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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2059/2005
of 16 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 17 December 2005.

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

Done at Brussels, 16 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 16 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	49,3
	204	55,1
	212	92,7
	999	65,7
0707 00 05	052	106,5
	204	60,2
	628	155,5
	999	107,4
0709 90 70	052	131,8
	204	113,3
	999	122,6
0805 10 20	052	64,3
	204	45,9
	999	55,1
0805 20 10	052	63,2
	204	58,8
	999	61,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	73,5
	220	34,8
	400	80,1
	464	143,2
	624	90,4
	999	84,4
0805 50 10	052	59,6
	999	59,6
0808 10 80	096	18,3
	400	94,6
	404	98,3
	720	66,9
	999	69,5
0808 20 50	052	138,4
	400	119,3
	404	53,1
	720	63,7
	999	93,6

⁽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 2060/2005**of 16 December 2005****amending Regulation (EC) No 1065/2005 as regards the quantity covered by the standing invitation to tender for the export of barley held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 1065/2005 ⁽³⁾ has opened a standing invitation to tender for the export of 530 000 tonnes of barley held by the German intervention agency.
- (3) Germany has informed the Commission of its intervention agency's intention to increase by 102 272 tonnes the quantity put out to tender for export. In view of this request, of the quantity available and of the market situation, the request made by Germany should be granted.
- (4) Regulation (EC) No 1065/2005 should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 1065/2005 is replaced by the following:

'Article 2

The invitation to tender shall cover a maximum of 632 272 tonnes of barley for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Romania, Serbia and Montenegro ^(*), Switzerland and the United States of America.

^(*) Including Kosovo, as defined by UN Security Council Resolution 1244 of 10 June 1999.'

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, 16 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 749/2005 (OJ L 126, 19.5.2005, p. 10).

⁽³⁾ OJ L 174, 7.7.2005, p. 48. Regulation as last amended by Regulation (EC) No 1868/2005 (OJ L 300, 17.11.2005, p. 5).

COMMISSION REGULATION (EC) No 2061/2005**of 16 December 2005****fixing the minimum selling prices for butter for the 176th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽²⁾, to sell by invitation to tender certain quantities of butter from intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price or aid may vary according to the

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices of butter from intervention stocks and processing securities applying for the 176th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 December 2005.

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

Done at Brussels, 16 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

to the Commission Regulation of 16 December 2005 fixing the minimum selling prices for butter for the 176th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

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

COMMISSION REGULATION (EC) No 2062/2005**of 16 December 2005****fixing the maximum aid for cream, butter and concentrated butter for the 176th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice cream and other foodstuffs ⁽²⁾, to sell by invitation to tender certain quantities of butter of intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the 176th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 December 2005.

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

Done at Brussels, 16 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

to the Commission Regulation of 16 December 2005 fixing the maximum aid for cream, butter and concentrated butter for the 176th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

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

COMMISSION REGULATION (EC) No 2063/2005**of 16 December 2005****fixing the maximum aid for concentrated butter for the 348th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 348th tender under the standing invitation to tender opened by Regulation (EEC) No 429/90 the maximum aid and the end-use security are fixed as follows:

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

Article 2

This Regulation shall enter into force on 17 December 2005.

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

Done at Brussels, 16 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 45, 21.2.1990, p. 8. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 2064/2005**of 16 December 2005****concerning the 95th special invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed-milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

(2) According to Article 30 of Regulation (EC) No 2799/1999, in the light of the tenders received in

response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award.

(3) On the basis of the examination of the offers received, the tendering procedure should not be proceeded with.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 95th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 13 December 2005, no award shall be made.

Article 2

This Regulation shall enter into force on 17 December 2005.

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

Done at Brussels, 16 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 340, 31.12.1999, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 2065/2005**of 16 December 2005****fixing the minimum selling price for butter for the 32nd individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 32nd individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 13 December 2005, the minimum selling price for butter is fixed at 256,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 December 2005.

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

Done at Brussels, 16 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

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

COMMISSION REGULATION (EC) No 2066/2005**of 16 December 2005****fixing the minimum selling price for skimmed-milk powder for the 31st individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Pursuant to Article 21 of Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed milk ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price

shall be fixed or a decision shall be taken to make no award, in accordance with Article 24a of Regulation (EC) No 214/2001.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 31st individual invitation to tender pursuant to Regulation (EC) No 214/2001, in respect of which the time limit for the submission of tenders expired on 13 December 2005, the minimum selling price for skimmed milk is fixed at 185,50 EUR/100 kg.

Article 2

This Regulation shall enter into force on 17 December 2005.

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

Done at Brussels, 16 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 37, 7.2.2001, p. 100. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

COMMISSION REGULATION (EC) No 2067/2005**of 16 December 2005****amending Regulation (EC) No 92/2005 as regards alternative means of disposal and use of animal by-products****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption ⁽¹⁾, and in particular Articles 4(2)(e), 5(2)(g) and 6(2)(i) and Article 32(1) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 lays down rules concerning means of disposing of and ways of using animal by-products. It also provides for the possibility of additional means of disposing of and other ways of using animal by-products, to be approved following consultation of the appropriate scientific committee.
- (2) On the basis of opinions issued by the Scientific Steering Committee and of the European Food Safety Authority (EFSA), following the entry into force of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽²⁾, the Commission has to date approved five processes as alternative means of disposing of or using animal by-products.
- (3) On the basis of further information submitted by applicants after the adoption of Commission Regulation (EC) No 92/2005 of 19 January 2005 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards means of disposal or uses of animal by-products and amending its Annex VI as regards biogas transformation and processing of rendered fats ⁽³⁾, the EFSA issued an

opinion on 22 April 2004 on the combustion of tallow in a thermal boiler and on 2 June 2004 on the biodiesel process as a safe means of disposing of Category 1 material.

- (4) On the basis of this evaluation by the EFSA, the biodiesel process can be regarded as a safe means of disposing of and using Category 1 material too. Regulation (EC) No 92/2005 should therefore be amended to reflect this further evaluation.
- (5) The EFSA also concluded that the combustion of tallow in a thermal boiler can be regarded as a safe means of disposal and use of animal by-products. The conditions under which the process was considered safe are therefore reflected in a further amendment to the Regulation. Fat treated in accordance with the process parameters should be allowed to be moved to other plants for combustion in order to avoid problems with the stockpiling of the resulting materials in existing establishments. Strict conditions of separation between combustion and food and feed processing apply.
- (6) Technological progress has led to the development of a number of modified process parameters for the final stages of the processes of biodiesel production and combustion of tallow in a thermal boiler. Provided that one of the processing methods laid down in Regulation (EC) No 1774/2002 has been applied previously, the competent authorities of Member States should be able to approve these modified process parameters.
- (7) The approval and application of such alternative processes should be without prejudice to other applicable Community legislation, in particular environmental legislation. Accordingly, the requirements for gas clean-up systems in the alkaline hydrolysis process and the biodiesel process can be done away with.
- (8) Biodiesel should not need to be marked permanently since the production process is safe and in order to facilitate its use as an alternative fuel.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

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

⁽²⁾ OJ L 31, 1.2.2002, p. 1. Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

⁽³⁾ OJ L 19, 21.1.2005, p. 27.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 92/2005 is amended as follows:

1. in Article 1, paragraphs 1 and 2 are replaced by the following:

‘1. The processes of alkaline hydrolysis as defined in Annex I, of high pressure hydrolysis biogas as defined in Annex III, of biodiesel production as defined in Annex IV and of combustion of animal fat in a thermal boiler as defined in Annex VI are approved and may be authorised by the competent authority for the treatment and disposal of Category 1 material.

2. The competent authority may authorise the use of other process parameters for the stage of the biodiesel production process referred to in Annex IV, point 1(b)(i), and for the stage of the process of combustion of animal fat in a thermal boiler referred to in Annex VI, point 1(c)(i), if these parameters provide for an equivalent reduction of risks for public and animal health.’;

2. Article 2 is replaced by the following:

‘Article 2

The processes of alkaline hydrolysis, high pressure high temperature hydrolysis, high pressure hydrolysis biogas, biodiesel production, Brookes gasification and the combustion of animal fat in a thermal boiler as defined in Annexes I to VI respectively are approved and may be authorised by the competent authority for the treatment and use or disposal of Category 2 or 3 material. The

competent authority may authorise the use of other process parameters for the stage of the biodiesel production process referred to in Annex IV, point 1(b)(i), and for the stage of the process of combustion of animal fat in a thermal boiler referred to in Annex VI, point 1(c)(i), if these parameters provide for an equivalent reduction of risks for public or animal health.’;

3. in the title and the first sentence of Article 3, ‘Annexes I to V’ is replaced by ‘Annexes I to VI’;

4. Article 4 is amended as follows:

- (a) in paragraph 1, the first subparagraph is replaced by the following:

‘1. Resulting material, except biodiesel produced in accordance with Annex IV, shall be permanently marked, where technically possible with smell in accordance with Annex VI, Chapter I, point 8, to Regulation (EC) No 1774/2002.’;

- (b) the following paragraph 5 is added:

‘5. However, animal by-products resulting from the treatment of material in accordance with Annex IV may be used for the purposes laid down in this Annex.’;

5. Annexes I, III and IV are amended in accordance with the Annex to this Regulation and Annex VI is added.

Article 2

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

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

Done at Brussels, 16 December 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

The Annexes to Regulation (EC) No 92/2005 are amended as follows:

1. in Annex I, point 3(b) is deleted;
2. in Annex III, point 2(b) is replaced by the following:

‘(b) The biogas produced during the process is combusted rapidly in the same plant at a minimum of 900 °C followed by rapid chilling (quenching).’;
3. in Annex IV, point 1 is amended as follows:
 - (a) point (b) is replaced by the following:

‘(b) The processed fat is then processed further using one of the following methods:

 - (i) a process whereby the processed fat is separated from the protein and insoluble impurities are removed to a level not exceeding 0,15 % in weight, and subsequently submitted to esterification and transesterification. However, esterification is not required for processed fat derived from Category 3 material. For esterification the pH is reduced to less than 1 by adding sulphuric acid (H₂SO₄) or an equivalent acid and the mixture is heated to 72 °C for two hours during which it is intensely mixed. Transesterification shall be carried out by increasing the pH to about 14 with potassium hydroxide or with an equivalent base at 35 °C to 50 °C for at least 15 to 30 minutes. Transesterification shall be carried out twice under the conditions described in this point using a new base solution. This process is followed by refinement of the products including vacuum distillation at 150 °C, leading to biodiesel;
 - (ii) a process using equivalent process parameters authorised by the competent authority.’;
 - (b) point (c) is deleted;
 - (c) the following point 3 is added:

‘3. The animal by-products resulting from the production process using the standards referred to in point 1(b) may be used for combustion in an authorised plant. In the case of fat fraction derived from Category 3 material, the animal by-products from the production process may be used for the production of technical products.’;
4. the following Annex VI is added:

‘ANNEX VI

Combustion of animal fat in a thermal boiler process

1. Combustion of animal fat involves treatment of the fat fraction derived from animal by-products under the following conditions:
 - (a) the fat fraction derived from animal by-products is first processed using:
 - (i) in the case of fat fraction intended to be combusted in another plant, processing method 1 as referred to in Annex V, Chapter III, to Regulation (EC) No 1774/2002 for Category 1 and 2 materials; and
 - (ii) any of the processing methods 1 to 5 or 7 or, in the case of material derived from fish, processing method 6 as referred to in Annex V, Chapter III, to Regulation (EC) No 1774/2002 for Category 1 and 2 materials intended for combustion within the same plant and for Category 3 material;
 - (b) the fat fraction is separated from the protein and insoluble impurities amounting to up to 0,15 % by weight are removed;

- (c) following the process referred to in (a) and (b), the fat is:
- (i) vaporised in a steam-raising boiler and combusted at a temperature of at least 1 100 °C for at least 0,2 seconds; or
 - (ii) processed using equivalent process parameters authorised by the competent authority.
2. The combustion of the fat derived from Categories 1 and 2 material must take place in the same plant where the fat is rendered with the aim of utilising the energy generated for the rendering processes.
- However, the competent authority may authorise the movement of that fat to other plants for combustion provided that:
- (a) the plant of destination is authorised for the combustion;
 - (b) approved food or feed processing on the same premises takes place under strict conditions of separation.
3. The combustion of material of animal origin other than animal fat is not permitted.'
-

COMMISSION REGULATION (EC) No 2068/2005**of 16 December 2005****on the issue of import licences for garlic imported under the autonomous tariff quota opened by Regulation (EC) No 1982/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1982/2005 of 5 December 2005 opening and providing for the administration of an autonomous tariff quota for garlic ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

Licence applications submitted by traditional and new importers to the competent authorities of the Member States pursuant to Article 4(1) of Regulation (EC) No 1982/2005, exceed the available quantities. The extent to which licences may be issued should therefore be determined,

Article 1

1. Applications for import licences made by traditional importers pursuant to Article 4(1) of Regulation (EC) No 1982/2005 and submitted to the Commission by the Member States on 15 December 2005 shall be issued for 2,362 % of the quantity applied for.

2. Applications for import licences made by new importers pursuant to Article 4(1) of Regulation (EC) No 1982/2005 and submitted to the Commission by the Member States on 15 December 2005 shall be issued for 0,639 % of the quantity applied for.

Article 2

This Regulation shall enter into force on 17 December 2005.

It shall apply until 31 March 2006.

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

Done at Brussels, 16 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 318, 6.12.2005, p. 8.

COMMISSION REGULATION (EC) No 2069/2005**of 16 December 2005****on the issue of import licences for certain preserved mushrooms imported under the autonomous tariff quota opened by Regulation (EC) No 1981/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1981/2005 of 5 December 2005 opening and providing for the administration of an autonomous tariff quota for preserved mushrooms ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

Licence applications submitted by traditional and new importers to the competent authorities of the Member States under Article 4(1) of Regulation (EC) No 1981/2005 exceed the available quantities. The extent to which licences may be issued should therefore be determined,

Article 1

1. Import licences applied for by traditional importers pursuant to Article 4(1) of Regulation (EC) No 1981/2005 and submitted to the Commission on 15 December 2005 shall be issued for 8,407 % of the quantity applied for.

2. Import licences applied for by new importers pursuant to Article 4(1) of Regulation (EC) No 1981/2005 and submitted to the Commission on 15 December 2005 shall be issued for 15,625 % of the quantity applied for.

Article 2

This Regulation shall enter into force on 17 December 2005.

It shall apply until 31 March 2006.

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

Done at Brussels, 16 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 318, 6.12.2005, p. 4.

COMMISSION REGULATION (EC) No 2070/2005**of 16 December 2005****altering the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) The export refunds on products processed from cereals and rice were fixed by Commission Regulation (EC) No 1837/2005 ⁽³⁾.
- (2) It follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 1837/2005

to the information at present available to the Commission that the export refunds at present in force should be lowered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products, exported in the natural state, listed in Article 1(1)(d) of Regulation (EC) No 1784/2003 and in Article 1(1)(c) of Regulation (EC) No 1785/2003 and subject to Regulation (EC) No 1518/95 ⁽⁴⁾, as fixed in the Annex to Regulation (EC) No 1837/2005 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 17 December 2005.

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

Done at Brussels, 16 December 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 295, 11.11.2005, p. 27.

⁽⁴⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

ANNEX

to Commission Regulation of 16 December 2005 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	49,27	1104 23 10 9300	C10	EUR/t	40,47
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	42,23	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	42,23	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	8,80
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	63,34	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	49,27	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	42,23	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	42,23	1108 12 00 9200	C10	EUR/t	56,30
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	56,30
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	56,30
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	56,30
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	55,16
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	42,23
1104 19 50 9110	C10	EUR/t	56,30	1702 30 91 9000	C10	EUR/t	55,16
1104 19 50 9130	C10	EUR/t	45,75	1702 30 99 9000	C10	EUR/t	42,23
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	42,23
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	55,16
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	42,23
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	57,80
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	40,12
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	42,23
1104 23 10 9100	C10	EUR/t	52,79				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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

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

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

C14: All destinations except for Switzerland and Liechtenstein.

COMMISSION REGULATION (EC) No 2071/2005**of 16 December 2005****amending the rates of refunds applicable to certain products from the cereals and rice sector
exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 25 November 2005 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty,

were fixed by Commission Regulation (EC) No 1925/2005 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1925/2005 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1925/2005 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 December 2005.

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

Done at Brussels, 16 December 2005.

For the Commission
Günter VERHEUGEN
Vice-President

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

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 307, 25.11.2005, p. 33.

ANNEX

Rates of the refunds applicable from 17 December 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

CN code	Description of products ⁽¹⁾	(EUR/100 kg) Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,707	2,707
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,866	1,866
	– – in other cases	3,519	3,519
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	1,827	1,827
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,400	1,400
	– – in other cases	2,639	2,639
	– where goods falling within subheading 2208 ⁽³⁾ are exported	1,866	1,866
	– other (including unprocessed)	3,519	3,519
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,153	2,153
	– where goods falling within subheading 2208 ⁽³⁾ are exported	1,866	1,866
	– in other cases	3,519	3,519

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

CN code	Description of products ⁽¹⁾	(EUR/100 kg) Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 2072/2005**of 16 December 2005****providing for the rejection of applications for export licences in relation to certain processed products and cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 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 ⁽²⁾, and in particular Article 8(1) thereof,

Whereas:

The quantity covered by applications for advance fixing of refunds on potato starch and maize-based products is of great importance and could give rise to speculation. It has therefore

been decided to reject all applications for export licences of such products made on 14, 15 and 16 December 2005,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 8(1) of Regulation (EC) No 1342/2003, applications for export licences with advance fixing of refunds for products falling within CN codes 1102 20 10, 1102 20 90, 1103 13 10, 1103 13 90, 1104 23 10, 1108 12 00, 1108 13 00, 1702 30 51, 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50 made on 14, 15 and 16 December 2005 shall be rejected.

Article 2

This Regulation shall enter into force on 17 December 2005.

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

Done at Brussels, 16 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 189, 29.7.2003, p. 12. Regulation as last amended by Regulation (EC) No 1092/2004 (OJ L 209, 11.6.2004, p. 9).

COMMISSION DIRECTIVE 2005/91/EC**of 16 December 2005****amending Directive 2003/90/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species ⁽¹⁾, and in particular Article 7(2) (a) and (b) thereof,

Whereas:

- (1) Commission Directive 2003/90/EC ⁽²⁾ was adopted to ensure that the varieties the Member States include in their national catalogues comply with the guidelines established by the Community Plant Variety Office (CPVO) as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining the varieties, as far as such guidelines had been established. For other varieties that Directive provides that the guidelines of the International Union for the Protection of New Varieties of Plants (UPOV) are to apply.
- (2) The CPVO has since established further guidelines for a number of other species.
- (3) Directive 2003/90/EC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I and II to Directive 2003/90/EC are replaced by the text in the Annex to this Directive.

Article 2

For examinations started before 1 April 2006, Member States may decide to apply the text of Directive 2003/90/EC applying before its amendment by the present Directive.

Article 3

Member States shall adopt and publish, by 31 March 2006 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 April 2006.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 16 December 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 193, 20.7.2002, p. 1. Directive as amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 1).

⁽²⁾ OJ L 254, 8.10.2003, p. 7.

ANNEX

‘ANNEX I

List of species which shall comply with CPVO test guidelines

Species listed in the Common Catalogue	CPVO protocol
Field pea	Pea, TP 7/1 of 6.11.2003
Swede rape	Oilseed rape, TP 36/1 of 25.3.2004
Sunflower	Sunflower, TP 81/1 of 31.10.2002
Oats	Oats, TP 20/1 of 6.11.2003
Barley	Barley, TP 19/2 of 6.11.2003
Rice	Rice, TP 16/1 of 18.11.2004
Rye	Rye, TP 58/1 of 31.10.2002
Triticale	Triticale, TP 121/1 of 6.11.2003
Wheat	Wheat, TP 3/3 of 6.11.2003
Durum wheat	Durum wheat, TP120/2 of 6.11.2003
Maize	Maize, TP 2/2 of 15.11.2001
Potato	Potato, TP 23/1 of 27.3.2002

The text of these protocols can be found on the CPVO web site (www.cpvo.eu.int).

ANNEX II

List of species which shall comply with UPOV test guidelines

Species listed in the Common Catalogue	UPOV guidelines
Fodder beet	Fodder beet, guideline TG/150/3 of 4.11.1994
Velvet bent	Bent, guideline TG/30/6 of 12.10.1990
Red top	Bent, guideline TG/30/6 of 12.10.1990
Creeping bent	Bent, guideline TG/30/6 of 12.10.1990
Brown top	Bent, guideline TG/30/6 of 12.10.1990
Rescue grass	Rescue grass, guideline TG/180/3 of 4.4.2001
Alaska brome-grass	Alaska brome-grass, guideline TG/180/3 of 4.4.2001
Cocksfoot	Cocksfoot, guideline TG/31/8 of 17.4.2002
Tall fescue	Tall fescue, guideline TG/39/8 of 17.4.2002
Sheep's fescue	Sheep's fescue, guideline TG/67/4 of 12.11.1980
Meadow fescue	Meadow fescue, guideline TG/39/8 of 17.4.2002
Red fescue	Red fescue, guideline TG/67/4 of 12.11.1980
Italian ryegrass	Ryegrass, guideline TG/4/7 of 12.10.1990
Perennial ryegrass	Ryegrass, guideline TG/4/7 of 12.10.1990
Hybrid ryegrass	Ryegrass, guideline TG/4/7 of 12.10.1990
Timothy	Timothy, guideline TG/34/6 of 7.11.1984
Smooth-stalked meadow grass	Kentucky bluegrass, guideline TG/33/6 of 12.10.1990
White lupin	White lupin, guideline TG/66/4 of 31.3.2004
Blue lupin	Blue lupin, guideline TG/66/4 of 31.3.2004
Yellow lupin	Yellow lupin, guideline TG/66/4 of 31.3.2004
Lucerne	Lucerne, guideline TG/6/5 of 6.4.2005
Red clover	Red clover, guideline TG/5/7 of 4.4.2001
White clover	White clover, guideline TG/38/7 of 9.4.2003
Field bean	Field bean, guideline TG/8/6 of 17.4.2002
Common vetch	Common vetch, guideline TG/32/6 of 21.10.1988
Swede	Swede, guideline 89/6 of 4.4.2001
Fodder radish	Fodder radish, guideline TG/178/3 of 4.4.2001
Groundnut/Peanut	Groundnut, guideline TG/93/3 of 13.11.1985
Turnip rape	Turnip rape, guideline TG/185/3 of 17.4.2002
Safflower	Safflower, guideline TG/134/3 of 12.10.1990
Cotton	Cotton, guideline TG/88/6 of 4.4.2001

Species listed in the Common Catalogue	UPOV guidelines
Flax/Linseed	Flax/Linseed, guideline TG/57/6 of 20.10.1995
Opium poppy	Opium/Seed poppy, guideline TG/166/3 of 24.3.1999
White mustard	White mustard, guideline TG/179/3 of 4.4.2001
Soya bean	Soya bean, guideline TG/80/6 of 1.4.1998
Sorghum	Sorghum, guideline TG/122/3 of 6.10.1989

The text of these guidelines can be found on the UPOV web site (www.upov.int).'

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 12 December 2005

authorising the Federal Republic of Germany to conclude an agreement with the Swiss Confederation that includes provisions derogating from Articles 2(2) and 3 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2005/910/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽¹⁾, and in particular Article 30 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Under Article 30(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to conclude with a third country an agreement which may contain derogations from that Directive.

(2) By a letter registered with the Secretariat-General of the Commission on 21 October 2004, the Federal Republic of Germany (hereinafter 'Germany') requested authorisation to conclude an agreement with the Swiss Confederation (hereinafter 'Switzerland') on the renewal and further maintenance of an existing frontier bridge across the Wutach between Stühlingen (Baden-Württemberg, Germany) and Oberwiesen (Schaffhausen, Switzerland).

(3) In accordance with Article 30(2) of Directive 77/388/EEC, the Commission informed the other Member States by letter dated 1 December 2004 of the request made by Germany. By letter dated 2 December 2004, the Commission notified Germany that it had all the information it deemed necessary to consider the request.

(4) The agreement is to contain provisions on VAT derogating from Articles 2(2) and 3 of Directive 77/388/EEC in respect of goods and services supplied for the renewal and further maintenance of the frontier bridge and of goods imported for the same purposes.

(5) If the derogations from Directive 77/388/EEC were not granted, renewal and further maintenance carried out in Germany would be subject to German VAT whereas those carried out in Switzerland would not be subject to the provisions of Directive 77/388/EEC. Goods imported from Switzerland into Germany for the renewal or further maintenance of the frontier bridge would also be subject to German VAT.

(6) Application of the normal rules would mean serious tax complications for the businesses responsible for carrying out the works.

(7) The purpose of the derogations is to simplify the collection of taxes on the works involved in the renewal and further maintenance of the bridge in question.

(8) The derogations will have a totally insignificant effect on the Community's own resources accruing from VAT,

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

HAS DECIDED AS FOLLOWS:

Article 1

Germany is hereby authorised to conclude an Agreement with Switzerland that includes provisions derogating from Directive 77/388/EEC and that covers the renewal and the further maintenance of a frontier bridge across the Wutach between Stühlingen (Baden-Württemberg, Germany) and Oberwiesen (Schaffhausen, Switzerland).

The derogating tax provisions in respect of the Agreement are set out in Articles 2 and 3.

Article 2

By way of derogation from Article 2(2) of Directive 77/388/EEC, goods imported from Switzerland into Germany shall not be subject to value added tax, provided that they are used for the renewal or further maintenance of the bridge referred to in Article 1 of this Decision. However, this derogation shall not apply to goods imported for the same purposes by a public authority.

Article 3

By way of derogation from Article 3 of Directive 77/388/EEC, the part of the bridge that is situated in Swiss territory shall be deemed to be part of German territory for the purposes of the supplies of goods and services for the renewal and the further maintenance of the bridge.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 12 December 2005.

For the Council

The President

J. STRAW

COUNCIL DECISION

of 12 December 2005

authorising the Federal Republic of Germany to conclude an agreement with the Swiss Confederation that includes provisions derogating from Articles 2(2) and 3 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2005/911/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽¹⁾, and in particular Article 30 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Under Article 30(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to conclude with a third country an agreement which may contain derogations from that Directive.

(2) By a letter registered with the Secretariat-General of the Commission on 14 January 2005, the Federal Republic of Germany (hereinafter 'Germany') requested authorisation to conclude an agreement with the Swiss Confederation (hereinafter 'Switzerland') on the building and the maintenance of a frontier bridge across the Rhine between Laufenburg (Baden-Württemberg, Germany) and Laufenburg (Aargau, Switzerland).

(3) In accordance with Article 30(2) of Directive 77/388/EEC, the Commission informed the other Member States by letter dated 17 January 2005 of the request made by Germany. By letter dated 19 January 2005, the Commission notified Germany that it had all the information it deemed necessary to consider the request.

(4) The agreement is to contain provisions on VAT derogating from Articles 2(2) and 3 of Directive 77/388/EEC in respect of goods and services supplied for the building and the maintenance of the frontier bridge and of goods imported for the same purposes.

(5) If the derogations from Directive 77/388/EEC were not granted, building and maintenance carried out in Germany would be subject to German VAT whereas those carried out in Switzerland would not be subject to the provisions of Directive 77/388/EEC. Goods imported from Switzerland into Germany for the building or the maintenance of the frontier bridge would also be subject to German VAT.

(6) Application of the normal rules would mean serious tax complications for the businesses responsible for carrying out the works.

(7) The purpose of the derogations is to simplify the collection of taxes on the works involved in building and maintenance of the bridge in question.

(8) The derogations will have a totally insignificant effect on the Community's own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

Germany is hereby authorised to conclude an Agreement with Switzerland that includes provisions derogating from the Directive 77/388/EEC and that covers the building and the maintenance of a frontier bridge across the Rhine between Laufenburg (Baden-Württemberg, Germany) and Laufenburg (Aargau, Switzerland).

The derogating tax provisions in respect of the Agreement are set out in Articles 2 and 3.

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

Article 2

By way of derogation from Article 2(2) of the Directive 77/388/EEC, goods imported from Switzerland into Germany shall not be subject to value added tax, provided they are used for the building or the maintenance of the bridge referred to in Article 1 of this Decision. However, this derogation shall not apply to goods imported for the same purposes by a public authority.

Article 3

By way of derogation from Article 3 of the Directive 77/388/EEC, the part of the bridge that is situated in German territory shall be deemed to be part of Swiss territory for the

purposes of the supplies of goods and services for the building and the maintenance of the bridge.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 12 December 2005.

For the Council

The President

J. STRAW

COUNCIL DECISION
of 12 December 2005
on the appointment of the Special Coordinator of the Stability Pact for South-Eastern Europe
(2005/912/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Article 1

Dr Erhard BUSEK is hereby appointed Special Coordinator of the Stability Pact for South-Eastern Europe.

Having regard to Council Regulation (EC) No 1080/2000 of 22 May 2000 on support for the United Nations Interim Mission in Kosovo (UNMIK), the Office of the High Representative in Bosnia and Herzegovina (OHR) and the Stability Pact for South-Eastern Europe (SP) ⁽¹⁾, and in particular Article 1a thereof,

Article 2

The Special Coordinator shall carry out the functions provided for in point 13 of the Stability Pact document of 10 June 1999.

Having regard to the proposal from the Commission,

Article 3

In order to achieve the objective referred to in Article 2, the mandate of the Special Coordinator shall be to:

Whereas:

- (1) On 10 June 1999 the Foreign Ministers of the Member States of the European Union and the Commission of the European Communities, together with the other participants in the Stability Pact for South-Eastern Europe, agreed to establish a Stability Pact for South-Eastern Europe, hereinafter called the 'Stability Pact'.
 - (a) promote achievement of the Stability Pact's objectives within, and between, the individual countries, where the Stability Pact proves to have an added value;
 - (b) chair the South-Eastern Europe Regional Table;
- (2) Article 1a of Regulation (EC) No 1080/2000 provides for the Special Coordinator of the Stability Pact to be appointed on an annual basis.
 - (c) maintain close contact with all participants and facilitating States, organisations and institutions of the Stability Pact, as well as relevant regional initiatives and organisations, with a view to fostering regional cooperation and enhancing regional ownership;
- (3) It is necessary to establish, together with the appointment, a mandate for the Special Coordinator. Experience has shown that the mandate laid down in Council Decision 2004/928/EC of 22 December 2004 on the appointment of the Special Coordinator of the Stability Pact for South-Eastern Europe ⁽²⁾ for 2005 is appropriate.
 - (d) cooperate closely with all institutions of the European Union and its Member States in order to promote the role of the European Union in the Stability Pact in accordance with points 18, 19, and 20 of the Stability Pact document and to ensure complementarity between the work of the Stability Pact and the Stabilisation and Association Process;
- (4) It is appropriate to lay down clear lines of responsibility as well as guidance on coordination and reporting.
 - (e) meet periodically and collectively as appropriate with the Chairs of the Working Tables to ensure strategic overall coordination and act as the secretariat of the South-Eastern Europe Regional Table and its instruments;

⁽¹⁾ OJ L 122, 24.5.2000, p. 27. Regulation as amended by Regulation (EC) No 2098/2003 (OJ L 316, 29.11.2003, p. 1).

⁽²⁾ OJ L 396, 31.12.2004, p. 47.

- (f) work on the basis of a list, agreed in advance and in consultation with the participants in the Stability Pact, of priority actions for the Stability Pact to implement during 2006, and keep the working methods and structures of the Stability Pact under review, ensuring consistency and efficient use of resources.

Article 4

The Special Coordinator shall conclude a financing agreement with the Commission.

Article 5

The activities of the Special Coordinator shall be coordinated with those of the Secretary-General of the Council/High Representative for the CFSP, the Presidency of the Council and the Commission, notably in the framework of the Informal Consultative Committee. In the field, close liaison shall be maintained with the Presidency of the Council, the Commission, the Member States' Heads of Mission, the Special Representatives of the European Union, as well as with the Office of the High Representative in Bosnia and Herzegovina and the United Nations Civil Administration in Kosovo.

Article 6

The Special Coordinator shall report, as appropriate, to the Council and the Commission. He will continue to inform the European Parliament regularly about his activities.

Article 7

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2006 until 31 December 2006.

Done at Brussels, 12 December 2005.

For the Council
The President
J. STRAW

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

COUNCIL JOINT ACTION 2005/913/CFSP
of 12 December 2005
on support for OPCW activities in the framework of the implementation of the EU Strategy against
Proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction, Chapter III of which contains a list of measures to combat such proliferation.
- (2) The objectives of the EU Strategy are complementary to the objectives pursued by the Organisation for the Prohibition of Chemical Weapons (OPCW), in the context of its responsibility for the implementation of the Chemical Weapons Convention (CWC).
- (3) On 22 November 2004, the Council adopted a Joint Action on support for OPCW activities in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction ⁽¹⁾, which was to expire one year after its adoption.
- (4) The continuation of such intensive and targeted assistance from the EU to the OPCW is necessary in the context of the active implementation of Chapter III of the EU Strategy, in particular those measures related to the universalisation of the CWC, and of the provision of financial resources to support specific projects conducted by multilateral institutions.
- (5) The Commission has agreed to be entrusted with the supervision of the proper implementation of the EU contribution,

Article 1

1. For the purpose of giving immediate and practical application to some elements of the EU Strategy, the European Union shall support activities of the OPCW, with the following objectives:

- promotion of universality of the CWC,
 - support for full implementation of the CWC by States Parties,
 - international cooperation in the field of chemical activities, as accompanying measures to the implementation of the CWC.
2. The projects of the OPCW, corresponding to measures of the EU Strategy, shall be the projects which aim at strengthening:
- promotion of the CWC by carrying out activities, including regional and sub-regional workshops and seminars, designed to increase the membership of the OPCW,
 - provision of sustained technical support to States Parties that request it for the establishment and effective functioning of National Authorities and the enactment of national implementation measures as envisaged in the CWC,
 - international cooperation in the field of chemical activities through the exchange of scientific and technical information, chemicals and equipment for purposes not prohibited under the CWC, in order to contribute to the development of the States Parties capacities to implement the CWC.

⁽¹⁾ OJ L 349, 25.11.2004, p. 63.

A detailed description of these projects is set out in the Annex.

Article 2

1. The financial reference amount for the three projects listed in Article 1(2) shall be EUR 1 697 000, to be funded from the 2006 general budget of the European Union.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community.

3. For the purpose of implementing the projects referred to in Article 1, the Commission shall conclude a financing agreement with the OPCW on conditions for the use of the EU contribution, which shall take the form of a grant. The financing agreement to be concluded shall stipulate that the OPCW is to ensure visibility of the EU contribution, appropriate to its size.

4. The Commission shall report on the implementation of the EU contribution to the Council, in association with the Presidency.

Article 3

The Presidency shall be responsible for the implementation of this Joint Action in full association with the Commission. The Commission shall supervise the proper implementation of the EU contribution referred to in Article 2.

Article 4

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

It shall expire one year after its adoption.

Article 5

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

Done at Brussels, 12 December 2005.

For the Council

The President

J. STRAW

ANNEX

EU support for OPCW activities, in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**1. Objective and description**

Overall objective: to support the universalisation of the CWC and, in particular, to promote the accession to the CWC by States not Parties (signatory States as well as non-signatory States) and to support the implementation of the CWC by the States Parties.

Description: EU assistance to the OPCW will be focused on the following areas identified by the CWC States Parties as requiring urgent action:

- (i) promotion of universality of the CWC;
- (ii) support for implementation of the CWC by the States Parties;
- (iii) international cooperation in the field of chemical activities.

The projects described below will benefit exclusively from EU support. EU funding will only cover expenditure specifically related to the implementation of the projects. Accordingly, these projects will not be financed under the OPCW 2006 Regular Budget. In addition, the procurement of any goods, work or services will be made by the OPCW.

2. Project description**2.1. *Project 1: promotion of universality of the CWC***

Project purpose: enhanced membership of the CWC.

Project results:

- (i) enhanced membership of the CWC in various geographical regions (in Africa, the Caribbean region, the Mediterranean Basin and the Middle East);
- (ii) strengthened regional networking (involving relevant sub-regional organisations and networks in various areas relevant to the CWC).

Project description: universality-related regional, sub-regional, and bilateral activities.

The participation of States not Parties in regional, sub-regional, and bilateral activities offers opportunities for the OPCW to establish/develop contacts with representatives from the capitals and to highlight the advantages and benefits of acceding to the CWC, as well as associated obligations. Assistance and technical support are also provided on specific issues relevant to the preparation for accession to the CWC.

Before 2005, the available level of funding had limited the OPCW to the conduct of a small number of regional seminars and workshops, designed primarily to raise political awareness of the benefits of the CWC for States not Parties. In 2005, the financial support provided by the EU afforded more intensive and targeted ways of assisting States not Parties in the process of preparing for accession to the CWC, for example through bilateral visits, or regional/sub-regional meetings focusing on issues of national implementing legislation in conjunction with the ratification of the CWC.

In 2006, the continuation of such intensive and targeted assistance will enable the OPCW to increase its membership with a view to promoting greater universality of the CWC by the 10th anniversary of its entry into force in April 2007.

The project will finance the following activities in 2006:

- (i) workshop on the CWC and bilateral training and support for States not Parties in Africa (venue in an African State to be determined, first and third quarters 2006, two to three days, date to be confirmed). Participants to be sponsored from decision-making bodies in States not Parties, and relevant regional/sub-regional organisations e.g. African Union. Representatives from Angola, Central African Republic, the Comoros, Congo, Djibouti, Egypt, Guinea-Bissau, Liberia, and Somalia will be invited. A guest speaker from the EU would be most useful to brief participants on EU initiatives relevant to Africa on non-proliferation and disarmament relating to Weapons of Mass Destruction.

Total estimated cost of event: EUR 56 000;

- (ii) workshop on the CWC for countries of the Mediterranean Basin and the Middle East (venue to be confirmed, two to three days, second quarter 2006). Following the workshop held in Cyprus in 2005 with funding from the EU, which was attended, for the first time, by all States not Parties from the region, representatives from States not Parties (e.g. Egypt, Iraq, Israel, Lebanon, Syria, and other States not Parties that are members of the League of Arab States) will be invited. In addition, decision-making and advisory bodies in States not Parties, as well as key representatives from regional States Parties and organisations, will be invited. One or two guest speakers from the EU may be requested to brief participants on EU initiatives on non-proliferation and disarmament relating to Weapons of Mass Destruction, the political-security aspects of the Euro-Mediterranean Partnership and export control measures implemented by the EU.

Total estimated cost of event: EUR 46 000;

- (iii) targeted sub-regional and bilateral training and support for States not Parties in the Caribbean (venue to be confirmed, two days, first and last quarters 2006). Representatives including from Bahamas, Barbados, Dominican Republic, Haiti, and regional/sub-regional organisations e.g. OAS, OECS, will be invited. A guest speaker from the EU would be most helpful to brief participants on EU initiatives on non-proliferation and disarmament relating to Weapons of Mass Destruction.

Total estimated cost of event: EUR 24 000.

Total estimated cost of project 1: EUR 126 000.

2.2. Project 2: national implementation of the CWC

Project purpose: establishment and effective functioning of National Authorities, the enactment of national implementation measures and the adoption of any administrative measures required in accordance with Article VII obligations of the CWC.

Project results:

- (i) continue to facilitate the establishment and effective functioning of National Authorities and the adoption of adequate implementation measures in all regions, through legal and technical assistance and implementation support to National Authorities;
- (ii) assist National Authorities in the national implementation process through capacity-building support;
- (iii) through an extended visit programme, provide a temporary OPCW presence in Africa to enhance national implementation under Article VII of the CWC in African States Parties;
- (iv) provide adequate information over transfers of CWC scheduled chemicals from territories under the jurisdiction of the National Authorities, as well as its wider dissemination to customs authorities in order to address any discrepancies in transfer data provided by States Parties.

Project description: the project will contribute to ongoing efforts to improve the functioning of National Authorities, and the adoption of adequate implementation measures through:

- (a) assistance on all CWC-related matters, with particular emphasis on legal and technical aspects to meet the needs of requesting States Parties in order to assist them in fulfilling their Article VII obligations through bilateral visits or other appropriate formats. Such assistance will be provided by experts/resource persons from the OPCW staff with the inclusion of EU experts as necessary. The duration of each visit will be about five working days. There will normally be three experts for each visit. The duration of each visit and the number of persons travelling in each team will be determined on a case by case basis to meet the requirements of the assistance to be provided in the most cost-effective manner.

In addition, the EU will fund an extended visit programme to provide a temporary OPCW presence in Africa to assist African States Parties to fulfil their Article VII obligations. This presence will be established for a strictly limited period of time and its single purpose will be to foster national implementation in Africa.

Total estimated cost: EUR 225 000;

- (b) grants to National Authorities to support capacity building efforts for necessary national activities and infrastructure for the implementation of the CWC: a pilot project, to fund national implementation activities in selected National Authorities is to be initiated. The project in its pilot phase will provide funding for approximately 12 National Authorities, not exceeding EUR 15 000 for each of the National Authorities selected. The identification of specific tasks to increase capacities within National Authorities to improve the process of national implementation will determine the extent and nature of support to be provided.

Throughout 2005, the EU voluntary contribution has supported the OPCW's effort to assist States Parties to fulfil their obligations in accordance with the Plan of Action regarding the implementation of Article VII obligations. Bilateral technical assistance visits have provided specific assistance to requesting States Parties. During such visits, identification of further activities to fulfil Article VII obligations, including the development of a country-specific action plan has been undertaken. The response to such bilateral technical assistance visits has been positive, with States Parties initiating activities to comply with their obligations and identifying specific areas for future assistance. In order to continue with the momentum generated in these States Parties for implementation, specific areas of assistance as identified by them may be supported with EU funds in 2006.

The specific areas for which assistance may be requested in the near future by States Parties include funds to conduct national awareness courses for personnel from relevant agencies, Departments and Ministries on the implementation of different provisions of the CWC, consultancy fees for legal experts drafting the national implementing legislation, publication and distribution of enacted legislation and regulations, translation of national implementing legislation and enforcement regulations into local language, establishing an office for the National Authority. These grants will not provide any financial assistance towards payment of salaries.

The pilot project addressing specific areas of assistance will be implemented to ensure that national capacity for implementing the provisions of the Convention is enhanced and tangibly contributes to progress expected to be made by the recipient States Parties.

Selection of National Authorities to receive grants will be undertaken on the basis of carefully identified criteria, including a demonstration of their ability to make quantifiable progress for the implementation of the provisions of the CWC and in accordance with a country-specific action plan developed during a bilateral assistance visit. A clearance mechanism for the selection of National Authorities and proposed consultants will be set up involving representatives of the EU Council Presidency, the Office of the Personal Representative of the High Representative on non-proliferation of Weapons of Mass Destruction, the Commission Services and the OPCW. The grants should contribute towards making the National Authorities thus selected self-sustaining entities in subsequent years.

In order to receive such grants, the recipient National Authorities will need to provide the OPCW with quantifiable objectives to be accomplished as well as a clear time frame for their implementation with the use of the grants. As part of the contract, the recipient National Authority will be obliged to report its activities to the OPCW on a regular basis. The disbursement of grants will be made in instalments, with successive instalments being released after review of progress achieved. The OPCW will provide the EU with relevant details of progress by recipient States Parties as well as a financial statement on the use of the funds by each recipient State Parties.

Total estimated cost: EUR 180 000;

- (c) participation of National Authorities and customs authorities in one or more technical meetings in The Hague or in different regions on the transfers provisions of the CWC. This will allow for wider dissemination of information concerning these provisions. These meetings will involve, as appropriate, table-top exercises, discussions on scenarios and sharing of experiences by experts from the EU and other participating States.

Total estimated cost: EUR 180 000.

Total estimated cost of project 2: EUR 585 000.

2.3. *Project 3: international cooperation in the field of chemical activities*

Project purpose:

to facilitate the development of the States Parties' capacities to implement the CWC in the field of chemical activities in accordance with Article XI thereof.

This project essentially focuses on the building of capacities through provision of support to analytical laboratories and training in the area of analytical skills.

Project results/activities:

- (i) provision of essential equipment to improve the quality and accuracy of chemical analysis in publicly funded laboratories in States Parties the economies of which are either developing or in transition;
- (ii) enabling such laboratories in these targeted countries to upgrade their level of technical competence;
- (iii) assisting qualified analytical chemists from States Parties to acquire further experience and practical knowledge to facilitate the analysis of chemicals related to the national implementation of the CWC.

Project description:

the EU contribution will focus on the following two aspects:

(a) *Laboratory assistance*

Under a Laboratory Assistance Programme, OPCW has been providing assistance to improve the technical competence of laboratories engaged in chemical analysis and monitoring. The assistance is basically in the form of financial support for conducting technical evaluation or audit of a laboratory so as to improve its level of competence, training of technical personnel at an advanced laboratory/institution for development of skills, internship at an accredited laboratory for skills development, conducting small scale research projects relating to method development, validation, etc.

However, the support provided by the OPCW does not cover the cost of acquiring hardware or other investment costs. Also, since expert assistance available in the OPCW is limited due to other commitments, it is necessary for such assistance to be available from external sources. As part of the Council Joint Action of 22 November 2004, a project on laboratory assistance has been taken up, for implementation in 2005, under which eight publicly funded laboratories in developing and transition-economy countries are being provided with essential analytical equipment such as bench-top gas chromatographs (GC) or a bench-top gas chromatograph-mass spectrometers (GC-MS) with necessary technical assistance so as to improve their technical competence in the area analysis of chemicals related to the CWC. In response to a note circulated by the Technical Secretariat of the OPCW seeking applications for support under the project, a total of 100 applications was received. Of these, 19 applications were recommended for consideration by the EU. However, since only eight laboratories were to be provided with support under the project in 2005, the remaining 11 short-listed cases could not be considered for acceptance.

EU support for meeting the cost of these requirements will go a long way in enabling the laboratories in the targeted countries to improve their technical competence significantly and to improve the quality and accuracy of chemical analysis. The new project to be implemented in 2006 will cover another eight laboratories, or as many as available funds may allow, to be selected by the clearance mechanism referred to in project 2.2.b.

This project, therefore, will be an extension of the laboratory assistance project in 2005. Its implementation will start only once EU Member States have made a positive evaluation of the current project, based on a written report to be provided by the OPCW.

Clearance mechanism:

the clearance mechanism set up for project 2.2.b will be used to select beneficiaries to be funded against this grant. Prior agreement by the EU Member States is needed for projects regarding the eight publicly funded laboratories, including hardware support. Only laboratories with a link to the CWC should be eligible, and due consideration will be given on the status of implementation of the CWC as well as the timely contribution to the OPCW budget by the possible beneficiaries States. Any transfers under this project shall be made in accordance with Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology ⁽¹⁾ as well as the guidelines of the relevant export control regime, in the framework of which the OPCW Technical Secretariat may be invited to perform a supervisory role. The States Parties to the CWC that will be beneficiaries under this project shall guarantee the use of the transferred goods in accordance with the provisions of the CWC by signing a Memorandum of Understanding to this end with the OPCW Technical Secretariat.

Total estimated cost: EUR 700 000;

(b) Analytical skills development course

The Council Joint Action of 22 November 2004 provided support for an analytical development course for 20 participants conducted in a Member State of the European Union in 2005. The course was successfully conducted from 24 June to 8 July 2005 in the Netherlands. Keeping in view the huge response from the targeted countries, namely the developing and transition economy countries, for participation in the course (nearly 180 applications were received), it is proposed to conduct two units of the same course in 2006. The courses will be conducted in Europe, with the help of either one or two institutions. Each course will accommodate 20 participants. Participants should have a clear connection to activities of the CWC and, in particular, the effective implementation of the CWC in their country. The course will aim to assist qualified analytical chemists from States Parties that are either developing or have economies in transition to acquire further experience and practical knowledge; to facilitate the analysis of chemicals related to the national implementation of the CWC; to enhance national capacities in the States Parties by offering training in analytical chemistry to personnel from the industry, academic institutions and government laboratories; to facilitate the adoption of good laboratory practices; and to broaden the pool of manpower from which the National Authorities and the Secretariat may draw in future. It will cover both theoretical and practical training in areas relating to system validation, troubleshooting, sample preparation and analysis. Each course will last for two weeks in June to July or in any other convenient period in 2006.

Total estimated cost: EUR 230 000.

Total estimated cost of project 3: EUR 930 000.

3. Duration

The total estimated duration for the implementation of this Joint Action is 12 months.

4. Beneficiaries

The beneficiaries of universality related activities are States not Parties to the CWC (both signatory States and non-signatory States). The beneficiaries of implementation related activities are non-EU States Parties to the CWC. The selection of the beneficiary countries will be identified by the OPCW in coordination with the EU Council Presidency.

5. Implementing entity

The OPCW will be entrusted with the implementation of the three projects. The implementation of these three projects will be done by the OPCW staff with the help of the OPCW States Parties and their institutions, selected experts or contractors, as above. In the case of contractors, the procurement of any goods, works or services by the OPCW in the context of this Joint Action shall be carried out in accordance with the applicable rules and procedures of the OPCW, as detailed in the European Community Contribution Agreement with an International Organisation.

6. Third Parties participants

These projects will be financed 100 % by this Joint Action. Experts of OPCW States Parties may be considered as third Parties participants. They will work under the standard rules of operation for OPCW experts.

⁽¹⁾ OJ L 159, 30.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1504/2004 (OJ L 281, 31.8.2004, p. 1).

7. Estimated required means

The EU contribution will cover 100 % of the implementation of the three projects as described in this Annex. The estimated costs are as follows:

Project 1	EUR 126 000
Project 2	EUR 585 000
Project 3	EUR 930 000
TOTAL COST (excluding contingencies)	EUR 1 641 000

In addition, a contingency reserve of about 3 % of eligible costs (EUR 56 000) is included.

TOTAL COST (including contingencies)	EUR 1 697 000
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8. Financial reference amount to cover the total cost of the project

The total cost of the project is EUR 1 697 000.
