2006.

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

Done at Brussels, 19 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 156, 23.6.1994, p. 14. Regulation as last amended by Regulation (EC) No 341/2005 (OJ L 53, 26.2.2005, p. 28).

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2006
1	—

ANNEX II

(t)	
Group	Total quantity available for the period 1 April to 30 June 2006
1	3 500,0

COMMISSION REGULATION (EC) No 2089/2005**of 19 December 2005****determining the extent to which applications lodged in December 2005 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 January to 31 March 2006 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*Having regard to Commission Regulation (EC) No 1458/2003 of 18 August 2003 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector ⁽¹⁾, and in particular Article 5(6) thereof,

1. Applications for import licences for the period 1 January to 31 March 2006 submitted pursuant to Regulation (EC) No 1458/2003 shall be met as referred to in Annex I.

Whereas:

2. For the period 1 April to 30 June 2006, applications may be lodged pursuant to Regulation (EC) No 1458/2003 for import licences for a total quantity as referred to in Annex II.

(1) The applications for import licences lodged for the first quarter of 2006 are for quantities less than the quantities available and can therefore be met in full.

Article 2

(2) The surplus to be added to the quantity available for the following period should be determined,

This Regulation shall enter into force on 1 January 2006.

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

Done at Brussels, 19 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 208, 19.8.2003, p. 3. Regulation as amended by Regulation (EC) No 341/2005 (OJ L 53, 26.2.2005, p. 28).

ANNEX I

Group	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2006
G2	100
G3	—
G4	—
G5	—
G6	—
G7	100

ANNEX II

(t)

Group No	Total quantity available for the period 1 April to 30 June 2006
G2	30 297,9
G3	5 000,0
G4	3 000,0
G5	6 100,0
G6	15 000,0
G7	5 300,0

COMMISSION REGULATION (EC) No 2090/2005

of 19 December 2005

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Jordan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, and in particular Article 5(2)(a) thereof,

Whereas:

- (1) Under Articles 2(2) and 3 of Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-week periods. Under Article 1(b) of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽²⁾, those prices are determined for two-week periods on the basis of weighted prices provided by the Member States.
- (2) Those prices should be fixed immediately so the customs duties applicable can be determined.
- (3) Following the accession of Cyprus to the European Union on 1 May 2004, it is no longer necessary to fix import prices for Cyprus.
- (4) Likewise, it is no longer necessary to fix import prices for Israel, Morocco and the West Bank and the Gaza Strip, in order to take account of the agreements approved by Council Decisions 2003/917/EC of 22 December 2003 on the conclusion of an Agreement in the form of an

Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 2 to the EC-Israel Association Agreement ⁽³⁾, 2003/914/EC of 22 December 2003 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Morocco concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 3 to the EC-Morocco Association Agreement ⁽⁴⁾ and 2005/4/EC of 22 December 2004 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Palestine Liberation Organisation (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 2 to the EC-Palestinian Authority Interim Association Agreement ⁽⁵⁾.

- (5) In between the meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1 of Regulation (EEC) No 4088/87 shall be as set out in the Annex hereto for the period from 21 December 2005 to 4 January 2006.

Article 2

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

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

Done at Brussels, 19 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

⁽³⁾ OJ L 346, 31.12.2003, p. 65.

⁽⁴⁾ OJ L 345, 31.12.2003, p. 117.

⁽⁵⁾ OJ L 2, 5.1.2005, p. 4.

ANNEX

(EUR/100 pieces)

Period from 21 December 2005 to 4 January 2006				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	20,99	11,92	45,33	15,62
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Jordan	—	—	—	—

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 November 2005

on the conclusion of a Protocol amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a tariff quota for the imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community

(2005/914/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 133, 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) On 28 February 2005 the Council authorised the Commission to enter into negotiations with the former Yugoslav Republic of Macedonia to amend the preferential arrangements as regards imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community under the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part ⁽¹⁾ (hereinafter referred to as the SAA).
- (2) These negotiations have been successfully concluded and the Protocol amending the SAA should be concluded by the Community.
- (3) The measures necessary for the implementation of this Protocol should be adopted by the Commission in accordance with the same procedure as that provided for as regards the implementation of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽²⁾,

Article 1

The Protocol amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a tariff quota for the imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol in order to bind the Community.

Article 3

The Commission shall adopt the detailed rules for implementing the Protocol in accordance with the procedure as laid down in Article 42 of Regulation (EC) No 1260/2001.

Done at Brussels, 21 November 2005.

For the Council
The President
J. STRAW

⁽¹⁾ OJ L 84, 20.3.2004, p. 13.

⁽²⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

PROTOCOL

amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a tariff quota for the imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

of the one part, and

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA,

of the other part,

Whereas:

- (1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, (hereinafter referred to as the 'SAA') was signed in Luxembourg on 9 April 2001 and entered into force on 1 April 2004.
- (2) Negotiations have taken place to alter the preferential arrangements in the SAA with regard to imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community.
- (3) Appropriate amendments to the SAA should be adopted,

HAVE AGREED AS FOLLOWS:

Article 1

The SAA is hereby amended as follows:

1. Article 27 shall be amended as follows:

- (a) the first subparagraph of paragraph 1 shall be replaced by the following:

'1. The Community shall abolish the custom duties and charges having equivalent effect on imports of agricultural products originating in the former Yugoslav Republic of Macedonia, other than those of heading Nos 0102, 0201, 0202, 1701, 1702 and 2204 of the Combined Nomenclature.';

- (b) the following subparagraph shall be added to paragraph 2:

'The Community shall apply duty-free access on import into the Community for products originating in the former Yugoslav Republic of Macedonia of headings 1701 and 1702 of the Combined Nomenclature, within the limit of an annual tariff quota of 7 000 tonnes (net weight).'

2. In the table in Annex I to Protocol 3, the references to products falling under heading 1702 of the Combined Nomenclature shall be deleted.

Article 2

This Protocol shall form an integral part of the SAA.

Article 3

This Protocol shall enter into force on the first day of the month following the date of signature.

Article 4

This Protocol shall be drawn up in duplicate in each of the official languages of the contracting parties, each of these texts being equally authentic.

Done at Brussels, 21 November 2005.

For the European Community *For the former Yugoslav Republic of Macedonia*

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a tariff quota for the imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community

**COUNCIL
OF THE EUROPEAN UNION**

Brussels, 13 December 2005

H. E. Mr Sasko STEFKOV
Ambassador
Head of the Mission of the former
Yugoslav Republic of Macedonia
to the European Union

Dear Sir,

I have the honour to propose that, if it is acceptable to your Government, this letter and your confirmation shall together take the place of signature of the Protocol amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a tariff quota for the imports of sugar products originating in the former Yugoslav Republic of Macedonia into the Community.

The text of the aforementioned Protocol, herewith annexed, has been approved by Decision of the Council of the European Union on 21 November 2005. In accordance with its Article 3 this Protocol shall therefore enter into force on the first day of the month following the date on which the Council receives your letter of confirmation.

Please accept, Sir, the assurance of my highest consideration.

For the European Community



MISSION OF THE REPUBLIC OF MACEDONIA TO THE EUROPEAN COMMUNITIES

Brussels, 13 December 2005

Dear Sirs,

I have the honour to acknowledge receipt of your letter regarding the signature of the Protocol amending the Stabilization and Association Agreement between the European Communities and their Member States and the Republic of Macedonia on a tariff quota for the import of sugar and sugar products originating in the Republic of Macedonia into the Community.

I confirm the acceptance of my Government that this letter and your letter shall together take place of the signature of the Protocol.

We note that the Protocol has been approved by Decision of the Council of the European Union on 21 November 2005 and that in accordance with its Article 3 this Protocol shall enter into force on the first day of the month following the date on which the Council receives our letter of confirmation.

However, I declare that the Republic of Macedonia does not accept the denomination used for my country in the abovementioned Protocol, having in view that the constitutional name of my country is the Republic of Macedonia.

Please accept, Sirs, the assurances of my highest consideration.

Ambassador,A handwritten signature in dark ink, appearing to be 'Sasko Stefkov', written over a faint circular stamp. The signature is slanted upwards to the right.

Saško Stefkov

**COUNCIL
OF THE EUROPEAN UNION**

Brussels, 13 December 2005

H. E. Mr Sasko STEFKOV
Ambassador
Head of the Mission of the former
Yugoslav Republic of Macedonia
to the European Union
Av. Louise 209 A
1050 — BRUSSELS

Dear Sir,

I have the honour to acknowledge receipt of your letter of today's date.

The European Union notes that the Exchange of Letters between the European Union and the Former Yugoslav Republic of Macedonia, which takes the place of signature of the Agreement between the European Union and the former Yugoslav Republic of Macedonia on the Protocol amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a tariff quota for the imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community, has been accomplished and that this cannot be interpreted as acceptance or recognition by the European Union in whatever form or content of a denomination other than the 'former Yugoslav Republic of Macedonia'.

Please accept, Sir, the assurance of my highest consideration.

For the European Community



COMMISSION

COMMISSION DECISION

of 16 December 2005

authorising the Czech Republic, Estonia, Cyprus and Lithuania to derogate from Council Directive 1999/105/EC on the marketing of forest reproductive material with regard to the stocks accumulated between 1 January 2003 and 1 May 2004

(notified under document number C(2005) 5160)

(2005/915/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, and in particular Article 42 thereof,

Whereas:

- (1) Pursuant to Article 42 of the Act of Accession, the Commission may adopt transitional measures if these transitional measures are necessary to facilitate the transition from the existing regime in the new Member States to that resulting from the application of the Community veterinary and phytosanitary rules. Those rules include the rules in respect of marketing of forest reproductive material.
- (2) Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material⁽¹⁾ provides that forest reproductive material may be marketed only if the requirements of Article 6(1) and 6(3) have been met.
- (3) Directive 1999/105/EC provides for the marketing until exhaustion of stocks of forest reproductive material accumulated before 1 January 2003.
- (4) The Czech Republic, Estonia, Cyprus and Lithuania have informed the Commission and the other Member States of the existence of stocks of forest reproductive material

produced in their territories between 1 January 2003 and 1 May 2004. Marketing of such material would not be permitted unless derogation from the provisions of the above Directive is granted.

- (5) In order to enable those countries to market stocks of reproductive material produced between 1 January 2003 and 1 May 2004, they should be allowed to market in their territories until 30 April 2007, reproductive material which has been produced during the above period in accordance with provisions other than those laid down in the above-mentioned Directive.

- (6) 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

By derogation from Article 6(1) and 6(3) of Directive 1999/105/EC, the Czech Republic, Estonia, Cyprus and Lithuania are authorised to market in their territories until 30 April 2007, reproductive material produced between 1 January 2003 and the date of accession which has not been officially produced in accordance with the provisions of that Directive.

During that period, such reproductive material shall only be marketed in the territory of the respective Member States concerned. Any label or document, official or otherwise, which is affixed to or accompanies the reproductive material under the provisions of this Decision, shall clearly indicate that the reproductive material is intended to be marketed exclusively in the territory of the country concerned.

⁽¹⁾ OJ L 11, 15.1.2000, p. 17.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

**DECISION No 1/2005 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT ON
MUTUAL RECOGNITION IN RELATION TO CONFORMITY ASSESSMENT, CERTIFICATES AND
MARKINGS BETWEEN THE EUROPEAN COMMUNITY AND AUSTRALIA**

of 11 November 2005

**related to giving effect to the listing of a conformity assessment body under the Sectoral Annex on
automotive products**

(2005/916/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between the European Community and Australia
and in particular Article 12,

Whereas the Joint Committee is to take a decision to giving effect to the listing of a conformity assessment
body or bodies under a Sectoral Annex,

HAS DECIDED AS FOLLOWS:

1. The conformity assessment body in the Annex is added to the list of conformity assessment bodies in
Section II of the Sectoral Annex on automotive products.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the
conformity assessment body indicated in the Annex has been agreed by the Parties and will be main-
tained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are
authorised to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall
be effective from the date of the later of these signatures.

Signed in Canberra, 11 November 2005.

On behalf of Australia

Brian PHILLIPS

Signed in Brussels, 21 October 2005.

On behalf of the European Community

Andra KOKE

ANNEX

Germany conformity assessment body added to the list of conformity assessment bodies in Section II of the Sectoral Annex on automotive products

DEKRA Automobil GmbH
Technology Center
Automobil Test Center
Senftenberger Straße 30
D-01998 Klettwitz
Tel. (49-35754) 73 44 500
Fax (49-35754) 73 45 500

**DECISION No 2/2005 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT ON
MUTUAL RECOGNITION IN RELATION TO CONFORMITY ASSESSMENT, CERTIFICATES AND
MARKINGS BETWEEN THE EUROPEAN COMMUNITY AND AUSTRALIA**

of 11 November 2005

**related to giving effect to the listing of a conformity assessment body under the Sectoral Annex on
electromagnetic compatibility**

(2005/917/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between the European Community and Australia
and in particular Article 12,

Whereas the Joint Committee is to take a decision to giving effect to the listing of a conformity assessment
body or bodies under a Sectoral Annex,

HAS DECIDED AS FOLLOWS:

1. The conformity assessment body in the Annex is added to the list of conformity assessment bodies in
Section II of the Sectoral Annex on electromagnetic compatibility.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the
conformity assessment body indicated in the Annex has been agreed by the Parties and will be main-
tained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are
authorised to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall
be effective from the date of the later of these signatures.

Signed in Canberra, 11 November 2005.

On behalf of Australia

Brian PHILLIPS

Signed in Brussels, 21 October 2005.

On behalf of the European Community

Andra KOKE

ANNEX

Finland conformity assessment body added to the list of conformity assessment bodies in Section II of the Sectoral Annex on electromagnetic compatibility

Nordic Accredited Testing Laboratories Oy
NATLABS
PO box 677 (Koneenkatu 12)
FIN-05801 HYVINKÄÄ,
Tel. (358-20) 475 2600
Fax (358-20) 475 2719

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK of 9 December 2005 on the approval of the volume of coin issuance in 2006 (ECB/2005/14) (2005/918/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

(EUR million)

Having regard to the Treaty establishing the European Community, and in particular to Article 106(2) thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right from 1 January 1999 to approve the volume of coins issued by the Member States that have adopted the euro (the participating Member States).
- (2) The participating Member States have submitted to the ECB for approval their estimates of the volume of euro coins to be issued in 2006, supplemented by explanatory notes on the forecasting methodology,

	Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2006
Belgium	145,5
Germany	500,0
Greece	71,4
Spain	625,0
France	362,0
Ireland	76,0
Italy	772,4
Luxembourg	45,0
Netherlands	60,0
Austria	177,0
Portugal	150,0
Finland	60,0

Article 2

Final provision

HAS DECIDED AS FOLLOWS:

This Decision is addressed to the participating Member States.

Article 1

Approval of the volume of euro coins to be issued in 2006

The ECB hereby approves the volume of coins to be issued by the participating Member States in 2006 as described in the following table:

Done at Frankfurt am Main, 9 December 2005.

The President of the ECB
Jean-Claude TRICHET