

Official Journal

of the European Union

L 279

English edition

Legislation

Volume 47

28 August 2004

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1533/2004 of 27 August 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
Commission Regulation (EC) No 1534/2004 of 27 August 2004 fixing the minimum selling prices for butter for the 147th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97	3
Commission Regulation (EC) No 1535/2004 of 27 August 2004 fixing the maximum aid for cream, butter and concentrated butter for the 147th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97.....	5
Commission Regulation (EC) No 1536/2004 of 27 August 2004 fixing the minimum selling price for butter for the 3rd individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999.....	7
Commission Regulation (EC) No 1537/2004 of 27 August 2004 fixing the minimum selling price for skimmed-milk powder for the 66th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999.....	8
Commission Regulation (EC) No 1538/2004 of 27 August 2004 fixing the maximum aid for concentrated butter for the 319th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90	9
Commission Regulation (EC) No 1539/2004 of 27 August 2004 fixing the minimum selling price for skimmed-milk powder for the 2nd individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001	10
★ Commission Regulation (EC) No 1540/2004 of 27 August 2004 derogating from Council Regulation (EC) No 1782/2003 as regards the start of the period for certain payments	11
Commission Regulation (EC) No 1541/2004 of 27 August 2004 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid	12

Commission Regulation (EC) No 1542/2004 of 27 August 2004 amending the import duties in the cereals sector applicable from 28 August 2004	14
---	----

II Acts whose publication is not obligatory

Council

2004/617/EC:

- ★ **Council Decision of 11 August 2004 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994** 17

Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994 19

2004/618/EC:

- ★ **Council Decision of 11 August 2004 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Pakistan pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994** 23

Agreement in the form of an Exchange of Letters between the European Community and Pakistan pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994 25

2004/619/EC:

- ★ **Council Decision of 11 August 2004 modifying the Community import regime with respect to rice** 29

Commission

2004/620/EC:

- ★ **Commission Decision of 26 July 2004 amending Annexes I and II to Council Decision 79/542/EEC as regards model certificates relating to the importation of bovine animals for slaughter and bovine, ovine and caprine fresh meat (notified under document number C(2004) 2838) ⁽¹⁾** 30

2004/621/EC:

- ★ **Commission Decision of 26 August 2004 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China (notified under document number C(2004) 3256) ⁽¹⁾** 44

Acts adopted under Title V of the Treaty on European Union

- ★ **Council Common Position 2004/622/CFSP of 26 August 2004 amending Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic** 47

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1533/2004
of 27 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 28 August 2004.

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

Done at Brussels, 27 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 27 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	101,8
	999	101,8
0709 90 70	052	89,5
	999	89,5
0805 50 10	382	51,9
	388	54,2
	524	61,9
	528	57,3
	999	56,3
0806 10 10	052	84,9
	400	177,0
	624	158,4
	999	140,1
0808 10 20, 0808 10 50, 0808 10 90	388	78,3
	400	89,1
	508	75,8
	512	67,2
	528	84,5
	720	40,6
	800	164,1
	804	68,0
0808 20 50	999	83,5
	052	123,7
	388	97,8
	800	146,1
	999	122,5
0809 30 10, 0809 30 90	052	128,9
	999	128,9
0809 40 05	052	80,0
	066	36,5
	093	40,0
	094	29,3
	624	164,2
	999	70,0

⁽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 1534/2004**of 27 August 2004****fixing the minimum selling prices for butter for the 147th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

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⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽²⁾, to sell by invitation to tender certain quantities of butter from intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price or aid may vary according to the

intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices of butter from intervention stocks and processing securities applying for the 147th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 August 2004.

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

Done at Brussels, 27 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

ANNEX

to the Commission Regulation of 27 August 2004 fixing the minimum selling prices for butter for the 147th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	211,1	215,1	—	215,1
		Concentrated	209,1	—	—	—
Processing security		Unaltered	129	129	—	129
		Concentrated	129	—	—	—

COMMISSION REGULATION (EC) No 1535/2004**of 27 August 2004****fixing the maximum aid for cream, butter and concentrated butter for the 147th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

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⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice cream and other foodstuffs⁽²⁾, to sell by invitation to tender certain quantities of butter of intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further

stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the 147th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 August 2004.

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

Done at Brussels, 27 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

ANNEX

to the Commission Regulation of 27 August 2004 fixing the maximum aid for cream, butter and concentrated butter for the 147th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter ≥ 82 %	59	55	59	55
	Butter < 82 %	57	53	—	—
	Concentrated butter	74	67	74	65
	Cream			26	23
Processing security	Butter	65	—	65	—
	Concentrated butter	81	—	81	—
	Cream	—	—	29	—

COMMISSION REGULATION (EC) No 1536/2004**of 27 August 2004****fixing the minimum selling price for butter for the 3rd individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

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⁾, and in particular Article 10(c) thereof,

Whereas:

- (1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.
- (2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

- (3) In the light of the tenders received, a minimum selling price should be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 3rd individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 24 August 2004, the minimum selling price for butter is fixed at 270 EUR/100 kg.

Article 2

This Regulation shall enter into force on 28 August 2004.

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

Done at Brussels, 27 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1236/2004 (OJ L 235, 6.7.2004, p. 4).

COMMISSION REGULATION (EC) No 1537/2004**of 27 August 2004****fixing the minimum selling price for skimmed-milk powder for the 66th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999**

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⁾, and in particular Article 10 thereof,

Whereas:

(1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

(2) According to Article 30 of the said Regulation, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award. The amount of the processing security shall also be fixed taking account of the difference between the market price of skimmed-milk powder and the minimum selling price.

(3) In the light of the tenders received, the minimum selling price should be fixed at the level specified below and the processing security determined accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 66th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 24 August 2004, the minimum selling price and the processing security are fixed as follows:

- | | |
|--------------------------|--------------------|
| — minimum selling price: | 186,24 EUR/100 kg, |
| — processing security: | 40,00 EUR/100 kg. |

Article 2

This Regulation shall enter into force on 28 August 2004.

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

Done at Brussels, 27 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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 340, 31.12.1999, p. 3. Regulation as last amended by Regulation (EC) No 1338/2004 (OJ L 249, 23.7.2004, p. 3).

COMMISSION REGULATION (EC) No 1538/2004**of 27 August 2004****fixing the maximum aid for concentrated butter for the 319th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

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⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 319th tender under the standing invitation to tender opened by Regulation (EEC) No 429/90 the maximum aid and the end-use security are fixed as follows:

- | | |
|---------------------|----------------|
| — maximum aid: | 74 EUR/100 kg, |
| — end-use security: | 82 EUR/100 kg. |

Article 2

This Regulation shall enter into force on 28 August 2004.

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

Done at Brussels, 27 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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 45, 21.2.1990, p. 8. Regulation as last amended by Commission Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

COMMISSION REGULATION (EC) No 1539/2004**of 27 August 2004****fixing the minimum selling price for skimmed-milk powder for the 2nd individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001**

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⁾, and in particular Article 10(c) thereof,

Whereas:

- (1) Pursuant to Article 21 of Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed milk⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award, in accordance with Article 24a of Regulation (EC) No 214/2001.

(3) In the light of the tenders received, a minimum selling price should be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 2nd individual invitation to tender pursuant to Regulation (EC) No 214/2001, in respect of which the time limit for the submission of tenders expired on 24 August 2004, the minimum selling price for skimmed milk is fixed at 188,50 EUR/100 kg.

Article 2

This Regulation shall enter into force on 28 August 2004.

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

Done at Brussels, 27 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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 37, 7.2.2001, p. 100. Regulation as last amended by Regulation (EC) No 1339/2004 (OJ L 249, 23.7.2004, p. 4).

COMMISSION REGULATION (EC) No 1540/2004**of 27 August 2004****derogating from Council Regulation (EC) No 1782/2003 as regards the start of the period for certain payments**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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⁽¹⁾, and in particular Article 145(q) thereof,

Whereas:

- (1) According to Articles 95 and 96 of Regulation (EC) No 1782/2003, milk producers qualify for a dairy premium and additional payments from 2004. Under Article 28(2) of the same Regulation, those premiums and payments are to be disbursed once a year within the period from 1 December to 30 June of the following calendar year.
- (2) The milk market has recently experienced a substantial fall in milk prices, causing the situation of producers to become destabilised and their financial position to be placed at risk of deterioration. Several Member States have asked the Commission to take urgent measures to combat these difficulties. Bringing forward the disbursement period for the above-mentioned premiums and payments constitutes an appropriate step in this

direction. However, for budgetary reasons, it cannot begin before 16 October 2004.

- (3) In these circumstances, for 2004, it would be advisable to derogate from the disbursement period referred to in Article 28(2) of Regulation (EC) No 1782/2003.
- (4) In order to allow milk producers to manage their financial position more effectively, particularly by taking account of the payments which will be made from the date indicated, provision should be made for this Regulation to enter into effect immediately.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

For 2004, by way of derogation from Article 28(2) of Regulation (EC) No 1782/2003, the start of the disbursement period for the dairy premium and additional payments provided for in Title IV, Chapter 7 of Regulation (EC) No 1782/2003 shall be set at 16 October.

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, 27 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ 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).

COMMISSION REGULATION (EC) No 1541/2004**of 27 August 2004****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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 13(3) thereof,

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

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽³⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

(3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

(4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

(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

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 September 2004.

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

Done at Brussels, 27 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

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

⁽³⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 27 August 2004 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	31,07
1102 20 10 9400	26,63
1103 11 10 9200	0,00
1103 13 10 9100	39,94
1104 12 90 9100	0,00

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

COMMISSION REGULATION (EC) No 1542/2004**of 27 August 2004****amending the import duties in the cereals sector applicable from 28 August 2004**

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⁾,

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

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1451/2004⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1451/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1451/2004 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 28 August 2004.

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

Done at Brussels, 27 August 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 270, 29.9.2003, p. 78.

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

⁽³⁾ OJ L 267, 13.8.2004, p. 36.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 28 August 2004

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	3,85
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	32,94
1005 10 90	Maize seed other than hybrid	54,93
1005 90 00	Maize other than seed ⁽²⁾	54,93
1007 00 90	Grain sorghum other than hybrids for sowing	43,03

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

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

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

ANNEX II

Factors for calculating duties

period from '13.8.'-26.8.2004

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	119,66 (***)	71,88	150,69 (****)	140,69 (****)	120,69 (****)	91,42 (****)
Gulf premium (EUR/t)	—	13,23	—			—
Great Lakes premium (EUR/t)	12,93	—	—			—

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

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

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

(****) Fob Duluth.

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 27,08 EUR/t; Great Lakes–Rotterdam: 32,67 EUR/t.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 11 August 2004

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994

(2004/617/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) On 26 June 2003, the Council authorised the Commission to open negotiations under Article XXVIII of the GATT 1994 with a view to modify certain concessions for rice. Accordingly, the Community notified the WTO on 2 July 2003 of its intention to modify certain concessions in EC Schedule CXL.
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has negotiated with the United States of America, having a principal supplying interest in products of HS code 1006 20 (husked rice) and substantial supplier interest in products of HS code 1006 30 (milled rice), Thailand, having a principal supplying interest in products of HS code 1006 30 (milled rice) and substantial supplier interest in products of HS code 1006 20 (husked rice) and India and Pakistan, each having a substantial supplier interest in products of HS code 1006 20 (husked rice).
- (4) In order to ensure that the Agreement may be fully applied by 1 September 2004 and pending the amendment of Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice⁽¹⁾, the Commission should be authorised to adopt temporary derogations from that Regulation.
- (5) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾.
- (6) The Commission has successfully negotiated an Agreement in the form of an Exchange of Letters between the European Community and India. The Agreement should therefore be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

Article 2

To the extent necessary to permit the full application of this Agreement by 1 September 2004, the Commission may derogate from Regulation (EC) No 1785/2003, in accordance with the procedure referred to in Article 3(2) of this Decision, until that Regulation is amended but at the latest until 30 June 2005.

Article 3

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 25 of Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

Article 4

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community⁽²⁾.

Done at Brussels, 11 August 2004.

For the Council

The President

B. BOT

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union*.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and India pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994

A. Letter from the European Community

Sir,

Following negotiations between the European Community (EC) and India under Article XXVIII of GATT 1994 for the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the General Agreement on Tariffs and Trade 1994 (GATT 1994), the EC agrees to the conclusions as outlined below.

Final import regime

The tariff rate for husked rice (CN code 1006 20) shall be EUR 65/tonne.

With respect to the import regime of husked rice (CN codes 1006 20 17 and NC 1006 20 98) of the varieties Basmati 370, Basmati 386, Type-3 (Dehradun), Taraori Basmati (HBC-19), Basmati 217, Ranbir Basmati, Pusa Basmati and Super Basmati, the EC's specific bound rate of duty shall be zero. To that purpose:

- a Community control system based on DNA analysis at the border shall be created; India shall actively cooperate with the EC to set up such a control system and the EC shall provide the appropriate technical assistance in this matter,
- it is understood that Basmati rice of the varieties described above is produced in certain geographical areas and that India will protect Basmati rice as a geographical indication. The EC would welcome an application for protection as a geographical indication of Basmati rice under Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾. The EC shall process any such application as expeditiously as possible. The EC shall provide any necessary technical assistance in this matter.

Transitional arrangement

As from 1 September 2004 and until the date of entry into force of the abovementioned Community control system, the EC shall put in place a transitional regime with regard to husked rice (CN codes 1006 20 17 and 1006 20 98) of the varieties described above based on the following elements.

The EC's autonomous applied rate of duty shall be zero. However, if market disturbance occurs, the EC will consult with India's competent authorities to agree an appropriate solution. If no agreement is reached, the EC reserves the right to revert to the bound rate of duty of EUR 65/tonne for husked rice (CN code 1006 20).

General

For the purposes of this Agreement:

- the EC shall establish separate tariff lines for Basmati rice of the varieties indicated in the agreements with India and Pakistan,
- the competent Indian authorities shall continue to issue the authenticity certificates prior to the issuance of import licences, meaning that the current system of administration of the certificates of authenticity shall be maintained.

The EC recognises that India has initial negotiating rights with respect to the concessions specified in the present letter.

This Agreement shall be approved by the Parties in accordance with their own procedures.

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

The provisions of this Agreement shall be applicable from 1 September 2004.

I would be grateful if you could confirm the agreement of your Government to the above.

Please accept, Sir, the assurance of my highest consideration.

Hecho en Bruselas, el

V Bruselu dne

Udfærdiget i Bruxelles, den

Geschehen zu Brüssel am

Brüssel,

Έγινε στις Βρυξέλλες, στις

Done at Brussels,

Fait à Bruxelles, le

Fatto a Bruxelles, addì

Briselÿ,

Priimta Briuselyje,

Kelt Brüsszelben,

Magýmula fi Brussel,

Gedaan te Brussel,

Sporzýdzono w Brukseli, dnia

Feito em Bruxelas,

V Bruseli

V Bruslju,

Tehty Brysselissä

Utfärdat i Bryssel den

20-08-2004

Por la Comunidad Europea

Za Evropské společenství

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Euroopa Ühenduse nimel

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Eiropas Kopienas vārdā

Europos bendrijos vardu

az Európai Közösség részéről

Għall-Komunità Ewropea

Voor de Europese Gemeenschap

W imieniu Wspólnoty Europejskiej

Pela Comunidade Europeia

Za Európske spoločenstvo

za Evropsko skupnost

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar



B. Letter from the Republic of India

Sir,

I have the honour to acknowledge receipt of your letter of today's date, worded as follows:

Following negotiations between the European Community (EC) and India under Article XXVIII of GATT 1994 for the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the General Agreement on Tariffs and Trade 1994 (GATT 1994), the EC agrees to the conclusions as outlined below.

Final import regime

The tariff rate for husked rice (CN code 1006 20) shall be EUR 65/tonne.

With respect to the import regime of husked rice (CN codes 1006 20 17 and NC 1006 20 98) of the varieties Basmati 370, Basmati 386, Type-3 (Dehradun), Taraori Basmati (HBC-19), Basmati 217, Ranbir Basmati, Pusa Basmati and Super Basmati, the EC's specific bound rate of duty shall be zero. To that purpose:

- a Community control system based on DNA analysis at the border shall be created; India shall actively cooperate with the EC to set up such a control system and the EC shall provide the appropriate technical assistance in this matter,
- it is understood that Basmati rice of the varieties described above is produced in certain geographical areas and that India will protect Basmati rice as a geographical indication. The EC would welcome an application for protection as a geographical indication of Basmati rice under Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾. The EC shall process any such application as expeditiously as possible. The EC shall provide any necessary technical assistance in this matter.

Transitional arrangement

As from 1 September 2004 and until the date of entry into force of the abovementioned Community control system, the EC shall put in place a transitional regime with regard to husked rice (CN codes 1006 20 17 and 1006 20 98) of the varieties described above based on the following elements.

The EC's autonomous applied rate of duty shall be zero. However, if market disturbance occurs, the EC will consult with India's competent authorities to agree an appropriate solution. If no agreement is reached, the EC reserves the right to revert to the bound rate of duty of EUR 65/tonne for husked rice (CN code 1006 20).

General

For the purposes of this Agreement:

- the EC shall establish separate tariff lines for Basmati rice of the varieties indicated in the agreements with India and Pakistan,
- the competent Indian authorities shall continue to issue the authenticity certificates prior to the issuance of import licences, meaning that the current system of administration of the certificates of authenticity shall be maintained.

The EC recognises that India has initial negotiating rights with respect to the concessions specified in the present letter.

This Agreement shall be approved by the Parties in accordance with their own procedures.

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

The provisions of this Agreement shall be applicable from 1 September 2004.
I would be grateful if you could confirm the agreement of your Government to the above.'

India has the honour of confirming its agreement with the contents of this letter. Please accept, Sir, the assurance of my highest consideration.

Done at Brussels,
 Hecho en Bruselas, el
 V Bruselu dne
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Brüssel,
 Έγινε στις Βρυξέλλες, στις
 Fait à Bruxelles, le
 Fatto a Bruxelles, addì
 Briselyj,
 Priimta Briuselyje,
 Kelt Brüsszelben,
 Magȳmula fi Brussel,
 Gedaan te Brussel,
 Sporządzono w Brukseli, dnia
 Feito em Bruxelas,
 V Bruseli
 V Bruslju,
 Tehty Brysselissä
 Utfärdat i Bryssel den

20 -08- 2004

On behalf of India
En nombre de la India
Za Indii
På Indiens vegne
Im Namen Indiens
India nimel
Εξ ονόματος της Ινδίας
Au nom de l'Inde
Per l'India
Indijas vārdā
Indijos vardu
India nevében
Ghan-nom ta' l-India
Namens India
W imieniu Indii
Em nome da Índia
V mene Indie
V imenu Indije
Intian puolesta
På Indiens vägnar

Romyanka

COUNCIL DECISION

of 11 August 2004

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Pakistan pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994

(2004/618/EC)

THE COUNCIL OF THE EUROPEAN UNION,

amendment of Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice⁽¹⁾, the Commission should be authorised to adopt temporary derogations from that Regulation.

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

- (5) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾.

Having regard to the proposal from the Commission,

Whereas:

- (6) The Commission has successfully negotiated an Agreement in the form of an Exchange of Letters between the European Community and Pakistan. The Agreement should therefore be approved,

- (1) On 26 June 2003, the Council authorised the Commission to open negotiations under Article XXVIII of the GATT 1994 with a view to modify certain concessions for rice. Accordingly, the Community notified the WTO on 2 July 2003 of its intention to modify certain concessions in EC Schedule CXL.

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and Pakistan pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994 is hereby approved on behalf of the Community.

- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.

The text of the Agreement is attached to this Decision.

Article 2

To the extent necessary to permit the full application of this Agreement by 1 September 2004, the Commission may derogate from Regulation (EC) No 1785/2003, in accordance with the procedure referred to in Article 3(2) of this Decision, until that Regulation is amended but at the latest until 30 June 2005.

- (3) The Commission has negotiated with the United States of America, having a principal supplying interest in products of HS code 1006 20 (husked rice) and substantial supplier interest in products of HS code 1006 30 (milled rice), Thailand, having a principal supplying interest in products of HS code 1006 30 (milled rice) and substantial supplier interest in products of HS code 1006 20 (husked rice) and India and Pakistan, each having a substantial supplier interest in products of HS code 1006 20 (husked rice).

- (4) In order to ensure that the Agreement may be fully applied by 1 September 2004 and pending the

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

Article 3

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 25 of Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

Article 4

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community⁽²⁾.

Done at Brussels, 11 August 2004.

For the Council

The President

B. BOT

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ The date of entry into force of the agreement will be published in the *Official Journal of the European Union*.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and Pakistan pursuant to Article XXVIII of the GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994

A. Letter from the European Community

Sir,

Following negotiations between the European Community (EC) and Pakistan under Article XXVIII of GATT 1994 for the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the General Agreement on Tariffs and Trade 1994 (GATT 1994), the EC agrees to the conclusions as outlined below.

Final import regime

The tariff rate for husked rice (CN code 1006 20) shall be EUR 65/tonne.

With respect to the import regime of husked rice (CN codes 1006 20 17 and 1006 20 98) of the varieties Kernel (Basmati), Basmati 370, Pusa Basmati and Super Basmati the EC's specific bound rate of duty shall be zero. To that purpose:

- a Community control system based on DNA analysis at the border shall be created; Pakistan shall actively cooperate with the EC to set up such a control system and the EC shall provide the appropriate technical assistance in this matter,
- it is understood that Basmati rice of the varieties described above is produced in certain geographical areas and that Pakistan will protect Basmati rice as a geographical indication. The EC would welcome an application for protection as a geographical indication of Basmati rice under Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾. The EC shall process any such application as expeditiously as possible. The EC shall provide any necessary technical assistance in this matter.

Transitional arrangement

As from 1 September 2004 and until the date of entry into force of the above-mentioned Community control system, the EC shall put in place a transitional regime with regard to husked rice (CN codes 1006 20 17 and 1006 20 98) of the varieties described above based on the following elements.

The EC's autonomous applied rate of duty shall be zero. However, if market disturbance occurs, the EC will consult with Pakistan's competent authorities to agree an appropriate solution. If no agreement is reached, the EC reserves the right to revert to the bound rate of duty of EUR 65/tonne for husked rice (CN code 1006 20).

General

For the purposes of this agreement:

- the EC shall establish separate tariff lines for Basmati rice of the varieties indicated in the agreements with India and Pakistan,
- the competent Pakistani authorities shall continue to issue the authenticity certificates prior to the issuance of import licences, meaning that the current system of administration of the certificates of authenticity shall be maintained.

The EC recognises that Pakistan has initial negotiating rights with respect to the concessions specified in the present letter.

This Agreement shall be approved by the Parties in accordance with their own procedures.

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

The provisions of this Agreement shall be applicable from 1 September 2004.

I would be grateful if you could confirm the agreement of your Government to the above.

Please accept, Sir, the assurance of my highest consideration.

Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselý,
Priimta Briuselyje,
Kelt Brüsszelben,
Magýmula fi Brussel,
Gedaan te Brussel,
Sporzýdzono w Brukseli, dnia
Feito em Bruxelas,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den

12-08-2004

Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



B. Letter from the Islamic Republic of Pakistan

Sir,

I have the honour to acknowledge receipt of your letter of today's date, worded as follows:

'Following negotiations between the European Community (EC) and Pakistan under Article XXVIII of GATT 1994 for the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the General Agreement on Tariffs and Trade 1994 (GATT 1994), the EC agrees to the conclusions as outlined below.

Final Import regime

The tariff rate for husked rice (CN code 1006 20) shall be EUR 65/tonne.

With respect to the import regime of husked rice (CN codes 1006 20 17 and 1006 20 98) of the varieties Kernel (Basmati), Basmati 370, Pusa Basmati and Super Basmati the EC's specific bound rate of duty shall be zero. To that purpose:

- a Community control system based on DNA analysis at the border shall be created; Pakistan shall actively cooperate with the EC to set up such a control system and the EC shall provide the appropriate technical assistance in this matter,
- it is understood that Basmati rice of the varieties described above is produced in certain geographical areas and that Pakistan will protect Basmati rice as a geographical indication. The EC would welcome an application for protection as a geographical indication of Basmati rice under Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾. The EC shall process any such application as expeditiously as possible. The EC shall provide any necessary technical assistance in this matter.

Transitional arrangement

As from 1 September 2004 and until the date of entry into force of the above-mentioned Community control system, the EC shall put in place a transitional regime with regard to husked rice (CN codes 1006 20 17 and 1006 20 98) of the varieties described above based on the following elements.

The EC's autonomous applied rate of duty shall be zero. However, if market disturbance occurs, the EC will consult with Pakistan's competent authorities to agree an appropriate solution. If no agreement is reached, the EC reserves the right to revert to the bound rate of duty of EUR 65/tonne for husked rice (CN code 1006 20).

General

For the purposes of this agreement:

- the EC shall establish separate tariff lines for Basmati rice of the varieties indicated in the agreements with India and Pakistan,
- the competent Pakistani authorities shall continue to issue the authenticity certificates prior to the issuance of import licences, meaning that the current system of administration of the certificates of authenticity shall be maintained.

The EC recognises that Pakistan has initial negotiating rights with respect to the concessions specified in the present letter.

This Agreement shall be approved by the Parties in accordance with their own procedures.

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

The provisions of this Agreement shall be applicable from 1 September 2004.

I would be grateful if you could confirm the agreement of your Government to the above.'

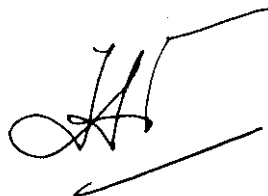
Pakistan has the honour of confirming its agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

Done at Brussels,
Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselý,
Priimta Briuselyje,
Kelt Brüsszelben,
Magýmula fi Brussel,
Gedaan te Brussel,
Sporządzono w Brukseli, dnia
Feito em Bruxelas,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den

12 -08- 2004

On behalf of Pakistan
En nombre de Pakistán
Za Pákistán
På Pakistans vegne
Im Namen Pakistans
Pakistani nimel
Εξ ονόματος του Πακιστάν
Au nom du Pakistan
Per il Pakistan
Pakistānas vārdā
Pakistano vardu
Pakisztán nevében
Ghan-nom tal-Pakistan
Namens Pakistan
W imieniu Pakistanu
Pelo Paquistão
V mene Pakistanu
V imenu Pakistanā
Pakistanin puolesta
På Pakistans vägnar



COUNCIL DECISION
of 11 August 2004
modifying the Community import regime with respect to rice
(2004/619/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 26 June 2003, the Council authorised the Commission to open negotiations under Article XXVIII of the GATT 1994 with a view to modify certain concessions for rice. Accordingly, the Community notified the WTO on 2 July 2003 of its intention to modify certain concessions in EC Schedule CXL.
- (2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) The Commission has negotiated with the United States of America, having a principal supplying interest in products of HS subheading 1006 20 (husked rice) and substantial supplier interest in products of HS subheading 1006 30 (milled rice), Thailand, having a principal supplying interest in products of HS subheading 1006 30 (milled rice) and substantial supplier interest in products of HS subheading 1006 20 (husked rice) and India and Pakistan, each having a substantial supplier interest in products of HS subheading 1006 20 (husked rice).
- (4) The Commission has negotiated an agreement with India and Pakistan in the form of an exchange of letters but has not been able to negotiate an acceptable agreement with the United States of America and Thailand.
- (5) In order to allow the modifications of certain concessions concerning husked and milled rice in EC Schedule CXL, a new tariff rate for husked and milled rice should be established.
- (6) As the fixing of a new tariff rate for husked and milled rice requires modification of Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common

organisation of the market in rice⁽¹⁾, the Commission should be authorised to adopt temporary derogations from that Regulation.

- (7) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾,

HAS DECIDED AS FOLLOWS:

Article 1

The tariff rate for husked rice (CN code 1006 20) shall be EUR 65/tonne.

The tariff rate for milled rice (CN code 1006 30) shall be EUR 175/tonne.

Article 2

To the extent necessary to permit the full application of this Decision by 1 September 2004, the Commission may derogate from Regulation (EC) No 1785/2003, in accordance with the procedure referred to in Article 3(2) of this Decision, until that Regulation is amended but at the latest until 30 June 2005.

Article 3

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 25 of Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽³⁾.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

Done at Brussels, 11 August 2004.

For the Council

The President

B. BOT

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

⁽³⁾ OJ L 270, 21.10.2003, p. 78.

COMMISSION

COMMISSION DECISION

of 26 July 2004

amending Annexes I and II to Council Decision 79/542/EEC as regards model certificates relating to the importation of bovine animals for slaughter and bovine, ovine and caprine fresh meat

(notified under document number C(2004) 2838)

(Text with EEA relevance)

(2004/620/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, and in particular Article 11(2) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽²⁾, and in particular Article 9(4) thereof,

Whereas:

- (1) Council Decision 79/542/EEC of 21 December 1976 drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat⁽³⁾ provides that imports of those animals and meat are to meet the requirements set out in the appropriate model certificates drawn up under that Decision.
- (2) For reasons of clarity and transparency, it is opportune to amend certain references and attestations in some of the model veterinary certificates in Part 2 of Annex I and in Part 2 of Annex II to Decision 79/542/EEC. For the same

reasons, in Part 1 of Annex II the names of two Argentine provinces should be deleted and a supplementary guarantee related to Uruguay should be amended.

- (3) Annexes I and II to Decision 79/542/EEC should therefore be amended accordingly.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 79/542/EEC is amended as follows:

1. In Part 2 of Annex I, the model 'BOV-Y' is replaced by the text in Annex I to this Decision.
2. In Part 1 of Annex II, in the column 'description of territory' corresponding to the code of territory AR-1, 'La Pampa' and 'Santiago del Estero' are deleted and in the column 'SG' corresponding to the code of territory 'UY-0', line 'OVI', the entry 'B' is deleted and replaced by 'A'.
3. In Part 2 of Annex II, the models 'BOV' and 'OVI' are replaced by the text in Annex II to this Decision, and in models 'POR', 'EQU', 'RUF', 'RUW', 'SUF', 'SUW' and 'EQW' in box 5 'Intended destination of the meat', point 5.2 is replaced by the following:

⁽¹⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽²⁾ OJ L 18, 23.1.2003, p. 11.

⁽³⁾ OJ L 146, 14.6.1979, p. 15. Decision as last amended by Commission Decision 2004/554/EC (OJ L 248, 22.7.2004, p. 1).

‘5.2. Establishment:

Name and address:

Approval or registration number (where applicable):’

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 July 2004.

Article 2

This Decision shall apply from 17 September 2004.

For the Commission

David BYRNE

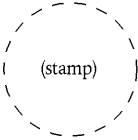
Member of the Commission

ANNEX I

Model BOV-Y

1. Consignor (name and address in full) 2. Consignee (name and address in full) 5. Intended destination of the animals 5.1. EU Member State: 5.2. Name, address and registration number of the slaughterhouse: 7. Means of transport and consignment identification⁽⁴⁾ 7.1. (Lorry, rail-wagon, ship or aircraft)⁽⁵⁾ 7.2. Registration number(s), ship name or flight number: 7.3. Consignment identification details⁽⁶⁾:	VETERINARY CERTIFICATE for domestic bovines⁽¹⁾ intended for immediate slaughter, consigned to the European Community ORIGINAL No⁽²⁾ 3. Origin of the animals⁽³⁾ 3.1. Country: 3.2. Code of territory: 4. Competent authority 4.1. Ministry: 4.2. Service: 4.3. Local/regional level: 6. Establishment(s) and place of loading for exportation (name and address of the establishment(s)) 6.1. Holding(s): 6.2. Approved assembly centre⁽⁶⁾ (⁽⁷⁾):																																								
8. Identification of the animals 8.1. Animal species and/or cross-breeds: 8.2. Individual identification of the animals included in this consignment⁽⁸⁾ <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 60%;">Official identification numbers⁽⁸⁾</th> <th style="width: 40%;">Date of birth and sex⁽⁹⁾</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table> 8.3. Total number of animals (in figures and letters):		Official identification numbers ⁽⁸⁾	Date of birth and sex ⁽⁹⁾																																						
Official identification numbers ⁽⁸⁾	Date of birth and sex ⁽⁹⁾																																								

9.	Public health attestation
	I, the undersigned official veterinarian, hereby certify that the animals described in this certificate:
9.1.	come from holdings which have been free from any official prohibition on health grounds, for the last 42 days in the case of brucellosis, for the last 30 days in the case of anthrax, for the last six months in the case of rabies, and have not been in contact with animals from holdings which did not satisfy these conditions;
9.2.	have not received: — any stilbene or thyrostatic substances, — oestrogenic, androgenic, gestagenic or β-agonist substances for purposes other than therapeutic or zootechnic treatment (as defined in Directive 96/22/EC);
9.3.	with regard to bovine spongiform encephalopathy (BSE):
(⁵) (¹³) either	[were born and continuously reared in the territory described in point 3.]
(⁵) or	[(a) are identified by a permanent identification system enabling them to be traced back to the dam and herd of origin,
	(b) are not the progeny of females suspected of BSE, and
	(c) come from the territory described in point 3, in which the feeding of ruminants with proteins derived from mammals has been banned and the ban has been effectively enforced.]
10.	Animal health attestation
	I, the undersigned official veterinarian, hereby certify, that the animals described above meet the following requirements:
10.1.	they come from the territory with code (³) which, at the date of issuing this certificate:
(⁵) either	[(a) has been free for 24 months from foot-and-mouth disease, for 12 months from rinderpest, blue-tongue, Rift valley fever, contagious bovine pleuropneumonia, lumpy skin disease and epizootic haemorrhagic disease, and for six months from vesicular stomatitis, and]
(⁵) or	[(a) (i) has been free for 12 months from rinderpest, bluetongue, Rift valley fever, contagious bovine pleuropneumonia and epizootic haemorrhagic disease, and for six months from vesicular stomatitis, and
	(ii) has been considered free from foot-and-mouth disease since (date), without having had cases/outbreaks afterwards, and authorised to export these animals by Decision .../.../EC of (date), and]
	(b) where during the last 12 months, no vaccination against these diseases has been carried out and imports of domestic cloven-hoofed animals vaccinated against these diseases are not permitted;
10.2.	they have remained in the territory described in point 10.1 since birth, or for at least the last three months before dispatch to the European Community and without contact with imported cloven-hoofed animals for the last 30 days;
10.3.	they have remained since birth or at least 40 days before dispatch in the holding(s) described in point 6.1: (a) in and around which, in an area with a 150 km radius, there has been no case/outbreak of bluetongue and epizootic haemorrhagic disease during the previous 100 days, and (b) in and around which, in an area with a 20 km radius, there has been no case/outbreak of the other diseases mentioned in point 10.1 during the previous 40 days;
10.4.	they are not animals to be killed under a national programme for the eradication of diseases, nor have they been vaccinated against the diseases mentioned in point 10.1;
10.5.	they come from herds: (a) included in an official system for the control of enzootic bovine leukosis, and (b) that are not restricted under the national legislation regarding eradication of tuberculosis and brucellosis, and (c) recognised as officially tuberculosis free (¹⁰);
10.6.	they have not been vaccinated against brucellosis and they:
(⁵) either	[come from herds which are recognised as officially brucellosis free; (¹⁰)]
(⁵) or	[are castrated males of any age;]
10.7.	they are individually marked on at least two places on their hindquarters as to show that they are exclusively intended for immediate slaughter (¹¹);

10.8.	they are/were ⁽⁵⁾ dispatched from their holding(s) of origin, without passing through any market:
(⁵) either	[directly to the European Community,]
(⁵) or	[to the officially authorised assembly centre described in point 6.2 situated within the territory described in point 10.1,]
	and, until dispatched to the European Community:
	(a) they did not come in contact with other cloven-hoofed animals not complying with at least the same health requirements as described in this certificate, and
	(b) they were not at any place where, or around which within a 20 km radius, during the previous 30 days there has been a case/outbreak of any of the diseases mentioned in point 10.1;
10.9.	any transport vehicles or containers in which they were loaded were cleaned and disinfected before loading with an officially authorised disinfectant;
10.10.	they were examined by an official veterinarian within 24 hours of loading and showed no clinical sign of disease;
10.11.	they were loaded for dispatch to the European Community on ⁽¹²⁾ in the means of transport described in point 7 above that were cleaned and disinfected before loading with an official authorised disinfectant and so constructed that faeces, urine, litter or fodder could not flow or fall out of the vehicle or container during transportation.
11.	Animal transport attestation I, the undersigned official veterinarian, hereby certify that the animals described above have been treated before and at the time of loading in accordance with the relevant provisions of Directive 91/628/EEC, in particular as regards watering and feeding, and they are fit for the intended transport.
Official stamp and signature Done at on  (stamp) (signature of official veterinarian) (name in capital letters, qualifications and title)	

Notes

- ⁽¹⁾ Live cattle (*Bos taurus*, *Bison bison* and *Bubalus bubalis*, and their cross-breeds) intended for immediate slaughter.
After importation the animals must be conveyed without delay to the slaughterhouse of destination to be slaughtered within five working days.
- ⁽²⁾ Issued by the competent authority.
- ⁽³⁾ Country and code of territory as appearing in Part 1 of Annex I to Decision 79/542/EEC (as last amended).
- ⁽⁴⁾ The registration number(s) of rail-wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft.
In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, should be indicated in point 7.3.
- ⁽⁵⁾ Keep as appropriate.
- ⁽⁶⁾ Complete if appropriate.
- ⁽⁷⁾ The assembly centre must fulfil the conditions for its approval, as laid down in Part 3.B of this Annex I.
- ⁽⁸⁾ The animals must bear:
- (a) an individual number which permits tracing of their premises of origin. Specify the identification system (i.e. tag, tattoos, brand, chip, transponder) and the anatomic place used in the animal,
- (b) an ear tag that includes the ISO code of the exporting country.
- In case of a consignment of more than one animal species, indicate also "Bos", "Bison" and "Bubalus" as appropriate.
- ⁽⁹⁾ Date of birth (dd/mm/yy). Sex (M = male, F = female, C = castrated).
- ⁽¹⁰⁾ Officially tuberculosis/brucellosis-free regions and herds as laid down in Annex A to Directive 64/432/EEC.

- (¹¹) This mark shall take the form of "L" having 13 cm in the left side and 7 cm in the bottom side with 1 cm of strength in both lines. It shall be applied using the technique known as "freeze-branding".
- (¹²) Date of loading. Imports of these animals shall not be allowed when the animals were loaded either prior to the date of authorisation for exportation to the European Community from the territory mentioned in note 3, or during a period where restrictive measures have been adopted by the European Community against imports of these animals from this territory.
- (¹³) Only for a territory appearing with the entry "T" in column 6 of Part 1 of Annex I to Decision 79/542/EEC (as last amended) regarding BSE, in accordance with the provisions of Regulation (EC) No 999/2001 (as last amended).'

ANNEX II

Model BOV

1. Consignor (name and address in full)	VETERINARY CERTIFICATE for fresh meat of domestic bovines ⁽¹⁾, consigned to the European Community No ⁽²⁾ ORIGINAL																																																																						
2. Consignee (name and address in full)	3. Origin of the meat ⁽³⁾ 3.1. Country:..... 3.2. Code of territory:																																																																						
5. Intended destination of the meat 5.1. EU Member State: 5.2. Establishment Name and address: Approval or registration number (where applicable):	4. Competent authority 4.1. Ministry:..... 4.2. Service: 4.3. Local/regional level:																																																																						
7. Means of transport and consignment identification ⁽⁴⁾ 7.1. (Lorry, rail-wagon, ship or aircraft) ⁽⁵⁾ 7.2. Registration number(s), ship name or flight number:	6. Place of loading for exportation 7.3. Consignment identification details ⁽⁶⁾:																																																																						
8. Identification of the meat 8.1. Meat from: (animal species) 8.2. Temperature conditions of the meat included in this consignment: chilled/frozen ⁽⁵⁾ 8.3. Individual identification of the meat included in this consignment: <table border="1" data-bbox="316 1272 1305 1653"> <thead> <tr> <th rowspan="2">Nature of cuts ⁽⁷⁾</th> <th colspan="3">Approval number of the establishments</th> <th rowspan="2">Number of packages/pieces</th> <th rowspan="2">Net weight (kg)</th> </tr> <tr> <th>Slaughterhouse</th> <th>Cutting/ Manufacturing</th> <th>Cold store</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr> <td align="right" colspan="4">Total</td> <td> </td> <td> </td> </tr> </tbody> </table>			Nature of cuts ⁽⁷⁾	Approval number of the establishments			Number of packages/pieces	Net weight (kg)	Slaughterhouse	Cutting/ Manufacturing	Cold store																																																							Total					
Nature of cuts ⁽⁷⁾	Approval number of the establishments			Number of packages/pieces	Net weight (kg)																																																																		
	Slaughterhouse	Cutting/ Manufacturing	Cold store																																																																				
Total																																																																							
9. Public health attestation I, the undersigned official veterinarian, hereby certify that: 9.1. the fresh meat has been obtained, prepared, handled and stored under the health conditions governing production and control laid down in European Community legislation ⁽⁸⁾ and it is, therefore, considered as such to be fit for human consumption; ⁽⁵⁾ [and the minced meat was produced and deep-frozen in manufacturing establishments, in accordance with the requirements laid down in European Community legislation ⁽⁸⁾]; 9.2. the fresh meat, or the packages of meat, bear an official health mark to the effect that the meat has been wholly dressed and inspected in the establishments indicated in point 8.3 that are approved for exportation to the European Community; 9.3. the means of transport and the loading conditions of this consignment meet the hygiene requirements laid down in European Community legislation ⁽⁸⁾ ;																																																																							

9.4.	with regard to bovine spongiform encephalopathy (BSE) ⁽⁸⁾ ,
⁽⁵⁾ ⁽⁹⁾ either	[the fresh meat does not contain bovine material other than those derived from animals born, continuously reared and slaughtered in the territory described in point 3, and/or from animals born and continuously reared in the territory of ⁽³⁾ ⁽⁹⁾ , and imported and slaughtered in the territory described in point 3.]
⁽⁵⁾ ⁽¹⁰⁾ or	[(insert the relevant text of Regulation (EC) No 999/2001 (as last amended))]
10.	Animal health attestation
	I, the undersigned official veterinarian, hereby certify that the fresh meat described above:
10.1.	has been obtained in the territory with code ⁽³⁾ which, at the date of issuing this certificate:
	(a) has been free for 12 months from rinderpest, and during the same period no vaccination against this disease has taken place, and
⁽⁵⁾ either	[(b) has been free for 12 months from foot-and-mouth disease, and during the same period no vaccination against this disease has taken place;]
⁽⁵⁾ or	[(b) has been considered free from foot-and-mouth disease since (date), without having had cases/outbreaks afterwards, and authorised to export this meat by Decision .../...EC of (date)]
⁽⁵⁾ ⁽¹¹⁾ or	[(b) vaccination programmes against foot-and-mouth disease are being officially carried out and controlled in domestic bovine animals;]
10.2.	has been obtained from animals that:
⁽⁵⁾	[have remained in the territory described in point 10.1 since birth, or for at least the last three months before slaughter;]
⁽⁵⁾ and/or	[were introduced on (date) into the territory described in point 10.1, from the territory with code ... ⁽³⁾ that at that date was authorised to export this fresh meat to the European Community;]
⁽⁵⁾ and/or	[were introduced on (date) into the territory described in point 10.1, from the EU Member State:]
10.3.	has been obtained from animals coming from holdings in which:
	(a) None of the animals present therein have been vaccinated against [foot-and-mouth disease or] ⁽¹²⁾ rinderpest, and
⁽⁵⁾ either	[(b) in these holdings, and in the holdings situated in their vicinity within 10 km, there has been no case/outbreak of foot-and-mouth disease or rinderpest during the previous 30 days,]
⁽⁵⁾ ⁽¹³⁾ or	[(b) there is no official restriction for health reasons and where, in these holdings and in the holdings situated in their vicinity within 25 km, there has been no case/outbreak of foot-and-mouth disease or rinderpest during the previous 60 days, and,
	(c) they have remained for at least 40 days before direct dispatch to the slaughterhouse;]
⁽⁵⁾ ⁽¹⁴⁾ or	[(b) there is no official restriction for health reasons and where, in these holdings and in the holdings situated in their vicinity within 10 km, there has been no case/outbreak of foot-and-mouth disease or rinderpest during the previous 12 months, and
	(c) they have remained for at least 40 days before direct dispatch to the slaughterhouse;]
10.4.	has been obtained from animals which:
	(a) have been transported from their holdings in vehicles, cleaned and disinfected before loading, to an approved slaughterhouse without contact with other animals which did not comply with the conditions mentioned above,
	(b) at the slaughterhouse, have passed ante mortem health inspection during the 24 hours before slaughter and, in particular, have shown no evidence of the diseases mentioned in point 10.1,
	(c) have been slaughtered on or between ⁽¹⁵⁾
⁽⁵⁾ ⁽¹⁶⁾	[(d) have reacted negatively to an official intra-dermal tuberculosis test carried out within three months before slaughter;]
10.5.	has been obtained in an establishment around which, within a radius of 10 km, there has been no case/outbreak of the diseases mentioned in point 10.1 during the previous 30 days or, in the event of a case of disease, the preparation of meat for exportation to the European Community has been authorised only after slaughter of all animals present, removal of all meat and the total cleaning and disinfection of the establishment under the control of an official veterinarian;

10.6.

⁽⁵⁾ either [has been obtained and prepared without contact with other meats not complying with the conditions required above;]

⁽⁵⁾ ⁽¹³⁾ or [contains [boneless meat] [and] [minced meat] ⁽⁵⁾, obtained only from de-boned meat other than offal that was obtained from carcasses in which the main accessible lymphatic glands have been removed, which have been submitted to maturation at a temperature above + 2 °C for at least 24 hours before the bones were removed and in which the pH value of the meat was below 6,0 when tested electronically in the middle of the longissimus dorsi muscle after maturation and before de-boning, and

has been kept strictly separate from meat not conforming to the requirements mentioned above during all stages of its production, de-boning and storage until it has been packed in boxes or cartons for further storage in dedicated areas.]

⁽⁵⁾ ⁽¹⁷⁾ or [contains [boneless meat], [and] [minced meat] ⁽⁵⁾, obtained only from de-boned meat other than offal that was obtained from carcasses in which the main accessible lymphatic glands have been removed, which have been submitted to maturation at a temperature above + 2 °C for at least 24 hours before the bones were removed, and

has been kept strictly separate from meat not conforming to the requirements mentioned above during all stages of its production, de-boning and storage until it has been packed in boxes or cartons for further storage in dedicated areas.]

⁽⁵⁾ ⁽¹⁴⁾ or [(a) contains only trimmed offal which have matured at an ambient temperature of more than + 2 °C for at least three hours, or, in the case of diaphragm and masseter muscles, for at least 24 hours;

(b) has been kept strictly separate from meat not conforming to the requirements mentioned above during all stages of its production, trimming and storage until it has been packed in boxes or cartons for further storage in dedicated areas; and

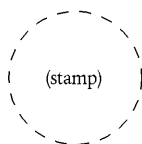
(c) has been packed in leak-proof and sealed boxes/containers which bear labels indicating 'MEAT-OFFAL FOR HEAT-TREATMENT', the name and the address of the EU processing establishment of destination.]

11. **Animal welfare attestation**

I, the undersigned official veterinarian, hereby certify that the fresh meat described above derives from animals which have been treated in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of European Community legislation ⁽⁸⁾.

Official stamp and signature

Done at on



(signature of official veterinarian)

(name in capital letters, qualifications and title)

Notes

⁽¹⁾ Fresh meat means all parts, whether fresh, chilled or frozen, fit for human consumption of domestic cattle (*Bos taurus*, *Bison bison*, *Bubalus bubalis* and their cross-breeds), including deep-frozen minced meat.

In the case of trimmed offal fulfilling the supplementary guarantees mentioned in note 14, after importation, it must be conveyed without delay to the processing establishment of destination.

⁽²⁾ Issued by the competent authority.

⁽³⁾ Country and code of territory as appearing in Part 1 of Annex II to Decision 79/542/EEC (as last amended).

⁽⁴⁾ The registration number(s) of rail-wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft.

In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, should be indicated in point 7.3.

⁽⁵⁾ Keep as appropriate.

⁽⁶⁾ Complete if appropriate.

- (⁷) If appropriate, indicate "matured" and/or "minced". If frozen, indicate the date of freezing (mm/yy) of the cuts/pieces.
Trimmed offal of domestic bovines must be exclusively those offal from which the bones, cartilage, trachea and main bronchi, lymphatic glands adhering connective tissue, fat and mucus have been completely removed. Whole masseter muscles, incised in accordance with paragraph 41A(a) of Chapter VIII of Annex I to Directive 64/433/EEC (as last amended), are also permitted. Minced meat is meat which has been minced into fragments or passed through a spiral-screw mincer and that must have been prepared exclusively from striated muscle (including the adjoining fatty tissues) except heart muscle.
- (⁸) Regarding fresh meat, the provisions of Directive 72/462/EEC (as last amended) shall apply. From 8 June 2003, fresh meat shall come from establishments implementing checks on general hygiene, in accordance with Decision 2001/471/EC (as last amended). For minced meat, those of Directive 94/65/EC are also applicable as last amended. Regarding welfare at slaughter, the provisions of Directive 93/119/EC (as last amended) shall apply. Regarding BSE, the provisions of Regulation (EC) No 999/2001 (as last amended) shall apply.
- (⁹) Only countries listed in Annex XI, Chapter A, point 15(b) of Regulation (EC) No 999/2001 (as last amended).
- (¹⁰) Insert the exact wording as laid down in Annex XI, Chapter A, point 15(b) of Regulation (EC) No 999/2001 (as last amended).
- (¹¹) Only matured de-boned meat fulfilling the supplementary guarantees mentioned in note 13, or in the case of trimmed offal, fulfilling the supplementary guarantees mentioned in note 14.
- (¹²) Delete when the exporting country carries out vaccination against foot-and-mouth disease with serotype A, O or C, and this country is allowed for export to the European Community matured de-boned meat or trimmed offal, which fulfils the supplementary guarantees described in, respectively, note 13 or 14.
- (¹³) Supplementary guarantees regarding meats from matured de-boned meat to be provided when required in column 5 "SG" of Part 1 of Annex II to Decision 79/542/EEC (as last amended), with the entry "A".
- (¹⁴) Supplementary guarantees regarding matured trimmed offal to be provided when required in column 5 "SG" of Part 1 of Annex II to Decision 79/542/EEC (as last amended), with the entry "B".
- (¹⁵) Date or dates of slaughter. Imports of this meat shall not be allowed when obtained from animals slaughtered either prior to the date of authorisation for exportation to the European Community of the territory mentioned in note 3, or during a period where restrictive measures have been adopted by the European Community against imports of this meat from this territory.
- (¹⁶) Supplementary guarantees concerning tuberculosis test, to be provided when required in column 5 "SG" of Part 1 of Annex II to Decision 79/542/EEC (as last amended), with the entry "E". Intra-dermal tuberculosis test to be carried out in accordance with the provisions of Annex B to Directive 64/432/EEC (as last amended).
- (¹⁷) Supplementary guarantees regarding meats from matured de-boned meat to be provided when required in column 5 "SG" of Part 1 of Annex II to Decision 79/542/EEC (as last amended), with the entry "F". The matured de-boned meat shall not be allowed for importation into the European Community until 21 days after the date of slaughter of the animals.

Model OVI

1. Consignor (name and address in full)	VETERINARY CERTIFICATE for fresh meat of domestic sheep and goats ⁽¹⁾ , consigned to the European Community No ⁽²⁾ ORIGINAL																																																																						
2. Consignee (name and address in full)	3. Origin of the meat ⁽³⁾ 3.1. Country: 3.2. Code of territory:																																																																						
5. Intended destination of the meat 5.1. EU Member State: 5.2. Establishment Name and address: Approval or registration number (where applicable):	4. Competent authority 4.1. Ministry: 4.2. Service: 4.3. Local/regional level:																																																																						
7. Means of transport and consignment identification ⁽⁴⁾ 7.1. (Lorry, rail-wagon, ship or aircraft) ⁽⁵⁾ 7.2. Registration number(s), ship name or flight number:	6. Place of loading for exportation 7.3. Consignment identification details ⁽⁶⁾ :																																																																						
8. Identification of the meat 8.1. Meat from: (animal species) 8.2. Temperature conditions of the meat included in this consignment: chilled/frozen ⁽⁵⁾ 8.3. Individual identification of the meat included in this consignment Approval number of the establishments <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Nature of cuts ⁽⁷⁾</th> <th style="width: 20%;">Slaughterhouse</th> <th style="width: 20%;">Cutting/ Manufacturing</th> <th style="width: 20%;">Cold store</th> <th style="width: 15%;">Number of packages/pieces</th> <th style="width: 20%;">Net weight (kg)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr> <td colspan="4" style="text-align: right;">Total</td> <td> </td> <td> </td> </tr> </tbody> </table>						Nature of cuts ⁽⁷⁾	Slaughterhouse	Cutting/ Manufacturing	Cold store	Number of packages/pieces	Net weight (kg)																																																							Total					
Nature of cuts ⁽⁷⁾	Slaughterhouse	Cutting/ Manufacturing	Cold store	Number of packages/pieces	Net weight (kg)																																																																		
Total																																																																							
9. Public health attestation I, the undersigned official veterinarian, hereby certify that: 9.1. the fresh meat has been obtained, prepared, handled and stored under the health conditions governing production and control laid down in European Community legislation ⁽⁸⁾ and it is, therefore, considered as such to be fit for human consumption; ⁽⁵⁾ [and the minced meat was produced and deep-frozen in manufacturing establishments, in accordance with the requirements laid down in European Community legislation ⁽⁸⁾] 9.2. the fresh meat, or the packages of meat, bear an official health mark to the effect that the meat has been wholly dressed and inspected in the establishments indicated in point 8.3 that are approved for exportation to the European Community; 9.3. the means of transport and the loading conditions of this consignment meet the hygiene requirements laid down in European Community legislation ⁽⁸⁾ ;																																																																							

9.4.	with regard to bovine spongiform encephalopathy (BSE) ⁽⁸⁾ ,
(⁵) ⁽⁹⁾ either	[the fresh meat does not contain ovine or caprine material other than those derived from animals born, continuously reared and slaughtered in the territory described in point 3, and/or from animals born and continuously reared in the territory of (³) ⁽⁹⁾ , and imported and slaughtered in the territory described in point 3.]
(⁵) ⁽¹⁰⁾ or	[(insert the relevant text of Regulation (EC) No 999/2001 (as last amended))]
10.	Animal health attestation
	I, the undersigned official veterinarian, hereby certify that the fresh meat described above:
10.1.	has been obtained in the territory with code: (³) which, at the date of issuing this certificate:
	(a) has been free for 12 months from rinderpest, and during the same period no vaccination against this disease has taken place, and
(⁵) either	[(b) has been free for 12 months from foot-and-mouth disease, and during the same period no vaccination against this disease has taken place;]
(⁵) or	[(b) has been considered free from foot-and-mouth disease since (date), without having had cases/outbreaks afterwards, and authorised to export this meat by Decision .../.../EC of (date);]
(⁵) ⁽¹²⁾ or	[(b) vaccination programmes against foot-and-mouth disease are being officially carried out and controlled in domestic bovine animals;]
10.2.	has been obtained from animals that:
(⁵)	[have remained in the territory described in point 10.1 since birth, or for at least the last three months before slaughter;]
(⁵) and/or	[were introduced on (date) into the territory described in point 10.1, from the territory with code ... (³) that at that date was authorised to export this fresh meat to the European Community;]
(⁵) and/or	[were introduced on (date) into the territory described in point 10.1, from the EU Member State ;]
10.3.	has been obtained from animals coming from holdings:
	(a) in which none of the animals present therein have been vaccinated against [foot-and-mouth disease or] ⁽¹³⁾ rinderpest,
	(b) not subject to prohibition as a result of an outbreak of ovine or caprine brucellosis during the previous six weeks, and
(⁵) either	[(c) in and around which, in an area of 10 km radius, there has been no case/outbreak of foot-and-mouth disease or rinderpest during the previous 30 days;]
(⁵) ⁽¹²⁾ or	[(c) where there is no official restriction for health reasons and in and around which, in area of 50 km radius, there has been no case/outbreak of foot-and-mouth disease or rinderpest during the previous 90 days, and,
	(d) where they have remained for at least 40 days before direct dispatch to the slaughterhouse;]
10.4.	has been obtained from animals which:
	(a) have been transported from their holdings in vehicles, cleaned and disinfected before loading, to an approved slaughterhouse without contact with other animals which did not comply with the conditions mentioned above,
	(b) at the slaughterhouse, have passed ante mortem health inspection during the 24 hours before slaughter and, in particular, have shown no evidence of the diseases mentioned in point 10.1 above,
	(c) have been slaughtered on or between ⁽¹⁴⁾ ;
10.5.	has been obtained in an establishment around which, within a radius of 10 km, there has been no case/outbreak of the diseases mentioned in point 10.1 during the previous 30 days or, in the event of a case of disease, the preparation of meat for exportation to the European Community has been authorised only after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishment under the control of an official veterinarian;

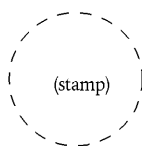
- 10.6.
(⁵) either [has been obtained and prepared without contact with other meats not complying with the conditions required above.]
- (⁵) (¹²) or [contains [boneless meat] [and] [minced meat] (⁵), obtained only from de-boned meat other than offal that was obtained from carcasses in which the main accessible lymphatic glands have been removed, which have been submitted to maturation at a temperature above + 2 °C for at least 24 hours before the bones were removed and in which the pH value of the meat was below 6,0 when tested electronically in the middle of the longissimus dorsi muscle after maturation and before de-boning, and
- has been kept strictly separate from meat not conforming to the requirements mentioned above during all stages of its production, de-boning and storage until it has been packed in boxes or cartons for further storage in dedicated areas.]
- (⁵) (¹⁵) or [contains [boneless meat], [and] [minced meat] (⁵), obtained only from de-boned meat other than offal that was obtained from carcasses in which the main accessible lymphatic glands have been removed, which have been submitted to maturation at a temperature above + 2 °C for at least 24 hours before the bones were removed, and
- has been kept strictly separate from meat not conforming to the requirements mentioned above during all stages of its production, de-boning and storage until it has been packed in boxes or cartons for further storage in dedicated areas.]

11. Animal welfare attestation

I, the undersigned official veterinarian, hereby certify that the fresh meat described above derives from animals which have been treated in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of European Community legislation (⁸).

Official stamp and signature

Done at on



(signature of official veterinarian)

(name in capital letters, qualifications and title)

Notes

- (¹) Fresh meat means all parts, whether fresh, chilled or frozen, fit for human consumption of domestic sheep (*Ovis aries*) and goats (*Capra hircus*), including deep-frozen minced meat.
- (²) Issued by the competent authority.
- (³) Country and code of territory as appearing in Part 1 of Annex II to Decision 79/542/EEC (as last amended).
- (⁴) The registration number(s) of rail-wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft.
In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, should be indicated in point 7.3.
- (⁵) Keep as appropriate.
- (⁶) Complete if appropriate.
- (⁷) If appropriate, indicate "matured" and/or "minced". If frozen, indicate the date of freezing (mm/yy) of the cuts/pieces.
Minced meat is meat which has been minced into fragments or passed through a spiral-screw mincer and that must have been prepared exclusively from striated muscle (including the adjoining fatty tissues) except heart muscle.
- (⁸) Regarding fresh meat, the provisions of Directive 72/462/EEC (as last amended) shall apply. From 8 June 2003, fresh meat shall come from establishments implementing checks on general hygiene, in accordance with Decision 2001/471/EC (as last amended). For minced meat, those of Directive 94/65/EC (as last amended) are also applicable. Regarding welfare at slaughter, the provisions of Directive 93/119/EC (as last amended) shall apply. Regarding BSE, the provisions of Regulation (EC) No 999/2001, (as last amended), shall apply.
- (⁹) Only countries listed in Annex XI, Chapter A, point 15(b) of Regulation (EC) No 999/2001 (as last amended).
- (¹⁰) Insert the exact wording as laid down in Annex XI, Chapter A, point 15(b) of Regulation (EC) No 999/2001 (as last amended).
- (¹¹) DELETED.

- (¹²) Supplementary guarantees regarding meats from matured de-boned meat to be provided when required in column 5 "SG" of Part 1 of Annex II to Decision 79/542/EEC (as last amended), with the entry "A".
- (¹³) Delete when the exporting country carries out vaccination against foot-and-mouth disease with serotype A, O or C, and this country is allowed to export to the European Community matured de-boned meat which fulfils the supplementary guarantees described in note 12.
- (¹⁴) Date or dates of slaughter. Imports of this meat shall not be allowed when obtained from animals slaughtered either prior to the date of authorisation for exportation to the European Community of the territory mentioned in note 3, or during a period where restrictive measures have been adopted by the European Community against imports of this meat from this territory.
- (¹⁵) Supplementary guarantees regarding meats from matured de-boned meat to be provided when required in column 5 "SG" of Part 1 of Annex II to Decision 79/542/EEC (as last amended), with the entry "F". The matured de-boned meat shall not be allowed for importation into the European Community until 21 days after the date of slaughter of the animals.'

COMMISSION DECISION

of 26 August 2004

amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China*(notified under document number C(2004) 3256)***(Text with EEA relevance)**

(2004/621/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Following the detection of residues of veterinary medicines in certain products of animal origin imported from China, and the shortcomings identified during an inspection visit to that country as regards the regulation of veterinary medicines and the residue control system in live animals and animal products, the Commission adopted Decision 2002/69/EC of 30 January 2002 concerning certain protective measures with regard to the products of animal origin imported from China ⁽²⁾.

(2) In the light of the information provided by the Chinese competent authority and the favourable results of the checks carried out by Member States importation of certain products of animal origin from China was authorised by means of several amendments to Decision 2002/69/EC, which were consolidated in Commission Decision 2002/994/EC ⁽³⁾.

(3) In view of the implementation of corrective measures and the guarantees provided by the Chinese competent authority, the favourable results of a new inspection visit

to China, and the results of the checks carried out by Member States when importing products from China, it may now be considered that products of animal origin imported from China are subject to complete and systematic food and feed safety checks.

(4) The Chinese competent authority has guaranteed, in particular, that each consignment of products of animal origin intended for human consumption or animal nutrition in the Community must undergo a systematic pre-shipment check in order to detect the presence of residues of veterinary medicines. The Chinese competent authority has also guaranteed that all consignments will be accompanied by a declaration of the competent authority confirming that the products have been checked before export and including the results of the analytical checks.

(5) In view of the results and guarantees explained above, it is appropriate to replace the protective measures provided for by Decision 2002/994/EC by a requirement that the consignments concerned be tested at the place of origin before export to the Community, and be accompanied by a corresponding attestation.

(6) However, the inspection visit still identified some deficiencies as regards the sanitary conditions applied in China to the production of poultry meat intended for export to the Community. In view of those deficiencies, together with the situation created by the outbreaks of avian influenza, the restrictions on imports of poultry meat cannot yet be lifted.

(7) Decision 2002/994/EC should therefore be amended accordingly.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1).

⁽²⁾ OJ L 30, 31.1.2002, p. 50. Decision as last amended by Decision 2002/933/EC (OJ L 324, 29.11.2002, p. 71).

⁽³⁾ OJ L 348, 21.12.2002, p. 154. Decision as amended by Decision 2003/72/EC (OJ L 26, 31.1.2003, p. 84).

HAS ADOPTED THIS DECISION:

Article 1

Decision 2002/994/EC is amended as follows:

1. Articles 2 and 3 are replaced by the following:

'Article 2

Member States shall authorise the imports of products listed in the Annex in accordance with this Decision, and with the specific animal and public health conditions applicable to the products concerned.

Article 3

Member States shall authorise imports of consignments of products listed in section II of the Annex accompanied by a declaration of the Chinese competent authority stating that each consignment has been subjected before dispatch to a chemical test in order to ensure that the products concerned do not present a danger to human health. This test must be carried out, in particular, with a view to detecting the presence of Chloramphenicol and Nitrofurantoin and its metabolites. The results of the analytical checks have to be included.';

2. Article 4 is deleted;

3. Article 6 is replaced by the following:

'Article 6

This Decision shall be reviewed on the basis of the information and guarantees provided by the Chinese competent authority and, if necessary, the results of an on-the-spot inspection visit by Community experts.';

4. The Annex is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 31 August 2004.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 August 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

'ANNEX

PART I

List of products of animal origin intended for human consumption or animal feed use authorised to be imported into the Community without the attestation provided for in Article 3

- Fishery products, except:
 - those obtained by aquaculture,
 - peeled and/or processed shrimps,
 - Crayfish of the species *Procambrus clarkii* caught in natural fresh waters by fishing operations,
- Gelatine.

PART II

List of products of animal origin intended for human consumption or animal feed use authorised to be imported into the Community, subject to the attestation provided by Article 3:

- Aquaculture fishery products.
 - Peeled and/or processed shrimps.
 - Crayfish of the species *Procambrus clarkii* caught in natural fresh waters by fishing operations.
 - Casings.
 - Rabbit meat.
 - Honey.
 - Royal Jelly.'
-

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

COUNCIL COMMON POSITION 2004/622/CFSP
of 26 August 2004
amending Common Position 2004/179/CFSP concerning restrictive measures against the leadership
of the Transnistrian region of the Moldovan Republic

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 23 February 2004, the Council adopted Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic⁽¹⁾.
- (2) A widespread intimidation campaign is being conducted against teachers, parents and students of Latin-script Moldovan schools in the Transnistrian Region and a series of these schools have been closed.
- (3) The scope of the restrictive measures imposed by Common Position 2004/179/CFSP should therefore be expanded to persons responsible for the intimidation campaign and the closure of Latin-script Moldovan schools,

HAS ADOPTED THIS COMMON POSITION:

Article 1

Common Position 2004/179/CFSP is amended as follows:

1. Article 1(1) shall be replaced by the following:

‘1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons, who are responsible

- for preventing progress in arriving at a political settlement of the conflict, as listed in Annex I;
- for the design and implementation of the intimidation and closure campaign against Latin-script Moldovan schools in the Transnistrian region of the Moldovan Republic, as listed in Annex II.’;

2. Article 2 shall be replaced by the following:

‘Article 2

1. The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications to the lists contained in Annex I and Annex II as required by political developments in Moldova.

2. Annex II shall be reviewed no later than 1 December 2004 with a view to assess whether Latin-script Moldovan schools in the Transnistrian region of the Moldovan Republic have re-opened as from 1 September 2004 and teachers, parents and students of these schools have subsequently not been subjected to continued intimidation, in order to decide whether restrictions against persons, listed in Annex II, can be lifted.’;

3. the Annex is replaced by the Annexes to this Common Position.

Article 2

This Common Position shall take effect on the day of its adoption.

Article 3

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 26 August 2004.

For the Council
The President
B. BOT

⁽¹⁾ OJ L 55, 24.2.2004, p. 68.

ANNEX I

LIST OF PERSONS REFERRED TO IN ARTICLE 1(1), FIRST INDENT

1. SMIRNOV, IGOR, 'President', born on 29 October 1941 in Chabarowsk. Russian passport No 50 NO. 0337530.
 2. SMIRNOV, VLADIMIR, son of No 1 and Chairman of State Customs Committee, born on 3 April 1961 in Vupiansk Charkow. Russian passport No 50 NO. 00337016.
 3. SMIRNOV, OLEG, son of No 1 and Adviser to the State Customs Committee, born on 8 August 1967 in Nowaja Wachowka, Cherson. Russian passport No 60 NO. 1907537.
 4. LEONTYEV, SERGEY, 'Vice-president', born on 9 February 1944 in Odessa Leontovka. Russian passport No 50 NO. 0065438.
 5. MARACUTSA, GRIGORY, 'Chairman of the Supreme Soviet', born on 15 October 1942 in Teia, Grigoriopol. Old Soviet passport No 8BM724835.
 6. KAMINSKY, ANATOLY, 'Vice-chairman of the Supreme Soviet', born on 15 March 1950 in Cita. Old Soviet passport No A25056238.
 7. SHEVCHUK, EVGENY, 'Vice-chairman of the Supreme Soviet', born on 21 June 1946 in Novosibirsk. Old Soviet passport No A25004230.
 8. LITSKAI, VALERY, 'Minister of Foreign Affairs', born on 13 February 1949 in Tver. Russian passport.
 9. KHAJEEV, STANISLAV, 'Minister of Defence', born on 28 December 1941 in Celabinsk.
 10. ANTIUFEEV (SEVTOV), VADIM, 'Minister of State Security', born in 1951 in Novosibirsk. Russian passport.
 11. KOROLYOV, ALEXANDER, 'Minister of Internal Affairs', born in 1951 in Briansk. Russian passport.
 12. BALALA, VIKTOR, 'Minister of Justice', born in 1961 in Vinita.
 13. AKULOV, BORIS, 'Representative of Transnistria in Ukraine'.
 14. ZAKHAROV, VIKTOR, 'Prosecutor's office', born in 1948 in Camenca.
 15. LIPOVTSEV, ALEXEY, 'Deputy Chairman of the Custom's Committee'.
 16. GUDYMO, OLEG, 'Deputy Minister of Security', born on 11 September 1944 in Alma-Ata. Russian passport No 51 NO. 0592094.
 17. KOSOVSKI, EDUARD, 'Chairman of the Transnistrian Republican Bank', born on 7 October 1958 in Floresti.
-

ANNEX II

LIST OF PERSONS REFERRED TO IN ARTICLE 1(1), SECOND INDENT

1. BOMESHKO, ELENA VASILYEVNA, 'Minister of Education' of Transnistria.
 2. GELLO, VALENTINA ALEXEEVNA, 'First Deputy Minister for Education' of Transnistria.
 3. KRIMINSKYI, ALEXANDER IVANOVICH, 'Deputy Minister for Education' of Transnistria.
 4. SURINOV, VICTOR GEORGEVICH, 'Deputy Minister for Education' of Transnistria.
 5. POSUDNEVSKY, ALEKSANDER IVANOVICH, Head of City Administration, Bendery.
 6. GORDIENCO, SVETLANA ALEKSANDROVNA, Deputy Head of City Administration on Education Issues, Bendery.
 7. KOSTYRKO, IVAN IVANOVICH, Head of City Administration, Tiraspol.
 8. PASHENKO, MARIA RAFELOVNA, Head of Department for Education, Tiraspol.
 9. PLATONOV, YURI MOKHAILOVICH, Head of City Administration, Ribnita.
 10. CHERBULENKO, ALLA VIKTOROVNA, Deputy Head of City Administration on Education Issues, Ribnita.
-