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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1404/2004
of 2 August 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 August 2004.

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

Done at Brussels, 2 August 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 Commission Regulation of 2 August 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	62,9
	999	62,9
0707 00 05	052	44,5
	999	44,5
0709 90 70	052	74,9
	999	74,9
0805 50 10	382	52,7
	388	55,1
	508	46,6
	512	41,3
	520	45,9
	524	26,4
	528	55,4
0806 10 10	999	46,2
	052	128,6
	204	125,9
	220	102,5
	624	109,4
	999	116,6
0808 10 20, 0808 10 50, 0808 10 90	388	96,7
	400	110,9
	404	128,6
	508	77,4
	512	88,6
	528	90,8
	720	68,9
	800	124,8
	804	92,8
0808 20 50	999	97,7
	052	143,2
	388	90,7
	512	88,2
	528	46,7
	804	125,4
0809 20 95	999	98,8
	052	311,7
	400	295,0
	404	323,2
0809 30 10, 0809 30 90	999	310,0
	052	148,4
	999	148,4
0809 40 05	093	46,3
	094	37,5
	512	91,6
	624	174,8
	999	87,6

⁽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 1405/2004**of 2 August 2004****providing for the rejection of applications for export licences for certain milk products**

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 market in milk and milk products ⁽¹⁾,

Having regard to Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽²⁾, and in particular Article 10(3) thereof,

Whereas:

Uncertainty is a feature of the market in certain milk products. It is necessary to prevent speculative applications that may lead to a distortion in competition between traders. Applications for export licences for the products concerned should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences for milk products falling within CN code 0406, made on 28 July 2004 shall be rejected.

Article 2

This Regulation shall enter into force on 3 August 2004.

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

Done at Brussels, 2 August 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1948/2003 (OJ L 287, 5.11.2003, p. 13).

COMMISSION REGULATION (EC) No 1406/2004**of 2 August 2004****setting the exchange rate applicable to certain direct aid with an operative event on 1 July 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽¹⁾,

Having regard to Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽²⁾, and in particular the second sentence of Article 4(3) thereof,

Whereas:

- (1) In accordance with Article 4(1) of Regulation (EC) No 2808/98, the operative event for the exchange rate applicable to aid per hectare should be the commencement of the marketing year in respect of which the aid is granted. For the arable crop area payments provided for in Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽³⁾, for the grain legume aid provided for in Council Regulation (EC) No 1577/96 of 30 July 1996 introducing a specific measure in respect of certain grain legumes ⁽⁴⁾, and for the specific quality premium for durum wheat, the protein crop premium and the dairy premium provided for in Chapters 1, 2 and 7 respectively of Title IV of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ⁽⁵⁾, the operative event for the exchange rate should therefore be 1 July 2004.

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 349, 24.12.1998, p. 36. Regulation as last amended by Regulation (EC) No 1250/2004 (OJ L 237, 8.7.2004, p. 13).

⁽³⁾ OJ L 160, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽⁴⁾ OJ L 206, 16.8.1996, p. 4. Regulation as last amended by the 2003 Act of Accession.

⁽⁵⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 864/2004 (OJ L 161, 30.4.2004, p. 48).

- (2) In accordance with Article 4(3) of Regulation (EC) No 2808/98, the exchange rate to be used for aid per hectare should be the average of the exchange rates applicable during the month preceding the date of the operative event, calculated *pro rata temporis*.

- (3) Article 1 of Commission Regulation (EEC) No 1793/93 of 30 June 1993 regarding the operative event for the agricultural conversion rates used in the hops sector ⁽⁶⁾ provides that the exchange rate to be applied for the purposes of the aid for hops provided for in Article 12 of Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organisation of the market in hops ⁽⁷⁾ should be the average of the exchange rates applicable during the month before 1 July of the year of harvest, calculated *pro rata temporis*.

- (4) The exchange rates to be applied for the aid in question should therefore be set according to the average of the exchange rates applicable during June 2004, calculated *pro rata temporis*,

HAS ADOPTED THIS REGULATION:

Article 1

The exchange rates given in the Annex shall apply to the following amounts whose operative event is 1 July 2004:

- (a) the arable crop area payments provided for in Regulation (EC) No 1251/1999;
- (b) the grain legume aid provided for in Regulation (EC) No 1577/96;
- (c) the specific quality premium for durum wheat provided for in Chapter 1 of Title IV of Regulation (EC) No 1782/2003;

⁽⁶⁾ OJ L 163, 6.7.1993, p. 22. Regulation as last amended by Regulation (EC) No 1410/1999 (OJ L 164, 30.6.1999, p. 53).

⁽⁷⁾ OJ L 175, 4.8.1971, p. 1. Regulation as last amended by Regulation (EC) No 2320/2003 (OJ L 345, 31.12.2003, p. 18).

(d) the protein crop premium provided for in Chapter 2 of Title IV of Regulation (EC) No 1782/2003;

(f) the aid for hops provided for in Article 12 of Regulation (EEC) No 1696/71.

Article 2

(e) the dairy premium and additional payment provided for in Chapter 7 of Title IV of Regulation (EC) No 1782/2003;

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

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

Done at Brussels, 2 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Exchange rates referred to in Article 1

1 euro = (average 1.6.2004 to 30.6.2004)

7,43413	Danish krone
0,663323	Pound sterling
0,425237	Maltese lira
239,318	Slovenian tolar
9,14321	Swedish krona

COMMISSION REGULATION (EC) No 1407/2004**of 2 August 2004****fixing the exchange rate applicable in 2004 to the single area payment scheme in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Poland and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2199/2003 of 16 December 2003 laying down transitional measures for the application in respect of the year 2004 of Council Regulation (EC) No 1259/1999 as regards the single area payment scheme for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia⁽¹⁾, and in particular the third sentence of Article 2 thereof,

Whereas:

- (1) Pursuant to Article 143b of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽²⁾, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Poland and Slovakia have decided to replace direct payments by a single area payment.

- (2) In accordance with Article 2 of Regulation (EC) No 2199/2003, the operative event for the conversion of the amount to be granted, in 2004, under the single area payment scheme is 1 July 2004. The exchange rate to be used is the average of the exchange rates applicable during the period from 1 January to 30 June 2004, calculated *pro rata temporis*.

- (3) The exchange rate should be fixed therefore for Member States which have decided to apply the single area payment in 2004,

HAS ADOPTED THIS REGULATION:

Article 1

For 2004, the exchange rates in the Annex shall apply in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Poland and Slovakia to the amount to be granted under the single area payment scheme provided for in Article 143b of Regulation (EC) No 1782/2003.

Article 2

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

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

Done at Brussels, 2 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 328, 17.12.2003, p. 21. Regulation as amended by Regulation (EC) No 1111/2004 (OJ L 213, 15.6.2004, p. 3).

⁽²⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 864/2004 (OJ L 161, 30.4.2004, p. 48).

ANNEX

Exchange rates referred to in Article 1

1 euro = (average 1.1.2004-30.6.2004)

0,585539	Cyprus pound
32,4485	Czech koruna
15,6466	Estonian kroon
256,237	Hungarian forint
3,4529	Lithuanian litas
0,660405	Latvian lats
4,73521	Polish zloty
40,3374	Slovak koruna

COMMISSION REGULATION (EC) No 1408/2004

of 2 August 2004

initiating a 'new exporter' review of Council Regulation (EC) No 2605/2000 imposing definitive anti-dumping duties on imports of certain electronic weighing scales (REWS) originating, *inter alia*, in the People's Republic of China, repealing the duty with regard to imports from two exporters in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

D. GROUNDS FOR THE REVIEW

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96⁽¹⁾ of 22 December 1995 on protection against dumped imports from countries not members of the European Community (the basic Regulation) and in particular Article 11(4),

After consulting the Advisory Committee,

Whereas:

A. REQUESTS FOR A REVIEW

- (1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The application was lodged by two related companies, Shanghai Excell M & E Enterprise Co., Ltd and Shanghai Adepteck Precision Co., Ltd (the applicant). The applicant is an exporting producer in the People's Republic of China (the country concerned).

B. PRODUCT

- (2) The product under review is electronic weighing scales having a maximum weighing capacity not exceeding 30 kg, for use in the retail trade, which incorporate a digital display of the weight, unit price and price to be paid (whether or not including a means of printing this data) originating in the country concerned (the product concerned), normally declared within CN code 8423 81 50. This CN code is given only for information.

C. EXISTING MEASURES

- (3) The measures currently in force are definitive *anti-dumping* duties imposed by Council Regulation (EC) No 2605/2000⁽²⁾ under which imports into the Community of the product concerned originating in the People's Republic of China, and produced by the applicant, are subject to definitive *anti-dumping* duties of 30,7 % with the exception of several companies expressly mentioned which are subject to individual duty rates.

- (4) The applicant alleges that it operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation, that it did not export the product concerned to the Community during the period of investigation on which the investigation leading to the *anti-dumping* measures was based, i.e. the period from 1 September 1998 to 31 August 1999 (the original investigation period) and that it is not related to any of the exporting producers of the product concerned which are subject to the abovementioned *anti-dumping* measures.

- (5) The applicant further alleges that it has begun exporting the product concerned to the Community after the end of the original investigation period.

E. PROCEDURE

- (6) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment. No comments have been received.

- (7) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a 'new exporter' review, pursuant to Article 11(4) of the basic Regulation, with a view to determine whether the applicant operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation or alternatively whether the applicant fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation and, if so, the applicant's individual margin of *dumping* and, should *dumping* be found, the level of the duty to which its imports of the product concerned into the Community should be subject.

(a) Questionnaires

- (8) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the applicant.

(b) Collection of information and holding of hearings

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

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

⁽²⁾ OJ L 301, 30.11.2000, p. 42.

(c) *Market economy status*

- (10) In the event that the applicant provides sufficient evidence that it operates under market economy conditions, i.e. that it meets the criteria laid down in Article 2(7)(c) of the basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the basic Regulation. For this purpose, duly substantiated claims must be submitted within the specific time limit set in Article 4(3) of this Regulation. The Commission will send claim forms to the applicant, as well as to the authorities of the People's Republic of China.

(d) *Selection of the market economy country*

- (11) In the event that the applicant is not granted market economy status but fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation, an appropriate market economy country will be used for the purpose of establishing normal value in respect of the People's Republic of China in accordance with Article 2(7)(a) of the basic Regulation. The Commission envisages using Indonesia again for this purpose as was done in the investigation which led to the imposition of measures on imports of the product concerned from the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in Article 4(2) of this Regulation.
- (12) Furthermore, in the event that the applicant is granted market economy status, the Commission may, if necessary, also use findings concerning the normal value established in an appropriate market-economy country, e.g. for the purpose of replacing any unreliable cost or price elements in the People's Republic of China which are needed in establishing the normal value, if reliable required data are not available in the People's Republic of China. The Commission envisages using Indonesia also for this purpose.

F. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

- (13) Pursuant to Article 11(4) of the basic Regulation, the *anti-dumping* duties in force should be repealed with regard to imports of the product concerned which are produced by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that, should the review result in a determination of dumping in respect of the applicant, *anti-dumping* duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the proceeding.

G. TIME LIMITS

- (14) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital (8) of this Regulation or provide any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission,
 - interested parties may comment on the appropriateness of Indonesia which, in the event that the applicant will not be granted market economy status, is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China,
 - the applicant should submit duly substantiated claims for market economy status.

H. NON-COOPERATION

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

HAS ADOPTED THIS REGULATION:

Article 1

A review of Council Regulation (EC) No 2605/2000 is hereby initiated pursuant to Article 11(4) of Council Regulation (EC) No 384/96 in order to determine if and to what extent the imports of electronic weighing scales having a maximum weighing capacity not exceeding 30 kg, for use in the retail trade, which incorporate a digital display of the weight, unit price and price to be paid (whether or not including a means of printing this data) falling within CN code ex 8423 81 50 (TARIC code 8423 81 50 10) originating in the People's Republic of China, produced by Shanghai Excell M&E Enterprise Co., Ltd and Shanghai Adepteck Precision Co., Ltd should be subject to the *anti-dumping* duties imposed by Council Regulation (EC) No 2605/2000.

Article 2

The *anti-dumping* duties imposed by Council Regulation (EC) No 2605/2000 are hereby repealed with regard to the imports identified in Article 1 of the present Regulation (TARIC additional code A561).

Article 3

The customs authorities are hereby directed, pursuant to Article 14(5) of Council Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1 of this Regulation. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

1. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information, unless otherwise specified, within 40 days of the entry into force of this Regulation. Attention is drawn to the fact that the exercise of most procedural rights set out in Council Regulation (EC) No 384/96 depends on the party's making itself known within the aforementioned period.

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

2. Parties to the investigation may wish to comment on the appropriateness of Indonesia which is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China. These comments

must reach the Commission within 10 days of the entry into force of this Regulation.

3. Duly substantiated claims for market economy status must reach the Commission within 15 days of the entry into force of this Regulation.

4. All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax, and/or telex numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited⁽¹⁾' and, in accordance with Article 19(2) of Council Regulation (EC) No 384/96, shall be accompanied by a non-confidential version, which will be labelled 'FOR INSPECTION BY INTERESTED PARTIES'.

Any information relating to the matter and/or any request for a hearing should be sent to the following address:

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

Article 5

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, 2 August 2004.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996, p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

COMMISSION REGULATION (EC) No 1409/2004**of 2 August 2004****amending Regulation (EC) No 1159/2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular Articles 22(2), 26(1), 38(6), 39(6), and the second paragraph of Article 41 thereof,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations⁽²⁾, and in particular Article 1 thereof,

Whereas:

- (1) The experience gained in the initial months of applying Commission Regulation (EC) No 1159/2003⁽³⁾ suggests that improvements should be made to the common management rules laid down by that Regulation.
- (2) In order to ensure compliance under better conditions with the requirements of Protocol 3 on ACP (African, Caribbean and Pacific States) sugar attached to Annex V to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000⁽⁴⁾ and the Agreement between the European Economic Community and the Republic of India on cane sugar⁽⁵⁾, the provisions on the rate of the security linked to the licences and on the starting date of the delivery period must be amended.
- (3) In order to manage effectively imports under the quotas or agreements in question, a mechanism must be introduced to encourage operators to return unused licences to the issuer quickly, so that unused quantities can be reutilised.

(4) Provision must also be made for weekly measures that enable the Commission to compile data on the licences issued and to inform the Member States and operators concerned of the situation regarding each quota and delivery obligation.

(5) Regulation (EC) No 1159/2003 should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1159/2003 is hereby amended as follows:

1. in Article 2 the following point (k) is added:

‘(k) “working day”, a working day at the Commission’;

2. Article 4 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The security for the licences shall be, per 100 kg of the quantity of sugar shown in box 17 of the licence,

— 0,30 EUR for special preferential sugar and CXL concessions sugar,

— 2 EUR for preferential ACP-India sugar.’;

(b) in paragraph 3, the second subparagraph is replaced by the following:

‘Notwithstanding the first subparagraph, where the limit on the quantity of ACP-India preferential sugar that must be delivered in a given delivery period is reached in relation to one of the exporting countries, the period during which import licence applications for the subsequent delivery period may be presented in relation to that country shall start eight weeks before the first day of the marketing year concerned.’;

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

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as amended by Regulation (EC) No 96/2004 (OJ L 15, 22.1.2004, p. 3).

⁽⁴⁾ OJ L 317, 15.12.2000, p. 3.

⁽⁵⁾ OJ L 190, 23.7.1975, p. 36.

(c) the following paragraphs 5 and 6 are added:

‘5. By way of derogation from Article 35(2) of Regulation (EC) No 1291/2000:

(a) if the licence is returned to the issuing body in the first 60 days of its validity, the security forfeit shall be reduced by 50 %;

(b) if the licence is returned to the issuing body between the 61st day of its validity and the 15th day following the end of its validity, the security forfeit shall be reduced by 25 %.

6. Notwithstanding the quantity limitations on delivery obligations laid down in Article 9 and on quotas as laid down in Articles 16 and 22, the quantities set out in the licences returned in accordance with paragraph 5 may be reallocated. When notifying the weekly quantity referred to in Article 5(1), the Member States shall simultaneously notify the Commission of the quantities for which licences have been returned since the date of their previous notification to this effect.’

3. Article 5 is replaced by the following:

‘Article 5

1. Import licence applications may be presented each week from Monday to Friday. The application must indicate the marketing year or delivery period to which it relates. No later than the first working day of the following week Member States shall notify the Commission of the quantities of white sugar or raw sugar, where necessary expressed as white sugar equivalent, for which import licence applications have been presented during the preceding week, giving the marketing year concerned together with the quantities for each country of origin.

2. The Commission shall draw up a weekly total of the quantities for which import licence applications have been presented.

3. Where licence applications exceed the quantity of the delivery obligation by country concerned referred to in Article 9 in the case of ACP-India preferential sugar, or the quota concerned in the case of special preferential sugar or CXL concessions sugar, the Commission shall limit the issue of licences for which applications are presented in proportion to the quantity available and shall inform the Member States that the limit concerned has been reached.

4. Where the total referred to in paragraph 2 indicates that quantities of sugar are still available for the delivery obligations in respect of ACP-India preferential sugar or for the quotas in the case of special preferential sugar or CXL concessions sugar, in respect of which the limit was already reached, the Commission shall inform the Member States that the limit in question has not been reached.

5. Licences shall be issued on the third working day following the notification referred to in paragraph 1, unless the Commission has taken the measures referred to in paragraph 3 beforehand.

6. Along with the notification referred to in paragraph 1, the Member States shall inform the Commission, in the case of each individual quota or delivery obligation and each country of origin, of the quantities of sugar for which import licences have been issued in the preceding week.’

4. Article 7(1)(a) is deleted.

Article 2

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

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

Done at Brussels, 2 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1410/2004**of 2 August 2004****amending Regulation (EC) No 1185/2004 opening a standing invitation to tender for the export of rye held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1185/2004 ⁽²⁾ opens a standing invitation to tender for the export of 1 000 000 tonnes of rye held by the German intervention agency.
- (2) As the invitation to tender has been opened for exports to all third countries, the procedure for releasing the export security should be simplified.
- (3) In the current market situation the standing invitation to tender should be amended to take account of the oldest lots available.

(4) Regulation (EC) No 1185/2004 should be amended as a result.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1185/2004 is hereby amended as follows:

1. Article 8(2), second and third paragraphs, and Article 8(3) are deleted.
2. Annex I is replaced by the text in the Annex to this Regulation.

Article 2

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

Point 1 of Article 1 shall apply from 1 July 2004.

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

Done at Brussels, 2 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 271, 21.10.2003, p. 78.

⁽²⁾ OJ L 227, 26.6.2004, p. 11.

ANNEX

'ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/Niedersachsen/Bremen/Mecklenburg-Vorpommern	179 979
Berlin/Brandenburg/Sachsen-Anhalt/Sachsen/Thüringen	820 016
	999 995'

COMMISSION REGULATION (EC) No 1411/2004

of 2 August 2004

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan,

Morocco and the West Bank and the Gaza Strip⁽²⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 3 August 2004.

It shall apply from 4 to 17 August 2004.

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

Done at Brussels, 2 August 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

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

⁽²⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

ANNEX

to the Commission Regulation of 2 August 2004 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 4 to 17 August 2004

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	14,24	13,02	17,64	9,16
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	—	—
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 July 2004

establishing Regional Advisory Councils under the Common Fisheries Policy

(2004/585/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Commission,

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

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

Whereas:

(1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁽³⁾ and in particular Articles 31 and 32 thereof, provides for new forms of participation by stakeholders in the Common Fisheries Policy through the establishment of Regional Advisory Councils.

(2) A consistent approach to the establishment of Regional Advisory Councils requires that they correspond to management units based on biological criteria and that they are limited in number in order to offer meaningful advice and for practical reasons.

(3) Since Regional Advisory Councils are stakeholder-led organisations, they should adapt their structure to the specific characteristics of the fisheries and regions concerned. Nevertheless, a general framework is necessary for the establishment of the Regional Advisory Councils.

(4) In the interests of efficiency, it is necessary to limit the size of Regional Advisory Councils whilst ensuring that they include all the interests affected by the Common Fisheries Policy and while recognising the primacy of fishing interests given the effects on them of management decisions and policies.

(5) In order to ensure consistency on issues of common interest to more than one Regional Advisory Council, it is essential to establish links between the different Regional Advisory Councils.

(6) In view of the tasks of the Advisory Committee on Fisheries and Aquaculture renewed by Commission Decision 1999/478/EC⁽⁴⁾, which is composed of representatives of a wide range of European organisations and interests, the work of the Regional Advisory Councils should be coordinated with that of the said Committee, to which they should also send their reports.

(7) In order to ensure the effective establishment of the Regional Advisory Councils, it is essential that public funds contribute to their costs in the start-up phase and to interpretation and translation costs.

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

⁽²⁾ Opinion delivered on 26 February 2004 (not published in the Official Journal).

⁽³⁾ OJ L 358, 31.12.2002, p. 59. Regulation as last amended by Regulation (EC) No 1242/2004 (OJ L 236, 7.7.2004, p. 1).

⁽⁴⁾ OJ L 187, 20.7.1999, p. 70.

- (8) A financial reference amount, within the meaning of point 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure⁽¹⁾, is included in this Decision for the entire duration of the financing provisions, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Decision the following definitions shall apply:

1. 'Member State concerned' shall mean a Member State having a fishing interest in the area or fisheries covered by a Regional Advisory Council;
2. 'Fisheries sector' shall mean the catching sub-sector, including shipowners, small-scale fishermen, employed fishermen, producer organisations as well as, amongst others, processors, traders and other market organisations and women's networks;
3. 'Other interest groups' shall mean, amongst others, environmental organisations and groups, aquaculture producers, consumers and recreational or sport fishermen.

Article 2

Establishment of Regional Advisory Councils

1. A Regional Advisory Council is established for each of the following:

- (a) the Baltic Sea;
- (b) the Mediterranean Sea;
- (c) the North Sea;
- (d) north-western waters;
- (e) south-western waters;
- (f) pelagic stocks;
- (g) high seas/long distance fleet.

2. The geographical areas covered by each Regional Advisory Council are set out in Annex I. Each Regional Advisory Council may create subdivisions to deal with issues that cover specific fisheries and biological regions.

Article 3

Procedure

1. Representatives of the fisheries sector and other interest groups with an interest in one of the Regional Advisory

Councils shall submit a request concerning the operation of that Regional Advisory Council to the Member States concerned and to the Commission. The request shall be compatible with the objectives, principles and guidelines of the Common Fisheries Policy as set out in Regulation (EC) No 2371/2002 and shall include:

- (a) a statement of objectives;
- (b) operating principles;
- (c) initial rules of procedure;
- (d) the budget estimate;
- (e) a provisional list of organisations.

2. The Member States concerned shall determine whether the application is representative and in accordance with the provisions laid down in this Decision, if necessary following discussions with stakeholder interests, and shall, by common agreement, transmit a recommendation to the Commission on that Regional Advisory Council.

3. After evaluation of the recommendation and possible amendments to the request, the Commission shall adopt a decision as soon as possible and in any event shall aim to adopt it at the latest within three months, specifying the date from which the Regional Advisory Council shall become operational. The decision shall be published in the *Official Journal of the European Union*.

Article 4

Structure

1. Each Regional Advisory Council shall consist of a general assembly and an executive committee.

2. The general assembly shall meet at least once a year to approve the annual report and the annual strategic plan drawn up by the executive committee.

3. The general assembly shall appoint an executive committee of up to 24 members. The executive committee shall manage the work of the Regional Advisory Council and adopt its recommendations.

Article 5

Membership

1. The Regional Advisory Councils shall be composed of representatives from the fisheries sector and other interest groups affected by the Common Fisheries Policy.

2. European and national organisations representing the fisheries sector and other interest groups may propose members to the Member States concerned. These Member States shall agree on the members of the general assembly.

⁽¹⁾ OJ C 172, 18.6.1999, p. 1. Agreement as last amended by Decision of the European Parliament and of the Council 2003/429/EC (OJ L 147, 14.6.2003, p. 25).

3. In the general assembly and executive committee, two thirds of the seats shall be allotted to representatives of the fisheries sector and one third to representatives of the other interest groups affected by the Common Fisheries Policy.

4. At least one representative of the catching subsector from each Member State concerned shall be represented in the executive committee.

Article 6

Participation by non-members

1. Scientists from institutes of the Member States concerned or international bodies shall be invited to participate as experts in the work of the Regional Advisory Councils. Any other qualified scientist may also be invited.

2. The Commission and national and regional administrations of the Member States concerned shall have the right to participate at any meeting of a Regional Advisory Council as active observers.

3. A representative of the Advisory Committee on Fisheries and Aquaculture shall have the right to participate at any meeting of a Regional Advisory Council as an active observer.

4. Representatives of the fisheries sector and other interest groups from third countries, including representatives from Regional Fisheries Organisations, that have a fishing interest in the area or fisheries covered by a Regional Advisory Council may be invited to participate in that Regional Advisory Council as active observers when issues which affect them are discussed.

5. The meetings of the general assembly shall be open to the public. The meetings of the executive committee shall be open to the public unless, in exceptional cases, decided otherwise by a majority of the executive committee.

Article 7

Functioning

1. Regional Advisory Councils shall adopt the measures necessary for their organisation including, as appropriate, a secretariat and working groups.

2. Regional Advisory Councils shall adopt the necessary measures to ensure transparency in all stages of their decision-making process. Recommendations adopted by the executive committee shall be made available immediately to the general assembly, the Commission, Member States concerned and, upon request, to any member of the public.

3. The members of the executive committee shall, where possible, adopt recommendations by consensus. If no consensus can be reached, dissenting opinions expressed by

members shall be recorded in the recommendations adopted by the majority of the members present and voting. Upon receipt in writing of the recommendations, the Commission and, where relevant, the Member States concerned shall reply precisely to them within a reasonable time period and, at the latest, within three months.

4. Each Regional Advisory Council shall designate a chairperson by consensus. The chairperson shall act impartially.

5. The Member States concerned shall provide the appropriate support, including logistical help, to facilitate the functioning of a Regional Advisory Council.

Article 8

Coordination between Regional Advisory Councils

If an issue is of common interest to two or more Regional Advisory Councils, they shall coordinate their positions with a view to adopting joint recommendations on that issue.

Article 9

Financing

1. A Regional Advisory Council which has acquired a legal personality may apply for Community financial aid.

2. Community start-up aid may be granted for the operating expenditure of a Regional Advisory Council during its first five years in accordance with the conditions set out in Annex II, Part 1.

3. Community aid may be granted for the interpretation and translation costs of the meetings of the Regional Advisory Councils as set out in Annex II Part 2.

4. The financial reference amount for the implementation of this action for the period 2004 to 2011 shall be EUR 7 596 000. For the period following 31 December 2006, the amount shall be deemed to be confirmed if it is consistent for this phase with the financial perspectives in force for the period commencing in 2007. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 10

Annual report and audit

1. Each Regional Advisory Council shall transmit an annual report of its activities to the Commission, the Member States concerned and the Advisory Committee on Fisheries and Aquaculture before 31 March of the year following the year covered by the report.

2. The Commission or the Court of Auditors may, at any time, arrange for an audit to be carried out either by an outside body of its choice or by the Commission or the Court of Auditors departments themselves.

3. Each Regional Advisory Council shall appoint a certified auditor for the period during which it benefits from Community funds.

Article 11

Review

Three years following the date on which the last Regional Advisory Council becomes operational, or, at the latest by 30 June 2007, the Commission shall report to the European

Parliament and the Council on the implementation of this Decision and the functioning of the Regional Advisory Councils.

Article 12

Entry into force

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

Done at Brussels, 19 July 2004.

For the Council

The President

C. VEERMAN

ANNEX I

Regional Advisory Councils referred to in Article 2

Name of the Regional Advisory Council	ICES areas, CECAF divisions ⁽¹⁾ and General Fisheries Commission for the Mediterranean
Baltic Sea	IIIb, IIIc and IIId
Mediterranean Sea	Maritime Waters of the Mediterranean of the East of line 5°36' West
North Sea	IV, IIIa
North Western waters	V (excluding Va and only EC waters in Vb), VI, VII
South Western waters	VIII, IX and X (waters around Azores), and CECAF divisions 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands)
Pelagic stocks (blue whiting, mackerel, horse mackerel, herring)	All areas (excluding the Baltic Sea and the Mediterranean Sea)
High seas/long distance fleet	All non EC-waters

⁽¹⁾ For the purposes of this Decision, ICES areas are as defined in Regulation (EEC) No 3880/91 (OJ L 365, 31.12.1991, p. 1), Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1) and CECAF Divisions are as defined in Regulation (EC) No 2597/95 (OJ L 270, 13.11.1995, p. 1). Regulation as last amended by Regulation (EC) No 1882/2003.

ANNEX II

Costs incurred by the Regional Advisory Councils

Part 1

Contribution towards the start-up costs of the Regional Advisory Councils (RACs)

The Community will contribute part of the operating costs from the year of their establishment for a maximum of five years. The amount allocated to each RAC for operating costs will not exceed 90 % of its operating budget and may not exceed 200 000 EUR in the first year. In the four following years, the maximum financial contribution will be degressive⁽¹⁾ and depend on the budget available. The Commission will conclude with each RAC and for each year an 'operating grant agreement' which will set the precise terms and conditions and the procedure for the grant of financing. Only the actual expenses will be subject to the Community contribution, which will be granted on condition that the other sources of financing have been allocated.

The eligible costs will consist of the costs necessary to ensure the normal operation of the RACs and enable them to pursue their aims.

The following direct costs will be eligible:

- personnel expenses (cost of personnel per day of work on the project),
- new or used equipment,
- materials and supplies,
- dissemination of information to members,
- travel and accommodation expenses of experts attending RAC meetings (based on scales or rules laid down by the Commission departments),
- audits,
- a contingency reserve of not more than 5 % of eligible direct costs.

Part 2

Interpretation and translation costs

The Commission will conclude with each RAC and for each year an action grant agreement of up to 50 000 EUR which will set the precise terms and conditions and the procedure for the grant of financing.

⁽¹⁾ First year: 200 000 EUR (90 %), second year: 165 000 EUR (75 %), third year: 132 000 EUR (60 %), fourth year: 121 000 EUR (55 %), fifth year: 110 000 EUR (50 %).

Information concerning the date of entry into force of Council Regulation (EC) No 1992/2003, Commission Regulation (EC) No 781/2004 and Commission Regulation (EC) No 782/2004

The Protocol relating to the Madrid Agreement concerning the international registration of marks, adopted at Madrid on 27 June 1989, will enter into force with respect to the European Community on 1 October 2004. Consequently, the following Regulations will also enter into force on 1 October 2004:

- Council Regulation (EC) No 1992/2003 of 27 October 2003 amending Regulation (EC) No 40/94 on the Community trade mark to give effect to the accession of the European Community to the Protocol relating to the Madrid Agreement concerning the international registration of marks adopted at Madrid on 27 June 1989 ⁽¹⁾,
 - Commission Regulation (EC) No 781/2004 of 26 April 2004 amending Commission Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) ⁽²⁾,
 - Commission Regulation (EC) No 782/2004 of 26 April 2004 amending Regulation (EC) No 2868/95 following the accession of the European Community to the Madrid Protocol ⁽³⁾.
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⁽¹⁾ OJ L 296, 14.11.2003, p. 1.

⁽²⁾ OJ L 123, 27.4.2004, p. 85.

⁽³⁾ OJ L 123, 27.4.2004, p. 88.