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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 392/2004
of 24 February 2004
amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indica-
tions referring thereto in agricultural products and foodstuffs

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

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

Whereas:

inspection system and to submit to the inspection system all operators throughout the production and the preparation process.

- (4) In conformity with the principle of a risk-based approach, it might appear in some cases disproportionate to apply notification and inspection requirements to certain types of retail operators. It is therefore appropriate to provide for the possibility for Member States to exempt such operators from those requirements.

(1) Regulation (EEC) No 2092/91 ⁽²⁾ provides for a harmonised framework for the labelling, production and inspection of agricultural products, which bear or are intended to bear indications referring to the organic production method.

(2) Regulation (EEC) No 2092/91 also provides for Community-wide protection of certain terms used to indicate to consumers that a food or feed product, or its ingredients, are obtained in accordance with the organic production method laid down in that Regulation. That protection also applies to the usual derivatives or diminutives of those terms, whether they are used alone or combined, and independently of which language is used. In order to remove any possibility of misinterpretation as regards the scope of the protection it is appropriate to amend that Regulation correspondingly.

(3) Regulation (EEC) No 2092/91 also provides that operators producing, preparing or importing products from third countries, which fall within the scope of that Regulation are subject to an inspection system. In recent years, some products bearing indications referring to the organic production method have been placed on the market without complying with Regulation (EEC) No 2092/91. Moreover, contamination with herbicides has occurred recently during the storage of products from organic farming. It is therefore necessary to reinforce the

- (5) For the purpose of respecting the obligation of professional secrecy, the inspection authorities and bodies are required not to disclose information and data they obtain in their inspection activity. However, the exchange of information should be possible between inspection authorities and bodies in order to improve traceability and to guarantee compliance with Regulation (EEC) No 2092/91 throughout the production and preparation process.

- (6) Since the Community logo indicating that products are covered by the specific inspection scheme may be used for products imported from third countries, it is appropriate to provide, for reasons of clarity, that equivalent inspection requirements are to be applied to those products.

- (7) It is appropriate to provide for a deferred date of application of the new notification and inspection requirements in order to allow for the necessary adjustments, in particular in the Member States where no such requirements currently exist. This should be without prejudice to such inspection requirements which already exist at national level.

⁽¹⁾ Opinion delivered on 4 December 2003 (not yet published in the Official Journal).

⁽²⁾ OJ L 198, 22.7.1991, p. 1. Regulation last amended by Commission Regulation (EC) No 2277/2003 (OJ L 336, 23.12.2003, p. 68).

- (8) Regulation (EEC) No 2092/91 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2092/91 is hereby amended as follows:

1. Article 2 shall be replaced by the following:

'Article 2

For the purposes of this Regulation a product shall be regarded as bearing indications referring to the organic production method where, in the labelling, advertising material or commercial documents, such a product, its ingredients or feed materials are described in terms suggesting to the purchaser that the product, its ingredients or feed materials have been obtained in accordance with the rules of production laid down in Article 6. In particular, the following terms or their usual derivatives (such as bio, eco etc.) or diminutives, alone or combined, shall be regarded as indications referring to the organic production method throughout the Community and in any Community language, unless they are not applied to agricultural products in foodstuffs or feedingstuffs or clearly have no connection with this method of production:

- in Spanish: ecológico,
- in Danish: økologisk,
- in German: ökologisch, biologisch,
- in Greek: βιολογικό,
- in English: organic,
- in French: biologique,
- in Italian: biologico,
- in Dutch: biologisch,
- in Portuguese: biológico,
- in Finnish: luonnonmukainen,
- in Swedish: ekologisk.;

2. in Article 8, paragraph 1 shall be replaced by the following:

'1. Any operator who produces, prepares, stores or imports from a third country products as specified in Article 1 with a view to the subsequent marketing thereof, or who markets such products, shall:

- (a) notify this activity to the competent authority of the Member State where the activity is carried out; such notification shall include the information referred to in Annex IV;
- (b) submit his undertaking to the inspection system referred to in Article 9.

Member States may exempt from the application of this paragraph operators who sell such products directly to the final consumer or user provided they do not produce, prepare, store other than in connection with the point of sale, or import such products from a third country.

Where an operator contracts out any of the activities referred to in the first subparagraph to a third party, that operator shall nonetheless be subject to the requirements referred to in points (a) and (b), and the subcontracted activities shall be subject to the inspection system referred to in Article 9.;

3. Article 9 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. Member States shall set up an inspection system operated by one or more designated inspection authorities and/or by approved private bodies to which the operators referred to in Article 8(1) shall be subject.;

(b) in paragraph 7, point (b), the following sentence shall be added:

'However, upon request duly justified by the necessity to guarantee that the products have been produced in accordance with this Regulation, they shall exchange with other inspection authorities or approved inspection bodies relevant information on the results of their inspection. They may also exchange the abovementioned information on their own initiative.;

(c) in paragraph 9, point (a) shall be replaced by the following:

'(a) ensure that, where an irregularity is found regarding the implementation of Articles 5 and 6 or of the provisions referred to in Articles 3 and 4 of Commission Regulation (EC) No 223/2003 of 5 February 2003 on labelling requirements related to the organic production method for feedingstuffs, compound feedingstuffs and feed materials (*), or of the measures referred to in Annex III, the indications provided for in Article 2 referring to the organic production method are removed from the entire lot or production run affected by the irregularity concerned;

(*) OJ L 31, 6.2.2003, p. 3.;

4. in Article 10(1), point (b) shall be replaced by the following:

'(b) have been subject to the inspection system referred to in Article 9 throughout the production and preparation process or, in the case of imported products to equivalent measures; in the case of products imported according to Article 11 (6), the implementation of the inspection system shall comply with requirements equivalent to those provided for in Article 9, and in particular paragraph 4 thereof.;

Article 2

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

Article 1(2) shall apply from 1 July 2005.

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

Done at Brussels, 24 February 2004.

For the Council

The President

J. WALSH

COUNCIL REGULATION (EC) No 393/2004
of 24 February 2004
amending Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and
hemp grown for fibre

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third subparagraph of Article 37(2) thereof,

Having regard to the proposal from the Commission,

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

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

After consulting the opinion of the Committee of the Regions,

Whereas:

- (1) The second subparagraph of Article 2(3)(b) of Regulation (EC) No 1673/2000 ⁽³⁾ lays down that the Member States may derogate from the limit of 7,5 % impurities and shives and grant processing aid for short flax fibre containing a percentage of impurities and shives of between 7,5 % and 15 % and for hemp fibre containing a percentage of impurities and shives of between 7,5 % and 25 %. However, advantage may be taken of this possibility only until the 2003/04 marketing year.

- (2) At the present time, the percentage of impurities and shives in most short flax fibre and hemp fibre obtained during primary processing exceeds the limit of 7,5 %. In order to consolidate the positive development the sector is experiencing and to allow for further improvements in competitiveness, the possibility of Member States to derogate from that limit should be extended for two marketing years.

- (3) Regulation (EC) No 1673/2000 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In the second subparagraph of Article 2(3)(b) of Regulation (EC) No 1673/2000, '2001/2002 to 2003/2004' is replaced by '2001/02 to 2005/06'.

Article 2

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

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

Done at Brussels, 24 February 2004.

For the Council
The President
J. WALSH

⁽¹⁾ Opinion delivered on 10 February 2004 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 21 January 2004 (not yet published in the Official Journal).

⁽³⁾ OJ L 193, 29.7.2000, p. 16. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

COMMISSION REGULATION (EC) No 394/2004**of 2 March 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 3 March 2004.

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

Done at Brussels, 2 March 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 2 March 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	107,8
	204	53,6
	212	115,9
	999	92,4
0707 00 05	052	146,1
	068	51,0
	204	49,7
	999	82,3
0709 90 70	052	110,6
	204	54,9
	999	82,8
0805 10 10, 0805 10 30, 0805 10 50	052	39,0
	204	47,6
	212	53,0
	220	39,1
	400	70,9
	624	74,6
	999	54,0
0805 50 10	052	54,0
	400	36,4
	600	57,6
	999	49,3
0808 10 20, 0808 10 50, 0808 10 90	052	60,0
	060	37,3
	388	117,3
	400	112,9
	404	101,0
	508	69,4
	512	94,3
	524	82,4
	528	89,5
	720	79,0
0808 20 50	999	84,3
	060	66,1
	388	78,7
	508	69,3
	512	65,6
	528	75,7
	720	149,5
	999	84,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 395/2004
of 2 March 2004**

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 964/2003 on imports of certain tube or pipe fittings, of iron or steel, originating, *inter alia*, in the People's Republic of China by imports of certain tube or pipe fittings, of iron or steel, consigned from Sri Lanka, whether declared as originating in Sri Lanka or not and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

C. EXISTING MEASURES

Having regard to the Treaty establishing the European Community,

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 964/2003 ⁽¹⁾.

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the 'basic Regulation'), and in particular Article 13(3) and Article 14(3) and (5) thereof,

D. GROUNDS

After having consulted the Advisory Committee,

- (6) The request contains sufficient *prima facie* evidence that the anti-dumping measures on imports of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China are being circumvented by means of transshipment and incorrect declaration of origin via Sri Lanka of certain tube or pipe fittings, of iron or steel.

Whereas:

A. REQUEST

- (7) The evidence submitted is as follows:

- (1) The Commission has received a request pursuant to Article 13(3) of Regulation (EC) No 384/96 to investigate the possible circumvention of the anti-dumping measures imposed on imports of certain tube or pipe fittings, of iron or steel, originating, *inter alia*, in the People's Republic of China.
- (2) The request was lodged on 20 January 2004 by the Defence Committee of the Steel Butt-Welding Fittings Industry of the European Union on behalf of four Community producers.

The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China and Sri Lanka to the Community has taken place following the imposition of measures on the product concerned, and that there is insufficient due cause or justification other than the imposition of the duty for such a change.

This change in the pattern of trade appears to stem from the transshipment and incorrect declaration of origin of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China via Sri Lanka.

B. PRODUCT

Furthermore, the request contains sufficient evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined in terms of quantities. Significant volumes of imports of certain tube or pipe fittings, of iron or steel, from Sri Lanka appear to have replaced imports of the product concerned originating in the People's Republic of China.

- (3) The product concerned by the possible circumvention is tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, normally declared under CN codes ex 7307 93 11 (TARIC code 7307 93 11 94), ex 7307 93 19 (TARIC code 7307 93 19 94), ex 7307 99 30 (TARIC code 7307 99 30 94) and ex 7307 99 90 (TARIC code 7307 99 90 94) (the 'product concerned'). These codes are given for information only.
- (4) The product under investigation is certain tube or pipe fittings, of iron or steel, consigned from Sri Lanka (the 'product under investigation') normally declared under the same codes as the product concerned.

Finally, the request contains sufficient evidence that the prices of certain tube or pipe fittings, of iron or steel, are dumped in relation to the normal value previously established for the product concerned.

Should circumvention practices via Sri Lanka covered by Article 13 of the basic Regulation other than transshipment and incorrect declaration of origin be identified in the course of the investigation, the investigation may cover these practices also.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1, as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 139, 6.6.2003, p. 1, as last amended by Regulation (EC) No 2212/2003 (OJ L 332, 19.12.2003, p. 3).

E. PROCEDURE

- (8) In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of certain tube or pipe fittings, of iron or steel, consigned from Sri Lanka, whether declared as originating in Sri Lanka or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (9) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers and to the associations of exporters/producers in Sri Lanka, the exporters/producers and to the associations of exporters/producers in the People's Republic of China, to the importers and to the associations of importers in the Community which cooperated in the investigation that lead to the existing measures and to the authorities of the People's Republic of China and Sri Lanka. Information, as appropriate, may also be sought from the Community industry.
- (10) In any event all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation and, if necessary, request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (11) The authorities of the People's Republic of China and Sri Lanka will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (12) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

- (13) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.
- (14) The possible circumvention takes place outside the Community. Article 13 of the basic Regulation is aiming at countering circumvention practices without affecting operators which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of producers in the country concerned which could establish that they are not involved in circumvention practices. Therefore, it appears necessary to introduce a possibility for producers

concerned to request an exemption from the registration of imports of their exported products or from measures on these imports.

- (15) Producers wishing to obtain an exemption should apply for it and submit any requested questionnaire reply within the appropriate time limits, in order for it to be established that they are not circumventing the anti-dumping duties within the meaning of Article 13(1) of the basic Regulation. Importers could still benefit from exemption from registration or measures to the extent that their imports are from producers which are granted such an exemption, and in accordance with Article 13(4).

F. REGISTRATION

- (16) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied retroactively from the date of the registration of such imports consigned from Sri Lanka.

G. TIME LIMITS

- (17) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.
- (18) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

H. NON-COOPERATION

- (19) In cases in which any interested party refuses access to or otherwise does not provide necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (20) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of facts available. If an interested party does not cooperate or cooperates only partially, and findings are therefore based on facts available in accordance with article 18, the result may be less favourable than if it had cooperated,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 384/96, in order to determine if imports into the Community of tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, falling within CN codes ex 7307 93 11 (TARIC code 7307 93 11 94), ex 7307 93 19 (TARIC code 7307 93 19 94), ex 7307 99 30 (TARIC code 7307 99 30 94) and ex 7307 99 90 (TARIC code 7307 99 90 94), consigned from Sri Lanka, whether originating in Sri Lanka or not, are circumventing the measures imposed by Council Regulation (EC) No 964/2003.

Article 2

The Customs authorities are hereby directed, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports into the Community identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by Regulation, may direct Customs authorities to cease registration in respect of imports into the Community of products manufactured by producers having applied for an exemption of registration and having been found not to be circumventing the anti-dumping duties.

Article 3

1. Questionnaires should be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 40 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Interested parties may also apply to be heard by the Commission within the same 40 day time limit.

4. Any information relating to the matter, any request for a hearing or for a questionnaire as well as any request for authorisation of certificates of non-circumvention must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone, fax and/or telex numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission
Directorate General for Trade
Directorate B
J-79 5/16
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEU B 21877

Article 4

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

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

Done at Brussels, 2 March 2004.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

**COMMISSION REGULATION (EC) No 396/2004
of 2 March 2004**

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 964/2003 on imports of certain tube or pipe fittings, of iron or steel, originating, *inter alia*, in the People's Republic of China by imports of certain tube or pipe fittings, of iron or steel, consigned from Indonesia, whether declared as originating in Indonesia or not and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

C. EXISTING MEASURES

Having regard to the Treaty establishing the European Community,

- (4) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 964/2003 ⁽¹⁾.

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the 'basic Regulation'), and in particular Article 13(3) and Article 14(3) and (5) thereof,

D. GROUNDS

After having consulted the Advisory Committee,

- (5) The Commission has at its disposal sufficient *prima facie* evidence that the anti-dumping measures on imports of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China are being circumvented by means of transshipment and incorrect declaration of origin via Indonesia of certain tube or pipe fittings, of iron or steel.

Whereas:

- (6) The evidence available is as follows:

A. INTRODUCTION

- (1) The Commission has decided, pursuant to Article 13(3) of Regulation (EC) No 384/96 to investigate on its own initiative the possible circumvention of the anti-dumping measures imposed on imports of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China.

A significant change in the pattern of trade involving exports from the People's Republic of China and Indonesia to the Community has taken place following the imposition of measures on the product concerned. Imports of the products under investigation have increased substantially and there is insufficient due cause or justification other than the imposition of the duty for such a change. This change in the pattern of trade appears to stem from a transshipment and incorrect declaration of origin of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China via Indonesia.

B. PRODUCT

- (2) The product concerned by the possible circumvention is tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, normally declared under CN codes ex 7307 93 11 (TARIC code 7307 93 11 93), ex 7307 93 19 (TARIC code 7307 93 19 93), ex 7307 99 30 (TARIC code 7307 99 30 93) and ex 7307 99 90 (TARIC code 7307 99 90 93), (the 'product concerned'). These codes are given for information only.
- (3) The product under investigation is certain tube or pipe fittings, of iron or steel, consigned from Indonesia (the 'product under investigation') normally declared under the same codes as the product concerned.

Furthermore, the evidence points to the fact that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined in terms of quantity. Significant volumes of imports of certain tube or pipe fittings, of iron or steel, from Indonesia appear to have replaced imports of the product concerned originating in the People's Republic of China.

Finally, the Commission has sufficient evidence at its disposal that the prices of certain tube or pipe fittings, of iron or steel, are dumped in relation to the normal value previously established for the product concerned.

Should circumvention practices via Indonesia covered by Article 13 of the basic Regulation other than transshipment and incorrect declaration of origin be identified in the course of the investigation, the investigation may cover these practices also.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1, as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 139, 6.6.2003, p. 1, as last amended by Regulation (EC) No 2212/2003 (OJ L 332, 19.12.2003, p. 3).

E. PROCEDURE

- (7) In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of certain tube or pipe fittings, of iron or steel, consigned from Indonesia, whether declared as originating in Indonesia or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (8) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers and to the associations of exporters/producers in Indonesia, the exporters/producers and to the associations of exporters/producers in the People's Republic of China, to the importers and to the associations of importers in the Community which cooperated in the investigation that lead to the existing measures and to the authorities of the People's Republic of China and Indonesia. Information, as appropriate, may also be sought from the Community industry.
- (9) In any event all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation and, if necessary, request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (10) The authorities of the People's Republic of China and Indonesia will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (11) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

- (12) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.
- (13) The possible circumvention takes place outside the Community. Article 13 of the basic Regulation is aiming at countering circumvention practices without affecting operators which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of producers in the country concerned which could establish that they are not involved in circumvention practices. Therefore, it

appears necessary to introduce a possibility for producers concerned to request an exemption from the registration of imports of their exported products or from measures on these imports.

- (14) Producers wishing to obtain an exemption should apply for it and submit any requested questionnaire reply within the appropriate time limits, in order for it to be established that they are not circumventing the anti-dumping duties within the meaning of Article 13(1) of the basic Regulation. Importers could still benefit from exemption from registration or measures to the extent that their imports are from producers which are granted such an exemption, and in accordance with Article 13(4).

F. REGISTRATION

- (15) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied retroactively from the date of the registration of such imports consigned from Indonesia.

G. TIME LIMITS

- (16) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.
- (17) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

H. NON-COOPERATION

- (18) In cases in which any interested party refuses access to or otherwise does not provide necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (19) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of facts available. If an interested party does not cooperate or cooperates only partially, and findings are therefore based on facts available in accordance with article 18, the result may be less favourable than if it had cooperated,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 384/96, in order to determine if imports into the Community of tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, falling within CN codes ex 7307 93 11 (TARIC code 7307 93 11 93), ex 7307 93 19 (TARIC code 7307 93 19 93), ex 7307 99 30 (TARIC code 7307 99 30 93) and ex 7307 99 90 (TARIC code 7307 99 90 93), consigned from Indonesia, whether originating in Indonesia or not, are circumventing the measures imposed by Council Regulation (EC) No 964/2003.

Article 2

The Customs authorities are hereby directed, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports into the Community identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by Regulation, may direct Customs authorities to cease registration in respect of imports into the Community of products manufactured by producers having applied for an exemption of registration and having been found not to be circumventing the anti-dumping duties.

Article 3

1. Questionnaires should be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 40 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Interested parties may also apply to be heard by the Commission within the same 40 day time limit.

4. Any information relating to the matter, any request for a hearing or for a questionnaire as well as any request for authorisation of certificates of non-circumvention must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone, fax and/or telex numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission
Directorate General for Trade
Directorate B
J-79 5/16
B-1049 Brussels
Fax (32 2) 295 65 05
Telex COMEU B 21877

Article 4

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

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

Done at Brussels, 2 March 2004.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 February 2004

establishing a model health certificate for non-commercial movements from third countries of dogs, cats and ferrets

(notified under document number C(2004) 432)

(Text with EEA relevance)

(2004/203/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽¹⁾, and in particular Article 8(4) thereof,

Whereas:

- (1) Article 8 of Regulation (EC) No 998/2003 establishes conditions for non-commercial movements of dogs, cats and ferrets from third countries. These conditions differ depending on the status of the third country of origin and of the Member State of destination.
- (2) Article 8(4) provides for a model certificate for these movements to be established.
- (3) It is appropriate to establish a unique model for the cases provided for in Regulation (EC) No 998/2003. Those concern entries from all third countries into a Member State other than Ireland, Sweden and the United Kingdom and entries into Ireland, Sweden and the United Kingdom from third countries listed in section 2 of part B and part C of Annex II to Regulation (EC) No 998/2003.
- (4) Since Regulation (EC) No 998/2003 will apply from 3 July 2004, this Decision should apply from the same date.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

This Decision establishes the model certificate for non-commercial movements from third countries of pet animals of the domestic species dogs, cats and ferrets, provided for in Article 8(4) of Regulation (EC) No 998/2003.

That certificate shall be required for entries from all third countries into a Member State other than Ireland, Sweden and the United Kingdom and for entries into Ireland, Sweden and the United Kingdom from third countries listed in section 2 of part B and part C of Annex II to Regulation (EC) No 998/2003.

Article 2

The model certificate is set out in the Annex.

Article 3

The certificate shall consist of a single sheet drawn up at least in the language of the Member State of entry and in English. It shall be completed in block letters in the language of the Member State of entry or in English.

⁽¹⁾ OJ L 146, 13.6.2003, p. 1.

Parts I to V of the certificate should be issued and signed by an official veterinarian designated by the competent authority of the country of dispatch or by a veterinary surgeon authorised by the competent authority. In the latter case the competent authority must endorse the certificate. Parts VI and VII, where applicable, shall be completed and signed by veterinarians authorised to practice veterinary medicine in the country of dispatch.

The certificate must be accompanied by supporting documentation, or a certified copy of it, including vaccination details and the result of the serological test. This documentation must bear identification details of the animal concerned.

Article 4

The vaccination provided for in part IV must be an inactivated vaccine produced at least in accordance with the OIE manual of standards for diagnostic tests and vaccines.

Article 5

The certificate is valid for intra-Community movements for a period of four months from the date of issue or until the date of expiry of the vaccination shown in part IV, whichever is earlier.

The certificate shall not be used for animals from, or prepared in, countries not listed in Annex II to Regulation (EC) No 998/2003, when moving to Ireland, Sweden or the United Kingdom, where national rules apply.

Article 6

When the movement is from a third country listed in section 2 of part B and part C of Annex II to Regulation (EC) No 998/2003, the conditions provided for in Article 8(1)(a) of Regulation (EC) No 998/2003 shall only apply in case of:

- a direct journey to the Member State of entry, or
- a journey including only residence in country(ies) listed in section 2 of part B and part C of Annex II to Regulation (EC) No 998/2003 between the third country of dispatch and the Member State of entry.

However, the direct journey may include transiting a third country not listed in Annex II by air or sea provided the animal remains within the perimeter of an international airport in such a country or secured within the vessel.

Article 7

This Decision shall apply from 3 July 2004.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 18 February 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Model of health certificate for the non-commercial movement from third countries of pet animals of the domestic species dogs, cats and ferrets, as provided for in Article 8(4) of Regulation (EC) No 998/2003.

**VETERINARY CERTIFICATE
FOR DOMESTIC DOGS, CATS AND FERRETS ENTERING THE
EUROPEAN COMMUNITY
FOR NON-COMMERCIAL MOVEMENTS
(Regulation (EC) No 998/2003)**

COUNTRY of dispatch of the animal: _____

Serial number of the Certificate:

--

I. OWNER/RESPONSIBLE PERSON ACCOMPANYING THE ANIMAL

First name:	Surname:
Address:	
Postcode:	City:
Country:	Telephone:

II. DESCRIPTION OF THE ANIMAL

Species	Breed:
Sex:	Coat (colour and type):
Date of birth:	

III. IDENTIFICATION OF THE ANIMAL

Microchip number:	
Location of microchip:	Date of microchipping:
Tattoo number:	Date of tattooing:

IV. VACCINATION AGAINST RABIES

Manufacturer and name of vaccine:		
Batch number:	Vaccination date:	Valid until:

V. RABIES SEROLOGICAL TEST (when required)

I have seen an official record of the result of a serological test for the animal, carried out on a sample taken on (dd/mm/yyyy) _____, and tested in an EU-approved laboratory, which states that the rabies neutralising antibody titre was equal to or greater than 0,5 IU/ml.

OFFICIAL VETERINARIAN OR VETERINARIAN AUTHORISED BY THE COMPETENT AUTHORITY (*) (in the latter case, the competent authority must endorse the certificate)

First name:

Surname:

Address:

SIGNATURE, DATE & STAMP:

Postcode:

City:

Country:

Telephone:

(*) Delete as applicable

ENDORSEMENT BY THE COMPETENT AUTHORITY (Not necessary when the certificate is signed by an official veterinarian)

DATE & STAMP:

VI. TICK TREATMENT (when required)

Manufacturer and name of product:

Date and time of treatment (dd/mm/yyyy + 24-hour clock):

Name of veterinarian:

Address:

SIGNATURE, DATE & STAMP:

Postcode:

City:

Country:

Telephone:

VII. ECHINOCOCCUS TREATMENT (when required)

Manufacturer and name of product:

Date and time of treatment (dd/mm/yyyy + 24-hour clock):

Name of veterinarian:

Address:

SIGNATURE, DATE & STAMP:

Postcode:

City:

Country:

Telephone:

NOTES FOR GUIDANCE

1. Identification of the animal (tattoo or microchip) must have been verified before any entries are made on the certificate.
2. The rabies vaccine used must be an inactivated vaccine produced in accordance with OIE standards.
3. The certificate is **valid for 4 months after signature** by the official veterinarian or endorsement by the competent authority, or until the date of expiry of the vaccination shown in Part IV, whichever is earlier.
4. Animals from, or prepared in, third countries not listed in Annex II to Regulation (EC) No 998/2003, may not enter Ireland, Sweden or the United Kingdom, either directly or via another country listed in Annex II unless brought into conformity with national rules.

CONDITIONS APPLYING (Regulation (EC) No 998/2003)**(A) ENTRY IN A MEMBER STATE OTHER THAN IRELAND, SWEDEN AND TO UNITED KINGDOM**

- (1) from a third country listed in Annex II to Regulation (EC) No 998/2003:
Parts I, II, III, and IV must be completed (and VII for Finland)
In case of a subsequent movement to Finland, Part VII and to Ireland, Sweden or the United Kingdom, Parts V, VI and VII must be completed in compliance with national rules, and may be completed in a country listed in Annex II to Regulation (EC) No 998/2003
- (2) from a third country not listed in Annex II to Regulation (EC) No 998/2003:
Parts I, II, III, IV and V must be completed (and VII for Finland). The sample referred to in Part V must have been taken more than three months before the entry. For subsequent movement to Ireland, Sweden or the United Kingdom — See Note 4. In case of a subsequent movement to Finland, Part VII must be completed (see (A)(1) above)

(B) ENTRY IN IRELAND, SWEDEN AND THE UNITED KINGDOM

- (1) from a third country listed in Annex II to Regulation (EC) No 998/2003:
Parts I, II, III, IV, V, VI and VII must be completed (parts III, V, VI and VII complying with national rules)
- (2) from a third country not listed in Annex II to Regulation (EC) No 998/2003: The certificate is not valid — See note 4

COMMISSION DECISION

of 23 February 2004

laying down detailed arrangements for the operation of the registers for recording information on genetic modifications in GMOs, provided for in Directive 2001/18/EC of the European Parliament and of the Council*(notified under document number C(2004) 540)***(Text with EEA relevance)**

(2004/204/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ⁽¹⁾, and in particular Article 31(2) thereof,

Whereas:

- (1) Different sets of information are required for the notification of genetically modified organisms, hereinafter 'GMOs', pursuant to Directive 2001/18/EC. The data required relates to the individual GMO itself, to the environment into which the GMO is released and to the interaction between the GMO and the receiving environment, including any effects on human health.
- (2) The information required in notifications concerning the deliberate release of GMOs is listed in Annex III to Directive 2001/18/EC. Annex IV to that Directive describes in general terms the additional information to be provided in notifications for placing GMOs on the market. It also specifies the labelling information required for GMOs as products or in products to be placed on the market. Some of that additional information should be placed on one or several registers, namely information concerning genetic modifications, which can be used for detection and identification of particular GMO products, including detection methods relating to thresholds established pursuant to Directive 2001/18/EC, in order to facilitate post-marketing control and inspection.
- (3) According to Article 31(2) of Directive 2001/18/EC, the Commission is to establish one or several register(s), hereinafter 'the registers', for the purpose of recording the information on genetic modifications in GMOs specified in Section A, point 7 of Annex IV to that Directive.
- (4) That information should include, where appropriate, the lodging of samples of the GMO, as or in products, or of its genetic material, with the competent authority and details of nucleotide sequences or other types of infor-

mation necessary for the identification of the GMO product and its progeny, including the methodology for detecting and identifying the GMO product, and the experimental data demonstrating the validation parameters of the method supplied.

- (5) In establishing the list of information to be recorded in the registers, account has been taken of the fact that other sets of information — such as the environmental risk assessment, the scientific studies, including studies which demonstrate the safety of the product, including, where available, references to independent and peer-reviewed studies, and to methods for identification and detection, and all other information submitted by the notifier, methods and plans for monitoring the GMO(s) and for emergency response, and results of the post-market monitoring — are in principle accessible according to the relevant provisions of Directive 2001/18/EC, Regulation (EC) No 1946/2003 of the European Parliament and the Council of 15 July 2003 on trans-boundary movements of genetically modified organisms ⁽²⁾ and Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽³⁾, and therefore need not be recorded.
- (6) For the sake of transparency and in conformity with Regulation (EC) No 1049/2001, the registers should be available to the public as well as to Member States and the Commission. The registers should therefore contain two sets of data, one accessible to the public, and the other accessible only to the Member States, the Commission and the European Food Safety Authority. The first set of data should contain all data recorded in the registers, except for data which cannot be disclosed for reasons of confidentiality in accordance with Article 25 of Directive 2001/18/EC, in particular with a view to protecting commercial interests; the second set of data should comprise additional confidential data. Individual requests for access will have to be treated in accordance with Regulation (EC) No 1049/2001 which, however, in its exceptions provides for the protection of the same interests as Article 25 of Directive 2001/18/EC.

⁽¹⁾ OJ L 106, 17.4.2001, p. 1. Directive as last amended by Regulation (EC) No 1830/2003 (OJ L 268, 18.6.2003, p. 24).

⁽²⁾ OJ L 287, 5.11.2003, p. 1.

⁽³⁾ OJ L 145, 31.5.2001, p. 43.

- (7) The competent authorities, inspection services, control laboratories of the Member States and the Commission should have available, during the consent period and for an appropriate period after expiry of the consent, the methods for detection and identification, including detection methods relating to thresholds established pursuant to Directive 2001/18/EC.
- (8) At the time of submission of the data by the competent authority to the Commission for the sake of placing it on the registers, some data, such as the date of authorisation or the validation parameters for the identification and detection method, are or may be missing. Moreover, during the consent period, and even for some time after expiry of the consent, updates such as identification and detection methods, commercial names or responsible persons may be necessary. Provision should therefore be made for updating the registers.
- (9) Future developments in the methodology of genetic modification or the corresponding detection and identification methods, including detection methods relating to thresholds established pursuant to Directive 2001/18/EC, may make it necessary to adapt this Decision to technical progress. Likewise, further developments in Community legislation may make it necessary to adapt this Decision in the interests of consistency and efficiency.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 30(1) of Directive 2001/18/EC,

HAS ADOPTED THIS DECISION:

Article 1

This Decision lays down the detailed arrangements for the operation of registers (hereinafter referred to as 'the registers') to be established by the Commission pursuant to Article 31(2) of Directive 2001/18/EC, for the purpose of recording information on genetic modifications in genetically modified organisms (hereinafter referred to as 'GMOs').

Article 2

The information referred to in Article 1 shall include, in accordance with the provisions of Article 3, details of nucleotide sequences or other types of information necessary to identify the GMO product and its progeny, such as the methodology for the detection and identification of the GMO product, including detection methods relating to thresholds established under Directive 2001/18/EC, and experimental data demonstrating the validation of the methodology.

The registers shall be consistent and compatible with those established under other relevant Community legislation.

Article 3

The following shall be recorded in the registers:

- (a) details concerning the notifier and responsible persons:
 - (i) the name and full address of the notifier,
 - (ii) the name and full address of the person established in the Community who is responsible for the placing on the market, whether it be the manufacturer, the importer or the distributor, if different from the notifier;
- (b) general information concerning the GMO(s):
 - (i) the commercial name(s) of the GMO products and the names of the GMOs contained therein, including scientific name(s) and common name(s) of the recipient or, where appropriate, parental organism of the GMO,
 - (ii) the unique identifier(s) of the GMO(s) contained in the product(s),
 - (iii) the Member State of notification,
 - (iv) the notification number,
 - (v) the decision authorising the GMO(s);
- (c) information on the insert:
 - (i) information on the nucleotide sequence of the insert used to develop the detection method, including, where appropriate, the complete sequence of the insert as well as the number of base pairs of the host flanking sequences needed to establish an event-specific detection method and detection methods relating to thresholds established pursuant to Directive 2001/18/EC as well as accession numbers for public databases and references containing sequence data of the insert or parts of it,
 - (ii) a detailed map of the inserted DNA, including all genetic elements, coding and non-coding regions as well as the indication of their order and their orientation;
- (d) information concerning the detection and identification methods:
 - (i) description of identification and detection techniques for event-specific detection, including, where appropriate, detection methods relating to thresholds established pursuant to Directive 2001/18/EC;
 - (ii) information on detection and identification tools such as PCR primers and antibodies,
 - (iii) where appropriate, information on validation parameters, in accordance with international guidelines;
- (e) information on the lodging, storage and supply of samples:
 - (i) the name and address of the person(s) responsible for the lodging, storage and supply of control samples,
 - (ii) information on the stored samples such as the kind of material, the genetic characterisation, the amount of repository material, the stability, the conditions of appropriate storage and the shelf-life.

Article 4

The registers shall be available to the public in accordance with Article 25 of Directive 2001/18/EC and with Regulation (EC) No 1049/2001.

The information recorded shall be divided as follows:

- (a) a set of data accessible to the public;
- (b) a set of data comprising additional confidential data, accessible only to the Member States, the Commission and the European Food Safety Authority.

Article 5

The competent authorities shall extract from the notifications they receive pursuant to Article 13(1) of Directive 2001/18/EC all data relating to the information listed in Article 3 of this Decision. They shall submit that data, using the submission form supplied by the Commission for that purpose, to the Commission, either at the time of submitting the assessment report or no later than two weeks thereafter, in order to enable the Commission to record it in the registers. The form may be completed by the notifier, subject to verification of its content by the competent authorities.

Links may be provided to other registers or databases, such as the summary notification information formats (SNIFs), the opinion of the European Food Safety Authority, the assessment

report of the competent authority, the Biosafety Clearing-House established pursuant to the Cartagena Protocol on Biosafety and the Molecular Register of the Joint Research Centre, in order to avoid duplication of information.

Article 6

No later than two weeks after receiving any information relating to the updating of the registers, the competent authority shall forward it to the Commission. That information shall be entered in those registers no later than two weeks after receipt.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 23 February 2004.

For the Commission

Margot WALLSTRÖM

Member of the Commission

COMMISSION DECISION

of 1 March 2004

laying down transitional measures for intra-Community trade in semen, ova and embryos of the bovine, porcine, ovine, caprine and equine species obtained in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

*(notified under document number C(2004) 574)***(Text with EEA relevance)**

(2004/205/EC)

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 Article 42 thereof,

Whereas:

(1) From 1 May 2004 semen, ova and embryos of the bovine, porcine, ovine, caprine and equine species obtained in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (the New Member States) and intended for intra-Community trade will have to comply with all the conditions established by the relevant Community legislation.

(2) In particular, those products will be subject to the animal-health requirements laid down in Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species ⁽¹⁾, Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species ⁽²⁾, Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species ⁽³⁾ and Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of

animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC ⁽⁴⁾.

(3) Certain of those animal products obtained in the New Member States before the date of Accession may be in stocks after the date of Accession. However, those animal products may not comply with all the animal health requirements applicable to intra-Community trade.

(4) In order to facilitate the transition from the existing regime for products from the New Member States to that resulting from the application of the Community animal health legislation, it appears appropriate to lay down transitional measures for trade in those products.

(5) Article 53 of the Act of Accession provides that the new Member States shall be considered as having received notification of the present Decision upon Accession.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to semen, ova and embryos of the bovine, porcine, ovine, caprine and equine species which are subject to the animal-health requirements laid down in Directives 88/407/EEC, 89/556/EEC, 90/429/EEC and 92/65/EEC and are obtained before 1 May 2004 in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (the New Member States).

⁽¹⁾ OJ L 194, 22.7.1988, p. 10. Directive as last amended by Commission Decision 2004/101/EC (OJ L 30, 4.2.2004, p. 15).

⁽²⁾ OJ L 302, 19.10.1989, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽³⁾ OJ L 224, 18.8.1990, p. 62. Directive as last amended by Regulation (EC) No 806/2003.

⁽⁴⁾ OJ L 268, 14.9.1992, p. 54. Directive as last amended by Commission Regulation (EC) No 1398/2003 (OJ L 198, 6.8.2003, p. 3).

Article 2

From 1 May 2004 products referred to in Article 1 shall not be dispatched to other Member States.

Article 3

1. By way of derogation from Article 2, the products referred to in Article 1 may, from 1 May 2004 until 31 December 2004:

- (a) be dispatched to other New Member States provided that:
 - (i) the State of destination authorises the dispatch,
 - (ii) the conditions established by the State of destination before 1 May 2004 are complied with;
- (b) enter intra-Community trade provided that the products:
 - (i) were obtained in centres or by teams authorised to export to the Community,
 - (ii) bear the approval number assigned to the centre or team for the purpose of exports to the Community.

2. The animal health certificate accompanying consignments of the products referred to in paragraph 1 shall bear the following additional certification signed by the official veterinarian:

‘Semen, ova or embryos (delete as appropriate) of the bovine, porcine, ovine, caprine or equine species (delete as appropriate) conforming to the requirements of Commission Decision 2004/205/EC (*) and obtained before 1 May 2004.

(*) OJ L 65, 3.3.2004, p. 23.’

Article 4

The Member States shall take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

Article 5

The Decision shall apply subject to and as from the date of the entry into force of the 2003 Treaty of Accession.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 1 March 2004.

For the Commission

David BYRNE

Member of the Commission
