

Official Journal

of the European Union

ISSN 1725-2555

L 39

Volume 47

11 February 2004

English edition

Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 226/2004
of 10 February 2004
amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 20 December 1996 the Council adopted Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products⁽¹⁾. Community demand for the products in question should be met under the most favourable conditions. For that purpose new Community tariff quotas should be opened at reduced or zero rates of duty for appropriate volumes, and certain existing tariff quotas should be extended, while avoiding any disturbance to the markets for these products.
- (2) The quota amount for certain autonomous Community tariff quotas is insufficient to meet the needs of the Community industry for the current quota period. Consequently, these quota amounts should be increased with effect from 1 January 2003 or 1 July 2003, depending on the starting date of these quotas, and therefore the immediate entry into force of this Regulation should be envisaged.
- (3) It is no longer in the Community's interest to maintain in 2004 a Community tariff quota on some of the products for which duties were suspended in 2003. Those products should therefore be removed from the table set out in Annex I to Regulation (EC) No 2505/96.
- (4) In view of the large number of amendments and in the interest of clarity, Annex I to Regulation (EC) No 2505/96 should be replaced entirely.
- (5) Regulation (EC) No 2505/96 should therefore be amended accordingly.

- (6) Having regard to the economic importance of this Regulation, it is necessary to rely on the grounds of urgency provided for in point I.3 of the Protocol annexed to the Treaty on European Union and to the Treaties establishing the European Community on the role of national parliaments in the European Union,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 2505/96 shall be replaced by the text set out in the Annex to this Regulation.

Article 2

For the quota period from 1 January to 31 December 2003, Annex I to Regulation (EC) No 2505/96 is hereby amended as follows:

- (a) order number 09.2979: the amount of the tariff quota is fixed at 800 000 units;
- (b) order number 09.2985: the amount of the tariff quota is fixed at 600 000 units.

Article 3

For the quota period from 1 July to 31 December 2003, Annex I to Regulation (EC) No 2505/96 is hereby amended as follows:

Order number 09.2935: the amount of the tariff quota shall be fixed at 90 000 tonnes.

Article 4

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

It shall apply from 1 January 2004, except for Article 2 which shall apply from 1 January 2003, and Article 3 which shall apply from 1 July 2003.

⁽¹⁾ OJ L 345, 31.12.1996, p. 1. Regulation as last amended by Regulation (EC) No 1078/2003 (OJ L 156, 25.6.2003, p. 1).

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

Done at Brussels, 10 February 2004.

For the Council

The President

C. MCCREEVY

ANNEX

'ANNEX I

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2602	ex 2921 51 19	10	o-phenylenediamine	1 800 tonnes	0	1.1.–31.12.
09.2603	ex 2931 00 95	15	Bis(3-triethoxysilylpropyl) tetrasulfide	2 000 tonnes	0	1.1.–31.12.
09.2604	ex 3905 30 00	10	Poly(vinyl alcohol) partially acetalised with 5-(4-azido-2-sulfo-benzylidene)-3-(formylpropyl)-rhodanine, sodium salt	100 tonnes	0	1.1.–31.12.
09.2605	ex 3824 90 99	78	Silver and palladium-based chemical dispersion of a kind used for screen coatings, having a content not exceeding 0,4 % by weight of silver and palladium each	80 000 litres	0	1.1.–31.12.
09.2606	ex 3824 90 99	79	Silica sol for use as polishing agent in the manufacture of products falling within subheading 8542 21 01 (a)	1 200 tonnes	0	1.1.–31.12.
09.2607	ex 2922 50 00	60	Fesoterodine (INN) hydrogen fumarate	30 kg	0	1.1.–31.12.
09.2609	ex 2811 22 00	20	Fumed silica for use as a polish agent in the manufacture of products falling within subheading 8542 21 01 (a)	1 000 tonnes	0	1.1.–31.12.
09.2610	ex 2925 20 00	20	(Chloromethylene)dimethylammonium chloride	100 tonnes	0	1.1.–31.12.
09.2611	ex 2826 19 00	10	Calcium fluoride having a total content of aluminium, magnesium and sodium of 0,25 mg/kg or less, in the form of powder	55 tonnes	0	1.1.–31.12.
09.2612	ex 2921 59 90	30	3,3'-dichlorobenzidine dihydrochloride	300 tonnes	3,5	1.1.–31.12.
09.2613	ex 2932 99 70	40	1,3:2,4-Bis-O-(3,4-dimethylbenzylidene)-D-glucitol	250 tonnes	3,3	1.1.–31.12.
09.2614	ex 7011 20 00	85	Glass face-plate with a diagonal measurement from the outer edge to the outer edge of 91,8 (± 0,2) cm and having a light transmission of 78 (± 3) % by a reference glass thickness of 11,43 mm	200 000 units	0	1.1.–31.12.
09.2615	ex 2934 99 90	70	Ribonucleic acid	110 tonnes	0	1.1.–31.12.
09.2616	ex 3910 00 00	30	Polydimethylsiloxane with a degree of polymerisation of 2 800 monomer units (± 100)	1 300 tonnes	0	1.1.–31.12.
09.2618	ex 2918 19 80	40	(R)-2-Chloromandelic acid	100 tonnes	0	1.1.–31.12.
09.2619	ex 2934 99 90	71	2-Thienylacetonitrile	120 tonnes	0	1.1.–31.12.
09.2620	ex 8526 91 90	10	Assembly for GPS system having a position determination function	100 000 units	0	1.1.–31.12.
09.2621	ex 3812 30 80	50	Aluminium magnesium zinc hydroxide carbonate hydrate, coated with a surface-active agent	1 800 tonnes	0	1.1.–31.12

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2703	ex 2825 30 00	10	Vanadium oxides and hydroxides, only for the production of alloys (a)	13 000 tonnes	0	1.1.-31.12.
09.2713			Sweet cherries, marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a):	2 000 tonnes		1.1.-31.12.
	ex 2008 60 19	10	— with a sugar content exceeding 9 % by weight,		10 ⁽¹⁾	
	ex 2008 60 39	11/19	— with a sugar content not exceeding 9 % by weight		10	
09.2719			Sour cherries (<i>Prunus cerasus</i>), marinated in alcohol, of a diameter not exceeding 19,9 mm, intended for the manufacture of chocolate products (a):	2 000 tonnes		1.1.-31.12.
	ex 2008 60 19	20	— with a sugar content exceeding 9 % by weight,		10 ⁽¹⁾	
	ex 2008 60 39	20	— with a sugar content not exceeding 9 % by weight		10	
09.2727	ex 3902 90 90	93	Synthetic poly-alpha-olefin having a viscosity of not less than $38 \times 10^{-6} \text{ m}^2 \text{ s}^{-1}$ (38 centistokes) at 100 °C, measured using the ASTM D 445 method	10 000 tonnes	0	1.1.-31.12.
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % by weight of chromium	50 000 tonnes	0	1.1.-31.12.
09.2809	ex 3802 90 00	10	Acid-activated montmorillonite for the manufacture of self-copy paper (a)	10 000 tonnes	0	1.1.-31.12.
09.2829	ex 3824 90 99	19	Solid extract of the residual insoluble in aliphatic solvents obtained during the extraction of resin from wood, having the following characteristics: — a resin acid content not exceeding 30 % by weight, — an acid number not exceeding 110, and — melting point of not less than 100 °C	1 600 tonnes	0	1.1.-31.12.
09.2837	ex 2903 49 80	10	Bromochloromethane	450 tonnes	0	1.1.-31.12.
09.2841	ex 2712 90 99	10	Blend of 1-alkenes containing 80 % by weight or more of 1-alkenes of a chain-length of 20 and 22 carbon atoms	10 000 tonnes	0	1.1.-31.12.
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals (a) (b)	700 tonnes	0	1.1.-31.12.
09.2851	ex 2907 12 00	10	o-Cresol having a purity of not less than 98,5 % by weight	20 000 tonnes	0	1.1.-31.12.
09.2853	ex 2930 90 70	35	Glutathione	15 tonnes	0	1.1.-31.12.

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2881	ex 3901 90 90	92	Chlorosulphonated polyethylene	6 000 tonnes	0	1.1.-31.12.
09.2882	ex 2908 90 00	20	2,4-Dichloro-3-ethyl-6-nitrophenol, powdered	90 tonnes	0	1.1.-31.12.
09.2889	3805 10 90	—	Sulphate turpentine	20 000 tonnes	0	1.1.-31.12.
09.2902	ex 8540 11 15	91	Flat screen colour cathode-ray tube with a screen width/height ratio of 4/3, a diagonal measurement of the screen of 59 cm or more but not exceeding 61 cm and a curvature radius of 50 mm or more	20 000 units	7	1.1.-30.6.2004
09.2904	ex 8540 11 19	95	Flat screen colour cathode-ray tube with a screen width/height ratio of 4/3, a diagonal measurement of the screen of 79 cm or more but not exceeding 81 cm and a curvature radius of 50 mm or more	8 500 units	0	1.1.-31.12.
09.2913	ex 2401 10 41 ex 2401 10 49 ex 2401 10 50 ex 2401 10 70 ex 2401 10 90 ex 2401 20 41 ex 2401 20 49 ex 2401 20 50 ex 2401 20 70 ex 2401 20 90	10 10 10 10 10 10 10 10 10 10	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than EUR 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of products falling within subheading 2402 10 00 (a)	6 000 tonnes	0	1.1.-31.12.
09.2914	ex 3824 90 99	26	Aqueous solution containing by weight not less than 40 % of dry betaine extract and 5 % or more but no more than 30 % by weight of organic or inorganic salts	38 000 tonnes	0	1.1.-31.12.
09.2917	ex 2930 90 13	90	Cystine	600 tonnes	0	1.1.-31.12.
09.2918	ex 2910 90 00	50	1,2-Epoxybutan	500 tonnes	0	1.1.-31.12.
09.2919	ex 8708 29 90	10	Folding bellows for the manufacture of articulated buses (a)	2 600 units	0	1.1.-31.12.
09.2933	ex 2903 69 90	30	1,3-Dichlorobenzene	2 600 tonnes	0	1.1.-31.12.
09.2935	3806 10 10	—	Rosin and resin acids, obtained from fresh oleoresins	120 000 tonnes	0	1.1.-30.6.
09.2935	3806 10 10	—	Rosin and resin acids, obtained from fresh oleoresins	80 000 tonnes	0	1.7.-31.12.
09.2945	ex 2940 00 00	10	D-Xylose	400 tonnes	0	1.1.-31.12.
09.2947	ex 3904 69 90	95	Poly(vinylidene fluoride), in powder form, for the preparation of paint or varnish for coating metal (a)	1 300 tonnes	0	1.1.-31.12.
09.2950	ex 2905 59 10	10	2-Chloroethanol, for the manufacture of liquid thioplasts of subheading 4002 99 90 (a)	6 500 tonnes	0	1.1.-31.12.
09.2955	ex 2932 19 00	60	Flurtamone (ISO)	300 tonnes	0	1.1.-31.12.

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2957	ex 8507 90 98	10	Stamped cylindrical can, in non-alloy steel, post-nickel-plated, for an accumulator, of a diameter of 13 mm or more but not exceeding 17 mm, and of a height of 27 mm or more but not exceeding 70 mm	70 000 000 units	0	1.1.-31.12.
09.2964	ex 5502 00 80	20	Filament tow of cellulose produced by organic solvent spinning (Lyocell), for use in the paper industry (a)	1 200 tonnes	0	1.1.-31.12.
09.2966	ex 2839 19 00	20	Crystalline disodium disilicate, containing by weight: — 59 % or more of silicon-dioxide, and — 30 % or more of disodium oxide	2 000 tonnes	0	1.1.-31.12.
09.2975	ex 2918 30 00	10	Benzophenone-3,3':4,4'-tetracarboxylic dianhydride	500 tonnes	0	1.1.-31.12.
09.2976	ex 8407 90 10	10	Four-stroke petrol engines of a cylinder capacity not exceeding 250 cm ³ , for use in the manufacture of lawnmowers of subheading 8433 11 (a)	650 000 units (c)	0	1.7.2003-30.6.2004
09.2979	ex 7011 20 00	15	Glass face-plate with a diagonal measurement from the outer edge to the outer edge of 81,5 cm ($\pm 0,2$ cm) and having a light transmission of 80 % (± 3 %) by a reference thickness of the glass of 11,43 mm	600 000 units	0	1.1.-31.12.
09.2981	ex 8407 33 90 ex 8407 90 80 ex 8407 90 90	10 10 10	Spark-ignition reciprocating or rotary internal combustion piston engines, having a cylinder capacity of not less than 300 cm ³ and a power of not less than 6 but not exceeding 15,5 kW, for the manufacture of: — self-propelled lawnmowers, with a seat of subheading 8433 11 51 — tractors of subheading 8701 90 11, having the main function of a lawnmower or — four-stroke mowers with a motor capacity of not less than 300 cm ³ of subheading 8433 20 10 (a)	210 000 units	0	1.1.-31.12.
09.2985	ex 8540 91 00	33	Flat masks of a length of 685,6 mm ($\pm 0,2$ mm) or 687,2 mm ($\pm 0,2$ mm) and a height of 406,9 mm ($\pm 0,2$ mm) or 408,9 mm ($\pm 0,2$ mm), with a width of the slots at the end of the central vertical axe of 174 micrometer (± 8 micrometer)	400 000 units	0	1.1.-31.12.2004
09.2986	ex 3824 90 99	76	Mixture of tertiary amines containing: — 60 % by weight of dodecyltrimethylamine, or more, — 20 % by weight of dimethyl(tetradecyl)amine, or more, — 0,5 % by weight of hexadecyltrimethylamine, or more	14 000 tonnes	0	1.1.-31.12.

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2992	ex 3902 30 00	93	Propylene-butylene copolymer, containing by weight not less than 60 % but not more than 68 % of propylene and not less than 32 % but not more than 40 % of butylene, of a melt viscosity not exceeding 3 000 mPa at 190 °C, as determined by the ASTM D 3236 method, for use as an adhesive in the manufacture of products falling within subheading 4818 40 (a)	1 000 tonnes	0	1.1.-31.12.
09.2993	ex 3920 10 28	93	Polyethylene film with a thickness of not more than 23 µm but not exceeding 27 mm, with a weight of not more than 32 g/m ² but not exceeding 42 g/m ² and with a water vapour permeability of not less than 900 g/m ² per day	120 000 000 m ²	0	1.1.-31.12.
09.2995	ex 8536 90 85 ex 8538 90 99	95 93	Keypads, — comprising a layer of silicone and polycarbonate keytops or — wholly of silicone or wholly of polycarbonate, including printed keys, for the manufacture or repair of mobile radio-telephones of subheading 8525 20 91 (a)	20 000 000 units	0	1.1.-31.12.
09.2998	ex 2924 29 95	80	5'-Chloro-3-hydroxy-2',4'-dimethoxy-2-naphthanilide	26 tonnes	0	1.1.-31.12.
09.2999	ex 7011 20 00	10	Glass face-plate with a major diagonal measurement from the outer edge to the outer edge of 72,4 cm (± 0,2 cm) and having a light transmission of 80 % (± 3 %) by a reference thickness of the glass of 11,43 mm	600 000 units	0	1.1.-31.12.

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) However, the tariff quota is not allowed where processing is carried out by retail or catering undertakings.

(c) The quantities of goods subject to this quota and released for free circulation as from 1 July 2003, as provided for in Regulation (EC) No 1078/2003, shall be fully counted against this quantity.

(¹) The specific additional duty is applicable.'

COMMISSION REGULATION (EC) No 227/2004
of 10 February 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 ⁽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 11 February 2004.

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

Done at Brussels, 10 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽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 the Commission Regulation of 10 February 2004 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	89,2
	204	52,7
	212	120,5
	999	87,5
0707 00 05	052	129,4
	204	29,7
	999	79,6
0709 10 00	204	13,5
	220	13,5
	999	13,5
0709 90 70	052	103,7
	204	34,2
	999	69,0
0805 10 10, 0805 10 30, 0805 10 50	052	42,6
	204	45,0
	212	47,4
	220	34,7
	400	44,5
	624	78,6
	999	48,8
0805 20 10	204	96,4
	999	96,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	73,6
	204	104,9
	220	73,6
	400	58,9
	464	76,1
	600	76,6
	624	65,3
	999	75,6
0805 50 10	052	66,2
	600	58,8
	999	62,5
0808 10 20, 0808 10 50, 0808 10 90	060	57,7
	400	108,6
	404	92,1
	528	95,0
	720	73,1
	999	85,3
0808 20 50	060	63,8
	388	108,6
	400	87,6
	528	92,3
	720	34,5
	999	77,4

⁽¹⁾ 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 228/2004
of 3 February 2004

laying down transitional measures applicable to Regulation (EC) No 565/2002 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first subparagraph of Article 41 thereof,

Whereas:

- (1) Transitional measures should be laid down in order to allow importers from the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as the new Member States), to benefit from the provisions contained in Regulation (EC) No 565/2002 Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing tariff quotas and introducing a system of certificates of origin for garlic imported from third countries ⁽¹⁾.
- (2) Arrangements should be laid down for the year 2004 to ensure that, as from the date of Accession, a distinction between traditional importers and new importers from new Member States is made in compliance with Regulation 565/2002.
- (3) The definition of 'reference quantity' in Article 2(d) of Regulation (EC) No 565/2002 should be adapted so that importers from the new Member States may benefit from the system.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

1. 'current Member States' shall mean the Member States of the Community as constituted on 30 April 2004;

2. 'new Member States' shall mean the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

Article 2

By way of derogation from Article 2(b) of Regulation (EC) No 565/2002, and only for the new Member States, 'importers' shall mean operators, natural or legal persons, individuals or groups whose residence or head office is located in one of the new Member States, having imported in at least one of the previous two calendar years and from countries other than the current Member States or the new Member States, at least 50 tonnes per year of fruit and vegetables as referred to in Article 1(2) of Regulation (EC) No 2200/96 ⁽²⁾.

Article 3

By way of derogation from Article 2(c) of Regulation (EC) No 565/2002 and only for the new Member States, 'traditional importers' shall mean importers who have imported garlic into the current Member States or the new Member States in at least two of the three previous import periods, from origins other than the current or the new Member States.

Article 4

By way of derogation from Article 2(d) of Regulation (EC) No 565/2002 and only for the new Member States, 'reference quantity' shall mean the maximum quantity of annual imports of garlic carried out by a traditional importer, from countries other than the new Member States or the current Member States, during the three import periods preceding that for which a licence application has been presented.

Article 5

This Regulation shall enter into force on 1 May 2004 subject to the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

⁽¹⁾ OJ L 86, 3.4.2002, p. 11.

⁽²⁾ OJ L 297, 21.11.1996, p. 1.

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

Done at Brussels, 3 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 229/2004
of 10 February 2004**

derogating from Regulation (EC) No 565/2002 as regards the dates for lodging the licence applications for imports of garlic for the first quarter of the period 2004 to 2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 31(2) thereof,

Whereas:

- (1) Importers from the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as 'the new Member States') should benefit from the provisions contained in Commission Regulation (EC) No 565/2002 of 2 April 2002 establishing the method for managing tariff quotas and introducing a system of certificates of origin for garlic imported from third countries ⁽²⁾.
- (2) To ensure the correct use of quotas and allow traditional importers from the new Member States to be in a position to apply for sufficient quantities during the first quarter of the import period 2004 to 2005, provisions should be made as regards the dates for lodging the applications.

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 5(2) of Regulation (EC) No 565/2002, importers shall submit their applications for import licences for the first quarter of the import period 2004 to 2005 to the national competent authorities from 3 May 2004 till the last Friday of August 2004, both inclusive.

Article 2

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

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

Done at Brussels, 10 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 86, 3.4.2002, p. 11.

COMMISSION REGULATION (EC) No 230/2004**of 10 February 2004****amending Regulation (EC) No 1972/2003 on transitional measures to be adopted in respect of trade in agricultural products on account of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 41, first paragraph, thereof,

Whereas:

(1) Article 4(4) of Commission Regulation (EC) No 1972/2003⁽¹⁾ stipulates that the new Member States shall carry out, without delay, an inventory of stocks available as at 1 May 2004 in order to ensure that the charge to be imposed on holders of surplus stocks is applied correctly. In order to facilitate the establishment of an inventory which comprises a considerable number of agricultural and non-Annex I products and to tackle potential risks in an efficient way the new Member States may use a system of risk analysis for identifying holders of surplus stocks.

(2) It is necessary to prevent goods which have attracted an export refund from benefiting from any intervention measure or aid as laid down in Title I, Chapters II and III of Council Regulation (EC) No 1255/1999⁽²⁾ of 17 May 1999 on the common organisation of the market in milk and milk products.

(3) Regulation (EC) No 1972/2003 should be amended in consequence.

(4) The measures provided for in this Regulation are in accordance with the opinion of all the Management Committees concerned,

Regulation (EC) No 1972/2003 is amended as follows:

1. Article 4 is amended as follows:

(a) paragraph 4 is replaced by the following:

‘4. In order to ensure that the charge referred to in paragraph 1 is correctly applied, the new Member States shall, without delay, carry out an inventory of stocks available as at 1 May 2004. To this end, they may use a system for identifying holders of surplus stocks based on a risk analysis taking due account in particular of the following criteria:

— type of activity of the holder,

— capacity of storage facilities,

— level of activity.

The new Member States shall notify the Commission of the quantity of products in surplus stocks, except of those quantities in public stocks as referred to in Article 5, by 31 October 2004 at the latest.’;

(b) in the second, third, sixth, ninth and tenth indents of paragraph 5 ‘2009 40’ is replaced by ‘2009 41 and 2009 49’;

2. the title of Article 8 ‘proof of non-payment of refunds/production refund’ is replaced by ‘proof of non-payment of refunds’;

3. in Article 9, the second sentence is replaced by the following: ‘Any product which attracted an export refund shall be eligible neither for production refund when used in the manufacturing of products referred to in Annex I to Commission Regulation (EC) No. 1722/93 or in Annex I to Regulation (EC) No 1265/2001 nor for any intervention measure or aid as laid down in Title I, Chapters II and III of Regulation (EC) No 1255/1999.’

Article 2

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union.

It shall apply until 30 April 2007.

⁽¹⁾ OJ L 293, 11.11.2003, p. 3.

⁽²⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1787/2003 (OJ L 270, 21.10.2003, p. 121).

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

Done at Brussels, 10 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 231/2004
of 10 February 2004
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

Nomenclature and which is not in accordance with this Regulation, can, for a period of three months, continue to be invoked by the holder, according to Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 10 February 2004.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ 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. 38).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by the Act of Accession of 2003.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Yellow, oily, liquid preparation containing by weight 70 % or more of petroleum oils and containing additives. The product has the following characteristics: — Distillation (ASTM D 86): - at 250 °C: 0 - at 266 °C: start of distillation - at 339 °C (end of distillation): more than 85 % by volume - at 350 °C: more than 85 % by volume — Flash point (Pensky-Martens): - Higher than 100 °C — Infrared spectroscopy: - Aliphatic hydrocarbons — Sulphur content (EN ISO 8754): - Less than 0,05 % by weight The preparation can be used as lubricating oil.	2710 19 41	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, additional notes 1(d) and 1(e) to Chapter 27 and the wording of CN codes 2710, 2710 19 and 2710 19 41. Since 'heavy oils' according to the definition in additional note 1(d) to Chapter 27 comprises oils and preparations, the term 'gas oils' according to the definition in additional note 1(e) to Chapter 27 also comprises oils and preparations. The product cannot be classified as a lubricant since it fulfils the provisions of additional notes 1(d) and 1(e) to Chapter 27. It is therefore to be classified as a gas oil of subheading 2710 19 41 (see also the Explanatory notes to the Combined Nomenclature codes 2710 19 71 to 2710 19 99).

COMMISSION REGULATION (EC) No 232/2004**of 10 February 2004****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 649/2003 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2003 to 30 June 2004 at 11 500 t.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 February 2004 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of March 2004 for 7 804,922 t.

Article 2

This Regulation shall enter into force on 11 February 2004.

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

Done at Brussels, 10 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 95, 11.4.2003, p. 13.

COMMISSION REGULATION (EC) No 233/2004
of 10 February 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 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, 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 ⁽³⁾. 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 29,495/100 kg.

Article 2

This Regulation shall enter into force on 11 February 2004.

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

Done at Brussels, 10 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

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

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

**COUNCIL COMMON POSITION 2004/133/CFSP
of 10 February 2004
on restrictive measures against extremists in the Former Yugoslav Republic of Macedonia
(FYROM) and repealing Common Position 2001/542/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty establishing the European Community, and in particular Article 15 thereof,

Article 1

Whereas:

- (1) The Council has repeatedly underlined its commitment to the stabilisation and normalisation of the situation in the Former Yugoslav Republic of Macedonia (FYROM), based on the full implementation of the Framework Agreement.
- (2) This commitment by the Council has been demonstrated by intensive engagement by the High Representative/Secretary General, the appointment of successive EU Special Representatives, and the deployment of operations 'Concordia' and 'Proxima'.
- (3) Despite an overall improvement of the situation, certain individuals continue to promote or take part in violent activities challenging the Framework Agreement's basic principles of stability, territorial integrity and the unitary and multi-ethnic character of FYROM and/or to undermine and obstruct the concrete implementation of the Agreement by actions outside the democratic process.
- (4) It is therefore appropriate to implement targeted measures in the form of restrictions to the admission on the territory of Member States, aimed at the abovementioned individuals, including those residing outside FYROM.
- (5) These measures should not be construed as a limitation of their freedom of opinion and expression.
- (6) Council Common Position 2001/542/CFSP of 16 July 2001 concerning a visa ban against extremists in FYROM⁽¹⁾ should be repealed,

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who actively promote or take part in violent extremist activities challenging the Ohrid Framework Agreement's basic principles of stability, territorial integrity and the unitary and multi-ethnic character of FYROM, and/or who deliberately, repeatedly and illegitimately undermine and obstruct the concrete implementation of the Framework Agreement by actions outside the democratic process.

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

Article 2

1. Article 1(1) shall not apply to cases where a Member State is bound by an obligation of international law, namely:

- (i) as a host country of an international intergovernmental organisation;
- (ii) as a host country to an international conference convened by, or under the auspices of, the United Nations; or
- (iii) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

2. Paragraph 1 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

Article 3

1. Member States may grant exemptions from the measures imposed pursuant to Article 1(1) where travel is justified on the grounds of urgent humanitarian need or on the grounds of attending intergovernmental meetings, including those promoted by the European Union, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in the Former Yugoslav Republic of Macedonia.

⁽¹⁾ OJ L 194, 18.7.2001, p. 55.

2. A Member State wishing to grant exemptions referred to in paragraph 1 shall notify the Council in writing. The exemption will be deemed to be granted unless one or more of the Council Members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. In the event that one or more of the Council Members raises an objection, the Council, acting by a qualified majority, may decide to authorise the proposed exemption.

Article 4

In cases where pursuant to Articles 2 and 3 a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 5

Modifications of the list contained in the Annex shall be decided by the Council, acting upon a proposal by a Member State or the Commission. When deciding on any such modification, the Council shall take account of the criteria set out in Article 1(1).

Article 6

In order to maximise the impact of the abovementioned measures, the European Union shall encourage third countries to adopt restrictive measures similar to those contained in this Common Position.

Article 7

This Common Position shall apply for a 12-month period. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 8

Common Position 2001/542/CFSP is hereby repealed.

Article 9

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

Article 10

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

Done at Brussels, 10 February 2004.

For the Council

The President

C. MCCREEVY

ANNEX

List of persons referred to in Article 1

Name	ADILI Gafur
Aka	Valdet Vardari
Date of birth	5.1.1959
Place of birth/origin	Kicevo (Harandjell)
Name	BAJRAMI Hamdi
Aka	Breza
Date of birth	16.8.1981
Place of birth/origin	Brest (former Yugoslav Republic of Macedonia)
Name	BUTKA Spiro
Aka	Vigan Gradica
Date of birth	29.5.1949
Place of birth/origin	Kosovo
Name	GEORGIEVSKI Goran
Aka	Mujo
Date of birth	2.12.1969
Place of birth/origin	Kumanovo
Name	HYSENI Xhemail
Aka	Xhimi Shea
Date of birth	15.8.1958
Place of birth/origin	Lipkovo (Lojane)
Name	JAKUPI Avdil
Aka	Cakalla
Date of birth	20.4.1974
Place of birth/origin	Tanusevce
Name	REXHEPI Daut
Aka	Leka
Date of birth	6.1.1966
Place of birth/origin	Poroj
Name	RUSHITI Sait
Date of birth	7.7.1966
Place of birth/origin	Tetovo
Name	SAMIU Izair
Aka	Baci
Date of birth	23.7.1963
Place of birth/origin	Semsevo
Name	STOJKOV Goran
Date of birth	25.2.1970
Place of birth/origin	Strumica
Name	SULEJMANI Fadil
Date of birth	5.12.1940
Place of birth/origin	Tetovo (Bosovce)

Name	SULEJMANI Gyner
Date of birth	3.3.1954
Country of birth/origin	Turkey

CORRIGENDA

Corrigendum to Commission Decision 2004/81/EC of 6 January 2004 amending Council Decision 79/542/EEC drawing up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products, in particular to include certain acceding States

(Official Journal of the European Union L 17 of 24 January 2004)

On page 43, in the Annex:

- against the entry for 'EE Estonia', column 'live animals', subcolumn 'P' , should read 'X',
- against the entry for 'LT Lithuania', column 'live animals', subcolumn 'P' , should read 'X',
- against the entry for 'LV Latvia', column 'live animals', subcolumn 'P' , should read 'X',
- against the entry for 'MT Malta', column 'fresh meat and meat products domestic', subcolumn 'S/G' , should read 'X',
- against the entry for 'MT Malta', column 'fresh meat wild', subcolumn 'CH' , should read 'X',
- against the entry for 'MT Malta', column 'live animals', subcolumn 'P' , should read 'X';

and on page 44:

- against the entry for 'PL Poland', column 'live animals', subcolumn 'P' , should read 'X',
 - against the entry for 'SI Slovenia', column 'live animals', subcolumn 'P' , should read 'X',
 - against the entry for 'SK Slovak Republic', column 'live animals', subcolumn 'P', should read 'X'.
-