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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 612/2004
of 1 April 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 2 April 2004.

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

Done at Brussels, 1 April 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 1 April 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	94,9
	204	38,9
	212	120,5
	624	124,3
	999	94,7
0707 00 05	052	166,1
	068	105,0
	096	88,7
	204	19,6
	999	94,9
0709 90 70	052	121,1
	204	126,1
	999	123,6
0805 10 10, 0805 10 30, 0805 10 50	052	39,1
	204	41,5
	212	55,5
	220	43,9
	400	44,9
	624	58,6
	999	47,3
0805 50 10	052	40,0
	400	51,0
	999	45,5
0808 10 20, 0808 10 50, 0808 10 90	060	50,7
	388	75,6
	400	103,3
	404	100,3
	508	75,6
	512	76,8
	524	78,7
	528	72,4
	720	72,9
	804	114,7
	999	82,1
0808 20 50	388	73,3
	512	71,8
	528	70,8
	720	35,3
	999	62,8

⁽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 613/2004**of 1 April 2004****temporarily derogating from Regulation (EC) No 1445/95 on rules of application for import and export licences in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 29(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1445/95 ⁽²⁾ provides that export licences are to be issued on the fifth working day following the date on which the application is lodged, provided that the Commission has not taken any specific action during that period.
- (2) In view of the public holidays in 2004 and the irregular publication of the *Official Journal of the European Union* during those holidays, the period for reflection of five working days will be too brief to guarantee proper administration of the market and should be temporarily extended.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

As an exception to Article 10(1) of Regulation (EC) No 1445/95, licences for which applications are lodged during the periods set out below shall be issued on the corresponding date, provided no specific action as referred to in Article 10(2) is taken before those dates:

Period for submission of licence applications	Date of issue
5 to 7 April 2004	15 April 2004
17 to 18 May 2004	26 May 2004
28 October 2004	5 November 2004
20 December 2004	28 December 2004
27 December 2004	4 January 2005

Article 2

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

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

Done at Brussels, 1 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 360/2004 (OJ L 63, 28.2.2004, p. 13).

COMMISSION REGULATION (EC) No 614/2004
of 30 March 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 apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex 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 which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three

months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The Customs Code Committee has not delivered an opinion within the time limit set by its chairman as regards product No 2 in the annexed table.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee as regards products Nos 1, 3, 4, 5, 6 and 7 in the annexed table,

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.

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 its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 30 March 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).

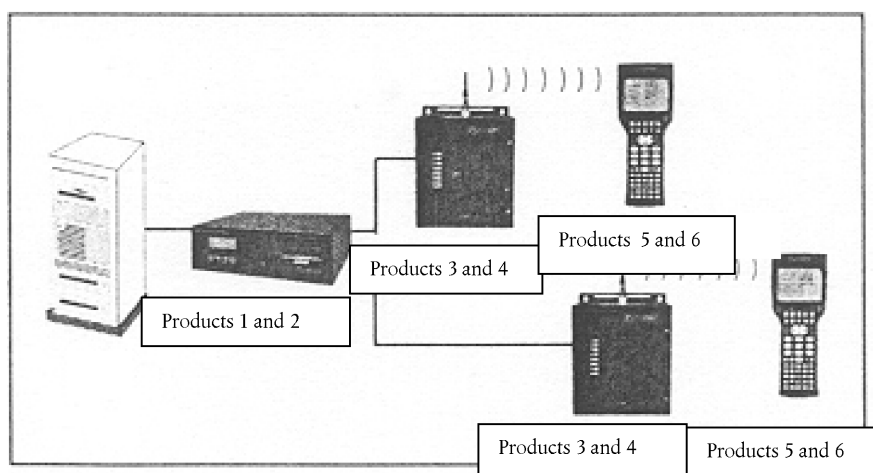
⁽²⁾ OJ L 302, 19.10.1992, p. 1; Regulation as last amended by the Act of Accession of 2003.

ANNEX

Description	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Network controller in a housing with dimensions of 355 × 285 × 115 mm, a liquid crystal display (4 lines × 20 characters) and a keyboard with four control buttons. The apparatus is microprocessor based and also contains parameter memory, program memory and a disk drive. It has a transceiver plug-in facility. The apparatus has up to eight multifunction interfaces for configuration and network-connection. The apparatus processes signals and reformats data for transmission between an automatic data-processing machine and a radio transceiver on a wired network.	8471 80 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to section XVI and by the wording of CN codes 8471 and 8471 80 00. The function as a connection unit in relation to the memory function is the principal function that characterises the whole.
2. Network controller with built-in radio transceiver unit, in a housing with dimensions of 355 × 285 × 115 mm, a liquid crystal display (4 lines × 20 characters) and a keyboard with four control buttons. The apparatus is microprocessor based and also contains parameter memory, program memory and a disk drive. The radio transceiver unit consists of a high-frequency component (HF component) with antenna, filter, amplifier, oscillator and frequency synthesiser. This unit transmits within a frequency range of 403 to 512 MHz to up to 20 programmable channels within a range of 400 m. The apparatus has up to eight multifunction interfaces for configuration and network-connection. The apparatus processes signals and reformats data for transmission between an automatic data-processing machine and a radio transceiver on a wired network.	8471 80 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to section XVI, and by the wording of CN codes 8471 and 8471 80 00. The function as a connection unit in relation to the memory function is the principal function that characterises the whole.
3. Radio-link controller in a housing with dimensions of 279 × 224 × 89 mm, eight selecting buttons and an antenna. The apparatus consists of a microprocessor, program memory and a radio transceiver. The radio transceiver transmits and receives data on up to eight channels within a frequency range of 403 to 512 MHz within a range of 400 m. The device has an interface, which enables it to receive data from wireless terminals, and forwards it to the network via a network controller. It is also connected to an automatic data-processing machine.	8525 20 99	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to section XVI, and by the wording of CN codes 8525, 8525 20 and 8525 20 99. Radio transmission/reception is the principal function that characterises the whole.

Description	Classification (CN code)	Reasons
(1)	(2)	(3)
4. Wireless gateway in a housing with dimensions of 292 × 292 × 70 mm with an antenna. The apparatus consists of a microprocessor, program memories and a radio transceiver. This radio transceiver transmits and receives data on up to eight channels within a frequency range of 403 to 512 MHz within a range of 400 m. The device has an interface, which enables it to receive data from wireless terminals, and forwards it directly to the network. It is also connected to an automatic data-processing machine.	8525 20 99	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to section XVI, and by the wording of CN codes 8525, 8525 20 and 8525 20 99. Radio transmission/reception is the principal function that characterises the whole.
5. A hand-held device consisting of a microprocessor, a liquid crystal display, a keyboard with data input and control keys, a radio transceiver and an interface for a bar code reader. The data is input manually into the device. Its function is to exchange data with an automatic data-processing machine via a wireless gateway or a network controller.	8525 20 99	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to section XVI, and by the wording of CN codes 8525, 8525 20 and 8525 20 99. Radio transmission/reception is the principal function that characterises the whole.
6. A hand-held device consisting of a microprocessor, a liquid crystal display, a keyboard with data input and control keys, a radio transceiver and a bar code reader. The data is input into the device either manually or via the bar code reader. Its function is to exchange data with an automatic data processing machine via a wireless gateway or a network controller.	8525 20 99	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to section XVI, and by the wording of CN codes 8525, 8525 20 and 8525 20 99. Radio transmission/reception is the principal function that characterises the whole.
7. Goods management system for dissemination of instructions to staff e.g. in warehouses, and transfer of data from packaging to automatic data-processing machines both by radio transmission within a range of 400 m and by wire. The system consists of: — a network controller — a radio-link controller — a wireless gateway — a hand-held terminal — a hand-held terminal with bar code reader The data is sent by radio from the hand-held terminals either to the radio-link controller or to the wireless gateway and transferred from there by wire via the network controller to automatic data-processing machines (not components of the system). The components of the system are put together in varying compositions. (See the illustration) (*)	8471 80 00 8525 20 99 8525 20 99 8525 20 99 8525 20 99	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of the relevant CN codes. The individual interconnected components of the system do not perform any precisely defined function within the meaning of note 4 to section XVI.

(*) The illustration is purely for information.



**COMMISSION REGULATION (EC) No 615/2004
of 1 April 2004**

repealing Regulations (EC) No 8/2004, (EC) No 9/2004 and (EC) No 10/2004 suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of large-flowered roses, small-flowered roses and uniflorous (bloom) carnations, respectively, originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and Gaza Strip ⁽¹⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Following Council Decision 2003/917/EC of 22 December 2003 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 2 to the EC-Israel Association Agreement ⁽²⁾, since 1 January 2004 it is no longer necessary to fix minimum entry prices for roses and carnations imported from Israel, since all imports inside the tariff quota are subject to preferential customs duties.

(2) However, entry prices were nevertheless calculated for these products and adopted in Commission Regulation (EC) No 8/2004 ⁽³⁾ in the case of large-flowered roses, Commission Regulation (EC) No 9/2004 ⁽⁴⁾ in the case of small-flowered roses, and Commission Regulation (EC) No 10/2004 ⁽⁵⁾ in the case of uniflorous (bloom) carnations.

(3) It is therefore necessary to re-establish the preferential customs duties introduced by Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95 ⁽⁶⁾.

(4) Regulations (EC) No 8/2004, (EC) No 9/2004 and (EC) No 10/2004 should therefore be repealed with effect from their date of entry into force, since the customs duties collected under those Regulations can be reimbursed under Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽⁷⁾ and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁸⁾.

(5) The Commission must take these measures in between the meetings of the Management Committee for Live Plants,

HAS ADOPTED THIS REGULATION:

Article 1

Regulations (EC) No 8/2004, (EC) No 9/2004 and (EC) No 10/2004 are hereby repealed.

Article 2

This Regulation shall enter into force on 2 April 2004.

It shall apply from 7 January 2004.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 346, 31.12.2003, p. 65.

⁽³⁾ OJ L 2, 6.1.2004, p. 28.

⁽⁴⁾ OJ L 2, 6.1.2004, p. 30.

⁽⁵⁾ OJ L 2, 6.1.2004, p. 32.

⁽⁶⁾ OJ L 109, 19.4.2001, p. 2. Regulation as last amended by Commission Regulation (EC) No 54/2004 (OJ L 7, 13.1.2004, p. 30).

⁽⁷⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council (OJ L 311, 12.12.2000, p. 17).

⁽⁸⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

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

Done at Brussels, 1 April 2004.

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

COMMISSION REGULATION (EC) No 616/2004**of 1 April 2004****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.

(6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.

(7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 to the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.

(8) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia ⁽⁶⁾, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia ⁽⁷⁾, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia ⁽⁸⁾, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania ⁽⁹⁾, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1784/2003 (OJ L 270, 21.10.2003, p. 78).

⁽²⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽³⁾ OJ L 117, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 740/2003 (OJ L 106, 29.4.2003, p. 12).

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1786/2001 (OJ L 242, 12.9.2001, p. 3).

⁽⁶⁾ OJ L 151, 19.6.2003, p. 1.

⁽⁷⁾ OJ L 163, 1.7.2003, p. 1.

⁽⁸⁾ OJ L 163, 1.7.2003, p. 19.

⁽⁹⁾ OJ L 163, 1.7.2003, p. 38.

Republic ⁽¹⁾ and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic ⁽²⁾ with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or the Czech Republic are not eligible for export refunds.

(9) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary ⁽³⁾, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary are not eligible for export refunds.

(10) In accordance with Council Regulation (EC) No 1890/2003 of 27 October 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Malta and the exportation of certain processed agricultural products to Malta ⁽⁴⁾, with effect from 1

November 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Malta, are not eligible for export refunds.

(11) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

(12) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 respectively, are fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 2 April 2004.

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

Done at Brussels, 1 April 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 163, 1.7.2003, p. 56.

⁽²⁾ OJ L 163, 1.7.2003, p. 73.

⁽³⁾ OJ L 146, 13.6.2003, p. 10.

⁽⁴⁾ OJ L 278, 29.10.2003, p. 1.

ANNEX

Rates of the refunds applicable from 2 April 2004 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	—	—
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	1,870	1,870
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– – in other cases	1,870	1,870
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁵⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	1,403	1,403
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– – in other cases	1,403	1,403
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– other (including unprocessed)	1,870	1,870
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	1,870	1,870
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– in other cases	1,870	1,870

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	6,200	6,200
	– medium grain	6,200	6,200
	– long grain	6,200	6,200
1006 40 00	Broken rice	—	1,800
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E to Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(2) of Regulation (EC) No 999/2003 when exported to Hungary. With effect from 1 November 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to Malta.

⁽³⁾ The goods concerned fall under CN code 3505 10 50.

⁽⁴⁾ Goods listed in Annex B to Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁵⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 617/2004**of 1 April 2004****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, and in particular Article 1(2) and Article 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 April 2004.

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

⁽²⁾ OJ L 141, 24.6.1995 p. 12. Regulation as amended by Commission Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 1 April 2004.

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

ANNEX

to the Commission Regulation of 1 April 2004 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,50	0,18	—
1703 90 00 ⁽¹⁾	9,00	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 618/2004**of 1 April 2004****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.
- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.

- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) Import duties and export refunds still apply to certain sugar products traded between the Community, of the one part, and the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, hereinafter referred to as 'new Member States', of the other part, and the level of export refunds is appreciably greater than the level of import duties. In view of the accession of these countries to the Community on 1 May 2004, the appreciable gap between the level of import duties and the level of export refunds granted for the products in question may result in speculative trade flows.
- (10) To prevent any abuse through the re-import or re-introduction into the Community of sugar products in receipt of an export refund, no refund or levy should be set for all the new Member States for the products covered by this Regulation.
- (11) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 April 2004.

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

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 1 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 2 APRIL 2004

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	43,62 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	43,34 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	43,62 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	43,34 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4742
1701 99 10 9100	S00	EUR/100 kg	47,42
1701 99 10 9910	S00	EUR/100 kg	47,11
1701 99 10 9950	S00	EUR/100 kg	47,11
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4742

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

The numeric destination codes are set out in Commission Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 619/2004**of 1 April 2004****fixing the maximum export refund for white sugar to certain third countries for the 24th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1290/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1290/2003 of 18 July 2003 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, for the 2003/2004 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1290/2003 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the 24th partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 24th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1290/2003 the maximum amount of the export refund to certain third countries is fixed at 50,250 EUR/100 kg.

Article 2

This Regulation shall enter into force on 2 April 2004.

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

Done at Brussels, 1 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 181, 19.7.2003, p. 7.

COMMISSION REGULATION (EC) No 620/2004
of 1 April 2004
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾,

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

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 611/2004 ⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 611/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 611/2004 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 2 April 2004.

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

Done at Brussels, 1 April 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

⁽³⁾ OJ L 97, 1.4.2004, p. 50.

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	14,34
1005 10 90	Maize seed other than hybrid	23,89
1005 90 00	Maize other than seed ⁽²⁾	23,89
1007 00 90	Grain sorghum other than hybrids for sowing	14,34

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

- EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

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

ANNEX II

Factors for calculating duties

(for 31 March 2004)

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	145,00 (***)	99,98	168,06 (****)	158,06 (****)	138,06 (****)	103,89 (****)
Gulf premium (EUR/t)	—	7,98	—	—	—	—
Great Lakes premium (EUR/t)	20,66	—	—	—	—	—

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

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

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

(****) Fob Duluth.

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

Freight/cost: Gulf of Mexico — Rotterdam: 33,83 EUR/t; Great Lakes — Rotterdam: 47,45 EUR/t.

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

COMMISSION REGULATION (EC) No 621/2004**of 1 April 2004****laying down rules for implementing Council Regulation (EC) No 1164/94 as regards information and publicity measures concerning the activities of the Cohesion Fund**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund ⁽¹⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Implementation of Commission Decision 96/455/EC of 25 June 1996 concerning information and publicity measures to be carried out by the Member States and the Commission concerning the activities of the Cohesion Fund under Council Regulation (EC) No 1164/94 ⁽²⁾ requires simplification because certain measures have proved too complex to implement.
- (2) It is essential to facilitate the implementation of information and publicity measures and improve their effectiveness in order to increase the visibility of projects and raise public awareness of the role which the European Union is playing through cohesion policy.
- (3) Information measures concerning the Cohesion Fund should be harmonised with those concerning the Structural Funds as laid down by Commission Regulation (EC) No 1159/2000 of 30 May 2000 on information and publicity measures to be carried out by the Member States concerning assistance from the Structural Funds ⁽³⁾.
- (4) The messages to be propagated should be clarified and the instruments best adapted to the goal of raising public awareness identified,

HAS ADOPTED THIS REGULATION:

CHAPTER I**PRINCIPLES AND CONTENT OF THE MEASURES***Article 1*

The information and publicity measures concerning the work of the Cohesion Fund shall aim to raise public awareness of projects part-financed by the Fund and demonstrate the role which the Community is playing through that Fund.

The measures shall be directed at the public in the beneficiary Member States and seek to project a uniform image of the role of the Community.

Where appropriate, they may include activities concerning the programmes and projects part-financed by the Structural Funds under Regulation (EC) No 1159/2000.

Article 2

The Member States shall ensure that the authorities responsible for implementing Cohesion Fund projects (hereinafter referred to as the responsible authorities) take all administrative steps to ensure information and publicity about those projects in accordance with this Regulation.

They shall draw up a coherent set of measures for the lifetime of projects, once a decision on part-financing from the Cohesion Fund is taken.

Article 3

The responsible authorities shall notify the Commission, including its office in the relevant Member State, of the measures referred to in the second paragraph of Article 2. Where appropriate, they may ask for technical assistance to carry them out.

Article 4

In addition to a description of the project, both the measures and the information and publicity instruments shall include:

- (a) an explanation in the following words or some equivalent expression of the role the Union is playing through the Cohesion Fund:

‘This project is helping to reduce economic and social disparities among the citizens of the European Union’;

- (b) the European flag, in accordance with the graphic rules set out in the Annex, with the following words or some equivalent expression:

‘This project is being part-financed by the European Union.’

Article 5

The responsible authorities shall send the Commission all the information needed for preparation of the annual report provided for in Article 14(1) of Regulation (EC) No 1164/94.

⁽¹⁾ OJ L 130, 25.5.1994, p.1. Regulation as last amended by Regulation (EC) No 1265/1999 (OJ L 161, 26.6.1999, p. 62).

⁽²⁾ OJ L 188, 27.7.1996, p. 47.

⁽³⁾ OJ L 130, 31.5.2000, p. 30.

CHAPTER II

INFORMATION AND PUBLICITY MEASURES

SECTION 1

Compulsory measures*Article 6*

The measures set out in Articles 7 and 8 shall be taken when projects are implemented.

Article 7

1. Once the Commission has taken a decision to part-finance a project, the media (press, radio, television) shall be informed of its launch, the main stages of its implementation and its conclusion in the most appropriate fashion, principally through meetings with the press, but also through press releases and other means.

Where the total cost of a project is less than EUR 50 million, the press conferences referred to in the first paragraph shall not be compulsory.

The responsible authority shall decide, as appropriate, on the holding of such conferences, depending on the importance and impact of the project.

2. Documentation on the project shall be provided to the media and any other interested party.

Article 8

1. Billboards shall be erected on project sites during works.

Commemorative plaques shall replace billboards on infrastructure accessible to the general public within not more than six months after completion of the works.

2. If a project receives finance from the Cohesion Fund, a billboard shall be erected or a plaque affixed describing the project and giving the information listed in Article 4.

That information should occupy at least 25 % of the billboard.

SECTION 2

Other measures*Article 9*

In addition to the measures listed in Articles 7 and 8, the responsible authorities and the project promoters may carry out other measures to achieve the public awareness objective referred to in Article 1, in particular:

- (a) displaying posters at high visibility locations;
- (b) producing publications (brochures, leaflets, newsletters, etc.) and video material;
- (c) creating pages on the Internet.

CHAPTER III

ROLE OF THE MONITORING COMMITTEES*Article 10*

At meetings of the Monitoring Committee concerned, the chair shall report on progress on publicity measures and provide members with copies of the materials produced or proof of the publicity measures undertaken and instruments used such as photographs of billboards and events.

Article 11

In accordance with Article 7, the chair of the Monitoring Committee, assisted by the Commission, shall inform the media about the Committee's work and the progress of the projects for which it is responsible.

CHAPTER IV

FINAL PROVISIONS*Article 12*

Decision 96/455/EC is hereby repealed.

References to the repealed Decision shall be construed as references to this Regulation.

Article 13

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

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

Done at Brussels, 1 April 2004.

For the Commission

Michel BARNIER

Member of the Commission

ANNEX

The detailed graphic rules concerning the European flag may be found at:

http://europa.eu.int/abc/symbols/emblem/index_en.htm

Example of the basic elements to be incorporated in the information and publicity instruments and measures:

	This project, part-financed by the European Union, is helping to reduce economic and social disparities among the citizens of the Union
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COMMISSION REGULATION (EC) No 622/2004

of 1 April 2004

fixing the export refunds on rice and broken rice and suspending the issue of export licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽²⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 7 800 tonnes of rice to certain destinations. The procedure laid down in Article 8(3) of Commission Regulation (EC) No 1342/2003 ⁽³⁾ should be used. Account should be taken of this when the refunds are fixed.
- (5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 7 800 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 2 April 2004.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽²⁾ OJ L 154, 15.6.1976, p. 11.

⁽³⁾ OJ L 189, 29.7.2003, p. 12.

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

Done at Brussels, 1 April 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 1 April 2004 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾	Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾
1006 20 11 9000	R01	EUR/t	45	1006 30 65 9900	R01	EUR/t	56
1006 20 13 9000	R01	EUR/t	45		064 and 066	EUR/t	82
1006 20 15 9000	R01	EUR/t	45		A97	EUR/t	62
1006 20 17 9000	—	EUR/t	—	1006 30 67 9100	021 and 023	EUR/t	62
1006 20 92 9000	R01	EUR/t	45		064 and 066	EUR/t	82
1006 20 94 9000	R01	EUR/t	45	1006 30 67 9900	064 and 066	EUR/t	82
1006 20 96 9000	R01	EUR/t	45	1006 30 92 9100	R01	EUR/t	56
1006 20 98 9000	—	EUR/t	—		R02	EUR/t	62
1006 30 21 9000	R01	EUR/t	45		R03	EUR/t	67
1006 30 23 9000	R01	EUR/t	45		064 and 066	EUR/t	82
1006 30 25 9000	R01	EUR/t	45		A97	EUR/t	62
1006 30 27 9000	—	EUR/t	—		021 and 023	EUR/t	62
1006 30 42 9000	R01	EUR/t	45	1006 30 92 9900	R01	EUR/t	56
1006 30 44 9000	R01	EUR/t	45		A97	EUR/t	62
1006 30 46 9000	R01	EUR/t	45		064 and 066	EUR/t	82
1006 30 48 9000	—	EUR/t	—	1006 30 94 9100	R01	EUR/t	56
1006 30 61 9100	R01	EUR/t	56		R02	EUR/t	62
	R02	EUR/t	62		R03	EUR/t	67
	R03	EUR/t	67		064 and 066	EUR/t	82
	064 and 066	EUR/t	82		A97	EUR/t	62
	A97	EUR/t	62		021 and 023	EUR/t	62
1006 30 61 9900	021 and 023	EUR/t	62	1006 30 94 9900	R01	EUR/t	56
	R01	EUR/t	56		A97	EUR/t	62
	A97	EUR/t	62		064 and 066	EUR/t	82
1006 30 63 9100	064 and 066	EUR/t	82	1006 30 96 9100	R01	EUR/t	56
	R01	EUR/t	56		R02	EUR/t	62
	R02	EUR/t	62		R03	EUR/t	67
	R03	EUR/t	67		064 and 066	EUR/t	82
	064 and 066	EUR/t	82		A97	EUR/t	62
	A97	EUR/t	62		021 and 023	EUR/t	62
1006 30 63 9900	021 and 023	EUR/t	62	1006 30 96 9900	R01	EUR/t	56
	R01	EUR/t	56		A97	EUR/t	62
	064 and 066	EUR/t	82		064 and 066	EUR/t	82
	A97	EUR/t	62		021 and 023	EUR/t	62
1006 30 65 9100	R01	EUR/t	56	1006 30 98 9100	—	EUR/t	—
	R02	EUR/t	62	1006 40 00 9000	—	EUR/t	—
	R03	EUR/t	67				
	064 and 066	EUR/t	82				
	A97	EUR/t	62				
	021 and 023	EUR/t	62				

⁽¹⁾ The procedure laid down in Article 8(3) of Regulation (EC) No 1342/2003 applies to licences applied for under that Regulation for quantities according to the destination:

destination R01: 2 000 t,
all destinations R02 and R03: 4 000 t,
destinations 021 and 023: 500 t,
destinations 064 and 066: 1 000 t,
destination A97: 300 t.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11) as amended.

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

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 623/2004**of 1 April 2004****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1814/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1814/2003 of 15 October 2003 on a special intervention measure for cereals in Finland and Sweden for the marketing year 2003/04 ⁽³⁾, and in particular Article 9 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries except Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Romania, Slovakia and Slovenia was opened pursuant to Regulation (EC) No 1814/2003.

- (2) Article 9 of Regulation (EC) No 1814/2003 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.

- (4) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 26 March to 1 April 2004, pursuant to the invitation to tender issued in Regulation (EC) No 1814/2003, the maximum refund on exportation of oats shall be EUR 21,97/t.

Article 2

This Regulation shall enter into force on 2 April 2004.

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

Done at Brussels, 1 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

⁽³⁾ OJ L 265, 16.10.2003, p. 25.

COMMISSION REGULATION (EC) No 624/2004**of 1 April 2004****fixing the maximum reduction in the duty on sorghum imported in connection with the invitation to tender issued in Regulation (EC) No 238/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 238/2004 ⁽²⁾.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95 ⁽³⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. Whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 26 March to 1 April 2004, pursuant to the invitation to tender issued in Regulation (EC) No 238/2004, the maximum reduction in the duty on sorghum imported shall be 6,98 EUR/t and be valid for a total maximum quantity of 61 000 t.

Article 2

This Regulation shall enter into force on 2 April 2004.

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

Done at Brussels, 1 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 40, 12.2.2004, p. 23.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2000 (OJ L 256, 10.10.2000, p. 13).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 24 November 2003

on the conclusion of bilateral Agreements between the European Community and the Republic of Cyprus and the Government of the Republic of Hungary laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services

(2004/299/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the bilateral Agreements between the European Community and the Republic of Cyprus and the Government of the Republic of Hungary laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services have been negotiated and should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The bilateral Agreements between the European Community and the Republic of Cyprus and the Government of the Republic of Hungary laying down a procedure for the provision

of information in the field of technical regulations and of rules on information society services are hereby approved on behalf of the European Community.

The text of the Agreements and the Annexes thereof are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreements in order to bind the Community and to transmit, on behalf of the Community, the note provided for in Article 16 of the Agreements ⁽¹⁾.

Done at Brussels, 24 November 2003.

For the Council

The President

G. MAGRI

⁽¹⁾ The date of entry into force of the Agreements will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

between the European Community and the Republic of Cyprus laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

on the one hand, and

THE REPUBLIC OF CYPRUS,

on the other hand,

hereinafter referred to as the 'Contracting Parties',

HAVING REGARD to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus ⁽¹⁾, and in particular to the aims set out in Article 2(1) thereof,

HAVING REGARD to the information procedure on technical regulations and rules on information society services applied within the European Community ⁽²⁾,

CONSIDERING the commitment of the Contracting Parties to promote harmonious economic relations between themselves,

CONSIDERING the ongoing cooperation between the Contracting Parties in the field of technical barriers to trade and the common understanding reached within the framework of that cooperation to extend this information procedure on technical regulations and rules on information society services applied in the Community to the Republic of Cyprus,

HAVE AGREED AS FOLLOWS:

Article 1

For the purpose of this Agreement, the following definitions apply:

1. 'product': any industrially manufactured product and any agricultural product, including fish products;
2. 'service': any information society service, that is to say, any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services.

For the purposes of this definition:

- 'at a distance': means that the service is provided without the parties being simultaneously present,
- 'by electronic means': means that the service is sent initially and received at its destination by means of electronic equipment for the processing (including digital compression) and storage of data, and entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means,

— 'at the individual request of a recipient of services': means that the service is provided through the transmission of data on individual request.

An indicative list of services not covered by this definition is set out in Annex I.

This Agreement shall not apply to:

- radio broadcasting services,
- television broadcasting services covered by point (a) of Article 1 of Directive 89/552/EEC ⁽³⁾;

3. 'technical specification': a specification contained in a document which lays down the characteristics required of a product such as levels of quality, performance, safety or dimensions, including the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;

⁽¹⁾ OJ L 133, 21.5.1973, p. 2. Agreement as last amended by the 1999 Additional Protocol (OJ L 180, 15.7.1999, p. 37).

⁽²⁾ Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules on information society services (OJ L 204, 21.7.1998, p. 37). Directive as last amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p. 18).

⁽³⁾ Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 298, 17.10.1989, p. 23). Directive as last amended by Directive 97/36/EC (OJ L 202, 30.7.1997, p. 60).

The definition also covers production methods and processes used in respect of agricultural products as referred to Article 38(1) of the Treaty establishing the European Community, products intended for human and animal consumption, and medicinal products as defined in Article 1 of Directive 2001/83/EC ⁽¹⁾ as well as production methods and processes relating to other products, where these have an effect on their characteristics;

4. 'other requirements': a requirement, other than a technical specification, imposed on a product for the purpose of protecting, in particular, consumers or the environment, and which affects its life cycle after it has been placed on the market, such as conditions of use, recycling, reuse or disposal, where such conditions can significantly influence the composition or nature of the product or its marketing;
5. 'rule on services': requirement of a general nature relating to the taking-up and pursuit of service activities within the meaning of point 2, in particular provisions concerning the service provider, the services and the recipient of services, excluding any rules which are not specifically aimed at the services defined in that point.

This Agreement shall not apply to rules relating to matters which are covered by Community legislation in the field of telecommunications services, as defined by Directive 90/387/EEC ⁽²⁾.

This Agreement shall not apply to rules relating to matters which are covered by Community legislation in the field of financial services, as listed non-exhaustively in Annex II to this Agreement.

With the exception of Article 11, this Agreement shall not apply to rules enacted by or for regulated markets within the meaning of Directive 93/22/EEC ⁽³⁾ or by or for other markets or bodies carrying out clearing or settlement functions for those markets.

For the purposes of this definition:

- a rule shall be considered to be specifically aimed at information society services where, having regard to its statement of reasons and its operative part, the specific aim and object of all or some of its individual provisions is to regulate such services in an explicit and targeted manner,

⁽¹⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67). Directive as last amended by Directive 2002/98/EC (OJ L 33, 8.2.2003, p. 30).

⁽²⁾ Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision (OJ L 192, 24.7.1990, p. 1). Directive as last amended by Directive 97/51/EC (OJ L 295, 29.10.1997, p. 23).

⁽³⁾ Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field (OJ L 141, 11.6.1993, p. 27). Directive as last amended by Directive 2002/87/EC of the European Parliament and the Council (OJ L 35, 11.2.2003, p. 1).

- a rule shall not be considered to be specifically aimed at information society services if it affects such services only in an implicit or incidental manner;

6. 'technical regulation': technical specifications and other requirements or rules on services, including the relevant administrative provisions, the observance of which is compulsory, *de jure* or *de facto*, in the case of marketing, provision of a service, establishment of a service operator or use in one of the Member States or a major part thereof, or in the Republic of Cyprus or a major part thereof, as well as laws, regulations or administrative provisions of the Member States or of the Republic of Cyprus, except those provided for in Article 12, prohibiting the manufacture, importation, marketing or use of a product or prohibiting the provision or use of a service, or establishment as a service provider.

De facto technical regulations include:

- laws, regulations or administrative provisions of a Member State or the Republic of Cyprus which refer either to technical specifications or to other requirements or to rules on services, or to professional codes or codes of practice which in turn refer to technical specifications or to other requirements or to rules on services, compliance with which confers a presumption of conformity with the obligations imposed by the aforementioned laws, regulations or administrative provisions,
- voluntary agreements to which a public authority is a contracting party and which provide, in the general interest, for compliance with technical specifications or other requirements or rules on services, excluding public procurement tender specifications,
- technical specifications or other requirements or rules on services which are linked to fiscal or financial measures affecting the consumption of products or services by encouraging compliance with such technical specifications or other requirements or rules on services; technical specifications or other requirements or rules on services linked to national social security systems are not included.

This comprises technical regulations imposed by the authorities designated by the Member States and appearing on a list ⁽⁴⁾ drawn up by the Commission of the European Community (hereinafter referred to as the Commission) in the framework of the Committee referred to in Article 5 of Directive 98/34/EC. The Republic of Cyprus shall draw up such a list and forward it to the Commission on the first day of the first month following entry into force of this Agreement.

The same procedure shall be used for amending this list;

⁽⁴⁾ OJ C 23, 27.1.2000, p. 3.

7. 'draft technical regulation': the text of a technical specification or other requirement or of a rule on services, including administrative provisions, formulated with the aim of enacting it or of ultimately having it enacted as a technical regulation, the text being at a stage of preparation at which substantial amendments can still be made.

Article 2

This Agreement shall not apply to those measures the Member States consider necessary under the Treaty establishing the European Community or the Republic of Cyprus considers necessary for the protection of persons, in particular workers, when products are used, provided that such measures do not affect the products.

Article 3

1. Subject to Article 12, the Community shall notify the Republic of Cyprus of the draft technical regulations notified to it by its Member States. Where these technical regulations merely transpose the full text of an international or European standard, information regarding the relevant standard shall suffice. It shall also let the Republic of Cyprus have a statement of the grounds which make the enactment of such a technical regulation necessary, where these have not already been made clear in the draft.

2. Subject to Article 12, the Republic of Cyprus shall likewise notify the Community of its draft technical regulations. Where these technical regulations merely transpose the full text of an international or European standard, information regarding the relevant standard shall suffice. It shall also let the Community have a statement of the grounds which make the enactment of such a technical regulation necessary, where these have not already been made clear in the draft.

Article 4

A full text of the draft technical regulation notified shall be made available in the original language as well as in a full translation into one of the official languages of the Community.

Article 5

1. Where appropriate, and unless it has already been sent with a prior communication, a full text in the original language of the basic legislative or regulatory provisions principally and directly concerned shall also be simultaneously communicated, should knowledge of such text be necessary in order to assess the implications of the draft technical regulation notified.

2. Where, in particular, the draft seeks to limit the marketing or use of a chemical substance, preparation or product on grounds of public health or of the protection of consumers or the environment, the Member States and the Republic of Cyprus shall also forward either a summary or the references of all relevant data relating to the substance, preparation or product concerned and to known and available substitutes, where such information may be available, and communicate the anticipated effects of the measure on public health and the protection of the consumer and the environment, together with an analysis of the risk carried out as appropriate in accordance with the general principles for the risk evaluation of chemical substances as referred to in Article 10(4) of Regulation (EEC) No 793/93 ⁽¹⁾ in the case of an existing substance or in Article 3(2) of Directive 67/548/EEC ⁽²⁾, in the case of a new substance.

Article 6

The Member States and the Republic of Cyprus shall communicate the draft technical regulation again under the above conditions if they make changes to the draft that have the effect of significantly altering its scope, shortening the timetable originally envisaged for implementation, adding specifications or requirements, or making the latter more restrictive. Transmission of these communications shall take place in accordance with the provisions set out in Article 3.

Article 7

Each Contracting Party may ask for further information on a draft technical regulation notified in accordance with this Agreement.

Article 8

1. The Community and the Republic of Cyprus may make comments upon the draft technical regulations communicated. The comments of the Republic of Cyprus shall be forwarded to the Commission and the comments of the Community shall be forwarded by the Commission to the Republic of Cyprus.

2. The Member States and the Republic of Cyprus shall take such comments into account as far as possible in the subsequent preparation of the technical regulation.

3. With respect to the technical specifications or other requirements or rules on services referred to in the third indent of the second subparagraph of point 6 of Article 1, the comments of the Contracting Parties may concern only aspects which may hinder trade or, in respect of rules on services, the free movement of services or the freedom of establishment of service operators and not the fiscal or financial aspects of the measure.

⁽¹⁾ Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances (OJ L 84, 5.4.1993, p. 1).

⁽²⁾ Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ L 196, 16.8.1967, p. 1). Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

4. The Commission shall, when a six-month standstill is invoked according to the rules set out in Directive 98/34/EC, inform the Republic of Cyprus thereof.

Article 9

The competent authorities of the Member States and the Republic of Cyprus shall postpone the adoption of a draft technical regulation notified for three months from the date of receipt by the Commission of the text thereof.

Article 10

The standstill period referred to in Article 9 shall not apply in those cases where:

- for urgent reasons, occasioned by serious and unforeseeable circumstances relating to the protection of public health or safety, the protection of animals or the preservation of plants and, for rules on services, also for public policy, notably the protection of minors, the competent authorities are obliged to prepare technical regulations in a very short space of time in order to enact and introduce them immediately without any consultations being possible, or
- for urgent reasons occasioned by serious circumstances relating to the protection of the security and the integrity of the financial system, notably the protection of depositors, investors and insured persons, the competent authorities are obliged to enact and implement rules on financial services immediately.

The reasons which warrant the urgency of the measures taken shall be given. The justification for urgent measures shall be detailed and clearly explained with particular emphasis on the unpredictability and the seriousness of the danger confronting the concerned authorities as well as the absolute necessity for immediate action to remedy it.

Article 11

1. The final text in the original language of a technical regulation shall also be communicated.
2. The administrative arrangements for the abovementioned notifications are detailed in Annex III to this Agreement.

Article 12

1. Articles 3 to 10 shall not apply to those laws, regulations and administrative provisions of the Member States and the Republic of Cyprus or voluntary agreements by means of which Member States or the Republic of Cyprus:
 - comply as far as the Member States are concerned with binding Community acts which result in the adoption of technical specifications or rules on services, and as far as

the Republic of Cyprus is concerned transpose into national law Community acts which result in the adoption of technical specifications or rules on services,

- fulfil as far as the Member States are concerned the obligations arising out of international agreements which result in the adoption of common technical specifications or rules on services in the Community,
- fulfil as far as the Republic of Cyprus is concerned the obligations arising out of international agreements which result in the adoption of common technical specifications or rules on services in the Republic of Cyprus and the Community,
- make use of safeguard clauses provided for in binding Community acts,
- apply Article 8(1) of Directive 92/59/EEC ⁽¹⁾,
- restrict themselves to implementing a judgment of the Court of Justice of the European Communities, restrict themselves to amending a technical regulation within the meaning of point 6 of Article 1, in accordance with a Commission request, with a view to removing an obstacle to trade or, in the case of rules on services, to the free movement of services or the freedom of establishment of service operators.

2. Articles 9 and 10 shall not apply to the laws, regulations and administrative provisions of the Member States and of the Republic of Cyprus prohibiting manufacture insofar as they do not impede the free movement of products.

3. Article 9 and 10 shall not apply to the technical specifications or other requirements or the rules on services referred to in the third indent of the second subparagraph of point 6 of Article 1.

Article 13

Information supplied under this Agreement shall be considered as confidential upon request. However, both the Community and the Republic of Cyprus may, provided that the necessary precautions are taken, consult for an expert opinion natural or legal persons, including persons in the private sector.

Article 14

1. The Contracting Parties shall, within the framework of the established cooperation between experts of the Community and the Republic of Cyprus in the field of technical barriers to trade, hold regular consultations both to ensure the satisfactory functioning of the procedure laid down in this Agreement and to exchange views on the comments which have been submitted by any Contracting Party concerning a draft technical regulation notified in accordance with this Agreement. Furthermore, by common consent, the Contracting Parties may hold additional ad hoc meetings to deal with specific cases of particular interest to either Contracting Party.

⁽¹⁾ Council Directive 92/59/EEC of 29 June 1992 on general product safety (OJ L 228, 11.8.1992, p. 24).

2. The Republic of Cyprus shall appoint an expert to represent it in meetings of the Committee established under Article 5 of Directive 98/34/EC, part 'information society services' and 'technical regulations'. The expert must be a member of the government services of the Republic of Cyprus. The expert shall not be entitled to vote.

3. The Commission shall, in good time, inform the expert of the dates of the meetings, and of the items on the agenda of the Committee. The Commission shall forward relevant information to the expert.

4. On the initiative of its chairman, the Committee may meet without the expert representing the Republic of Cyprus being present. In that case the Republic of Cyprus shall be informed.

Article 15

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Cyprus.

Article 16

This Agreement shall enter into force on the first day of the first month following the date on which the Contracting Parties have exchanged diplomatic notes confirming the completion of their respective procedures for the entry into force of this Agreement.

Article 17

This Agreement shall expire on the date of accession of the Republic of Cyprus to the European Union.

Article 18

This Agreement is drawn up in two originals in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic.

Hecho en Bruselas, el dieciocho de marzo de dos mil cuatro.

Udfærdiget i Bruxelles den attende marts to tusind og fire.

Geschehen zu Brüssel am achtzehnten März zweitausendundvier.

Έγινε στις Βρυξέλλες, στις δέκα οκτώ Μαρτίου δύο χιλιάδες τέσσερα.

Done at Brussels on the eighteenth day of March in the year two thousand and four.

Fait à Bruxelles, le dix-huit mars deux mille quatre.

Fatto a Bruxelles, addì diciotto marzo duemilaquattro.

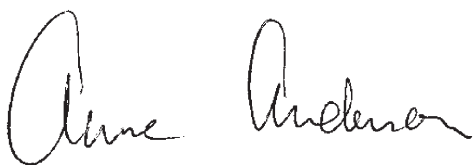
Gedaan te Brussel, de achttiende maart tweeduizendvier.

Feito em Bruxelas, em dezoito de Março de dois mil e quatro.

Tehty Brysselissä kahdeksantenatoista päivänä maaliskuuta vuonna kaksituhattaneljä.

Som skedde i Bryssel den artonde mars tjugohundrafyra.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



Por la República de Chipre
For Republikken Cypern
Für die Republik Zypern
Για τη Δημοκρατία της Κύπρου
For the Republic of Cyprus
Pour la République de Chypre
Per la Repubblica di Cipro
Voor de Republiek Cyprus
Pela República de Chipre
Kyproksen tasavallan puolesta
För Republiken Cypern



ANNEX I

INDICATIVE LIST OF SERVICES NOT COVERED BY THE SECOND SUBPARAGRAPH OF POINT 2 OF ARTICLE 1

1. Services not provided 'at a distance'

Services provided in the physical presence of the provider and the recipient, even if they involve the use of electronic devices:

- (a) medical examinations or treatment at a doctor's surgery using electronic equipment where the patient is physically present;
- (b) consultation of an electronic catalogue in a shop with the customer on site;
- (c) plane ticket reservation at a travel agency in the physical presence of the customer by means of a network of computers;
- (d) electronic games made available in a video-arcade where the customer is physically present.

2. Services not provided 'by electronic means'

Services having material content even though provided via electronic devices:

- (a) automatic cash or ticket dispensing machines (banknotes, rail tickets);
- (b) access to road networks, car parks, etc., charging for use, even if there are electronic devices at the entrance/exit controlling access and/or ensuring correct payment is made.

Off-line services: distribution of CD roms or software on diskettes.

Services which are not provided via electronic processing/inventory systems:

- (a) voice telephony services;
- (b) telefax/telex services;
- (c) services provided via voice telephony or fax;
- (d) telephone/telefax consultation of a doctor;
- (e) telephone/telefax consultation of a lawyer;
- (f) telephone/telefax direct marketing.

3. Services not supplied 'at the individual request of a recipient of services'

Services provided by transmitting data without individual demand for simultaneous reception by an unlimited number of individual receivers (point to multipoint transmission):

- (a) television broadcasting services (including near-video on-demand services), covered by point (a) of Article 1 of Directive 89/552/EEC;
 - (b) radio broadcasting services;
 - (c) (televised) teletext.
-

ANNEX II

INDICATIVE LIST OF THE FINANCIAL SERVICES COVERED BY THE THIRD SUBPARAGRAPH OF POINT 5 OF ARTICLE 1

- Investment services
- Insurance and reinsurance operations
- Banking services
- Operations relating to pension funds
- Services relating to dealings in futures or options

Such services include in particular:

- (a) investment services referred to in the Annex to Directive 93/22/EEC services of collective investment undertakings,
- (b) services covered by the activities subject to mutual recognition referred to in Annex I to Directive 2000/12/EC ⁽¹⁾,
- (c) operations covered by the insurance and reinsurance activities referred to in:
 - Article 1 of Directive 73/239/EEC ⁽²⁾,
 - the Annex to Directive 79/267/EEC ⁽³⁾,
 - Directive 64/225/EEC ⁽⁴⁾,
 - Directives 92/49/EEC ⁽⁵⁾ and 92/96/EEC ⁽⁶⁾.

⁽¹⁾ Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions (OJ L 126, 26.5.2000, p. 1). Directive as last amended by Directive 2002/87/EC.

⁽²⁾ First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ L 228, 16.8.1973, p. 3). Directive as last amended by Directive 2002/87/EC.

⁽³⁾ First Council Directive 79/267/EEC of 5 March 1979 on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance (OJ L 63, 13.3.1979, p. 1). Directive as last amended by Directive 2002/87/EC.

⁽⁴⁾ Council Directive 64/225/EEC of 25 February 1964 on the abolition of restrictions on freedom of establishment and freedom to provide services in respect of reinsurance and retrocession (OJ 56, 4.4.1964, p. 878). Directive as amended by the 1973 Act of Accession.

⁽⁵⁾ Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance (OJ L 228, 11.8.1992, p. 1). Directive as last amended by Directive 2002/87/EC.

⁽⁶⁾ Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regulations and administrative provisions relating to direct life assurance (OJ L 360, 9.12.1992, p. 1). Directive as last amended by Directive 2002/87/EC.

ANNEX III

Pursuant to Article 11(2) of the Agreement, the following communications by electronic means are considered necessary:

1. notification slips. They may be communicated before or together with the transmission of the full text;
2. the full text of the draft technical regulation notified;
3. acknowledgement of receipt of the draft text, containing, *inter alia*, the relevant expiry date of the standstill period;
4. messages requesting supplementary information;
5. answers to request for supplementary information;
6. comments;
7. requests for ad hoc meetings;
8. answers to requests for ad hoc meetings;
9. requests for final texts;
10. information that a six-month standstill referred to in Article 8(4) has been called.

The following communications may, for the time being, be transmitted by fax, even though electronic means are preferable:

11. basic legal texts or regulatory provisions;
12. the final text.

The details of the administrative arrangements concerning the communications shall be jointly agreed by the Contracting Parties.

AGREEMENT

between the European Community and the government of the Republic of Hungary laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

on the one hand, and

THE GOVERNMENT OF THE REPUBLIC OF HUNGARY, hereinafter referred to as 'the Republic of Hungary',

on the other hand,

hereinafter referred to as the 'Contracting Parties',

HAVING REGARD to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part ⁽¹⁾, and in particular to the aims set out in Article 1 thereof,

HAVING REGARD to the information procedure on technical regulations and rules on information society services applied within the European Community ⁽²⁾,

HAVING REGARD to the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA) ⁽³⁾, and in particular to the aims set out in Article 12 thereof,

CONSIDERING the commitment of the Contracting Parties to promote harmonious economic relations between themselves,

CONSIDERING the ongoing cooperation between the Contracting Parties in the field of technical barriers to trade and the common understanding reached within the framework of that cooperation to extend this information procedure on technical regulations and rules on information society services applied in the Community to the Republic of Hungary,

HAVE AGREED AS FOLLOWS:

Article 1

For the purpose of this Agreement, the following definitions apply:

1. 'product': any industrially manufactured product and any agricultural product, including fish products;
2. 'service': any information society service, that is to say, any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services.

For the purposes of this definition:

- 'at a distance': means that the service is provided without the parties being simultaneously present,
- 'by electronic means': means that the service is sent initially and received at its destination by means of electronic equipment for the processing (including digital compression) and storage of data, and entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means,

- 'at the individual request of a recipient of services': means that the service is provided through the transmission of data on individual request.

An indicative list of services not covered by this definition is set out in Annex I.

This Agreement shall not apply to:

- radio broadcasting services,
- television broadcasting services covered by point (a) of Article 1 of Directive 89/552/EEC ⁽⁴⁾;

3. 'technical specification': a specification contained in a document which lays down the characteristics required of a product such as levels of quality, performance, safety or dimensions, including the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures.

⁽¹⁾ OJ L 347, 31.12.1993, p. 2. Agreement as last amended by Decision No 6/2002 of the Association Council — Association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, (OJ L 119, 14.5.2003, p. 1).

⁽²⁾ Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and Regulations and rules on Information society services (OJ L 204, 21.7.1998, p. 37). Directive as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p. 18).

⁽³⁾ OJ L 135, 17.5.2001, p. 35.

⁽⁴⁾ Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 298, 17.10.1989, p. 23). Directive as last amended by Directive 97/36/EC (OJ L 202, 30.7.1997, p. 60).

The definition also covers production methods and processes used in respect of agricultural products as referred to Article 38(1) of the Treaty establishing the European Community, products intended for human and animal consumption, and medicinal products as defined in Article 1 of Directive 2001/83/EEC ⁽¹⁾, as well as production methods and processes relating to other products, where these have an effect on their characteristics;

4. 'other requirements': a requirement, other than a technical specification, imposed on a product for the purpose of protecting, in particular, consumers or the environment, and which affects its life cycle after it has been placed on the market, such as conditions of use, recycling, reuse or disposal, where such conditions can significantly influence the composition or nature of the product or its marketing;
5. 'rule on services': requirement of a general nature relating to the taking-up and pursuit of service activities within the meaning of point 2, in particular provisions concerning the service provider, the services and the recipient of services, excluding any rules which are not specifically aimed at the services defined in that point.

This Agreement shall not apply to rules relating to matters which are covered by Community legislation in the field of telecommunications services, as defined by Directive 90/387/EEC ⁽²⁾.

This Agreement shall not apply to rules relating to matters which are covered by Community legislation in the field of financial services, as listed non-exhaustively in Annex II to this Agreement.

With the exception of Article 11, this Agreement shall not apply to rules enacted by or for regulated markets within the meaning of Directive 93/22/EEC ⁽³⁾ or by or for other markets or bodies carrying out clearing or settlement functions for those markets.

For the purposes of this definition:

- a rule shall be considered to be specifically aimed at information society services where, having regard to its statement of reasons and its operative part, the specific aim and object of all or some of its individual provisions is to regulate such services in an explicit and targeted manner,

⁽¹⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67). Directive as last amended by Directive 2002/98/EC (OJ L 33, 8.2.2003, p. 30).

⁽²⁾ Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision (OJ L 192, 24.7.1990, p. 1). Directive as last amended by Directive 97/51/EC (OJ L 295, 29.10.1997, p. 23).

⁽³⁾ Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field (OJ L 141, 11.6.1993, p. 27). Directive as last amended by Directive 2002/87/EC of the European Parliament and the Council (OJ L 35, 11.2.2003, p. 1).

- a rule shall not be considered to be specifically aimed at information society services if it affects such services only in an implicit or incidental manner;

6. 'technical regulation': technical specifications and other requirements or rules on services, including the relevant administrative provisions, the observance of which is compulsory, *de jure* or *de facto*, in the case of marketing, provision of a service, establishment of a service operator or use in one of the Member States or a major part thereof, or in the Republic of Hungary or a major part thereof, as well as laws, regulations or administrative provisions of the Member States or of the Republic of Hungary, except those provided for in Article 12, prohibiting the manufacture, importation, marketing or use of a product or prohibiting the provision or use of a service, or establishment as a service provider.

De facto technical regulations include:

- laws, regulations or administrative provisions of a Member State or the Republic of Hungary which refer either to technical specifications or to other requirements or to rules on services, or to professional codes or codes of practice which in turn refer to technical specifications or to other requirements or to rules on services, compliance with which confers a presumption of conformity with the obligations imposed by the aforementioned laws, regulations or administrative provisions,
- voluntary agreements to which a public authority is a contracting party and which provide, in the general interest, for compliance with technical specifications or other requirements or rules on services, excluding public procurement tender specifications,
- technical specifications or other requirements or rules on services which are linked to fiscal or financial measures affecting the consumption of products or services by encouraging compliance with such technical specifications or other requirements or rules on services; technical specifications or other requirements or rules on services linked to national social security systems are not included.

This comprises technical regulations imposed by the authorities designated by the Member States and appearing on a list ⁽⁴⁾ drawn up by the Commission of the European Communities (hereinafter referred to as the Commission) in the framework of the Committee referred to in Article 5 of Directive 98/34/EC. The Republic of Hungary shall draw up such a list and forward it to the Commission on the first day of the first month following entry into force of this Agreement.

The same procedure shall be used for amending this list;

⁽⁴⁾ OJ C 23, 27.1.2000, p. 3.

7. 'draft technical regulation': the text of a technical specification or other requirement or of a rule on services, including administrative provisions, formulated with the aim of enacting it or of ultimately having it enacted as a technical regulation, the text being at a stage of preparation at which substantial amendments can still be made.

Article 2

This Agreement shall not apply to those measures the Member States consider necessary under the Treaty establishing the European Community or the Republic of Hungary considers necessary for the protection of persons, in particular workers, when products are used, provided that such measures do not affect the products.

Article 3

1. Subject to Article 12, the Community shall notify the Republic of Hungary of the draft technical regulations notified to it by its Member States. Where these technical regulations merely transpose the full text of an international or European standard, information regarding the relevant standard shall suffice. It shall also let the Republic of Hungary have a statement of the grounds which make the enactment of such a technical regulation necessary, where these have not already been made clear in the draft.

2. Subject to Article 12, the Republic of Hungary shall likewise notify the Community of its draft technical regulations. Where these technical regulations merely transpose the full text of an international or European standard, information regarding the relevant standard shall suffice. It shall also let the Community have a statement of the grounds which make the enactment of such a technical regulation necessary, where these have not already been made clear in the draft.

Article 4

A full text of the draft technical regulation notified shall be made available in the original language as well as in a full translation into one of the official languages of the Community.

Article 5

1. Where appropriate, and unless it has already been sent with a prior communication, a full text in the original language of the basic legislative or regulatory provisions principally and directly concerned shall also be simultaneously communicated, should knowledge of such text be necessary in order to assess the implications of the draft technical regulation notified.

2. Where, in particular, the draft seeks to limit the marketing or use of a chemical substance, preparation or product on grounds of public health or of the protection of consumers or the environment, the Member States and the Republic of Hungary shall also forward either a summary or the references of all relevant data relating to the substance, preparation or product concerned and to known and available substitutes, where such information may be available, and communicate the anticipated effects of the measure on public health and the protection of the consumer and the environment, together with an analysis of the risk carried out as appropriate in accordance with the general principles for the risk evaluation of chemical substances as referred to in Article 10(4) of Regulation (EEC) No 793/93 ⁽¹⁾ in the case of an existing substance or in Article 3(2) of Directive 67/548/EEC ⁽²⁾, in the case of a new substance.

Article 6

The Member States and the Republic of Hungary shall communicate the draft technical regulation again under the above conditions if they make changes to the draft that have the effect of significantly altering its scope, shortening the timetable originally envisaged for implementation, adding specifications or requirements, or making the latter more restrictive. Transmission of these communications shall take place in accordance with the provisions set out in Article 3.

Article 7

Each Contracting Party may ask for further information on a draft technical regulation notified in accordance with this Agreement.

Article 8

1. The Community and the Republic of Hungary may make comments upon the draft technical regulations communicated. The comments of the Republic of Hungary shall be forwarded to the Commission and the comments of the Community shall be forwarded by the Commission to the Republic of Hungary.

2. The Member States and the Republic of Hungary shall take such comments into account as far as possible in the subsequent preparation of the technical regulation.

3. With respect to the technical specifications or other requirements or rules on services referred to in the third indent of the second subparagraph of point 6 of Article 1, the comments of the Contracting Parties may concern only aspects which may hinder trade or, in respect of rules on services, the free movement of services or the freedom of establishment of service operators and not the fiscal or financial aspects of the measure.

⁽¹⁾ Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances (OJ L 84, 5.4.1993, p. 1).

⁽²⁾ Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ L 196, 16.8.1967, p. 1). Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

4. The Commission shall, when a six-month standstill is invoked according to the rules set out in Directive 98/34/EC, inform the Republic of Hungary thereof.

Article 9

The competent authorities of the Member States and the Republic of Hungary shall postpone the adoption of a draft technical regulation notified for three months from the date of receipt by the Commission of the text thereof.

Article 10

The standstill period referred to in Article 9 shall not apply in those cases where:

- for urgent reasons, occasioned by serious and unforeseeable circumstances relating to the protection of public health or safety, the protection of animals or the preservation of plants and, for rules on services, also for public policy, notably the protection of minors, the competent authorities are obliged to prepare technical regulations in a very short space of time in order to enact and introduce them immediately without any consultations being possible, or
- for urgent reasons occasioned by serious circumstances relating to the protection of the security and the integrity of the financial system, notably the protection of depositors, investors and insured persons, the competent authorities are obliged to enact and implement rules on financial services immediately.

The reasons which warrant the urgency of the measures taken shall be given. The justification for urgent measures shall be detailed and clearly explained with particular emphasis on the unpredictability and the seriousness of the danger confronting the concerned authorities as well as the absolute necessity for immediate action to remedy it.

Article 11

1. The final text in the original language of a technical regulation shall also be communicated.

2. The administrative arrangements for the abovementioned notifications are detailed in Annex III of this Agreement. The details of the administrative arrangements concerning the communications shall be jointly agreed by the Contracting Parties.

Article 12

1. Articles 3 to 10 shall not apply to those laws, regulations and administrative provisions of the Member States and the Republic of Hungary or voluntary agreements by means of which Member States or the Republic of Hungary:

- comply as far as the Member States are concerned with binding Community acts which result in the adoption of technical specifications or rules on services, and as far as

the Republic of Hungary is concerned transpose into national law Community acts which result in the adoption of technical specifications or rules on services,

- fulfil as far as the Member States are concerned the obligations arising out of international agreements which result in the adoption of common technical specifications or rules on services in the Community,
- fulfil as far as the Republic of Hungary is concerned the obligations arising out of international agreements which result in the adoption of common technical specifications or rules on services in the Republic of Hungary and the Community,
- make use of safeguard clauses provided for in binding Community acts,
- apply Article 8(1) of Directive 92/59/EEC ⁽¹⁾,
- restrict themselves to implementing a judgment of the Court of Justice of the European Communities,
- restrict themselves to amending a technical regulation within the meaning of point 6 of Article 1, in accordance with a Commission request, with a view to removing an obstacle to trade or, in the case of rules on services, to the free movement of services or the freedom of establishment of service operators.

2. Articles 9 and 10 shall not apply to the laws, regulations and administrative provisions of the Member States and of the Republic of Hungary prohibiting manufacture insofar as they do not impede the free movement of products.

3. Article 9 and 10 shall not apply to the technical specifications or other requirements or the rules on services referred to in the third indent of the second subparagraph of point 6 of Article 1.

Article 13

Information supplied under this Agreement shall be considered as confidential upon request. However, both the Community and the Republic of Hungary may, provided that the necessary precautions are taken, consult for an expert opinion natural or legal persons, including persons in the private sector.

Article 14

1. The Contracting Parties shall, within the framework of the established cooperation between experts of the Community and the Republic of Hungary in the field of technical barriers to trade, hold regular consultations both to ensure the satisfactory functioning of the procedure laid down in this Agreement and to exchange views on the comments which have been submitted by any Contracting Party concerning a draft technical regulation notified in accordance with this Agreement. Furthermore, by common consent, the Contracting Parties may hold additional ad hoc meetings to deal with specific cases of particular interest to either Contracting Party.

⁽¹⁾ Council Directive 92/59/EEC of 29 June 1992 on general product safety (OJ L 228, 11.8.1992, p. 24).

2. The Republic of Hungary shall appoint an expert to represent it in meetings of the Committee established under Article 5 of Directive 98/34/EC, part 'information society services' and 'technical regulations'. The expert must be a member of the government services of the Republic of Hungary. The expert shall not be entitled to vote.

3. The Commission shall, in good time, inform the expert of the dates of the meetings, and of the items on the agenda of the Committee. The Commission shall forward relevant information to the expert.

4. On the initiative of its chairman, the Committee may meet without the expert representing the Republic of Hungary being present. In that case the Republic of Hungary shall be informed.

Article 15

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Hungary.

Article 16

This Agreement shall enter into force on the first day of the first month following the date on which the Contracting Parties have exchanged diplomatic Notes confirming the completion of their respective procedures for the entry into force of this Agreement.

Article 17

This Agreement shall expire on the date of accession of the Republic of Hungary to the European Union.

Article 18

This Agreement is drawn up in two originals in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Hungarian languages, each text being equally authentic.

Hecho en Bruselas, el once de diciembre del dos mil tres.

Udfærdiget i Bruxelles den ellefte december to tusind og tre.

Geschehen zu Brüssel am elften Dezember zweitausendunddrei.

Έγινε στις Βρυξέλλες, στις ένδεκα Δεκεμβρίου δύο χιλιάδες τρία.

Done at Brussels on the eleventh day of December in the year two thousand and three.

Fait à Bruxelles, le onze décembre deux mille trois.

Fatto a Bruxelles, addì undici dicembre duemilatre.

Gedaan te Brussel, de elfde december tweeduizenddrie.

Feito em Bruxelas, em onze de Dezembro de dois mil e três.

Tehty Brysselissä yhdentenätoista päivänä joulukuuta vuonna kaksituhattakolme.

Som skedde i Bryssel den elfte december tjugohundratre.

Kelt Brüsszelben, 2003. december 11-én

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

Umberto Vattani

A Magyar Köztársaság Kormánya részéről



ANNEX I

INDICATIVE LIST OF SERVICES NOT COVERED BY THE SECOND SUBPARAGRAPH OF POINT 2 OF ARTICLE 1

1. Services not provided 'at a distance'

Services provided in the physical presence of the provider and the recipient, even if they involve the use of electronic devices:

- (a) medical examinations or treatment at a doctor's surgery using electronic equipment where the patient is physically present;
- (b) consultation of an electronic catalogue in a shop with the customer on site;
- (c) plane ticket reservation at a travel agency in the physical presence of the customer by means of a network of computers;
- (d) electronic games made available in a video-arcade where the customer is physically present.

2. Services not provided 'by electronic means'

Services having material content even though provided via electronic devices:

- (a) automatic cash or ticket dispensing machines (banknotes, rail tickets);
- (b) access to road networks, car parks, etc., charging for use, even if there are electronic devices at the entrance/exit controlling access and/or ensuring correct payment is made.

Off-line services: distribution of CD roms or software on diskettes.

Services which are not provided via electronic processing/inventory systems:

- (a) voice telephony services;
- (b) telefax/telex services;
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- (d) telephone/telefax consultation of a doctor;
- (e) telephone/telefax consultation of a lawyer;
- (f) telephone/telefax direct marketing.

3. Services not supplied 'at the individual request of a recipient of services'

Services provided by transmitting data without individual demand for simultaneous reception by an unlimited number of individual receivers (point to multipoint transmission):

- (a) television broadcasting services (including near-video on-demand services), covered by point (a) of Article 1 of Directive 89/552/EEC;
 - (b) radio broadcasting services;
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ANNEX II

INDICATIVE LIST OF THE FINANCIAL SERVICES COVERED BY THE THIRD SUBPARAGRAPH OF POINT 5 OF ARTICLE 1

- Investment services
- Insurance and reinsurance operations
- Banking services
- Operations relating to pension funds
- Services relating to dealings in futures or options.

Such services include in particular:

- (a) investment services referred to in the Annex to Directive 93/22/EEC services of collective investment undertakings;
- (b) services covered by the activities subject to mutual recognition referred to in Annex I to Directive 2000/12/EC ⁽¹⁾;
- (c) operations covered by the insurance and reinsurance activities referred to in:
 - Article 1 of Directive 73/239/EEC ⁽²⁾,
 - the Annex to Directive 79/267/EEC ⁽³⁾,
 - Directive 64/225/EEC ⁽⁴⁾,
 - Directives 92/49/EEC ⁽⁵⁾ and 92/96/EEC ⁽⁶⁾.

⁽¹⁾ Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions (OJ L 126, 26.5.2000, p. 1). Directive as last amended by Directive 2002/87/EC.

⁽²⁾ First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ L 228, 16.8.1973, p. 3). Directive as last amended by Directive 2002/87/EC.

⁽³⁾ First Council Directive 79/267/EEC of 5 March 1979 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct life assurance (OJ L 63, 13.3.1979, p. 1). Directive as last amended by Directive 2002/87/EC.

⁽⁴⁾ Council Directive 64/225/EEC of 25 February 1964 on the abolition of restrictions on freedom of establishment and freedom to provide services in respect of reinsurance and retrocession (OJ 56, 4.4.1964, p. 878). Directive as amended by the 1973 Act of Accession.

⁽⁵⁾ Council Directive 92/49/EEC of 18 June 1992 on the coordination of the laws, regulations and administrative provisions relating to direct insurance other than life assurance (OJ L 228, 11.8.1992, p. 1). Directive as last amended by Directive 2002/87/EC.

⁽⁶⁾ Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regulations and administrative provisions relating to direct life assurance (OJ L 360, 9.12.1992, p. 1). Directive as last amended by Directive 2002/87/EC.

ANNEX III

Pursuant to Article 11(2) of the Agreement, the following communications by electronic means are considered necessary:

1. notification slips. They may be communicated before or together with the transmission of the full text;
2. the full text of the draft technical regulation notified;
3. acknowledgement of receipt of the draft text, containing, *inter alia*, the relevant expiry date of the standstill period;
4. messages requesting supplementary information;
5. answers to request for supplementary information;
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7. requests for ad hoc meetings;
8. answers to requests for ad hoc meetings;
9. requests for final texts;
10. information that a six-month standstill referred to in Article 8(4) has been called.

The following communications may, for the time being, be transmitted by fax, even though electronic means are preferable:

11. basic legal texts or regulatory provisions;
 12. the final text.
-

COMMISSION

COMMISSION DECISION

of 27 May 2003

on the State aid implemented by Spain for Minas de Rio Tinto SA

(notified under document number C(2003) 1663)

(Only the Spanish text is authentic)

(Text with EEA relevance)

(2004/300/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽¹⁾ and having regard to their comments,

Whereas:

(4) By letter dated 4 December 2000, the Commission requested Spain, pursuant to the Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽³⁾ (rescue and restructuring guidelines), to notify the aid included in the plan.

(5) By letter dated 9 January 2001, registered the following day, the Spanish authorities notified the aid that Spain planned to implement in favour of MRT for restructuring purposes.

(6) By letter dated 2 February 2001, the Commission requested additional information.

(7) By letter dated 15 February 2001, the Spanish authorities informed the Commission that the abovementioned State guarantee approved by the Commission (see recital 2) would be in force until 31 December 2003.

I. PROCEDURE

(1) By letter dated 9 August 1999, the Spanish authorities notified the Commission of their intention to grant rescue aid, in the form of a State guarantee, to Minas de Rio Tinto SAL (MRT) in respect of loans made by various banks to the company worth EUR 9 015 182.

(2) By letter dated 16 February 2000, the Commission informed Spain of its decision to consider the aid compatible with the common market ⁽²⁾.

(3) By letter dated 27 October 2000, Spain submitted the restructuring plan for MRT for the period 2000 to 2005, dated August 2000, which included the continuation of the guarantee mentioned in recital 1, as well as a loan from the Instituto de Crédito Oficial (ICO) for the amount of EUR 6 010 121.

(8) By letter dated 17 April 2001, registered on 25 April 2001, the Spanish authorities provided additional information in reply to the Commission's request dated 2 February 2001.

(9) By letter dated 20 June 2001, the Commission informed Spain that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid.

(10) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽⁴⁾. The Commission invited interested parties to submit their comments on the aid.

⁽¹⁾ OJ C 367, 21.12.2001, p. 19.

⁽²⁾ OJ C 94, 1.4.2000, p. 8.

⁽³⁾ OJ C 288, 9.10.1999, p. 2.

⁽⁴⁾ See footnote 1.

- (11) The Commission received comments from interested parties. It forwarded them to Spain, which was given the opportunity to react; its comments were received by letters dated 30 July 2001, 8 March 2002, 3 July 2002 and 7 March 2003.

II. THE FACTS

A. The company

- (12) Minas de Rio Tinto SAL was founded in 1995 by former workers from Rio Tinto Minera (now Atlantic Copper SA) with the aim of taking over Rio Tinto Minera's mining activities ⁽¹⁾. Until September 2001, the company operated as a workers' cooperative (*sociedad anónima laboral*), where the shares are distributed among all the workers.
- (13) The company was mainly active in the extraction of copper, gold and silver. Its copper production amounted to approximately 30 000 tonnes per year.
- (14) Besides its mining activities, MRT provides additional services, such as supplying potable water to the whole mining area, and control and maintenance of mining dams in order to avoid any environmental damage.
- (15) Because of falling copper prices on the world market, MRT ceased copper extraction in September 1998. Following the approval by the Commission of rescue aid in February 2000, MRT restarted its copper operations. In November 2000, however, the company had to cease production again due to a lack of funds and the trend in copper prices. The only activities carried out by the company since then have been maintenance, the preparation of further reserves and, for a short period, gold mining.
- (16) According to its published accounts, MRT's main financial indicators in the years 1997 to 2000 are the following:

	(EUR million)			
	1997	1998	1999	2000
Turnover	52,8	33,1	16,7	29,8
Operating losses	10,0	19,1	14,4	19,8
Long-term debts	10,6	14,5	10,7	24,7
Short-term debts	33,9	42,8	53,0	30,29
Own resources (capital + reserves – losses)	20,4	13,1	9,4	– 16,37

- (17) On 26 November 1998 the company applied for temporary receivership. Nevertheless, it continued its gold and silver activities, which represented around 15 % of its total turnover, under judicial review. On 12

January 2001, the judge approved, after having obtained the agreement of the majority of the creditors, the plan for the reduction and rescheduling of MRT's ordinary debts.

- (18) In September 2001 a private investor, Promociones Barty Cros, bought 54 % of the shares and the company was transformed into a public limited company.

B. The market

- (19) Copper is extracted from various ores or recovered from waste and scrap. Mined copper ore is processed into a fine, gray powder called concentrate; this contains up to 45 % copper and is shipped to the smelter. The copper concentrate is further treated and refined and cast into ingots, which are sent to the rolling mills for rolling, extruding or forging.
- (20) In the EU, there are still four countries operating copper mines, which produced the following quantities in 1999: Portugal 100 500 tonnes, Sweden 71 300 tonnes, Finland 10 500 tonnes and Spain 3 900 tonnes (this figure does not take into account MRT's production which would normally be around 30 000 tonnes). The large majority of the EU's consumption comes from third countries. Imports of copper concentrates into the EU in 1999 were some 2 million tonnes.
- (21) Intra-Community trade is rather limited compared with imports from third countries. Meaningful imports from other Member States were realised only by Germany (212 580 tonnes), Spain (98 455 tonnes) and Finland (153 255 tonnes).

- (22) Copper has been internationally traded on the London Metal Exchange (LME) since 1877. Copper metal prices, as those of other metals, fluctuate sharply. In 1995, copper prices averaged nearly USD 3 000/tonne. In 1996, 1997, 1998, 1999, 2000, 2001 and 2003 (first quarter), copper prices were on average respectively 2 294, 2 276, 1 653, 1 574, 1 814, 1 578, 1 557 and 1 662 USD/tonne.

C. The aid

- (23) The aid consists in:
- (a) a loan granted on 28 March 2001 by the Instituto de Crédito Oficial (ICO), the State financial agency attached to the Ministry of Economic Affairs, of EUR 6 010 121 for five years at Euribor six months + 1 %, and
- (b) the extension until 31 December 2003 of the guarantee granted by the Government of Andalusia on loans of up to EUR 9 015 181 made by private banks to MRT.

⁽¹⁾ This sale was transacted at a symbolic price. Moreover, Atlantic Copper provided funds amounting to ESP 4 450 million and assumed MRT's existing debts towards the State (social security and taxes) amounting to ESP 2 210 million.

- (24) The loan was completely disbursed before the end of 2001.

has been assumed that it will be 179 ESP/USD in the second semester of 2000, 169 ESP/USD in 2001 and 167 ESP/USD in the period 2002 to 2005.

D. The restructuring plan

- (25) From the industrial point of view, the aim of the plan is to:

- resume mining the higher-grade copper reserves,
- continue operating the gold/silver plant for at least 18 months (until the end of 2001),
- complete the exploration of the southern part of Cerro Salomón, which will make it possible to extract 3 million tonnes of ore a year,
- continue removing the overburden from Cerro Salomón,
- supplement production from Cerro Salomón with that from Cerro Colorado, to reach 30 kt per year in the first years and 40 kt per year at the end of the period,
- consolidate cost reductions, mainly in energy, supplies and external contractors.

- (26) The investments proposed in the plan for the period from the second half of 2000 to 2005 amount to EUR 13,81 million. The bulk of these (72 %) would be carried out in the first two and a half years.

- (27) From the financial viewpoint, the plan is based on the following features:

- termination of the insolvency proceedings through the acceptance by creditors of a reduction in their credits,
- obtaining the investment aid granted in 1998 but not yet disbursed (ESP 364 million)⁽¹⁾,
- using the credit of EUR 9 015 181 guaranteed by the Government of Andalusia and approved as rescue aid,
- using a credit of EUR 6 101 121 granted by the ICO.

- (28) According to the information provided on 17 April 2001, the workforce would be reduced from 623 (1 September 2000) to 543⁽²⁾ (31 December 2005), i.e. by 12,8 %, as a result of ceasing to mine gold and silver.

- (29) The key factor for the restructuring plan is the recovery in the price of copper. The plan assumes that copper prices will be USD 1 850/t in 2000, USD 2 137/t in 2001 and USD 2 250/t in the period 2002 to 2005. These figures have been obtained by extrapolating the historical trends. As for the ESP/USD exchange rate, it

- (30) According to the plan, the company will only be profitable if copper prices stay over USD 1 750 per tonne.

- (31) If copper prices are lower than the minimum assumed in the plan, the only measure proposed is to halt production (MRT has already done so twice since it was created in 1995). The plan acknowledges that other companies can do this either because they belong to integrated copper groups or because they are supported by the State.

- (32) In its decision to initiate proceedings, the Commission expressed its doubts as to the viability of the company, since the assumptions of the plan as to the price of copper, at least in the short term, were not generally acknowledged. The Commission noted that if the prices of copper did not reach USD 1 750 per tonne, the only solution for the company was to stop production. As a consequence, since copper extraction would be MRT's only source of revenues, to stop production would only aggravate its already deteriorated financial situation. In such circumstances, MRT would not be able to generate resources to pay its debts or its suppliers and to carry out the necessary investments. For this reason alone, the Commission considered that the restructuring plan did not appear to enable MRT to attain viability.

- (33) Moreover, the Commission noted that the plan's assumptions regarding MRT's costs were over-optimistic and that no sensitivity study had been provided.

- (34) Lastly, the Commission noted that the beneficiary was not making any significant contribution to the financing of the restructuring plan through its own resources.

III. COMMENTS FROM INTERESTED PARTIES

- (35) MRT is the only interested party that has sent comments. After severely criticising the management of the company between June 1998 and September 2001, and in view of its critical financial situation, it has presented the basis for a new restructuring plan. This plan includes, as a starting point, the write-off of 50 % of the outstanding debts and the conversion into subordinate loans and subordinate equity loans of the remaining 50 %; it also provides for a contribution from the majority shareholder of EUR 2 million in new capital as well as EUR 5 million in medium/long-term loans (provided the plan is approved by the national authorities and the Commission).

⁽¹⁾ Aid to MRT approved by Spain in 1997 and 1998 under regional investment aid schemes authorised by the Commission amounted to ESP 1 243 million.

⁽²⁾ The figures provided in the letter of 17 April 2001 differ from those included in the plan (595).

IV. COMMENTS FROM SPAIN

- (36) The Spanish authorities maintain that:
- the plan's assumptions regarding the copper prices were in line with experts' forecasts,
 - it would make no sense to provide a sensitivity study: if copper prices do not reach the minimum level, the company would stop production,
 - the impact on competition would not be appreciable and the company is an important employer located in an area with high unemployment,
 - the company contributes to the financing of the plan through the ICO loan, which is granted on market terms.
- (37) By letter dated 7 March 2003 the Spanish authorities have confirmed that the only plan approved by them is the one presented in 2001.

V. ASSESSMENT OF THE AID

- (38) According to Article 87(1) of the EC Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market.
- (39) As to the claim by the Spanish authorities that the loan by the ICO was granted on market terms, the Commission notes, first of all, that Spain notified it as restructuring aid; secondly, that, given the financial situation of the company at the time it was granted, it is evident that no private investor would have granted such a loan. Moreover, even MRT's 1999 management report gives an indication on the non-commercial nature of the loan ⁽¹⁾.
- (40) The Commission considers that both the State guarantee on the loan of EUR 9 015 181 and the loan from the ICO for EUR 6 101 121 confer an advantage on MRT which is financed through state resources ⁽²⁾. They are part of the restructuring plan presented by the Spanish authorities, they are intended to restore MRT's long-term viability and therefore tend to distort competition. Since copper is traded throughout the Community, they affect trade between Member States and therefore they fall within the scope of Article 87(1) of the EC Treaty.

- (41) The Commission assesses aid for restructuring purposes for firms in difficulty according to the rescue and restructuring guidelines. Under these, the aid must fulfil certain conditions in order to be compatible with the common market.
- (42) As for the eligibility of the firm, although MRT's insolvency proceedings were terminated in January 2001, the company's own resources had decreased by one third between 1999 and 2000 and by 69 % since 1997; similarly, the company's level of indebtedness remained extremely high (debts represented almost nine times MRT's own resources). MRT's financial situation as of September 2001 was described by the new owners as close to bankruptcy and the company has not resumed production. MRT is therefore to be regarded as 'a firm in difficulty' within the meaning of the rescue and restructuring guidelines and would not be able to recover without State aid.

- (43) As for the restoration of viability, the rescue and restructuring guidelines require that the restructuring plan 'must restore the long-term viability of the firm within a reasonable timescale and on the basis of realistic assumptions as to future operating conditions. [...] The improvement in viability must derive mainly from internal measures contained in the restructuring plan and may be based on external factors such as variations in prices and demand over which the company has no great influence if the market assumptions made are generally acknowledged' (section 3.2.2, point 32). The Commission notes that in the present case the main factor on which viability was based is the price of copper.

- (44) In its decision to initiate proceedings, the Commission noted that, at least in the short term, the plan's assumptions as to copper prices were not generally accepted. The Commission also noted that if the prices of copper did not reach the minimum expected value, the only solution for the company was to stop production. Although this is a step already taken by the copper producers which, like MRT, have the highest production costs ⁽³⁾, in MRT's case, since copper extraction would be its only source of revenues, the stop in production would only aggravate its already deteriorated financial situation. In such circumstances MRT would not be able to generate resources to pay its debts or its suppliers and to carry out the necessary investments. The Commission considered that on this ground, the restructuring plan did not appear to enable MRT to attain viability.

⁽¹⁾ The chapter on the facts subsequent to the closing of the financial year states 'There is a political commitment by the Popular Party to activate the granting of the credit of ESP 1 000 million by the ICO'.

⁽²⁾ The ICO is the State financial agency attached to the Ministry of Economic Affairs that serves to implement certain economic policy measures in accordance with the guidelines laid down by the Government, subject to the rules and decisions adopted by its General Board. The latter is composed of representatives of various ministries.

⁽³⁾ Pinto Valley, Sierrita, Chino y Tohono, San Manuel and Robertson in the United States; Ojos del Salado in Chili; Highland Valley in Canada. (Source: MRT 1999 Annual Report).

- (45) The Spanish authorities have not provided any element that could contradict the Commission's preliminary assessment on this point. Furthermore, the Commission's doubts have been confirmed by the comments submitted by MRT: the debts accumulated by the company since the stop of production have placed it on the verge of bankruptcy.
- (46) The Spanish authorities have not provided any information that could allay the Commission's doubts as to the assumptions of production costs included in the plan: in 2000, copper prices were over the minimum value contemplated in the plan and yet MRT made huge losses and had to stop production again. The comments submitted by MRT have, on the contrary, confirmed the Commission's doubts: the continuation of labour costs at the level of the original plan (number of workers, pay levels) would make the company unviable.
- (47) In view of the foregoing, the Commission considers that the restructuring plan will not enable the firm to progress towards a new structure that offers the prospect of long-term viability and enables it to stand on its own feet as the rescue and restructuring guidelines require.
- (48) As regards the fact that MRT is located in an area eligible for regional aid pursuant to Article 87(3)(a) of the EC Treaty, the Commission would take this into account for the purposes of the capacity reduction requirement in accordance with point 54 of the rescue and restructuring guidelines. However, in the present case, given that the company is not viable, the question does not arise.
- (49) As to the condition that the aid should be limited to the minimum necessary, the rescue and restructuring guidelines expect beneficiaries of the aid to make a significant contribution to the restructuring plan through their own resources. The Commission cannot accept the Spanish authorities' argument that the loan granted by the ICO constitutes a significant contribution by the company since, as pointed out in recitals 39 and 40, the loan constitutes State aid. The Commission considers, therefore, that this condition is not fulfilled.
- (51) According to Article 14(1) of Council Regulation (EC) No 659/1999 ⁽¹⁾, where negative decisions are taken in cases of unlawful aid, the Commission shall decide that the Member State concerned shall take all necessary measures to recover the aid from the beneficiary.
- (52) As for the State guarantee, the Commission notes that it considered it compatible with the common market until it adopted a position on the restructuring plan. Since, for the reasons stated above, this position is negative, the Commission considers that the continuation of the abovementioned guarantee is incompatible with the common market,

HAS ADOPTED THIS DECISION:

Article 1

The State aid which Spain has implemented for Minas de Rio Tinto in the form of a loan amounting to EUR 6 010 121 is incompatible with the common market.

Article 2

The continuation of the guarantee granted by Spain in favour of Minas de Rio Tinto on loans worth EUR 9 015 181 granted by private banks constitutes State aid which is incompatible with the common market. Spain shall forthwith take any measures necessary to suspend the guarantee.

Article 3

1. Spain shall take all necessary measures to recover from the beneficiary the aid referred to in Article 1 and unlawfully made available to the beneficiary.
2. Recovery shall be effected without delay and in accordance with the procedures of national law, provided that they allow the immediate and effective execution of the decision. The aid to be recovered shall include interest from the date on which it was at the disposal of the beneficiary until the date of its recovery. Interest shall be calculated on the basis of the reference rate used for calculating the grant-equivalent of regional aid.

VI. CONCLUSION

Article 4

- (50) The Commission finds that Spain has unlawfully granted the loan of EUR 6 101 121 in breach of Article 88(3) of the Treaty. For the reasons stated above, the loan constitutes State aid that is incompatible with the common market.
- Spain shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 27 May 2003.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 30 March 2004

derogating from Decisions 2003/803/EC and 2004/203/EC as regards the format for certificates and passports for the non-commercial movement of dogs, cats and ferrets and amending Decision 2004/203/EC

(notified under document number C(2004) 1068)

(Text with EEA relevance)

(2004/301/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 Articles 8(4) and 21 thereof,

Whereas:

- (1) Regulation (EC) No 998/2003 establishes veterinary conditions applying to non-commercial movements of pet dogs, cats and ferrets.
- (2) Commission Decision 2003/803/EC ⁽²⁾ establishes a model passport for non-commercial movements of animals of those species between Member States, and Commission Decision 2004/203/EC ⁽³⁾ establishes a model certificate for non-commercial movements from third countries.
- (3) From 3 July 2004 documents complying with those models should be presented to the authorities responsible for checks.
- (4) To facilitate the transition to the arrangements of Regulation (EC) No 998/2003, certificates issued for non-commercial entry into a Member State before that Regulation applies, should be considered valid until their expiry date if they comply with the conditions established by that Regulation.
- (5) Nevertheless, as regard the specific situation of Member States listed in Annex II, part A, it is appropriate to maintain during this transitional period the national conditions applicable to the acceptance of rabies certification.
- (6) It is also appropriate to recognise as valid antibody titrations performed on the basis of national provisions which were applicable before the adoption of Commis-

sion Decision 2001/296/EC of 29 March 2001 authorising laboratories to check the effectiveness of vaccination against rabies in certain domestic carnivores ⁽⁴⁾.

- (7) Furthermore, taking into account the request of certain third countries, the model passport established by Decision 2003/803/EC for non-commercial intra-Community movements of dogs, cats and ferrets should be recognised as valid for non-commercial movements of animals of those species from third countries listed in section 2 of part B of Annex II to Regulation (EC) No 998/2003 as an alternative to the certificates in force for movements from third countries.
- (8) Since Regulation (EC) No 998/2003 will apply from 3 July 2004, this Decision should apply from the same date.
- (9) 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

By way of derogation from Decisions 2003/803/EC and 2004/203/EC, and with regard to rabies certifications, Member States shall authorise the non-commercial movement between Member States and from third countries of dogs, cats and ferrets accompanied by a certificate in a format different to the models established by those Decisions provided that it meets the following requirements:

- (a) it has been issued before 3 July 2004;
- (b) its period of validity has not expired; and
- (c) it attests compliance with conditions established by Regulation (EC) No 998/2003.

Nevertheless, the United Kingdom, Ireland and Sweden may maintain the national conditions applicable before 3 July 2004 for the acceptance of rabies certification.

⁽¹⁾ OJ L 146, 13.6.2003, p. 1.

⁽²⁾ OJ L 312, 27.11.2003, p. 1.

⁽³⁾ OJ L 65, 3.3.2004, p. 13.

⁽⁴⁾ OJ L 102, 12.4.2001, p. 58.

Article 2

Antibody titrations performed on the basis of national provisions before the entry in force of Decision 2001/296/EC establishing a list of laboratories authorised to carry out this test shall be considered as valid.

Article 3

Article 1 of Decision 2004/203/EC is replaced by the following:

‘Article 1

1. This Decision establishes the model certificate for non-commercial-movements from third countries of pet animals of the 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.

2. By way of derogation from paragraph 1, Member States shall authorise the non-commercial movement of dogs, cats and ferrets accompanied by a passport in accordance with the model established by Decision 2003/803/EC from those third countries listed in section 2 of part B of Annex II to Regulation (EC) No 998/2003 which have notified the Commission and the Member States of their intention to use the passport instead of the certificate.’

Article 4

This Decision shall apply from 3 July 2004.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 30 March 2004.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION
of 30 March 2004
on a financial contribution from the Community to expenditure incurred by Greece in establishing
the Community vineyard register

(notified under document number C(2004) 1070)

(Only the Greek text is authentic)

(Text with EEA relevance)

(2004/302/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2392/86 of 24 July 1986 establishing a Community vineyard register ⁽¹⁾, and in particular Article 9(3) thereof,

After consulting the European Agricultural Guidance and Guarantee Fund Committee,

Whereas:

- (1) Article 9(1) of Regulation (EEC) No 2392/86 states that the Community is to contribute 50 % of the actual cost of establishing the Community vineyard register in the Member States and of the investment in data-processing facilities needed to manage the register.
- (2) On the basis of Article 9(3) of that Regulation, an advance has been paid to Greece. It will be deducted from the Community contribution.
- (3) According to Article 9(4) of that Regulation, Articles 8 and 9 of Council Regulation (EC) No 1258/1999 ⁽²⁾ apply to the Community financing for establishing the register.
- (4) Greece has sent the Commission, by letters of 15 February 2001 and 3 November 2003, the documents needed to decide on the amount to be defrayed as expenditure incurred in establishing the register.
- (5) The Commission has carried out the inspections provided for in Article 9(2) of Regulation (EC) No 1258/1999.
- (6) Only expenditure incurred in preparing a usable register is eligible for a Community contribution. In the light of verifications made on the basis of the documents sent by

Greece, the reference chart for the entire area under vines was not established on the territory of that Member State within the time limit set. The expenditure declared by Greece does not satisfy the requirements under the rules and may not be funded by the Community.

- (7) According to Article 4 of Regulation (EEC) No 2392/86, the register is to be established in its entirety not later than six years following the date of entry into force of that Regulation. Article 4(4) of the Regulation, inserted by Article 1 of Council Regulation (EC) No 1549/95 ⁽³⁾, provides that Member States which, on 1 July 1995, have not yet established a vineyard register or which have only established a partial register shall, before 31 December 1996, establish reference charts covering the entire area under vines.
- (8) The deadline for establishing the register in Greece was extended to 31 December 2000.
- (9) An assessment of the amount to be defrayed and the amount to be excluded on grounds of failure to comply with Community rules was sent to Greece on 9 August 2002. The letter from Greece dated 3 November 2003 does not alter the assessment made by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The Community shall contribute towards the expenditure incurred by Greece in establishing the Community vineyard register the amount shown in the table attached to this Decision.

⁽¹⁾ OJ L 208, 31.7.1986, p. 1. Regulation as last amended by Regulation (EC) No 1631/98 (OJ L 210, 28.7.1998, p. 14).

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

⁽³⁾ OJ L 148, 30.6.1995, p. 37.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 30 March 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Year	Eligible expenditure (GRD)	Conversion rate (OJ for first working day)	Eligible expenditure (EUR)	Part-financing at 50 % (EUR)
1988 to 2000	0	N/A	0	0
TOTAL			Advances To be recovered	710 341 – 710 341

COMMISSION DECISION
of 31 March 2004
on a financial contribution from the Community to expenditure incurred by Italy in establishing
the Community vineyard register

(notified under document number C(2004) 1077)

(Only the Italian text is authentic)

(2004/303/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2392/86 of 24 July 1986 establishing a Community vineyard register ⁽¹⁾, and in particular Article 9(3) thereof,

After consulting the European Agricultural Guidance and Guarantee Fund Committee,

Whereas:

- (1) Article 9(1) of Regulation (EEC) No 2392/86 states that the Community is to contribute 50 % of the actual cost of establishing the Community vineyard register in the Member States and of the investment in data-processing facilities needed to manage the register.
- (2) An advance has been paid to Italy on the basis of Article 9(3) of that Regulation. It will be deducted from the total amount of the Community contribution.
- (3) Article 9(4) of the Regulation provides that Articles 8 and 9 of Council Regulation (EC) No 1258/1999 ⁽²⁾ apply to the Community financing for establishing the register.
- (4) Italy has sent the Commission the documents needed to decide on the amount to be defrayed as expenditure incurred in establishing the register.
- (5) The Commission has carried out the checks provided for in Article 9(2) of Regulation (EC) No 1258/1999.

- (6) In the light of checks carried out, some of the expenditure declared by Italy does not meet the requirements in the rules and may not therefore be financed by the Community.
- (7) The deadline for establishing the register in Italy was 31 December 1998. Expenditure on work completed after that date should therefore be excluded from Community financing.
- (8) A breakdown of the amounts to be defrayed and the amounts to be excluded on grounds of failure to comply with Community rules was sent to Italy on 7 August 2003,

HAS ADOPTED THIS DECISION:

Article 1

The Community shall contribute to the expenditure incurred by Italy in establishing the Community vineyard register the amount shown in the table attached to this Decision.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 31 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 31.7.1986, p. 1. Regulation as last amended by Regulation (EC) No 1631/98 (OJ L 210, 28.7.1998, p. 14).

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

ANNEX

Year	Eligible expenditure (ITL)	Conversion rate (OJ for first working day)	Eligible expenditure (EUR)	Part-financing at 50 % (EUR)
1996	3 172 455 950	2 061,3	1 539 055,91	769 527,96
1997	18 902 708 300	1 913,1	9 880 699,23	4 940 349,61
1998	12 716 806 800	1 942,62	6 546 214,29	3 273 107,14
TOTAL	34 791 971 050		17 965 940	8 982 985
			Advances	26 688 122
			To be recovered	– 17 705 137

CORRIGENDA

Corrigendum to Commission Directive 2003/113/EC of 3 December 2003 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for certain pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables

(Official Journal of the European Union L 324 of 11 December 2003)

On page 28, Annex IV should read as follows:

‘ANNEX IV

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,05 (*) (p)		0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	
(i) CITRUS FRUIT		0,05 (*) (p)							0,01 (*) (p)
Grapefruit									
Lemons									
Limes									
Mandarins (including clementines and other hybrids)									
Oranges									
Pomelos									
Others									
(ii) TREE NUTS (shelled or unshelled)		0,05 (*) (p)							0,01 (*) (p)
Almonds									
Brazil nuts									
Cashew nuts									
Chestnuts									
Coconuts									
Hazelnuts									
Macadamia									
Pecans									
Pine nuts									
Pistachios									
Walnuts									
Others									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(iii) POME FRUIT		0,05 (*) (p)							0,01 (*) (p)
Apples									
Pears									
Quinces									
Others									
(iv) STONE FRUIT		0,05 (*) (p)							0,01 (*) (p)
Apricots									
Cherries									
Peaches (including nectarines and similar hybrids)									
Plums									
Others									
(v) BERRIES AND SMALL FRUIT		0,05 (*) (p)							
(a) Table and wine grapes									0,5 (p)
Table grapes									
Wine grapes									
(b) Strawberries (other than wild)									0,01 (*) (p)
(c) Cane fruit (other than wild)									0,01 (*) (p)
Blackberries									
Dewberries									
Loganberries									
Raspberries									
Others									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(d) Other small fruit and berries (other than wild)									0,01 (*) (p)
Bilberries									
Cranberries									
Currants (red, black and white)									
Gooseberries									
Others									
(e) Wild berries and wild fruit									0,01 (*) (p)
(vi) MISCELLANEOUS		0,05 (*) (p)							0,01 (*) (p)
Avocados									
Bananas									
Dates									
Figs									
Kiwi									
Kumquats									
Litchis									
Mangoes									
Olives									
Passion fruit									
Pineapples									
Papaya									
Others									

[illegible]

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(iii) FRUITING VEGETABLES		0,05 (*) (p)	0,05 (*) (p)						
(a) Solanacea									
Tomatoes									0,2 (p)
Peppers									
Aubergines									
Others									0,01 (*) (p)
(b) Cucurbits — edible peel									
Cucumbers									0,1 (p)
Gherkins									
Courgettes									
Others									0,01 (*) (p)
(c) Cucurbits — inedible peel									
Melons									0,1 (p)
Squashes									
Watermelons									
Others									0,01 (*) (p)
(d) Sweet corn									0,01 (*) (p)
(iv) BRASSICA VEGETABLES		0,05 (*) (p)	0,05 (*) (p)						0,01 (*) (p)
(a) Flowering brassica									
Broccoli									
Cauliflower									
Others									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(b) Head brassica									
Brussels sprouts									
Head cabbage									
Others									
(c) Leafy brassica									
Chinese cabbage									
Kale									
Others									
(d) Kohlrabi									
(v) LEAF VEGETABLES AND FRESH HERBS			0,05 (*) (p)						0,01 (*) (p)
(a) Lettuce and similar		0,05 (*) (p)							
Cress									
Lamb's lettuce									
Lettuce									
Scarole									
Others									
(b) Spinach and similar		0,05 (*) (p)							
Spinach									
Beet leaves (chard)									
Others									
(c) Water cress		0,05 (*) (p)							
(d) Witloof		0,05 (*) (p)							

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(e) Herbs									
Chervil									
Chives									
Parsley		1 (p)							
Celery leaves		1 (p)							
Others		0,05 (*) (p)							
(vi) LEGUME VEGETABLES (fresh)			0,2 (p)						0,01 (*) (p)
Beans (with pods)									
Beans (without pods)		0,1 (p)							
Peas (with pods)									
Peas (without pods)		0,1 (p)							
Others		0,05 (*) (p)							
(vii) STEM VEGETABLES (fresh)			0,05 (*) (p)						0,01 (*) (p)
Asparagus									
Cardoons									
Celery		0,1 (p)							
Fennel									
Globe artichokes									
Leek									
Rhubarb									
Others		0,05 (*) (p)							
(viii) FUNGI		0,05 (*) (p)	0,05 (*) (p)						0,01 (*) (p)
(a) Cultivated mushrooms									
(b) Wild mushrooms									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
3. PULSES	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,01 (*) (p)
Beans									
Lentils									
Peas									
Others									
4. OIL SEED	0,05 (*) (p)	0,1 (*) (p)	0,1 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,02 (*) (p)
Linseed									
Peanuts									
Poppy seeds									
Sesame seeds									
Sunflower seed									
Rape seed									
Soya bean									
Mustard seed									
Cotton seed									
Others									
5. POTATOES	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,01 (*) (p)
Early potatoes									
Ware potatoes									
6. TEA (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (p)
7. HOPS (dried), including hop pellets and unconcentrated powder	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (p)

(*) Indicates lower limit of analytical determination

(p) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from [4 years from date of coming into force of the Directive introducing this amendment].