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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1412/2004**of 3 August 2004****amending Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Common Position 2004/553/CFSP of 19 July 2004 amending Common Position 2003/495/CFSP on Iraq⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) In line with Resolution 1483(2003) of the UN Security Council, Regulation (EC) No 1210/2003⁽²⁾ grants certain immunities from legal proceedings and enforcement measures to certain Iraqi funds and commodities which will apply until 31 December 2007.
- (2) Resolution 1546(2004) of the UN Security Council provides that the immunities applicable to Iraq's export of petroleum and to the Development Fund for Iraq are not to apply to final judgments arising out of contractual obligations entered into by Iraq after 30 June 2004.

(3) On 28 June 2004 the Coalition Provisional Authority ceased to exist and Iraq reasserted its full sovereignty.

(4) Common Position 2004/553/CFSP amends the corresponding provision of Common Position 2003/495/CFSP on Iraq to bring it into line with Resolution 1546(2004).

(5) Regulation (EC) No 1210/2003 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph shall be added to Article 10 of Regulation (EC) No 1210/2003:

‘3. Paragraph 1(a), (b) and (d) shall not apply to legal proceedings concerning any contractual obligation entered into by Iraq, including in particular its Interim Government, the Central Bank of Iraq and the Development Fund for Iraq, after 30 June 2004 nor to any final judgement arising out of such a contractual obligation.’

Article 2

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, 3 August 2004.

For the Council
The President
B. BOT

⁽¹⁾ OJ L 246, 20.7.2004, p. 32.

⁽²⁾ OJ L 169, 8.7.2003, p. 6. Regulation as last amended by Commission Regulation (EC) No 1086/2004 (OJ L 207, 10.6.2004, p. 10).

COMMISSION REGULATION (EC) No 1413/2004**of 3 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 4 August 2004.

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

Done at Brussels, 3 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 3 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
0707 00 05	052	44,5
	999	44,5
0709 90 70	052	70,5
	999	70,5
0805 50 10	382	52,7
	388	53,1
	508	46,6
	512	41,3
	520	45,9
	524	59,4
	528	55,6
	999	50,7
0806 10 10	052	121,7
	204	108,5
	220	102,0
	624	109,4
	628	136,6
	999	115,6
0808 10 20, 0808 10 50, 0808 10 90	388	87,1
	400	99,9
	404	128,6
	508	71,6
	512	73,4
	528	70,5
	720	61,9
	800	124,8
	804	79,0
	999	88,5
0808 20 50	052	107,4
	388	91,7
	528	46,7
	804	125,4
	999	92,8
0809 20 95	052	287,2
	400	291,4
	404	274,1
	999	284,2
0809 30 10, 0809 30 90	052	151,9
	999	151,9
0809 40 05	093	41,6
	094	37,5
	512	91,6
	624	174,8
	999	86,4

⁽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 1414/2004**of 28 July 2004****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3.

(4) It is appropriate to provide that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which is not in accordance with this Regulation, can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States which is not in accordance with this Regulation can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th 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, 28 July 2004.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 2344/2003 (OJ L 346, 31.12.2003, p. 38).

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

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Eye-care product (ophthalmic solution) composed of the following ingredients: Active Ingredient: Polyvinyl alcohol (lubricant) 1,4 %, Other ingredients: — sodium chloride (tonicity agent) — sodium dihydrogenphosphate (buffering agent) — disodium hydrogenphosphate (buffering agent) — benzalkonium chloride (preservative) — disodium edetate (chelating agent) — hydrochloric acid (pH adjuster) — sodium hydroxide (pH adjuster) — purified water, q.s to 100 % (vehicle) The product is put up for retail sale (15 ml dropper bottle) with indications on dosage and use.	3004 90 19	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3004, 3004 90 and 3004 90 19. The product is prepared and put up for therapeutic use as a lubricant and artificial tear in dry-eye and other ocular irritation syndromes. The preparation is not for use as a contact lens or artificial eye solution of heading 3307.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 July 2004

outlining the general approach for the reallocation of resources under Regulation (EC) No 1268/1999 on Community support for preaccession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the preaccession period

(2004/586/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for preaccession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the preaccession period⁽¹⁾, and in particular the second subparagraph of Article 15 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Copenhagen European Council of 12 and 13 December 2002 endorsed the results of the negotiations, which have since then resulted in the accession to the Community of eight countries which at that time benefited from the provisions of Regulation (EC) No 1268/1999. Following their accession to the European Union on 1 May 2004, those countries lost the benefit of the aid provided by that Regulation. Consequently, in the period from 2004 to 2006 only Bulgaria and Romania will continue to benefit from commitments under that Regulation.
- (2) By endorsing the roadmaps for Bulgaria and Romania, as proposed by the Commission, the Copenhagen European Council agreed to fix the ratio for the division (30 % and 70 % respectively) of the aid under the Phare programme set up pursuant to Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to the Republic of Hungary and the Polish People's Republic⁽²⁾, the

special accession programme for agriculture and rural development (Sapard) set up under Regulation (EC) No 1268/1999 and the Instrument for Structural Policies for Preaccession (ISPA), set up pursuant to Council Regulation (EC) No 1267/1999⁽³⁾.

- (3) That ratio takes account of the need and capacity for absorbing assistance referred to in the first subparagraph of Article 15 of Regulation (EC) No 1268/1999 as well as the criteria for the financial allocation to each applicant country as stipulated in Article 7(3) of that Regulation.
- (4) The Council, in accordance with the second subparagraph of Article 15 of Regulation (EC) No 1268/1999, is to adopt the general approach for reallocation of the available financial resources for the Sapard instrument between the remaining beneficiary countries, namely Romania and Bulgaria,

HAS DECIDED AS FOLLOWS:

Sole Article

For the period 2004 to 2006, the division between Romania and Bulgaria of resources available by virtue of the commitments entered into pursuant to Regulation (EC) No 1268/1999 shall be established at a rate of 70 % for Romania and 30 % for Bulgaria.

Done at Brussels, 19 July 2004.

For the Council
The President
C. VEERMAN

⁽¹⁾ OJ L 161, 26.6.1999, p. 87. Regulation as last amended by Regulation (EC) No 769/2004 (OJ L 123, 27.4.2004, p. 1).

⁽²⁾ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 769/2004.

⁽³⁾ OJ L 161, 26.6.1999, p. 73. Regulation as last amended by Regulation (EC) No 769/2004.

COUNCIL DECISION**of 19 July 2004****on the date of application of Directive 2003/48/EC on taxation of savings income in the form of interest payments**

(2004/587/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Directive 2003/48/EC⁽¹⁾, and in particular Article 17(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 17(2) of Directive 2003/48/EC sets out the conditions for application of the provisions of the Directive from 1 January 2005.
- (2) In accordance with Article 17(3) of Directive 2003/48/EC the Council, on the basis of a report by the Commission, concluded before 1 July 2004 that the conditions set out in Article 17(2) of Directive 2003/48/EC would not be met, having regard to the dates of entry into force of the relevant measures in the third countries and dependent or associated territories concerned.
- (3) Article 17(3) of Directive 2003/48/EC provides that, if the Council does not decide that the condition set out in paragraph 2 of that Article will be met, it shall, acting unanimously on a proposal by the Commission, adopt a new date for the purposes of paragraph 2.
- (4) On the basis of reports from the Commission and the relevant Member States, it appears that each of the third countries and dependent or associated territories referred to in Article 17(2) of Directive 2003/48/EC will be able to meet the conditions set out in that paragraph by 1 July 2005.

- (5) The date of 1 July 2005 should therefore be adopted as the new date for the purposes of Article 17(2) of Directive 2003/48/EC, which date shall also be subject to the conditions set out in that paragraph.

- (6) For reasons of legal security of operators and taxpayers, this Decision should be adopted as a matter of urgency, which warrants a derogation from the six-week period provided for in point I.3 of the Protocol on the role of national parliaments in the European Union,

HAS ADOPTED THIS DECISION:

Article 1

In Article 17(2) of Directive 2003/48/EC '1 January 2005' shall be replaced by '1 July 2005'.

*Article 2*This Decision is addressed to the Member States and shall be published in the *Official Journal of the European Union*.

Done at Brussels, 19 July 2004.

For the Council
The President
P. H. DONNER

⁽¹⁾ OJ L 157, 26.6.2003, p. 38.

COMMISSION

COMMISSION DECISION

of 3 June 2004

recognising the fully operational character of the Maltese database for bovine animals

(notified under document number C(2004) 1964)

(Only the English text is authentic)

(Text with EEA relevance)

(2004/588/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57 thereof,

Whereas:

- (1) Malta has presented a request for recognition of the fully operational character of the database that forms part of the Maltese system for the identification and registration of bovine animals pursuant to Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 ⁽¹⁾.
- (2) The European Union took note of Malta's request and considered that the request should be dealt with under the appropriate procedures prior to accession.
- (3) The Maltese authorities have submitted appropriate information that was updated to 25 March 2004.
- (4) The Maltese authorities have undertaken to improve the reliability of this database ensuring in particular that: (i) additional measures, including inspections, shall be implemented to improve the observation of the seven days deadline for notification by the keeper of births and deaths, (ii) additional measures shall be implemented to allow rapid correction of errors or omissions detected automatically or during on-the-spot inspections, (iii) the

event database shall be re-enforced by developing an automatic alarm system to detect deficiencies and violations of restrictive measures, (iv) notification of premium shall be introduced in the database as well as on passports, (v) measures shall be implemented to ensure that controls on identification and registration of bovine animals are carried out in accordance with Commission Regulation (EC) No 1082/2003 ⁽²⁾.

- (5) The Maltese authorities undertook the commitment to implement the agreed improvement measures at the latest by 30 April 2004.
- (6) In view of the above, it is appropriate to recognise the fully operational character of the Maltese database for bovine animals,

HAS ADOPTED THIS DECISION:

Article 1

The Maltese database for bovine animals is recognised as fully operational from 1 May 2004.

Article 2

This Decision is addressed to the Republic of Malta.

Done at Brussels, 3 June 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 204, 11.8.2000, p. 1. Regulation as amended by the 2003 Act of Accession.

⁽²⁾ OJ L 156, 25.6.2003, p. 9. Regulation as amended by Regulation (EC) No 499/2004 (OJ L 80, 18.3.2004, p. 24).