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Legislation

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Price: EUR 18

⁽¹⁾ Text with EEA relevance

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 760/2004

of 22 April 2004

extending the definitive anti-dumping duty imposed by Regulation (EC) No 1796/1999 on imports of steel ropes and cables originating, *inter alia*, in Ukraine to imports of steel ropes and cables consigned from Moldova, whether declared as originating in Moldova or not

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Existing measures

- (1) By Regulation (EC) No 1796/1999 ⁽²⁾ (the original Regulation), the Council imposed an anti-dumping duty of 51,8 % on imports of steel ropes and cables originating, *inter alia*, in Ukraine. By Decision 1999/572/EC ⁽³⁾, the Commission accepted an undertaking from the exporting producer Joint Stock Company Silur, Ukraine. By Regulation (EC) No 1678/2003, the undertaking which had previously been accepted from Joint Stock Company Silur was withdrawn.

2. Request

- (2) On 16 June 2003, the Commission received a request pursuant to Article 13(3) of the basic Regulation (the request) from the Liaison Committee of the European Federation of Steel Wire Rope Industries (EWRIS) (the applicant) to investigate the alleged circumvention of the anti-dumping measures imposed on imports of steel ropes and cables originating in Ukraine. The request was submitted on behalf of a major proportion of the Community production of steel ropes and cables.

- (3) The applicant alleged and submitted sufficient evidence showing that, following the imposition of measures on imports of steel ropes and cables originating, *inter alia*, in Ukraine, there had been a significant change in the pattern of trade involving exports of steel ropes and cables from Ukraine and Moldova to the Community. This change in the pattern of trade was alleged to stem from the transshipment via Moldova of steel ropes and cables originating in Ukraine. It was alleged that there was insufficient due cause or economic justification for the aforementioned changes other than the imposition of the duty on imports of steel ropes and cables from Ukraine.

- (4) Finally, the applicant alleged and submitted evidence that the remedial effects of this duty were being undermined both in terms of quantities and prices. It was claimed that significant volumes of imports of steel ropes and cables from Moldova have replaced imports of steel ropes and cables originating in Ukraine. In addition, the applicant submitted evidence that the prices of steel ropes and cables imported from Moldova were dumped in relation to the normal values previously established for the steel ropes and cables originating in Ukraine.

3. Initiation

- (5) By Regulation (EC) No 1347/2003 ⁽⁴⁾ (the initiating Regulation), the Commission initiated an investigation into the alleged circumvention of steel ropes and cables originating in Ukraine by imports of steel ropes and cables consigned from Moldova, whether declared as originating in Moldova or not and, pursuant to Articles 13(3) and 14(5) of the basic Regulation, directed the customs authorities to register imports of steel ropes and cables consigned from Moldova, whether declared as originating in Moldova or not, as of 31 July 2003. The Commission advised the authorities of Ukraine and Moldova of the initiation of the investigation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 217, 17.8.1999, p. 1. Regulation as amended by Regulation (EC) No 1674/2003 (OJ L 238, 25.9.2003, p. 1).

⁽³⁾ OJ L 217, 17.8.1999, p. 63. Decision as amended by Regulation (EC) No 1678/2003 (OJ L 238, 25.9.2003, p. 13).

⁽⁴⁾ OJ L 190, 30.7.2003, p. 3.

4. Investigation

- (6) Questionnaires were sent to the parties located in Ukraine and Moldova that were either named in the request or subsequently became known to the Commission. Questionnaires were sent to importers in the Community that were named in the request or cooperated in the original investigation that led to the existing measures. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being made on the basis of the facts available.
- (7) No complete reply to the questionnaires was received from exporters/producers in Ukraine. The two known exporting producers in Ukraine informed the Commission that they had only exported an insignificant quantity of the product concerned to Moldova during the investigation period, and that these exports were exclusively destined for internal consumption in Moldova. No replies to the questionnaires were received from exporters/producers in Moldova.
- (8) In the course of the investigation, statistical data concerning imports and exports of the product concerned were obtained from the Ukrainian and Moldovan authorities.
- (9) A number of Community importers replied by declaring that they had not imported any steel ropes and cables from Moldova during the investigation period. One importer reported that it had two deliveries of the product concerned amounting to 196 tonnes declared as of Moldovan origin during the investigation period.

5. Investigation Period

- (10) The investigation period covered the period from 1 July 2002 to 30 June 2003 (the IP). Data were collected from 1999 up to the end of the IP to investigate the alleged change in the pattern of trade.

B. RESULTS OF THE INVESTIGATION

1. Degree of cooperation

- (11) As mentioned in recital 7, no producers/exporters of steel ropes and cables in Moldova made themselves known, or cooperated in the investigation. Accordingly, findings in respect of the exports of steel ropes and cables consigned from Moldova to the Community had to be made on the basis of the facts available in accord-

ance with Article 18 of the basic Regulation. At the outset of the investigation, all companies known were informed that non-cooperation might lead to the application of the said Article, as explained in recital 6.

2. Additional information

- (12) Without prejudice to the present investigation and by way of background it is mentioned here that an investigation on alleged fraud involving steel ropes and cables declared as originating in Moldova but likely to be originating in Ukraine was initiated by the European Anti-Fraud Office (OLAF) in 2002 and is still ongoing. Other OLAF investigations are also ongoing, concerning similar allegations relating to the same product likely to be originating in Ukraine but declared as originating in another third country. Moreover, the customs authorities of one Member State considered that a quantity of 196 tons imported into the Community during the IP and declared as of Moldovan origin was not of that origin but of Ukrainian origin.

3. Product concerned and like product

- (13) The product under consideration is, as defined in the original investigation, steel ropes and cables, including locked coil ropes, excluding ropes and cables of stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, currently classifiable within CN codes ex 7312 10 82, ex 7312 10 84, ex 7312 10 86, ex 7312 10 88, ex 7312 10 99.
- (14) In the absence of cooperation by any Moldovan company and given the statements provided in the request, it is considered that steel ropes and cables exported to the Community from Ukraine and those consigned from Moldova to the Community have the same basic characteristics and the same uses. Therefore, they are considered as like products within the meaning of Article 1(4) of the basic Regulation.

4. Change in the pattern of trade between third countries and the Community

- (15) Due to the non-cooperation of any Moldovan company, the volume and value of Moldovan exports of the product concerned to the Community were determined on the basis of the information available, which in this case was Eurostat data at CN level.

- (16) Following the imposition of the anti-dumping duty of 51,8 %, imports of the product concerned originating in Ukraine into the Community decreased substantially from 1 234 tonnes in 1999 to 386 tonnes in 2000, 320 tonnes for the year 2001 and 209 tonnes in 2002. During the IP, the reported imports amounted to 437 tonnes. At the same time, imports into the Community of steel ropes and cables from Moldova have increased from a situation of zero imports until 1999 to 36 tonnes in 2000, and suddenly increased to 1 054 tonnes in 2001 and 1 815 tonnes in 2002. During the IP, the reported imports amounted to 196 tonnes still confirming the change in the pattern of trade that commenced from the year 2000, since beforehand there were no imports from Moldova into the Community. Accordingly, a marked change in the pattern of trade is established in the case of both exporting countries which coincided with the entry into force, in August 1999, of the anti-dumping measures on steel ropes and cables originating in Ukraine.

5. Insufficient due cause or economic justification

- (17) According to the available information, there appears to be no Moldovan production of steel ropes and cables. There were no imports of the product concerned into Moldova from Ukraine before 2000 according to the national Ukrainian statistical data. The imports commenced in 2000 after the imposition of measures in August 1999, coinciding with the change of pattern of trade as shown in recital 16. Statistical data supplied provided by the Moldovan authorities show that, except for some negligible quantities, no other countries have exported the product concerned to Moldova.
- (18) There is a coincidence in time between the imposition of the anti-dumping measures on imports of the product concerned from Ukraine and the parallel surge of exports from Moldova. In the absence of cooperation by any Moldovan company, it is concluded, on the basis of the available information, that the change in the pattern of trade stemmed from the imposition of the anti-dumping duty rather than any other sufficient due cause or economic justification within the meaning of the second sentence of Article 13(1) of the basic Regulation.

6. Undermining of the remedial effects of the duty in terms of the prices and/or the quantities of the like product

- (19) It is evident from the figures in recital 16 that a clear quantitative change in the pattern of Community imports of the product concerned occurred since the

imposition of measures in 1999. Following the imposition of the antidumping duty, Ukrainian imports into the Community decreased significantly and there was a parallel surge of exports of the product concerned to the Community from Moldova. According to the Eurostat data, since 1999 until the end of IP, the total amount of the Moldovan exports to the Community was 2 870 tonnes that replaced corresponding quantities previously exported from Ukraine. It is therefore clear that the marked change in trade flows undermined the remedial effects of the measures in terms of the quantities imported into the Community market.

- (20) With regard to prices of the products concerned consigned from Moldova, in the absence of cooperation, it was necessary to refer to Eurostat data, which was the best evidence available. It was found that the average export price of the Moldovan exports to the Community were below the injury elimination level of Community prices as established in the original investigation. Hence, the remedial effects of the duty imposed in terms of prices are undermined.

- (21) It is therefore concluded that the imports of the product concerned from Moldova undermine the remedial effects of the duty both in terms of quantities and prices.

7. Evidence of dumping in relation to the normal values previously established for like or similar products

- (22) As explained in recital 20, given the absence of cooperation, in order to determine whether evidence of dumping could be found with respect to the exports of the product concerned to the Community from Moldova during the IP, Eurostat data at CN level were used pursuant to Article 18 of the basic Regulation as the basis for establishing export prices to the Community.
- (23) In accordance with Article 13(1) of the basic Regulation, the normal value to be used in anti-circumvention investigations is the normal value established during the original investigation. In the original investigation, Poland was considered to be the appropriate market economy analogue country for Ukraine and normal value was established on the basis of prices as well as constructed normal value in that analogue country.
- (24) In the absence of cooperation and pursuant to Article 18 of the basic Regulation, for the purpose of comparing the export price and normal value, it was considered appropriate to assume that the product mix of the goods observed during this investigation was the same as in the original investigation.

- (25) For the purpose of a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences in factors affecting price and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of transport, insurance and handling. As far as the exports consigned from Moldova to the Community were concerned, in the absence of other information relating to these factors, the information contained in the request was used.
- (26) In accordance with Article 2(11) and 2(12) of the basic Regulation, the weighted average normal value as established during the original investigation was compared to the average export price for the IP established as indicated in recital 22. In the absence of any information to the contrary, it was assumed that the product mix had not changed between the original investigation and the IP. This comparison showed the existence of dumping. The dumping margin found, expressed as a percentage of the cif price at the Community frontier duty unpaid, was between 10 % and 15 %.

C. MEASURES

- (27) In view of the findings above, it is found that circumvention has taken place within the meaning of Article 13(1), second sentence, of the basic Regulation. In accordance with Article 13(1) first sentence of the basic Regulation, the existing anti-dumping measures on imports of the product concerned originating in Ukraine should be extended to imports of the same product consigned from Moldova, whether declared as originating in Moldova or not.
- (28) In accordance with Article 14(5) of the basic Regulation, which provides that measures shall be applied against registered imports from the date of registration, the anti-dumping duty should be collected on imports of steel ropes and cables consigned from Moldova which entered the Community under registration imposed by the initiating Regulation.
- (29) The circumvention takes place outside the Community. Article 13 of the basic Regulation aims to counter circumvention practices without affecting operators which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of producers which could establish that they are not involved in circumvention practices. Therefore, it appears necessary to introduce a possibility for producers which have not sold the product concerned for export during the IP and are not related to any exporters or producers subject to the extended antidumping duty to request an exemption

from the measures on these imports. The producers concerned which would consider lodging a request for an exemption from the extended anti-dumping duty would be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of the market situation of the product concerned, production capacity and capacity utilisation, procurement and sales and the likelihood of continuation of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-spot verification visit. The request would have to be addressed to the Commission forthwith, with all relevant information, in particular any modification in the company's activities linked to production and sales. Importers could still benefit from exemption from registration or measures to the extent that their imports are from exporters, which are granted such an exemption, and in accordance with Article 13(4).

- (30) Where an exemption is warranted, the Commission will, after consultation of the Advisory Committee, propose the amendment of this Regulation accordingly. Subsequently, any exemptions granted will be monitored to ensure compliance with the conditions set therein.

D. PROCEDURE

- (31) Interested parties were informed of the essential facts and considerations on the basis of which the Council intended to extend the definitive anti-dumping duty in force and were given the opportunity to comment and to be heard. No comments which were of a nature to change the abovementioned conclusions were received.

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Regulation (EC) No 1796/1999 on imports of steel ropes and cables originating in Ukraine, falling within the CN codes ex 7312 10 82, ex 7312 10 84, ex 7312 10 86, ex 7312 10 88 and ex 7312 10 99, is hereby extended to imports of the same steel ropes and cables consigned from Moldova (whether declared as originating in Moldova or not) (TARIC codes 7312 10 82 11, 7312 10 84 11, 7312 10 86 11, 7312 10 88 11 and 7312 10 99 11).

2. The duty extended by paragraph 1 shall be collected on imports registered in accordance with Article 2 of Regulation (EC) No 1347/2003 and Articles 13(3) and 14(5) of Regulation (EC) No 384/96.

3. The provisions in force concerning customs duties shall apply.

Article 2

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the Community and must be signed by a person authorised to represent the applicant. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate B
Office: J-79 05/17
B-1049 Brussels
Fax (32 2) 295 65 05
Telex COMEU B 21877.

2. The Commission, after consulting the Advisory Committee, may authorise by a decision, the exemption of imports which are shown not to circumvent the anti-dumping duty imposed by Regulation (EC) No 1796/1999 from the duty extended by Article 1 of this Regulation.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EC) No 1347/2003.

Article 4

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

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

Done at Brussels, 22 April 2004.

For the Council
The President
B. COWEN

COMMISSION REGULATION (EC) No 761/2004
of 23 April 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 April 2004.

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

Done at Brussels, 23 April 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to the Commission Regulation of 23 April 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	111,0
	204	39,9
	212	120,5
	999	90,5
0707 00 05	052	132,0
	999	132,0
0709 90 70	052	99,3
	204	69,1
	999	84,2
0805 10 10, 0805 10 30, 0805 10 50	052	39,0
	204	39,7
	212	102,8
	220	32,8
	400	43,1
	600	27,3
	624	69,6
	999	50,6
0805 50 10	400	48,2
	999	48,2
0808 10 20, 0808 10 50, 0808 10 90	388	79,9
	400	114,5
	404	72,0
	508	63,1
	512	72,8
	524	67,8
	528	80,7
	720	81,2
	804	103,3
0808 20 50	999	81,7
	388	75,3
	512	80,4
	524	80,8
	528	74,5
	720	39,9
	999	70,2

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

COMMISSION REGULATION (EC) No 762/2004**of 23 April 2004****adapting certain fish quotas for 2004 pursuant to Council Regulation (EC) No 847/96 introducing additional conditions for year-to-year management of TACs and quotas****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 23(4) thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas ⁽²⁾, and in particular Articles 3(3), 4(2) and 5,

Whereas:

(1) Council Regulation (EC) No 2340/2002 of 16 December 2002 fixing for 2003 and 2004 the fishing opportunities for deep-sea fish stocks ⁽³⁾ and Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽⁴⁾, specify which stocks may be subject to the measures provided for by Regulation (EC) No 847/96.

(2) Regulation (EC) No 2340/2002 and Council Regulation (EC) No 2287/2003 of 19 December fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽⁵⁾ fix quotas for certain stocks for 2004.

(3) Certain Member States have requested, pursuant to Regulation (EC) No 847/96, that part of their quotas be transferred to the following year. Within the limits indicated in that Regulation, the quantities withheld should be added to the quota for 2004.

(4) Regulation (EC) No 847/96 provides that deductions from national quotas for 2004 should be made at a level equivalent to the quantity fished in excess. Those deductions shall be applied taking into account also the specific provisions governing stocks falling within the scope of Regional Fisheries Organisations.

(5) Regulation (EC) No 847/96 also provides that weighted deductions from national quotas for 2004 should be made in the case of overfishing of permitted landings in 2003 for certain stocks identified in Regulation (EC) No 2340/2002 and in Regulation (EC) No 2341/2002.

(6) Certain Member States have requested, pursuant to Regulation (EC) No 847/96, permission to land additional quantities of fish of certain stocks. Those exceeding permitted landings should however be deducted from their quotas for 2004.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The quotas fixed in Regulation (EC) No 2340/2002 and in Regulation (EC) No 2287/2003 are increased as shown in Annex I or reduced as shown in Annex II.

Article 2

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

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 115, 9.5.1996, p. 3.

⁽³⁾ OJ L 356, 31.12.2002, p. 1.

⁽⁴⁾ OJ L 356, 31.12.2002, p. 12. Regulation as last amended by Regulation (EC) No 2192/2003 (OJ L 328, 17.12.2003, p. 1).

⁽⁵⁾ OJ L 344, 31.12.2003, p. 1.

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

Done at Brussels, 23 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

TRANSFERS ON TO 2004 QUOTAS

Country	Stock	Penalties 2003 (*)	Species	Zone	Initial quantity 2003	Margin	Adapted quantity 2003	Catches 2003	Adapted quantity %	Transfers 2004	Deduc- tions 2004	Initial quantity 2004	Revised quantity 2004
BE	ANF/07	n	Anglerfish	VII	1 461		934	920,1	98,5	13,9	0	1 931	1 945
BE	ANF/8ABDE	n	Anglerfish	VIIIa,b,d,e	0		116	108,6	93,6	7,4	0	0	7
BE	LEZ/07	n	Megrim	VII	387		164	164,2	100,1	0	- 0,2	489	489
BE	LEZ/8ABDE	n	Megrim	VIIIa,b,d,e	0		17	0,6	3,5	1,7	0	0	2
BE	SOL/24	y	Sole	II, North Sea	1 321		1 588	1 538,1	96,9	49,9	0	1 417	1 467
BE	SOL/07A	y	Sole	VIIa	499		688	694,9	101,0	0	- 6,9	394	387
BEL	SOL/07D	y	Sole	VIIId	1 454		1 606	1 267,1	78,9	160,6	0	1 588	1 749
BE	SOL/7FG	y	Sole	VIIIf,g	775		729	689,2	94,5	39,8	0	656	696
DE	JAX/578/14	n	Horse Mackerel	Vb (EC), VI, VII, VIIIabde, XII, XIV	9 428		15 824	15 773,3	99,7	50,7	0	9 564	9 615
DE	SOL/24	y	Sole	II, North Sea	1 057		940	744,4	79,2	94	0	1 133	1 227
DE	SOL/3A/BCD	n	Sole	Skagerrak and Kattegat, IIIbcd (EC)	17		19	17,3	91,1	1,7	0	25	27
DK	JAX/578/14	n	Horse Mackerel	Vb (EC), VI, VII, VIIIabde, XII, XIV	11 796		13 111	10 866,1	82,9	1 311,1	0	11 966	13 277
DK	RNG/03-	n	Roundnose Grenadier	III (EC + waters not under jurisd. TC)	1 769		1 699	1 210,4	71,2	169,9	0	1 769	1 939
DK	SOL/24	y	Common Sole	II, North Sea	604	60	766	712	93,0	54,0	0	588	642
DK	SOL/3A/BCD	n	Common Sole	Skagerrak and Kattegat, IIIbcd (EC)	291	29	294	297,7	101,3	0	- 3,7	407	403
ES	ANE/08	n	Anchovy	VIII	29 700		22 692	2 904,5	12,8	2 269,2	0	29 700	31 969
ES	ANF/07	n	Anglerfish	VII	581		1 815	1 912,4	105,4	0	- 97,4	768	671

Country	Stock	Penalties 2003 (*)	Species	Zone	Initial quantity 2003	Margin	Adapted quantity 2003	Catches 2003	Adapted quantity %	Transfers 2004	Deduc- tions 2004	Initial quantity 2004	Revised quantity 2004
ES	ANF/8C3411	n	Anglerfish	VIIIc, IX, X	3 332		3 604	1 882,5	52,2	360,4	0	1 917	2 277
ES	JAX/8C9	n	Horse Mackerel	VIIIc, IX	29 587		33 046	29 085,1	88,0	3 304,6	0	29 587	32 892
ES	LEZ/07	n	Megrim	VII	4 301		7 585	7 468,9	98,5	116,1	0	5 430	5 546
ES	LEZ/8ABDE	n	Megrim	VIIIabde	921		989	114,8	11,6	98,9	0	1 163	1 262
ES	LEZ/8C3411	n	Megrim	VIIIc, IX, X	2 215		2 525	785	31,1	252,5	0	1 233	1 486
FR	ANE/08	n	Anchovy	VIII	3 300		13 530	5 736	42,4	1 353	0	3 300	4 653
FR	LEZ/07	n	Megrim	VIIIc, IX, X	5 220		3 076	2 647	86,1	307,6	0	6 589	6 897
FR	LEZ/8C3411	n	Megrim	VIIIc, IX, X	111		102	5,5	5,4	10,2	0	62	72
UK	ANF/07	n	Anglerfish	VII	2 843		3 516	3 227,1	91,8	288,9	0	3 759	4 048
UK	HER/7GK	n	Herring	VIIg,h,j,k	16		16	13,8	86,3	1,6	0	16	18
UK	JAX/578/14	n	Horse Mackerel	Vb (EC), VI, VII, VIIIabde, XII, XIV	12 751		7 555	6 930,7	91,7	624,3	0	12 935	13 559
UK	LEZ/07	n	Megrim	VII	2 055		2 265	1 778,1	78,5	226,5	0	2 595	2 822
UK	SOL/24	y	Sole	II, North Sea	679		827	765	92,5	62	0	729	791
UK	SOL/07A	y	Sole	VIIa	224		242	220	90,9	22	0	178	200
UK	SOL/07D	y	Sole	VIIId	1 038		1 147	1 111,6	96,9	35,4	0	1 135	1 170
UK	SOL/7FG	y	Sole	VIIIfg	349		350	341,6	97,6	8,4	0	295	303
NL	HER/6AS7BC	n	Herring	VIaS, VIIbc	1 273		667	657,3	98,5	9,7	0	1 273	1 283
NL	HER/7GK.	n	Herring	VIIghjk	802		949	931	98,1	18	0	802	820
NL	JAX/578/14	n	Horse Mackerel	Vb (EC), VI, VII, VIIIabde, XII, XIV	44 981		53 369	51 772,2	97,0	1 596,8	0	45 631	47 228
NL	SOL/24.	y	Sole	II, North Sea	11 925		13 115	12 646,8	96,4	468,2	0	12 790	13 258
NL	SOL/3A/BCD	n	Sole	Skagerrak,Kattegat, IIIb,c,d (EC)	28		13	2,4	18,5	1,3	0	42	43

(*) Annex III to Council Regulation (EC) No 2341/2002 (847/96 — Deductions of Article 5(2)).

DEDUCTIONS FROM 2004 QUOTAS

Country	Species	Area	Species Name	Zone	Penalties	Adapted quantity 2003	Margin	Total adapted quantity 2003	Catches 2003	%	Deduc- tions	Initial quantity 2004	Revised quantity 2004
BE	COD	7X7A34	Atlantic cod	VIIb, c, d, e, f, g, h, j, k, VIII, IX, X; CO- PACE 34.1.1 1	y	162	0	162	163	100,6	– 1	242	241
BE	PLE	07A.	European plaice	ICES division VIIa — Irish Sea	n	636	0	636	643,8	101,2	– 7,8	34	26
BE	SOL	07A.	Common sole	ICES division VIIa — Irish Sea	y	688	0	688	694,9	101,0	– 6,9	394	387
BE	SOL	7HJK.	Common sole	VIIh, j, k	n	136	0	136	146,4	107,6	– 10,4	32	22
DE	COD	1N2AB-	Atlantic cod	Norway zone (North of 62° N): I, IIa, b	n	1 965	0	1 965	1 978,5	100,7	– 13,5	2 431	2 418
DE	LIN	1/2-	Ling	I, II 1, 2	y	25	0	25	38,9	155,6	– 13,9	10	– 4
DK	SOL (*)	3A/BCD	Common sole	IIIa; IIIb,c, d 1	n	265	0	265	297,7	112,3	– 32,7	436	403
DK	SOL (*)	24	Common sole	Iia 1, IV 1	n	706	0	706	712	100,8	– 6	648	642
ES	ANF	07.	Anglerfishes nei	ICES sub-area VII — Irish Sea, West of Ireland, Porcupine Bank, Eastern and Western English Channel, Bristol Channel, Celtic Sea North and South, and South-West of Ireland — East and West	n	1 815	0	1 815	1 912,4	105,4	– 97,4	768	671
ES	BLI	67-	Blue ling	VI, VII, 1, 2	y	162	0	162	288,8	178,3	– 159,7	122	– 38
ES	BSF	56712-	Black scabbardfish	V, VI, VII, XII 1, 2	y	185	0	185	189	102,2	– 4	185	181
ES	JAX (*)	578/14	Jack and horse mackerels nei	Vb1, VI, VII, VIIIa,b, d, e, XII, XIV	n	2 541	0	2 541	3 736	147,0	– 1 195	13 062	11 867
ES	USK	567-	Tusk(=Cusk)	V, VI, VII, 1, 2	y	41	0	41	55,9	136,3	– 14,9	35	20

Country	Species	Area	Species Name	Zone	Penalties	Adapted quantity 2003	Margin	Total adapted quantity 2003	Catches 2003	%	Deduc- tions	Initial quantity 2004	Revised quantity 2004
FR	BLI	245-	Blue ling	II, IV, V 1, 2	y	87	0	87	90,9	104,5	– 3,9	61	57
IE	ANF	561214	Anglerfishes nei	Vb 1, VI, XII, XIV	n	346	0	346	355,2	102,7	– 9,2	318	309
NL	ANF	07.	Anglerfishes nei	ICES sub-area VII — Irish Sea, West of Ireland, Porcupine Bank, Eastern and Western English Channel, Bristol Channel, Celtic Sea North and South, and South-West of Ireland — East and West	n	16	0	16	20,5	128,1	– 4,5	250	246
NL	HER	4AB.	Atlantic herring	IV a, IV b	n	45 815	0	45 815	46 246,2	100,9	– 431,2	50 068	49 637
NL	HER	4CXB7D	Atlantic herring	IVc, VIId	n	32 118	0	32 118	33 538,2	104,4	– 1 420,2	30 621	29 201

(*) Stock for which additional landings of quota were requested (Article 3(3) of Council Regulation (EC) No 8471/1996).

COMMISSION REGULATION (EC) No 763/2004

of 23 April 2004

laying down derogations from Regulation (EC) No 800/1999 as regards products in the form of goods not covered by Annex I to the Treaty exported to third countries other than Cyprus, Hungary and Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾ and in particular Article 8(3) thereof,

Whereas:

(1) Article 16(1) of Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾ provides that Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽³⁾ shall apply as regards exports of products in the form of goods not covered by Annex I to the Treaty.

(2) Article 3 of Regulation (EC) No 800/1999, provides that entitlement to the export refund is acquired on importation into a specific third country when a differentiated refund applies for that third country. Articles 14, 15 and 16 of that Regulation lay down the conditions for the payment of the differentiated refund, in particular the documents to be supplied as proof of the goods' importation into a third country.

(3) In the case of a differentiated refund, Article 18(1) and (2) of Regulation (EC) No 800/1999 provides that part of the refund, calculated using the lowest refund rate, is paid on application by the exporter once proof is furnished that the product has left the customs territory of the Community.

(4) Commission Regulation (EC) No 646/2004 of 6 April 2004 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽⁴⁾, Commission Regulation (EC) No 644/2004 of 6 April 2004 fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽⁵⁾, Commission Regulation (EC) No 645/2004 of 6 April 2004 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty ⁽⁶⁾, and Commission Regulation (EC) No 643/2004 of 6 April 2004 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty provide that export refunds are not to be set in respect of goods not covered by Annex ⁽⁷⁾ to the Treaty when exported to Cyprus and Poland and in respect of goods not referred to in Article 1(2) of Regulation (EC) No 999/2003 ⁽⁸⁾ when exported to Hungary.

(5) The authorities in Cyprus, Hungary and Poland have consequently undertaken to allow imports of the goods concerned, which have been taken under customs control after 6 April 2004, to their territories only if they are accompanied by documents showing that they have been imported directly from the Community.

(6) In order to avoid the imposition of unnecessary costs on operators in their commercial trade with other third countries, it is appropriate to derogate from Regulation (EC) No 800/1999 in so far as it requires proof of import in the case of differentiated refunds. It is also appropriate, where no export refunds have been fixed for the particular countries of destination in question, not to take account of that fact when the lowest rate of refund is determined.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5)

⁽²⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 543/2004 (OJ L 87, 25.3.2004, p. 8).

⁽³⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 2010/2003 (OJ L 297, 15.11.2003, p. 13).

⁽⁴⁾ OJ L 102, 7.4.2004, p. 42.

⁽⁵⁾ OJ L 102, 7.4.2004, p. 35.

⁽⁶⁾ OJ L 102, 7.4.2004, p. 38.

⁽⁷⁾ OJ L 102, 7.4.2004, p. 32.

⁽⁸⁾ OJ L 146, 13.6.2003, p. 10.

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 16(1) of Regulation (EC) No 1520/2000, where the differentiation of the refund is the result solely of a refund not having been fixed for Cyprus, Hungary or Poland, proof that the customs import formalities have been completed shall not be a condition for payment of the refund in respect of all goods listed in Annex B to Regulation (EC) No 1520/2000.

Article 2

The fact that no export refund has been fixed in respect of the export to Cyprus, Hungary or Poland of the goods listed in Annex B to Regulation (EC) No 1520/2000 shall not, in respect of exports to other third countries, be taken into account in determining the lowest rate of refund within the meaning of Article 18(2) of Regulation (EC) No 800/1999.

Article 3

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

It shall apply from 7 April 2004.

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

Done at Brussels, 23 April 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

**COMMISSION REGULATION (EC) No 764/2004
of 23 April 2004**

**amending the rates of the refunds applicable to certain milk products exported in the form of
goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the markets in the milk and milk products sector ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 7 April 2004 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 646/2004 ⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 646/2004 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 646/2004 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 April 2004.

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

Done at Brussels, 23 April 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

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

⁽²⁾ OJ L 102, 7.4.2004, p. 42. Regulation as amended by Regulation (EC) No 698/2004 (OJ L 108, 16.4.2004, p. 18).

ANNEX

Rates of the refunds applicable from 24 April 2004 to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	28,00	40,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	35,15	50,21
	(b) on exportation of other goods	58,80	84,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	45,50	65,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	110,08	157,25
	(c) on exportation of other goods	105,00	150,00

COMMISSION REGULATION (EC) No 765/2004**of 23 April 2004****setting the export refunds for nuts (shelled almonds, hazelnuts in shell, shelled hazelnuts and walnuts in shell) using system A1**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1961/2001 ⁽²⁾, sets detailed rules covering export refunds on fruit and vegetables.

(2) Under Article 35(1) of Regulation (EC) No 2200/96 refunds can be granted on products exported by the Community, to the extent necessary to enable economically significant quantities to be exported and within the limits ensuing from agreements concluded in line with Article 300 of the Treaty.

(3) In line with Article 35(2) of Regulation (EC) No 2200/96 care should be taken to ensure that trade flows already engendered by the granting of refunds are not disturbed. For that reason and given the seasonal nature of fruit and vegetable exports quantities should be set product by product using the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾. In setting quantities account must be taken of perishability.

(4) Article 35(4) of Regulation (EC) No 2200/96 stipulates that when refunds are set account is to be taken of the existing situation and outlook for prices and availability of fruit and vegetables on the Community market and for international trade prices, of marketing and transport costs and of the economic aspects of the exportation envisaged.

(5) Article 35(5) of Regulation (EC) No 2200/96 requires Community market prices to be determined using the prices that are most favourable from the point of view of exportation.

(6) The international trade situation or specific requirements of certain markets may necessitate differentiation of the refund on a given product by destination.

(7) Economically significant exports can at present be made of shelled almonds, hazelnuts and walnuts in shell.

(8) Since nuts have a relatively long storage life export refunds can be set at longer intervals.

(9) In order to permit the best possible use of available resources the export refunds should, given the structure of exportation from the Community, be set using system A1.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refund rates for nuts, the period for lodging licence applications and the quantities permitted are stipulated in the Annex hereto.

2. Licences for food aid purposes issued as indicated in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not be counted against the quantities indicated in the Annex hereto.

3. Without prejudice to Article 5(6) of Regulation (EC) No 1961/2001, the type A1 licences shall be valid for three months.

Article 2

This Regulation shall enter into force on 1 May 2004.

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

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 1176/2002 (OJ L 170, 29.6.2002, p. 69).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 118/2003 (OJ L 20, 24.1.2003, p. 3).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 636/2004 (OJ L 100, 6.4.2004, p. 25).

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

Done at Brussels, 23 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 23 April 2004 setting the export refunds for nuts (system A1)

Period for lodging licence applications: from 1 May 2004 to 23 June 2004.

Produce code ⁽¹⁾	Destination ⁽²⁾	Rate of refund (EUR/t net)	Permitted quantities (t)
0802 12 90 9000	A00	45	696
0802 21 00 9000	A00	53	205
0802 22 00 9000	A00	103	3 181
0802 31 00 9000	A00	66	299

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

⁽²⁾ The series A destination codes are defined in Annex II to Regulation (EEC) No 3846/87.

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

COMMISSION REGULATION (EC) No 766/2004**of 23 April 2004****fixing the A1 and B export refunds for fruit and vegetables (tomatoes, oranges and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular the third subparagraph of Article 35(3),

Whereas:

(1) Commission Regulation (EC) No 1961/2001 ⁽²⁾ lays down the detailed rules of application for export refunds on fruit and vegetables.

(2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾. These quantities must be allocated taking account of the perishability of the products concerned.

(4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the other hand. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

(5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.

(6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.

(7) Tomatoes, oranges and apples of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.

(8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to fix the A1 and B export refunds.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For system A1, the refund rates, the refund application period and the scheduled quantities for the products concerned are fixed in the Annex hereto.

For system B, the indicative refund rates, the licence application period and the scheduled quantities for the products concerned are fixed in the Annex hereto.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not count against the eligible quantities in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 2004.

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

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 1176/2002 (OJ L 170, 29.6.2002, p. 69).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 118/2003 (OJ L 20, 24.1.2003, p. 3).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1.

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

Done at Brussels, 23 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 23 April 2004 fixing the export refunds on fruit and vegetables (tomatoes, oranges and apples)

Product code ⁽¹⁾	Destination ⁽²⁾	System A1 Refund application period 1.5.2004 to 23.6.2004		System B Licence application period 7.5.2004 to 3.6.2004	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)
0702 00 00 9100	F08	30		30	8 986
0805 10 10 9100 0805 10 30 9100 0805 10 50 9100	F00	24		24	12 858
0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F09	27		27	4 487

⁽¹⁾ The product codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The 'A' series destination codes are set out in Annex II to Regulation (EEC) No 3846/87.

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

The other destinations are defined as follows:

F00: All destinations except Switzerland.

F03: All destinations except Switzerland and Estonia.

F04: Sri Lanka, Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua-New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica and Japan.

F08: All destinations except Bulgaria.

F09: The following destinations:

— Norway, Iceland, Greenland, Faeroe Islands, Poland, Hungary, Romania, Albania, Bosnia and Herzegovina, Croatia, Slovenia, former Yugoslav Republic of Macedonia, Serbia and Montenegro, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah, Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia;

— African countries and territories except for South Africa;

— destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

**COMMISSION REGULATION (EC) No 767/2004
of 23 April 2004**

setting export refunds in the processed fruit and vegetable sector other than those granted on added sugar (provisionally preserved cherries, peeled tomatoes, sugar-preserved cherries, prepared hazelnuts, certain orange juices)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, and in particular the third subparagraph of Article 16(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1429/95 ⁽²⁾ set implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugar.

(2) Article 16(1) of Regulation (EC) No 2201/96 states that to the extent necessary to permit exportation of economically significant quantities export refunds can be granted on the products listed at Article 1(2)(a) of that Regulation within the limits ensuing from agreements concluded in line with Article 300 of the Treaty. Article 18(4) of that Regulation provides that if the refund on the sugar incorporated in the products listed in Article 1(2)(b) is insufficient to allow exportation of these products the refund set in line with Article 17 thereof shall apply to them.

(3) Article 16(2) of Regulation (EC) No 2201/96 requires that it be ensured that trade flows that have already arisen as a result of granting of export refunds are not disturbed. For that reason the quantities should be set product by product using the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾.

(4) Article 17(2) of Regulation (EC) No 2201/96 requires that when refunds are set account is taken of the existing situation and outlook for prices and availability on the Community market of products processed from fruit and

vegetables and for international trade prices, of marketing and transport costs and of the economic aspects of the exportation envisaged.

(5) Article 17(3) of Regulation (EC) No 2201/96 requires that when prices on the Community market are determined account is taken of the prices that are most favourable from the point of view of exportation.

(6) The international trade situation or specific requirements of certain markets may make it necessary to differentiate the refund on a given product by destination.

(7) Economically significant exports can at present be made of provisionally preserved cherries, peeled tomatoes, sugar-preserved cherries, prepared hazelnuts and certain orange juices.

(8) Export refund rates and quantities should therefore be set for these products.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refund rates in the processed fruit and vegetable sector, periods for lodging and for issuing licence applications and the quantities permitted are stipulated in the Annex hereto.

2. Licences for food aid purposes issued as indicated in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not be counted against the quantities indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 2004.

⁽¹⁾ OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).

⁽²⁾ OJ L 141, 24.6.1995, p. 28. Regulation as last amended by Regulation (EC) No 1176/2002 (OJ L 170, 29.6.2002, p. 69).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 118/2003 (OJ L 20, 24.1.2003, p. 3).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1.

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

Done at Brussels, 23 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 23 April 2004 setting export refunds for the processed fruit and vegetable sector other than those granted on added sugar (provisionally preserved cherries, peeled tomatoes, sugar-preserved cherries, prepared hazelnuts, certain orange juices)

Period for lodging licence applications: 1 May 2004 to 23 June 2004.

Licence assignment period: May 2004 to June 2004.

Product code ⁽¹⁾	Destination code ⁽²⁾	Refund rate (EUR/t net)	Permitted quantities (t)
0812 10 00 9100	F06	50	4 407
2002 10 10 9100	F10	45	54 157
2006 00 31 9000 2006 00 99 9100	F06	153	549
2008 19 19 9100 2008 19 99 9100	A00	59	387
2009 11 99 9110 2009 12 00 9111 2009 19 98 9112	A00	5	625
2009 11 99 9150 2009 19 98 9150	A00	29	735

⁽¹⁾ The descriptions corresponding to the product codes are contained in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The meanings of the A series destination codes are given in Annex II to Regulation (EEC) No 3846/87, as amended.

The meanings of the numerical destination codes are given in Commission Regulation (EEC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

F06: All destinations except the countries of North America.

F10: All destinations except the United States of America and Bulgaria.

**COMMISSION REGULATION (EC) No 768/2004
of 23 April 2004**

**determining to what extent applications lodged in April 2004 for the right to import bulls, cows
and heifers other than for slaughter of certain Alpine and mountain breeds can be met**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1081/1999 of 26 May 1999 opening and providing for the administration of tariff quotas for imports of bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds, repealing Regulation (EC) No 1012/98 and amending Regulation (EC) No 1143/98 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 9(1) of Regulation (EC) No 1081/1999 provides for a further allocation of quantities not covered by import licence applications at 15 March 2004.
- (2) Article 1 of Commission Regulation (EC) No 560/2004 of 25 March 2004 providing for a further allocation of import rights under Regulation (EC) No 1081/1999 for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds ⁽³⁾ lays down the quantities of bulls, cows and heifers other than for

slaughter of certain Alpine and mountain breeds that may be imported under special conditions until 30 June 2004.

- (3) The quantities for which import rights have been requested exceed the quantities available. A uniform percentage reduction in the quantities applied for should therefore be set in accordance with Article 9(8) and Article 5(2) of Regulation (EC) No 1081/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Each application for the right to import, lodged in accordance with Article 9 of Regulation (EC) No 1081/1999, shall be granted as follows:

- 23,3333 % of the quantity requested for serial number 09.0001,
- 8,7387 % of the quantity requested for serial number 09.0003.

Article 2

This Regulation shall enter into force on 24 April 2004.

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

Done at Brussels, 23 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 131, 27.5.1999, p. 15. Regulation as last amended by Commission Regulation (EC) No 1096/2001 (OJ L 150, 6.6.2001, p. 33).

⁽³⁾ OJ L 89, 26.3.2004, p. 23.

COMMISSION DIRECTIVE 2004/58/EC**of 23 April 2004****amending Council Directive 91/414/EEC to include alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ioxynil and phenmedipham as active substances****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

(1) Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽²⁾, establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ioxynil and phenmedipham.

(2) For those active substances the effects on human health and the environment has been assessed in accordance with the provisions laid down in Regulation (EEC) No 3600/92 for a range of uses proposed by the notifiers. By Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the Rapporteur Member State for the implementation of Commission Regulation (EEC) No 3600/92 ⁽³⁾, the following rapporteur Member States were designated, which in turn submitted the relevant assessment reports and recommendations to the Commission in accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92. For alpha-cypermethrin the rapporteur Member State was Belgium, and all relevant information was submitted on 16 September 1999. For benalaxyl the rapporteur Member State was Portugal, and all relevant information was submitted on 27 April 2000. For bromoxynil the rapporteur Member State was France, and all relevant information was submitted on 16 March 2000. For desmedipham the rapporteur Member State was Finland, and all relevant information was submitted on 8 May 2000. For ioxynil the rapporteur Member State was France, and all relevant information was submitted on 16 March 2000. For phenmedipham the rapporteur Member State was Finland, and all relevant information was submitted on 5 January 2000.

(3) Those assessment reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health.

(4) The reviews of all active substances were finalised on 13 February 2004 in the format of the Commission review reports for alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ioxynil and phenmedipham.

(5) The reviews of alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ioxynil and phenmedipham did not reveal any open questions or concerns, which would have required a consultation of the Scientific Committee on Plants.

(6) It has appeared from the various examinations made that plant protection products containing alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ioxynil and phenmedipham may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing these active substances can be granted in accordance with the provisions of that Directive.

(7) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.

(8) After inclusion, Member States should be allowed a reasonable period within which to implement the provisions of Directive 91/414/EEC as regards plant protection products containing alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ioxynil or phenmedipham, and in particular, to review existing authorisations to ensure that the conditions regarding those active substances set out in Annex I to Directive 91/414/EEC are satisfied. For efficiency reasons and considering the short deadlines it is appropriate that the rapporteur Member State coordinate such reviews between Member States. A longer period should be provided for the submission and assessment of the complete dossier of each plant protection product in accordance with the uniform principles laid down in Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/60/EC (See page 39 of this Official Journal).

⁽²⁾ OJ L 366, 15.12.1992, p. 10. Regulation as last amended by Regulation (EC) No 2266/2000 (OJ L 259, 13.10.2000, p. 10).

⁽³⁾ OJ L 107, 28.4.1994, p. 8. Regulation as last amended by Regulation (EC) No 2230/95 (OJ L 225, 22.9.1995, p. 1).

- (9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (10) 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

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 31 August 2005 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 September 2005.

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.

Article 3

1. Member States shall review the authorisation for each plant protection product containing alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ixoxynil and phenmedipham to ensure that the conditions relating to those active substances set out in Annex I to Directive 91/414/EEC are complied with. Where necessary and by 31 August 2005 at the latest, they shall amend or withdraw the authorisation.

The respective rapporteur Member State shall organise the co-operation between Member States when carrying out such review.

2. For each authorised plant protection product containing alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ixoxynil and phenmedipham as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 28 February 2005 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ixoxynil or phenmedipham as the only active substance, where necessary, amend or withdraw the authorisation by 28 February 2009 at the latest; or
- (b) in the case of a product containing alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ixoxynil or phenmedipham as one of several active substances, where necessary, amend or withdraw the authorisation by 28 February 2009 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 March 2005.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 23 April 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

The following entries shall be added at the end of the table in Annex I to Directive 91/414/EC.

No	Common name, identification numbers	IUPAC name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
84	alpha-cypermethrin CAS No 67375-30-8 CIPAC No	Racemate comprising (S)- α -cyano-3-phenoxybenzyl-(1R)-cis-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropane carboxylate and (R)- α -cyano-3-phenoxybenzyl-(1S)-cis-3-(2,2-dichlorovinyl)-2,2-dimethylcyclopropane carboxylate (= cis-2 isomer pair of cypermethrin)	930 g/kg CIS-2	1 March 2005	28 February 2015	Only uses as insecticide may be authorised. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on alpha-cypermethrin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 13 February 2004 shall be taken into account. In this overall assessment: — Member States must pay particular attention to the protection of aquatic organisms, bees and non-target arthropods and must ensure that the conditions of authorisation include risk mitigation measures. — Member States must pay particular attention to the operator safety and must ensure that the conditions of authorisation include appropriate protective measures.
85	benalaxyl CAS No 71626-11-4 CIPAC No 416	Methyl N-phenylacetyl-N-2, 6-xylyl-DL-alaninate	960 g/kg	1 March 2005	28 February 2015	Only uses as fungicide may be authorised. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on benalaxyl, and in particular Appendices I and II thereto, as finalised in the Standing Committee on the Food Chain and Animal Health on 13 February 2004 shall be taken into account. In this overall assessment Member States should pay particular attention to the potential for groundwater contamination, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation should include risk mitigation measures, where appropriate.
86	bromoxynil CAS No 1689-84-5 CIPAC No 87	3,5 dibromo - 4- hydroxybenzotrile	970 g/kg	1 March 2005	28 February 2015	Only uses as herbicide may be authorised. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on bromoxynil, and in particular Appendices I and II thereto, as finalised in the Standing Committee on the Food Chain and Animal Health on 13 February 2004 shall be taken into account. In this overall assessment Member States must pay particular attention to the protection of birds and wild mammals, in particular if the substance is applied in winter, and of aquatic organisms. Conditions of authorisation should include risk mitigation measures, where appropriate.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
87	desmedipham CAS No 13684-56-5 CIPAC No 477	ethyl 3'-phenylcarbamoyloxy-carbanilate ethyl 3-phenylcarbamoyloxyphenylcarbamate	Min. 970 g/kg	1 March 2005	28 February 2015	Only uses as herbicide may be authorised. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on desmedipham, and in particular Appendices I and II thereto, as finalised in the Standing Committee on the Food Chain and Animal Health on 13 February 2004 shall be taken into account. In this overall assessment Member States should pay particular attention to the protection of aquatic organisms and earthworms. Risk mitigation measures should be applied if appropriate
88	ioxynil CAS No 13684-83-4 CIPAC No 86	4- hydroxy- 3,5- di-iodobenzonitrile	960 g/kg	1 March 2005	28 February 2015	Only uses as herbicide may be authorised. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on ioxynil, and in particular Appendices I and II thereto, as finalised in the Standing Committee on the Food Chain and Animal Health on 13 February 2004 shall be taken into account. In this overall assessment Member States must pay particular attention to the protection of birds and wild mammals in particular if the substance is applied in winter and to aquatic organisms. Conditions of authorisation should include risk mitigation measures, where appropriate.
89	phenmedipham CAS No 13684-63-4 CIPAC No 77	methyl 3-(3-methylcarbaniloxy)carbanilate; 3-methoxycarbonylaminophenyl 3'-methylcarbanilate	Min. 970 g/kg	1 March 2005	28 February 2015	Only uses as herbicide may be authorised. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on phenmedipham, and in particular Appendices I and II thereto, as finalised in the Standing Committee on the Food Chain and Animal Health on 13 February 2004 shall be taken into account. In this overall assessment Member States should pay particular attention to the protection of aquatic organisms. Conditions of authorisation should include risk mitigation measures, where appropriate.

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.'

COMMISSION DIRECTIVE 2004/59/EC
of 23 April 2004
amending Council Directive 90/642/EEC as regards the maximum levels for bromopropylate resi-
dues fixed therein
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

(1) Commission Regulation (EC) No 2076/2002 of November 2002 extending the time period referred to in Article 8(2) of Council Directive 91/414/EEC and concerning the non-inclusion of certain active substances in Annex I to that Directive and the withdrawal of authorisations for plant protection products containing these substances ⁽²⁾ allows certain Member States to maintain in force, until 30 June 2007, authorisations for plant protection products containing certain substances, whose non-inclusion in Annex I to Council Directive 91/414/EEC ⁽³⁾ it provides for.

(2) Maximum residue levels (MRLs) reflect the use of minimum quantities of pesticides to achieve effective protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in terms of estimated dietary intake.

(3) MRLs are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residue in or on the food product, or where there are no authorised uses, or where uses which have been authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported with such necessary data.

(4) MRLs for pesticides should be kept under review. They may be changed to take account of new uses, new information and data.

(5) Information on essential uses in the framework of Directive 91/414/EEC has been notified to the Commission for bromopropylate. The information provides an adequate basis for an assessment of the intake by European consumers.

(6) Authorisations of bromopropylate are to be withdrawn by 31 July 2007 at the latest. Taking into account the time it takes for residues of bromopropylate to leave the food chain it is appropriate that temporary MRLs related to these essential uses be reviewed by 31 December 2008 at the latest.

(7) The lifetime exposure of consumers to bromopropylate via food products that may contain residues of that pesticide, has been assessed and evaluated. It has been calculated that the MRLs as amended will ensure that the acceptable daily intake is not exceeded.

(8) The acute exposure of consumers to bromopropylate via each of the food products that may contain residues of this pesticide has been assessed and evaluated. It has been calculated that the MRLs as amended will ensure that the acute reference dose is not exceeded.

(9) Therefore it is appropriate to amend the maximum levels for residues of bromopropylate.

(10) Directive 90/642/EEC should therefore be amended accordingly.

(11) 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

⁽¹⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2004/2/EC (OJ L 14, 21.1.2004, p. 10).

⁽²⁾ OJ L 319, 23.11.2002, p. 3. Regulation as last amended by Regulation (EC) No 1336/2003 (OJ L 187, 26.7.2003, p. 21).

⁽³⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/20/EC (OJ L 70, 9.3.2004, p. 32).

The maximum pesticide residue levels for bromopropylate in Annex II to Directive 90/642/EEC are replaced by those in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 24 October 2004 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply these provisions from 25 October 2004 at the latest.

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 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, 23 April 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	
i) CITRUS FRUIT	2 (†)
Grapefruit	
Lemons	
Limes	
Mandarins (including clementines and other hybrids)	
Oranges	
Pomelos	
Others	
ii) TREE NUTS (shelled or unshelled)	0,05 (*)
Almonds	
Brazil nuts	
Cashew nuts	
Chestnuts	
Coconuts	
Hazelnuts	
Macadamia	
Pecans	
Pine nuts	
Pistachios	
Walnuts	
Others	
iii) POME FRUIT	2 (†)
Apples	
Pears	
Quinces	
Others	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
iv) STONE FRUIT	0,05 (*)
Apricots	
Cherries	
Peaches (including nectarines and similar hybrids)	
Plums	
Others	
v) BERRIES AND SMALL FRUIT	
a) Table and wine grapes	2 (i)
Table grapes	
Wine grapes	
b) Strawberries (other than wild)	0,05 (*)
c) Cane fruit (other than wild)	0,05 (*)
Blackberries	
Dewberries	
Loganberries	
Raspberries	
Others	
d) Other small fruit and berries (other than wild)	0,05 (*)
Bilberries	
Cranberries	
Currants (red, black and white)	
Gooseberries	
Others	
e) Wild berries and wild fruit	0,05 (*)
vi) MISCELLANEOUS	0,05 (*)
Avocados	
Bananas	
Dates	
Figs	
Kiwi	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
Kumquats	
Litchis	
Mangoes	
Olives	
Passion fruit	
Pineapples	
Pomegranate	
Others	
2. Vegetables, fresh or uncooked, frozen or dry	
i) ROOT AND TUBER VEGETABLES	0,05 (*)
Beetroot	
Carrots	
Celeriac	
Horseradish	
Jerusalem artichokes	
Parsnips	
Parsley root	
Radishes	
Salsify	
Sweet potatoes	
Swedes	
Turnips	
Yam	
Others	
ii) BULB VEGETABLES	0,05 (*)
Garlic	
Onions	
Shallots	
Spring onions	
Others	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
iii) FRUITING VEGETABLES	
a) Solanacea	
Tomatoes	1 (†)
Peppers	
Aubergines	
Others	0,05 (*)
b) Cucurbits — edible peel	0,05 (*)
Cucumbers	
Gherkins	
Courgettes	
Others	
c) Cucurbits-inedible peel	0,05 (*)
Melons	
Squashes	
Watermelons	
Others	
d) Sweet corn	0,05 (*)
iv) BRASSICA VEGETABLES	0,05 (*)
a) Flowering brassica	
Broccoli (including Calabrese)	
Cauliflower	
Others	
b) Head brassica	
Brussels sprouts	
Head cabbage	
Others	
c) Leafy brassica	
Chinese cabbage	
Kale	
Others	
d) Kohlrabi	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
v) LEAF VEGETABLES AND FRESH HERBS	0,05 (*)
a) Lettuce and similar	
Cress	
Lamb's lettuce	
Lettuce	
Scarole (broad-leaf endive)	
Others	
b) Spinach and similar	
Spinach	
Beet leaves (chard)	
Others	
c) Water cress	
d) Witloof	
e) Herbs	
Chervil	
Chives	
Parsley	
Celery leaves	
Others	
vi) LEGUME VEGETABLES (fresh)	
Beans (with pods)	1 ⁽ⁱ⁾
Beans (without pods)	
Peas (with pods)	
Peas (without pods)	
Others	0,05 (*)
vii) STEM VEGETABLES (fresh)	0,05 (*)
Asparagus	
Cardoons	
Celery	
Fennel	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
Globe artichokes	
Leek	
Rhubarb	
Others	
viii) FUNGI	0,05 (*)
a) Cultivated mushrooms	
b) Wild mushrooms	
3. Pulses	0,05 (*)
Beans	
Lentils	
Peas	
Others	
4. Oilseeds	0,1 (*)
Linseed	
Peanuts	
Poppy seed	
Sesame seed	
Sunflower seed	
Rape seed	
Soya bean	
Mustard seed	
Cotton seed	
Others	
5. Potatoes	0,05 (*)
Early potatoes	
Ware potatoes	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
6. Tea (dried leaves and stalks, fermented or otherwise, <i>Camellia sinensis</i>)	0,1 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*)

(*) Indicates lower limit of analytical determination.

(†) Indicates that the maximum level has been established temporarily until 31 December 2008 to accommodate an essential use in accordance with Regulation 2076/2002/EC.

COMMISSION DIRECTIVE 2004/60/EC
of 23 April 2004
amending Council Directive 91/414/EEC to include quinoxifen as active substance
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2003/82/EC ⁽²⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC the United Kingdom received on 1 August 1995 an application from Dow Elanco Europe (now Dow Agro Sciences), for the inclusion of the active substance quinoxifen in Annex I to Directive 91/414/EEC. Commission Decision 96/457/EEC ⁽³⁾ confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.
- (2) For this active substance, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The nominated rapporteur Member State, submitted a draft assessment report concerning the substance to the Commission on 11 October 1996.
- (3) The draft assessment report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. The review was finalised on 28 November 2003 in the format of the Commission review report for quinoxifen.
- (4) The documents and information were also submitted to the Scientific Committee for Plants for separate consultation. The Committee was asked to comment on the accumulation of the substance in soil and on its potential environmental impact. In its opinion ⁽⁴⁾, the Committee noted that the available studies and the field study on organic matter degradation (litter bag study) in particular did not convincingly demonstrate an acceptable impact on the environment, mainly due to insufficient statistical power of the experimental design. The Committee further noted that a fraction of the applied quinoxifen may volatilise after application to a crop. Although available results indicate a rapid decomposition of the substance in air, the Committee suggested that measurements of the half-life should be repeated

after appropriate schemes have been developed for assessing the environmental risks of atmospheric transport of plant protection products. This recommendation of the Committee was taken into account in the review report of the active substance.

The insufficient field study on organic matter breakdown was repeated with an upgraded test protocol. No effect of quinoxifen on organic matter decomposition was detected.

- (5) In accordance with Article 6(4) of Directive 91/414/EEC and in view of a possible unfavourable decision for quinoxifen the Commission organised a tripartite meeting with the main data submitter and the rapporteur Member State on 13 February 2003. The main data submitter provided further data in order to meet the initial concerns.
- (6) It has appeared from the various examinations made that plant protection products containing quinoxifen may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include quinoxifen in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.
- (7) The Commission review report is required for the proper implementation by the Member States, of several sections of the uniform principles laid down in Directive 91/414/EEC. It is, therefore, appropriate to provide that the finalised review report, except for confidential information within the meaning of Article 14 of Directive 91/414/EEC, should be kept available or made available by the Member States for consultation by any interested parties.
- (8) After inclusion, Member States should be allowed a reasonable period to implement the provisions of Directive 91/414/EEC as regards plant protection products containing quinoxifen and in particular to review existing provisional authorisations and, by the end of this period at the latest, to transform those authorisations into full authorisations, to amend them or to withdraw them in accordance with the provisions of Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 77, 13.3.2004, p. 50.

⁽³⁾ OJ L 189, 30.7.1996, p. 112.

⁽⁴⁾ Opinion of the Scientific Committee on Plants regarding the inclusion of quinoxifen in Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market. (SCP/QUINOX/002-final, adopted 7 March 2001).

- (9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (10) 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

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish, by 28 February 2005 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 March 2005.

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

Article 3

1. Member States shall review the authorisation for each plant protection product containing quinoxifen to ensure that the conditions relating to this active substance set out in Annex

I to Directive 91/414/EEC are complied with. Where necessary, they shall amend or withdraw the authorisation in accordance with Directive 91/414/EEC before 28 February 2005.

2. Member States shall, for each authorised plant protection product containing quinoxifen as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 August 2004, re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III thereto. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC. Where necessary and by 28 February 2006 at the latest, they shall amend or withdraw the authorisation for each such plant protection product.

Article 4

This Directive shall enter into force on 1 September 2004.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 23 April 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

In Annex I the following row is added at the end of the table:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'83	Quinoxifen CAS No 124495-18-7 CIPAC No 566	5, 7-dichloro-4 (p-fluorophenoxy) quinoline	970 g/kg	1 September 2004	31 August 2014	Only uses as fungicide may be authorised. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on quinoxifen, and in particular Appendices I and II thereto, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 November 2003, shall be taken into account. Member States should pay particular attention to the protection of aquatic organisms. Risk mitigation measures must be applied and monitoring programmes must be initiated in vulnerable zones where appropriate.

⁽¹⁾ Further details on identity and specification of active substances are provided in the review report.'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 April 2004

on an Intra-Community transfer of explosives document

(notified under document number C(2004) 1332)

(2004/388/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1993/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) The system for transferring explosives within the territory of the Community established by Directive 1993/15/EEC provides for the approval of the different competent authorities responsible for the zones of origin, transit and destination of the explosives.
- (2) A model document to be used for the transfer of explosives, comprising the information required for the purposes of Article 9(5) and (6) of Directive 93/15/EEC, should be established, in order to facilitate transfers of explosives between Member States while preserving the necessary security requirements for the transfer of these products.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Management Committee established pursuant to Article 13(1) of Directive 1993/15/EEC,

Article 1

1. The information required for the purposes of Article 9(5) and (6) of Directive 1993/15/EEC shall be provided using the model 'Intra-Community transfer of explosives document' set out in the Annex and accompanying explanatory notes.

2. The model document shall be accepted by the competent authorities as a valid transfer document to accompany the explosives for transfers between Member States until the explosives arrive at their destination.

3. This Decision shall not apply to ammunition.

Article 2

The Intra-Community transfer of explosives document, hereinafter referred to as 'the document', shall be established in triplicate. Member States shall take appropriate measures, including adequate means of secure identification, to ensure that the document cannot be falsified.

Article 3

The document shall be printed on paper weighing at least 80 g/m². The paper's strength shall be such that in normal use it does not easily tear or crease.

Article 4

This Decision shall apply from six months after publication in the *Official Journal of the European Union*. Its entry into force shall leave existing fixed period approvals for multiple transfers valid until their expiry date.

⁽¹⁾ OJ L 121, 15.5.1993, p. 20. Directive amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 15 April 2004.

For the Commission

Erkki LIIKANEN

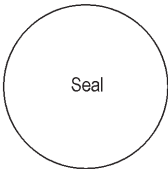
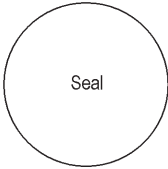
Member of the Commission

ANNEX

Intra-Community transfer of explosives document

(Article 9(5) and (6) of Directive 93/15/EEC)

		INTRA-COMMUNITY TRANSFER OF EXPLOSIVES (except ammunition) (Article 9 of Directive 1993/15/EEC)				
1. Nature of authorisation						
Expiry date *:						
☐ Single transfer (Article 9(5))				☐ Multiple transfers - fixed period (Art. 9(6))		
2. Details of operators concerned						
2.1. Recipient applicant *				2.2. Supplier		
Name: Address (headquarters): Telephone: Fax: E-mail: Signature:				Name: Address (headquarters): Telephone: Fax: E-mail:		
2.3. Transport operator(s)						
Name: Address (headquarters): Telephone: Fax: E-mail:		Name: Address (headquarters): Telephone: Fax: E-mail:		Name: Address (headquarters): Telephone: Fax: E-mail:		
3. Full description of the explosives						
UN No *	Class/ division	Trade name *	CE marking (Yes/No)	Factory address	Quantity *	Other relevant information

4. Transfer details				
4.1. Location and calendar:				
Place of departure:		Departure date:		
Place of delivery:		Expected arrival date:		
4.2. General circumstances of the itinerary:				
Member State	Point of entry	Point of exit	Means of transport	
5. Authorisations from the authorities in the Member States of transit including secure identification (e.g. stamp)				
COUNTRY OF ORIGIN	DATE OF AUTHORISATION	AUTHORISATION NUMBER	EXPIRY DATE	
TRANSIT COUNTRIES	DATE OF AUTHORISATION	AUTHORISATION NUMBER	EXPIRY DATE	
6. Authorisation from the authority in the Member State of recipient (including secure identification)				
Date:				
Position in signatory authority:				
(signature) 				

EXPLANATORY NOTES

1. The recipient of the explosives shall complete sections 1 to 4 of the Intra-Community transfer of explosives document and submit that document to the recipient competent authority for approval.
2. In addition to obtaining the approval of the recipient competent authority (section 6), the person responsible for the transfer must notify it to the competent authorities of the transit Member States and Member State of origin, whose approvals are also required (Section 5). Competent authority approvals can either be on the same document or as a collection of separate documents. In all cases the approval must be securely identified.
3. Where the competent authority of a Member State considers that special security requirements are necessary, prior provision of all the information in the document is necessary. If none of the competent authorities involved in the transaction considers that special security requirements are necessary, only the information marked with an asterisk (*) must be provided.
4. In all cases, the document must accompany the explosives until they arrive at their destination.
5. 'Full description of the explosives' means the trade name and/or UN proper shipping name and any other appropriate information to assist in the identification of the items. Where the explosives are not CE marked this should be clearly indicated.
6. 'Quantity' means as appropriate, the number of articles or the net mass of explosives.

COMMISSION DECISION

of 20 April 2004

on the publication of the reference of standard EN 12180:2000 'Non-active surgical implants — Body contouring implants — Specific requirements for mammary implants' in accordance with Council Directive 93/42/EEC

(notified under document number C(2004) 1275)

(Text with EEA relevance)

(2004/389/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/42/EEC of 14 June 1993 on the approximation of the laws of the Member States concerning medical devices ⁽¹⁾, as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ⁽²⁾,

Having regard to the opinion of the Standing Committee set up in accordance with Article 5 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services ⁽³⁾, as amended by Directive 98/48/EC ⁽⁴⁾,

Whereas:

- (1) Article 2 of Directive 93/42/EEC stipulates that medical devices may be placed on the market and put into service only if, when normally used, they do not compromise the safety of persons.
- (2) Pursuant to Article 5 of Directive 93/42/EEC, medical devices are presumed to comply with the essential requirements referred to in Article 3 of that Directive if they conform to the national standards applicable to them transposing the harmonised standards, the reference numbers of which have been published in the *Official Journal of the European Union*.
- (3) Member States are required to publish the reference numbers of national standards transposing harmonised standards, the reference numbers of which have been published in the *Official Journal of the European Union*.
- (4) EN 12180:2000 should be considered in the light of the Commission communication 'Communication from the Commission on Community and national measures in relation to breast implants (COM(2001) 666(01))', on the basis of which the European Commission gave CEN a new standardisation mandate, M/320 'Breast Implants',

aimed at rectifying possible shortcomings of EN 12180:2000. It is considered that there is a need to improve the relationship between EN 12180:2000 and certain essential requirements of Directive 93/42/EEC, to facilitate compliance with clauses 7.1 and 7.5 of the essential requirements which support General Requirements 1, 2 and 4.

- (5) On the basis of the information received in the framework of the consultation of the members of the CEN technical board, CEN has asked the European Commission to withdraw the citation of EN 12180:2000 from the *Official Journal of the European Communities*,

HAS ADOPTED THIS DECISION

Article 1

The reference of standard EN 12180:2000 'Non-active surgical implants — Body contouring implants — Specific requirements for mammary implants', adopted by the European Committee For Standardisation (CEN) and published for the first time in the *Official Journal of the European Communities* of 31 July 2002, shall be withdrawn from the list of standards published in the *Official Journal of the European Communities*. The standard shall not therefore continue to confer the presumption of conformity to the relevant provisions of Directive 93/42/EEC.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 April 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 169, 12.7.1993, p. 1.

⁽²⁾ OJ L 284, 31.10.2003, p. 1.

⁽³⁾ OJ L 204, 21.7.1998, p. 37.

⁽⁴⁾ OJ L 217, 5.8.1998, p. 18.

COMMISSION DECISION
of 23 April 2004
allowing Member States to extend provisional authorisations granted for the new active substance
acetamiprid

(notified under document number C(2004) 1479)

(Text with EEA relevance)

(2004/390/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC, in October 1999 Greece received an application from Nisso Chemical Europe GmbH for the inclusion of the active substance acetamiprid (former name: Exp 60707B) in Annex I to Directive 91/414/EEC. Decision 2000/390/EC ⁽²⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to the Directive.
- (2) Confirmation of the completeness of the dossier was necessary in order to allow it to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods up to three years, for plant protection products containing acetamiprid, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substance and the plant protection product in the light of the requirements laid down by the Directive.
- (3) For acetamiprid, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The rapporteur Member State submitted the draft assessment report to the Commission on 21 March 2001.
- (4) The examination of the dossier is still ongoing after submission of the draft assessment reports by the rapporteur Member State and it will not be possible to complete the evaluation within the timeframe foreseen by Council Directive 91/414/EEC.

- (5) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing acetamiprid for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossier to continue. It is expected that the evaluation and decision-making process with respect to a decision on possible Annex I inclusion for acetamiprid will have been completed within 24 months.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States may extend provisional authorisations for plant protection products containing acetamiprid for a period not exceeding 24 months from the date of adoption of this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 April 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/30/EC (OJ L 77, 13.3.2004, p. 50).

⁽²⁾ OJ L 145, 20.6.2000, p. 36.

COMMISSION DECISION
of 23 April 2004
on the advisory groups dealing with matters covered by the common agricultural policy

(2004/391/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

DECIDES:

Having regard to the Treaty establishing the European Community,

Article 1

Whereas:

1. The following groups are set up under the auspices of the Commission:

- (a) the advisory groups listed in Annex I;
- (b) the working groups as provided for in Article 4 (1).

(1) The Commission should seek the views of socio-economic sectors and consumers on matters arising in connection with the operation of the various common organisations of the market and other areas covered by the common agricultural policy and by the policy of rural development.

2. The advisory groups may be consulted by the Commission on all matters relating to the common agricultural policy and to the policy of rural development and its implementation, and in particular the common organisations of the market and the measures which the Commission is called on to take in that context.

(2) All the economic sectors directly involved in the operation of the market organisations and affected by agricultural policy decisions, as well as consumers, should have an opportunity to participate in drafting the opinions requested by the Commission.

Article 2

1. The groups provided for in Article 1 shall represent the following socio-economic interest groups under the conditions provided for in Article 3:

(3) Relevant socio-economic federations and consumer groups in the Member States have set up organisations at Community level, which are thus in a position to represent those concerned in all the Member States.

- agricultural producers and agricultural cooperatives,
- agricultural and food-manufacturing industries,
- agricultural products and foodstuffs trade,
- farm workers and workers in the food industry, consumers and environmentalists.

(4) An advisory structure dealing with agricultural issues exists since 1962. Following the reform of the common agricultural policy in 1999 and 2003, and in the light of the enlargement of the European Union in 2004, it is necessary to review that structure. Commission Decision 98/235/EC of 11 March 1998 on the advisory groups dealing with matters covered by the common agricultural policy⁽¹⁾ should therefore be repealed and replaced by a new Decision.

In specific cases, other interest groups may be represented.

2. The composition of the advisory groups in terms of number of seats allocated to each socio-economic interest group is set out in Annex II.

(5) In order to avoid confusion with the wording used in Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾ for the advisory committees, it is appropriate not to use the term 'committees' for designating the bodies to be set up by this Decision,

Article 3

1. The Commission shall invite the socio-economic organisations established at Community level and listed in the Commission's register of interest groups (hereinafter referred to as 'the socio-economic organisations') to designate experts. The socio-economic organisations must be those that are most representative of the interests specified in Article 2(1), including the social partners, and their activities must be connected with the common agricultural policy and rural development.

⁽¹⁾ OJ L 88, 24.3.1998, p. 59.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

2. In designating experts, the socio-economic organisations shall endeavour to ensure that the various interests in their sector are represented.

3. The Commission may refuse the expert designated by the socio-economic organisation when this designation does not seem appropriate, notably in the case of a conflict of interest. In such a case, the Commission promptly informs the socio-economic organisation, which as a result designates another expert.

Article 4

1. At the request of an advisory group and in agreement with the Commission, one or more working groups may be set up to examine specific questions. Such groups shall consist of experts in the field designated by the socio-economic organisations. The provisions of Article 3 (3) apply.

2. The Commission shall designate and invite experts to attend meetings of the working groups referred to in paragraph 1 when appropriate.

3. The Commission shall chair the meetings of working groups referred to in paragraph 1.

Article 5

1. After consultation of the Commission, each advisory group at its first meeting, after the date of application of this decision and at its first meeting after the term of two years provided for in paragraph 3, shall elect a chairperson among its experts as follows:

- (a) in the case of the first ballot, by a two thirds majority of the experts present;
- (b) in the case of subsequent ballots, by a simple majority of the experts present; in the event of a tie, the Commission shall provide a chairperson on a temporary basis.

2. Each advisory group at its first meeting shall elect two vice chairpersons, in accordance with the procedure laid down in paragraph 1. The vice chairpersons shall be chosen among the representatives of other socio-economic sectors than the one to which the chairperson belongs, subject to derogations to be provided for by the Commission.

3. The chairperson and the two vice-chairpersons shall serve a term of two years which shall be renewable. The chairperson shall not serve more than two consecutive terms.

4. When choosing a new chairperson, the group should ensure that he/she does not originate from the same socio-economic sector as his/her predecessor.

5. The chairperson is responsible for the compilation in a report of an accurate summary record of the meetings.

The Commission may amend the chairperson's draft report prior to its distribution and subsequent approval by the group.

Article 6

1. Participation in meetings of groups listed in Annex I shall be limited to experts designated by the socio-economic organisations in accordance with Article 3, within the limit of seats allocated to each organisation as set out in Annex II. Commission representatives and persons invited in accordance with paragraphs 3, 4 and 5 of this article may also attend. The chairperson and the two vice-chairpersons attend the meetings as a matter of course.

2. The socio-economic organisations shall inform the Commission about their designation of experts at least three working days before the meeting.

3. At the request of an organisation to which one or more seats in a group are allocated, the chairperson of the group may, in agreement with the Commission, invite the general secretary of that organisation to attend meetings as an observer.

However, if the general secretary of an organisation is unable to attend, he may assign his observer's seat to another person designated by him.

4. Observers in meetings shall not have the right to speak. They may, however, be invited to do so by the chairperson in agreement with the Commission.

5. At the request of an organisation to which one or more seats are allocated, and when the matters on the agenda are of a highly technical nature, the chairperson of a group may, in agreement with the Commission, invite experts other than those referred in paragraph 1 to take part in the deliberations of the group.

The Commission may, on its own initiative, invite any person suitably qualified in one of the subjects on the agenda to take part in the deliberations of the group on that subject as an expert.

Experts invited pursuant to this paragraph shall participate only in the discussion and deliberations on the matter for which they are invited.

6. Travelling expenses incurred by experts in the context of group meetings are refunded by the Commission in accordance with the regulations in force. The Commission reserves the right to derogate from this rule. Experts and observers shall not be remunerated for their services.

Article 7

1. Meetings of groups shall be convened by the Commission and shall generally take place at the Commission's main offices.

2. The Commission provides secretarial services for the groups.

Article 8

The chairperson in cooperation with the Commission, and in consultation with the other interests represented on the group, shall determine the items to be included on the agenda for the advisory groups at least 25 working days before the group meets. The Commission shall send out agendas to the socio-economic organisations as a general rule 20 working-days before the meeting, preferably by electronic means.

The chairperson of each group may propose, on his own initiative or at the request of any of the interest groups represented, that the Commission consult his/her group on any matter within its competence.

Article 9

The advisory groups shall discuss the matters on which the Commission has requested an opinion. When seeking an opinion of a group, the Commission may set a time limit within which the opinion shall be given.

No vote shall take place at the end of the discussion of the advisory groups. If a group reaches unanimous agreement on the opinion to be given, it shall formulate joint conclusions and attach them to the summary report.

The Commission shall communicate the outcome of a group's discussions to the Council if proposed by the group.

Article 10

Without prejudice to Article 287 of the Treaty, where the Commission indicates that the opinion requested or question raised involves a matter of a confidential nature, participants in meetings shall be required not to disclose information which has come to their knowledge through the work of the group in question.

Article 11

Decision 98/235/EC is repealed.

Article 12

This Decision shall apply from 1 May 2004.

Done at Brussels, 23 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

1. ADVISORY GROUP ON COMMON AGRICULTURAL POLICY
 2. ADVISORY GROUP ON CEREALS, OILSEEDS AND PROTEINS
 3. ADVISORY GROUP ON DRIED FODDER
 4. ADVISORY GROUP ON STARCH
 5. ADVISORY GROUP ON SEEDS
 6. ADVISORY GROUP ON SUGAR
 7. ADVISORY GROUP ON RICE
 8. ADVISORY GROUP ON ENERGY AND NON-FOOD CROPS
 9. ADVISORY GROUP ON COTTON
 10. ADVISORY GROUP ON FLAX AND HEMP
 11. ADVISORY GROUP ON MILK
 12. ADVISORY GROUP ON BEEFMEAT
 13. ADVISORY GROUP ON SHEEPMEAT AND GOATMEAT
 14. ADVISORY GROUP ON PIGMEAT
 15. ADVISORY GROUP ON POULTRYMEAT AND EGGS
 16. ADVISORY GROUP ON BEEKEEPING
 17. ADVISORY GROUP ON FRUIT AND VEGETABLES
 18. ADVISORY GROUP ON FLOWERS AND ORNAMENTAL PLANTS
 19. ADVISORY GROUP ON WINE-GROWING
 20. ADVISORY GROUP ON SPIRIT DRINKS
 21. ADVISORY GROUP ON OLIVES AND DERIVED PRODUCTS
 22. ADVISORY GROUP ON TOBACCO
 23. ADVISORY GROUP ON HOPS
 24. ADVISORY GROUP ON FORESTRY AND CORK
 25. ADVISORY GROUP ON THE QUALITY OF AGRICULTURAL PRODUCTION
 26. ADVISORY GROUP ON ORGANIC FARMING
 27. ADVISORY GROUP ON PROMOTION OF AGRICULTURAL PRODUCTS
 28. ADVISORY GROUP ON RURAL DEVELOPMENT
 29. ADVISORY GROUP ON WOMEN IN RURAL AREAS
 30. ADVISORY GROUP ON AGRICULTURE AND ENVIRONMENT
-

ANNEX II

1. ADVISORY GROUP ON THE COMMON AGRICULTURAL POLICY

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	30
Traders	8
Industry	8
Workers	5
Consumers	5
Environmentalists	3
Others	2

2. ADVISORY GROUP ON CEREALS, OILSEEDS AND PROTEIN CROPS

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	25
Traders	8
Industry	8
Workers	1
Consumers	1
Environmentalists	2

3. ADVISORY GROUP ON DRIED FODDER

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	8
Traders	2
Industry	5

4. ADVISORY GROUP ON STARCH

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	6
Traders	3
Industry	6

5. ADVISORY GROUP ON SEEDS

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	11
Traders	4
Industry	4
Workers	1
Consumers	1

6. ADVISORY GROUP ON SUGAR

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	20
Traders	5
Industry	8
Workers	1
Consumers	2
Environmentalists	1

7. ADVISORY GROUP ON RICE

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	8
Traders	5
Industry	4
Environmentalists	1

8. ADVISORY GROUP ON ENERGY AND NON FOOD CROPS

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	17
Traders	5
Industry	6
Workers	1
Consumers	1
Environmentalists	2

9. ADVISORY GROUP ON COTTON

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	8
Traders	3
Industry	4

10. ADVISORY GROUP ON FLAX AND HEMP

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	8
Traders	3
Industry	4

11. ADVISORY GROUP ON MILK

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	22
Traders	6
Industry	8
Workers	1
Consumers	1
Environmentalists	1

12. ADVISORY GROUP ON BEEFMEAT

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	23
Traders	6
Industry	6
Workers	1
Consumers	1
Environmentalists	1

13. ADVISORY GROUP ON SHEEPMEAT AND GOATMEAT

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	22
Traders	5
Industry	4
Workers	1
Environmentalists	1

14. ADVISORY GROUP ON PIGMEAT

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	23
Traders	6
Industry	8
Workers	1
Consumers	1
Environmentalists	1

15. ADVISORY GROUP ON POULTRYMEAT AND EGGS

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	25
Traders	6
Industry	6
Workers	1
Consumers	1

16. ADVISORY GROUP ON BEEKEEPING

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	8
Traders	3
Industry	2

17. ADVISORY GROUP ON FRUIT AND VEGETABLES

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	27
Traders	8
Industry	6
Workers	2
Consumers	2
Environmentalists	2
Others	1

18. ADVISORY GROUP ON FLOWERS AND ORNAMENTAL PLANTS

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	14
Traders	9
Workers	1
Consumers	1
Others	1

19. ADVISORY GROUP ON WINE-GROWING

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	20
Traders	7
Industry	6
Workers	1
Consumers	1
Others	1

20. ADVISORY GROUP ON SPIRIT DRINKS

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	6
Traders	3
Industry	8
Workers	1
Consumers	1

21. ADVISORY GROUP ON OLIVES AND DERIVED PRODUCTS

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	16
Traders	6
Industry	6
Workers	1
Consumers	1
Environmentalists	1

22. ADVISORY GROUP ON TOBACCO

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	14
Traders	6
Industry	6
Workers	1
Consumers	1

23. ADVISORY GROUP ON HOPS

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	12
Traders	7
Industry	5
Workers	1

24. ADVISORY GROUP ON FORESTRY AND CORK

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Producers	28
Traders	2
Industry	11
Workers	3
Consumers	1
Environmentalists	4

25. ADVISORY GROUP ON THE QUALITY OF AGRICULTURAL PRODUCTION

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	14
Traders	4
Industry	4
Workers	2
Consumers	4
Environmentalists	1
Others	4

26. ADVISORY GROUP ON ORGANIC FARMING

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	9
Traders	3
Industry	3
Workers	1
Consumers	3
Environmentalists	1
Others	7

27. ADVISORY GROUP ON PROMOTION OF AGRICULTURAL PRODUCTS

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	15
Traders	7
Industry	5
Consumers	2
Others	1

28. ADVISORY GROUP ON RURAL DEVELOPMENT

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	27
Traders	5
Industry	5
Workers	4
Consumers	3
Environmentalists	6
Others	10

29. ADVISORY GROUP ON WOMEN IN RURAL AREAS

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	7
Traders	1
Industry	1
Workers	1
Consumers	2
Others	2

30. ADVISORY GROUP ON AGRICULTURE AND ENVIRONMENT

INTERESTS REPRESENTED (Article 2 (1))	Seats (Article 2 (2))
Farmers and Agricultural Cooperatives	21
Traders	4
Industry	4
Workers	2
Consumers	2
Environmentalists	8

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

**COUNCIL DECISION 2004/392/CFSP
of 19 May 2003**

concerning the conclusion of the Agreement between the European Union and Romania on the participation of Romania in the European Union-led forces (EUF) in the Former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 27 January 2003, the Council adopted Joint Action 2003/92/CFSP on the European Union Military Operation in the Former Yugoslav Republic of Macedonia (FYROM) ⁽¹⁾.
- (2) Article 8 of that Joint Action provides that the detailed arrangements regarding the participation of third countries are to be the subject of an agreement in conformity with Article 24 of the Treaty.
- (3) Following the Council Decision of 18 March 2003 authorising the Secretary General/High Representative (SG/HR) to open negotiations, the SG/HR negotiated an agreement with Romania on the participation of Romania in the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia.
- (4) This Agreement should be approved,

Article 1

The Agreement between the European Union and Romania on the participation of Romania in the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

Article 3

The Decision shall take effect on the day of its adoption.

Article 4

The Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 19 May 2003.

For the Council

The President

G. PAPANDREOU

⁽¹⁾ OJ L 34, 12.2.2003, p. 26.

AGREEMENT**between the European Union and Romania on the participation of Romania in the European Union-led forces (EUF) in the Former Yugoslav Republic of Macedonia**

THE EUROPEAN UNION,

on the one hand, and

ROMANIA,

on the other hand,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the adoption by the Council of the European Union of Joint Action 2003/92/CFSP of 27 January 2003 on the European Union Military Operation in the Former Yugoslav Republic of Macedonia,
- the invitation to Romania to participate in the EU-led operation,
- the successful completion of the Force Generation process and the recommendation by the Operation Commander and the EU Military Committee to agree on the participation of the Romania forces in the EU-led operation,
- the decision by the Political and Security Committee of 11 March 2003 to accept the contribution of Romania to the EU-led operation,
- the Exchange of Letters between the Government of the Former Yugoslav Republic of Macedonia and the Secretary General/High Representative on the conduct of the operation,
- the Agreement concluded on 21 March 2003 between the EU and the Government of the Former Yugoslav Republic of Macedonia on the status of the EUF and its personnel,

HAVE AGREED AS FOLLOWS:

*Article 1***Framework and definitions**

1. Romania shall associate itself with the provisions of Joint Action 2003/92/CFSP on the European Union-led Forces in the Former Yugoslav Republic of Macedonia, adopted by the Council of the European Union on 27 January 2003, in accordance with the provisions stipulated in the following Articles.

2. For the purpose of this Agreement, the following definitions shall have the meanings hereunder assigned to them:

- (a) 'Operation Concordia' means the European Union Military Operation in the Former Yugoslav Republic of Macedonia established by Joint Action 2003/92/CFSP;
- (b) 'European Union-led Forces' (EUF) means EU military headquarters, constituent national units/elements contributing to Operation Concordia, their assets and their means of transport;
- (c) 'EUF personnel' means the civilian and military personnel assigned to the EUF;
- (d) 'mechanism' means the operational financing mechanism established by Council Decision dated 27 January 2003 to provide for the financing of the common costs of the European Union Military Operation in the Former Yugoslav Republic of Macedonia;

(e) 'participating States' means Member States applying the Joint Action referred to in paragraph 1 above and third countries participating in Operation Concordia by providing forces, personnel or assets;

(f) 'Joint Claims Commission' means the Joint Claims Commission set up pursuant to Article 13 of the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the Former Yugoslav Republic of Macedonia.

*Article 2***Participation in the operation**

1. Romania shall participate in Operation Concordia with a contingent as determined at the Force Generation Conference. If necessary, rotation of seconded personnel shall be ensured.

2. Romania shall ensure that its forces and personnel undertake their mission in conformity with the provisions of Joint Action 2003/92/CFSP, the operation plan and implementing measures.

3. Romania shall inform the EU Operation Commander, the EU Force Commander and the EU military staff of any change to its participation in Operation Concordia.

Article 3

Status

1. The forces and personnel participating in Operation Concordia shall be governed by the Agreement between the European Union and FYROM on the status of the European Union-led forces in FYROM and its implementing arrangements.

2. The status of personnel contributed to headquarters or command elements located outside FYROM shall be governed by arrangements between the headquarters and command elements concerned and Romania.

Article 4

Chain of command

1. The participation of Romania in Operation Concordia is without prejudice to the decision-making autonomy of the European Union.

2. All forces and personnel shall remain under the full command of their national authorities.

3. National authorities shall transfer operational control (OPCON) to the EU Operation Commander. The Operation Commander is entitled to delegate his authority.

4. Romania shall have the same rights and obligations in terms of day-to-day management of Operation Concordia as participating Member States in accordance with Article 8(4) of Joint Action 2003/92/CFSP and the Political and Security Committee Decision FYROM/1/2003 on the establishment of the Committee of Contributors.

5. Romania shall exercise jurisdiction over its personnel. The Operation Commander and the Force Commander may at any time request the withdrawal of Romania personnel.

6. A senior military representative (SMR) shall be appointed by Romania to represent its national contingent in the EUF. The SMR shall consult the EU Force Commander on all matters affecting Operation Concordia and shall be responsible for day-to-day contingent discipline.

Article 5

Classified information

Romania shall take appropriate measures to ensure that, when EU classified information is handled by its personnel, this personnel respects the European Union Council's security regu-

lations, which are contained in Council Decision 2001/264/EC⁽¹⁾, and further guidance that may be issued by the Operation Commander.

Article 6

Financial aspects

1. Without prejudice to Article 7, Romania shall assume all the costs associated with its participation in Operation Concordia unless the costs are subject to common funding as set out in the operational budget of the operation.

2. In cases where the Joint Claims Commission decides to grant damages to natural or legal persons from FYROM, Romania shall pay for these damages if death, injury, damage or loss are caused by its personnel or its assets, unless the mechanism, in accordance with Article 9(3) of the Council Decision of 27 January 2003 establishing the mechanism, decides to pay for those damages.

Article 7

Contributions to the common costs

1. Romania shall contribute to the common costs of the Operation an amount of EUR 36 603,50 per six months.

2. An arrangement shall be concluded between the administrator of the mechanism, established by the Council Decision of 27 January 2003 to provide for the financing of the common costs of the operation, and the competent administrative authorities of Romania. This arrangement shall include provisions on:

- (a) the arrangements for payment and management of the financial contribution;
- (b) the verification arrangements covering control and audit of the financial contribution, where appropriate.

3. The contributions of Romania to the common costs of Operation Concordia shall be deposited by Romania in the bank account which shall be indicated to that State by the administrator of the mechanism.

Article 8

Non-compliance

Should one of the participating Parties fail to comply with its essential obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a one-month notice.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 9***Entry into force**

This Agreement shall enter into force upon signature.

It shall remain in force for the duration of the contribution of Romania to the operation.

Done at Brussels, **07 -11- 2003**, in the English language in four copies.

For the European Union

A handwritten signature in black ink, appearing to be 'J. Durieux', written over a horizontal line.

For Romania

A handwritten signature in black ink, appearing to be 'Corneliu', written over a horizontal line.

CORRIGENDA**Corrigendum to Commission recommendation 2004/345/EC of 6 April 2004 on enforcement in the field of road safety**

(Official Journal of the European Union L 111 of 17 April 2004)

In the contents on the cover, on page 75 in the title and on page 77 above the signature:

for: '6 April 2004'.

read: '21 October 2003'.

and at the conclusion of the title (*) is added and the following text is placed at the foot of the page:

'(*) See the Communication from the Commission concerning the Commission recommendation of 21 October 2003 on enforcement in the field of road safety (OJ C 93, 17.4.2004, p. 5).'
