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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 171/2004**  
**of 30 January 2004**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 31 January 2004.

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

Done at Brussels, 30 January 2004.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 30 January 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                                           | Third country code <sup>(1)</sup> | Standard import value |
|---------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                                        | 052                               | 120,2                 |
|                                                   | 204                               | 37,5                  |
|                                                   | 212                               | 127,9                 |
|                                                   | 999                               | 95,2                  |
| 0707 00 05                                        | 052                               | 129,4                 |
|                                                   | 204                               | 75,9                  |
|                                                   | 999                               | 102,7                 |
| 0709 10 00                                        | 220                               | 17,7                  |
|                                                   | 999                               | 17,7                  |
| 0709 90 70                                        | 052                               | 104,1                 |
|                                                   | 204                               | 50,9                  |
|                                                   | 999                               | 77,5                  |
| 0805 10 10, 0805 10 30, 0805 10 50                | 052                               | 47,0                  |
|                                                   | 204                               | 50,6                  |
|                                                   | 212                               | 48,0                  |
|                                                   | 220                               | 56,4                  |
|                                                   | 448                               | 32,8                  |
|                                                   | 624                               | 81,3                  |
|                                                   | 999                               | 52,7                  |
| 0805 20 10                                        | 052                               | 74,2                  |
|                                                   | 204                               | 87,9                  |
|                                                   | 999                               | 81,1                  |
| 0805 20 30, 0805 20 50, 0805 20 70,<br>0805 20 90 | 052                               | 78,2                  |
|                                                   | 204                               | 74,2                  |
|                                                   | 220                               | 82,7                  |
|                                                   | 464                               | 82,6                  |
|                                                   | 600                               | 74,0                  |
|                                                   | 624                               | 78,7                  |
|                                                   | 662                               | 38,0                  |
|                                                   | 999                               | 72,6                  |
| 0805 50 10                                        | 052                               | 68,0                  |
|                                                   | 600                               | 58,3                  |
|                                                   | 999                               | 63,2                  |
| 0808 10 20, 0808 10 50, 0808 10 90                | 052                               | 73,2                  |
|                                                   | 060                               | 53,0                  |
|                                                   | 400                               | 87,5                  |
|                                                   | 404                               | 85,2                  |
|                                                   | 720                               | 75,0                  |
|                                                   | 999                               | 74,8                  |
| 0808 20 50                                        | 060                               | 53,0                  |
|                                                   | 388                               | 89,6                  |
|                                                   | 400                               | 77,9                  |
|                                                   | 528                               | 101,2                 |
|                                                   | 720                               | 45,5                  |
|                                                   | 999                               | 73,4                  |

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 172/2004****of 30 January 2004****fixing the minimum selling prices for butter for the 134th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1787/2003 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(3)</sup>, as last amended by Regulation (EC) No 635/2000 <sup>(4)</sup>, to sell by invitation to tender certain quantities of butter from intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipu-

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices of butter from intervention stocks and processing securities applying for the 134th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 31 January 2004.

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

Done at Brussels, 30 January 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 1.

<sup>(3)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(4)</sup> OJ L 76, 25.3.2000, p. 9.

## ANNEX

**to the Commission Regulation of 30 January 2004 fixing the minimum selling prices for butter for the 134th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

(EUR/100 kg)

| Formula                 |                  |              | A            |                 | B            |                 |
|-------------------------|------------------|--------------|--------------|-----------------|--------------|-----------------|
| Incorporation procedure |                  |              | With tracers | Without tracers | With tracers | Without tracers |
| Minimum selling price   | Butter<br>≥ 82 % | Unaltered    | —            | 215             | —            | —               |
|                         |                  | Concentrated | —            | —               | —            | —               |
| Processing security     |                  | Unaltered    | —            | 129             | —            | —               |
|                         |                  | Concentrated | —            | —               | —            | —               |

**COMMISSION REGULATION (EC) No 173/2004****of 30 January 2004****fixing the maximum aid for cream, butter and concentrated butter for the 134th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1787/2003 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(3)</sup>, as last amended by Regulation (EC) No 635/2000 <sup>(4)</sup>, to sell by invitation to tender certain quantities of butter of intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipu-

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum aid and processing securities applying for the 134th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 31 January 2004.

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

Done at Brussels, 30 January 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 1.

<sup>(3)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(4)</sup> OJ L 76, 25.3.2000, p. 9.

## ANNEX

**to the Commission Regulation of 30 January 2004 fixing the maximum aid for cream, butter and concentrated butter for the 134th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

(EUR/100 kg)

| Formula                 |                     | A            |                 | B            |                 |
|-------------------------|---------------------|--------------|-----------------|--------------|-----------------|
| Incorporation procedure |                     | With tracers | Without tracers | With tracers | Without tracers |
| Maximum aid             | Butter $\geq 82\%$  | 79           | 75              | —            | —               |
|                         | Butter $< 82\%$     | 77           | —               | —            | 72              |
|                         | Concentrated butter | 98           | 91              | 97           | 89              |
|                         | Cream               | —            | —               | 34           | 31              |
| Processing security     | Butter              | 87           | —               | —            | —               |
|                         | Concentrated butter | 108          | —               | 107          | —               |
|                         | Cream               | —            | —               | 37           | —               |

**COMMISSION REGULATION (EC) No 174/2004  
of 30 January 2004**

**fixing the maximum purchasing price for butter for the 87th invitation to tender carried out  
under the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 806/2003 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream <sup>(3)</sup>, as last amended by Regulation (EC) No 359/2003 <sup>(4)</sup>, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 87th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 27 January 2004, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 31 January 2004.

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

Done at Brussels, 30 January 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 122, 16.5.2003, p. 1.

<sup>(3)</sup> OJ L 333, 24.12.1999, p. 11.

<sup>(4)</sup> OJ L 53, 28.2.2003, p. 17.

**COMMISSION REGULATION (EC) No 175/2004****of 30 January 2004****fixing the maximum aid for concentrated butter for the 306th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1787/2003 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community <sup>(3)</sup>, as last amended by Regulation (EC) No 124/1999 <sup>(4)</sup>, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 306th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- |                     |                 |
|---------------------|-----------------|
| — maximum aid:      | EUR 97/100 kg,  |
| — end-use security: | EUR 107/100 kg. |

*Article 2*

This Regulation shall enter into force on 31 January 2004.

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

Done at Brussels, 30 January 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 1.

<sup>(3)</sup> OJ L 45, 21.2.1990, p. 8.

<sup>(4)</sup> OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 176/2004**  
**of 30 January 2004**  
**suspending the buying-in of butter in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1787/2003 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream <sup>(3)</sup>, as last amended by Regulation (EC) No 359/2003 <sup>(4)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 116/2004 suspending the buying-in of butter in certain Member States <sup>(5)</sup> establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Spain under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 116/2004 should be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Greece, Italy, the Netherlands, Austria, Luxembourg, Finland and the United Kingdom.

*Article 2*

Regulation (EC) No 116/2004 is hereby repealed.

*Article 3*

This Regulation shall enter into force on 31 January 2004.

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

Done at Brussels, 30 January 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 121.

<sup>(3)</sup> OJ L 333, 24.12.1999, p. 11.

<sup>(4)</sup> OJ L 53, 28.2.2003, p. 17.

<sup>(5)</sup> OJ L 17, 24.1.2004, p. 3.

**COMMISSION REGULATION (EC) No 177/2004**  
**of 30 January 2004**  
**fixing the aid for tomatoes for processing under Council Regulation (EC) No 2201/96 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 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products<sup>(1)</sup>, and in particular Article 6(1) thereof,

Whereas:

- (1) Article 3(3) of Commission Regulation (EC) No 1535/2003 of 29 August 2003 laying down detailed rules for the implementation of Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables<sup>(2)</sup> stipulates that the Commission is to publish the amount of the aid for tomatoes after verification of compliance with the thresholds fixed in Annex III to Regulation (EC) No 2201/96.
- (2) Article 5(2) of Regulation (EC) No 2201/96 provides that processing threshold overruns are to be calculated by comparing the threshold with the average quantity processed with aid over the three marketing years preceding that for which aid must be set.
- (3) The average quantity of tomatoes delivered for processing with aid during the 2001/2002, 2002/2003 and 2003/2004 marketing years as notified by the Member States is 196 004 tonnes higher than the Community

threshold. The aid for 2004/2005 must therefore be adjusted accordingly in relation to the level set in Article 4(2) of Regulation (EC) No 2201/96.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

The aid for tomatoes under Council Regulation (EC) No 2201/96 for the 2004/2005 marketing year shall be:

- EUR 34,50 per tonne in Greece, France, Italy and Portugal;
- EUR 34,50 per tonne in Spain for tomatoes intended for the production of whole peeled tomatoes;
- EUR 29,36 per tonne in Spain for tomatoes intended for the production of products other than whole peeled tomatoes.

*Article 2*

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

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

Done at Brussels, 30 January 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 453/2002 (OJ L 72, 14.3.2002, p. 9).

<sup>(2)</sup> OJ L 218, 30.8.2003, p. 14.

**COMMISSION REGULATION (EC) No 178/2004  
of 30 January 2004**

**determining the extent to which the applications for import licences submitted in January 2004  
for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can  
be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas <sup>(2)</sup>, and in particular Article 16(2) thereof,

Whereas:

Applications lodged from 12 to 16 January 2004 for certain quotas referred to in Annex I to Regulation (EC) No 2535/2001 concern quantities greater than those available; therefore, the allocation factors should be fixed for the quantities applied for,

*Article 1*

The allocation coefficients set out in the Annex to this Regulation shall be applied to the quantities for which import licences have been sought for the period from 12 to 16 January 2004 in respect of products falling within the quotas referred to in part I.A, I.B, points 5 and 6, I.F and I.H of Annex I to Regulation (EC) No 2535/2001.

*Article 2*

This Regulation shall enter into force on 31 January 2004.

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

Done at Brussels, 30 January 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

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<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 1787/2003 (OJ L 270, 21.10.2003, p. 121).

<sup>(2)</sup> OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Commission Regulation (EC) No 50/2004 (OJ L 7, 13.1.2004, p. 9).

## ANNEX I. A

| Quota number | Allocation coefficient |
|--------------|------------------------|
| 09.4590      | 0,8588                 |
| 09.4599      | 0,0077                 |
| 09.4591      | —                      |
| 09.4592      | 1,0000                 |
| 09.4593      | 1,0000                 |
| 09.4594      | 1,0000                 |
| 09.4595      | 0,0077                 |
| 09.4596      | 1,0000                 |

## ANNEX I. B

## 5. Products originating in Romania

| Quota number | Allocation coefficient |
|--------------|------------------------|
| 09.4758      | 0,8086                 |

## 6. Products originating in Bulgaria

| Quota number | Allocation coefficient |
|--------------|------------------------|
| 09.4660      | 1,0000                 |
| 09.4675      | —                      |

## ANNEX I. F

| Quota number | Allocation coefficient |
|--------------|------------------------|
| 09.4155      | 1,0000                 |
| 09.4156      | 1,0000                 |

## ANNEX I. H

| Quota number | Allocation coefficient |
|--------------|------------------------|
| 09.4781      | 1,0000                 |
| 09.4782      | 0,6520                 |

**COMMISSION REGULATION (EC) No 179/2004****of 30 January 2004****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1104/2003 <sup>(2)</sup>, and in particular the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(3)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(4)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid <sup>(5)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 1 February 2004.

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

Done at Brussels, 30 January 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 158, 27.6.2003, p. 1.

<sup>(3)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(4)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(5)</sup> OJ L 288, 25.10.1974, p. 1.

## ANNEX

to the Commission Regulation of 30 January 2004 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

| (EUR/t)         |        |
|-----------------|--------|
| Product code    | Refund |
| 1001 10 00 9400 | 0,00   |
| 1001 90 99 9000 | 0,00   |
| 1002 00 00 9000 | 0,00   |
| 1003 00 90 9000 | 0,00   |
| 1005 90 00 9000 | 0,00   |
| 1006 30 92 9100 | 135,00 |
| 1006 30 92 9900 | 135,00 |
| 1006 30 94 9100 | 135,00 |
| 1006 30 94 9900 | 135,00 |
| 1006 30 96 9100 | 135,00 |
| 1006 30 96 9900 | 135,00 |
| 1006 30 98 9100 | 135,00 |
| 1006 30 98 9900 | 135,00 |
| 1006 30 65 9900 | 135,00 |
| 1007 00 90 9000 | 0,00   |
| 1101 00 15 9100 | 0,00   |
| 1101 00 15 9130 | 0,00   |
| 1102 10 00 9500 | 0,00   |
| 1102 20 10 9200 | 41,15  |
| 1102 20 10 9400 | 35,27  |
| 1103 11 10 9200 | 0,00   |
| 1103 13 10 9100 | 52,90  |
| 1104 12 90 9100 | 0,00   |

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

**COMMISSION REGULATION (EC) No 180/2004****of 30 January 2004****amending for the 29th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freezing of funds and other financial resources in respect of the Taliban of Afghanistan <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 100/2004 <sup>(2)</sup>, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 16, 20 and 26 January 2004, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 881/2002 is hereby amended in accordance with 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, 30 January 2004.

*For the Commission*

Christopher PATTEN

*Member of the Commission*

<sup>(1)</sup> OJ L 139, 29.5.2002, p. 9.

<sup>(2)</sup> OJ L 15, 22.1.2004, p. 18.

## ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

1. the following entries shall be added under the heading 'Legal persons, groups and entities':
    - (a) Al-Haramain Foundation (Indonesia) (alias Yayasan Al-Manahil-Indonesia), (a) Jalan Laut Sulawesi Blok DII/4, Kavling Angkatan Laut Duren Sawit, Jakarta Timur 13440, Indonesia. Other information: telephone 021-86611265 and 021-86611266, fax: 021-8620174, (b) Lembaga Pelayanan Pesantren & Studi Islam, Jl. Jati Padang II, No 18-A, Jakarta Selatan 12540, Indonesia. Other information: telephone 021-789-2870, fax 021-780-0188;
    - (b) Al-Haramain Foundation (Pakistan), House No 279, Nazimuddin Road, F-10/1, Islamabad, Pakistan;
    - (c) Al-Haramayn Foundation (Kenya), (a) Nairobi, Kenya, (b) Garissa, Kenya, (c) Dadaab, Kenya;
    - (d) Al-Haramayn Foundation (Tanzania), (a) PO box 3616, Dar es Salaam, Tanzania, (b) Tanga, (c) Singida.
  2. the entry 'Sulaiman Jassem Abo Ghaith. Former nationality: Kuwaiti' under the heading 'Natural persons' shall be replaced by the following:

Sulaiman Jassem Sulaiman Abo Ghaith (alias Abo Ghaith). Date of birth: 14 December 1965. Place of birth: Kuwait. Former nationality: Kuwaiti.
  3. the entry 'Jamel Lounici' under the heading 'Natural persons' shall be replaced by the following:

Jamel Lounici. Date of birth: 1 February 1962. Place of birth: Algiers. Other information: son of Abdelkader and Johra Birouh.
  4. the entry 'Ayadi Shafiq Ben Mohamed BEN MOHAMED (alias (a) Bin Muhammad, Ayadi Chafiq, (b) Ayadi Chafik, Ben Muhammad, (c) Aiadi, Ben Muhammad, (d) Aiady, Ben Muhammad, (e) Ayadi Shafiq Ben Mohamed, (f) Ben Mohamed, Ayadi Chafiq, (g) Abou El Baraa), (a) Helene Meyer Ring 10-1415-80809, Munich, Germany, (b) 129 Park Road, NW8, London, England, (c) 28 Chaussée De Lille, Moscron, Belgium, (d) Darvingasse 1/2/58-60, Vienna, Austria; Date of birth: 21 March 1963; place of birth: Sfax, Tunisia; nationality: Tunisian, Bosnian, Austrian; passport No: E 423362 delivered in Islamabad on 15 May 1988; national identification No: 1292931; other information: his mother's name is Medina Abid; he is actually in Ireland' under the heading 'Natural persons' shall be replaced by the following:

Ayadi Shafiq Ben Mohamed BEN MOHAMED (alias (a) Bin Muhammad, Ayadi Chafiq, (b) Ayadi Chafik, Ben Muhammad, (c) Aiadi, Ben Muhammad, (d) Aiady, Ben Muhammad, (e) Ayadi Shafiq Ben Mohamed, (f) Ben Mohamed, Ayadi Chafiq, (g) Abou El Baraa), (a) Helene Meyer Ring 10-1415-80809, Munich, Germany, (b) 129 Park Road, NW8, London, England, (c) 28 Chaussée De Lille, Mouscron, Belgium. Date of birth: 21 March 1963. Place of birth: Sfax, Tunisia. Nationality: (a) Tunisian, (b) Bosnian. Passport No: E 423362 delivered in Islamabad on 15 May 1988. National identification No: 1292931. Other information: his mother's name is Medina Abid; he is actually in Ireland.
-

**COMMISSION REGULATION (EC) No 181/2004**  
**of 30 January 2004**  
**determining the world market price for unginned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 <sup>(3)</sup>, as amended by Regulation (EC) No 1486/2002 <sup>(4)</sup>. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 31,905/100 kg.

*Article 2*

This Regulation shall enter into force on 31 January 2004.

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

Done at Brussels, 30 January 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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

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

<sup>(3)</sup> OJ L 210, 3.8.2001, p. 10.

<sup>(4)</sup> OJ L 223, 20.8.2002, p. 3.

**COMMISSION REGULATION (EC) No 182/2004**  
**of 30 January 2004**  
**fixing the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1104/2003 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector <sup>(3)</sup>, as last amended by Regulation (EC) No 1110/2003 <sup>(4)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 February 2004.

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

Done at Brussels, 30 January 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 158, 27.6.2003, p. 1.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 158, 27.6.2003, p. 12.

## ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92**

| CN code       | Description                                     | Import duty <sup>(1)</sup><br>(EUR/tonne) |
|---------------|-------------------------------------------------|-------------------------------------------|
| 1001 10 00    | Durum wheat high quality                        | 0,00                                      |
|               | medium quality                                  | 0,00                                      |
|               | low quality                                     | 0,00                                      |
| 1001 90 91    | Common wheat seed                               | 0,00                                      |
| ex 1001 90 99 | Common high quality wheat other than for sowing | 0,00                                      |
| 1002 00 00    | Rye                                             | 30,95                                     |
| 1005 10 90    | Maize seed other than hybrid                    | 36,00                                     |
| 1005 90 00    | Maize other than seed <sup>(2)</sup>            | 36,00                                     |
| 1007 00 90    | Grain sorghum other than hybrids for sowing     | 30,95                                     |

<sup>(1)</sup> For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

<sup>(2)</sup> The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

## ANNEX II

**Factors for calculating duties**

(period from 16 January 2004 to 29 January 2004)

## 1. Averages over the two-week period preceding the day of fixing:

| Exchange quotations                   | Minneapolis  | Chicago | Minneapolis | Minneapolis        | Minneapolis      | Minneapolis |
|---------------------------------------|--------------|---------|-------------|--------------------|------------------|-------------|
| Product (% proteins at 12 % humidity) | HRS2. 14 %   | YC3     | HAD2        | Medium quality (*) | Low quality (**) | US barley 2 |
| Quotation (EUR/t)                     | 132,89 (***) | 86,21   | 164,58      | 154,58             | 134,58           | 101,67      |
| Gulf premium (EUR/t)                  | 25,46        | 10,41   | —           | —                  | —                | —           |
| Great Lakes premium (EUR/t)           | —            | —       | —           | —                  | —                | —           |

(\*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(\*\*) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(\*\*\*) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

## 2. Averages over the two-week period preceding the day of fixing:

Freight/cost: Gulf of Mexico–Rotterdam: 30,18 EUR/t; Great Lakes–Rotterdam: 41,23 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)  
0,00 EUR/t (SRW2).

## II

(Acts whose publication is not obligatory)

## COUNCIL

**COUNCIL DECISION  
of 20 January 2004**

**appointing a Belgian member and two Belgian alternate members of the Committee of the Regions**

(2004/94/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Belgian Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC <sup>(1)</sup> appointing the members and alternate members of the Committee of the Regions.
- (2) The seats of one member and two alternate members of the Committee of the Regions have become vacant following expiry of the mandates of Mr Patrick DEWAELE, Mr Bert ANCIAUX and Mr Guy SWENNEN, of which the Council was notified on 8 December 2003,

HAS DECIDED AS FOLLOWS:

*Sole Article*

- (a) Mr Bart SOMERS Minister President for the Vlaamse Regering is hereby appointed a member of the Committee of the Regions in place of Mr Patrick DEWAELE.
- (b) The following are appointed alternate members of the Committee of the Regions:
  1. Mr Jos BEX  
Vlaams Volksvertegenwoordiger  
in place of Mr Bert ANCIAUX
  2. Ms Josée VERCAMMEN  
Vlaams Volksvertegenwoordiger  
in place of Mr Guy SWENNEN

for the remainder of their terms of office, which end on 25 January 2006.

Done at Brussels, 20 January 2004.

*For the Council*  
*The President*  
C. McCREEVY

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<sup>(1)</sup> OJ L 24, 26.1.2002, p. 38.

# COMMISSION

## COMMISSION DECISION

of 20 January 2004

**authorising the Member States to provide for derogations from the phytosanitary certificate requirement of Council Directive 2000/29/EC in respect of heat-treated wood of conifers originating in Canada**

(notified under document number C(2004) 65)

(2004/95/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, as last amended by Commission Directive 2003/116/EC <sup>(2)</sup>, and in particular the second indent of Article 15(1) thereof,

Whereas:

- (1) Directive 2000/29/EC provides for protective measures against the introduction into the Community from third countries of organisms that are harmful to plants or plant products.
- (2) Pursuant to Directive 2000/29/EC, wood of conifers (Coniferales) originating in Canada may not be introduced into the Community, with certain exceptions, unless accompanied by an official phytosanitary certificate as provided for in that Directive.
- (3) Directive 2000/29/EC permits derogations from that rule provided that it is established that equivalent safeguards are ensured by means of alternative documentation or marking.
- (4) Wood of conifers originating in Canada is currently introduced into the Community. However, phytosanitary certificates are not generally issued in that country.
- (5) The Commission has noted on the basis of information supplied by Canada and collected during a mission carried out in that country in September 2002 that an official programme, the Canadian Heat-Treated Wood Products Certification Program (CHTWPCP), has been

established by the Canadian Food Inspection Agency (CFIA). The CHTWPCP contains an approval and monitoring identification system for heat-treated wood products intended for export to the Community.

- (6) The Commission has established that the CHTWPCP is sufficient to ensure that wood is heat-treated over a period of time sufficient to achieve the thermal death of the harmful organisms, *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. and its vectors, and thus eliminate the risk of spreading harmful organisms in the Community.
- (7) The Commission has further established that each piece of wood is to have a unique kiln-dried — heat-treated (KD-HT) certification mark, recognised by the CFIA, including the registration number of the facility registered and approved by the CFIA to produce, handle or export heat-treated wood in accordance with the specifications set out in the CHTWPCP.
- (8) Member States should therefore be authorised to provide for derogations allowing wood to be introduced into the Community when it bears a unique KD-HT certification mark as an alternative to a phytosanitary certificate.
- (9) The Commission should request that Canada makes available all technical information necessary to assess the functioning of the CHTWPCP. In addition, Member States should continually assess the use of KD-HT certification marks.
- (10) The authorisation of the identification system shall expire on 1 July 2005.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

<sup>(2)</sup> OJ L 321, 6.12.2003, p. 36.

HAS ADOPTED THIS DECISION:

*Article 1*

By way of derogation from Article 13(1)(ii) of Directive 2000/29/EC, Member States are hereby authorised to provide for derogations allowing the introduction into the Community of wood of conifers (Coniferales) listed under CN codes 4407 10 91, 4407 10 93 and 4407 10 98, as set out in Section IX of Part Two of Annex I to Council Regulation (EEC) No 2658/87<sup>(1)</sup>, originating in Canada, subject to compliance with the conditions set out in the Annex to this Decision.

*Article 2*

The Member States shall provide the Commission and the other Member States with information when they have made use of the authorisation granted in Article 1. The Member States of importation shall provide the Commission and the other Member States by 15 March 2005 with information on the number of consignments imported pursuant to this Decision and with a detailed report of the official inspections required pursuant to Article 13a(1)(b) of Directive 2000/29/EC.

*Article 3*

1. The Member States shall notify the Commission and the other Member States of all consignments introduced into their territory pursuant to this Decision which do not comply with the conditions set out in the Annex to this Decision.

2. The authorisation granted in Article 1 shall be revoked prior to 1 July 2005 if:

- (a) the conditions set out in the Annex to this Decision are shown to be insufficient to prevent the introduction into the Community of organisms harmful to plants or plant products;
- (b) there are elements which could militate against the proper functioning of the CHTWPCP in Canada.

*Article 4*

The authorisation granted in Article 1 shall apply from 1 February 2004. The authorisation shall expire on 1 July 2005.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 20 January 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 2344/2003 (OJ L 346, 31.12.2003, p. 1).

## ANNEX

## PART I

The conditions provided for in Article 1 of this Decision under which Member States are authorised to provide for derogations allowing the introduction into the Community of wood of conifers (Coniferales) listed under CN codes 4407 10 91, 4407 10 93 and 4407 10 98, as set out in Section IX of Part Two of Annex I to Regulation (EEC) No 2658/87, originating in Canada, are the following:

1. The wood must be manufactured at facilities registered and approved by the Canadian Food Inspection Agency (CFIA) to participate in the Canadian Heat-Treated Wood Products Certification Program (CHTWPCP).

The list of facilities registered and approved to participate in the CHTWPCP must be made available to the Commission and must be posted and maintained on the official website of the CFIA ([www.inspection.gc.ca](http://www.inspection.gc.ca)).

2. The wood must have undergone a heat treatment during a period of time sufficient to achieve a minimum core temperature of 56 °C for 30 minutes in a kiln tested and approved for this purpose by the verification body qualified and approved by the CFIA for the purposes of the CHTWPCP (the verification body).

The time and temperature of the heat treatment for each specific lot must be recorded by calibrated equipment which must also be tested and approved by the verification body.

3. When the conditions set out in point 2 are satisfied, a unique certification mark containing the letters KD-HT (kiln-dried heat-treated) (the certification mark) and the registration number of the facility registered and approved by the CFIA to produce, handle or export heat-treated wood in accordance with the specifications set out in the CHTWPCP must be applied on each piece of wood on at least one wide face and in such a way that it is clearly visible on the external surfaces when the board forms part of a bundle. The certification mark, which must be permanent and legible, must be approved by the CFIA, and must comply with the model set out in Part II.

Where bundles of wood are shipped in wrapping and consequently the certification marks are not exposed to view, the certification mark must also be applied on the wrapping. The certification mark must be applied to the upper right hand quarter of one longitudinal side of each bundle of wood, and must comply with the model set out in Part II.

4. A checking system to ensure that the conditions set out in this Annex are satisfied must be set up by the verification body. Information on the implementation by the CFIA of the said checking system must be made available to the Commission.
5. The checking system referred to in point 4 must provide for CFIA inspectors to undertake monitoring at the facilities referred to in point 1 and occasional pre-shipment inspections to monitor, in particular, compliance with points 3 and 6. Information on the implementation by the CFIA on the said checking system must be made available to the Commission.
6. The wood entered into the CHTWPCP and destined to the Community must be accompanied by commercial documentation, intended to be presented to the Community customs authorities with a view to completing customs formalities, at the point of entry into the Community, and endorsed with the following declaration:

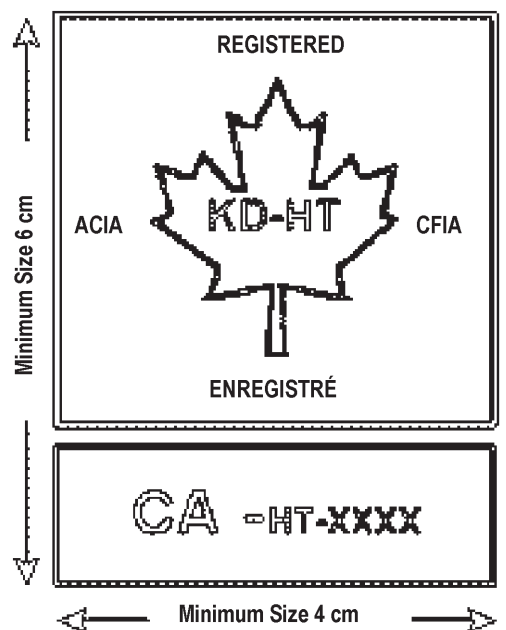
'The lumber in this consignment meets the requirements of the CHTWPCP program of Canada and the conditions laid down in Decision 2004/95/EC.'

This information referred to in the commercial documentation must be made available by the importer to the responsible official bodies as referred to in Article 2(1)(g) of Directive 2000/29/EC at the point of entry to the Community.

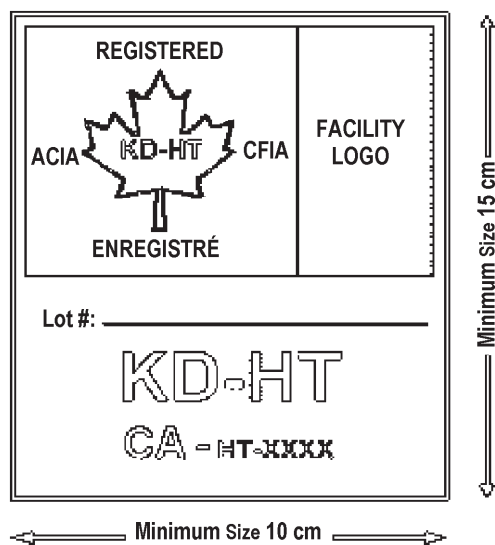
The declaration must be made only by a shipper or other person authorised for this purpose by the CFIA. The list of the authorised shippers or other persons must be made available to the Commission and must be posted and maintained on the official website of the CFIA.

**PART II**  
**Models of certification marks**

1. Certification mark to be applied on every piece of heat-treated wood:



2. Certification mark to be applied on the bundle or on the package wrapper:



## COMMISSION DECISION

of 28 January 2004

**authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of *Vitis L.*, other than fruits, originating in Switzerland**

*(notified under document number C(2004) 122)*

(2004/96/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, as last amended by Commission Directive 2003/116/EC <sup>(2)</sup>, and in particular Article 15(1) thereof,

Having regard to the request made by France,

Whereas:

- (1) Pursuant to Directive 2000/29/EC, plants of *Vitis L.*, other than fruits, originating in third countries may not in principle be introduced into the Community.
- (2) By Commission Decisions 97/159/EC <sup>(3)</sup>, 1999/166/EC <sup>(4)</sup>, 2000/189/EC <sup>(5)</sup>, 2001/5/EC <sup>(6)</sup>, 2001/836/EC <sup>(7)</sup> and 2003/69/EC <sup>(8)</sup>, derogations from certain provisions of Directive 2000/29/EC in respect of plants of *Vitis L.*, other than fruits, originating in Switzerland have been authorised for limited periods and subject to specific conditions.
- (3) The circumstances justifying those derogations are still valid, and there is no new information giving cause for revision of the specific conditions.
- (4) Member States should therefore be authorised to provide for derogations, for a limited period and subject to specific conditions, and without prejudice to Council Directive 68/193/EEC <sup>(9)</sup>, as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council <sup>(10)</sup>, and any implementing measures made thereunder.

- (5) That authorisation to provide for derogations should be terminated if it is established that the specific conditions laid down in this Decision are not sufficient to prevent the introduction of harmful organisms into the Community or have not been complied with.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

## Article 1

Member States are hereby authorised to provide for derogations from Article 4(1) of Directive 2000/29/EC, with regard to the prohibitions referred to in point 15 of Part A of Annex III to that Directive for plants of *Vitis L.*, other than fruits, originating in Switzerland (hereinafter referred to as 'the plants').

The authorisation to provide for derogations, as provided for in paragraph 1 (hereinafter referred to as 'the authorisation'), shall be subject, in addition to the requirements laid down in Annexes I and II to Directive 2000/29/EC, to the conditions provided for in the Annex, and shall only apply to plants that are introduced into the Community between 1 February and 30 March 2004.

## Article 2

Member States shall provide the Commission and the other Member States, before 30 November of the year of importation, with:

- (a) the information on quantities of plants imported pursuant to this Decision; and
- (b) a detailed technical report of the official inspections referred to in point 6 of the Annex.

Any Member State in which buds from the plants are grafted on to rootstocks and in which the grafted plants are planted after the import, shall also provide the Commission and the other Member States, before 30 November of the year of importation, with a detailed technical report of the official inspections referred to in the second indent of point 9 of the Annex.

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

<sup>(2)</sup> OJ L 321, 6.12.2003, p. 36.

<sup>(3)</sup> OJ L 62, 4.3.1997, p. 36.

<sup>(4)</sup> OJ L 55, 3.3.1999, p. 16.

<sup>(5)</sup> OJ L 59, 4.3.2000, p. 18.

<sup>(6)</sup> OJ L 2, 5.1.2001, p. 22.

<sup>(7)</sup> OJ L 312, 29.11.2001, p. 27.

<sup>(8)</sup> OJ L 26, 31.1.2003, p. 72.

<sup>(9)</sup> OJ L 93, 17.4.1968, p. 15.

<sup>(10)</sup> OJ L 268, 18.10.2003, p. 1.

*Article 3*

Member States shall immediately notify the Commission and the other Member States of all consignments introduced into their territory pursuant to this Decision which were subsequently found not to comply with this Decision.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 28 January 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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## ANNEX

**Specific conditions applying to plants of *Vitis L.*, other than fruits, originating in Switzerland benefiting from the derogation provided for in Article 1 of this Decision**

1. The plants shall be propagating material in the form of dormant buds that shall be:
  - (a) of the following varieties:
    - Amigne,
    - Carminoir,
    - Chasselas blanc,
    - Cornalin,
    - Diolinoir,
    - Gamaret,
    - Garanoir,
    - Humagne blanc,
    - Humagne rouge,
    - Paien jaune,
    - Petite Arvine,
    - Pinot noir Valais,
    - Sylvaner;
  - (b) harvested in stock nurseries, which are officially registered. The lists of the registered nurseries shall be made available to the Member States making use of the derogation and to the Commission, at the latest by 1 February 2004. These lists shall include the name(s) of the varieties, the number of rows planted with these varieties, the number of plants per row for each of these nurseries, as far as they are deemed suitable for dispatch to the Community in 2004, under the conditions laid down in this Decision;
  - (c) properly packed and the packaging made recognisable with a marking, enabling the identification of the registered nursery and the variety;
  - (d) intended to be grafted in the Community, at premises referred to in point 7, on to rootstocks produced in the Community.
2. The plants shall be accompanied by a phytosanitary certificate issued in Switzerland in accordance with Article 13 of Directive 2000/29/EC, on the basis of the examination laid down therein, in particular freedom from the following harmful organisms:
  - *Daktulosphaira vitifoliae* (Fitch),
  - *Xylophilus ampelinus* (Panagopoulos) Willems *et al.*,
  - Grapevine Flavescence dorée MLO.

The certificate shall state under 'Additional declaration', the indication 'This consignment meets the conditions laid down in Commission Decision 2004/96/EC'.
3. The official plant protection organisation of Switzerland shall ensure the identity of the buds from the time of harvesting as referred to in paragraph (b) of point 1 until the time of loading for export to the Community.
4. The plants shall be introduced through points of entry situated within the territory of a Member State and designated for the purpose of this derogation by that Member State; these points of entry and the name and address of the responsible official body referred to in Directive 2000/29/EC in charge of each point shall be notified sufficiently in advance by the Member States to the Commission and shall be held available on request to other Member States. In those cases where the introduction into the Community takes place in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State of introduction shall inform and cooperate with the said responsible official bodies of the Member States making use of this derogation to ensure that the provisions of this Decision are complied with.
5. Prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in points 1 to 10; the said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State, without delay, shall convey the details of the notification to the Commission, indicating:
  - (a) the type of material;
  - (b) the variety and the quantity;

- (c) the declared date of introduction and confirmation of the point of entry;
- (d) the names, addresses and the locations of the premises referred to in point 7 where the buds will be grafted and/or where the grafted plants will subsequently be planted.

The importer shall inform the official bodies concerned of any changes to the above details as soon as they are known.

The Member State concerned shall inform the Commission of the above details, and details of any change to them without delay.

6. The inspections including testing, as appropriate, required pursuant to Article 13 of Directive 2000/29/EC and in accordance with provisions laid down in the present Decision shall be made by the responsible official bodies, referred to in the said Directive; of these inspections, the plant health checks shall be carried out by the Member State making use of this derogation and where appropriate, in cooperation with the said bodies of the Member State in which the buds will be grafted. Furthermore during the said plant health check that Member State(s) shall also inspect for all other harmful organisms. Sub-samples shall be kept available for subsequent examination by other Member States.

Without prejudice to the monitoring referred to in the third indent of the third paragraph of Article 21, first possibility of the said Directive, the Commission shall determine to which extent the inspections referred to in the third indent of the third paragraph of Article 21, second possibility, of the said Directive shall be integrated into the inspection programme in accordance with the third subparagraph of paragraph 5 of Article 21 of that Directive.

7. The buds shall be grafted on to rootstocks and the grafted plants subsequently planted only at premises:
- (a) for which the names, addresses and the locations have been notified by the person who intends to use the buds imported pursuant to this Decision, to the said responsible official bodies of the Member State in which the premises are situated; and
  - (b) officially registered and approved for the purposes of this derogation.

In those cases where the place of grafting or planting is situated in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the aforementioned advance notification from the importer, shall inform the said responsible official bodies of the Member State in which the buds will be grafted or planted giving the names, addresses and the locations of the premises where the plants will be grafted or planted.

8. The said responsible official bodies shall ensure that any bud not used in accordance with point 7 shall be destroyed under the control of the said responsible official bodies. Records shall be kept available to the Commission on the numbers of plants destroyed.
9. At the premises referred to in point 7:
- (a) the buds which have been found free from the harmful organisms referred to in point 6 may then be used for grafting and the grafted plants shall be planted and grown in fields belonging to the premises referred to in point 7 and shall remain on the premises, until they are moved to a destination outside the Community as referred to in point 10;
  - (b) the grafted plants shall be, in the growing period following importation, visually inspected by the said responsible official bodies of the Member State in which the grafted plants are planted, at appropriate times, for the presence of any harmful organism or for signs or symptoms caused by any harmful organism including those of *Daktulosphaira vitifoliae* (Fitch); as a result of such visual inspection any harmful organism having caused such signs or symptoms shall be identified by an appropriate testing procedure;
  - (c) any grafted plant which has not been found free, during the said inspections or testing referred to in the previous indents, from the harmful organisms listed under point 2, or otherwise of quarantine concern, shall be immediately destroyed under control of the said responsible bodies.
10. Any grafted plant resulting from a successful grafting using the buds referred to in paragraph (a) of point 1 shall be only released in 2004 or 2005 as grafted plants to a destination outside the Community. The said responsible official bodies shall ensure that any plant not so moved shall be officially destroyed. Records shall be kept available to the Commission on the amounts of successfully grafted plants, of officially destroyed plants and of plants sold, as well as on the country of destination of the plants sold.
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**CORRIGENDA**

**Corrigendum to Commission Directive 2004/2/EC of 9 January 2004 amending Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for fenamiphos**

*(Official Journal of the European Union L 14 of 21 January 2004)*

On page 15 in the table in the Annex, against 'Carrots':

*for:* '0,5',

*read:* '0,05'.

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