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## Legislation

### Contents

#### I Acts whose publication is obligatory

- Commission Regulation (EC) No 731/2004 of 20 April 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 1
- Commission Regulation (EC) No 732/2004 of 20 April 2004 opening a standing invitation to tender for the resale on the Community market of rice from the 1999, 2000 and 2001 harvests held by the Spanish intervention agency ..... 3
- Commission Regulation (EC) No 733/2004 of 20 April 2004 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia ..... 10
- ★ **Commission Regulation (EC) No 734/2004 of 20 April 2004 establishing transitional measures for the application of Regulation (EC) No 2316/1999 as regards the minimum area for aid applications for the 2004/2005 marketing year by reason of the accession of Malta to the European Union ..... 12**
- ★ **Commission Regulation (EC) No 735/2004 of 20 April 2004 amending Regulation (EC) No 1972/2003 on transitional measures to be adopted in respect of trade in agricultural products on account of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ..... 13**
- ★ **Commission Directive 2004/46/EC of 16 April 2004 amending Directive 95/31/EC as regards E 955 sucralose and E 962 salt of aspartame-acesulfame <sup>(1)</sup> ..... 15**
- ★ **Commission Directive 2004/55/EC of 20 April 2004 amending Council Directive 66/401/EEC on the marketing of fodder plant seed <sup>(1)</sup> ..... 18**

**Commission**

2004/363/EC:

- ★ **Commission Decision of 6 April 2004 concerning protection measures in relation to highly pathogenic avian influenza in the United States of America <sup>(1)</sup> (notified under document number C(2004) 1310)** ..... 19

2004/364/EC:

- ★ **Commission Decision of 6 April 2004 concerning protection measures in relation to highly pathogenic avian influenza in Canada <sup>(1)</sup> (notified under document number C(2004) 1311)** ..... 22

2004/365/EC:

- ★ **Commission Decision of 13 April 2004 amending Decisions 98/119/EC, 98/121/EC and 98/125/EC approving the multiannual guidance programmes for the fishing fleets of France, the Netherlands and Ireland (notified under document number C(2004) 1300)** ..... 25

2004/366/EC:

- ★ **Commission Decision of 13 April 2004 approving the first phase of the technical action plan 2004 for improving agricultural statistics (notified under document number C(2004) 1303)** ..... 32

2004/367/EC:

- ★ **Commission Decision of 19 April 2004 amending Decision 95/30/EC to lay down the conditions for imports from Morocco of bivalve molluscs belonging to the species *Acanthocardia tuberculatum* harvested and processed under the conditions of Decision 96/77/EC <sup>(1)</sup> (notified under document number C(2004) 1386)** ..... 36

**Notice to readers** (see page 3 of the cover)

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 731/2004  
of 20 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 <sup>(1)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 21 April 2004.

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

Done at Brussels, 20 April 2004.

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

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<sup>(1)</sup> 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 20 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 <sup>(1)</sup> | Standard import value |
| 0702 00 00                         | 052                               | 98,6                  |
|                                    | 204                               | 27,5                  |
|                                    | 212                               | 120,5                 |
|                                    | 999                               | 82,2                  |
| 0707 00 05                         | 052                               | 106,9                 |
|                                    | 068                               | 128,2                 |
|                                    | 096                               | 93,3                  |
|                                    | 999                               | 109,5                 |
| 0709 90 70                         | 052                               | 75,2                  |
|                                    | 204                               | 83,4                  |
|                                    | 999                               | 79,3                  |
| 0805 10 10, 0805 10 30, 0805 10 50 | 052                               | 67,6                  |
|                                    | 204                               | 41,6                  |
|                                    | 212                               | 87,1                  |
|                                    | 220                               | 39,5                  |
|                                    | 400                               | 42,5                  |
|                                    | 600                               | 36,6                  |
|                                    | 624                               | 61,7                  |
|                                    | 999                               | 53,8                  |
| 0805 50 10                         | 052                               | 41,0                  |
|                                    | 400                               | 48,3                  |
|                                    | 999                               | 44,7                  |
| 0808 10 20, 0808 10 50, 0808 10 90 | 060                               | 34,7                  |
|                                    | 388                               | 85,1                  |
|                                    | 400                               | 114,7                 |
|                                    | 404                               | 71,8                  |
|                                    | 508                               | 67,5                  |
|                                    | 512                               | 69,8                  |
|                                    | 524                               | 54,7                  |
|                                    | 528                               | 71,8                  |
|                                    | 720                               | 76,3                  |
|                                    | 804                               | 113,6                 |
| 0808 20 50                         | 999                               | 76,0                  |
|                                    | 388                               | 73,0                  |
|                                    | 512                               | 87,9                  |
|                                    | 524                               | 80,8                  |
|                                    | 528                               | 72,8                  |
|                                    | 999                               | 78,6                  |

<sup>(1)</sup> 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 732/2004

of 20 April 2004

**opening a standing invitation to tender for the resale on the Community market of rice from the 1999, 2000 and 2001 harvests held by the Spanish intervention agency**

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 <sup>(1)</sup>, and in particular Article 8(b) thereof,

Whereas:

(1) Commission Regulation (EEC) No 75/91 of 11 January 1991 laying down the procedures and conditions for the disposal of paddy rice held by intervention agencies <sup>(2)</sup> provides among other things that rice held by intervention agencies is to be sold by tendering procedure at prices avoiding market disturbance.

(2) Spain still has intervention stocks of paddy rice from the 1999, 2000 and 2001 harvests, the quality of which is in danger of deteriorating if kept in prolonged storage.

(3) In the present production situation and in view of the concessions for rice imports granted under international agreements and the restrictions on subsidised exports, disposing of this rice on traditional markets inside the Community would inevitably result in the placing of an equivalent quantity in intervention, which should be avoided.

(4) This rice can be disposed of by processing it into either broken rice or products derived therefrom, or into some other form suitable for use in animal feed, on certain conditions.

(5) In order to ensure that the rice really is processed, the procedure should be specially monitored and the successful tenderer should provide a security, to be released on conditions to be laid down.

(6) The undertakings given by tenderers must be regarded as primary requirements within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products <sup>(3)</sup>.

(7) Commission Regulation (EEC) No 3002/92 <sup>(4)</sup> lays down common detailed rules for verifying the use of products from intervention. Procedures should also be laid down to ensure the traceability of the products used for animal feed.

(8) So that the quantities awarded can be managed accurately, an allocation coefficient should be fixed for tenders offering the minimum selling price, while allowing tenderers to specify a minimum quantity awarded below which they do not wish their tender to stand.

(9) When the Spanish intervention agency notifies the Commission, the tenderers should remain anonymous.

(10) While respecting the tenderers' anonymity, they should be identified by numbers so that it is evident which have submitted several tenders and what prices they have offered.

(11) For control purposes, tenders must be traceable by their reference numbers, while safeguarding anonymity.

(12) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

(13) 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 Spanish intervention agency shall launch a standing invitation to tender for the sale on the internal market of the Community of quantities of rice from the 1999, 2000 and 2001 harvests held by it and previously notified to the Commission under Regulation (EEC) No 75/91, as set out in Annex I hereto, with a view to its processing into either broken rice within the meaning of Annex A.3 to Regulation (EC) No 3072/95 or products derived therefrom, or into some other form suitable for use in animal feed (CN code 2309).

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 9, 12.1.1991, p. 15.

<sup>(3)</sup> OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 1932/1999 (OJ L 240, 10.9.1999, p. 11).

<sup>(4)</sup> OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.4.1996, p. 13).

## Article 2

1. The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 75/91.

However, notwithstanding Article 5 of that Regulation:

- (a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;
- (b) the minimum sale price shall be set at a level which does not disturb the cereals or rice market.

2. Tenderers shall give the following undertakings:

(a) where the rice is to be processed into broken rice or products derived therefrom:

(i) that they will carry out the treatment provided for in Annex II within three months of the date of the notice of award of contract referred to in the second paragraph of Article 8, under the supervision of the competent authorities and at a place determined in agreement with them;

(ii) that they will use the awarded products solely in the form of broken rice or products derived therefrom either without further processing or by incorporating them into another product or by processing them, within six months of the date of the notice of award of contract referred to in the second paragraph of Article 8, except in cases of *force majeure* or on the specific instructions of the intervention agency authorising a change in the deadline on account of exceptional circumstances;

(iii) if they sell the products on, that they will have the purchaser give the above undertaking;

(b) where the rice is to be processed into a form suitable for use in animal feed,

(i) where they are feed manufacturers:

— that they will carry out the treatments described in Annex III or IV within three months of the date of the notice of award of contract referred to in the second paragraph of Article 8, under the supervision of the competent authorities and at a place determined in agreement with them, with a view to verifying the use made of the rice and ensuring the traceability of the products;

— that they will ensure that this product is incorporated in feed within four months of the date of the notice of award of contract referred to in the second paragraph of Article 8, except in cases of *force majeure* or on the specific instructions of the intervention agency authorising a change in the deadline on account of exceptional circumstances;

(ii) where they are rice mills:

— that they will carry out the treatments described in Annex IV within no more than three months of the date of the notice of award of contract referred to

in the second paragraph of Article 8, under the supervision of the competent authorities and at a place determined in agreement with them, with a view to verifying the use made of the rice and ensuring the traceability of the products;

— that they will ensure that this product is incorporated in feed within four months of the date of the notice of award of contract referred to in the second paragraph of Article 8, except in cases of *force majeure* or on the specific instructions of the intervention agency authorising a change in the deadline on account of exceptional circumstances;

(c) that they will bear the costs of the processing and treatment of the products;

(d) that they will keep stock records demonstrating that they have respected their undertakings.

## Article 3

1. The Spanish intervention agency shall publish a notice of invitation to tender at least eight days before the final day of the first period for the submission of tenders.

The notice, and any changes to it, shall be forwarded to the Commission before publication.

2. The notice of invitation to tender shall contain:

(a) the additional clauses and conditions of sale compatible with this Regulation;

(b) the places of storage and the name and address of the storer;

(c) the main physical and technological characteristics of the various lots established upon buying in by the intervention agency or during checks carried out subsequently;

(d) the number of each lot;

(e) particulars of the competent authorities responsible for monitoring the operation.

3. The Spanish intervention agency shall take all additional steps necessary to enable the parties concerned to assess the quality of the rice put up for sale before submitting their tenders.

## Article 4

1. Tenders shall indicate whether they relate to processing into broken rice or products derived therefrom or into a form suitable for animal feed.

Tenders shall be valid only if they are accompanied by:

(a) evidence that the tenderer has lodged a security of EUR 15 per tonne;

(b) evidence that the tenderer is an animal feed manufacturer or a rice mill;

(c) a written undertaking by the tenderer to lodge a security, not later than two working days after the date of receipt of the notice of award of contract, for an amount equivalent to the difference between the intervention price for paddy rice applicable on the tender date plus EUR 15 and the price tendered per tonne of rice.

2. Once submitted, a tender may not be altered or withdrawn.

3. In case the Commission is required to fix an award coefficient for the quantities offered for sale as provided for in the second paragraph of Article 7, tenderers should indicate any minimum awarded quantity below which they do not wish their tender to stand.

#### Article 5

1. The period for the submission of tenders for the first partial invitation to tender shall commence on 5 May 2004 and end on 11 May 2004 at 12.00 (Brussels time).

2. The time limit for submission of tenders under subsequent partial invitations to tender shall be 12.00 (Brussels time) on the next two Tuesdays: 25 May 2004 and 8 June 2004. The period for the submission of tenders shall commence on the Wednesday before the closing date in each case.

3. The period for the submission of tenders for the last partial invitation to tender shall commence on 16 June 2004 and end on 22 June 2004 at 12.00 (Brussels time).

Tenders must be lodged with the Spanish intervention agency:

Fondo Español de Garantía Agraria (FEGA)

Beneficencia 8

E-28004 Madrid

Telex: 23427 FEGA E

Fax: +(34) 915 21 98 32, +(34) 915 22 43 87

#### Article 6

1. Not later than 09.00 (Brussels time) on the Thursday following the closing date for the submission of tenders, the Spanish intervention agency shall notify the Commission of the information provided for in Annex V hereto, broken down by type of processing.

2. For each type of processing and for each partial tendering procedure, the Spanish intervention agency shall identify the tenderers by an individual number, starting at 1.

To ensure anonymity, the numbers shall be allocated randomly and separately for each type of processing and each partial tendering procedure.

The Spanish intervention agency shall give each tender a reference number in such a way as to ensure that the tenderers remain anonymous. For the entire standing tendering procedure, each tender shall be identified by its own reference number.

3. The notification referred to in paragraph 1 shall be made by electronic mail to the address given in Annex V using the form provided to the Spanish intervention agency by the Commission for that purpose.

The notification must be made even if no tenders are submitted. In that case, it must state that no tenders have been received within the deadline laid down.

4. The Spanish intervention agency shall also notify the Commission of the information specified in Annex V for rejected tenders, stating why they were rejected.

#### Article 7

For each type of processing, the Commission shall set the minimum sale price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

This decision shall be taken in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95.

#### Article 8

The intervention agency shall immediately notify all tenderers of the outcome of their participation in the tendering procedure.

Within three working days of the notification referred to in the first paragraph, it shall send notices of award of contract to successful tenderers by registered letter or written telecommunication.

#### Article 9

Successful tenderers shall pay for the rice before it is removed, and at the latest within one month of the date of the notice of award of contract referred to in the second paragraph of Article 8. The risks and costs of storing rice that is not removed within the payment period shall be borne by the successful tenderers.

Following the expiry of the payment period, rice for which a contract is awarded and which is not removed shall be regarded for all purposes as having been removed from storage.

Where a successful tenderer fails to pay for the rice within the period referred to in the first paragraph, the contract shall be terminated by the intervention agency, where appropriate in respect of the quantity not paid for.

#### Article 10

1. The security referred to in Article 4(1)(a) shall be released

(a) in full for the quantities for which:

- (i) no award is made;
- (ii) the tender does not stand, in accordance with Article 4(3);
- (iii) the sale price is paid within the period set and the security referred to in Article 4(1)(c) has been lodged;

- (b) proportionately to the quantity not awarded where an award coefficient is set for the quantities offered in accordance with the second paragraph of Article 7.

2. The security referred to in Article 4(1)(c) shall be released in proportion to the quantities used only if the intervention agency has carried out all the checks necessary to ensure that the product is processed in accordance with this Regulation.

However, the security shall be released in full:

- (a) on presentation of proof that the treatment referred to in Annex II has been carried out and that the undertakings provided for in Article 2(2)(a)(ii) and (iii) have been made;
- (b) on presentation of proof that the treatment referred to in Annex III has been carried out, provided that not less than 95 % of the fine broken grains and/or fragments obtained has been used in compound feed;
- (c) on presentation of proof that the treatment referred to in Annex IV has been carried out, provided that not less than 95 % of the milled rice obtained has been used in compound feed.

3. Proof that the rice has been incorporated in animal feed as referred to in this Regulation shall be provided in accordance with Regulation (EEC) No 3002/92.

#### Article 11

The obligation set out in Article 2(2) shall be regarded as a primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85.

#### Article 12

In addition to the particulars provided for in Regulation (EEC) No 3002/92, box 104 of the control copy T5 shall contain the following entries:

- (a) where processing takes place in a Member State other than Spain, in accordance with Annex II to this Regulation, one or more of the following entries supplemented by reference to the undertaking provided for in Article 2(2)(a)(ii) and (iii):
  - Destnados a la transformación prevista en el anexo II del Reglamento (CE) n.º 732/2004 y a la utilización de conformidad con el compromiso previsto en los incisos ii) y iii) de la letra a) del apartado 2 del artículo 2 de dicho Reglamento
  - Til forarbejdning som fastsat i bilag II til forordning (EF) nr. 732/2004 og til anvendelse ifølge forpligtelsen i artikel 2, stk. 2, litra a), nr. ii) og iii), i nævnte forordning

— Zur Verarbeitung gemäß Anhang II der Verordnung (EG) Nr 732/2004 und zur Verwendung gemäß Artikel 2 Absatz 2 Buchstabe a) Ziffern ii) und iii) der genannten Verordnung bestimmt

— Προορίζονται για τη μεταποίηση που προβλέπεται στο παράρτημα II του κανονισμού (ΕΚ) αριθ. 732/2004 και για χρήση σύμφωνα με τη δέσμευση που προβλέπεται στο άρθρο 2 παράγραφος 2 στοιχείο α) σημεία ii) και iii) του ίδιου κανονισμού

— Intended for processing as provided for in Annex II to Regulation (EC) No 732/2004 and use in accordance with the undertaking provided for in Article 2(2)(a)(ii) and (iii) of that Regulation

— Destinés à la transformation prévue à l'annexe II du règlement (CE) n.º 732/2004 et à l'utilisation conformément à l'engagement prévu à l'article 2, paragraphe 2, points a) ii) et iii), dudit règlement

— Destinati alla trasformazione prevista all'allegato II del regolamento (CE) n. 732/2004 e all'utilizzazione conformemente all'impegno di cui all'articolo 2, paragrafo 2, lettera a), punti ii) e iii) del suddetto regolamento

— Bestemd om te worden verwerkt overeenkomstig bijlage II bij Verordening (EG) nr. 732/2004 en om te worden gebruikt met inachtneming van de in artikel 2, lid 2, onder a), ii) en iii), van die verordening vastgestelde verbintenissen

— Para a transformação prevista no anexo II do Regulamento (CE) n.º 732/2004 e para utilização em conformidade com o compromisso previsto no n.º 2, subalíneas ii) e iii) da alínea a), do artigo 2.º do referido regulamento

— Tarkoitettu asetuksen (EY) N:o 732/2004 liitteessä II tarkoitettuun jalostukseen ja kyseisen asetuksen 2 artiklan 2 kohdan a alakohdan ii ja iii alakohdassa säädetyn sitoumuksen mukaiseen käyttöön

— Avsedda för bearbetning i enlighet med bilaga II till förordning (EG) nr 732/2004 och för användning i enlighet med det åtagande som föreskrivs i samma förordning i artikel 2.2 a ii och iii

- (b) where the rice is to be used as broken rice or derived products in a Member State other than that of processing, after processing in accordance with Annex II, one or more of the following entries:

— Arroz transformado en partidos de arroz o productos derivados de conformidad con las disposiciones del anexo II del Reglamento (CE) n.º 732/2004, destinado a ser utilizado exclusivamente en forma de partidos de arroz o productos derivados, de conformidad con el compromiso previsto en los incisos ii) y iii) de la letra a) del apartado 2 del artículo 2 del mismo Reglamento

— Ris forarbejdet til brudris eller afledte produkter efter bestemmelserne i bilag II i forordning (EF) nr. 732/2004, udelukkende bestemt til anvendelse i form af brudris eller afledte produkter ifølge forpligtelsen i artikel 2, stk. 2, litra a), nr. ii) og iii), i samme forordning

- Gemäß Anhang II der Verordnung (EG) Nr 732/2004 zu Bruchreis oder Nebenerzeugnissen von Bruchreis verarbeiteter Reis, nach der Verpflichtung gemäß Artikel 2 Absatz 2 Buchstabe a) Ziffern ii) und iii) der genannten Verordnung ausschließlich zur Verwendung in Form von Bruchreis oder Nebenerzeugnissen von Bruchreis bestimmt
  - Ρύζι που έχει μεταποιηθεί σε θραύσματα ή παράγωγα προϊόντα σύμφωνα με τις διατάξεις του παραρτήματος II του κανονισμού (ΕΚ) αριθ. 732/2004 και προορίζεται να χρησιμοποιηθεί αποκλειστικά με τη μορφή θραυσμάτων ή παράγωγων προϊόντων σύμφωνα με τη δέσμευση που προβλέπεται στο άρθρο 2 παράγραφος 2 στοιχείο α) σημεία ii) και iii) του ίδιου κανονισμού
  - Rice processed into broken rice or derived products in accordance with Annex II to Regulation (EC) No 732/2004 for use solely in the form of broken rice or derived products in accordance with the undertaking provided for in Article 2(2)(a)(ii) and (iii) of that Regulation
  - Riz transformé en brisures ou produits dérivés conformément aux dispositions de l'annexe II du règlement (CE) n° 732/2004, destiné à être utilisé exclusivement sous forme de brisures ou produits dérivés, conformément à l'engagement prévu à l'article 2, paragraphe 2, points a) ii) et iii), dudit règlement
  - Riso trasformato in rotture di riso o prodotti derivati conformemente alle disposizioni dell'allegato II del regolamento (CE) n. 732/2004, destinato ad essere utilizzato esclusivamente sotto forma di rotture di riso o prodotti derivati, conformemente all'impegno di cui all'articolo 2, paragrafo 2, lettera a), punti ii) e iii), del suddetto regolamento
  - Overeenkomstig bijlage II van Verordening (EG) nr. 732/2004 tot breukrijst of van breukrijst afgeleide producten verwerkte rijst, bestemd om uitsluitend als breukrijst of van breukrijst afgeleide producten te worden gebruikt met inachtneming van de in artikel 2, lid 2, onder a), ii) en iii), van die verordening vastgestelde verbintenissen
  - Arroz transformado em trincas ou produtos derivados de acordo com as disposições do anexo II do Regulamento (CE) n.º 732/2004, destinado exclusivamente a utilização sob a forma de trincas ou de produtos derivados, em conformidade com o compromisso previsto no n.º 2, subalíneas ii) e iii) da alínea a), do artigo 2.º desse mesmo regulamento
  - Asetuksen (EY) N:o 732/2004 liitteessä II säännösten mukaisesti rikkoutuneiksi riisinjyviksi tai niistä johdettuihin tuotteiksi jalostettu riisi, joka on tarkoitettu käytettäväksi yksinomaan rikkoutuneina riisinjyvinä tai niistä johdettuina tuotteina saman asetuksen 2 artiklan 2 kohdan a alakohdan ii ja iii alakohdassa säädetyn sitoumuksen mukaisesti
  - Ris bearbetat till brutet ris eller härledda produkter i enlighet med bestämmelserna i bilaga II till förordning (EG) nr 732/2004 och avsett att uteslutande användas i form av brutet ris eller härledda produkter därav i enlighet med det åtagande som föreskrivs i samma förordning i artikel 2.2 a ii och iii
- (c) where processing takes place in a Member State other than Spain, in accordance with Annex III or IV to this Regulation, one or more of the following entries, together with the number of the Annex to this Regulation corresponding to the treatment required:
- Destinados a la transformación prevista en el anexo ... del Reglamento (CE) n° 732/2004
  - Til forarbejdning som fastsat i bilag ... til forordning (EF) nr. 732/2004
  - Zur Verarbeitung gemäß Anhang ... der Verordnung (EG) Nr. 732/2004 bestimmt
  - Προορίζονται για μεταποίηση που προβλέπεται στο παράρτημα ... του κανονισμού (ΕΚ) αριθ. 732/2004
  - For processing provided for in Annex ... to Regulation (EC) No 732/2004
  - Destinés à la transformation prévue à l'annexe ... du règlement (CE) n° 732/2004
  - Destinati alla trasformazione prevista all'allegato ... del regolamento (CE) n. 732/2004
  - Bestemd om te worden verwerkt overeenkomstig bijlage ... van Verordening (EG) nr. 732/2004
  - Para a transformação prevista no anexo ... do Regulamento (CE) n.º 732/2004
  - Tarkoitettu asetuksen (EY) N:o 732/2004 liitteessä ... tarkoitettuun jalostukseen
  - För bearbetning enligt bilaga ... till förordning (EG) nr 732/2004.

#### 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, 20 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

## ANNEX I

| (in tonnes)                           |                                                       |                      |
|---------------------------------------|-------------------------------------------------------|----------------------|
| 1                                     | 2                                                     | 3                    |
| Place of storage (address)            | Place of storage (identification code) <sup>(1)</sup> | Available quantities |
| Silo FEGA — El Cuervo (Cádiz)         | ES11011                                               | 4 692,560            |
| Silo FEGA — Cinco Casas (Ciudad Real) | ES13021                                               | 5 519,520            |
| Silo FEGA — Villafranca (Badajoz)     | ES06140                                               | 1 777,250            |
| Total                                 |                                                       | 11 989,330           |

<sup>(1)</sup> The national identification code shall be preceded by the ISO code for Spain.

## ANNEX II

**Treatment provided for in Article 2(2)(a)(i)**

At the time of being taken over, the rice must undergo the following treatment:

1. the awarded paddy rice must be milled to give the overall minimum yield and whole grain yield previously determined by the laboratory on a sample removed when the rice for which the contract is awarded was taken over, with a tolerance of plus or minus 1 % applicable to the overall minimum yield and whole grain yield;
2. all the wholly milled rice obtained must be broken in such a way as to produce at least 95 % broken rice within the meaning of Annex A to Regulation (EC) No 3072/95. It may also be processed directly into products derived from broken rice.

## ANNEX III

**Treatment provided for in the first indent of Article 2(2)(b)(i)**

At the time of being taken over, the rice must undergo the following treatment:

1. the awarded paddy rice must be husked and broken in such a way as to produce not less than 77 %, by weight of paddy rice, of fine broken grains and/or fragments of husked rice as defined in point C of the Annex to Regulation (EC) No 3073/95;
2. the product obtained after processing (not including the husk) must be marked using the colorant E 131 patent blue V or E 142 acid brilliant green BS (lissamine green) to enable it to be identified.

## ANNEX IV

**Treatment indicated in the first indent of Article 2(2)(b)(i) and in the first indent of Article 2(2)(b)(ii)**

1. the awarded paddy rice must be milled to give the overall minimum yield and whole grain yield previously determined by the laboratory on a sample removed when the rice for which the contract is awarded was taken over, with a tolerance of plus or minus 1 % applicable to the overall minimum yield and whole grain yield;
2. the product obtained after processing must be marked using the colorant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

## ANNEX V

**Information referred to in Article 6**

| (1)                                           | (2)                            | (3)                  | (4)          | (5)                  | (6)              | (7)    | (8)              |
|-----------------------------------------------|--------------------------------|----------------------|--------------|----------------------|------------------|--------|------------------|
| Type of processing                            | Tender's identification number | Tender price (EUR/t) | Quantity (t) | Minimum quantity (t) | Place of storage | Lot No | Reference number |
| (A) broken rice or products derived therefrom |                                |                      |              |                      |                  |        |                  |
| (B) form suitable for use in animal feed      |                                |                      |              |                      |                  |        |                  |

Address for electronic transmission of information in accordance with Article 6:

AGRI-C2-RICE-STOCKS@CEC.EU.INT

**Explanatory Notes**

- Column 1: Type of processing:  
 (A): processing into broken rice within the meaning of Annex A to Regulation (EC) No 3072/95 or product derived therefrom or  
 (B): processing into a form suitable for use in preparations of a kind used in animal feeding (CN code 2309).
- Column 2: tenderers shall be assigned an individual number, starting at 1. To ensure anonymity, the numbers shall be allocated randomly and separately for each type of processing and each partial tendering procedure.
- Column 3: purchase price offered, expressed in EUR per tonne.
- Column 4: quantity, expressed in tonnes.
- Column 5: minimum awarded quantity as referred to in Article 4(3), below which the tenderer does not wish the tender to stand.
- Column 6: place of storage, identified by the 'identification code' indicated in Annex I.
- Column 7: lot number at the place of storage indicated in column 6.
- Column 8: reference number of the tender, unique to each tender for the entire standing tendering procedure.

**COMMISSION REGULATION (EC) No 733/2004  
of 20 April 2004**

**on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

ovine and caprine animals and swine, fresh meat or meat products from third countries <sup>(4)</sup>,

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 <sup>(1)</sup>,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 <sup>(2)</sup>, and in particular Article 5 thereof,

*Article 1*

The following Member States shall issue on 21 April 2004 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) <sup>(3)</sup>, and in particular Article 4 thereof,

United Kingdom:

- 250 tonnes originating in Botswana,
- 800 tonnes originating in Namibia;

Germany:

- 100 tonnes originating in Botswana,
- 120 tonnes originating in Namibia.

Whereas:

(1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.

*Article 2*

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 2247/2003, during the first 10 days of May 2004 for the following quantities of boned beef and veal:

(2) The applications for import licences submitted between 1 and 10 April 2004, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.

|             |                |
|-------------|----------------|
| Botswana:   | 17 256 tonnes, |
| Kenya:      | 142 tonnes,    |
| Madagascar: | 7 579 tonnes,  |
| Swaziland:  | 3 299 tonnes,  |
| Zimbabwe:   | 9 100 tonnes,  |
| Namibia:    | 11 045 tonnes. |

(3) The quantities in respect of which licences may be applied for from 1 May 2004 should be fixed within the scope of the total quantity of 52 100 tonnes.

(4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine,

*Article 3*

This Regulation shall enter into force on 21 April 2004.

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 348, 21.12.2002, p. 5.

<sup>(3)</sup> OJ L 333, 20.12.2003, p. 37.

<sup>(4)</sup> OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 20 April 2004.

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

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**COMMISSION REGULATION (EC) No 734/2004  
of 20 April 2004**

**establishing transitional measures for the application of Regulation (EC) No 2316/1999 as regards  
the minimum area for aid applications for the 2004/2005 marketing year by reason of the acces-  
sion of Malta to the European Union**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Commission Regulation (EC) No 2316/1999 of 22 October 1999 laying down detailed rules for the application of Council Regulation (EC) No 1251/1999 establishing a support system for producers of arable crops <sup>(1)</sup> lays down the conditions for granting area payments. In particular it requires a minimum size of 0,3 hectare per aid application.

- (2) Malta has a very large number of small farms, less than 0,3 hectare in size. To avoid many farmers being disqualified from the aid scheme, the Maltese authorities should be permitted to set a lower threshold for the minimum area for the 2004/2005 marketing year.

- (3) 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*

As an exception to Article 3(1)(d) of Regulation (EC) No 2316/1999, Malta may set the minimum size for applications for area payments, at less than 0,3 hectare for the 2004/2005 marketing year.

*Article 2*

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

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

Done at Brussels, 20 April 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 280, 30.10.1999, p. 43. Regulation as last amended by Regulation (EC) No 206/2004 (OJ L 34, 6.2.2004, p. 4).

**COMMISSION REGULATION (EC) No 735/2004  
of 20 April 2004**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1972/2003 of 10 November 2003 on transitional measures to be adopted in respect of trade in agricultural products on account of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia <sup>(1)</sup>, and in particular Article 4(6) thereof,

Whereas:

- (1) In the context of the on-going examination of the risks associated with the products on the list, set out in Article 4(5) of Regulation (EC) No 1972/2003, some amendments to that list are necessary.
- (2) Regulation (EC) No 1972/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 4(5) of Regulation (EC) No 1972/2003 is amended as follows:

1. the first indent, relating to Cyprus, is amended as follows:
  - (a) CN codes 0402 10, 0402 21, 0406, 1509 and 1510 are deleted;
  - (b) '1517' is replaced by '1517 10 10, 1517 90 10, 1517 90 91, 1517 90 99';
  - (c) CN codes 2008 30 55 and 2008 30 75 are inserted;
2. the second indent, relating to the Czech Republic, is amended as follows:
  - (a) CN code 1517 is deleted;
  - (b) CN codes 0202 30 10, 0202 30 50, 2008 30 55 and 2008 30 75 are inserted;
3. the third indent, relating to Estonia, is amended as follows:
  - (a) '1517' is replaced by '1517 10 10, 1517 10 90, 1517 90 10, 1517 90 99';
  - (b) CN codes 0202 30 10, 0202 30 50, 1602 32 11, 2008 30 55 and 2008 30 75 are inserted;

4. the fourth indent, relating to Hungary, is amended as follows:

- (a) CN codes 0203 11 10, 0203 21 10 and 1517 are deleted;
- (b) CN codes 0202 30 10, 0202 30 50, 2008 30 55 and 2008 30 75 are inserted;

5. the fifth indent, relating to Latvia, is amended as follows:

- (a) CN code 1517 is deleted;
- (b) CN codes 0202 30 10, 0202 30 50, 0207 12 10, 1602 32 11, 2008 30 55 and 2008 30 75 are inserted;

6. the sixth indent, relating to Lithuania, is amended as follows:

- (a) '1517' is replaced by '1517 90 10, 1517 90 99';
- (b) CN codes 0202 30 10, 0202 30 50, 1602 32 11, 2008 30 55 and 2008 30 75 are inserted;

7. the seventh indent, relating to Malta, is amended as follows:

- (a) '1517' is replaced by '1517 10 10, 1517 10 90, 1517 90 10, 1517 90 91, 1517 90 99';
- (b) CN codes 0201 30 00, 0202 30 10, 0202 30 50, 2008 30 55 and 2008 30 75 are inserted;

8. the eighth indent, relating to Poland, is amended as follows:

- (a) CN codes 0203 11 10, 0203 21 10, 1517 and 2008 20 are deleted;
- (b) CN codes 0202 30 10, 0202 30 50, 0207 14 10, 0207 14 70, 1602 32 11, 2008 30 55 and 2008 30 75 are inserted;

9. the ninth indent, relating to Slovakia, is amended as follows:

- (a) CN code 1517 is deleted;
- (b) CN codes 0202 30 10, 0202 30 50, 2008 30 55 and 2008 30 75 are inserted;

10. the tenth indent, relating to Slovenia, is amended as follows:

- (a) CN codes 0203 11 10, 0203 21 10, 0402 10, 0402 21, 0405 10, 0405 20 10, 0405 20 30, 0405 90, 0406, 0408 11 80, 0408 91 80 and 1517 are deleted;
- (b) CN codes 0207 14 50, 0202 30 10, 0202 30 50, 2008 30 55 and 2008 30 75 are inserted.

<sup>(1)</sup> OJ L 293, 10.11.2003, p. 3. Regulation as amended by Regulation (EC) No 230/2004 (OJ L 39, 11.2.2004, p. 13).

*Article 2*

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

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

Done at Brussels, 20 April 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION DIRECTIVE 2004/46/EC**  
**of 16 April 2004**  
**amending Directive 95/31/EC as regards E 955 sucralose and E 962 salt of aspartame-acesulfame**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption <sup>(1)</sup>, and in particular Article 3(3)(a) thereof,

After consulting the Scientific Committee on Food,

Whereas:

- (1) Commission Directive 95/31/EC of 5 July 1995 laying down specific criteria of purity concerning sweeteners for use in foodstuffs <sup>(2)</sup> sets out the purity criteria for the sweeteners mentioned in Directive 94/35/EC of the European Parliament and of the Council of 30 June 1994 on sweeteners for use in foodstuffs <sup>(3)</sup>.
- (2) It is necessary to establish purity criteria for E 955 sucralose and E 962 salt of aspartame-acesulfame.
- (3) It is necessary to take into account the specifications and analytical techniques for additives as set out in the Codex Alimentarius as drafted by the Joint FAO/WHO Expert Committee on Food Additives (JECFA).
- (4) Directive 95/31/EC should therefore be amended accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The Annex to Directive 95/31/EC is amended in accordance with the Annex to this Directive.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 April 2005 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 16 April 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 27. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ L 178, 28.7.1995, p. 1. Directive as last amended by Directive 2001/52/EC (OJ L 190, 12.7.2001, p. 18).

<sup>(3)</sup> OJ L 237, 10.9.1994, p. 3. Directive as last amended by Directive 2003/115/EC of the European Parliament and of the Council (OJ L 24, 29.1.2004, p. 65).

## ANNEX

In the Annex, the following text is inserted:

**E955 E 955 SUCRALOSE**

|                                 |                                                                                                                                                                                                                                                                                                |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Synonyms</b>                 | 4,1',6'-trichlorogalactosucrose                                                                                                                                                                                                                                                                |
| <b>Definition</b>               |                                                                                                                                                                                                                                                                                                |
| Chemical name                   | 1,6-Dichloro-1,6-dideoxy-b-D-fructofuranosyl-4-chloro-4-deoxy-a-D-galactopyranoside                                                                                                                                                                                                            |
| Einecs                          | 259-952-2                                                                                                                                                                                                                                                                                      |
| Chemical formula                | $C_{12}H_{19}Cl_3O_8$                                                                                                                                                                                                                                                                          |
| Molecular weight                | 397,64                                                                                                                                                                                                                                                                                         |
| <b>Assay</b>                    | Content not less than 98 % and not more than 102 % $C_{12}H_{19}Cl_3O_8$ calculated on an anhydrous basis.                                                                                                                                                                                     |
| <b>Description</b>              | White to off-white, practically odourless crystalline powder.                                                                                                                                                                                                                                  |
| <b>Identification</b>           |                                                                                                                                                                                                                                                                                                |
| A. pH of a 10 % solution        | Not less than 5,0 and not more than 7,0                                                                                                                                                                                                                                                        |
| B. Solubility                   | Freely soluble in water, methanol and ethanol<br>Slightly soluble in ethyl acetate                                                                                                                                                                                                             |
| C. Infrared absorption          | The infrared spectrum of a potassium bromide dispersion of the sample exhibits relative maxima at similar wave numbers as those shown in the reference spectrum obtained using a sucralose reference standard.                                                                                 |
| D. Thin-layer chromatography    | The main spot in the test solution has the same R <sub>f</sub> value as that of the main spot of standard solution A referred to in the test for other chlorinated disaccharides. This standard solution is obtained by dissolving 1,0 g of sucralose reference standard in 10 ml of methanol. |
| E. Specific rotation            | $[\alpha]^{20}_D$ : + 84,0° to + 87,5° calculated on the anhydrous basis<br>(10 % w/v solution)                                                                                                                                                                                                |
| <b>Purity</b>                   |                                                                                                                                                                                                                                                                                                |
| Water                           | Not more than 2,0 % (Karl Fischer method)                                                                                                                                                                                                                                                      |
| Sulphated ash                   | Not more than 0,7 %                                                                                                                                                                                                                                                                            |
| Lead                            | Not more than 1 mg/kg                                                                                                                                                                                                                                                                          |
| Other chlorinated disaccharides | Not more than 0,5 %                                                                                                                                                                                                                                                                            |
| Chlorinated monosaccharides     | Not more than 0,1 %                                                                                                                                                                                                                                                                            |
| Triphenylphosphine oxide        | Not more than 150 mg/kg                                                                                                                                                                                                                                                                        |
| Methanol                        | Not more than 0,1 %                                                                                                                                                                                                                                                                            |

**E962 E 962 SALT OF ASPARTAME-ACESULFAME**

|                   |                                                                                                                                                                                                                                                            |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Synonyms</b>   | Aspartame-acesulfame<br>Aspartame-acesulfame salt                                                                                                                                                                                                          |
| <b>Definition</b> | The salt is prepared by heating an approximately 2:1 ratio (w/w) of aspartame and acesulfame K in solution at acidic pH and allowing crystallisation to occur. The potassium and moisture are eliminated. The product is more stable than aspartame alone. |
| Chemical name     | 6-methyl-1,2,3-oxathiazine-4(3H)-one-2,2-dioxide salt of L-phenylalanyl-2-methyl-L-a-aspartic acid                                                                                                                                                         |
| Chemical formula  | $C_{18}H_{23}O_9N_3S$                                                                                                                                                                                                                                      |
| Molecular weight  | 457,46                                                                                                                                                                                                                                                     |
| Assay             | 63,0 % to 66,0 % aspartame (dry basis) and 34,0 % to 37,0 % acesulfame (acid form on a dry basis)                                                                                                                                                          |

**Description**

A white, odourless, crystalline powder.

**Identification**

A. Solubility

Sparingly soluble in water; slightly soluble in ethanol.

B. Transmittance

The transmittance of a 1 % solution in water determined in a 1 cm cell at 430 nm with a suitable spectrophotometer using water as a reference, is not less than 0,95, equivalent to an absorbance of not more than approximately 0,022.

C. Specific rotation

$[\alpha]^{20D}$ : +14,5° to +16,5°

Determine at a concentration of 6,2 g in 100 ml formic acid (15N) within 30 min of preparation of the solution. Divide the calculated specific rotation by 0,646 to correct for the aspartame content of the salt of aspartame-acesulfame.

**Purity**

Loss on drying

Not more than 0,5 % (105 °C, 4 h)

5-Benzyl-3,6-dioxo-2-piperazineacetic acid

Not more than 0,5 %

Lead

Not more than 1 mg/kg'

**COMMISSION DIRECTIVE 2004/55/EC**  
**of 20 April 2004**  
**amending Council Directive 66/401/EEC on the marketing of fodder plant seed**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed<sup>(1)</sup>, and in particular Article 2(1a) and 21a thereof,

Whereas:

- (1) Directive 66/401/EEC contains a list of the genera and species of plants which are considered as fodder plants within the meaning of that Directive. That list includes hybrids resulting from the crossing of meadow fescue (*Festuca pratensis* Hudson) with Italian ryegrass (*Lolium multiflorum* Lam).
- (2) The scope of Directive 66/401/EEC should be extended to cover crossings of *Festuca* spp. with *Lolium* spp.
- (3) The abovementioned directive, within the conditions to be satisfied by the seed, has established the minimum germination ( % of pure seed) of seed of field bean (*Vicia faba* L.).
- (4) The minimum germination of seed of field beans (*Vicia faba* L.) currently achieved in the Community is lower than that required by Directive 66/401/EEC.
- (5) Directive 66/401/EEC should therefore be amended accordingly.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 66/401/EEC is amended as follows:

1. in point (a) of Part A of paragraph 1 of Article 2 the words  
*'Festuca pratensis* Hudson x *Lolium multiflorum* Lam.  
Hybrid resulting from the crossing of meadow fescue with Italian ryegrass (including Westerwold ryegrass) (x *Festulolium*)'

are replaced by the words

*'Festuca* spp. x *Lolium* spp.

Hybrids resulting from the crossing of a species of the genus *Festuca* with a species of the genus *Lolium* (x *Festulolium*)'

2. Annexes II and IV are amended as follows:

- (a) in column 2 of the table in Section I.2.A of Annex II, in the entry relating to *Vicia faba*, '85' is replaced by '80'.
- (b) in point I (a) 4 and (c) 4 of Section A of Annex IV the following sentence is added:  
'In the case of x *Festulolium* the names of the species within the genus *Festuca* and *Lolium* shall be indicated'

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 September 2004 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the texts of the main provisions of national law, which they adopt in the field covered by this Directive.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 20 April 2004.

For the Commission

David BYRNE

Member of the Commission

<sup>(1)</sup> OJ 125, 11.7.1966, p. 2298/66. Directive as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 6 April 2004

**concerning protection measures in relation to highly pathogenic avian influenza in the United States of America**

(notified under document number C(2004) 1310)

(Text with EEA relevance)

(2004/363/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(1)</sup>, and in particular Article 18(6) and (7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(2)</sup>, and in particular Article 22(1) and (6) thereof,

Whereas:

- (1) Avian influenza is a highly contagious viral disease in poultry and birds, which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming.
- (2) There is a risk that the disease agent might be introduced via international trade in live poultry and poultry products.
- (3) On 23 February 2004 the United States of America have confirmed one outbreak of highly pathogenic avian influenza in a poultry flock in the State of Texas (Gonzales County), which has been detected as positive during surveillance carried out on 17 February 2004.

- (4) This detected avian influenza virus strain is of subtype H5N2 and therefore different from the strain currently causing the epidemic in Asia. Current knowledge suggests that the risk for public health in relation to this subtype is inferior to the risk of the strain circulating in Asia, which is an H5N1 virus subtype.

- (5) However, in view of the animal health risk of disease introduction into the Community, imports of live poultry, ratites, farmed and wild feathered game birds and hatching eggs of these species and of fresh meat of poultry, ratites, wild and farmed feathered game, meat preparations and meat products consisting of, or containing meat of those species, obtained from birds slaughtered after 27 January 2004, and imports of eggs for human consumption, have been suspended from the United States of America as of 25 February 2004 by Commission Decisions 2004/187/EC <sup>(3)</sup>, 2004/256/EC <sup>(4)</sup>, and by Decision 2004/274/EC <sup>(5)</sup> of 23 March 2004.

- (6) Commission Decision 94/984/EC of 20 December 1994 laying down animal health conditions and veterinary certificates for the importation of fresh poultrymeat from certain third countries <sup>(6)</sup>, Commission Decision 96/482/EC of 12 July 1996 laying down animal health conditions and veterinary certificates for the importation of poultry and hatching eggs other than ratites and eggs thereof from third countries including animal health measures to be applied after such importation <sup>(7)</sup>, Commission Decision 2000/585/EC drawing up a list

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56, as last amended by Directive 96/43/EC (OJ L 162, 1.7.1996, p. 1).

<sup>(2)</sup> OJ L 24, 31.1.1998, p. 9.

<sup>(3)</sup> OJ L 57, 25.2.2004, p. 35.

<sup>(4)</sup> OJ L 80, 18.3.2004, p. 31.

<sup>(5)</sup> OJ L 86, 24.3.2004, p. 27.

<sup>(6)</sup> OJ L 378, 31.12.1994, p. 11. Decision as last amended by Decision 2004/118/EC (OJ L 36, 7.2.2004, p. 34).

<sup>(7)</sup> OJ L 196, 7.8.1996, p. 13. Decision as last amended by Decision 2004/118/EC.

from which Member States authorise imports of rabbit meat and certain wild and farmed game meat, and laying down the animal and public health and the veterinary certification conditions for such imports <sup>(1)</sup>, Commission Decision 2000/609/EC of 29 September 2000 laying down animal and public health conditions and veterinary certification for imports of farmed ratite meat <sup>(2)</sup> and Commission Decision 2001/751/EC of 16 October 2001 laying down animal health conditions and veterinary certification for imports of live ratites and hatching eggs thereof from third countries including animal health measures to be applied after such importation, amending Commission Decision 95/233/EC drawing up a list of third countries from which the Member States authorise imports of live poultry and hatching eggs and amending Commission Decision 96/659/EC on protective measures in relation to Crimean Congo haemorrhagic fever <sup>(3)</sup> respectively require that the veterinary authorities of the United States of America, before dispatching live poultry and hatching eggs, live ratites and hatching eggs, fresh meat of poultry, ratites, farmed and wild feathered game certify that the United States of America are free from avian influenza. The veterinary authorities of the United States of America had therefore to suspend all certification following that outbreak.

- (7) The certificates for meat products and meat preparations consisting of or containing poultry meat are laid down in Commission Decision 97/221/EC of 28 February 1997 laying down the animal health conditions and model veterinary certificates in respect of imports of meat products from third countries and revoking Decision 91/449/EEC <sup>(4)</sup> and Commission Decision 2000/572/EC of 8 September 2000 laying down animal and public health conditions and veterinary certification for imports of minced meat and meat preparations from third countries and repealing Decision 97/29/EC <sup>(5)</sup> and make reference to the animal health requirements set out in Decision 94/984/EC for fresh poultrymeat.

- (8) Commission Decision 97/222/EC <sup>(6)</sup>, lays down the list of third countries from which Member States may authorise the importation of meat products, and establishes treatment regimes in order to prevent the risk of disease transmission via such products. The treatment that must be applied to the product depends on the health status of the country of origin, in relation to the species the meat is obtained from; in order to avoid an

unnecessary burden on trade, imports of poultrymeat products originating in the United States of America treated to a temperature of at least 70 °Celsius throughout the product should continue to be authorised.

- (9) Sanitary control measures applicable to raw material for the manufacture of animal feedingstuffs and pharmaceutical or technical products allow the exclusion from the scope of this Decision of channelled imports of such products.
- (10) The United States of America have signed an Agreement with the European Community on sanitary measures to protect public and animal health in trade in live animals and animal products <sup>(7)</sup>.
- (11) The United States of America have communicated additional information on the epidemiological situation and the control measures taken to confine the disease, with a view to obtain the implementation by the Community of regionalisation measures in accordance with the provisions in the Veterinary Agreement; in the light of this information, Community measures can be reduced to Texas, only.
- (12) Decision 2004/274/EC should be repealed.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

#### Article 1

1. Member States shall only authorise the importation from the United States of America of live poultry and hatching eggs thereof, live ratites and hatching eggs thereof, fresh meat of poultry, ratites, farmed and wild feathered game, meat products and meat preparations consisting of or containing meat of any of those species and of eggs for human consumption, if they originate in, or come from, the region of the United States of America as described in the Annex.

2. Imports of the products referred to in paragraph 1 originating in, or coming from, other parts of the United States of America shall be prohibited.

<sup>(1)</sup> OJ L 251, 6.10.2000, p. 1. Decision as last amended by Decision 2004/245/EC, (OJ L 77, 13.3.2004, p. 62).

<sup>(2)</sup> OJ L 258, 12.10.2000, p. 49. Decision as last amended by Decision 2004/118/EC.

<sup>(3)</sup> OJ L 281, 25.10.2001, p. 24. Decision as last amended by Decision 2004/118/EC.

<sup>(4)</sup> OJ L 89, 4.4.1997, p. 32.

<sup>(5)</sup> OJ L 240, 23.9.2000, p. 19. Decision as last amended by Decision 2004/212/EC (OJ L 73, 11.3.2004, p. 11).

<sup>(6)</sup> OJ L 98, 4.4.1997, p. 39. Decision as last amended by Decision 2003/826/EC (OJ L 311, 27.11.2003, p. 29).

<sup>(7)</sup> Council Decision 98/258/EC (OJ L 118, 21.4.1998, p. 1).

*Article 2*

By derogation from Article 1(2), Member States shall authorise the importation of the following:

- (a) meat products, consisting of, or containing meat of poultry, ratites, farmed and wild feathered game, when the meat of these species has undergone one of the specific treatments referred to under points B, C or D in Part IV of the Annex to Decision 97/222/EC;
- (b) fresh meat of poultry, ratites, farmed and wild feathered game, meat products and meat preparations consisting of or containing meat of these species, provided that the meat was obtained from birds slaughtered before 27 January 2004.

*Article 3*

1. In the veterinary certificates accompanying consignments of the products mentioned in Article 2, provided by:

- (a) Decision 94/984/EC, for fresh poultry meat originating in the United States of America;
- (b) Decision 94/482/EC, for live poultry or hatching eggs originating in the United States of America;
- (c) Decision 97/221/EC, for meat products consisting of or containing meat of poultry, ratites and farmed or wild feathered game originating in the United States of America;
- (d) Decision 2000/572/EC, for meat preparations consisting of or containing meat of poultry, ratites and farmed and wild feathered game originating in the United States of America;
- (e) Decision 2000/585/EC, for fresh meat of farmed and wild feathered game originating in the United States of America;
- (f) Decision 2000/609/EC, for fresh ratite meat originating in the United States of America;
- (g) Decision 2001/751/EC for live ratites or their hatching eggs originating in the United States of America;

the following words as appropriate to the species and products concerned shall be inserted respectively:

- (a) 'Fresh poultrymeat in accordance with Commission Decision 2004/363/EC';
- (b) 'Live poultry or hatching eggs in accordance with Commission Decision 2004/363/EC';
- (c) 'Meat products in accordance with Commission Decision 2004/363/EC';

(d) 'Meat preparation in accordance with Commission Decision 2004/363/EC';

(e) 'Fresh meat of farmed/wild (delete as appropriate) feathered game in accordance with Commission Decision 2004/363/EC';

(f) 'Fresh ratite meat in accordance with Commission Decision 2004/363/EC';

(g) 'Live ratites or hatching eggs in accordance with Commission Decision 2004/363/EC';

2. Member States shall verify that those animal health certificates certify the freedom from avian influenza with the regional code 'US-1' being inserted.

*Article 4*

Member States shall amend the measures they apply to imports to make them comply with this Decision. They shall give immediate appropriate publicity to the measures adopted.

They shall immediately inform the Commission thereof.

*Article 5*

This Decision shall be reviewed in the light of the evolution of the avian influenza situation in the United States of America.

*Article 6*

Decision 2004/274/EC is repealed.

*Article 7*

This Decision shall apply until 23 August 2004.

*Article 8*

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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ANNEX

US-1:

The territory of the United States of America except for the State of Texas.

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**COMMISSION DECISION**  
**of 6 April 2004**  
**concerning protection measures in relation to highly pathogenic avian influenza in Canada**

(notified under document number C(2004) 1311)

(Text with EEA relevance)

(2004/364/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(1)</sup>, and in particular Article 18(6) and (7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(2)</sup>, and in particular Article 22(1) and (6) thereof,

Whereas:

- (1) Avian influenza is a highly contagious viral disease in poultry and birds, which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming.
- (2) There is a risk that the disease agent might be introduced via international trade in live poultry and poultry products.
- (3) On 9 March 2004 Canada confirmed a first outbreak of highly pathogenic avian influenza in a poultry flock in the province of British Columbia (Fraser Valley).
- (4) The detected avian influenza virus strain is of subtype H7N3 and therefore different from the strain currently causing the epidemic in Asia. Current knowledge suggests that the risk for public health in relation to this subtype is inferior to the risk of the strain circulating in Asia, which is an H5N1 virus subtype.
- (5) However, in view of the animal health risk of disease introduction into the Community, imports of live

poultry, ratites, farmed and wild feathered game birds and hatching eggs of these species and of fresh meat of poultry, ratites, wild and farmed feathered game, meat preparations and meat products consisting of, or containing meat of those species, obtained from birds slaughtered after 17 February 2004, and imports of eggs for human consumption, have been suspended from Canada as of 11 March 2004 pursuant to Commission Decision 2004/242/EC <sup>(3)</sup>.

- (6) Commission Decision 94/984/EC of 20 December 1994 laying down animal health conditions and veterinary certificates for the importation of fresh poultrymeat from certain third countries <sup>(4)</sup>, Commission Decision 96/482/EC of 12 July 1996 laying down animal health conditions and veterinary certificates for the importation of poultry and hatching eggs other than ratites and eggs thereof from third countries including animal health measures to be applied after such importation <sup>(5)</sup>, Commission Decision 2000/585/EC drawing up a list from which Member States authorise imports of rabbit meat and certain wild and farmed game meat and laying down the animal and public health and the veterinary certification conditions for such imports <sup>(6)</sup>, Commission Decision 2000/609/EC of 29 September 2000 laying down animal and public health conditions and veterinary certification for imports of farmed ratite meat <sup>(7)</sup> and Commission Decision 2001/751/EC of 16 October 2001 laying down animal health conditions and veterinary certification for imports of live ratites and hatching eggs thereof from third countries including animal health measures to be applied after such importation, amending Commission Decision 95/233/EC drawing up a list of third countries from which the Member States authorise imports of live poultry and hatching eggs and amending Commission Decision 96/659/EC on protective measures in relation to Crimean Congo haemorrhagic fever <sup>(8)</sup>, respectively, require that the veterinary authorities of Canada, before dispatching live poultry and hatching eggs, live ratites and hatching eggs and fresh meat of poultry, ratites, farmed and wild feathered game certify that Canada is free from avian influenza. The veterinary authorities of Canada had therefore to suspend all certification following that outbreak.

<sup>(3)</sup> OJ L 74, 12.3.2004, p. 21.

<sup>(4)</sup> OJ L 378, 31.12.1994, p. 11. Decision as last amended by Decision 2004/118/EC (OJ L 36, 7.2.2004, p. 34).

<sup>(5)</sup> OJ L 196, 7.8.1996, p. 13. Decision as last amended by Decision 2004/118/EC.

<sup>(6)</sup> OJ L 251, 6.10.2000, p. 1. Decision as last amended by Decision 2004/245/EC (OJ L 77, 13.3.2004, p. 62).

<sup>(7)</sup> OJ L 258, 12.10.2000, p. 49. Decision as last amended by Decision 2004/118/EC.

<sup>(8)</sup> OJ L 281, 25.10.2001, p. 24. Decision as last amended by Decision 2004/118/EC.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 96/43/EC (OJ L 162, 1.7.1996, p. 1).

<sup>(2)</sup> OJ L 24, 31.1.1998, p. 9.

- (7) The certificates for meat products and meat preparations consisting of or containing poultrymeat are laid down in Commission Decision 97/221/EC of 28 February 1997 laying down the animal health conditions and model veterinary certificates in respect of imports of meat products from third countries and revoking Decision 91/449/EEC <sup>(1)</sup> and Commission Decision 2000/572/EC of 8 September 2000 laying down the animal and public health and veterinary certification for imports of meat preparations into the Community from third countries and repealing Decision 97/29/EC <sup>(2)</sup> and make reference to the animal health requirements set out in Decision 94/984/EC for fresh poultrymeat.
- (8) Commission Decision 97/222/EC of 28 February 1997 laying down the list of third countries from which Member States may authorise the importation of meat products <sup>(3)</sup> establishes treatment regimes in order to prevent the risk of disease transmission via such products. The treatment that must be applied to the product depends on the health status of the country of origin, in relation to the species the meat is obtained from; in order to avoid an unnecessary burden on trade, imports of poultrymeat products originating in Canada treated to a temperature of at least 70 °Celsius throughout the product should continue to be authorised.
- (9) Sanitary control measures applicable to raw material for the manufacture of animal feedingstuffs and pharmaceutical or technical products allow the exclusion from the scope of this Decision of channelled imports of such products.
- (10) Canada has signed an Agreement with the European Community on sanitary measures to protect public and animal health in trade in live animals and animal products <sup>(4)</sup>.
- (11) Canada has communicated additional information on the epidemiological situation and the control measures taken to confine the disease, with a view to obtaining the implementation by the Community of regionalisation measures in accordance with the provisions in the Veterinary Agreement; in the light of this information, Community measures can be reduced to an area within the province of British Columbia only.
- (12) Decision 2004/242/EC should be repealed.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

<sup>(1)</sup> OJ L 89, 4.4.1997, p. 32.

<sup>(2)</sup> OJ L 240, 23.9.2000, p. 19. Decision as last amended by Decision 2004/212/EC (OJ L 73, 11.3.2004, p. 11).

<sup>(3)</sup> OJ L 98, 4.4.1997, p. 39. Decision as last amended by Decision 2004/245/EC.

<sup>(4)</sup> Council Decision 1999/201/EC of 14 December 1998 published in OJ L 71, 18.3.1999, p. 1.

HAS ADOPTED THIS DECISION:

#### Article 1

1. Member States shall only authorise the importation from Canada of live poultry and hatching eggs thereof, live ratites and hatching eggs thereof, fresh meat of poultry, ratites, farmed and wild feathered game, meat products and meat preparations consisting of or containing meat of any of those species and of eggs for human consumption if they originate in, or come from, the region of Canada as described in the Annex.

2. Imports of the products referred to in paragraph 1 originating in, or coming from, other parts of Canada shall be prohibited.

#### Article 2

By derogation from Article 1(2), Member States shall authorise the importation of the following:

- (a) meat products consisting of or containing meat of poultry, ratites and farmed and wild feathered game when the meat of these species has undergone one of the specific treatments referred to under points B, C or D in Part IV of the Annex to Decision 97/222/EC;
- (b) fresh meat of poultry, ratites and farmed and wild feathered game, meat products and meat preparations consisting of or containing meat of these species, provided that the meat was obtained from birds slaughtered before 17 February 2004.

#### Article 3

1. In the veterinary certificates accompanying consignments of the products mentioned in Article 2, provided by:

- (a) Decision 94/984/EC, for fresh poultrymeat originating in Canada;
- (b) Decision 96/482/EC, for live poultry or hatching eggs originating in Canada;
- (c) Decision 97/221/EC, for meat products consisting of or containing meat of poultry, ratites and farmed or wild feathered game originating in Canada;
- (d) Decision 2000/572/EC, for meat preparations consisting of or containing meat of poultry, ratites and farmed and wild feathered game originating in Canada;

- (e) Decision 2000/585/EC, for fresh meat of farmed and wild feathered game originating in Canada;
- (f) Decision 2000/609/EC, for fresh ratite meat originating in Canada;
- (g) Decision 2001/751/EC for live ratites or their hatching eggs originating in Canada;

the following words as appropriate to the species and products concerned shall be inserted respectively:

- (a) 'Fresh poultrymeat in accordance with Commission Decision 2004/364/EC';
- (b) 'Live poultry or hatching eggs in accordance with Commission Decision 2004/364/EC';
- (c) 'Meat products in accordance with Commission Decision 2004/364/EC';
- (d) 'Meat preparation in accordance with Commission Decision 2004/364/EC';
- (e) 'Fresh meat of farmed/wild (delete as appropriate) feathered game in accordance with Commission Decision 2004/364/EC';
- (f) 'Fresh ratite meat in accordance with Commission Decision 2004/364/EC';
- (g) 'Live ratites or hatching eggs in accordance with Commission Decision 2004/364/EC';

2. Member States shall verify that those animal health certificates certify the freedom from avian influenza with the regional code 'CA-1' being inserted.

#### Article 4

Member States shall amend the measures they apply to imports to make them comply with this Decision. They shall give immediate appropriate publicity to the measures adopted.

They shall immediately inform the Commission thereof.

#### Article 5

This Decision shall be reviewed in the light of the evolution of the avian influenza situation in Canada.

#### Article 6

Decision 2004/242/EC is repealed.

#### Article 7

This Decision shall apply until 1 October 2004.

#### Article 8

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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#### ANNEX

##### CA-1:

The territory of Canada with the exception of the area in the province of British Columbia bounded by the following:

In the west: the Georgia Strait

In the south: the border of the United States of America

In the north: the North Shore Mountain Range of the Fraser River

In the east: a line running north-south through the Hunter Creek Weigh Scale of the Province of British Columbia

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## COMMISSION DECISION

of 13 April 2004

**amending Decisions 98/119/EC, 98/121/EC and 98/125/EC approving the multiannual guidance programmes for the fishing fleets of France, the Netherlands and Ireland***(notified under document number C(2004) 1300)***(Only the English, French and Dutch texts are authentic)**

(2004/365/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 97/413/EC of 26 June 1997 concerning the objectives and detailed rules for restructuring the Community fisheries sector for the period from 1 January 1997 to 31 December 2001 with a view to achieving a balance on a sustainable basis between resources and their exploitation<sup>(1)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) The objectives of the multi-annual guidance programmes fixed by Commission Decisions 98/119/EC<sup>(2)</sup>, 98/121/EC<sup>(3)</sup> and 98/125/EC<sup>(4)</sup> for France, Netherlands and Ireland were calculated using the information available at that time.
- (2) In December 1999 the Dutch authorities requested an adjustment of the objectives of the multiannual guidance programme for the fishing fleet of the Netherlands to take into account additional fishing opportunities in waters off Northwest Africa.
- (3) For the same reasons the French authorities requested an adjustment of the objectives of the multiannual guidance programme for the fishing fleet of France in February 2002.
- (4) Articles 2 and 8 of Decision 97/413/EC provide for such adjustments of the objectives of the multiannual guidance programmes.
- (5) The capacity objectives of the pelagic segments of Decisions 98/119/EC and 98/121/EC should be adapted in order to allow vessels operating under the fisheries Agreement between the Community and the Republic of Mauritania to exploit existing fishing opportunities.

(6) This adaptation is in line with the 10th report of the Scientific, Technical and Economic Committee for Fisheries (STECF)<sup>(5)</sup> and of the FAO Fisheries Report No 657<sup>(6)</sup>, recommending that catch levels of small pelagic stocks in these fishing areas should not increase, and takes account of the report of the Mauritanian fisheries research institute (IMROP) of December 2002.

(7) Based on the information available at that time the capacity objectives for the pelagic segment of Ireland were adapted by Commission Decision 2002/104/EC<sup>(7)</sup> to allow the exploitation of fishing opportunities in waters off north-west Africa.

(8) Fishing effort resulting from the additional capacity for Ireland, France and the Netherlands in waters off North-west Africa should not be redirected towards small pelagic stocks in Community and international waters in the north-east Atlantic.

(9) Fisheries should be identified within the pelagic segments of Decisions 98/119/EC and 98/121/EC in order to distinguish clearly between the exploitation of stocks in European and International waters in the north Atlantic and the exploitation of stocks in waters off north-west Africa.

(10) The multiannual guidance programmes for the fishing fleets concerned cover the period 1 January 1997 to 31 December 2002. Thus the present decision should apply from 31 December 2002.

(11) The measures provided for in this Decision are in accordance with the opinion of the Management Committee on Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 98/119/EC is replaced by the text in Annex I to this Decision.

<sup>(1)</sup> OJ L 175, 3.7.1997, p. 27. Decision as amended by Decision 2002/70/EC (OJ L 31, 1.2.2002, p. 77).

<sup>(2)</sup> OJ L 39, 12.2.1998, p. 1. Decision as last amended by Decision 2002/652/EC (OJ L 215, 10.8.2002, p. 23).

<sup>(3)</sup> OJ L 39, 12.2.1998, p. 15. Decision as last amended by Decision 2002/652/EC (OJ L 215, 10.8.2002, p. 23).

<sup>(4)</sup> OJ L 39, 12.2.1998, p. 41. Decision as last amended by Decision 2002/652/EC (OJ L 215, 10.8.2002, p. 23).

<sup>(5)</sup> SEC(2002)1130 of 28 June 2000.

<sup>(6)</sup> Report of the FAO Working Group on small pelagic fish off north-west Africa, Rome 2001.

<sup>(7)</sup> OJ L 38, 8.2.2002, p. 51.

*Article 2*

The Annex to Decision 98/121/EC is replaced by the text in Annex II to this Decision.

*Article 3*

The Annex to Decision 98/125/EC is replaced by the text in Annex III to this Decision.

*Article 4*

This Decision is addressed to the French Republic, the Kingdom of the Netherlands, and Ireland.

It shall apply from 31 December 2002.

Done at Brussels, 13 April 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## FRANCE MAINLAND

| Area                         | Stocks               | Segment |                                 | Fishery                    | Catch composition                    | Pilot rate | Weighted reduction | Situation 1.1.1997 |         | Objective 1.1.1997 |         |                    |                | Objective 31.12.2002 |         |                    |                |
|------------------------------|----------------------|---------|---------------------------------|----------------------------|--------------------------------------|------------|--------------------|--------------------|---------|--------------------|---------|--------------------|----------------|----------------------|---------|--------------------|----------------|
|                              |                      |         |                                 |                            |                                      |            |                    | GT (*)             | kW      | GT (*)             | kW      | GT (*) × t (' 000) | kW × t (' 000) | GT (*)               | kW      | GT (*) × t (' 000) | kW × t (' 000) |
| EU waters                    |                      | 4F1     | Small coastal scale < 12 metres |                            |                                      |            |                    | 12 602             | 170 809 | 9 583              | 164 874 |                    |                | 9 583                | 164 874 |                    |                |
|                              |                      |         |                                 | SUBTOTAL                   |                                      |            |                    | 12 602             | 170 809 | 9 583              | 164 874 |                    |                | 9 583                | 164 874 |                    |                |
| Atlantic, Channel, North Sea | Demersal and pelagic | 4F2     | Trawlers 0-30 m                 |                            | DR: 4 %<br>OF: 25 %<br>Others: 71 %  | 30 %       | 8,7 %              | 60 610             | 393 326 | 88 384             | 365 429 |                    |                | 80 695               | 333 637 |                    |                |
|                              | Demersal and pelagic | 4F3     | Trawlers > 30 m                 |                            | DR: 8 %<br>OF: 23 %<br>Others: 69 %  | 36 %       | 11,2 %             | 34 364             | 85 388  | 47 350             | 85 388  | 15 223             | 23 909         | 47 350               | 85 388  | 13 524             | 21 240         |
|                              | Demersal and pelagic | 4F4     | Non trawlers 12-2 m             |                            | DR: 3 %<br>OF: 18 %<br>Others: 79 %  | 30 %       | 6,3 %              | 11 764             | 67 908  | 13 742             | 65 418  |                    |                | 12 876               | 61 297  |                    |                |
|                              | Demersal and pelagic | 4F5     | Non trawlers > 25 m             |                            | DR: 0 %<br>OF: 94 %<br>Others: 6 %   | 24 %       | 22,6 %             | 1 249              | 3 295   | 1 392              | 3 142   |                    |                | 1 078                | 2 433   |                    |                |
|                              | Pelagic              | 4F6     | Pelagic trawlers > 50 m         | Community                  | DR: 11 %<br>OF: 19 %<br>Others: 70 % | 36 %       | 10,8 %             | 5 857              | 8 580   | 6 804              | 8 580   | 2 014              | 2 540          | 11 304               | 13 080  | 1 796 (*)          | 2 265 (*)      |
|                              |                      |         |                                 | Waters off West Africa (*) |                                      | 0 %        | 0 %                |                    |         |                    |         |                    |                |                      |         |                    |                |

| Area                 | Stocks                              | Segment |                           | Fishery        | Catch composition                   | Pilot rate | Weighted reduction | Situation 1.1.1997 |         | Objective 1.1.1997 |         |                    |                | Objective 31.12.2002 |         |                    |                |
|----------------------|-------------------------------------|---------|---------------------------|----------------|-------------------------------------|------------|--------------------|--------------------|---------|--------------------|---------|--------------------|----------------|----------------------|---------|--------------------|----------------|
|                      |                                     |         |                           |                |                                     |            |                    | GT (*)             | kW      | GT (*)             | kW      | GT (*) × t (' 000) | kW × t (' 000) | GT (*)               | kW      | GT (*) × t (' 000) | kW × t (' 000) |
| Mediterranean        | Demersal and small pelagic          | 4F7     | Small scale specialised   |                | DR: 0 %<br>OF: 0 %<br>Others: 100 % | 0 %        | 0 %                | 4 915              | 96 877  | 4 062              | 99 722  |                    |                | 4 062                | 99 722  |                    |                |
|                      | Demersal and small pelagic          | 4F8     | Trawlers <sup>(2)</sup>   |                | DR: 0 %<br>OF: 0 %<br>Others: 100 % | 0 %        | 0 %                | 8 412              | 48 644  | 9 397              | 43 144  | 2 047              | 10 673         | 9 397                | 43 144  | 2 047              | 10 673         |
|                      | Pelagic                             | 4F9     | Seiners                   | Tuna           | DR: 0 %<br>OF: 100 %<br>Others: 0 % | 24 %       | 24,0 %             |                    |         |                    |         | 785                | 4 676          |                      |         | 597                | 3 554          |
|                      |                                     |         |                           | Small pelagics | DR: 0 %<br>OF: 0 %<br>Others: 100 % | 0 %        | 0 %                |                    |         |                    |         | 106                | 626            |                      |         | 106                | 626            |
|                      |                                     |         | SEGMENT TOTAL             |                |                                     |            |                    | 4 974              | 25 965  | 5 540              | 25 965  | 891                | 5 302          | 5 540                | 25 965  |                    |                |
|                      |                                     |         |                           |                |                                     |            |                    |                    |         |                    |         |                    |                |                      |         |                    |                |
| International waters | Pelagic <sup>(3)</sup>              | 4FA     | Dakar pole & line vessels |                |                                     | 0 %        | 0 %                | 1 744              | 3 935   | 1 744              | 3 935   |                    |                | 1 744                | 3 935   |                    |                |
|                      | Large pelagic (Tuna) <sup>(3)</sup> | 4FB     | Seiners                   |                |                                     | 0 %        | 0 %                | 32 978             | 82 859  | 46 630             | 87 494  |                    |                | 46 630               | 87 494  |                    |                |
|                      |                                     |         |                           | Subtotal       |                                     |            |                    | 166 867            | 816 777 | 225 044            | 788 217 |                    |                | 220 675              | 756 095 |                    |                |
|                      |                                     |         |                           | Total          |                                     |            |                    | 179 469            | 987 586 | 234 626            | 953 091 |                    |                | 230 258              | 920 969 |                    |                |

DR: Depletion Risk; OF: Overfished

(\*) Includes estimated GT values in accordance with Article 4 of the present Decision, when applicable.

The tonnage objectives for the segments 4F5, 4F6, expressed in terms of GT, are definitive. There will be no further adjustment to take into account the remeasurement of the fleet.

The final and definitive revision of the tonnage objectives for the segments 4F1, 4F2, 4F3, 4F4, 4F7, 4F8, 4F9, 4FA, 4FB, 4FC, 4FD, 4FE, 4FG, 4FH, 4FJ, 4FK, 4FL and 4FM, to take into account the remeasurement of the fleet, will be completed before the end of 2004.

<sup>(1)</sup> The capacity objectives of this segment have been increased by 4 500 GT and 4 500 kW to take into account additional fishing opportunities in the waters off West Africa. From the point in time when capacity is added to this segment exceeding the capacity objectives that existed before this decision, the effort objectives as mentioned in footnote (4) apply.

<sup>(2)</sup> The capacity objectives for 1996 have been increased by 722 GT and 4 500 kW, representing 45 % of the backlog from the MAGP III

<sup>(3)</sup> The objectives for this segment may be revised when the Scientific, Technical and Economic Committee for Fisheries has given its opinion concerning additional information submitted by France.

<sup>(4)</sup> Applies only under the condition of footnote (1).

## THE NETHERLANDS

| Area                                                       | Stocks                         | Segmentation MAGP IV |                                                             | Fishery                                                 | Catch composition                              | Pilot rate | Weighted reduction | Situation 1.1.1997 |         | Objective 1.1.197       |                          |                                        |                               | Objective 31.12.2002    |                          |                                        |                               |
|------------------------------------------------------------|--------------------------------|----------------------|-------------------------------------------------------------|---------------------------------------------------------|------------------------------------------------|------------|--------------------|--------------------|---------|-------------------------|--------------------------|----------------------------------------|-------------------------------|-------------------------|--------------------------|----------------------------------------|-------------------------------|
|                                                            |                                |                      |                                                             |                                                         |                                                |            |                    | GT (*)             | kW      | GT (*)                  | kW                       | GT (*) -<br>× t<br>( <sup>0</sup> 000) | kW × t<br>( <sup>0</sup> 000) | GT (*)                  | kW                       | GT (*) -<br>× t<br>( <sup>0</sup> 000) | kW × t<br>( <sup>0</sup> 000) |
| Coastal waters                                             |                                | 4J1                  | Small scale coastal non-trawling fishing ( <sup>1</sup> )   |                                                         |                                                | 0 %        | 0 %                | 229                | 1 968   | 229                     | 1 968                    |                                        |                               | 229                     | 1 968                    |                                        |                               |
| Waters of third countries, international waters, EU-waters | Pelagic and demersal           | 4J2                  | A. Pelagic trawlers ( <sup>1</sup> )                        | EU- and international waters in the North-east Atlantic | DR = 5,97 %<br>OF = 10,57 %<br>Other = 83,46 % | 36 %       | 5,95 %             | 55 523             | 65 280  | 48 790 ( <sup>3</sup> ) | 62 475 ( <sup>4</sup> )  | 12 859                                 | 18 140                        | 93 678 ( <sup>8</sup> ) | 103 964 ( <sup>8</sup> ) | 12 093                                 | 17 060                        |
|                                                            |                                |                      |                                                             | Waters off West Africa                                  | Other = 100 %                                  | 0 %        | 0,00 %             |                    |         |                         |                          |                                        |                               |                         |                          |                                        |                               |
| EU-waters                                                  | Pelagic and demersal           | 4J3                  | B. Cutters [ <sup>&gt;</sup> 221 kW] ( <sup>1</sup> )       |                                                         | DR = 69,99 %<br>OF = 6,58 %<br>Other = 23,43 % | 36 %       | 27,57 %            | 78 422             | 307 192 | 73 065                  | 302 467 ( <sup>5</sup> ) | 14 248                                 | 58 227                        | 71 345                  | 275 616                  | 10 320                                 | 42 177                        |
| EU-waters                                                  | Flatfish, pelagic and demersal | 4J4                  | C. Eurocutters [ <sup>&lt;</sup> = 221 kW] ( <sup>1</sup> ) |                                                         | DR = 25,2 %<br>OF = 0,2 %<br>Other = 74,6 %    | 36 %       | 9,14 %             | 13 447             | 41 142  | 13 427                  | 41 529                   | 2 497                                  | 7 630                         | 13 427                  | 41 529                   | 2 269                                  | 6 933                         |
| EU-waters                                                  | Flatfish, pelagic and demersal | 4J5                  | D. Small vessels [trawlers] ( <sup>1</sup> )                |                                                         | DR = 47,33 %<br>OF = 0 %<br>Other = 52,67 %    | 36 %       | 17,04 %            | 221                | 2 279   | 213 ( <sup>6</sup> )    | 2 245 ( <sup>7</sup> )   | 40                                     | 432                           | 213                     | 2 245                    | 33                                     | 359                           |

| Area      | Stocks                         | Segmentation MAGP IV |                                                     | Fishery | Catch composition | Pilot rate | Weighted reduction | Situation 1.1.1997 |         | Objective 1.1.197 |         |                                       |                              | Objective 31.12.2002 |         |                                       |                              |
|-----------|--------------------------------|----------------------|-----------------------------------------------------|---------|-------------------|------------|--------------------|--------------------|---------|-------------------|---------|---------------------------------------|------------------------------|----------------------|---------|---------------------------------------|------------------------------|
|           |                                |                      |                                                     |         |                   |            |                    | GT (*)             | kW      | GT (*)            | kW      | GT (*) -<br>× t<br>( <sup>000</sup> ) | kW × t<br>( <sup>000</sup> ) | GT (*)               | kW      | GT (*) -<br>× t<br>( <sup>000</sup> ) | kW × t<br>( <sup>000</sup> ) |
| EU-waters | Flatfish, pelagic and demersal | 4J6                  | E. Shrimp vessels ( <sup>1</sup> ) ( <sup>2</sup> ) |         | Other = 100 %     | 0 %        | 0 %                | 2 340              | 8 599   | 2 813             | 10 318  |                                       |                              | 2 813                | 10 318  |                                       |                              |
| EU-waters | Shrimps                        | 4J7                  | F. All gears ( <sup>1</sup> )                       |         | Other = 100 %     | 0 %        | 0 %                | 8 886              | 28 603  | 8 703             | 29 010  |                                       |                              | 8 703                | 29 010  |                                       |                              |
| Total     |                                |                      |                                                     |         |                   |            |                    | 159 068            | 455 063 | 147 240           | 450 012 | 29 644                                | 84 430                       | 190 408              | 464 650 |                                       |                              |

DR: Depletion Risk; OF: Overfished

(\*) Includes estimated GT values in accordance with Article 4 of the present Decision, when applicable.

The tonnage objectives for the segments 4J2, 4J3 and 4J4 expressed in terms of GT, are definitive. There will be no further adjustment to take into account the remeasurement of the fleet.

The final and definitive revision of the tonnage objectives for the segments 4J1, 4J5, 4J6 and 4J7, to take into account the remeasurement of the fleet, will be completed before the end of 2004.

(<sup>1</sup>) Including the 'reserved hp's', which are existing investment obligations administered within the limits of the objectives.

(<sup>2</sup>) This segment may be integrated in segment 'C. Eurocutters' by the end of 2002.

(<sup>3</sup>) The objective for 1996 has been increased by 5 509 GT, representing 45 % of the backlog from MAGP III.

(<sup>4</sup>) The objective for 1996 has been increased by 2 295 kW, representing 45 % of the backlog from MAGP III.

(<sup>5</sup>) The objective for 1996 has been increased by 3 866 kW, representing 45% of the backlog from MAGP III.

(<sup>6</sup>) The objective for 1996 has been increased by 7 GT, representing 45 % of the backlog from MAGP III.

(<sup>7</sup>) The objective for 1996 has been increased by 28 kW, representing 45 % of the backlog from MAGP III.

(<sup>8</sup>) The capacity objectives of this segment have been increased by 41 489 kW and 44 888 GT to take into account additional fishing opportunities in the waters off west Africa. This increase in capacity may under no circumstances lead to an increase in fishing effort in EU- and international waters in the north-east Atlantic.

## ANNEX III

## IRELAND

| Area                                              | Stocks                | Segment |                                               | Fishery                                                                       | Catch composition                          | Pilot rate      | Weighted reduction | Situation 1.1.1997 |         | Objective 1.1.1997 |         |                    |                    | Objective 31.12.2002 |         |                    |                    |
|---------------------------------------------------|-----------------------|---------|-----------------------------------------------|-------------------------------------------------------------------------------|--------------------------------------------|-----------------|--------------------|--------------------|---------|--------------------|---------|--------------------|--------------------|----------------------|---------|--------------------|--------------------|
|                                                   |                       |         |                                               |                                                                               |                                            |                 |                    | GT (*)             | kW      | GT (*)             | kW      | GT (*) × t (' 000) | kW (*) × t (' 000) | GR (*)               | kW      | GT (*) × t (' 000) | kW (*) × t (' 000) |
| EU waters                                         | Demersal and pelagic  | 4G1     | Polyvalent <sup>(1)</sup>                     |                                                                               | DR : 5,8 %<br>OF: 11,9 %<br>Others 82,3 %  | 36 %            | 6,4 %              | 41 879             | 161 232 | 48 769             | 173 027 |                    |                    | 42 252               | 147 478 |                    |                    |
| EU waters, third country and international waters | Pelagic               | 4G2     | Pelagic trawl and purse seines <sup>(4)</sup> | Mackerel IV, VI, VIIbc VIIefghjk<br><br>Waters off West Africa <sup>(2)</sup> | DR : 2 %<br>OF : 19 %<br>Others 79 %       | 30 %<br><br>0 % | 6,3 %<br><br>0 %   | 20 254             | 38 893  | 22 308             | 33 473  | 6 001              | 7 405              | 36 363               | 47 873  | 5 623              | 6 939              |
|                                                   | Flatfish and demersal | 4G3     | Beam trawl <sup>(3)</sup>                     | Cod VIIa Plaice and Sole VIIefghjk                                            | DR : 7,9 %<br>OF : 27,6 %<br>Others 64,5 % | 36 %            | 12,8 %             | 1 130              | 5 129   | 1 156              | 6 113   | 330                | 1 786              | 1 156                | 6 113   | 287                | 1 557              |
| Total                                             |                       |         |                                               |                                                                               |                                            |                 |                    | 63 263             | 205 254 | 72 234             | 212 613 |                    |                    | 79 771               | 201 464 |                    |                    |

DR: Depletion Risk; OF: Overfished

(\*) Includes estimated GT values in accordance with Article 4 of the present Decision, where applicable.

The final and definitive revision of the tonnage objectives for the segments 4G1, 4G2 and 4G3, to take into account the remeasurement of the fleet, will be completed before the end of 2004.

<sup>(1)</sup> The objectives of the polyvalent segment for 1.1.1997 have been increased by 5 473 GT and by 28 447 kW to take into account the capacity of previously unregistered vessels. Since by the end of June 2003 only 2 077 GT and 14 475 kW of that increase have been used, the objectives of this segment for 31.12.2002 are reduced by 3 396 GT and 13 972 kW.<sup>(2)</sup> The capacity objectives of this segment have been increased by 14 055 GT and by 14 400 kW to take into account additional fishing opportunities in the waters off west Africa. This increase in capacity may under no circumstances lead to an increase in fishing effort in EU- and international waters in the north-east Atlantic.<sup>(3)</sup> Up to 285 GT and 906 kW from the polyvalent segment objective may be transferred to the beam trawl segment objective during MAGP IV in order to update existing vessels in that segment.<sup>(4)</sup> The objective for 1.1.1997 has been increased by 4 434 kW, representing 45 % of the backlog from MAGP III.

**COMMISSION DECISION**  
**of 13 April 2004**  
**approving the first phase of the technical action plan 2004 for improving agricultural statistics**  
(notified under document number C(2004) 1303)

(2004/366/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision No 96/411/EC of 25 June 1996 on improving Community agricultural statistics <sup>(1)</sup>, and in particular Article 4(1) and Article 6(2) thereof,

Whereas:

- (1) In accordance with Decision No 96/411/EC, the Commission establishes a technical action plan for agricultural statistics each year.
- (2) In order to implement the relevant Community policies, it is essential to improve information on the physical aspects of European agriculture, to obtain detailed information on agri-environmental indicators, to develop the environmental aspects of agricultural accounting and to establish information systems on rural development.
- (3) In accordance with Decision No 96/411/EC, the Community contributes to the costs incurred by the Member States in making adaptations to national agricultural statistical systems or to the costs of preparatory work for new or increasing needs which are part of a technical action plan.
- (4) There is a need to consolidate certain actions begun under previous action plans and to continue the work.

(5) The enlargement which will occur during 2004 makes it necessary to implement the 2004 action plan in two phases. The first phase of this action plan needs to be adopted.

(6) The measures provided for in this Decision are in line with the opinion of the Standing Committee on Agricultural Statistics,

HAS ADOPTED THIS DECISION:

*Article 1*

The first phase of the 2004 technical action plan for improving agricultural statistics (TAPAS 2004 — Phase 1), as set out in the Annex to this Decision, is hereby approved.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 13 April 2004.

*For the Commission*

Pedro SOLBES MIRA

*Member of the Commission*

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<sup>(1)</sup> OJ L 162, 1.7.1996, p. 14. Decision as last amended by Decision No 1919/2002/EC of the European Parliament and of the Council (OJ L 293, 29.10.2002, p. 5).

## ANNEX

**Technical action plan 2004 — Phase 1 for improving agricultural statistics (TAPAS 2004 — Phase 1)**

The measures covered by the first phase of the 2004 technical action plan for improving agricultural statistics aim to develop or improve statistics in the following fields:

- (i) the physical aspects of European agriculture;
- (ii) the agri-environmental indicators, including the use of pesticides;
- (iii) rural development.

The Commission will make a financial contribution to projects developed as part of these measures, which will not exceed the amounts shown in Table A for each Member State.

The measures proposed by the Member States concern:

**1. The physical aspects of European agriculture**

This measure is a continuation of work undertaken in previous years. The aim is to improve the statistical data on areas, production and use of crops, in particular fruit and vegetables; likewise on livestock populations, production and use of animal products, particularly milk production.

**2. The agri-environmental indicators and the use of pesticides**

The Commission wishes to assist projects aimed at improving the agri-environmental indicators referred in the communication from the Commission to the European Parliament and the Council <sup>(1)</sup> entitled 'Statistical information needed for indicators to monitor the integration of environmental concerns into the common agricultural policy', which are defined as having priority. There is particular emphasis on indicators on the consumption of pesticides, pesticide residues in agricultural products, the use of fertilisers, water-use intensity, energy and use and production of renewable energy sources by agriculture.

**3. Rural development**

This new departure in agricultural statistics will involve a more detailed territorial breakdown of information normally collected at national level on the one hand, but also the establishment of criteria for an operational definition of what is meant by the rurality of an area. The statistics will cover data on a wide variety of topics, including agricultural and non-agricultural income of farms and families, and the quantification and characterisation of activities that are complementary to agricultural activity, for example community services provided by farmers. The envisaged measures include the search for sources to provide this type of information and the study of adjustments to existing statistical operations.

<sup>(1)</sup> COM(2001) 144.

TABLE A

**TECHNICAL ACTION PLAN 2004, PHASE 1**  
**Maximum Community contribution to costs incurred**

*by Member State*

*(EUR 1 000)*

| Country                                                | BE     | DK     | DE      | EL | ES     | FR | IE | IT     | LU | NL     | AT | PT | FI     | SE     | UK     | Total   |
|--------------------------------------------------------|--------|--------|---------|----|--------|----|----|--------|----|--------|----|----|--------|--------|--------|---------|
| Physical data                                          |        | 25,000 |         |    | 73,729 |    |    |        |    |        |    |    | 108,25 |        |        | 206,979 |
| Agri-environmental indicators (inc. use of pesticides) | 55,000 | 21,000 | 115,000 |    |        |    |    | 30,000 |    |        |    |    |        |        | 23,400 | 244,400 |
| Rural development                                      | 20,000 |        |         |    | 24,000 |    |    |        |    | 50,000 |    |    |        | 43,000 |        | 137,000 |
| Total                                                  | 75,000 | 46,000 | 115,000 |    | 97,729 |    |    | 30,000 |    | 50,000 |    |    | 108,25 | 43,000 | 23,400 | 588,379 |

**BUDGETARY IMPACT FORM****1. Programme/project**

Phase 1 of technical action plan 2004 for improving agricultural statistics.

**2. Budget line**

B2-513, Restructuring of systems for agricultural surveys

**3. Legal basis**

Council Decision 96/411/EC of 25 June 1996 on improving Community agricultural statistics, as last amended by Decision No 1919/2002/EC of the European Parliament and of the Council

**4. Description of operations**

The activities under the 2004 technical action plan for improving agricultural statistics (TAPAS) are aimed at following up some of the activities launched under the previous action plans with a view to extending and validating methods that have already been tested and conducting new activities in order to provide better statistics in the following areas:

- (i) data on physical aspects of European agriculture;
- (ii) agri-environmental indicators and use of pesticides;
- (iii) rural development.

**5. Classification of expenditure**

NCE (non-compulsory expenditure)

DA (differentiated appropriations)

**6. Type of expenditure**

Subsidy

**7. Calculation method**

Commitment appropriations (CAs) are calculated on the basis of proposals for activities submitted by the Member States, up to the limit laid down in Article 6 of Decision 96/411/EC, as last amended by Decision No 1919/2002/EC.

Payment appropriations (PAs) are calculated on the basis on the right to an advance of 30 % also laid down in the above mentioned article and the implementation forecasts based on past experience.

**8. Schedule**

(EUR 1000)

|                           | 2004  | 2005   | 2006   |
|---------------------------|-------|--------|--------|
| Commitment appropriations | 588,4 |        |        |
| Payment appropriations    | 176,5 | 205,95 | 205,95 |

## COMMISSION DECISION

of 19 April 2004

**amending Decision 95/30/EC to lay down the conditions for imports from Morocco of bivalve molluscs belonging to the species *Acanthocardia tuberculatum* harvested and processed under the conditions of Decision 96/77/EC**

(notified under document number C(2004) 1386)

(Text with EEA relevance)

(2004/367/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products<sup>(1)</sup>, and in particular Article 11(1) thereof,

Whereas:

- (1) Commission Decision 95/30/EC<sup>(2)</sup> lays down special conditions governing imports of fishery and aquaculture products originating in Morocco.
- (2) Scientific studies carried out on bivalve molluscs of the species *Acanthocardia tuberculatum* harvested in production areas with high toxicity level of paralytic shellfish poison (PSP), have shown that suitable heat treatment can guarantee a reduction in the level of PSP to an undetectable level when the initial level of contamination does not exceed 300 µg per 100 g of mollusc flesh.
- (3) On the basis of those scientific studies, the Commission adopted Decision 96/77/EC of 18 January 1996 establishing the conditions for the harvesting and processing of certain bivalve molluscs coming from areas where the paralytic shellfish poison level exceeds the limit laid down by Council Directive 91/492/EEC<sup>(3)</sup>.
- (4) Decision 96/77/EC authorises Spain, under certain conditions, to harvest bivalve molluscs of the species *Acanthocardia tuberculatum* in areas where the PSP level in the edible parts of those molluscs is more than 80 µg per 100 g but less than 300 µg per 100 g. Those bivalve molluscs may be intended for human consumption after having undergone, after processing, a test lot by lot to verify that they do not contain a PSP level detectable by the bioassay method.
- (5) Morocco has also bivalve molluscs of the species *Acanthocardia tuberculatum* resources with a level of PSP in the edible parts of more than 80 µg per 100 g but less than 300 µg per 100 g.

(6) Morocco has provided guarantees regarding the application of the conditions laid down in Decision 96/77/EC, to bivalve molluscs of the species *Acanthocardia tuberculatum*.

(7) Imports from Morocco of processed and canned bivalve molluscs of the species *Acanthocardia tuberculatum* harvested and processed in accordance with conditions fulfilling the health requirements laid down in Directive 91/493/EEC and the harvesting and processing conditions laid down in Decision 96/77/EC should be authorised.

(8) Decision 95/30/EC should therefore be amended accordingly.

(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

Decision 95/30/EC is amended as follows:

1. In Article 2, the following paragraph 4 is added:

'4. processed and canned bivalve molluscs belonging to the species *Acanthocardia tuberculatum* must be accompanied by:

  - (a) an additional health attestation in accordance with the model set out in Annex A; and
  - (b) the analytical results of the test demonstrating that the molluscs do not contain a paralytic shellfish poison (PSP) level detectable by the bioassay method.'
2. In Annex A, the text in the Annex to this Decision is added.

## Article 2

This Decision shall apply from 24 April 2004.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 15. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 42, 24.2.1995, p. 32. Decision as last amended by Decision 97/581/EC (OJ L 237, 28.8.1997, p. 26).

<sup>(3)</sup> OJ L 15, 20.1.1996, p. 46.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 19 April 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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## ANNEX

## 'ADDITIONAL HEALTH ATTESTATION

**for processed bivalve molluscs belonging to the species *Acanthocardia tuberculatum* and intended to be exported from Morocco to the European Community**

The official inspector hereby certifies that the processed bivalve molluscs of the species *Acanthocardia tuberculatum*, certified in the health certificate reference No: .....

1. were harvested in production areas clearly identified, monitored and authorised by the DEMA for the purpose of Decision 2004/367/EC, and where the PSP level in the edible parts of these molluscs is lower than 300 µg for 100 g;
2. were transported in containers or vehicles sealed by the DEMA, directly to the establishment

.....

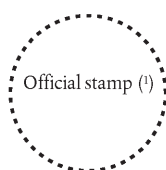
..... ;  
(Name and official approval number of the establishment, especially authorised by DEMA to carry out their treatment)

3. were accompanied during the transport to this establishment by a document issued by the DEMA which authorises the transport, attesting to the nature and quantity of the product, area of origin and establishment of destination;
4. were subjected to the heat treatment defined in the Annex to Decision 96/77/EC;
5. do not contain a PSP level detectable by the bioassay method, as demonstrated by the attached analytical report(s) of the test undertaken on each lot included in the consignment covered by this attestation.

The official inspector hereby certifies that the DEMA have verified that the "own health" checks implemented in the establishment referred to in point 2 are specifically applied to the heat treatment referred in point 4.

The undersigned official inspector hereby declares he/she is aware of the provisions of Decision 96/77/EC and that the attached analytical report(s) correspond(s) to the test carried out in the products after processing.

Done at ....., on .....  
(Place) (Date)



.....  
Signature of official inspector (1)  
(Name in capital letters, capacity and qualification of person signing)

\_\_\_\_\_

(1) The color of the stamp and signature must be different from that of the other particulars in the certificate.'

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