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## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1470/2005**  
**of 9 September 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 <sup>(1)</sup>, 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 10 September 2005.

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

Done at Brussels, 9 September 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

## ANNEX

**to Commission Regulation of 9 September 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	47,6
	999	47,6
0707 00 05	052	71,2
	999	71,2
0709 90 70	052	67,9
	999	67,9
0805 50 10	052	100,1
	382	64,7
	388	71,2
	524	59,7
	528	65,7
	999	72,3
0806 10 10	052	82,7
	624	148,6
	999	115,7
0808 10 80	388	73,0
	400	80,3
	508	34,8
	512	67,1
	528	39,5
	720	22,0
	800	126,8
0808 20 50	804	63,7
	999	63,4
	052	95,6
	388	82,5
	512	62,2
0809 30 10, 0809 30 90	528	11,6
	999	63,0
	052	95,9
	999	95,9
	052	110,1
0809 40 05	066	66,4
	093	40,2
	098	40,2
	624	113,6
	999	74,1

<sup>(1)</sup> 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 1471/2005****of 9 September 2005****fixing the additional amount to be paid for pears in Hungary according to Regulation (EC)  
No 416/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to Commission Regulation (EC) No 416/2004 of 5 March 2004 laying down transitional measures for the application of Council Regulation (EC) No 2201/96 and Regulation (EC) No 1535/2003 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union<sup>(1)</sup>, and in particular Article 3(2) thereof,

Whereas:

- (1) The quantities of pears covered by aid applications for the 2004/05 marketing year as notified by Member States under Article 39(2) of Commission Regulation (EC) No 1535/2003 of 29 August 2003 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables<sup>(2)</sup>, exceed the Community threshold by 11 946 tonnes. An additional

amount is therefore to be paid after the end of the 2004/05 marketing year in the Member States which joined the European Union on 1 May 2004 and which have not exceeded their national threshold or in which the threshold has been exceeded by less than 25 %.

- (2) For the 2004/05 marketing year the national threshold for Hungary was not exceeded. The full additional amount of EUR 40,42 per tonne should therefore be paid in that Member State.
- (3) Producers in the Czech Republic lodged no aid applications for pears for processing in the 2004/05 marketing year. No additional amount for the 2004/05 marketing year should therefore be paid in that Member State,

HAS ADOPTED THIS REGULATION:

*Article 1*

An additional amount of EUR 40,42 per tonne of pears for processing referred to in Article 3(2) of Regulation (EC) No 416/2004 shall be paid in Hungary after the end of the 2004/05 marketing year.

*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, 9 September 2005.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 68, 6.3.2004, p. 12. Regulation as last amended by Regulation (EC) No 550/2005 (OJ L 93, 12.4.2005, p. 3).

<sup>(2)</sup> OJ L 218, 30.8.2003, p. 14. Regulation as last amended by Regulation (EC) No 180/2005 (OJ L 30, 3.2.2005, p. 7).

**COMMISSION REGULATION (EC) No 1472/2005****of 9 September 2005****determining to what extent import right applications submitted during the month of August 2005  
for certain live bovine animals as part of a tariff quota provided for in Regulation (EC)  
No 1217/2005 may be accepted**

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 <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1217/2005 of 28 July 2005 laying down detailed rules for the application of a tariff quota for certain live bovine animals originating in Bulgaria, provided for in Council Decision 2003/286/EC <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 1217/2005 fixes at 6 600 the number of head of live bovine animals originating in Bulgaria which may be imported under special conditions in the period 1 July 2005 to 30 June 2006.

- (2) Article 4(2) of Regulation (EC) No 1217/2005 lays down that the quantities applied for may be reduced. The applications lodged relate to total quantities which exceed the quantities available. Under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

All applications for import certificates lodged pursuant to Article 3(3) of Regulation (EC) No 1217/2005 shall be accepted at a rate of 43,5787 % of the import rates applied for.

*Article 2*

This Regulation shall enter into force on 10 September 2005.

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

Done at Brussels, 9 September 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 199, 29.7.2005, p. 33.

**COMMISSION REGULATION (EC) No 1473/2005****of 9 September 2005****determining to what extent import right applications submitted during the month of August 2005 for certain live bovine animals as part of a tariff quota provided for in Regulation (EC) No 1241/2005 may be accepted**

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 <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1241/2005 of 29 July 2005 laying down detailed rules for the application of a tariff quota for certain live bovine animals originating in Romania, provided for in Council Decision 2003/18/EC <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 1241/2005 fixes at 46 000 the number of head of live bovine animals originating in Romania which may be imported under special conditions in the period 1 August 2005 to 30 June 2006.

- (2) Article 4(2) of Regulation (EC) No 1241/2005 lays down that the quantities applied for may be reduced. The applications lodged relate to total quantities which exceed the quantities available. Under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

All applications for import certificates lodged pursuant to Article 3(3) of Regulation (EC) No 1241/2005 shall be accepted at a rate of 10,785 % of the import rights applied for.

*Article 2*

This Regulation shall enter into force on 10 September 2005.

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

Done at Brussels, 9 September 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 200, 30.7.2005, p. 38.

**COMMISSION REGULATION (EC) No 1474/2005****of 9 September 2005****determining the extent to which applications for import rights lodged in respect of the quota for live bovine animals of a weight exceeding 160 kg and originating in Switzerland, provided for in Regulation (EC) No 1218/2005, can be accepted**

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 <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1218/2005 of 28 July 2005 laying down detailed rules for the application of an import tariff quota for live bovine animals of a weight exceeding 160 kg and originating in Switzerland provided for in Council Regulation (EC) No 1182/2005 <sup>(2)</sup>, and in particular in the first sentence of Article 4(2) thereof,

Whereas:

- (1) Article 1(1) of Regulation (EC) No 1218/2005 fixes at 2 300 head the quantity of the quota in respect of which

Community importers can lodge an application for import rights in accordance with Article 3 of that Regulation.

- (2) Since the import rights applied for exceed the available quantity referred to in Article 1(1) of Regulation (EC) No 1218/2005, a unique reduction coefficient should be fixed for quantities tendered,

HAS ADOPTED THIS REGULATION:

*Article 1*

Each application for import rights lodged in accordance with Article 3(3) of Regulation (EC) No 1218/2005 shall be accepted at a rate of 74,074 % of the import rights applied for.

*Article 2*

This Regulation shall enter into force on 10 September 2005.

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

Done at Brussels, 9 September 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 199, 29.7.2005, p. 39.



**COMMISSION REGULATION (EC) No 1475/2005**  
**of 9 September 2005**  
**determining the world market price for unginned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme <sup>(3)</sup>. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned

cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

*Article 1*

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 20,206 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 10 September 2005.

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

Done at Brussels, 9 September 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 148, 1.6.2001, p. 1.

<sup>(2)</sup> OJ L 148, 1.6.2001, p. 3.

<sup>(3)</sup> OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

**COMMISSION REGULATION (EC) No 1476/2005****of 9 September 2005****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

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 <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat <sup>(2)</sup>,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal meeting the definition laid down therein which may be imported on special terms for the period 1 July 2005 to 30 June 2006 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. All applications for import licences from 1 to 5 September 2005 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of October 2005 for 3 391,363 t.

*Article 2*

This Regulation shall enter into force on 11 September 2005.

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

Done at Brussels, 9 September 2005.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

**COMMISSION DIRECTIVE 2005/52/EC****of 9 September 2005****amending Council Directive 76/768/EEC, concerning cosmetic products, for the purposes of adapting Annex III thereto to technical progress****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products <sup>(1)</sup>, and in particular Article 8(2) thereof,

After consulting the Scientific Committee on Cosmetic Products and Non-Food Products intended for Consumers,

Whereas:

(1) Commission Directive 2004/87/EC of 7 September 2004 amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress, extended until 31 December 2005 the provisional use of sixty hair dyes listed in Part 2 of the Annex III to Directive 76/768/EEC under the reference numbers 1 to 60 <sup>(2)</sup>.

(2) According to the hair dye strategy, published in the internet, it was agreed with the Member States and stakeholders that the date of July 2005 would be appropriate for the presentation to the Scientific Committee on Consumer Products (SCCP) of the additional information on the above hair dyes.

(3) Additional information concerning 38 hair dyes listed in Annex III, Part 2 of Directive 76/768/EEC has been submitted by the industry. This information has to be evaluated by the SCCP. Definitive regulation of those hair dyes, on the basis of such evaluations, and its implementation into the laws of Member States will not be possible before 31 December 2006. Therefore, their provisional use in cosmetic products under the restrictions and conditions laid down in Annex III, Part 2 should be prolonged until 31 December 2006.

(4) For 22 hair dyes listed in Annex III, Part 2 of Directive 76/768/EEC such additional information has not been submitted. Definitive regulation of those hair dyes will be considered after the appropriate procedures are carried out. Such definitive regulation and its implementation into the laws of Member States will not be possible

before 31 August 2006. Therefore, their provisional use in cosmetic products under the restrictions and conditions laid down in Annex III, Part 2 should be prolonged until 31 August 2006.

(5) Directive 76/768/EEC should therefore be amended accordingly.

(6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Part 2, column g of the Annex III to Directive 76/768/EEC is amended as follows:

1. for reference numbers 1, 2, 8, 13, 15, 17, 23, 30, 34, 40, 41, 42, 43, 45, 46, 51, 52, 53, 54, 57, 59 and 60, '31.12.2005' is replaced by '31.08.2006';

2. for reference numbers 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 16, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 39, 44, 47, 48, 49, 50, 55, 56 and 58, '31.12.2005' is replaced by '31.12.2006'.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2006 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

<sup>(1)</sup> OJ L 262, 27.9.1976, p. 169. Directive as last amended by Directive 2005/42/EC (OJ L 158, 20.6.2005, p. 17).

<sup>(2)</sup> OJ L 287, 8.9.2004, p. 4.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 9 September 2005.

*For the Commission*  
Günter VERHEUGEN  
*Vice-President*

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## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 1 December 2004

**on the State aid implemented by Greece in favour of reduction of corporate tax rate for investments over EUR 30 million**

(notified under document number C(2004) 4566)

(Only the Greek text is authentic)

(Text with EEA relevance)

(2005/642/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

April 2004 (SG(2004)A/3964) and Greece last provided information on 17 August 2004 (A/36270).

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

- (4) The Commission received no comments from interested third parties.

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

## II. DESCRIPTION

## The measure

Having called on interested parties to submit their comments pursuant to the provisions cited above <sup>(1)</sup>,

- (5) On 15 January 2004, Greece enacted the law on 'Development and social policy measures — Objectivity of tax controls and other provisions', which entered into force on 30 January 2004, on the date of its publication in the Official Journal of the Hellenic Republic No 3220/2004 (FEK A 15). Article 1 of the law provides that undertakings investing over EUR 30 million in Greece benefit from a reduction of the applicable corporate tax rate from 35 % (the normal corporate tax rate) to 25 % during a period of 10 years.

Whereas:

## I. PROCEDURE

- (1) On 3 March 2004 (C(2004) 456 fin), the Commission initiated the formal investigation procedure in respect of the measure Reduction of corporate tax rate for investments over EUR 30 million.
- (2) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* <sup>(2)</sup>. The Commission invited interested parties to submit their comments on the measure.
- (3) The reply from the Greek authorities to the initiation of the formal investigation procedure was received on 13

## III. ASSESSMENT

- (6) The law which was the object of the formal investigation procedure was abrogated by Greece with the retroactive effect by law 3259/2004, Article 22, paragraph 1 (published on 4 August 2004).
- (7) Greece confirmed that no undertaking took advantage of the incentive provided for in Article 1 of law 3220/2004.

<sup>(1)</sup> OJ C 87, 7.4.2004, p. 10.

<sup>(2)</sup> See footnote 1.

- (8) As the measure was never applied in practise and is now abrogated, the assessment of the measure and the formal investigation procedure under Article 88(2) of the EC Treaty in respect of this measure are now without object,

*Article 2*

This Decision is addressed to the Hellenic Republic.

HAS ADOPTED THIS DECISION:

*Article 1*

Done at Brussels, 1 December 2004.

The formal investigation procedure under Article 88(2) of the EC Treaty initiated on 3 March 2004 in respect of reduction of corporate tax rate for investments over EUR 30 million is closed.

*For the Commission*

Neelie KROES

*Member of the Commission*

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

# **COUNCIL JOINT ACTION 2005/643/CFSP**

**of 9 September 2005**

## **on the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 and third subparagraph of Article 25 thereof,

Whereas:

- (1) The European Union (EU) is committed to promote a lasting peaceful settlement to the conflict in Aceh (Indonesia) and to increase stability throughout South East Asia, including progress in the economic, legal, political and security sector reforms.
- (2) On 11 October 2004, the Council reiterated its attachment to a united, democratic, stable and prosperous Indonesia. It reiterated the EU's respect for the territorial integrity of the Republic of Indonesia and recognition of its importance as a major partner. The Council encouraged the Government of Indonesia (GoI) to seek peaceful solutions in conflict and potential conflict areas and welcomed the statement by President Susilo Bambang Yudhoyono that he intended to implement Special Autonomy for Aceh. The Council reaffirmed the EU's wish to build a closer partnership with Indonesia.
- (3) On 12 July 2005, the Minister for Foreign Affairs of Indonesia, on behalf of the GoI, invited the EU to participate in an Aceh Monitoring Mission to assist Indonesia in implementing the final agreement on Aceh. The GoI sent a similar invitation to the ASEAN countries Brunei, Malaysia, Philippines, Singapore and Thailand. The Free Aceh Movement (GAM) also indicated its support for a participation of the EU.
- (4) On 18 July 2005, the Council noted the report of the Joint EU Council Secretariat/Commission assessment mission to Indonesia/Aceh. It welcomed the successful conclusion of the Helsinki negotiations and agreed that the EU was prepared, in principle, to provide observers to monitor implementation of the Memorandum of

Understanding (MoU). It asked the competent bodies to continue planning for a possible monitoring mission at the request of the parties and to establish contact with ASEAN and ASEAN countries with a view to their possible cooperation.

- (5) On 15 August 2005, the GoI and the GAM signed a MoU detailing the agreement and principles guiding the creation of conditions within which the government of the Acehnese people can be manifested through a fair and democratic process within the unitary state and constitution of the Republic of Indonesia. The MoU foresees the establishment of the Aceh Monitoring Mission to be established by the EU and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the GoI and the GAM in the MoU.
- (6) The MoU notably provides that the GoI is responsible for the security of all Aceh Monitoring Mission personnel in Indonesia and that a Status of Mission Agreement will be concluded between GoI and the EU.
- (7) The Aceh Monitoring Mission will be conducted in a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty.
- (8) In conformity with the guidelines of the European Council meeting in Nice on 7-9 December 2000, this Joint Action should determine the role of the Secretary General/High Representative (SG/HR) in accordance with Articles 18 and 26 of the Treaty.
- (9) Article 14(1) of the Treaty calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the EU budget illustrates the will of the political authority and is subject to the availability of commitment appropriations during the respective budget year,

HAS ADOPTED THIS JOINT ACTION:

#### *Article 1*

##### **Mission**

1. The EU hereby establishes an European Union Monitoring Mission in Aceh (Indonesia), named the 'Aceh Monitoring Mission (AMM)', with an operational phase beginning on 15 September 2005.

2. The AMM shall operate in accordance with its mandate as set out in Article 2.

#### *Article 2*

##### **Mandate**

1. The AMM shall monitor the implementation of the commitments undertaken by the GoI and the GAM pursuant to the MoU.

2. In particular, the AMM shall:

- (a) monitor the demobilisation of GAM and monitor and assist with the decommissioning and destruction of its weapons, ammunition and explosives;
- (b) monitor the re-location of non-organic military forces and non-organic police troops;
- (c) monitor the reintegration of active GAM members;
- (d) monitor the human rights situation and provide assistance in this field in the context of the tasks set out in points (a), (b) and (c) above;
- (e) monitor the process of legislation change;
- (f) rule on disputed amnesty cases;
- (g) investigate and rule on complaints and alleged violations of the MoU;
- (h) establish and maintain liaison and good cooperation with the parties.

#### *Article 3*

##### **Planning phase**

1. During the planning phase, the Planning Team shall comprise a Head of Mission/Head of Planning Team and the necessary staff to deal with functions ensuing from the needs of the AMM.

2. As a priority, a comprehensive risk assessment shall be carried out as part of the planning process. This assessment may be updated as necessary.

3. The Planning Team shall draw up the Operation Plan (OPLAN) and develop technical instruments necessary to execute the mandate of the AMM. The OPLAN shall take into account the comprehensive risk assessment and shall include a security plan. The Council shall approve the OPLAN.

#### *Article 4*

##### **Structure of the AMM**

In principle, the AMM shall be structured as follows:

- (a) Headquarters (HQ). The HQ shall consist of the Office of the Head of Mission and the HQ Staff, providing all necessary functions of command and control and mission support. The HQ shall be located in Banda Aceh;
- (b) 11 geographically distributed District Offices, conducting monitoring tasks;
- (c) 4 Decommissioning Teams.

These elements shall be further developed in the OPLAN.

#### *Article 5*

##### **Head of Mission**

1. Mr Pieter Feith is hereby appointed Head of Mission of the AMM.

2. The Head of Mission shall exercise Operational Control over the AMM and assume the day-to-day management and coordination of the AMM activities, including the management of the security of mission staff, resources and information.

3. All staff shall remain under the authority of the appropriate national authority or EU Institution and shall carry out their duties and act solely in the interest of the mission. National authorities shall transfer Operational Control to the Head of Mission. Both during and after the mission, the staff shall exercise the greatest discretion with regard to all facts and information relating to the mission.

4. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be taken by the national or EU authority concerned.

5. The Head of Mission shall rule on disputes regarding the implementation of the MoU as provided therein and in accordance with the OPLAN.



*Article 6***Staff**

1. The numbers and competence of the AMM staff shall be consistent with its mandate as set out in Article 2 and its structure as set out in Article 4.

2. Mission staff shall be seconded by Member States and EU Institutions. Each Member State and EU Institution shall bear the costs related to the mission staff seconded by it, including salaries, medical coverage, allowances (other than per diems) and travel expenses.

3. International staff and local staff shall be recruited on a contractual basis as required.

4. Third States may also, as appropriate, second mission staff. Each seconding Third State shall bear the costs related to any of the staff seconded by it including salaries, medical coverage, allowances and travel expenses.

*Article 7***Status of staff**

1. The status of the AMM and its staff in Aceh, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty. The SG/HR, assisting the Presidency, may negotiate such an agreement on its behalf.

2. The Member State or EU Institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The Member State or EU Institution in question shall be responsible for bringing any action against the seconded staff member.

3. The conditions of employment and the rights and obligations of international and local contracted staff shall be laid down in the contracts between the Head of Mission and the staff member.

*Article 8***Chain of command**

1. The structure of the AMM shall have a unified chain of command.

2. The Political and Security Committee (PSC) shall provide the political control and strategic direction of the mission.

3. The Head of Mission shall report to the SG/HR.

4. The SG/HR shall give guidance to the Head of Mission.

*Article 9***Political control and strategic direction**

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions for the purpose and duration of the mission, in accordance with third subparagraph of Article 25 of the Treaty. This authorisation shall include the powers to amend the OPLAN and the chain of command. The powers of decision with respect to the objectives and termination of the mission shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive reports by the Head of Mission regarding the conduct of the mission at regular intervals. The PSC may invite the Head of Mission to its meetings, as appropriate.

*Article 10***Participation of Third States**

1. Without prejudice to the decision-making autonomy of the EU and its single institutional framework, Accessing States shall be invited and Third States may be invited to contribute to the AMM provided that they bear the cost of the staff seconded by them, including salaries, High Risk insurance, allowances and travel expenses to and from Aceh (Indonesia), and contribute to the running costs of the AMM, as appropriate.

2. Third States making contributions to the AMM shall have the same rights and obligations in terms of day-to-day management of the mission as Member States taking part in the mission.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of Third States shall be subject of an agreement, in conformity with Article 24 of the Treaty. The SG/HR, assisting the Presidency, may negotiate such arrangements on its behalf. Where the EU and a Third State have concluded an agreement establishing a framework for the participation of this Third State in the EU crisis management operations, the provisions of such an agreement shall apply in the context of the AMM.

*Article 11***Security**

1. The Head of Mission shall, in consultation with the Council Security Office, be responsible for ensuring compliance with minimum security standards in conformity with the agreed Council's security regulations.
2. The Head of Mission shall consult with the PSC on security issues affecting the deployment of the mission as directed by the SG/HR.
3. AMM staff members shall undergo mandatory security training before their entry into function.

*Article 12***Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to the AMM shall be EUR 9 000 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the EU with the exception that any pre-financing shall not remain the property of the Community. Nationals of Third States shall be allowed to tender for contracts.
3. The Head of Mission shall be accountable to the Commission for all expenditure charged to the general budget of the EU and shall to that effect sign a contract with the Commission.
4. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

*Article 13***Community action**

1. The Council and the Commission shall, each within their respective powers, ensure consistency between the implementation of this Joint Action and external activities of the Community in accordance with second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.
2. The Council also notes that coordination arrangements are required in Banda Aceh and also in Jakarta, as appropriate, as well as in Brussels.

*Article 14***Release of classified information**

1. The SG/HR is authorised to release to Third States associated with this Joint Action, as appropriate and in accordance with the operational needs of the mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the mission, in accordance with the Council's security regulations.
2. In the event of a specific and immediate operational need, the SG/HR is also authorised to release to the host State EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the mission, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the host State in accordance with the procedures appropriate to the host State's level of cooperation with the EU.
3. The SG/HR is authorised to release to Third States associated with this Joint Action and to the host State EU non-classified documents related to the deliberations of the Council with regard to the mission covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure <sup>(1)</sup>.

*Article 15***Review**

The Council shall, not later than the 15 March 2006, evaluate whether the AMM should be extended.

*Article 16***Entry into force, duration**

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

It shall expire on 15 March 2006.

*Article 17***Publication**

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

Done at Brussels, 9 September 2005.

For the Council  
The President  
J. STRAW

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<sup>(1)</sup> Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Decision as amended by Decision 2004/701/EC, Euratom (OJ L 319, 20.10.2004, p. 15).