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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 889/2005**of 13 June 2005****imposing certain restrictive measures in respect of the Democratic Republic of Congo and repealing Regulation (EC) No 1727/2003**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Common Position 2005/440/CFSP of 13 June 2005 concerning restrictive measures against the Democratic Republic of Congo ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Common Position 2002/829/CFSP of 21 October 2002 on the supply of certain equipment into the Democratic Republic of Congo ⁽²⁾ imposed an embargo on the supply of arms and related materiel to the Democratic Republic of the Congo ('DRC').
- (2) On 28 July 2003 the United Nations Security Council decided in its Resolution 1493 (2003) ('UNSCR 1493 (2003)') to impose an embargo on the supply of arms and related materiel as well as the provision of assistance, advice or training related to military activities to all armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the DRC.
- (3) Common Position 2003/680/CFSP provides for the alignment of Common Position 2002/829/CFSP with the measures set out by UNSCR 1493 (2003). Some of these measures have been implemented at Community level by Council Regulation (EC) No 1727/2003 ⁽³⁾.
- (4) In view of the continuing illicit flow of weapons within and into the DRC, the UN Security Council, acting under Chapter VII of the Charter of the United Nations,

adopted Resolution 1596 (2005) of 18 April 2005 ('UNSCR 1596 (2005)') which, *inter alia*, extends the existing arms embargo to any recipient in the territory of the DRC. UNSCR 1596 (2005) provides for certain exemptions to the embargo.

- (5) Common Position 2005/440/CFSP confirms the embargo and ban on the provision of related assistance of Common Position 2002/829/CFSP and provides for an additional exemption to the arms embargo and the ban on the provision of related assistance in order to bring the list of exemptions in line with UNSCR 1596 (2005).
- (6) The prohibition on providing technical and financial assistance related to military activities falls within the scope of the Treaty. In order to avoid any distortion of competition, Community measures are therefore necessary to implement that prohibition as far as the Community is concerned.
- (7) For the purpose of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty.
- (8) For reasons of expediency, the Commission should be empowered to amend the Annex to this Regulation.
- (9) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication.
- (10) For the sake of clarity, Regulation (EC) No 1727/2003 should be replaced by this new Regulation containing all the relevant provisions regarding the prohibition on providing technical and financial assistance related to military activities in the DRC,

⁽¹⁾ See page 22 of this Official Journal.

⁽²⁾ OJ L 285, 23.10.2002, p. 1. Common Position as amended by Common Position 2003/680/CFSP (OJ L 249, 1.10.2003, p. 64).

⁽³⁾ OJ L 249, 1.10.2003, p. 5. Regulation as amended by Commission Regulation 1567/2004 (OJ L 285, 4.9.2004, p. 10).

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

1. 'technical assistance' means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; technical assistance also includes verbal forms of assistance;
2. 'Sanctions Committee' means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 8 of UNSCR 1533 (2004).

Article 2

It shall be prohibited:

- (a) to grant, sell, supply or transfer technical assistance related to military activities directly or indirectly to any person, entity or body in, or for use in the DRC;
- (b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance and other services, directly or indirectly to any person, entity or body in, or for use in the DRC;
- (c) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in points (a) and (b).

Article 3

1. By way of derogation from Article 2, the competent authority, as set out in the Annex, of the Member State where the service provider is established, may authorise:

- (a) the provision of technical assistance, financing and financial assistance related to arms and related materiel intended solely for support of and use by the United Nations Organisation Mission in the DRC ('MONUC');
- (b) the provision of technical assistance, financing and financial assistance related to arms and related materiel intended solely for support of or use by units of the army and police of the DRC, provided that the said units:

- (i) have completed the process of their integration, or

- (ii) operate under the command, respectively, of the 'état-major intégré' of the Armed Forces or of the National Police of the DRC, or

- (iii) are in the process of their integration, in the territory of the DRC outside the provinces of North and South Kivu and the Ituri district.

- (c) the provision of technical assistance, financing and financial assistance related to non-lethal military equipment intended solely for humanitarian or protective use, where the provision of such assistance or services has been notified in advance to the Sanctions Committee.

2. No authorisations shall be granted for activities that have already taken place.

Article 4

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 5

1. The Commission shall be empowered to amend the Annex on the basis of information supplied by Member States.
2. Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Sanctions Committee for the purpose of the effective implementation of this Regulation.

Article 6

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties laid down must be effective, proportionate and dissuasive.

Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment thereof.

Article 7

This Regulation shall apply

- (a) within the territory of the Community, including its airspace and on board any aircraft or any vessel under the jurisdiction of a Member State;

(b) to any person inside or outside the territory of the Community who is a national of a Member State;

Article 8

Regulation (EC) No 1727/2003 is hereby repealed.

(c) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;

Article 9

(d) to any legal person, group or entity doing business within the Community.

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

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

Done at Luxembourg, 13 June 2005.

For the Council

The President

J. ASSELBORN

ANNEX

List of competent authorities referred to in Article 3(1)

BELGIUM

Ministerie van het Brussels Hoofdstedelijk Gewest/Ministère de la Région de Bruxelles — Capitale
Directie Externe Betrekkingen/Direction des Relations extérieures
City Center
Kruidtuinlaan/Boulevard du Jardin Botanique 20
B-1035 Brussel/Bruxelles
Téléphone: (32-2) 800 37 59 (Cédric Bellemans)
Fax: (32-2) 800 38 20
cbellemans@mrbc.irisnet.be

Région wallonne:
Cabinet du Ministre-Président du Gouvernement wallon
Rue Mazy, 25-27
B-5100 Jambes-Namur
Téléphone: (32-81) 33 12 11
Fax: (32-81) 33 13 13

Vlaams Gewest:
Administratie Buitenlands Beleid
Boudewijnlaan 30
B-1000 Brussel
Tel. (32-2) 553 59 28
Fax: (32-2) 553 60 37

CZECH REPUBLIC

Ministerstvo průmyslu a obchodu
Licenční správa
Na Františku 32
110 15 Praha 1
Tel. + 420 2 24 06 27 20
Tel. + 420 2 24 22 18 11

Ministerstvo financí
Finanční analytický útvar
P.O. BOX 675
Jindřišská 14
111 21 Praha 1
Tel. + 420 2 5704 4501
Fax + 420 2 5704 4502

Ministerstvo zahraničních věcí
Odbor Společné zahraniční a bezpečnostní politiky EU
Loretánské nám. 5
118 00 Praha 1
Tel. + 420 2 2418 2987
Fax + 420 2 2418 4080

DENMARK

Erhvervs- og Byggestyrelsen
Langelinie Allé 17
DK-2100 København Ø
Tlf. (45) 35 46 62 81
Fax (45) 35 46 62 03

Udenrigsministeriet
Asiatisk Plads 2
DK-1448 København K
Tlf. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotsholmsgade 10
DK-1216 København K
Tlf. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY

Concerning financing and financial assistance:
Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D-80281 München
Tel. (49) 89 28 89 38 00
Fax (49) 89 35 01 63 38 00

Concerning technical assistance:
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29—35
D-65760 Eschborn
Tel. (49) 61 96 908-0
Fax (49) 61 96 908-800

ESTONIA

Eesti Välisministeerium
Islandi väljak 1
15049 Tallinn
Tel.: + 372 6317 100
Faks: + 372 6317 199

GREECE

Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Address Kornarou Str.
105 63 Athens
Τηλ.: + 30 210 3286401-3
Φαξ: + 30 210 3286404

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Σχεδιασμού και Διαχείρισης Πολιτικής
Δ/ση: Κορνάρου 1,
Τ.Κ. 101 80 Αθήνα — Ελλάδα
Τηλ.: + 30 210 3286401-3
Φαξ: + 30 210 3286404

SPAIN

Ministerio, de Industria Turismo y Comercio
Secretaría General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 38 60
Fax (34) 914 57 28 63

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale des douanes et des droits indirects
Cellule embargo — Bureau E2
Tél.: (33) 1 44 74 48 93
Télécopie: (33) 1 44 74 48 97

Direction générale du Trésor et de la politique économique
Service des affaires multilatérales et du développement
Sous-direction Politique commerciale et investissements
Service Investissements et propriété intellectuelle
139, rue du Bercy
F-75572 Paris Cedex 12
Tél.: (33) 1 44 87 72 85
Télécopie: (33) 1 53 18 96 55

Ministère des affaires étrangères
Direction générale des affaires politiques et de sécurité
Direction des Nations unies et des organisations internationales
Sous-direction des affaires politiques
Tél.: (33) 1 43 17 59 68
Télécopie: (33) 1 43 17 46 91
Service de la politique étrangère et de sécurité commune
Tél.: (33) 1 43 17 45 16
Télécopie: (33) 1 43 17 45 84

IRELAND

United Nations Section
Department of Foreign Affairs,
Iveagh House
79-80 Saint Stephen's Green
Dublin 2
Tel. + 353 1 478 0822
Fax + 353 1 408 2165

Central Bank and Financial Services Authority of Ireland
Financial Markets Department
Dame Street
Dublin 2
Tel. + 353 1 671 6666
Fax + 353 1 679 8882

ITALY

Ministero degli Affari Esteri
Piazzale della Farnesina, 1
I-00194 Roma
D.G.A.S. — Ufficio III
Tel. (39) 06 3691 8221
Fax (39) 06 3691 5296
U.A.M.A.
Tel. (39) 06 3691 3605
Fax (39) 06 3691 8815

CYPRUS

Ministry of Commerce, Industry and Tourism
6 Andrea Araouzou
1421 Nicosia
Tel.: + 357 22 86 71 00
Fax: + 357 22 31 60 71

Central Bank of Cyprus
80 Kennedy Avenue
1076 Nicosia
Tel.: + 357 22 71 41 00
Fax: + 357 22 37 81 53

Ministry of Finance (Department of Customs)
M. Karaoli
1096 Nicosia
Tel. + 357 22 60 11 06
Fax + 357 22 60 27 41/47

LATVIA

Latvijas Republikas Ārlietu ministrija
Brīvības iela 36
Rīga LV 1395
Tāl. Nr.: (371) 7016 201
Fakss: (371) 7828 121

LITHUANIA

Ministry of Foreign Affairs
Security Policy Department
J. Tumo-Vaizganto 2
LT-01511 Vilnius
Tel. + 370 5 2362516
Fax + 370 5 2313090

LUXEMBOURG

Ministère de l'économie et du commerce extérieur
Office des licences
BP 113
L-2011 Luxembourg
Tél.: (352) 478 23 70
Fax: (352) 46 61 38
mail: office.licences@mae.etat.lu

Ministère des affaires étrangères et de l'immigration
Direction des affaires politiques
5, rue Notre-Dame
L- 2240 Luxembourg
Tél.: (352) 478 2421
Fax: (352) 22 19 89

HUNGARY

Ministry of Economic Affairs and Transport — Hungarian Trade
Licencing
Office Margit krt. 85.
H-1024 Budapest
Hungary
Postbox: H-1537 Budapest Pf.: 345
Tel. + 36-1-336-7327

Gazdasági és Közlekedési Minisztérium — Magyar Kereskedelmi Engedé-
lyezési
Hivatal Margit krt. 85.
H-1024 Budapest
Magyarország
Postafiók: 1537 Budapest Pf.: 345
Tel. + 36-1-336-7327

MALTA

Bord ta' Sorveljanza dwar is-Sanzjonijiet
Direttorat ta' l-Affarijiet Multilaterali
Ministeru ta' l-Affarijiet Barranin
Palazzo Parisio
Triq il-Merkanti
Valletta CMR 02
Tel. + 356 21 24 28 53
Fax + 356 21 25 15 20

NETHERLANDS

Ministerie van Economische Zaken
Belastingdienst/Douane Noord
Postbus 40200
8004 De Zwolle
Telefoon: (31-38) 467 25 41
Telefax: (31-38) 469 52 29

AUSTRIA

Bundesministerium für Wirtschaft und Arbeit
Abteilung C2/2 (Ausfuhrkontrolle)
Stubenring 1
A-1010 Wien
Tel. (+ 43-1) 711 00-0
Fax (+ 43-1) 711 00-8386

POLAND

Organ koordynujący:
Ministerstwo Spraw Zagranicznych
Departament Prawno-Traktatowy
Al. J. Ch. Szucha 23
00-580 Warszawa
Polska
tel.: (+ 48 22) 523 94 27 lub 93 48
fax: (+ 48 22) 523 83 29

Organy współpracujące:

Ministerstwo Obrony
Departament Prawny
ul. Klonowa 1
00-909 Warszawa
Polska
tel.: (+ 48 22) 687 15 84
fax: (+ 48 22) 687 16 97

Ministerstwo Gospodarki i Pracy
Departament Kontroli Eksportu
Plac Trzech Krzyży 3/5
00-507 Warszawa
Polska
tel.: (+ 48 22) 693 51 71
fax: (+ 48 22) 693 40 33

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo do Rêlivas
P-1350-179 Lisboa
Tel. (351) 21 394 60 72
Fax (351) 21 394 60 73

Ministério das Finanças
Direcção-Geral dos Assuntos Europeus e Relações Internacionais
Avenida Infante D. Henrique, n.º 1, C. 2.º
P-1100 Lisboa
Tel. (351) 21 882 3390/8
Fax (351) 21 882 3399

SLOVENIA

Ministrstvo za zunanje zadeve
Prešernova 25
SI-1000 Ljubljana
Tel. 00386 1 4782000
Faks: 00386 1 4782341

Ministrstvo za gospodarstvo
Kotnikova 5
SI-1000 Ljubljana
Tel. 00386 1 4783311
Faks: 00386 1 4331031

Ministrstvo za obrambo
Kardeljeva pl. 25
SI-1000 Ljubljana
Tel. 00386 1 4712211
Faks: 00386 1 4318164

SLOVAKIA

Ministerstvo hospodárstva Slovenskej republiky
Mierová 19
827 15 Bratislava 212

Tel.: 00421/2/4854 1111
Fax: 00421/2/4333 7827

Ministerstvo financií Slovenskej republiky
Štefanovičova 5
P.O. BOX 82
817 82 Bratislava
Tel.: 00421/2/5958 1111
Fax: 00421/2/5249 8042

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
FIN-00161 Helsinki/Helsingfors
P./Tfn (358-9) 16 00 5
Faksi/Fax (358-9) 16 05 57 07

Puolustusministeriö/Försvarsministeriet
Eteläinen Makasiinikatu 8 / Södra Magasinsgatan 8
FIN-00131 Helsinki/Helsingfors
PL/PB 31
P./Tfn (358-9) 16 08 81 28
Faksi/Fax (358-9) 16 08 81 11

SWEDEN

Inspektionen för strategiska produkter (ISP)
Box 70 252
107 22 Stockholm
Tfn (46-8) 406 31 00
Fax (46-8) 20 31 00

UNITED KINGDOM

Sanctions Licensing Unit
Export Control Organisation
Department of Trade and Industry
4 Abbey Orchard Street
London SW1P 2HT
Tel. (44) 20 7215 0594
Fax (44) 20 7215 0593

EUROPEAN COMMUNITY

Commission of the European Communities
Directorate-General for External Relations
Directorate Common Foreign and Security Policy (CFSP) and European Security and Defence Policy (ESDP): Commission Coordination and contribution
Unit A.2: Legal and institutional matters, CFSP Joint Actions, Sanctions, Kimberley Process
CHAR 12/163
B-1049 Bruxelles/Brussel
Tel. (32-2) 296 25 56
Fax (32-2) 296 75 63
E-mail: Relex-Sanctions@cec.eu.int

COMMISSION REGULATION (EC) No 890/2005**of 14 June 2005****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 June 2005.

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

Done at Brussels, 14 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 14 June 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	49,2
	204	75,2
	999	62,2
0707 00 05	052	91,6
	999	91,6
0709 90 70	052	88,0
	999	88,0
0805 50 10	324	59,0
	382	70,4
	388	63,7
	528	58,5
	624	63,2
	999	63,0
0808 10 80	388	89,9
	400	125,5
	404	90,2
	508	75,8
	512	73,7
	524	70,5
	528	68,1
	720	78,1
	804	93,4
0809 10 00	052	181,2
	624	183,0
	999	182,1
0809 20 95	052	277,4
	068	238,7
	400	427,3
	999	314,5
0809 30 10, 0809 30 90	052	204,6
	999	204,6

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

COMMISSION REGULATION (EC) No 891/2005**of 14 June 2005****amending Regulation (EC) No 458/2005 as regards the quantity covered by the standing invitation to tender for the export of common wheat held by the Czech intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 458/2005 ⁽³⁾ opened a standing invitation to tender for the export of 300 000 tonnes of common wheat held by the Czech intervention agency.
- (3) The Czech Republic has informed the Commission of the intention of its intervention agency to increase by 100 000 tonnes the quantity put out to tender for export. In view of the market situation, the request made by the Czech Republic should be granted.
- (4) This increase in the quantity put out to tender makes it necessary to alter the quantity stored by region of storage referred to in Annex I to Regulation (EC) No 458/2005.

(5) Regulation (EC) No 458/2005 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 458/2005 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 400 000 tonnes of common wheat for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Serbia and Montenegro ^(*), Romania and Switzerland.

2. The regions in which the 400 000 tonnes of common wheat are stored are listed in Annex I.

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

2. Annex I is replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 14 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

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

⁽³⁾ OJ L 75, 22.3.2005, p. 3.

ANNEX

‘ANNEX I

(in tonnes)	
Place of storage	Quantity
Středočeský, Jihočeský, Plzeňský, Karlovarský, Ústecký, Liberecký, Královehradecký, Pardubický, Vysočina, Jihomoravský, Olomoucký, Zlínský, Moravskoslezský	400 000'

COMMISSION REGULATION (EC) No 892/2005**of 14 June 2005****amending Regulation (EC) No 462/2005 as regards the quantity covered by the standing invitation to tender for the export of barley held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽²⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 462/2005 ⁽³⁾ opened a standing invitation to tender for the export of 1 000 693 tonnes of barley held by the German intervention agency.
- (3) Germany has informed the Commission of the intention of its intervention agency to increase by 300 000 tonnes the quantity put out to tender for export. In view of the market situation, the request made by Germany should be granted.
- (4) This increase in the quantity put out to tender makes it necessary to alter the quantity stored by region of storage referred to in Annex I to Regulation (EC) No 462/2005.
- (5) Regulation (EC) No 462/2005 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 462/2005 is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 1 300 693 tonnes of barley for export to third countries with the exception of Albania, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Romania, Serbia and Montenegro ^(*), Switzerland and the United States of America.

2. The regions in which the 1 300 693 tonnes of barley are stored are listed in Annex I.

^(*) Including Kosovo, as defined in UN Security Council Resolution No 1244 of 10 June 1999.'

2. Annex I is replaced by the text in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 14 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

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

⁽³⁾ OJ L 75, 22.3.2005, p. 27. Regulation as last amended by Regulation (EC) No 610/2005 (OJ L 101, 21.4.2005, p. 9).

ANNEX

'ANNEX I

(in tonnes)	
Place of storage	Quantity
Schleswig-Holstein, Hamburg, Niedersachsen, Bremen, Mecklenburg-Vorpommern, Berlin, Brandenburg, Sachsen-Anhalt, Sachsen, Thüringen, Nordrhein-Westfalen, Hessen, Rheinland-Pfalz, Saarland, Baden-Württemberg, Bayern	1 300 693'

COMMISSION REGULATION (EC) No 893/2005**of 14 June 2005****amending Regulation (EC) No 1520/2000 as regards certain amounts set out in Article 14 thereof**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular the first subparagraph of Article 8(3),

Whereas:

(1) The experience gained since the accession of the new Member States on 1 May 2004 shows that a greater proportion of export refund payments are being granted from the reserve referred to in the first subparagraph of Article 14(1) of Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾.

(2) In order to ensure that sufficient resources are available, the reserve for each budget year referred to in Article 14(1) of Regulation (EC) No 1520/2000 should be increased. Furthermore, the threshold set out in Article

14(3) of that Regulation at which the Commission may suspend the application of the reserve should be raised.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Article 14 of Regulation (EC) No 1520/2000 is amended as follows:

- (a) In the first subparagraph of paragraph 1 'EUR 35 million' is replaced by 'EUR 40 million'.
- (b) In the second subparagraph of paragraph 3 'EUR 25 million' is replaced by 'EUR 30 million'.

Article 2

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, 14 June 2005.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

COMMISSION REGULATION (EC) No 894/2005**of 14 June 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2004/2005 marketing year are fixed by

Commission Regulation (EC) No 1210/2004 ⁽³⁾. These prices and duties have last been amended by Commission Regulation (EC) No 842/2005 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 15 June 2005.

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

Done at Brussels, 14 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 232, 1.7.2004, p. 11.

⁽⁴⁾ OJ L 139, 2.6.2005, p. 14.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 15 June 2005

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	21,33	5,64
1701 11 90 ⁽¹⁾	21,33	11,02
1701 12 10 ⁽¹⁾	21,33	5,45
1701 12 90 ⁽¹⁾	21,33	10,50
1701 91 00 ⁽²⁾	22,75	14,48
1701 99 10 ⁽²⁾	22,75	9,34
1701 99 90 ⁽²⁾	22,75	9,34
1702 90 99 ⁽³⁾	0,23	0,41

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).⁽²⁾ Fixed for the standard quality defined in Annex I.I to Regulation (EC) No 1260/2001.⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 895/2005
of 14 June 2005
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72⁽²⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate,

to take account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 June 2005.

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

Done at Brussels, 14 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

⁽²⁾ OJ L 78, 31.3.1972, p. 1. Regulation as last amended by Regulation (EEC) No 2962/77 (OJ L 348, 30.12.1977, p. 53).

ANNEX

to the Commission Regulation of 14 June 2005 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 June 2005

repealing Decision 2005/63/EC amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles

(notified under document number C(2005) 1705)

(Text with EEA relevance)

(2005/437/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles ⁽¹⁾, and in particular Article 4(2)(b) thereof,

Whereas:

(1) Commission Decision 2005/63/EC amended Annex II to Directive 2000/53/EC according to technical and scientific progress. However, prior to the adoption of this Decision, not all the required documents were correctly transmitted to the European Parliament in accordance with Article 8 of Council Decision 1999/468/EC ⁽²⁾.

(2) Decision 2005/63/EC must therefore be repealed.

(3) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Council Directive 75/442/EEC ⁽³⁾,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/63/EC is repealed.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 June 2005.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 269, 21.10.2000, p. 34. Directive as amended by Commission Decision 2005/63/EC (OJ L 25, 28.1.2005, p. 73).

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

⁽³⁾ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

COMMISSION DECISION

of 10 June 2005

amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles

(notified under document number C(2005) 1707)

(Text with EEA relevance)

(2005/438/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles ⁽¹⁾, and in particular Article 4(2)(a) thereof,

Whereas:

- (1) Article 4(2)(a) of Directive 2000/53/EC prohibits the use of lead, mercury, cadmium or hexavalent chromium in materials and components of vehicles put on the market after 1 July 2003, other than in cases listed in Annex II to that Directive, under the conditions specified therein.
- (2) As product reuse, refurbishment and extension of life-time are beneficial, spare parts need to be available for the repair of vehicles which were already put on the market on 1 July 2003. The use of lead, mercury, cadmium or hexavalent chromium in spare parts put on the market after 1 July 2003 for the repair of such vehicles should thus be tolerated.
- (3) Directive 2000/53/EC should therefore be amended accordingly.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Council Directive 75/442/EEC ⁽²⁾,

HAS ADOPTED THIS DECISION:

Article 1

In Annex II to Directive 2000/53/EC the fifth indent of the 'Notes' is replaced by the following:

— spare parts put on the market after 1 July 2003 which are used for vehicles put on the market before 1 July 2003 are exempted from the provisions of Article 4(2)(a) (*).

(*) This clause does not apply to wheel balance weights, carbon brushes for electric motors and brake linings as these components are covered by specific entries'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 June 2005.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 269, 21.10.2000, p. 34. Directive as last amended by Commission Decision 2002/525/EC (OJ L 25, 28.1.2005, p. 73).

⁽²⁾ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003 p. 1).

COMMISSION DECISION

of 13 June 2005

amending Commission Decision 2005/131/EC as regards the financial assistance for one Community reference laboratory in the field of veterinary public health (biological risks) in the United Kingdom for the year 2005*(notified under document number C(2005) 1711)***(Only the English text is authentic)**

(2005/439/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and, in particular, Article 28(2) thereof,

Whereas:

- (1) Commission Decision 2005/131/EC of 7 February 2005 on financial assistance from the Community for the operation of certain Community reference laboratories in the field of veterinary public health (biological risks) for the year 2005 ⁽²⁾, grants Community financial aid to them to carry out certain functions and duties.
- (2) On 28 January 2005, an EU expert panel, chaired by the Community Reference laboratory for TSEs (CRL), confirmed the detection of bovine spongiform encephalopathy (BSE) in a goat slaughtered in France. It was the first case of BSE in a small ruminant under natural conditions.
- (3) In its statement of 28 January 2005, the Scientific Panel on Biological Hazards of the European Food Safety Authority (EFSA) stressed that the significance of this single case of BSE infection in a goat in France is yet to be assessed. In order to do so, EFSA indicated that the results of an increased monitoring of TSEs in goats will be essential. In response to that, Commission Regulation (EC) No 214/2005 ⁽³⁾ introduced a new programme for the monitoring of TSE in caprine animals starting from

11 February 2005. Under this new monitoring programme, the numbers of healthy slaughter and dead-on-farm caprine animals to be tested are substantially increased.

- (4) Commission Regulation (EC) No 36/2005 amending Annexes III and IX to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards epidemiological surveillance for transmissible spongiform encephalopathies in bovine, ovine and caprine animals ⁽⁴⁾ introduced a strategy to investigate the possible presence of bovine spongiform encephalopathy (BSE) in small ruminants. The strategy includes firstly implementing screening of all confirmed TSE cases in small ruminants at the level of the national reference laboratories. Secondly, a ring trial with at least three different methods in selected laboratories under the heading of the Community Reference laboratory for TSEs (CRL) to be carried out on all cases in which the first screening test could not exclude BSE. Finally, mouse strain typing is required if the outcome of the molecular typing needs confirmation. The Community contribution will cover all the costs for the ring trial and mouse strain typing.
- (5) At the request of the Commission this coordinating role of the CRL for the ring trial and the mouse strain performed in different laboratories was included in the work programmes for 2005.
- (6) Therefore the Community financial assistance to the annual work plan of the CRL should be increased to cover the additional costs for the ring trial and the mouse strain typing.
- (7) Decision 2005/131/EC should be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 45, 16.2.2005, p. 15.

⁽³⁾ OJ L 37, 10.2.2005, p. 9.

⁽⁴⁾ OJ L 10, 13.1.2005, p. 9.

HAS ADOPTED THIS DECISION:

For the period from 1 January to 31 December 2005, that financial aid shall not exceed EUR 810 500.'

Article 1

Article 5(1) of Decision 2005/131/EC is replaced by the following text:

'1. The Community grants financial aid to the United Kingdom for the functions and duties provided in Chapter B of Annex X to Regulation (EC) No 999/2001, to be carried out by the Veterinary Laboratories Agency, Addlestone, United Kingdom, for the monitoring of transmissible spongiform encephalopathies.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 13 June 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

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

COUNCIL COMMON POSITION 2005/440/CFSP
of 13 June 2005
concerning restrictive measures against the Democratic Republic of Congo and repealing Common
Position 2002/829/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) On 21 October 2002, the Council adopted Common Position 2002/829/CFSP⁽¹⁾ on the supply of certain equipment into the Democratic Republic of Congo imposing an embargo on arms, munitions and military equipment on the Democratic Republic of Congo ('DRC').

(2) On 29 September 2003, the Council adopted Common Position 2003/680/CFSP amending Common Position 2002/829/CFSP in order to implement United Nations Security Council Resolution 1493 (2003) ('UNSCR 1493 (2003)') of 28 July 2003 imposing an arms embargo against the DRC.

(3) On 18 April 2005, the United Nations Security Council adopted Resolution 1596(2005), ('UNSCR 1596 (2005)') reaffirming the measures imposed by paragraph 20 of UNSCR 1493 (2003) and providing that these measures are to apply to any recipient in the territory of the DRC.

(4) UNSCR 1596 (2005) also imposes measures to prevent the entry into or transit through Member States' territories of all persons designated by the Committee established by paragraph 8 of UNSCR 1533 (2004), hereinafter referred to as 'the Sanctions Committee'.

(5) UNSCR 1596 (2005) furthermore imposes a freeze of all funds, financial assets and economic resources, owned or controlled, directly or indirectly, by persons designated by the Sanctions Committee or held by entities owned or controlled, directly or indirectly, by such persons or by any persons acting on their behalf or at their direction and provides that no funds, financial assets and economic resources are made available to or for the benefit of such persons or entities.

(6) It is appropriate to integrate the measures imposed by Common Position 2002/829/CFSP and the measures to be imposed pursuant to UNSCR 1596 (2005) in one single legal instrument.

(7) Common Position 2002/829/CFSP should therefore be repealed.

(8) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The direct or indirect supply, sale or transfer of arms and any related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to the DRC by nationals of Member States or from the territories of Member States, or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

2. It shall also be prohibited to:

(a) grant, sell, supply or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any person, entity or body in, or for use in the DRC;

(b) provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance, brokering services and other services, directly or indirectly to any person, entity or body in, or for use in the DRC.

⁽¹⁾ OJ L 285, 23.10.2002, p. 1. Common Position as amended by the Common Position 2003/680/CFSP (OJ L 249, 1.10.2003, p. 64).

Article 2

1. Article 1 shall not apply to:

- (a) the supply, sale or transfer of arms and any related materiel or the provision of technical assistance, financing brokering services and other services related to arms and related materiel solely for support of or use by units of the army and police of the DRC, provided that the said units:
 - (i) have completed the process of their integration, or
 - (ii) operate under the command, respectively, of the 'état-major intégré' of the Armed Forces or of the National Police of the DRC, or
 - (iii) are in the process of their integration, in the territory of the DRC outside the provinces of North and South Kivu and the Ituri district.
- (b) the supply, sale or transfer of arms and any related materiel or the provision of technical assistance, brokering services and other services related to arms and related materiel intended solely for support of or use by the United Nations Organisation Mission in the DRC ('MONUC').
- (c) the supply, sale or transfer of non-lethal military equipment intended solely for humanitarian or protective use, or the provision of assistance and training related to such non-lethal equipment, provided that such supply or provision has been notified in advance to the Sanctions Committee.

2. The supply, sale or transfer of arms and related materiel, referred to in paragraph 1 shall only be made to receiving sites as designated by the Government of National Unity and Transition, in coordination with MONUC, and notified in advance to the Sanctions Committee.

3. The supply, sale or transfer of arms and related materiel or the provision of services, referred to in paragraph 1, shall be subject to an authorisation granted by the competent authorities of the Member States.

4. Member States shall consider deliveries under paragraph 1 on a case-by-case basis, taking full account of the criteria set out in the European Union code of conduct on arms exports. Member States shall require adequate safeguards against misuse of authorisation granted pursuant to paragraph 3 and, where appropriate, make provisions for repatriation of the delivered arms and related materiel.

Article 3

In accordance with UNSCR 1596 (2005) restrictive measures should be imposed against those persons who act in violation

of the arms embargo, as designated by the Sanctions Committee.

The relevant persons are listed in the Annex to this Common Position.

Article 4

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons referred to in Article 3.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall not apply where the Sanctions Committee determines in advance and on a case-by-case basis that travel is justified on the grounds of humanitarian need, including religious obligation, or where the Sanctions Committee concludes that an exemption would further the objectives of the Security Council Resolutions, that are peace and national reconciliation in the DRC and stability in the region.

4. In cases where pursuant to paragraph 3, a Member State authorises the entry into, or transit through, its territory of persons designated by the Sanctions Committee, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 5

1. All funds, other financial assets and economic resources owned or controlled directly or indirectly by the persons referred to in Article 3 or held by entities owned or controlled directly or indirectly by such persons or by any persons acting on their behalf or at their direction, as identified in the Annex, shall be frozen.

2. No funds, financial assets or economic resources shall be made available directly or indirectly to or for the benefit of such persons or entities.

3. Exemptions may be made for funds, other financial assets and economic resources which are:

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the Member State concerned to the Sanctions Committee of the intention to authorise, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Sanctions Committee within four working days of such notification;

(d) necessary for extraordinary expenses, after notification by the Member State concerned to and approval by the Sanctions Committee;

(e) the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered prior to the date of the UNSCR 1596 (2005), and is not for the benefit of a person or entity referred to in Article 3, after notification by the Member State concerned to the Sanctions Committee.

4. Paragraph 2 shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts; or

(b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to restrictive measures,

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

Article 6

The Council shall establish the list contained in the Annex and implement any modifications thereof on the basis of the determination made by the Sanctions Committee.

Article 7

This Common Position shall take effect on the date of its adoption.

Article 8

This Common Position shall be reviewed no later than 12 months after its adoption, taking into account determinations of the Security Council in the light of progress accomplished in the peace and transition process in the DRC, and every 12 months thereafter.

Article 9

Common Position 2002/829/CFSP is hereby repealed.

Article 10

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

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

ANNEX

List of persons and entities referred to in Articles 3, 4 and 5

(Annex to be completed after designation by the Committee established by paragraph 8 of United Nations Security Council Resolution 1533 (2004).)
