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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2169/2005
of 21 December 2005
amending Regulation (EC) No 974/98 on the introduction of the euro

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular to the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Having regard to the Opinion of the European Central Bank ⁽²⁾,

Whereas:

- (1) Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽³⁾ provides for the substitution of the euro for the currencies of the Member States which fulfilled the necessary conditions for the adoption of the single currency at the time when the Community entered the third stage of economic and monetary union. That Regulation also includes rules which apply to the national currency units of these Member States during the transitional period ending on 31 December 2001, and rules on banknotes and coins.
- (2) Council Regulation (EC) No 2596/2000 amended Regulation (EC) No 974/98 to provide for the substitution of the euro for the currency of Greece.

(3) Regulation (EC) No 974/98 sets out a timetable for transition to the euro in the Member States currently participating. In order to provide clarity and certainty with regard to the rules governing the introduction of the euro in other Member States, it is necessary to lay down general provisions specifying how the various periods in the transition to the euro are to be determined in the future.

(4) It is appropriate to provide for a list of participating Member States which may be extended when further Member States adopt the euro as the single currency.

(5) In order to prepare a smooth changeover to the euro, Regulation (EC) No 974/98 provides for a transitional period between the substitution of the euro for the currencies of the participating Member States and the introduction of euro banknotes and coins. The transitional period should last three years at the most, but should be as short as possible.

(6) The transitional period can be reduced to zero, in which case the euro adoption date and the cash changeover date fall on the same day, if a Member State considers that a longer transitional period is not necessary. In that case, euro banknotes and coins will become legal tender in that Member State on the euro adoption date. However, it should be possible for such a Member State to benefit from a 'phasing-out' period of one year, during which it would be possible to continue to make reference to the national currency unit in new legal instruments. This would give economic actors in such a Member State more time to adapt to the introduction of the euro and therefore ease the transition.

(7) It should be possible for the general public to exchange banknotes and coins denominated in the national currency unit for euro banknotes and coins free of charge during the dual circulation period, subject to certain ceilings.

⁽¹⁾ Opinion delivered on 1 December 2005 (not yet published in the Official Journal).

⁽²⁾ OJ C 316, 13.12.2005, p. 25.

⁽³⁾ OJ L 139, 11.5.1998, p. 1. Regulation as amended by Council Regulation (EC) No 2596/2000 (OJ L 300, 29.11.2000, p. 2).

(8) Regulation (EC) No 974/98 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

date and ending at 00.00 hours on the cash changeover date;

Article 1

Regulation (EC) No 974/98 is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

For the purpose of this Regulation:

- (a) "participating Member States" shall mean the Member States listed in the table in the Annex;
- (b) "legal instruments" shall mean legislative and statutory provisions, acts of administration, judicial decisions, contracts, unilateral legal acts, payment instruments other than banknotes and coins, and other instruments with legal effect;
- (c) "conversion rate" shall mean the irrevocably fixed conversion rate adopted for the currency of each participating Member State by the Council in accordance with the first sentence of Article 123(4) of the Treaty or with paragraph 5 of that Article;
- (d) "euro adoption date" shall mean either the date on which the respective Member State enters the third stage under Article 121(3) of the Treaty or the date on which the abrogation of the respective Member State's derogation under Article 122(2) of the Treaty enters into force, as the case may be;
- (e) "cash changeover date" shall mean the date on which euro banknotes and coins acquire the status of legal tender in a given participating Member State;
- (f) "euro unit" shall mean the currency unit as referred to in the second sentence of Article 2;
- (g) "national currency units" shall mean the units of the currency of a participating Member State, as those units are defined on the day before the adoption of the euro in that Member State;
- (h) "transitional period" shall mean a period of three years at the most beginning at 00.00 hours on the euro adoption

(i) "phasing-out period" shall mean a period of one year at the most beginning on the euro adoption date, which can only apply to Member States where the euro adoption date and the cash changeover date fall on the same day;

(j) "redenominate" shall mean changing the unit in which the amount of outstanding debt is stated from a national currency unit to the euro unit, but which does not have through the act of redenomination the effect of altering any other term of the debt, this being a matter subject to relevant national law;

(k) "credit institutions" shall mean credit institutions as defined in Article 1(1) of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions (*). For the purpose of this Regulation, the institutions listed in Article 2(3) of that Directive with the exception of post office giro institutions shall not be considered as credit institutions.

(*) OJ L 126, 26.5.2000, p. 1. Directive as last amended by Directive 2005/1/EC of the European Parliament and of the Council (OJ L 79, 24.3.2005, p. 9).;

2. the following Article shall be inserted:

'Article 1a

The euro adoption date, the cash changeover date, and the phasing-out period, if applicable, for each participating Member State shall be as set out in the Annex.;

3. Article 2 shall be replaced by the following:

'Article 2

With effect from the respective euro adoption dates, the currency of the participating Member States shall be the euro. The currency unit shall be one euro. One euro shall be divided into one hundred cent.;

4. Article 9 shall be replaced by the following:

'Article 9

Banknotes and coins denominated in a national currency unit shall retain their status as legal tender within their territorial limits as from the day before the euro adoption date in the participating Member State concerned.;

5. the following Article shall be inserted:

'Article 9a

The following shall apply in a Member State with a "phasing-out" period. In legal instruments created during the phasing-out period and to be performed in that Member State, reference may continue to be made to the national currency unit. These references shall be read as references to the euro unit according to the respective conversion rates. Without prejudice to Article 15, the acts performed under these legal instruments shall be performed only in the euro unit. The rounding rules laid down in Regulation (EC) No 1103/97 shall apply.

The Member State concerned shall limit the application of the first subparagraph to certain types of legal instrument, or to legal instruments adopted in certain fields.

The Member State concerned may shorten the period.;

6. Articles 10 and 11 shall be replaced by the following:

'Article 10

With effect from the respective cash changeover dates, the ECB and the central banks of the participating Member States shall put into circulation banknotes denominated in euro in the participating Member States.

Without prejudice to Article 15, these banknotes denominated in euro shall be the only banknotes which have the status of legal tender in participating Member States.

Article 11

With effect from the respective cash changeover date, the participating Member States shall issue coins denominated in euro or in cent and complying with the denominations and technical specifications which the Council may lay down in accordance with the second sentence of Article 106(2) of the Treaty. Without prejudice to Article 15 and to the provisions of any agreement under Article 111(3) of the Treaty concerning monetary matters, those coins shall be the only coins which have the status of legal tender in participating Member States. Except for the issuing authority and for those persons specifically designated by the national legislation of the issuing Member State, no party shall be obliged to accept more than 50 coins in any single payment.;

7. Articles 13 and 14 shall be replaced by the following:

'Article 13

Articles 10, 11, 14, 15 and 16 shall apply with effect from the respective cash changeover date in each participating Member State.

Article 14

Where, in legal instruments existing on the day before the cash changeover date, reference is made to the national currency units, these references shall be read as references to the euro unit according to the respective conversion rates. The rounding rules laid down in Regulation (EC) No 1103/97 shall apply.;

8. Article 15 shall be amended as follows:

(a) in paragraphs 1 and 2, the words 'after the end of the transitional period' shall be replaced by the words 'from the respective cash changeover date.;

(b) the following paragraph shall be added:

'3. During the period referred to in paragraph 1, credit institutions in participating Member States adopting the euro after 1 January 2002 shall exchange their customers' banknotes and coins denominated in the national currency unit of that Member State for banknotes and coins in euro, free of charge, up to a ceiling which may be set by national law. Credit institutions may require that notice be given if the amount to be exchanged exceeds a ceiling set by national law or, in the absence of such provisions, by themselves and corresponding to a household amount.

The credit institutions referred to in the first subparagraph shall exchange banknotes and coins denominated in the national currency unit of that Member State of persons other than their customers, free of charge up to a ceiling set by national law or, in the absence of such provisions, by themselves.

National law may limit the obligation under the preceding two subparagraphs to specific types of credit institutions. National law may also extend this obligation upon other persons.;

9. the text appearing in the Annex to this Regulation shall be added as an Annex.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community, subject to Protocols 25 and 26 to, and Article 122(1) of, the Treaty.

Done at Brussels, 21 December 2005.

For the Council

The President

B. BRADSHAW

ANNEX

'ANNEX

Member State	Euro adoption date	Cash changeover date	Member State with a "phasing-out" period
Belgium	1 January 1999	1 January 2002	n/a
Germany	1 January 1999	1 January 2002	n/a
Greece	1 January 2001	1 January 2002	n/a
Spain	1 January 1999	1 January 2002	n/a
France	1 January 1999	1 January 2002	n/a
Ireland	1 January 1999	1 January 2002	n/a
Italy	1 January 1999	1 January 2002	n/a
Luxembourg	1 January 1999	1 January 2002	n/a
Netherlands	1 January 1999	1 January 2002	n/a
Austria	1 January 1999	1 January 2002	n/a
Portugal	1 January 1999	1 January 2002	n/a
Finland	1 January 1999	1 January 2002	n/a'

COMMISSION REGULATION (EC) No 2170/2005**of 28 December 2005****fixing the import duties applicable to semi-milled or wholly milled rice from 1 September 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1549/2004 of 30 August 2004 derogating from Council Regulation (EC) No 1785/2003 as regards the import arrangements for importing rice and laying down separate transition rules for imports of basmati rice ⁽¹⁾, and in particular Article 1b,

Whereas:

- (1) Based on the information provided by the competent authorities, the Commission notes that import licences for semi-milled and wholly milled rice falling within CN code 1006 30 have been issued in respect of 193 841 tonnes for 1 September 2004 to 31 August 2005. The import duty for semi-milled or wholly milled rice falling within CN code 1006 30 must therefore be amended.
- (2) As the applicable duty must be fixed no later than three days from the end of the period referred to above, this Regulation must enter into force immediately.

- (3) This amendment must take effect on 1 September 2005 in order to take account of the application on that date of Regulation (EC) No 2152/2005. Because this duty is being fixed retroactively, provision must be made to repay the traders concerned any overpayments of duty, at their request,

HAS ADOPTED THIS REGULATION:

Article 1

The import duty for semi-milled or wholly milled rice falling with CN code shall be EUR 145 per tonne.

Article 2

The amounts of duty exceeding the amount legally due booked since 1 September 2005 shall be repaid or remitted.

To this end, the traders concerned are invited to lodge applications in accordance with Article 236 of Council Regulation (EEC) No 2913/92 ⁽²⁾ and the relevant implementing provisions contained in Commission Regulation (EEC) No 2454/93 ⁽³⁾.*Article 3*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 September 2005.

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

Done at Brussels, 28 December 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 280, 31.8.2004, p. 13. Regulation as last amended by Regulation (EC) No 2152/2005 (OJ L 342, 24.12.2005, p. 30).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Commission (OJ L 117, 4.5.2005, p. 13).

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

COMMISSION REGULATION (EC) No 2171/2005
of 23 December 2005
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the twentieth 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, 23 December 2005.

For the Commission
László KOVÁCS
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1719/2005 (OJ L 286, 28.10.2005, p. 1).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>1. A colour monitor of the liquid crystal device (LCD) type with a diagonal measurement of the screen of 38,1 cm (15") and overall dimensions of 34,5 (W) × 35,3 (H) × 16,5 (D) cm (aspect ratio 5:4) with:</p> <ul style="list-style-type: none"> — a maximum resolution of 1 024 × 768 pixels at 75 Hz, — a pixel size of 0,279 mm. <p>The product has a mini D-sub 15 pin interface only.</p> <p>It is designed for working only in conjunction with a product classifiable under heading 8471.</p>	8471 60 80	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 5(B) to Chapter 84 and by the wording of CN codes 8471, 8471 60 and 8471 60 80.</p> <p>The product is not classifiable under heading 8531 because its function is not to provide visual indication for signalling purposes (see the HS Explanatory Notes to heading 8531, point D).</p> <p>The intended use of the monitor is that of accepting signals from the central processing unit of an automatic data-processing system.</p> <p>The product is also capable of reproducing both video and sound signals. Nevertheless, in view of its size and its limited capability of receiving signals from a source other than an automatic data-processing machine via a card without video processing features, it is considered to be of a kind solely or principally used in an automatic data-processing system.</p>
<p>2. A colour monitor of the liquid crystal device (LCD) type with a diagonal measurement of the screen of 50,8 cm (20") with overall dimensions of 47,1 (W) × 40,4 (H) × 17,4 (D) cm (aspect ratio 16:10) with:</p> <ul style="list-style-type: none"> — a screen pixel density of 100 dpi, — a pixel size of 0,25 mm, — a maximum resolution of 1 680 × 1 050 pixels, — a fixed band width of 120 MHz. <p>The product is designed for use in the development of sophisticated graphics (CAD/CAM systems) and video film editing and production.</p> <p>The product is equipped with a DVI interface enabling the product to display signals received from an automatic data-processing machine via a graphic card capable of processing video signals (for example for purposes of video film editing and production).</p> <p>The product can also display texts, spread sheets, presentations and the like.</p>	8528 21 90	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 5(B) and 5(E) to Chapter 84 and by the wording of CN codes 8528, 8528 21 and 8528 21 90.</p> <p>Classification under subheading 8471 60 is excluded as the monitor is not of a kind solely or principally used in an automatic data-processing system (see Note 5 (B) to Chapter 84).</p> <p>The product is not classifiable under heading 8531 because its function is not to provide visual indication for signalling purposes (see the HS Explanatory Notes to heading 8531, point D).</p> <p>The intended use of the product is that of displaying video signals for development of graphics or video film editing and production in a CAD/CAM system or a video editing system (see Note 5 (E) to Chapter 84).</p>
<p>3. A colour monitor of the liquid crystal device (LCD) type with a diagonal measurement of the screen of 54 cm (21") and overall dimensions of 46,7 (W) × 39,1 (H) × 20 (D) cm (aspect ratio 4:3) with:</p> <ul style="list-style-type: none"> — a maximum resolution of 1 600 × 1 200 pixels at 60 Hz, — a pixel size of 0,27 mm. <p>The product has the following interfaces:</p> <ul style="list-style-type: none"> — mini D-sub 15 pin, — DVI-D, — DVI-I, — audio in and out. <p>The product can display signals received from various sources such as a closed circuit television system, a DVD player, a camcorder or an automatic data-processing machine.</p>	8528 21 90	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 5 to Chapter 84 and by the wording of CN codes 8528, 8528 21 and 8528 21 90.</p> <p>Classification under subheading 8471 60 is excluded as the monitor is not of a kind solely or principally used in an automatic data-processing system (see Note 5 to Chapter 84), but is capable of displaying signals from various sources.</p> <p>The product is not classifiable under heading 8531 because its function is not to provide visual indication for signalling purposes (see the HS Explanatory Notes to heading 8531, point D).</p>

(1)	(2)	(3)
<p>4. A colour monitor of the liquid crystal device (LCD) type with a diagonal measurement of the screen of 76 cm (30") and overall dimensions of 71 (W) × 45 (H) × 11 (D) cm (aspect ratio 15:9) with:</p> <ul style="list-style-type: none"> — a maximum resolution of 1 024 × 768 pixels, — a pixel size of 0,50 mm. <p>The product has the following interfaces:</p> <ul style="list-style-type: none"> — 15-pin mini DIN, — BNC, — 4-pin mini DIN, — RS 232 C, — DVI-D, — Stereo and PC audio. <p>The product can display signals received from various sources such as a closed circuit television system, a DVD player, a camcorder or an automatic data-processing machine.</p>	8528 21 90	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 5 to Chapter 84 and by the wording of CN codes 8528, 8528 21 and 8528 21 90.</p> <p>Classification under subheading 8471 60 is excluded as the monitor is not of a kind solely or principally used in an automatic data-processing system (see Note 5 to Chapter 84), but is capable of displaying signals from various sources.</p> <p>The product is not classifiable under heading 8531 because its function is not to provide visual indication for signalling purposes (see the HS Explanatory Notes to heading 8531, point D).</p>

COMMISSION REGULATION (EC) No 2172/2005
of 23 December 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 the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular the first subparagraph of Article 32(1) thereof,

Whereas:

- (1) Following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union, the European Community and the Swiss Confederation agreed to proceed with the adaptation of tariff concessions within the framework of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products ⁽²⁾ (hereinafter referred to as the Agreement). The adaptation of these tariff concessions, by Decision No 3/2005 of the Joint Committee on Agriculture ⁽³⁾ amending Annexes 1 and 2 of the Agreement, provides for the opening of a duty-free Community tariff quota for the import of 4 600 live bovine animals weighing more than 160 kg and originating in Switzerland. Detailed rules should be adopted for the opening and administration of this tariff quota on a multi-annual basis.
- (2) For the allocation of the tariff quota and given the products concerned it is appropriate to apply the method of simultaneous examination referred to in the second indent of Article 32(2) of Regulation (EC) No 1254/1999.
- (3) To be eligible for the benefit of this tariff quota, live animals should originate in Switzerland in conformity with the rules referred to in Article 4 of the Agreement.
- (4) With a view to preventing speculation, the quantities available within the quota should be made accessible to operators able to show that they are genuinely engaged in trade of a significant scale with third countries. In consideration of this and in order to ensure efficient management, the traders concerned should be required

to have imported a minimum of 50 animals during the year previous to the annual quota period in question, as given that a consignment of 50 animals may be considered to be a normal load. Experience has shown that the purchase of a single consignment is a minimum requirement for a transaction to be considered real and viable.

- (5) If such criteria are to be checked, applications should be presented in the Member State where the importer is entered in a VAT register.
- (6) Also in order to prevent speculation, importers no longer involved in trade in live bovine animals at 1 January previous to the beginning of the annual quota period in question should be denied access to the quota. Moreover, a security should be fixed for import rights, licences should not be transferable and import licences should be issued to traders solely for the quantities for which they have been allocated import rights.
- (7) To provide a more equal access to the quota while ensuring a commercially viable number of animals per application, maximum and minimum limits should be fixed for the number of animals covered in each application.
- (8) It should be established that import rights are to be allocated after a reflection period and where necessary with a fixed allocation coefficient applied.
- (9) Pursuant to Article 29(1) of Regulation (EC) No 1254/1999, the arrangements have to be managed using import licences. To this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary in addition to or by way of derogation from certain provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁴⁾ and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁵⁾.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 114, 30.4.2002, p. 132.

⁽³⁾ OJ L 346, 29.12.2005, p. 33.

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1856/2005 (OJ L 297, 15.11.2005, p. 7).

⁽⁵⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

- (10) To oblige operators to apply for import licences for all import rights allocated, it should be established that the application should constitute, with regard to the import rights security, a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽¹⁾.
- (11) Experience shows that a proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.
- (12) With a view to ensuring a strict statistical control of the animals imported under the quota, the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 should not apply.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. A duty-free Community tariff quota is hereby opened on a multi-annual basis for periods from 1 January to 31 December for the import of 4 600 live bovine animals originating in Switzerland weighing more than 160 kg, falling within CN codes 0102 90 41, 0102 90 49, 0102 90 51, 0102 90 59, 0102 90 61, 0102 90 69, 0102 90 71 or 0102 90 79.

This tariff quota shall have the order number 09.4203.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those provided for in Article 4 of the Agreement.

Article 2

1. To be eligible under the quota provided for in Article 1, applicants must be natural or legal persons and must prove to the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications, that they have imported at least 50 animals covered by CN codes 0102 10 and 0102 90 during the 12 months previous to the deadline for applications referred to in Article 3(3).

Applicants must be listed in a national VAT register.

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

2. Proof of import shall be furnished exclusively by means of the customs document of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned.

Member States may accept copies of the documents referred to in the first subparagraph, duly certified by the competent authority. Where such copies are accepted, notification hereof shall be made in the communication from Member States referred to in Article 3(5) in respect of each applicant concerned.

3. Operators who at 1 January previous to the annual quota period in question have ceased their activities in trade with third countries in the beef and veal sector shall not qualify for any allocation.

4. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in paragraph 1 may use those reference imports as a basis for its application.

Article 3

1. Applications for import rights may be presented only in the Member State in which the applicant is registered for VAT purposes.

2. Applications for import rights must cover at least 50 animals and may not cover more than 5 % of the quantity available.

Where applications exceed the percentage referred to in the first subparagraph, the excess shall be disregarded.

3. Applications for import rights shall be lodged at the latest before 13:00, Brussels time, on 1 December preceding the annual quota period in question.

However, for the quota period from the date of entry into force of the present Regulation until 31 December 2006, applications for import rights shall be lodged at the latest before 13.00, Brussels time, on the 10th working day following the date of publication of this Regulation in the *Official Journal of the European Union*.

4. Applicants may lodge no more than one application in respect of the quota referred to in Article 1(1). Where the same applicant lodges more than one application, all applications from that applicant shall be inadmissible.

5. After verification of the documents presented, Member States shall forward to the Commission, by the 10th working day following the end of the period for the submission of applications at the latest, the list of applicants and their addresses as well as the quantities applied for.

All notifications, including 'nil' returns, shall be forwarded by fax or e-mail using the model form in Annex I in cases where applications have actually been submitted.

Article 4

1. Following the notification referred to in Article 3(5), the Commission shall decide as soon as possible to which extent the applications can be met.

2. If the quantities covered by applications as referred to in Article 3 exceed those available, the Commission shall fix a single allocation coefficient to be applied to the quantities applied for.

Where application of the allocation coefficient provided for in the first subparagraph gives a figure of less than 50 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights covering 50 head each. Where the remainder is less than 50 head, a single import right shall be awarded for that quantity.

Article 5

1. The security relating to the import rights shall be EUR 3 per head. It must be lodged with the competent authority together with the application for import rights.

2. Import licence applications must be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. Where application of the allocation coefficient referred to in Article 4(2) causes less import rights to be allocated than had been applied for, the security lodged shall be released proportionally without delay.

Article 6

1. The quantities awarded shall be imported subject to presentation of one or more import licences.

2. Licence applications may be lodged solely in the Member State where the applicant has applied and obtained import rights under the quota.

Each issuing of import licence shall result in a corresponding reduction of the import rights obtained.

3. Import licences shall be issued on application by and in the name of the operator who have obtained the import rights.

4. Licence applications and licences shall show the following:

(a) in box 8, the country of origin;

(b) in box 16, one or several of the following CN codes:

0102 90 41, 0102 90 49, 0102 90 51, 0102 90 59,
0102 90 61, 0102 90 69, 0102 90 71 or 0102 90 79;

(c) in box 20, the order number of the quota (09.4203) and at least one of the entries listed in Annex II.

Licences shall carry with them an obligation to import from the country indicated in box 8.

Article 7

1. By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall confer rights under the tariff quotas only if made out in the same name and address as the one entered as consignee in the customs declaration of release for free circulation accompanying them.

2. No import licences shall be valid after 31 December of the annual quota period in question.

3. The grant of the import licence shall be conditional on the lodging of a security of EUR 20 per head which shall be composed of:

(a) the security of EUR 3 referred to in Article 5(1); and

(b) an amount of EUR 17 which the applicant shall lodge together with the licence application.

4. Licences issued shall be valid throughout the Community.

5. Pursuant to Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of acceptance of the customs declaration for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

6. Notwithstanding the provisions of Section 4 of Title III of Regulation (EC) No 1291/2000, the security shall not be released until proof has been produced that the titular holder of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned. Such proof shall at least consist of:

(a) the original commercial invoice or authenticated copy made out in the name of the titular holder by the seller or his representative, both established in the third country of export, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller;

(b) the transport document, drawn up in the name of the titular holder, for the animals concerned;

(c) proof that the goods have been declared for release for free circulation with the indication of the name and address of the titular holder as consignee.

Article 8

Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, subject to this Regulation.

Article 9

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

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

Done at Brussels, 23 December 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Fax: (32-2) 292 17 34

E-mail: AGRI-IMP-BOVINE@cec.eu.int

Application of Regulation (EC) No 2172/2005

Order No: 09.4203

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — IMPLEMENTATION OF MARKET MEASURES

APPLICATION FOR IMPORT RIGHTS

Date: Quota period:

Member State:

Number of applicant ⁽¹⁾ ⁽²⁾	Applicant (name and address)	Quantity (Heads)
	Total	

Member State: Fax:

Tel:

E-mail:

⁽¹⁾ Continuous numbering.⁽²⁾ Indicate with an asterisk where application is made in accordance with the second subparagraph of Article 2(2).

ANNEX II

Entries referred to in Article 6(4)(c)

- *In Spanish:* Reglamento (CE) n° 2172/2005
 - *In Czech:* Nařízení (ES) č. 2172/2005
 - *In Danish:* Forordning (EF) nr. 2172/2005
 - *In German:* Verordnung (EG) Nr. 2172/2005
 - *In Estonian:* Määrus (EÜ) nr 2172/2005
 - *In Greek:* Κανονισμός (ΕΚ) αριθ. 2172/2005
 - *In English:* Regulation (EC) No 2172/2005
 - *In French:* Règlement (CE) n° 2172/2005
 - *In Italian:* Regolamento (CE) n. 2172/2005
 - *In Latvian:* Regula (EK) Nr. 2172/2005
 - *In Lithuanian:* Reglamentas (EB) Nr. 2172/2005
 - *In Hungarian:* 2172/2005/EK rendelet
 - *In Maltese:* Regolament (KE) Nru 2172/2005
 - *In Dutch:* Verordening (EG) nr. 2172/2005
 - *In Polish:* Rozporządzenie (WE) nr 2172/2005
 - *In Portuguese:* Regulamento (CE) n.º 2172/2005
 - *In Slovakian:* Nariadenie (ES) č. 2172/2005
 - *In Slovenian:* Uredba (ES) št. 2172/2005
 - *In Finnish:* Asetus (EY) N:o 2172/2005
 - *In Swedish:* Förordning (EG) nr 2172/2005
-

COUNCIL DIRECTIVE 2005/93/EC**of 21 December 2005****amending Directive 69/169/EEC as regards the temporary quantitative restriction on beer imports into Finland**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

(1) Articles 4 and 5 of Council Directive 69/169/EEC of 28 May 1969 on the harmonisation of provisions laid down by law, regulation or administrative action relating to exemption from turnover tax and excise duty on imports in international travel ⁽³⁾ provide for allowances in respect of excisable goods contained in the luggage of travellers coming from third countries on condition that such imports have no commercial character.

(2) Directive 69/169/EEC allows Finland until 31 December 2005 to restrict the import of beer by individuals to not less than 6 litres per person due to serious economic difficulties of Finnish retail traders in the border region as well as a considerable loss of revenue caused by the increased import of beer from third countries. Finland has applied the allowance only to a limited extent and restricted the import of beer to a maximum 16 litres per person.

(3) The accession of new Member States has provided new opportunities for people travelling from one of the Member States, especially from Estonia, who wish to bring beer into Finland. Finland reacted to this situation by reducing tax rates on alcoholic beverages across the board by, on average, 33 %, which is by far the most significant change for 40 years.

(4) The reduction in alcohol tax rates has led not only to significant losses of excise duty revenue but also to increased problems in relation to alcohol policy and to social and health policy. Furthermore, problems in public order and an increase in alcohol-related crime have arisen.

(5) Finland has requested a derogation from Article 4(1) of Directive 69/169/EEC to apply a maximum limit for beer imports by travellers from third countries of not less than 16 litres per person.

(6) Account should be taken of the geographical situation of Finland, the economic difficulties of the Finnish retail traders located in the border regions and the considerable loss of revenue caused by the increased imports of beer from third countries.

(7) For those reasons and in the light of the current reflections on a general revision of the values and quantities of goods set out in Directive 69/169/EEC, it is appropriate to authorise Finland to apply the requested derogation for a further period until 31 December 2007,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 5(9) of Directive 69/169/EEC shall be replaced by the following:

'9. By way of derogation from Article 4(1), Finland shall be authorised, until 31 December 2007, to apply a maximum quantitative limit of not less than 16 litres for the importation of beer from third countries.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2005. They shall forthwith communicate to the Commission the text of such laws, regulations or administrative provisions, together with a table showing the correlation between them and this Directive.

⁽¹⁾ Opinion delivered on 13 December 2005 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 14 December 2005 (not yet published in the Official Journal).

⁽³⁾ OJ L 133, 4.6.1969, p. 6. Directive as last amended by Directive 2000/47/EC (OJ L 193, 29.7.2000, p. 73).

When they are adopted by Member States, those measures shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 21 December 2005.

For the Council
The President
B. BRADSHAW

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 December 2005

amending Decision 2001/264/EC adopting the Council's security regulations

(2005/952/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207(3) thereof,

Having regard to Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure ⁽¹⁾, and in particular Article 24 thereof,

Whereas:

(1) Article 2(1) of Decision 2001/264/EC ⁽²⁾ states that the Secretary-General/High Representative is to take appropriate measures to ensure that, when handling EU classified information, the Council's security regulations are respected within the General Secretariat of the Council (GSC), and, *inter alia*, by GSC external contractors.

(2) Article 2(2) of Decision 2001/264/EC states that Member States are to take appropriate measures, in accordance with national arrangements, to ensure that, when EU classified information is handled, the Council's security regulations are respected within their services and premises, *inter alia*, by Member States' external contractors.

(3) Decision 2001/264/EC does not at present include elements on how its basic principles and minimum standards should apply where the GSC entrusts to external entities, by contract, tasks involving, entailing and/or containing EU classified information.

(4) It is therefore necessary to insert specific common minimum standards in that regard in Decision 2001/264/EC.

(5) These common minimum standards should also be complied with by Member States, for measures to be taken, in accordance with national arrangements, where they entrust by contract tasks involving, entailing and/or containing EU classified information to external entities referred to in Article 2(2) of Decision 2001/264/EC.

(6) These common minimum standards should apply without prejudice to relevant acts, in particular Directive 2004/18/EC ⁽³⁾, Regulation (EC, Euratom) No 1605/2002 ⁽⁴⁾ and its implementing rules and the WTO Agreement on Government Procurement (GPA),

HAS DECIDED AS FOLLOWS:

Article 1

The following sentence shall be added to Part I(8) of the Annex to Decision 2001/264/EC:

'Such minimum standards shall also include minimum standards to be applied when the GSC entrusts by contract tasks involving, entailing and/or containing EU classified information to industrial or other entities: these common minimum standards are contained in Section XIII of Part II.'

⁽¹⁾ 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).

⁽²⁾ OJ L 101, 11.4.2001, p. 1. Decision as last amended by Decision 2005/571/EC (OJ L 193, 23.7.2005, p. 31).

⁽³⁾ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114).

⁽⁴⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1).

Article 2

The text appearing in the Annex to this Decision shall be added as Section XIII of Part II of the Annex to Decision 2001/264/EC.

Article 3

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

Done at Brussels, 20 December 2005.

For the Council
The President
M. BECKETT

ANNEX

‘SECTION XIII

COMMON MINIMUM STANDARDS ON INDUSTRIAL SECURITY

1. This Section deals with security aspects of industrial activities that are unique to negotiating and awarding contracts entrusting tasks involving, entailing and/or containing EU classified information and to their performance by industrial or other entities, including the release of, or access to, EU classified information during the public procurement procedure (bidding period and pre-contract negotiations).

DEFINITIONS

2. For the purposes of these common minimum standards, the following definitions shall apply:
 - (a) “Classified contract”: any contract to supply products, execute works or provide services, the performance of which requires or involves access to or generation of EU classified information;
 - (b) “Classified subcontract”: a contract entered into by a contractor with another contractor (i.e. the subcontractor) for the supply of goods, execution of works or provision of services, the performance of which requires or involves access to or generation of EU classified information;
 - (c) “Contractor”: an individual or legal entity possessing the legal capability to undertake contracts;
 - (d) “Designated Security Authority (DSA)”: an authority responsible to the National Security Authority (NSA) of an EU Member State which is responsible for communicating to industrial or other entities the national policy in all matters of industrial security and for providing direction and assistance in its implementation. The function of DSA may be carried out by the NSA;
 - (e) “Facility Security Clearance (FSC)”: an administrative determination by a NSA/DSA that, from the security viewpoint, a facility can afford adequate security protection to EU classified information of a specified security classification level and its personnel who require access to EU classified information have been appropriately security cleared and briefed on the relevant security requirements necessary to access and protect EU classified information;
 - (f) “Industrial or other entity”: an entity involved in supplying goods, executing works or providing services; this may involve industrial, commercial, service, scientific, research, educational or development entities;
 - (g) “Industrial security”: the application of protective measures and procedures to prevent, detect and recover from the loss or compromise of EU classified information handled by a contractor or subcontractor in pre-contract negotiations and contracts;
 - (h) “National Security Authority (NSA)”: the Government Authority of an EU Member State with ultimate responsibility for the protection of EU classified information;
 - (i) “Overall level of the security classification of a contract”: determination of the security classification of the whole contract, based on the classification of information and/or material that is to be, or may be, generated, released or accessed under any element of the overall contract. The overall level of security classification of a contract may not be lower than the highest classification of any of its elements, but may be higher because of the aggregation effect;
 - (j) “Security Aspects Letter (SAL)”: a set of special contractual conditions, issued by the contracting authority, which forms an integral part of a classified contract involving access to or generation of EU classified information, that identifies the security requirements or those elements of the contract requiring security protection;
 - (k) “Security Classification Guide (SCG)”: a document which describes the elements of a programme or contract which are classified, specifying the applicable security classification levels. The SCG may be expanded throughout the life of the programme or contract and the elements of information may be re-classified or downgraded. The SCG must be part of the SAL.

ORGANISATION

3. The General Secretariat of the Council (GSC) may entrust by contract tasks involving, entailing and/or containing EU classified information to industrial or other entities registered in a Member State.
4. The GSC shall ensure that all requirements deriving from these minimum standards are complied with when awarding classified contracts.
5. Each Member State shall ensure that its NSA has appropriate structures to apply these minimum standards on industrial security. These may include one or more DSA.
6. The ultimate responsibility for protecting EU classified information within industrial or other entities rests with their management.
7. Whenever a contract or a subcontract falling within the scope of these minimum standards is awarded, the GSC and/or the NSA/DSA, as appropriate, will promptly notify the NSA/DSA of the Member State in which the contractor or subcontractor is registered.

CLASSIFIED CONTRACTS

8. The security classification of classified contracts must take account of the following principles:
 - (a) the GSC determines, as appropriate, the aspects of the contract which require protection and the consequent security classification; in doing so, it must take into account the original security classification assigned by the originator to information generated before awarding the contract;
 - (b) the overall level of classification of the contract may not be lower than the highest classification of any of its elements;
 - (c) EU classified information generated under contractual activities is classified in accordance with the SCG;
 - (d) when appropriate, the GSC is responsible for changing the overall level of classification of the contract, or security classification of any of its elements, in consultation with the originator, and for informing all interested parties;
 - (e) classified information released to the contractor or subcontractor or generated under contractual activity must not be used for purposes other than those defined by the classified contract and must not be disclosed to third parties without the prior written consent of the originator.
9. The NSAs/DSAs of the Member States are responsible for ensuring that contractors and subcontractors awarded classified contracts which involve information classified CONFIDENTIEL UE or SECRET UE take all appropriate measures for safeguarding such EU classified information released to or generated by them in the performance of the classified contract in accordance with national laws and regulations. Non-compliance with the security requirements may result in termination of the contract.
10. All industrial or other entities participating in classified contracts which involve access to information classified CONFIDENTIEL UE or SECRET UE must hold a national FSC. The FSC is granted by the NSA/DSA of a Member State to confirm that a facility can afford and guarantee adequate security protection to EU classified information to the appropriate classification level.
11. The NSA/DSA is responsible for granting, in accordance with its national regulations, a Personnel Security Clearance (PSC) to all persons employed in industrial or other entities registered in that Member State whose duties require access to EU information classified CONFIDENTIEL UE or SECRET UE subject to a classified contract.

12. Classified contracts must include the SAL as defined in point 2(j). The SAL must contain the SCG.
13. Before initiating the negotiation of a classified contract the GSC will contact the NSA/DSA of the Member States in which the industrial or other entities concerned are registered in order to obtain confirmation that they hold a valid FSC appropriate to the level of security classification of the contract.
14. The contracting authority must not place a classified contract with a preferred bidder before having received the valid FSC certificate.
15. Unless required by Member States national laws and regulations, an FSC is not required for contracts involving information classified RESTREINT UE.
16. In the case of bids in respect of classified contracts, invitations must contain a provision requiring that a bidder which fails to submit a bid or which is not selected be required to return all documents within a specified period of time.
17. It may be necessary for a contractor to negotiate classified subcontracts with subcontractors at various levels. The contractor is responsible for ensuring that all subcontracting activities are undertaken in accordance with the common minimum standards contained in this Section. However, the contractor must not transmit EU classified information or material to a subcontractor without the prior written consent of the originator.
18. The conditions under which the contractor may subcontract must be defined in the tender and in the contract. No subcontract may be awarded to entities registered in a non-EU Member State without the express written authorisation of the GSC.
19. Throughout the life of the contract, compliance with all its security provisions will be monitored by the relevant NSA/DSA in coordination with the GSC. Notification of security incidents shall be reported, in accordance with the provisions laid down in Part II, Section X of these Security Regulations. Change or withdrawal of an FSC shall immediately be communicated to the GSC and to any other NSA/DSA to which it has been notified.
20. When a classified contract or a classified subcontract is terminated, the GSC and/or the NSA/DSA, as appropriate, will promptly notify the NSA/DSA of the Member States in which the contractor or subcontractor is registered.
21. The common minimum standards contained in this Section shall continue to be complied with, and the confidentiality of classified information shall be maintained by the contractors and subcontractors, after termination or conclusion of the classified contract or subcontract.
22. Specific provisions for the disposal of classified information at the end of the contract will be laid down in the SAL or in other relevant provisions identifying security requirements.

VISITS

23. Visits by personnel of the GSC to industrial or other entities in the Member States performing EU classified contracts must be arranged with the relevant NSA/DSA. Visits by employees of industrial or other entities within the framework of EU classified contract must be arranged between the NSAs/DSAs concerned. However, the NSAs/DSAs involved in a EU classified contract may agree on a procedure whereby the visits by employees of industrial or other entities can be arranged directly.

TRANSMISSION AND TRANSPORTATION OF EU CLASSIFIED INFORMATION

24. With regard to the transmission of EU classified information, the provisions of Part II, Section VII, Chapter II, and where relevant of Section XI, of these Security Regulations shall apply. In order to supplement such provisions, any existing procedures in force among Member States will apply.

25. The international transportation of EU classified material relating to classified contracts are carried out in accordance with Member States national procedures. The following principles will be applied when examining security arrangements for international transportation:
- (a) security is assured at all stages during the transportation and under all circumstances, from the point of origin to the ultimate destination;
 - (b) the degree of protection accorded to a consignment is determined by the highest classification level of material contained within it;
 - (c) an FSC is obtained, where appropriate, for companies providing transportation. In such cases, personnel handling the consignment shall be cleared in compliance with the common minimum standards contained in this Section;
 - (d) journeys are point to point to the extent possible, and are completed as quickly as circumstances permit;
 - (e) whenever possible, routes should be only through EU Member States. Routes through non-EU Member States should only be undertaken when authorised by the NSA/DSA of the States of both the consignor and the consignee;
 - (f) prior to any movement of EU classified material, a Transportation Plan is made up by the consignor and approved by the NSAs/DSAs concerned.'
-

COUNCIL DECISION

of 20 December 2005

on the conclusion of an agreement in the form of an Exchange of Letters between the European Community and Thailand pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to GATT 1994

(2005/953/EC)

THE COUNCIL OF THE EUROPEAN UNION,

milled rice (CN code 1006 30) was fixed by Decision 2004/619/EC ⁽³⁾. The agreement with the United States was approved by Decision 2005/476/EC ⁽⁴⁾.

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

(5) The Commission has now successfully negotiated an agreement in the form of an Exchange of Letters between the Community and Thailand which should therefore be approved.

Having regard to the proposal from the Commission,

(6) In order to ensure that the agreement may be fully applied as from 1 September 2005 and pending the amendment of Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽⁵⁾, the Commission should be authorised to adopt temporary derogations from that Regulation and to adopt the necessary implementing measures.

Whereas:

(1) On 26 June 2003, the Council authorised the Commission to open negotiations under Article XXVIII of the GATT 1994 with a view to modifying certain concessions for rice. Accordingly, the European Community notified the WTO on 2 July 2003 of its intention to modify certain concessions in EC Schedule CXL.

(7) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁶⁾,

(2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.

HAS DECIDED AS FOLLOWS:

Article 1

The agreement in the form of an Exchange of Letters between the European Community and Thailand pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to GATT 1994 is hereby approved on behalf of the Community.

The text of the agreement is attached to this Decision.

Article 2

1. To the extent necessary to permit the full application of the agreement as from 1 September 2005, the Commission may derogate from Regulation (EC) No 1785/2003, in accordance with the procedure referred to in Article 3(2) of this Decision, until that Regulation is amended and, in any event, no later than 30 June 2006.

(3) The Commission has negotiated with the United States of America, having a principal supplying interest in products of HS code 1006 20 (husked rice) and substantial supplier interest in products of HS code 1006 30 (milled rice), Thailand, having a principal supplying interest in products of HS code 1006 30 (milled rice) and substantial supplier interest in products of HS code 1006 20 (husked rice) and India and Pakistan, each having a substantial supplier interest in products of HS code 1006 20 (husked rice).

(4) The agreements with India and with Pakistan have been approved on behalf of the Community by Decisions 2004/617/EC ⁽¹⁾ and 2004/618/EC ⁽²⁾ respectively. A new tariff rate for husked rice (CN code 1006 20) and

⁽¹⁾ OJ L 279, 28.8.2004, p. 17.

⁽²⁾ OJ L 279, 28.8.2004, p. 23.

⁽³⁾ OJ L 279, 28.8.2004, p. 29.

⁽⁴⁾ OJ L 170, 1.7.2005, p. 67.

⁽⁵⁾ OJ L 270, 21.10.2003, p. 96.

⁽⁶⁾ OJ L 184, 17.7.1999, p. 23.

2. The Commission shall adopt the detailed rules for implementing the agreement in accordance with the procedure laid down in Article 3(2) of this Decision.

Article 3

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 25 of Regulation (EC) No 1784/2003 ⁽¹⁾.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be one month.

3. The Committee shall adopt its rules of procedure.

Article 4

The President of the Council is hereby authorised to designate the person(s) empowered to sign the agreement in order to bind the Community ⁽²⁾.

Done at Brussels, 20 December 2005.

For the Council
The President
M. BECKETT

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ The date of entry into force of the agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**between the European Community and Thailand pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to GATT 1994**

A. *Letter from the European Community*

Brussels, 20 December 2005.

Sir,

Following negotiations between the European Community (EC) and the Kingdom of Thailand (Thailand) under Article XXVIII of GATT 1994 for the modification of concessions with respect to rice provided for in the EC Schedule CXL annexed to the General Agreement on Tariffs and Trade 1994 (GATT 1994), the EC agrees to the conclusions as outlined below.

1. The bound rates of duty for husked rice (HS subheading 1006 20), for semi-milled and milled rice (HS subheading 1006 30) and for broken rice (HS subheading 1006 40) shall be respectively EUR 65/t, EUR 175/t and EUR 128/t.
2. The EC shall apply a rate of duty for semi-milled and milled rice (HS subheading 1006 30) in accordance with paragraphs 3 to 6.
3. The Annual Reference Import Level shall be calculated as the average volume of total semi-milled and milled rice imports entering the EC-25 from all origins in the marketing years (from 1 September to 31 August) 2001/02 to 2003/04 plus 10 % (i.e. 337 168 tonnes).
4. Six-Month Reference Import Level: in each marketing year, a six-month reference import level shall be calculated as 47 % of the annual reference import level calculated in paragraph 3 (i.e. 158 469 tonnes).
5. Mid-Year Adjustment to Applied Tariff Rate: within 10 days after the end of the first six months of each marketing year, the EC shall review and, if necessary, adjust the applied tariff rate as follows:
 - (a) if actual semi-milled and milled rice imports for the just-completed six-month period are more than 15 % above the six-month reference import level for that period, as calculated under paragraph 4 above (i.e. more than 182 239 tonnes), the EC shall apply a tariff rate of EUR 175/t;
 - (b) if actual semi-milled and milled rice imports for the just-completed six-month period are less than or equal to the six-month reference import level for that period, as calculated under paragraph 4 above, increased by 15 % (i.e. less than or equal to 182 239 tonnes), the EC shall apply a tariff rate of EUR 145/t.

For purposes of (a) and (b) above, actual semi-milled and milled rice imports are all imports entering the EC-25 from all origins under the HS subheading 1006 30.

6. End-of-Year Adjustment to Applied Tariff Rate: within 10 days after the end of the marketing year, the EC shall review and, if necessary, adjust the applied tariff rate as follows:
 - (a) if actual semi-milled and milled rice imports for the just-completed marketing year are more than 15 % above the annual reference import level for that 12-month period, as calculated under paragraph 3 above (i.e. more than 387 743 tonnes), the EC shall apply a tariff rate of EUR 175/t;

- (b) if actual semi-milled and milled rice imports for the just-completed marketing year are less than or equal to the annual reference import level for that 12-month period, as calculated under paragraph 3 above, increased by 15 % (i.e. less than or equal to 387 743 tonnes), the EC shall apply a tariff rate of EUR 145/t.

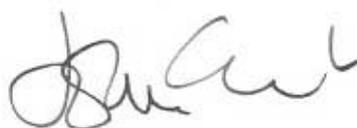
For purposes of (a) and (b) above, actual semi-milled and milled rice imports are all imports entering the EC-25 from all origins under the HS subheading 1006 30.

7. TRQ: the EC shall open a new annual TRQ of 13 500 tonnes of semi-milled and milled rice of which 4 313 tonnes shall be allocated to Thailand. The in-quota rate shall be zero.
8. Broken rice: for rice with HS subheading 1006 40, the EC shall apply an import duty of EUR 65/t.
9. The volume of the current TRQ of broken rice shall be increased to 100 000 tonnes. The in-quota duty shall be equal to the duty of paragraph 8 above less 30,77 %.
10. Data: the calculation of the annual and six-month actual import levels under paragraphs 5 and 6 shall be determined using EC rice imports license data. The EC shall publish these data on the Internet on a weekly basis.
11. Transparency: the EC shall promptly provide public notice of any adjustment in the applied tariff rate.
12. Consultation: at the request of either party, the parties shall, within 30 days of the receipt of such a request, enter into consultations on matters covered by this agreement.
13. The provisions of this agreement shall be applicable as from 1 September 2005.

I would be grateful if you could confirm the agreement of your Government to the above.

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

On behalf of the European Community

A handwritten signature in dark ink, appearing to be 'J. Durão', written in a cursive style.

B. Letter from Thailand

Bangkok, 21 December 2005.

Sir,

I have the honour to acknowledge receipt of your letter of today's date, worded as follows:

'Following negotiations between the European Community (EC) and the Kingdom of Thailand (Thailand) under Article XXVIII of GATT 1994 for the modification of concessions with respect to rice provided for in the EC Schedule CXL annexed to the General Agreement on Tariffs and Trade 1994 (GATT 1994), the EC agrees to the conclusions as outlined below.

1. The bound rates of duty for husked rice (HS subheading 1006 20), for semi-milled and milled rice (HS subheading 1006 30) and for broken rice (HS subheading 1006 40) shall be respectively EUR 65/t, EUR 175/t and EUR 128/t.
2. The EC shall apply a rate of duty for semi-milled and milled rice (HS subheading 1006 30) in accordance with paragraphs 3 to 6.
3. The Annual Reference Import Level shall be calculated as the average volume of total semi-milled and milled rice imports entering the EC-25 from all origins in the marketing years (from 1 September to 31 August) 2001/02 to 2003/04 plus 10 % (i.e. 337 168 tonnes).
4. Six-Month Reference Import Level: in each marketing year, a six-month reference import level shall be calculated as 47 % of the annual reference import level calculated in paragraph 3 (i.e. 158 469 tonnes).
5. Mid-Year Adjustment to Applied Tariff Rate: within 10 days after the end of the first six months of each marketing year, the EC shall review and, if necessary, adjust the applied tariff rate as follows:
 - (a) if actual semi-milled and milled rice imports for the just-completed six-month period are more than 15 % above the six-month reference import level for that period, as calculated under paragraph 4 above (i.e. more than 182 239 tonnes), the EC shall apply a tariff rate of EUR 175/t;
 - (b) if actual semi-milled and milled rice imports for the just-completed six-month period are less than or equal to the six-month reference import level for that period, as calculated under paragraph 4 above, increased by 15 % (i.e. less than or equal to 182 239 tonnes), the EC shall apply a tariff rate of EUR 145/t.

For purposes of (a) and (b) above, actual semi-milled and milled rice imports are all imports entering the EC-25 from all origins under the HS subheading 1006 30.

6. End-of-Year Adjustment to Applied Tariff Rate: within 10 days after the end of the marketing year, the EC shall review and, if necessary, adjust the applied tariff rate as follows:
 - (a) if actual semi-milled and milled rice imports for the just-completed marketing year are more than 15 % above the annual reference import level for that 12-month period, as calculated under paragraph 3 above (i.e. more than 387 743 tonnes), the EC shall apply a tariff rate of EUR 175/t;

- (b) if actual semi-milled and milled rice imports for the just-completed marketing year are less than or equal to the annual reference import level for that 12-month period, as calculated under paragraph 3 above, increased by 15 % (i.e. less than or equal to 387 743 tonnes), the EC shall apply a tariff rate of EUR 145/t.

For purposes of (a) and (b) above, actual semi-milled and milled rice imports are all imports entering the EC-25 from all origins under the HS subheading 1006 30.

7. TRQ: the EC shall open a new annual TRQ of 13 500 tonnes of semi-milled and milled rice of which 4 313 tonnes shall be allocated to Thailand. The in-quota rate shall be zero.
8. Broken rice: for rice with HS subheading 1006 40, the EC shall apply an import duty of EUR 65/t.
9. The volume of the current TRQ of broken rice shall be increased to 100 000 tonnes. The in-quota duty shall be equal to the duty of paragraph 8 above less 30,77 %.
10. Data: the calculation of the annual and six-month actual import levels under paragraphs 5 and 6 shall be determined using EC rice imports license data. The EC shall publish these data on the Internet on a weekly basis.
11. Transparency: the EC shall promptly provide public notice of any adjustment in the applied tariff rate.
12. Consultation: at the request of either party, the parties shall, within 30 days of the receipt of such a request, enter into consultations on matters covered by this agreement.
13. The provisions of this agreement shall be applicable as from 1 September 2005.

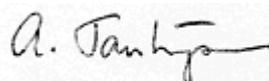
I would be grateful if you could confirm the agreement of your Government to the above.

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

Thailand has the honour of confirming its agreement with the content of this letter.

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

For the Kingdom of Thailand



Information concerning the entry into force of Council Decision 2005/953/EC on the conclusion of an agreement in the form of an exchange of letters between the European Community and Thailand pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to GATT 1994

This agreement entered into force on the date of the signature, 21 December 2005.

COUNCIL DECISION**of 21 December 2005****on an amendment to the Agreement Establishing the European Bank of Reconstruction and Development (EBRD), enabling the Bank to finance operations in Mongolia**

(2005/954/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 181a thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) Although a member of the EBRD since 2000, Mongolia is not currently a country in which the Bank is authorised to carry out operations on its own resources.
- (2) In response to the request of the Prime Minister of Mongolia, the Board of Directors of the EBRD has expressed unanimous support to admit Mongolia as a country of operations of the Bank.
- (3) By Resolution adopted on 30 January 2004, the Board of Governors of the EBRD voted in favour of the necessary amendment to the Agreement Establishing the Bank, enabling it to finance operations in Mongolia. All the Governors of the Bank voted in favour of this amendment, including the Governor representing the European Community.
- (4) As the amendment concerns the purpose and functions of the Bank, it is necessary that it also be formally

accepted by all member countries and institutions, including by the European Community.

- (5) Acceptance by the European Community of this amendment is necessary to achieve the Community's objectives in the field of economic, financial and technical cooperation with third countries,

HAS DECIDED AS FOLLOWS:

Article 1

The amendment to the Agreement establishing the EBRD, necessary to enable the Bank to finance operations in Mongolia, is hereby approved on behalf of the Community.

The text of the amendment is attached to this Decision.

Article 2

The Governor of the EBRD representing the European Community shall communicate to the EBRD the Declaration of Acceptance of this amendment.

Done at Brussels, 21 December 2005.

*For the Council**The President*

B. BRADSHAW

⁽¹⁾ Opinion delivered on 15 November 2005 (not yet published in the Official Journal).

Amendment to the Agreement Establishing the European Bank for Reconstruction and Development

Article 1 of the Agreement shall be replaced by the following:

'Article 1

Purpose

In contributing to economic progress and reconstruction, the purpose of the Bank shall be to foster the transition towards open market-oriented economies and to promote private and entrepreneurial initiative in the Central and Eastern European countries committed to and applying the principles of multiparty democracy, pluralism and market economics. The purpose of the Bank may also be carried out in Mongolia subject to the same conditions. Accordingly, any reference in this Agreement and its annexes to "Central and Eastern European countries", "countries from Central and Eastern Europe", "recipient country (or countries)" or "recipient member country (or countries)" shall refer to Mongolia as well.

COMMISSION

DECISION No 3/2005 OF THE JOINT COMMITTEE ON AGRICULTURE SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS

of 19 December 2005

on the adaptation, following the enlargement of the European Union, of Annexes 1 and 2

(2005/955/EC)

THE JOINT COMMITTEE ON AGRICULTURE,

HAS DECIDED AS FOLLOWS:

Having regard to the Agreement between the European Community (hereinafter referred to as the EC), of the one part, and the Swiss Confederation, of the other part, on trade in agricultural products (hereinafter referred to as the Agreement), and in particular Article 11 thereof,

Article 1

Annex 1 and Annex 2 to the Agreement are replaced respectively by Annexes 1 and 2 to this Decision.

Article 2

The Swiss Confederation confirms that Swiss exports of bovine animals to the European Community will comply with the identification and registration system provided for in Regulation (EC) No 1760/2000 of the European Parliament and of the Council ⁽¹⁾.

Article 3

This Decision shall enter into force on 1 January 2006.

Whereas:

- (1) The Agreement entered into force on 1 June 2002 and contains in particular Annexes 1 and 2 concerning bilateral trade concessions granted by the Parties.
- (2) On 1 May 2004 the European Union was enlarged on the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.
- (3) The Parties agreed, at the EU-Switzerland Summit on 19 May 2004, to adapt the bilateral trade concessions on the principle that the trade flows in accordance with the preferences granted under the bilateral arrangements between the new Member States to the European Union and Switzerland should be mutually maintained in substance with effect from the date of EU enlargement.
- (4) The Parties adopted, on an autonomous and transitory basis, measures to ensure continuity of trade flows as from 1 May 2004,

Done at Brussels, 19 December 2005.

For the Joint Committee on Agriculture

*Head of the European
Community Delegation*

Aldo LONGO

*Head of the
Swiss Delegation*

Christian HÄBERLI

Secretary of the Joint Committee on Agriculture

Remigi WINZAP

⁽¹⁾ OJ L 204, 11.8.2000, p. 1. Regulation as amended by the 2003 Act of Accession.

ANNEX 1

Concessions granted by Switzerland

The tariff concessions set out below are granted by Switzerland for the following products originating in the Community and are, where applicable, subject to an annual quantity:

Swiss tariff heading	Description	Customs duty applicable (CHF/100 kg gross weight)	Annual quantity (tonnes net weight)
0101 90 95	Live horses (excl. pure-bred horses for breeding and horses for slaughter) (in number of head)	0	100 head
0207 14 81	Breasts of fowls of domestic species, frozen	15	2 000
0207 14 91	Cuts and edible offal of fowls of domestic species, including livers (excluding breasts), frozen	15	1 200
0207 27 81	Breasts of turkeys of domestic species, frozen	15	800
0207 27 91	Cuts and edible offal of turkeys of domestic species, including livers (excluding breasts), frozen	15	600
0207 33 11	Ducks of domestic species, not cut in pieces, frozen	15	700
0207 34 00	Fatty livers of ducks, geese or guinea fowls of domestic species, fresh or chilled	9,5	20
0207 36 91	Cuts and edible offal of ducks, geese or guinea fowls of domestic species, frozen (excluding fatty livers)	15	100
0208 10 00	Meat and edible offal of rabbits or hares, fresh, chilled or frozen	11	1 700
0208 90 10	Meat and edible offal of game, fresh, chilled or frozen (other than of hares or wild boar)	0	100
ex 0210 11 91	Hams and cuts thereof, with bone in, of swine (other than wild boar), salted or in brine, dried or smoked	free	1 000 ⁽¹⁾
ex 0210 19 91	Hams and cuts thereof, boneless, of swine (other than wild boar), salted or in brine, dried or smoked	free	
0210 20 10	Dried meat of bovine animals	free	200 ⁽²⁾
ex 0407 00 10	Edible birds' eggs, in shell, fresh, preserved or cooked	47	150
ex 0409 00 00	Natural acacia honey	8	200
ex 0409 00 00	Natural honey, other (excluding acacia)	26	50
0602 10 00	Unrooted cuttings and slips	free	unlimited
	Plants in the form of pomaceous fruit rootstock (of seedling origin or produced by vegetative propagation):	free	⁽³⁾
0602 20 11	— grafted, bare rooted		
0602 20 19	— grafted, with root ball		
0602 20 21	— not grafted, bare rooted		
0602 20 29	— not grafted, with root ball		

Swiss tariff heading	Description	Customs duty applicable (CHF/100 kg gross weight)	Annual quantity (tonnes net weight)
	Plants in the form of stone fruit rootstock (of seedling origin or produced by vegetative propagation):	free	(³)
0602 20 31	— grafted, bare rooted		
0602 20 39	— grafted, with root ball		
0602 20 41	— not grafted, bare rooted		
0602 20 49	— not grafted, with root ball		
	Plants other than in the form of pomaceous or stone fruit rootstock (of seedling origin or produced by vegetative propagation), of kinds which bear edible fruit or nuts:	free	unlimited
0602 20 51	— bare rooted		
0602 20 59	— other than bare rooted		
	Trees, shrubs and bushes, of kinds which bear edible fruit or nuts, bare rooted:		
0602 20 71	— of kinds which bear pomaceous fruit		
0602 20 72	— of kinds which bear stone fruit	free	(³)
0602 20 79	— other than of kinds which bear pomaceous or stone fruit	free	unlimited
	Trees, shrubs and bushes, of kinds which bear edible fruit, with root ball:		
0602 20 81	— of kinds which bear pomaceous fruit		
0602 20 82	— of kinds which bear stone fruit	free	(³)
0602 20 89	— other than of kinds which bear pomaceous or stone fruit	free	unlimited
0602 30 00	Rhododendrons and azaleas, grafted or not	free	unlimited
	Roses, grafted or not:	free	unlimited
0602 40 10	— wild roses and wild rose stems		
	— other than wild roses or wild rose stems:		
0602 40 91	— bare rooted		
0602 40 99	— other than bare rooted, with root ball		
	Plants (of seedling origin or produced by vegetative propagation), of useful species; mushroom spawn:	free	unlimited
0602 90 11	— seedling vegetables and turf rolls		
0602 90 12	— mushroom spawn		
0602 90 19	— other than seedling vegetables, turf rolls or mushroom spawn		

Swiss tariff heading	Description	Customs duty applicable (CHF/100 kg gross weight)	Annual quantity (tonnes net weight)
0602 90 91	Other live plants (including their roots): — bare rooted	free	unlimited
0602 90 99	— other than bare rooted, with root ball		
0603 10 31	Cut carnations of a kind suitable for bouquets or for ornamental purposes, fresh, from 1 May to 25 October	free	1 000
0603 10 41	Cut roses of a kind suitable for bouquets or for ornamental purposes, fresh, from 1 May to 25 October		
	Cut flowers and flower buds (other than carnations or roses) of a kind suitable for bouquets or for ornamental purposes, fresh, from 1 May to 25 October:		
0603 10 51	— woody		
0603 10 59	— other than woody		
0603 10 71	Cut tulips of a kind suitable for bouquets or for ornamental purposes, fresh, from 26 October to 30 April	free	unlimited
	Cut flowers and flower buds (other than tulips or roses), of a kind suitable for bouquets or for ornamental purposes, fresh, from 26 October to 30 April:	free	unlimited
0603 10 91	— woody		
0603 10 99	— other than woody		
0702 00 10	Tomatoes, fresh or chilled: — cherry tomatoes: — from 21 October to 30 April	free	10 000
0702 00 20	— Peretti tomatoes (elongated): — from 21 October to 30 April		
0702 00 30	— other tomatoes, of a diameter of 80 mm or more (beef tomatoes): — from 21 October to 30 April		
0702 00 90	— other: — from 21 October to 30 April		
0705 11 11	Iceberg lettuce, without outer leaf: — from 1 January to the end of February	free	2 000
0705 21 10	Withloof chicory, fresh or chilled: — from 21 May to 30 September	free	2 000
0707 00 30	Pickling cucumbers, > 6 cm but =< 12 cm in length, fresh or chilled, from 21 October to 14 April	5	100
0707 00 31	Pickling cucumbers, > 6 cm but =< 12 cm in length, fresh or chilled, from 15 April to 20 October	5	100
0707 00 50	Gherkins, fresh or chilled	3,5	300

Swiss tariff heading	Description	Customs duty applicable (CHF/100 kg gross weight)	Annual quantity (tonnes net weight)
0709 30 10	Aubergines (egg-plants), fresh or chilled: — from 16 October to 31 May	free	1 000
0709 51 00 0709 59 00	Mushrooms, fresh or chilled, of the genus <i>Agaricus</i> or other, with the exception of truffles	free	unlimited
0709 60 11	Sweet peppers, fresh or chilled: — from 1 November to 31 March	2,5	unlimited
0709 60 12	Sweet peppers, fresh or chilled, 1 April to 31 October	5	1 300
0709 90 50	Courgettes (including courgette flowers), fresh or chilled: — from 31 October to 19 April	free	2 000
ex 0710 80 90	Mushrooms (uncooked or cooked by steaming or boiling in water), frozen	free	unlimited
0711 90 90	Vegetables and mixtures of vegetables, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	0	150
0712 20 00	Onions, dried, whole, cut, sliced, broken or in powder, but not further prepared	0	100
0713 10 11	Peas (<i>Pisum sativum</i>), dried, shelled, whole, unprocessed, for use as animal feed	Rebate of 0,9 on the duty applied	1 000
0713 10 19	Peas (<i>Pisum sativum</i>), dried, shelled, whole, unprocessed (excluding those for use as animal feed, for technical purposes or for brewing)	0	1 000
0802 21 90 0802 22 90	Hazelnuts or filberts (<i>Corylus</i> spp.), fresh or dried: — in shell, other than for use as animal feed or for oil extraction — in shell, other than for use as animal feed or for oil extraction	free	unlimited
ex 0802 90 90	Pine nuts, fresh or dried	free	unlimited
0805 10 00	Oranges, fresh or dried	free	unlimited
0805 20 00	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids, fresh or dried	free	unlimited
0807 11 00	Watermelons, fresh	free	unlimited
0807 19 00	Melons, other than watermelons, fresh	free	unlimited
0809 10 11 0809 10 91	Apricots, fresh, in open packings: — from 1 September to 30 June In other packings: — from 1 September to 30 June	free	2 000

Swiss tariff heading	Description	Customs duty applicable (CHF/100 kg gross weight)	Annual quantity (tonnes net weight)
0809 40 13	Fresh plums, in open packings, from 1 July to 30 September	0	600
0810 10 10	Strawberries, fresh, from 1 September to 14 May	free	10 000
0810 10 11	Strawberries, fresh, from 15 May to 31 August	0	200
0810 20 11	Raspberries, fresh, from 1 June to 14 September	0	250
0810 50 00	Kiwifruit, fresh	free	unlimited
ex 0811 10 00	Strawberries, uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter, not put up in packings for retail sale, intended for industrial use	10	1 000
ex 0811 20 90	Raspberries, blackberries, mulberries, loganberries and black, white or red currants, gooseberries, uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter, not put up in packings for retail sale, intended for industrial use	10	1 000
0811 90 10	Bilberries, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter	0	200
0811 90 90	Edible fruit, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter (excluding strawberries, raspberries, blackberries, mulberries, loganberries and black, white or red currants, gooseberries, bilberries and tropical fruit)	0	1 000
0904 20 90	Fruits of the genus Capsicum or of the genus Pimenta, dried or crushed or ground, processed	0	150
0910 20 00	Saffron	free	unlimited
1001 90 40	Wheat and meslin (except durum wheat), denatured, for use as animal feed	Rebate of 0,6 on the duty applied	50 000
1005 90 30	Maize (corn) for use as animal feed	Rebate of 0,5 on the duty applied	13 000
1509 10 91	Virgin olive oil, other than for use as animal feed: — in glass containers holding 2 litres or less	60,60 (*)	unlimited
1509 10 99	— in glass containers holding more than 2 litres or in other containers	86,70 (*)	unlimited
1509 90 91	Olive oil and its fractions, whether or not refined, but not chemically modified, other than for use as animal feed: — in glass containers holding 2 litres or less	60,60 (*)	unlimited
1509 90 99	— in glass containers holding more than 2 litres or in other containers	86,70 (*)	unlimited
2002 10 10	Tomatoes, whole or in pieces, prepared or preserved other than by vinegar or acetic acid: — in containers holding more than 5 kg	2,50	unlimited
2002 10 20	— in containers holding 5 kg or less	4,50	unlimited

Swiss tariff heading	Description	Customs duty applicable (CHF/100 kg gross weight)	Annual quantity (tonnes net weight)
2002 90 10	Tomatoes, prepared or preserved other than by vinegar or acetic acid, other than whole or in pieces: — in containers holding more than 5 kg	free	unlimited
2002 90 21	Tomato pulp, puree and concentrate, in hermetically sealed containers, with a dry matter content of 25 % or more by weight, consisting of tomatoes and water and possibly salt or other seasoning, in containers holding 5 kg or less	free	unlimited
2002 90 29	Tomatoes, prepared or preserved other than by vinegar or acetic acid, other than whole or in pieces, and other than tomato pulp, puree or concentrate: — in containers holding 5 kg or less	free	unlimited
2003 10 00	Mushrooms of the genus <i>Agaricus</i> , prepared or preserved otherwise than by vinegar or acetic acid	0	1 700
ex 2004 90 18	Artichokes, prepared or preserved other than by vinegar or acetic acid, frozen, other than products of heading No 2006: — in containers holding more than 5 kg	17,5	unlimited
ex 2004 90 49	— in containers holding 5 kg or less	24,5	unlimited
2005 60 10	Asparagus, prepared or preserved other than by vinegar or acetic acid, not frozen, other than products of heading No 2006: — in containers holding more than 5 kg	free	unlimited
2005 60 90	— in containers holding 5 kg or less		
2005 70 10	Olives, prepared or preserved other than by vinegar or acetic acid, not frozen, other than products of heading No 2006: — in containers holding more than 5 kg	free	unlimited
2005 70 90	— in containers holding 5 kg or less		
ex 2005 90 11	Capers and artichokes, prepared or preserved other than by vinegar or acetic acid, not frozen, other than products of heading No 2006: — in containers holding more than 5 kg	17,5	unlimited
ex 2005 90 40	— in containers holding 5 kg or less	24,5	unlimited
2008 30 90	Citrus fruit, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	free	unlimited
2008 50 10	Apricot pulp, otherwise prepared or preserved, not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	10	unlimited
2008 50 90	Apricots, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	15	unlimited

Swiss tariff heading	Description	Customs duty applicable (CHF/100 kg gross weight)	Annual quantity (tonnes net weight)
2008 70 10	Peach pulp, otherwise prepared or preserved, not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	free	unlimited
2008 70 90	Peaches, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	free	unlimited
ex 2009 39 19 ex 2009 39 20	Juice of any other single citrus fruit other than orange, grapefruit or pomelo, unfermented, not containing added spirit: — not containing added sugar or other sweetening matter, concentrated — containing added sugar or other sweetening matter, concentrated	6 14	unlimited unlimited
2204 21 50 2204 29 50	Dessert wines, specialities and mistelles in containers: — holding 2 litres or less ⁽⁵⁾ — holding more than 2 litres ⁽⁵⁾	8,5 8,5	unlimited unlimited
ex 2204 21 50	Port, in containers holding 2 litres or less, as described ⁽⁶⁾	free	1 000 hl
ex 2204 21 21	Retsina (a Greek white wine) in containers holding 2 litres or less, as described ⁽⁷⁾	free	500 hl
ex 2204 29 21 ex 2204 29 22	Retsina (a Greek white wine) in containers holding more than 2 litres as described ⁽⁷⁾ , of an alcoholic strength: — of more than 13 % vol. — of 13 % vol. or less		

⁽¹⁾ Including 480 tonnes of Parma and San Daniele ham under the terms of the exchange of letters of 25 January 1972 between the Community and Switzerland.

⁽²⁾ Including 170 tonnes of Bresaola under the terms of the exchange of letters of 25 January 1972 between the Community and Switzerland.

⁽³⁾ Subject to an overall annual quota of 60 000 plants.

⁽⁴⁾ Including the contribution to the guarantee fund for compulsory storage.

⁽⁵⁾ Covers only products specified in Annex 7 to the Agreement.

⁽⁶⁾ Description: 'Port' means a quality wine produced in a specified region (Oporto in Portugal) in accordance with Regulation (EC) No 1493/1999.

⁽⁷⁾ Description: 'Retsina' means a table wine within the meaning of the Community provisions referred to in point A.2 of Annex VII to Regulation (EC) No 1493/1999.

ANNEX 2

Concessions granted by the Community

The tariff concessions set out below are granted by the Community for the following products originating in Switzerland and are, where applicable, subject to an annual quantity:

CN code	Description	Customs duty applicable (EUR/100 kg net weight)	Annual quantity (tonnes net weight)
0102 90 41 0102 90 49 0102 90 51 0102 90 59 0102 90 61 0102 90 69 0102 90 71 0102 90 79	Live bovine animals of a live weight exceeding 160 kg	0	4 600 head
ex 0210 20 90	Meat of bovine animals, boneless, dried	free	1 200
ex 0401 30	Cream, of a fat content, by weight, exceeding 6 %	free	2 000
0403 10	Yogurt		
0402 29 11 ex 0404 90 83	Special milk, for infants, in hermetically-sealed containers of a net content not exceeding 500 g, of a fat content by weight exceeding 10 % ⁽¹⁾	43,8	unlimited
0602	Other live plants (including their roots), cuttings and slips; Mushroom spawn	free	unlimited
0603 10	Cut flowers and flower buds, of a kind suitable for bouquets or for ornamental purposes, fresh	free	unlimited
0701 10 00	Seed potatoes, fresh or chilled	free	4 000
0702 00	Tomatoes, fresh or chilled	free ⁽²⁾	1 000
0703 10 19 0703 90 00	Onions other than sets, leeks and other alliaceous vegetables, fresh or chilled	free	5 000
0704 10 0704 90	Cabbages, cauliflowers, kohlrabi, kale and other similar edible brassicas with the exception of Brussels sprouts, fresh or chilled	free	5 500
0705 11 0705 19 00 0705 21 00 0705 29 00	Lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium</i> spp.), including Witloof chicory (<i>Cichorium intybus</i> var. <i>foliosum</i>), fresh or chilled	free	3 000
0706 10 00	Carrots and turnips, fresh or chilled	free	5 000
0706 90 10 0706 90 90	Salad beetroot, salsify, celeriac, radishes and similar edible roots, with the exception of horseradish (<i>Cochlearia armoracia</i>), fresh or chilled	free	3 000
0707 00 05	Cucumbers, fresh or chilled	free ⁽²⁾	1 000
0708 20	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.), fresh or chilled	free	1 000
0709 30 00	Aubergines (egg-plants), fresh or chilled	free	500
0709 40 00	Celery other than celeriac, fresh or chilled	free	500
0709 51 00	Mushrooms of the genus <i>Agaricus</i> , fresh or chilled	free	unlimited
0709 52 00	Truffles, fresh or chilled	free	unlimited

CN code	Description	Customs duty applicable (EUR/100 kg net weight)	Annual quantity (tonnes net weight)
0709 59 10 0709 59 30 0709 59 90	Mushrooms other than of the genus <i>Agaricus</i> , fresh or chilled	free	unlimited
0709 70 00	Spinach, New Zealand spinach and orache spinach (garden spinach), fresh or chilled	free	1 000
0709 90 10	Salad vegetables, other than lettuce and chicory, fresh or chilled	free	1 000
0709 90 50	Fennel, fresh or chilled	free	1 000
0709 90 70	Courgettes, fresh or chilled	free ⁽²⁾	1 000
0709 90 90	Others vegetables, fresh or chilled	free	1 000
0710 80 61 0710 80 69	Mushrooms (uncooked or cooked by steaming or boiling in water), frozen	free	unlimited
0712 90	Dried vegetables, whole, cut, sliced, broken or in powder, whether or not obtained from cooked vegetables, but not further prepared, with the exception of onions, mushrooms, wood ears (<i>Auricularia</i> spp.), jelly fungi (<i>Tremella</i> spp.) and truffles	free	unlimited
ex 0808 10 80	Apples, other than cider apples, fresh	free ⁽²⁾	3 000
0808 20	Pears and quinces, fresh	free ⁽²⁾	3 000
0809 10 00	Apricots, fresh	free ⁽²⁾	500
0809 20 95	Cherries, other than sour cherries (<i>Prunus cerasus</i>), fresh	free ⁽²⁾	1 500 ⁽³⁾
0809 40	Plums and sloes, fresh	free ⁽²⁾	1 000
0810 20 10	Raspberries, fresh	free	100
0810 20 90	Blackberries, mulberries and loganberries, fresh	free	100
1106 30 10	Flour, meal and powder of bananas	free	5
1106 30 90	Flour, meal and powder of other fruits of Chapter 8	free	unlimited
ex 2002 90 91 ex 2002 90 99	Powdered tomatoes, whether or not containing added sugar, other sweetening matter or starch ⁽⁴⁾	free	unlimited
2003 90 00	Mushrooms, other than of the genus <i>Agaricus</i> , prepared or preserved otherwise than by vinegar or acetic acid	free	unlimited
0710 10 00	Potatoes, uncooked or cooked by steaming or boiling in water, frozen	free	3 000
2004 10 10 2004 10 99	Potatoes, prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006, with the exception of flour, meal or flakes		
2005 20 80	Potatoes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006, with the exception of flour, meal or flakes and preparations that are thinly sliced, fried or baked, whether or not salted or flavoured, in airtight packings, suitable for immediate consumption		

CN code	Description	Customs duty applicable (EUR/100 kg net weight)	Annual quantity (tonnes net weight)
ex 2005 90	Powdered preparations of vegetables and mixtures of vegetables, whether or not containing added sugar, other sweetening matter or starch ⁽⁴⁾	free	unlimited
ex 2008 30	Flaked or powdered citrus fruit, whether or not containing added sugar, other sweetening matter or starch ⁽⁴⁾	free	unlimited
ex 2008 40	Flaked or powdered pears, whether or not containing added sugar, other sweetening matter or starch ⁽⁴⁾	free	unlimited
ex 2008 50	Flaked or powdered apricots whether or not containing added sugar, other sweetening matter or starch ⁽⁴⁾	free	unlimited
2008 60	Cherries, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	free	500
ex 0811 90 19 ex 0811 90 39	Cherries, uncooked or cooked by steaming or boiling in water, frozen, containing added sugar or other sweetening matter		
0811 90 80	Cherries, other than sour cherries (<i>Prunus cerasus</i>), uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter		
ex 2008 70	Flaked or powdered peaches, whether or not containing added sugar, other sweetening matter or starch ⁽⁴⁾	free	unlimited
ex 2008 80	Flaked or powdered strawberries, whether or not containing added sugar, other sweetening matter or starch ⁽⁴⁾	free	unlimited
ex 2008 99	Other flaked or powdered fruits, whether or not containing added sugar, other sweetening matter or starch ⁽⁴⁾	free	unlimited
ex 2009 19	Powdered orange juice, whether or not containing added sugar or other sweetening matter	free	unlimited
ex 2009 21 ex 2009 29	Powdered grapefruit juice, whether or not containing added sugar or other sweetening matter	free	unlimited
ex 2009 31 ex 2009 39	Powdered juices of any other citrus fruits, whether or not containing added sugar or other sweetening matter	free	unlimited
ex 2009 41 ex 2009 49	Powdered pineapple juice, whether or not containing added sugar or other sweetening matter	free	unlimited
ex 2009 71 ex 2009 79	Powdered apple juice, whether or not containing added sugar or other sweetening matter	free	unlimited
ex 2009 80	Powdered pear juice, whether or not containing added sugar or other sweetening matter	free	unlimited
ex 2009 80	Powdered juice of any other fruit or vegetable, whether or not containing added sugar or other sweetening matter	free	unlimited

⁽¹⁾ For the products of this subheading, 'special milk for infants' means products that are free of pathogenic and toxicogenic germs and which contain less than 10 000 revivifiable aerobic bacteria and less than two coliform bacteria per gram.

⁽²⁾ Where relevant, a specific duty and not the minimum duty should apply.

⁽³⁾ Including 1 000 tonnes under the terms of the Exchange of Letters of 14 July 1986.

⁽⁴⁾ See Joint Declaration on the tariff classification of powdered vegetables and powdered fruit.

**DECISION No 4/2005 OF THE JOINT COMMITTEE ON AGRICULTURE
of 19 December 2005**

**on amending Appendix 1 to Annex 9 to the Agreement between the European Community and the
Swiss Confederation on trade in agricultural products**

(2005/956/EC)

THE JOINT COMMITTEE ON AGRICULTURE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter referred to as the Agriculture Agreement) entered into force on 1 June 2002.
- (2) Annex 9 to that Agreement is aimed at promoting trade in agricultural products and foodstuffs obtained from organic farming and originating in the Community and Switzerland.
- (3) Under Article 8(2) of Annex 9 to the Agreement, the working group is to consider the state of the parties' respective laws and regulations and to draft proposals to submit to the Joint Committee with a view to adapting and updating the relevant appendices.
- (4) Appendix 1 to Annex 9 to the Agreement refers to the legal provisions applicable to the marketing of agricultural products and foodstuffs obtained from organic farming in the Community and Switzerland.

- (5) Appendix 1 to Annex 9 to the Agreement should be adjusted to take account of the state of laws and regulations in the Community and Switzerland,

HAS DECIDED AS FOLLOWS:

Article 1

Appendix 1 to Annex 9 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is hereby replaced by the text annexed to this Decision.

Article 2

This Decision shall enter into force on 1 January 2006.

Done at Brussels, 19 December 2005.

For the Joint Committee on Agriculture

*Head of the European
Community Delegation*

Aldo LONGO

*Head of the
Swiss Delegation*

Christian HÄBERLI

Secretary of the Joint Committee on Agriculture

Remigi WINZAP

ANNEX

'APPENDIX 1

Regulations applicable in the European Community

Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 198, 22.7.1991, p. 1), as last amended by Commission Regulation (EC) No 2254/2004 of 27 December 2004 (OJ L 385, 29.12.2004, p. 20).

Commission Regulation (EEC) No 94/92 of 14 January 1992 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 11, 17.1.1992, p. 14), as last amended by Regulation (EC) No 746/2004 (OJ L 122, 26.4.2004, p. 10)

Commission Regulation (EEC) No 207/93 of 29 January 1993 defining the content of Annex VI to Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs and laying down detailed rules for implementing the provisions of Article 5(4) thereto (OJ L 25, 2.2.1993, p. 5), as last amended by Regulation (EC) No 2020/2000 (OJ L 241, 26.9.2000, p. 39)

Commission Regulation (EC) No 1788/2001 of 7 September 2001 laying down detailed rules for implementing the provisions concerning the certificate of inspection for imports from third countries under Article 11 of Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 243, 13.9.2001, p. 3), as last amended by Regulation (EC) No 746/2004 (OJ L 122, 26.4.2004, p. 10)

Commission Regulation (EC) No 223/2003 of 5 February 2003 on labelling requirements related to the organic production method for feedingstuffs, compound feedingstuffs and feed materials and amending Council Regulation (EEC) No 2092/91 (OJ L 31, 6.2.2003, p. 3)

Commission Regulation (EC) No 1452/2003 of 14 August 2003 maintaining the derogation provided for in Article 6(3)(a) of Council Regulation (EEC) No 2092/91 with regard to certain species of seed and vegetative propagating material and laying down procedural rules and criteria relating to that derogation (OJ L 206, 15.8.2003, p. 17)

Provisions applicable in Switzerland

Ordinance of 22 September 1997 on organic farming and the labelling of organically produced plant products and foodstuffs (Ordinance on organic farming), as last amended on 10 November 2004 (RO 2004 4891)

Ordinance of the Département Fédéral de l'Economie of 22 September 1997 on organic farming, as last amended on 10 November 2004 (RO 2004 4895).

Exclusion from the equivalence arrangements

Swiss products based on ingredients produced under the arrangements for conversion to organic farming.

Products from Swiss goat farming where the animals qualify for the derogation provided for in Article 39d of Ordinance 910.18 on organic farming and the labelling of organic products and foodstuffs.'

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

POLITICAL AND SECURITY COMMITTEE DECISION EUPAT/1/2005
of 7 December 2005
concerning the appointment of the Head of the EU Police Advisory Team Mission in the former
Yugoslav Republic of Macedonia (fYROM), EUPAT
(2005/957/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

Article 1

Mr Jürgen SCHOLZ is hereby appointed Head of the EU Police Advisory Team Mission in the former Yugoslav Republic of Macedonia (EUPAT) from 15 December 2005.

Having regard to Council Joint Action 2005/826/CFSP of 24 November 2005 on the establishment of an EU Police Advisory Team (EUPAT) in the former Yugoslav Republic of Macedonia (fYROM) ⁽¹⁾, and in particular Article 7(2) thereof,

Article 2

This Decision shall take effect on the day of its adoption.

Whereas:

It shall apply until 14 June 2006.

(1) By Article 7(2) of Joint Action 2005/826/CFSP the Council authorised the Political and Security Committee to take the relevant decisions in accordance with Article 25 of the Treaty, including the powers to appoint, upon a proposal by the Secretary-General/High Representative, a Head of EUPAT.

Done at Brussels, 7 December 2005.

(2) The Secretary-General/High Representative has proposed the appointment of Mr Jürgen SCHOLZ,

For the Political and Security Committee

The President

J. KING

⁽¹⁾ OJ L 307, 25.11.2005, p. 61.

CORRIGENDA

Corrigendum to information concerning the date of entry into force of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, on a Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes

(This text annuls and replaces that published in Official Journal L 208 of 11 August 2005)

'Information concerning the date of entry into force of the Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes

The Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes ⁽¹⁾, signed in Brussels on 22 November 2004, entered into force on 11 July 2005, in accordance with Article 10 of the Agreement.

⁽¹⁾ OJ L 192, 22.7.2005, p. 2'
