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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1676/2004**of 24 September 2004**

adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria

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) Protocol 3 to the Europe Agreement between the European Communities and Bulgaria, approved by Decision 94/908/EC, ECSC, Euratom of the Council and the Commission of 19 December 1994 on the conclusion of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part⁽¹⁾, lays down the trade arrangements for the processed agricultural products which are listed therein. Protocol 3 was amended by the Protocol adjusting trade aspects of the Europe Agreement between the European Communities and Bulgaria⁽²⁾, hereinafter 'Adjusting Protocol', approved by Decision 1999/278/EC⁽³⁾ and improved by Decision No 2/2002 of the EU-Bulgaria Association Council⁽⁴⁾.
- (2) A trade agreement has recently been concluded which amends the Adjusting Protocol. The agreement aims to improve economic convergence in preparation for the accession of Bulgaria to the European Union and is scheduled to enter into force not later than 1 October 2004.
- (3) The procedure for adopting a decision to amend the Adjusting Protocol will not be completed in time for it to enter into force on 1 October 2004. It is therefore necessary to provide for the application of the tariff concessions made to Bulgaria on an autonomous basis as from 1 October 2004.
- (4) For the imports of certain processed agricultural products no duties should be applied. For certain other goods tariff quotas should be opened on a yearly basis.

- (5) On processed agricultural products covered by Protocol 3 but not listed in this Regulation or for which the quotas opened by this Regulation are exhausted, the trade provision laid down in Protocol 3 should continue to apply.
- (6) Commission Regulation (EC) No 1446/2002 of 8 August 2002 on the suspension and opening of tariff quotas applicable to the importation into the Community of certain processed agricultural products originating in Bulgaria and amending Regulation (EC) No 1477/2000⁽⁵⁾ opened annual tariff quotas for imports into the Community of certain processed agricultural products originating in Bulgaria. Only quantities for the tariff quota with Order No 09.5463, 09.5487 and Order No 095479 should continue to apply for the year 2004.
- (7) Processed agricultural products not covered by Annex I to the Treaty and exported to Bulgaria should not be eligible for export refunds under Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽⁶⁾.
- (8) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽⁷⁾ provides for a system for managing tariff quotas. The tariff quotas opened by this Regulation should be managed by the Community authorities and the Member States in accordance with that system.
- (9) The measures necessary for the implementation of this Regulation 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⁽⁸⁾.

⁽⁵⁾ OJ L 213, 9.8.2002, p. 3.

⁽⁶⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

⁽⁷⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

⁽⁸⁾ OJ L 184, 17.7.1999, p. 23.

⁽¹⁾ OJ L 358, 31.12.1994, p. 1.

⁽²⁾ OJ L 112, 29.4.1999, p. 3.

⁽³⁾ OJ L 112, 29.4.1999, p. 1.

⁽⁴⁾ OJ L 18, 23.1.2003, p. 21.

HAS ADOPTED THIS REGULATION:

Article 1

From 1 October 2004, the customs duties set out in Annex I shall apply to the importation of the goods originating in Bulgaria listed in that Annex.

Article 2

1. The Community tariff quotas for duty free imports of goods originating in Bulgaria, set out in Annex II shall be opened annually from 1 January to 31 December. For the year 2004, they shall be open from 1 October to 31 December 2004. The volumes for the year 2004 shall be reduced on a pro rata basis according to the period, based on whole months, already elapsed, except for tariff quotas under Order No 09.5463, No 09.5487 and No 09.5479.

2. The quantities for the tariff quotas under Order No 09.5463, No 09.5487 and No 09.5479 opened under Regulation (EC) No. 1446/2002, and put in free circulation from 1 January to 30 September 2004, shall be fully counted against the quantities provided in the corresponding tariff quotas set out in Annex II.

Article 3

Processed agricultural products listed in Annex III to this Regulation which are exported to Bulgaria shall not be eligible for export refunds under Regulation (EC) No 1520/2000.

Article 4

For processed agricultural products which are not covered by Annex I or for which the quotas referred to in Annex II are exhausted, the provisions laid down in Protocol 3 shall apply.

Article 5

The Commission may suspend the measures provided for in Articles 1, 2 and 3 in the event of non-application of the reciprocal preferences agreed by Bulgaria, in accordance with the procedure referred to in Article 7(2).

Article 6

The tariff quotas referred to in Annex II to this Regulation shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 7

1. The Commission shall be assisted by the Committee referred to in Article 16 of Regulation (EC) No 3448/93⁽¹⁾, hereinafter referred to as 'the Committee'

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

The period laid down 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 8

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

It shall apply from 1 October 2004.

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

Done at Brussels, 24 September 2004.

For the Council

The President

B. R. BOT

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

ANNEX I

Duties on imports into the Community of goods originating in Bulgaria

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:				
0403 10	– Yoghurt:				
	– – Flavoured or containing added fruit, nuts or cocoa:				
	– – – In powder, granules or other solid forms, of a milk fat content, by weight:				
0403 10 51	– – – – Not exceeding 1,5 %	0 % + 64,1 EUR/100 kg	0	0	0
0403 10 53	– – – – Exceeding 1,5 % but not exceeding 27 %	0 % + 87,9 EUR/100 kg	0	0	0
0403 10 59	– – – – Exceeding 27 %	0 % + 113,9 EUR/100 kg	0	0	0
	– – – Other, of a milk fat content, by weight:				
0403 10 91	– – – – Not exceeding 3 %	0 % + 8,3 EUR/100 kg	0	0	0
0403 10 93	– – – – Exceeding 3 % but not exceeding 6 %	0 % + 11,4 EUR/100 kg	0	0	0
0403 10 99	– – – – Exceeding 6 %	0 % + 17,9 EUR/100 kg	0	0	0
0403 90	– Other:				
	– – Flavoured or containing added fruit, nuts or cocoa:				
	– – – In powder, granules or other solid forms, of a milkfat content, by weight:				
0403 90 71	– – – – Not exceeding 1,5 %	0 % + 64,1 EUR/100 kg	0	0	0
0403 90 73	– – – – Exceeding 1,5 % but not exceeding 27 %	0 % + 87,9 EUR/100 kg	0	0	0
0403 90 79	– – – – Exceeding 27 %	0 % + 113,9 EUR/100 kg	0	0	0
	– – – Other, of a milkfat content, by weight:				
0403 90 91	– – – – Not exceeding 3 %	0 % + 8,3 EUR/100 kg	0	0	0
0403 90 93	– – – – Exceeding 3 % but not exceeding 6 %	0 % + 11,4 EUR/100 kg	0	0	0
0403 90 99	– – – – Exceeding 6 %	0 % + 17,9 EUR/100 kg	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
(1)	(2)				
0405	Butter and other fats and oils derived from milk; dairy spreads:				
0405 20	– Dairy spreads:				
0405 20 10	– – Of a fat content, by weight, of 39 % or more but less than 60 %	0	0	0	0
0509 00	Natural sponges of animal origin:				
0509 00 90	– Other	0	0	0	0
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:				
0710 40 00	– Sweet corn	0	0	0	0
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:				
0711 90	– Other vegetables; mixtures of vegetables:				
	– – Vegetables:				
0711 90 30	– – – Sweet corn	0	0	0	0
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:				
	– Vegetable saps and extracts:				
1302 13 00	– – Of hops	0	0	0	0
1302 20	– Pectic substances, pectinates and pectates:				
1302 20 10	– – Dry	0	0	0	0
1302 20 90	– – Other	0	0	0	0
1505	Wool grease and fatty substances derived therefrom (including lanolin):				
1505 00 10	– Wool grease, crude	0	0	0	0
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516:				
1517 10	– Margarine, excluding liquid margarine:				
1517 10 10	– – Containing, by weight, more than 10 % but not more than 15 % of milk fats	0 % + 19,1 EUR/100 kg	0 % + 12,7 EUR/100 kg	0 % + 6,3 EUR/100 kg	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
(1)	(2)				
1517 90	– Other:				
1517 90 10	– – Containing, by weight, more than 10 % but not more than 15 % of milk fats	0 % + 19,1 EUR/100 kg	0	0	0
	– – Other:				
1517 90 93	– – – Edible mixtures or preparations of a kind used as mould-release preparations	1,9 %	0	0	0
1518 00	Animal or vegetable fats and oils and their fractions, boiled, oxidized, dehydrated, sulphurised, blown, polymerized by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included:				
1518 00 10	– Linoxyn:	0	0	0	0
1518 00 91	– – Animal or vegetable fats and oils and their fractions, boiled, oxidized, dehydrated, sulphurized, blown, polymerized by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516	0	0	0	0
	– – Other:				
1518 00 95	– – – Inedible mixtures or preparations of animal or of animal and vegetable fats and oils and their fractions	0	0	0	0
1518 00 99	– – – Other	0	0	0	0
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured:				
1521 90	– Other:				
1521 90 99	– – – Other	0	0	0	0
1522 00	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes:				
1522 00 10	– Degras	0	0	0	0
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:				
1702 50 00	– Chemically pure fructose	0	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
1702 90	– Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose:				
1702 90 10	– – Chemically pure maltose	0	0	0	0
1704	Sugar confectionery (including white chocolate), not containing cocoa:				
1704 10	– Chewing gum, whether or not sugar-coated:				
	– – Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose):				
1704 10 11	– – – Gum in strips	0	0	0	0
1704 10 19	– – – Other	0	0	0	0
	– – Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose):				
1704 10 91	– – – Gum in strips	0	0	0	0
1704 10 99	– – – Other	0	0	0	0
1704 90	– Other:				
1704 90 10	– – Liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances	0	0	0	0
1704 90 30	– – White chocolate	0	0	0	0
	– – Other:				
1704 90 51	– – – Pastes, including marzipan, in immediate packings of a net content of 1 kg or more	0	0	0	0
1704 90 55	– – – Throat pastilles and cough drops	0	0	0	0
1704 90 61	– – – Sugar coated (panned) goods	0	0	0	0
	– – – Other:				
1704 90 65	– – – – Gum confectionery and jelly confectionery including fruit pastes in the form of sugar confectionery	0	0	0	0
1704 90 71	– – – – Boiled sweets whether or not filled	0	0	0	0
1704 90 75	– – – – Toffees, caramels and similar sweets	0	0	0	0
	– – – – Other:				
1704 90 81	– – – – – Compressed tablets	0	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
ex 1704 90 99 (Code taric 1704 90 99 10)	----- Other (excluding products containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose))	0	0	0	0
1806	Chocolate and other food preparations containing cocoa:				
1806 10	- Cocoa powder, containing added sugar or other sweetening matter:				
1806 10 20	-- Containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	0	0	0	0
1806 10 30	-- Containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	0	0	0	0
1806 20	- Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg:				
1806 20 10	-- Containing 31 % or more by weight of cocoa butter or containing a combined weight of 31 % or more of cocoa butter and milk fat	0	0	0	0
1806 20 30	-- Containing a combined weight of 25 % or more, but less than 31 % of cocoa butter and milk fat	0	0	0	0
	-- Other:				
1806 20 50	--- Containing 18 % or more by weight of cocoa butter	0	0	0	0
1806 20 70	--- Chocolate milk crumb	0	0	0	0
ex 1806 20 80 (Code taric 1806 20 80 10)	--- Chocolate flavour coating, (excluding products containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose))	0	0	0	0
ex 1806 20 95 (Code taric 1806 20 95 10)	--- Other, (excluding products containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose))	0	0	0	0
	- Other, in blocks, slabs or bars:				

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
(1)	(2)				
1806 31 00	-- Filled	(*)	0	0	0
1806 32	-- Not filled:				
1806 32 10	--- With added cereal, fruit or nuts	(*)	0	0	0
1806 32 90	--- Other	(*)	0	0	0
1806 90	- Other:				
	-- Chocolate and chocolate products:				
	--- Chocolates, whether or not filled:				
1806 90 11	---- Containing alcohol	(*)	0	0	0
1806 90 19	---- Other	(*)	0	0	0
	--- Other:				
1806 90 31	---- Filled	(*)	0	0	0
1806 90 39	---- Not filled	(*)	0	0	0
1806 90 50	-- Sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa	(*)	0	0	0
1806 90 60	-- Spreads containing cocoa	(*)	0	0	0
1806 90 70	-- Preparations containing cocoa for making beverages	(*)	0	0	0
ex 1806 90 90 (Code taric 1806 90 90 11 and 1806 90 90 91)	-- Other, (excluding products containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose))	(*)	0	0	0
1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:				
1901 10 00	- Preparations for infant use, put up for retail sale	0	0	0	0
1901 20 00	- Mixes and doughs for the preparation of bakers' wares of heading 1905	0	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
1901 90	– Other:				
	– – Malt extract:				
1901 90 11	– – – With a dry extract content of 90 % or more by weight	0	0	0	0
1901 90 19	– – – Other	0	0	0	0
	– – Other:				
1901 90 91	– – – Containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose (including invert sugar) or isoglucose, 5 % glucose or starch, excluding food preparations in powder form of goods of headings 0401 to 0404	0	0	0	0
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni, couscous, whether or not prepared:				
	– Uncooked pasta, not stuffed or otherwise prepared:				
1902 11 00	– – Containing eggs	0	0	0	0
1902 19	– – Other:				
1902 19 10	– – – Containing no common wheat flour or meal	0	0	0	0
1902 19 90	– – – Other	0	0	0	0
1902 20	– Stuffed pasta, whether or not cooked or otherwise prepared:				
	– – Other:				
1902 20 91	– – – Cooked	0	0	0	0
1902 20 99	– – – Other	0	0	0	0
1902 30	– Other pasta:				
1902 30 10	– – Dried	0	0	0	0
1902 30 90	– – Other	0	0	0	0
1902 40	– Couscous:				
1902 40 10	– – Unprepared	0	0	0	0
1902 40 90	– – Other	0	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	0	0	0	0
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included:				
1904 10	– Prepared foods obtained by the swelling or roasting of cereals or cereal products:				
1904 10 10	– – Obtained from maize	0	0	0	0
1904 10 30	– – Obtained from rice	0	0	0	0
1904 10 90	– – Other	0	0	0	0
1904 20	– Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals:				
1904 20 10	– – Preparation of the Müsli type based on unroasted cereal flakes	0	0	0	0
	– – Other:				
1904 20 91	– – – Obtained from maize	0	0	0	0
1904 20 95	– – – Obtained from rice	0	0	0	0
1904 20 99	– – – Other	0	0	0	0
1904 30 00	– Bulgur wheat	0	0	0	0
1904 90	– Other:				
1904 90 10	– – Rice	0	0	0	0
1904 90 80	– – Other	0	0	0	0
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:				

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
(1)	(2)				
1905 10 00	– Crispbread	0	0	0	0
1905 20	– Gingerbread and the like:				
1905 20 10	-- Containing by weight less than 30 % of sucrose (including invert sugar expressed as sucrose)	0	0	0	0
1905 20 30	-- Containing by weight 30 % or more but less than 50 % of sucrose (including invert sugar expressed as sucrose)	0	0	0	0
1905 20 90	-- Containing by weight 50 % or more of sucrose (including invert sugar expressed as sucrose)	0	0	0	0
	– Sweet biscuits; waffles and wafers:				
1905 31	-- Sweet biscuits:				
	--- Completely or partially coated or covered with chocolate or other preparations containing cocoa:				
1905 31 11	---- In immediate packings of a net content not exceeding 85 g	0	0	0	0
1905 31 19	---- Other	0	0	0	0
	--- Other:				
1905 31 30	---- Containing 8 % or more by weight of milk fats	0	0	0	0
	---- Other:				
1905 31 91	----- Sandwich biscuits	0	0	0	0
1905 31 99	----- Other	0	0	0	0
1905 32	--- Waffles and wafers:				
1905 32 05	---- with a water content exceeding 10 % by weight	0	0	0	0
	--- Other:				
	---- Completely or partially coated or covered with chocolate or other preparations containing cocoa:				
1905 32 11	----- In immediate packings of a net content not exceeding 85 g	0	0	0	0
1905 32 19	----- Other	0	0	0	0
	---- Other:				
1905 32 91	----- Salted, whether or not filled	0	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
1905 32 99	----- Other	0	0	0	0
1905 40	- Rusks, toasted bread and similar toasted products:				
1905 40 10	-- Rusks	0	0	0	0
1905 40 90	-- Other	0	0	0	0
1905 90	- Other:				
1905 90 10	-- Matzos	0	0	0	0
1905 90 20	-- Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	0	0	0	0
	-- Other:				
1905 90 30	---- Bread, not containing added honey, eggs, cheese or fruit, and containing by weight in the dry matter state not more than 5 % of sugars and not more than 5 % of fat	0	0	0	0
1905 90 45	---- Biscuits	0	0	0	0
1905 90 55	---- Extruded or expanded products, savoury or salted	0	0	0	0
	---- Other:				
1905 90 60	----- With added sweetening matter	0	0	0	0
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:				
2001 90	- Other:				
2001 90 30	-- Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)	0	0	0	0
2001 90 40	-- Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	0	0	0	0
2001 90 60	-- Palm hearts	0	0	0	0
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:				
2004 10	- Potatoes:				
	-- Other:				
2004 10 91	---- In the form of flour, meal or flakes	0	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
(1)	(2)				
2004 90	– Other vegetables and mixtures of vegetables:				
2004 90 10	– – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)	0	0	0	0
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:				
2005 20	– Potatoes:				
2005 20 10	– – In the form of flour, meal or flakes	0	0	0	0
2005 80 00	– Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)	0	0	0	0
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:				
	– Nuts, groundnuts and other seeds, whether or not mixed together:				
2008 11	– – Groundnuts:				
2008 11 10	– – – Peanut butter	0	0	0	0
2008 91 00	– – Palm hearts	0	0	0	0
2008 99	– – Other:				
2008 99 85	– – – – – Maize (corn), other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)	0	0	0	0
2008 99 91	– – – – – Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch	0	0	0	0
2101	Extracts, essences and concentrates, of coffee, tea or maté, and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:				
	– Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:				
2101 11	– – Extracts, essences and concentrates:				
2101 11 11	– – – With a coffee-based dry matter content of 95 % or more by weight	0	0	0	0
2101 11 19	– – – Other	0	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
2101 12	-- Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:				
2101 12 92	--- Preparations with a basis of these extracts, essences or concentrates of coffee	0	0	0	0
2101 12 98	--- Other	0	0	0	0
2101 20	- Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates or with a basis of tea or maté:				
2101 20 20	-- Extracts, essences or concentrates	0	0	0	0
	-- Preparations:				
2101 20 98	--- Other	0	0	0	0
2101 30	- Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof:				
	-- Roasted chicory and other roasted coffee substitutes:				
2101 30 11	--- Roasted chicory	0	0	0	0
2101 30 19	--- Other	0	0	0	0
	-- Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes:				
2101 30 91	--- Of roasted chicory	0	0	0	0
2101 30 99	--- Other	0	0	0	0
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 3002); prepared baking powders:				
2102 10	- Active yeasts:				
2102 10 10	-- Culture yeast	0	0	0	0
	-- Baker's yeast:				
2102 10 90	-- Other	0	0	0	0
2102 20	- Inactive yeasts; other single-cell micro-organisms, dead:				
	-- Inactive yeasts:				
2102 20 11	--- In tablet, cube or similar form, or in immediate packings of a net content not exceeding 1 kg	0	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
(1)	(2)				
2102 20 19	— — — Other	0	0	0	0
2102 30 00	— Prepared baking powders	0	0	0	0
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:				
2103 10 00	— Soya sauce	0	0	0	0
2103 20 00	— Tomato ketchup and other tomato sauces	2,5 %	0	0	0
2103 30	— Mustard flour and meal and prepared mustard:				
2103 30 90	— — Prepared mustard	0	0	0	0
2103 90	— Other:				
2103 90 90	— — Other	0	0	0	0
2104	Soups and broths and preparations therefor; homogenised composite food preparations:				
2104 10	— Soups and broths and preparation therefor:				
2104 10 10	— — Dried	3 %	0	0	0
2104 10 90	— — Other	3 %	0	0	0
2104 20 00	— Homogenised composite food preparations	3,6 %	0	0	0
2105 00	Ice cream and other edible ice, whether or not containing cocoa:				
2105 00 10	— Containing no milk fats or containing less than 3 % by weight of such fats	0 % + 13,5 EUR/100 kg Max 17,4 % + 8,4 EUR/100 kg	0	0	0
	— Containing by weight of milk fats:				
2105 00 91	— — 3 % or more but less than 7 %	0 % + 25,9 EUR/100 kg Max 16,2 % + 6,3 EUR/100 kg	0	0	0
2105 00 99	— — 7 % or more	0 % + 36,4 EUR/100 kg Max 16 % + 6,2 EUR/100 kg	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
(1)	(2)				
2106	Food preparations not elsewhere specified or included:				
2106 10	– Protein concentrates and textured protein substances:				
2106 10 20	– – Containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	0	0	0	0
2106 10 80	– – Other	0	0	0	0
2106 90	– Other:				
2106 90 10	– – Cheese fondues	0	0	0	0
2106 90 20	– – Compound alcoholic preparations, other than those based on odoriferous substances, of a kind used for the manufacture of beverages	0	0	0	0
	– – Other:				
2106 90 92	– – – Containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	0	0	0	0
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009:				
2202 10 00	– Waters including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	0	0	0	0
2202 90	– Other:				
2202 90 10	– – Not containing products of headings 0401 to 0404 or fat obtained from products of headings 0401 to 0404	0	0	0	0
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances:				
2205 10	– In containers holding 2 litres or less:				
2205 10 10	– – Of an actual alcoholic strength by volume of 18 % vol or less	0	0	0	0
2205 90	– Other:				
2205 90 10	– – Of an actual alcoholic strength by volume of 18 % vol or less	0	0	0	0

CN Code	Description	Duty			
		From 1.10 to 31.12.2004	From 1.1. to 31.12.2005	From 1.1. to 31.12.2006	From 1.1.2007 onward
2403	Other manufactured tobacco and manufactured tobacco substitutes; 'homogenized' or 'reconstituted' tobacco; tobacco extracts and essences:				
2403 10	– Smoking tobacco, whether or not containing tobacco substitutes in any proportion:				
2403 10 10	– – In immediate packings of a net content not exceeding 500 g	50,5 %	33,7 %	16,8 %	0
2403 10 90	– – Other	50,5 %	33,7 %	16,8 %	0
	– Other:				
2403 91 00	– – 'Homogenized' or 'reconstituted' tobacco	11,1 %	7,4 %	3,7 %	0
2403 99	– – Other:				
2403 99 10	– – – Chewing tobacco and snuff	28 %	18,7 %	9,3 %	0
2403 99 90	– – – Other	11,1 %	7,4 %	3,7 %	0
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils:				
3301 90	– Other:				
3301 90 10	– – Terpenic by-products of the deterpenation of essential oils	0	0	0	0
	– – Extracted oleoresins				
3301 90 90	– – Other	0	0	0	0
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as a raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:				
3302 10	– Of a kind used in the food or drink industries:				
	– – Of a kind used in drink industries:				
	– – – Preparations containing all flavouring agents characterising a beverage:				
	– – – – Other:				
3302 10 21	– – – – – Containing no milkfats, sucrose, isoglucose, glucose, or starch or containing, by weight, less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch	0	0	0	0
3302 10 29	– – – – – Other	0	0	0	0

(*) Trade provision laid down in Protocol 3 should continue to apply.

ANNEX II

Duty Free Quotas of imports into the Community of Goods originating in Bulgaria

Order No	CN Code	Description	Annual tariff quotas (tons)	Yearly increase from 2005 on (tons)
(1)	(2)	(3)	(4)	(5)
09.5920	ex 0405 0405 20 0405 20 30	Butter and other fats and oils derived from milk; dairy spreads: – Dairy spreads: – – Of a fat content, by weight, of 60 % or more but not exceeding 75 %	200	20
09.5921	ex 1704 1704 90 ex 1704 90 99 (TARIC Code 1704 90 99 90)	Sugar confectionery (including white chocolate), not containing cocoa: – Other: – – – – – Other (products containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose))	100	10
09.5922	ex 1806 1806 10 1806 10 90 1806 20 ex 1806 20 80 (TARIC Code 1806 20 80 90) ex 1806 20 95 (TARIC Code 1806 20 95 90)	Chocolate and other food preparations containing cocoa: – Cocoa powder, containing added sugar or other sweetening matter: – – Containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose – Other preparations in block, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg: – – – Chocolate flavour coating (containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose)) – – – Other, (containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose))	50	5
09.5923	ex 1806 ex 1806 90 ex 1806 90 90 (TARIC Code 1806 90 90 19 and 1806 90 90 99)	Chocolate and other food preparations containing cocoa: – Other: – – Other, (containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose))	50	5
09.5463	ex 1806 1806 31 00 to ex 1806 90 90 (TARIC Code 1806 90 90 11 and 1806 90 90 91)	Chocolate and other food preparations containing cocoa: – Other Chocolate and other food preparations containing cocoa (excluding products containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose))	704 (*)	—

(1)	(2)	(3)	(4)	(5)
09.5924	ex 1901 1901 90 99	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included: --- Other	100	10
09.5925	ex 1905 1905 90 1905 90 90	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products: - Other: ---- Other	200	20
09.5487	2103 20 00	Tomato ketchup and other tomato sauces	2 600 (**)	—
09.5479	2105 00	Ice cream and other edible ice, whether or not containing cocoa	116 (**)	—
09.5926	ex 2106 2106 90 2106 90 98	Food preparations not elsewhere specified or included: - Other: --- Other	500	50
09.5927	ex 2202 2202 90 2202 90 91 2202 90 95 2202 90 99	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009: - Other: -- Other, containing by weight of fat obtained from the products of heading Nos 0401 to 0404: --- Less than 0,2 % --- 0,2 % or more but less than 2 % --- 2 % or more	2 000	500
09.5928	2905 2905 43 00 2905 44 2905 44 11 2905 44 19 2905 44 91 2905 44 99	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives: - Other polyhydric alcohols: -- Mannitol -- D-glucitol (sorbitol): --- In aqueous solution: ---- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content ---- Other --- Other: ---- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content ---- Other	100	10

(1)	(2)	(3)	(4)	(5)
09.5929	3505	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:	2 000	500
	3505 10	– Dextrins and other modified starches:		
	3505 10 10	– – Dextrins		
		– – Other modified starches:		
	3505 10 90	– – – Other		
09.5930	3505	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:	100	10
	3505 20	– Glues:		
	3505 20 10	– – Containing, by weight, less than 25 % of starches or dextrins or other modified starches		
	3505 20 30	– – Containing, by weight, 25 % or more but less than 55 % of starches or dextrins or other modified starches		
	3505 20 50	– – Containing, by weight, 55 % or more but less than 80 % of starches or dextrins or other modified starches		
	3505 20 90	– – Containing by weight 80 % or more of starches or dextrins or other modified starches		
09.5938	3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:	500	50
	3809 10	– With a basis of amylaceous substances:		
	3809 10 10	– – Containing by weight of such substances less than 55 %		
	3809 10 30	– – Containing by weight of such substances 55 % or more but less than 70 %		
	3809 10 50	– – Containing by weight of such substances 70 % or more but less than 83 %		
	3809 10 90	– – Containing by weight of such substances 83 % or more		

(1)	(2)	(3)	(4)	(5)
09.5934	3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included:	100	10
	3824 60	– Sorbitol other than that of subheading 2905 44:		
		– – in aqueous solution:		
	3824 60 11	– – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content		
	3824 60 19	– – – Other		
		– – Other:		
	3824 60 91	– – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content		
	3824 60 99	– – – Other		

(*) Quotas opened only for 2004. The duties will be 0 from 1 January 2005 onward.

(**) Quotas opened only for 2004. For quantities in excess of quota, the duty set out in Annex I will apply. The duties will be 0 from 1 January 2005 onward.

ANNEX III

Processed Agricultural Products, of which exports are not eligible for export refunds

CN Code	Description
(1)	(2)
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:
0403 10	– Yoghurt:
	– – Flavoured or containing added fruit, nuts or cocoa:
	– – – In powder, granules or other solid forms, of a milk fat content, by weight:
0403 10 51	– – – – Not exceeding 1,5 %
0403 10 53	– – – – Exceeding 1,5 % but not exceeding 27 %
0403 10 59	– – – – Exceeding 27 %
	– – – Other, of a milk fat content, by weight:
0403 10 91	– – – – Not exceeding 3 %
0403 10 93	– – – – Exceeding 3 % but not exceeding 6 %
0403 10 99	– – – – Exceeding 6 %
0403 90	– Other:
	– – Flavoured or containing added fruit, nuts or cocoa:
	– – – In powder, granules or other solid forms, of a milkfat content, by weight:
0403 90 71	– – – – Not exceeding 1,5 %
0403 90 73	– – – – Exceeding 1,5 % but not exceeding 27 %
0403 90 79	– – – – Exceeding 27 %
	– – – Other, of a milkfat content, by weight:
0403 90 91	– – – – Not exceeding 3 %
0403 90 93	– – – – Exceeding 3 % but not exceeding 6 %
0403 90 99	– – – – Exceeding 6 %
0405	Butter and other fats and oils derived from milk; dairy spreads:
0405 20	– Dairy spreads:
0405 20 10	– – Of a fat content, by weight, of 39 % or more but less than 60 %
0405 20 30	– – Of a fat content, by weight, of 60 % or more but not exceeding 75 %

CN Code	Description
(1)	(2)
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:
0710 40 00	– Sweet corn
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:
0711 90	– Other vegetables; mixtures of vegetables:
	– – Vegetables:
0711 90 30	– – – Sweet corn
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516:
1517 10	– Margarine, excluding liquid margarine:
1517 10 10	– – Containing, by weight, more than 10 % but not more than 15 % by weight of milk fats
1517 90	– Other:
1517 90 10	– – Containing, by weight, more than 10 % but not more than 15 % by weight of milk fats
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:
1702 50 00	– Chemically pure fructose
1704	Sugar confectionery (including white chocolate), not containing cocoa:
1704 10	– Chewing gum, whether or not sugar-coated:
	– – Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose):
1704 10 11	– – – Gum in strips
1704 10 19	– – – Other
	– – Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose):
1704 10 91	– – – Gum in strips
1704 10 99	– – – Other
1704 90	– Other:
1704 90 30	– – White chocolate
	– – Other:
1704 90 51	– – – Pastes, including marzipan, in immediate packings of a net content of 1 kg or more

CN Code	Description
(1)	(2)
1704 90 55	--- Throat pastilles and cough drops
1704 90 61	--- Sugar coated (panned) goods
	--- Other:
1704 90 65	---- Gum confectionery and jelly confectionery including fruit pastes in the form of sugar confectionery
1704 90 71	---- Boiled sweets whether or not filled
1704 90 75	---- Toffees, caramels and similar sweets
	---- Other:
1704 90 81	----- Compressed tablets
1704 90 99	----- Other
1806	Chocolate and other food preparations containing cocoa:
1806 10	- Cocoa powder, containing added sugar or other sweetening matter:
1806 10 15	-- Containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose
1806 10 20	-- Containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose
1806 10 30	-- Containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose
1806 10 90	-- Containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose
1806 20	- Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg:
1806 20 10	-- Containing 31 % or more by weight of cocoa butter or containing a combined weight of 31 % or more of cocoa butter and milk fat
1806 20 30	-- Containing a combined weight of 25 % or more, but less than 31 % of cocoa butter and milk fat
	-- Other:
1806 20 50	--- Containing 18 % or more by weight of cocoa butter
1806 20 70	--- Chocolate milk crumb
1806 20 80	--- Chocolate flavour coating

CN Code	Description
(1)	(2)
1806 20 95	— — — Other — Other, in blocks, slabs or bars:
1806 31 00	— — Filled
1806 32	— — Not filled:
1806 32 10	— — — With added cereal, fruit or nuts
1806 32 90	— — — Other
1806 90	— Other: — — Chocolate and chocolate products: — — — Chocolates, whether or not filled:
1806 90 11	— — — — Containing alcohol
1806 90 19	— — — — Other — — — Other:
1806 90 31	— — — — Filled
1806 90 39	— — — — Not filled
1806 90 50	— — Sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa
1806 90 60	— — Spreads containing cocoa
1806 90 70	— — Preparations containing cocoa for making beverages
1806 90 90	— — Other
1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:
1901 10 00	— Preparations for infant use, put up for retail sale
1901 20 00	— Mixes and doughs for the preparation of bakers' wares of heading 1905
1901 90	— Other: — — Malt extract:
1901 90 11	— — — With a dry extract content of 90 % or more by weight

CN Code	Description
(1)	(2)
1901 90 19	— — — Other — — Other:
1901 90 99	— — — Other
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni, couscous, whether or not prepared: — Uncooked pasta, not stuffed or otherwise prepared:
1902 11 00	— — Containing eggs
1902 19	— — Other:
1902 19 10	— — — Containing no common wheat flour or meal
1902 19 90	— — — Other
1902 20	— Stuffed pasta, whether or not cooked or otherwise prepared: — — Other:
1902 20 91	— — — Cooked
1902 20 99	— — — Other
1902 30	— Other pasta:
1902 30 10	— — Dried
1902 30 90	— — Other
1902 40	— Couscous:
1902 40 10	— — Unprepared
1902 40 90	— — Other
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked or otherwise prepared, not elsewhere specified or included:
1904 10	— Prepared foods obtained by the swelling or roasting of cereals or cereal products:
1904 10 10	— — Obtained from maize
1904 10 30	— — Obtained from rice
1904 10 90	— — Other

CN Code	Description
(1)	(2)
1904 20	– Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals:
1904 20 10	– – Preparation of the Müsli type based on unroasted cereal flakes
	– – Other:
1904 20 91	– – – Obtained from maize
1904 20 95	– – – Obtained from rice
1904 20 99	– – – Other
1904 30 00	– Bulgur wheat
1904 90	– Other:
1904 90 10	– – Rice
1904 90 80	– – Other
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:
1905 10 00	– Crispbread
1905 20	– Gingerbread and the like:
1905 20 10	– – Containing by weight less than 30 % of sucrose (including invert sugar expressed as sucrose)
1905 20 30	– – Containing by weight 30 % or more but less than 50 % of sucrose (including invert sugar expressed as sucrose)
1905 20 90	– – Containing by weight 50 % or more of sucrose (including invert sugar expressed as sucrose)
	– Sweet biscuits; waffles and wafers:
1905 31	– – Sweet biscuits:
	– – – Completely or partially coated or covered with chocolate or other preparations containing cocoa:
1905 31 11	– – – – In immediate packings of a net content not exceeding 85 g
1905 31 19	– – – – Other
	– – – Other:
1905 31 30	– – – – Containing 8 % or more by weight of milk fats
	– – – – Other:
1905 31 91	– – – – – Sandwich biscuits
1905 31 99	– – – – – Other

CN Code	Description
(1)	(2)
1905 32	-- Waffles and wafers:
1905 32 05	--- With a water content exceeding 10 % by weight
	--- Other:
	---- Completely or partially coated or covered with chocolate or other preparations containing cocoa:
1905 32 11	----- In immediate packings of a net content not exceeding 85 g
1905 32 19	----- Other
	---- Other:
1905 32 91	----- Salted, whether or not filled
1905 32 99	----- Other
1905 40	- Rusks, toasted bread and similar toasted products:
1905 40 10	-- Rusks
1905 40 90	-- Other
1905 90	- Other:
1905 90 10	-- Matzos
1905 90 20	-- Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
	-- Other:
1905 90 30	--- Bread, not containing added honey, eggs, cheese or fruit, and containing by weight in the dry matter state not more than 5 % of sugars and not more than 5 % of fat
1905 90 45	--- Biscuits
1905 90 55	--- Extruded or expanded products, savoury or salted
	--- Other:
1905 90 60	---- With added sweetening matter
1905 90 90	---- Other
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:
2001 90	- Other:
2001 90 30	-- Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2001 90 40	-- Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch

CN Code	Description
(1)	(2)
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:
2004 10	– Potatoes:
	– – Other:
2004 10 91	– – – In the form of flour, meal or flakes
2004 90	– Other vegetables and mixtures of vegetables:
2004 90 10	– – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:
2005 20	– Potatoes:
2005 20 10	– – In the form of flour, meal or flakes
2005 80 00	– Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
2008 99 85	– – – – – Maize (corn), other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2008 99 91	– – – – – Yams, sweet potatoes and similar edible parts of plants, containing 5% or more by weight of starch
2101	Extracts, essences and concentrates, of coffee, tea or maté, and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:
2101 12 98	– – – Other
2101 20	– Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté:
2101 20 98	– – – Other
2101 30	– Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof:
	– – Roasted chicory and other roasted coffee substitutes:
2101 30 19	– – – Other
	– – Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes:
2101 30 99	– – – Other

CN Code	Description
(1)	(2)
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 3002); prepared baking powders:
2102 10	– Active yeasts:
2102 10 31	– – – Dried
2102 10 39	– – – Other
2105 00	Ice cream and other edible ice, whether or not containing cocoa:
2105 00 10	– Containing no milk fats or containing less than 3 % by weight of such fats
	– Containing by weight of milk fats:
2105 00 91	– – 3 % or more but less than 7 %
2105 00 99	– – 7 % or more
2106	Food preparations not elsewhere specified or included:
2106 90	– Other:
2106 90 10	– – Cheese fondues
	– – Other:
2106 90 92	– – – Containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch
2106 90 98	– – – Other
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009:
2202 10 00	– Waters including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured
2202 90	– Other:
2202 90 10	– – Not containing products of headings 0401 to 0404 or fat obtained from products of headings 0401 to 0404
	– – Other, containing by weight of fat obtained from the products of headings 0401 to 0404:
2202 90 91	– – – Less than 0,2 %
2202 90 95	– – – 0,2 % or more but less than 2 %
2202 90 99	– – – 2 % or more

CN Code	Description
(1)	(2)
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances:
2205 10	– In containers holding 2 litres or less:
2205 10 10	– – Of an actual alcoholic strength by volume of 18 % vol or less
2205 10 90	– – Of an actual alcoholic strength by volume exceeding 18 % vol
2205 90	– Other:
2205 90 10	– – Of an actual alcoholic strength by volume of 18 % vol or less
2205 90 90	– – Of an actual alcoholic strength by volume exceeding 18 % vol
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages:
2208 20	– Spirits obtained by distilling grape wine or grape marc:
	– – In containers holding 2 litres or less:
2208 20 12	– – – Cognac
2208 20 14	– – – Armagnac
2208 20 26	– – – Grappa
2208 20 27	– – – Brandy de Jerez
2208 20 29	– – – Other
	– – In containers holding more than 2 litres:
2208 20 40	– – – Raw distillate
	– – – Other:
2208 20 62	– – – – Cognac
2208 20 64	– – – – Armagnac
2208 20 86	– – – – Grappa
2208 20 87	– – – – Brandy de Jerez
2208 20 89	– – – – Other
2208 30	– Whiskies:
	– – Scotch whisky:
	– – – Malt whisky, in containers holding:
2208 30 32	– – – – 2 litres or less

CN Code	Description
(1)	(2)
2208 30 38	---- More than 2 litres --- Blended whisky, in containers holding:
2208 30 52	---- 2 litres or less
2208 30 58	---- More than 2 litres --- Other, in containers holding:
2208 30 72	---- 2 litres or less
2208 30 78	---- More than 2 litres -- Other in containers holding:
2208 30 82	--- 2 litres or less
2208 30 88	--- More than 2 litres
2208 50	- Gin and Geneva: -- Gin, in containers holding:
2208 50 11	--- 2 litres or less
2208 50 19	--- More than 2 litres -- Geneva, in containers holding:
2208 50 91	--- 2 litres or less
2208 50 99	--- More than 2 litres
2208 60	- Vodka: -- Of an alcoholic strength by volume of 45,4% vol or less in containers holding:
2208 60 11	--- 2 litres or less
2208 60 19	--- More than 2 litres -- Of an alcoholic strength by volume of more than 45,4% vol in containers holding:
2208 60 91	--- 2 litres or less
2208 60 99	--- More than 2 litres
2208 70	- Liqueurs and cordials:
2208 70 10	-- In containers holding 2 litres or less
2208 70 90	-- In containers holding more than 2 litres

CN Code	Description
(1)	(2)
2208 90	– Other:
	– – – 2 litres or less:
2208 90 41	– – – – Ouzo
	– – – – Other:
	– – – – – Spirits (excluding liqueurs):
	– – – – – – Distilled from fruit:
2208 90 45	– – – – – – Calvados
2208 90 48	– – – – – – Other
	– – – – – – Other:
2208 90 52	– – – – – – Corn
2208 90 54	– – – – – – Tequila
2208 90 56	– – – – – – Other
2208 90 69	– – – – – Other spirituous beverages
	– – – More than 2 litres:
	– – – – Spirits (excluding liqueurs):
2208 90 71	– – – – – Distilled from fruit
2208 90 75	– – – – – Tequila
2208 90 77	– – – – – Other
2208 90 78	– – – – – Other spirituous beverages
2905	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:
	– Other polyhydric alcohols:
2905 43 00	– – Mannitol
2905 44	– – D-glucitol (sorbitol):
	– – – In aqueous solution:
2905 44 11	– – – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content
2905 44 19	– – – – Other
	– – – Other:

CN Code	Description
(1)	(2)
2905 44 91	----- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content
2905 44 99	----- Other
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as a raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:
3302 10	- Of a kind used in the food or drink industries: - - Of a kind used in the drink industries: - - - Preparations containing all flavouring agents characterizing a beverage:
3302 10 29	----- Other
3502	Albumins (including concentrates of two or more whey proteins, containing weight more than 80 % whey proteins, calculated on the dry matter), albuminates and other albumin derivatives:
	- Egg albumin
3502 11	- - Dried:
3502 11 90	- - - Other
3502 19 90	- - - Other
3505	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:
3505 10	- Dextrins and other modified starches - - Other modified starches:
3505 10 50	- - - Starches, esterified or etherified
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:
3809 10	- With a basis of amylaceous substances:
3809 10 10	- - Containing by weight of such substances less than 55 %
3809 10 30	- - Containing by weight of such substances 55 % or more but less than 70 %
3809 10 50	- - Containing by weight of such substances 70 % or more but less than 83 %
3809 10 90	- - Containing by weight of such substances 83 % or more

CN Code	Description
(1)	(2)
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included:
3824 60	– Sorbitol other than that of subheading 2905 44:
	– – in aqueous solution:
3824 60 11	– – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content
	– – – Other
3824 60 19	– – Other:
3824 60 91	– – – Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content
3824 60 99	– – – Other

COMMISSION REGULATION (EC) No 1677/2004**of 27 September 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 September 2004.

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

Done at Brussels, 27 September 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 September 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	27,8
	999	27,8
0707 00 05	052	107,2
	999	107,2
0709 90 70	052	91,1
	999	91,1
0805 50 10	052	71,6
	388	47,3
	524	76,2
	528	55,1
	999	62,6
0806 10 10	052	76,3
	220	112,0
	400	184,4
	624	125,3
	999	124,5
0808 10 20, 0808 10 50, 0808 10 90	388	68,3
	400	94,0
	512	100,1
	720	16,9
	804	82,3
0808 20 50	999	72,3
	052	108,1
	388	83,8
	528	56,2
0809 30 10, 0809 30 90	999	82,7
	052	119,3
	624	78,5
0809 40 05	999	98,9
	052	73,4
	066	62,7
	094	29,3
	400	117,1
	624	124,9
	999	81,5

⁽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 1678/2004**of 24 September 2004****on the suspension of tariff quotas applicable to the importation into the Community of certain processed agricultural products originating in Bulgaria**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 7(2) thereof,

Having regard to Council Decision 1999/278/EC of 9 March 1999 relating to the conclusion of a Protocol adjusting trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the agricultural negotiations of the Uruguay Round, including improvements to the existing preferential arrangements⁽²⁾, and in particular Article 2 thereof,

Whereas:

- (1) Protocol 3 to the Europe Agreement between the European Communities and Bulgaria, approved by Decision 94/908/EC, ECSC, Euratom of the Council and the Commission of 19 December 1994 on the conclusion of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part⁽³⁾, lays down the trade arrangements for the processed agricultural products which are listed therein.
- (2) Protocol 3 was amended by the Protocol adjusting trade aspects of the Europe Agreement between the European Communities and Bulgaria⁽⁴⁾, approved by Decision 1999/278/EC and amended by Decision No 2/2002 of the EU-Bulgaria Association Council.⁽⁵⁾
- (3) The annual quotas provided for in Annex I to Protocol 3 have been adopted by Commission Regulation (EC) No 1446/2002 of 8 August 2002 on the suspension and opening of tariff quotas applicable to the importation into the Community of certain processed agricultural products originating in Bulgaria and amending Regu-

lation (EC) No 1477/2000⁽⁶⁾. Article 2 to that Regulation provides that those tariff quotas are to be opened annually from 1 January to 31 December.

- (4) New trade arrangements have recently been negotiated which aim to improve economic convergence in preparation for the accession of Bulgaria to the European Union. Concessions have been agreed in the form of complete or progressive liberalisation of trade for certain processed agricultural products and duty free quotas for others.
- (5) The concessions granted by the Community entered into force in the form of autonomous measures and transitory measures on 1 October 2004 pursuant to Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria⁽⁷⁾.
- (6) It is therefore necessary to suspend the application of the tariff quotas, opened for the year 2004 for imports into the Community of products originating in Bulgaria by Regulation (EC) No 1446/2002.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

The application of tariff quotas for goods originating in Bulgaria, opened by Regulation (EC) No 1446/2002, shall be suspended with effect from 1 October 2004.

Article 2

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

It shall apply from 1 October 2004.

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

⁽²⁾ OJ L 112, 29.4.1999, p. 1.

⁽³⁾ OJ L 358, 31.12.1994, p. 1.

⁽⁴⁾ OJ L 112, 29.4.1999, p. 3.

⁽⁵⁾ OJ L 18, 23.1.2003, p. 21.

⁽⁶⁾ OJ L 213, 9.8.2002, p. 3.

⁽⁷⁾ See page 1 of this Official Journal.

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

Done at Brussels, 24 September 2004.

For the Commission
Olli REHN
Member of the Commission

COMMISSION REGULATION (EC) No 1679/2004

of 27 September 2004

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 September 2004.

It shall apply from 29 September to 12 October 2004.

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

Done at Brussels, 27 September 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

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

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

ANNEX

to the Commission Regulation of 27 September 2004 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floral products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 29 September to 12 October 2004

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	13,60	9,66	25,50	10,49
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	—	—
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION DIRECTIVE 2004/95/EC
of 24 September 2004
amending Council Directive 90/642/EEC as regards the maximum residues levels of bifenthrin and
famoxadone fixed therein
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽²⁾, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) In accordance with Directive 91/414/EEC, authorisations of plant protection products for use on specific crops are the responsibility of the Member States. Such authorisations are required to be based on the evaluation of effects on human and animal health and influence on the environment. Elements to be taken into account in such evaluations include operator and bystander exposure and impact on the terrestrial, aquatic and aerial environments, as well as impact on humans and animals through consumption of residues on treated crops.
- (2) Maximum residue levels (MRLs) reflect the use of minimum quantities of pesticides to achieve effective protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in terms of estimated dietary intake.
- (3) MRLs for pesticides should be kept under review. They may be changed to take account of new uses, new information and data.
- (4) MRLs are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residue in or on the food product, or where there are no authorised uses, or where uses which have been

authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported with such necessary data.

- (5) Information on new or changed uses of certain pesticides covered by Directive 90/642/EEC has been notified to the Commission. This concerns bifenthrin, for which MRLs were set by Commission Directive 2002/79/EC⁽³⁾ and famoxadone for which MRLs were set by Commission Directive 2003/60/EC⁽⁴⁾.
- (6) The lifetime exposure of consumers to these pesticides via food products that may contain residues of these pesticides has been assessed and evaluated in accordance with the procedures and practices used within the Community, taking account of guidelines published by the World Health Organisation⁽⁵⁾. It has been calculated that the MRLs concerned will ensure that the acceptable daily intakes are not exceeded.
- (7) In the case of famoxadone, for which an acute reference (ARfD) dose exists, the acute exposure of consumers via each of the food products that may contain residues of these pesticides has been assessed and evaluated in accordance with the procedures and practices currently used within the European Community, taking account of guidelines published by the World Health Organisation. The opinions of the Scientific Committee for Plants, in particular advice and recommendations concerning the protection of consumers from food products treated with pesticides, have been taken into account. The intake assessment of famoxadone shows, that by setting the MRLs concerned, the ARfD will not be exceeded. In the case of bifenthrin, an assessment of the available information has shown that no ARfD is required and that therefore a short-term assessment is not needed.
- (8) Therefore it is appropriate to fix new maximum levels for residues of those pesticides.
- (9) Directive 90/642/EEC should therefore be amended accordingly.

⁽¹⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2004/61/EC (OJ L 127, 29.4.2004, p. 81).

⁽²⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/71/EC (OJ L 127, 29.4.2004, p. 104).

⁽³⁾ OJ L 291, 28.10.2002, p. 1.

⁽⁴⁾ OJ L 155, 24.06.2003, p. 15.

⁽⁵⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

- (10) The setting or modification at Community level of provisional MRLs does not prevent the Member States from establishing provisional MRLs for famoxadone in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI thereto. It is considered that a period of four years is sufficient to permit further uses of the active substance concerned. The provisional MRL should then become definitive.
- (11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

1. Member States shall adopt and publish, by 25 March 2005 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply these provisions from 26 March 2005.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 24 September 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

'Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)	
	Bifenthrin	Famoxadone
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts		
(i) CITRUS FRUIT	0,1	0,02 (*) (P)
Grapefruit		
Lemons		
Limes		
Mandarins (including clementines and other hybrids)		
Oranges		
Pomelos		
Others		
(ii) TREE NUTS (shelled or unshelled)	0,05 (*)	0,02 (*) (P)
Almonds		
Brazil nuts		
Cashew nuts		
Chestnuts		
Coconuts		
Hazelnuts		
Macadamia		
Pecans		
Pine nuts		
Pistachios		
Walnuts		
Others		
(iii) POME FRUIT	0,3	0,02 (*) (P)
Apples		
Pears		
Quinces		
Others		

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)	
	Bifenthrin	Famoxadone
(iv) STONE FRUIT	0,2	0,02 (*) (P)
Apricots		
Cherries		
Peaches (including nectarines and similar hybrids)		
Plums		
Others		
(v) BERRIES & SMALL FRUIT		
(a) Table and wine grapes	0,2	2 (P)
Table grapes		
Wine grapes		
(b) Strawberries (other than wild)	0,5	0,02 (*) (P)
(c) Cane fruit (other than wild)		0,02 (*) (P)
Blackberries	0,3	
Dewberries		
Loganberries		
Raspberries	0,3	
Others	0,05 (*)	
(d) Other small fruit and berries (other than wild)	0,05 (*)	0,02 (*) (P)
Bilberries		
Cranberries		
Currants (red, black and white)		
Gooseberries		
Others		
(e) Wild berries and wild fruit	0,05 (*)	0,02 (*) (P)
(vi) MISCELLANEOUS		0,02 (*) (P)
Avocados		
Bananas	0,1	
Dates		
Figs		

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)	
	Bifenthrin	Famoxadone
Kiwifruit		
Kumquats		
Lychees		
Mangoes		
Olives		
Passion fruit		
Pineapples		
Pomegranate		
Others	0,05 (*)	
2. Vegetables, fresh or uncooked, frozen or dry		
(i) ROOT AND TUBER VEGETABLES	0,05 (*)	0,02 (*) (P)
Beetroot		
Carrots		
Celeriac		
Horseradish		
Jerusalem artichokes		
Parsnips		
Parsley root		
Radishes		
Salsify		
Sweet potatoes		
Swedes		
Turnips		
Yam		
Others		

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)	
	Bifenthrin	Famoxadone
(ii) BULB VEGETABLES	0,05 (*)	0,02 (*) (P)
Garlic		
Onions		
Shallots		
Spring onions		
Others		
(iii) FRUITING VEGETABLES		
(a) Solanacea	0,2	
Tomatoes		1 (P)
Peppers		
Aubergines		0,2 (P)
Others		0,02 (*) (P)
(b) Cucurbits - edible peel	0,1	0,2 (P)
Cucumbers		
Gherkins		
Courgettes		
Others		
(c) Cucurbits-inedible peel	0,05 (*)	
Melons		0,3 (P)
Squashes		
Watermelons		
Others		0,02 (*) (P)
(d) Sweet corn	0,05 (*)	0,02 (*) (P)
(iv) BRASSICA VEGETABLES		0,02 (*) (P)
(a) Flowering brassica	0,2	
Broccoli (including Calabrese)		

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)	
	Bifenthrin	Famoxadone
Cauliflower		
Others		
(b) Head brassica	1	
Brussels sprouts		
Head cabbage		
Others		
(c) Leafy brassica	0,05 (*)	
Chinese cabbage		
Kale		
Others		
(d) Kohlrabi	0,05 (*)	
(v) LEAF VEGETABLES & FRESH HERBS		0,02 (*) (p)
(a) Lettuce and similar	2	
Cress		
Lamb's lettuce		
Lettuce		
Scarole (broad-leaf endive)		
Others		
(b) Spinach and similar	0,05 (*)	
Spinach		
Beet leaves (chard)		
Others		
(c) Water cress	0,05 (*)	
(d) Witloof	0,05 (*)	
(e) Herbs	0,05 (*)	
Chervil		

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)	
	Bifenthrin	Famoxadone
Chives		
Parsley		
Celery leaves		
Others		
(vi) LEGUME VEGETABLES (fresh)		0,02 (*) (P)
Beans (with pods)	0,5	
Beans (without pods)		
Peas (with pods)	0,1	
Peas (without pods)		
Others	0,05 (*)	
(vii) STEM VEGETABLES (fresh)	0,05 (*)	0,02 (*) (P)
Asparagus		
Cardoons		
Celery		
Fennel		
Globe artichokes		
Leek		
Rhubarb		
Others		
(viii) FUNGI	0,05 (*)	0,02 (*) (P)
(a) Cultivated mushrooms		
(b) Wild mushrooms		
3. Pulses	0,05 (*)	0,02 (*) (P)
Beans		
Lentils		
Peas		

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)	
	Bifenthrin	Famoxadone
Others		
4. Oilseeds	0,1 (*)	0,05 (*) (P)
Linseed		
Peanuts		
Poppy seed		
Sesame seed		
Sunflower seed		
Rape seed		
Soya bean		
Mustard seed		
Cotton seed		
Others		
5. Potatoes	0,05 (*)	0,02 (*) (P)
Early potatoes		
Ware potatoes		
6. Tea (dried leaves and stalks, fermented or other-wise, <i>Camellia sinensis</i>)	5	0,05 (*) (P)
7. Hops (dried), including hop pellets and unconcentrated powder	10	0,05 (*) (P)

(*) Indicates lower limit of analytical determination

(P) Indicates that the maximum residue level has been established provisionally in accordance with Article 4(1)(f) of Directive 91/414/EEC.

COMMISSION DIRECTIVE 2004/96/EC**of 27 September 2004****amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of nickel for piercing post assemblies for the purpose of adapting its Annex I to technical progress****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

that a nickel migration limit may induce lower risks of sensitisation than a nickel content limit.

Having regard to the Treaty establishing the European Community, and

(5) The provisions laid down by this Directive take into account the current state of knowledge, science and techniques.

Having regard to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of dangerous substances and preparations ⁽¹⁾, and in particular Article 2a thereof,

(6) This Directive should apply without prejudice to Community legislation laying down minimum requirements for the protection of workers, in particular Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽³⁾, and Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽⁴⁾.

Whereas:

(1) According to Directive 76/769/EEC as amended by Directive 94/27/EC of the European Parliament and the Council ⁽²⁾, nickel and its compounds are not to be used in certain post assemblies for piercing and certain other products unless they conform to the requirements set out in Directive 76/769/EEC.

(7) The measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of the Directives on the removal of technical barriers to trade in dangerous substances and preparations,

(2) The risk of sensitisation of humans to nickel by piercing post assemblies has been newly assessed in a targeted risk assessment; the risk assessment concluded that a migration limit for piercing post assemblies would be more appropriate than a content limit.

HAS ADOPTED THIS DIRECTIVE:

(3) The new rate of nickel release (migration limit) should be adjusted with the multiplication factor specified in EN 1811 to compensate inter-laboratory variations and measuring inaccuracies. The European Committee of Standardisation (CEN) is invited to review EN 1811 in particular regarding the adjustment factor and to prepare a revised standard without adjustment factor, or with a smaller adjustment factor, if appropriate.

Article 1

Annex I to Directive 76/769/EEC is amended as set out in the Annex to this Directive.

(4) The risk assessment was referred to the Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE) for peer review and the CSTEE has confirmed

Article 2

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

⁽¹⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 2004/21/EC (OJ L 57, 25.2.2004, p. 4).

⁽²⁾ OJ L 188, 22.7.1994, p. 1.

⁽³⁾ OJ L 183, 29.6.1989, p. 1. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁴⁾ OJ L 158, 30.4.2004, p. 50.

They shall apply those provisions from 1 September 2005.

Article 3

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

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 27 September 2004.

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

For the Commission

Olli REHN

Member of the Commission

ANNEX

In Annex I to Directive 76/769/EEC, in point 28, Nickel, in the second column point 1 is replaced by the following:

'1. in all post assemblies which are inserted into pierced ears and other pierced parts of the human body unless the rate of nickel release from such post assemblies is less than 0,2 µg/cm²/week (migration limit)';

COMMISSION DIRECTIVE 2004/97/EC
of 27 September 2004
amending Commission Directive 2004/60/EC as regards time limits
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Directive 2004/60/EC of 23 April 2004 amending Council Directive 91/414/EEC to include quinoxifen as active substance⁽²⁾ adds that substance in Annex I to that Directive.
- (2) After inclusion of a new active substance, Member States should be allowed a reasonable period to implement the provisions of Directive 91/414/EEC as regards plant protection products containing that active substance and in particular to review existing provisional authorisations and, to transform those authorisations into full authorisations, to amend them or to withdraw them in accordance with that Directive 91/414/EEC.
- (3) The time limits for the implementation provided for in Directive 2004/60/EC are not in line with those for other new active substances. The approach for all new active substances under the current review phase should be harmonised.
- (4) It is therefore appropriate to amend Directive 2004/60/EC accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 3 of Directive 2004/60/EC is amended as follows:

Paragraph 2 is replaced by the following:

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

Following that determination Member States shall:

- (a) in the case of a product containing quinoxifen as the only active substance, where necessary, amend or withdraw the authorisation by 28 February 2006 at the latest; or
- (b) in the case of a product containing quinoxifen as one of several active substances, where necessary, amend or withdraw the authorisation by 28 February 2006 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.’

Article 2

This Directive shall enter into force on 1 September 2004.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 27 September 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/71/EC (OJ L 127, 29.4.2004, p. 104).

⁽²⁾ OJ L 120, 24.4.2004, p. 39.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 May 2004

on the European Capital of Culture event for the year 2008

(2004/659/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 1419/1999/EC of the European Parliament and of the Council of 25 May 1999 establishing a Community action for the European Capital of Culture event for the years 2005 to 2019 ⁽¹⁾, and in particular Articles 2(3) and 4 thereof,

Having regard to the Selection Panel report of February 2004 submitted to the Commission, the European Parliament and the Council in accordance with Article 2(2) of Decision No 1419/1999/EC,

Considering that the criteria laid down in Article 3 and Annex II of Decision No 1419/1999/EC are entirely fulfilled,

Having regard to the recommendation from the Commission of 27 April 2004,

HAS DECIDED AS FOLLOWS:

Article 1

Liverpool is designated as 'European Capital of Culture 2008' in accordance with Article 2(1) of Decision No 1419/1999/EC.

Article 2

Stavanger is designated as a 'European Capital of Culture 2008' in accordance with Article 4 of Decision No 1419/1999/EC.

Article 3

Both cities designated shall take the necessary measures in order to ensure the effective implementation of Articles 1 and 5 of Decision No 1419/1999/EC.

Done at Brussels, 27 May 2004.

For the Council

The President

J. O'DONOGHUE

⁽¹⁾ OJ L 166 of 1.7.1999, p. 1.

COMMISSION

COMMISSION DECISION

of 5 July 2004

on the Community position on the amendment of the Appendices to Annex 6 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

(2004/660/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation⁽¹⁾, and in particular the second subparagraph of Article 5(2) thereof,

The Community position to be adopted by the Commission in the Joint Committee for Agriculture set up by Article 6 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products shall be based on the draft Decision of the Joint Committee for Agriculture annexed to this Decision.

Article 2

Whereas:

In conformity with the rules of procedure of the Joint Committee for Agriculture, this draft Decision shall be signed on behalf of the European Community by:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products, hereinafter called the 'Agriculture Agreement', entered into force on 1 June 2002.
- (2) Article 6 of the Agriculture Agreement sets up a Joint Committee for Agriculture responsible for administering the Agriculture Agreement and ensuring that it operates smoothly.
- (3) Article 11 of the Agriculture Agreement provides that the Joint Committee for Agriculture may decide to amend Annexes 1 and 2 and the Appendices to the other Annexes to the Agreement.
- (4) The Community position to be taken by the Commission in the Joint Committee for Agriculture regarding the amendments to the Appendices must be defined.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

— Michael Scannell, acting as head of delegation for the matters of competence of the Directorate-General Health and Consumer Protection;

— Hans-Christian Beaumont, acting as Secretary of the Joint Committee on Agriculture.

Article 3

The Decision of the Joint Committee for Agriculture shall be published in the *Official Journal of the European Union* after adoption.

Done at Brussels, 5 July 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 114, 30.4.2002, p. 1.

ANNEX

**DECISION No 4/2004 OF THE JOINT COMMITTEE FOR AGRICULTURE SET UP UNDER THE AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS**

of ...

concerning the amendments to the Appendices to Annex 6

(…/…/…)

THE JOINT COMMITTEE FOR AGRICULTURE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

Whereas:

- (1) The Agreement entered into force on 1 June 2002.
- (2) Annex 6 concerns seeds and propagating material of agricultural, vegetable, fruit and ornamental plant species and of vines. The said Annex 6 is supplemented by four appendices.
- (3) Appendix 1, section 1, defines the legislation of both parties and recognises that the requirements laid down in those legislations have the same effects.
- (4) Appendix 1, section 2, defines the legislation of both parties and mutually recognises the certificates drawn up in accordance with the legislation of the other by defined bodies.
- (5) Appendix 2 lists the bodies responsible for conformity checks of seeds in the European Community as well as in Switzerland.
- (6) Appendix 3 lists the derogations authorised by the European Community and by Switzerland.
- (7) Appendix 4 lists the third countries recognised by both parties from which the seed may be imported. Furthermore it defines the species concerned and the scope of recognition.
- (8) The above mentioned Appendices should be amended to take account of changes in legislation since the end of negotiations,

HAS DECIDED AS FOLLOWS:

Article 1

The Appendices to Annex 6 to the Agreement are hereby replaced by the appendices to this Decision.

Article 2

This Decision shall enter into force on 1 July 2004.

Done at Brussels, 5 July 2004.

For the European Community

Michael SCANNELL

For the Swiss Confederation

Christian HÄBERLI

*For the Secretariat of the Joint Committee
on Agriculture*

Hans-Christian BEAUMOND

APÉNDICE

‘APPENDIX 1

LEGISLATION

Section 1 (recognition of the conformity of legislation)

A. COMMUNITY PROVISIONS

1. *Basic legislation*

Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ 125, 11.7.1966, p. 2298/66), as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ 125, 11.7.1966, p. 2309/66), as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1), as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Official Journal L 268, 18.10.2003, p. 1).

Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p. 12), as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ L 193, 20.7.2002, p. 60), as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74), as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

2. *Implementing provisions*

Commission Directive 74/268/EEC of 2 May 1974 laying down special conditions concerning the presence of ‘Avena fatua’ in fodder plant and cereal seed (OJ L 141, 24.5.1974, p. 19), as last amended by Directive 78/511/EEC (OJ L 157, 15.6.1978, p. 34).

Commission Directive 75/502/EEC of 25 July 1975 limiting the marketing of seed of smooth-stalk meadow grass (*Poa pratensis* L.) to seed which has been officially certified ‘basic seed’ or ‘certified seed’ (OJ L 228, 29.8.1975, p. 26).

Commission Decision 80/755/EEC of 17 July 1980 authorising the indelible printing of prescribed information on packages of cereal seed (OJ L 207, 9.8.1980, p. 37), as last amended by Decision 81/109/EEC (OJ L 64, 11.3.1981, p. 13).

Commission Decision 81/675/EEC of 28 July 1981 establishing that particular sealing systems are ‘non-reusable systems’ within the meaning of Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC (OJ L 246, 29.8.1981, p. 26), as last amended by Decision 86/563/EEC (OJ L 327, 22.11.1986, p. 50).

Commission Directive 86/109/EEC of 27 February 1986 limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as ‘basic seed’ or ‘certified seed’ (OJ L 93, 8.4.1986, p. 21), as last amended by Directive 91/376/EEC (OJ L 203, 26.7.1991, p. 108).

Commission Directive 93/17/EEC of 30 March 1993 determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades (OJ L 106, 30.4.1993, p. 7).

Commission Decision 97/125/EC of 24 January 1997 authorising the indelible printing of prescribed information on packages of seed of oil and fibre plants and amending Decision 87/309/EEC authorising the indelible printing of prescribed information on packages of certain fodder plant species (OJ L 48, 19.2.1997, p. 35).

Council Decision 97/788/EC of 17 November 1997 on the equivalence of checks on practices for the maintenance of varieties carried out in third countries (OJ L 322, 25.11.1997, p. 39), as last amended by Commission Decision 2004/120/EC of 29 January 2004 (OJ L 36, 7.2.2004, p. 57).

Commission Decision 98/320/EC of 27 April 1998 on the organisation of a temporary experiment on seed sampling and seed testing pursuant to Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC (OJ L 140, 12.5.1998, p. 14), as last amended by Decision 2002/280/EC (OJ L 99, 16.4.2002, p. 22).

Commission Regulation (EC) No 930/2000 of May 2004 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species (OJ L 108, 5.5.2000, p. 3).

Council Decision 2003/17/EC of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries (OJ L 8, 14.1.2003, p. 10) as last amended by Council Regulation (EC) No 885/2004 (OJ L 168, 1.5.2004, p. 1).

Commission Directive 2003/90/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species (OJ L 254, 8.10.2003, p. 7).

Decisión 2004/266/CE de la Comisión, de 17 de marzo de 2004, por la que se autoriza la impresión indeleble de las indicaciones requeridas en los envases de semillas de plantas forrajeras (DO L 83 de 20.3.2004, p. 23).

B. SWISS PROVISIONS⁽¹⁾

Federal Law of 29 April 1998 on agriculture, as last amended on 20 June 2003 (RO 2003 4217).

Ordinance of 7 December 1998 on the production and entry into free circulation of plant propagating material, as last amended on 26 November 2003 (RO 2003 4921).

DFE Ordinance of 7 December 1998 on seeds and seedlings of species of arable crops and fodder plants, as last amended on 8 March 2002 (RO 2002 1489).

OFAG Ordinance of 7 December 1998 on the catalogue of varieties of cereals, potatoes, fodder plants, oil and fibre plants and beet, as last amended on 15 May 2003 (RO 2003 1404).

Section 2 (mutual recognition of certificates)

A. COMMUNITY PROVISIONS

1. Basic legislation

—

2. SWISS PROVISIONS

—

B. SWISS PROVISIONS

—

C. CERTIFICATES REQUIRED FOR IMPORTS

—

⁽¹⁾ Local varieties authorised for marketing in Switzerland are not covered.

APPENDIX 2

SEED INSPECTION AND CERTIFICATION BODIES ⁽¹⁾

A. EUROPEAN COMMUNITY

BELGIUM

1. Ministerie van de Vlaamse Gemeenschap
 Administratie Kwaliteit Landbouwproductie (AKL)
 Dienst Normering en Controle Plantaardige Productie (NCP)
 WTC III — 12de verd.
 Simon Bolivarlaan, 30
 B-1000 Brussels
2. Ministère de la Région Wallonne
 Direction Générale de l'Agriculture
 Division de la Recherche, du Développement et de la qualité
 Direction de la Qualité des Produits
 Bloc B
 Rue des Moulins de Meuse 4
 B-5000 Beez

CZECH REPUBLIC

Ústřední kontrolní a zkušební ústav zemědělský (Central Institute for Supervising and Testing in Agriculture)
 Odbor osiv a sadby (Division of Seed Materials and Planting Stock)
 Za Opravnou 4
 CZ-150 06 Praha 5 – Motol

DENMARK

Ministeriet for Fødevarer, Landbrug og Fiskeri
 Plantedirektoratet
 Skovbrynet 20
 DK-2800 Kgs. Lyngby

GERMANY

Senatsverwaltung für Wirtschaft, Arbeit und Frauen Fachbereich Landwirtschaft Referat IV B 61 D-10820 Berlin	B
Landwirtschaftskammer Nordrhein-Westfalen Referat 51 — Landbau Anerkennungsstelle NRW Endenicher Allee 60 D-53115 Bonn	BN
Der Senator für Frauen, Gesundheit, Jugend, Soziales und Umweltschutz Referat 33 Große Weidestraße 4—16 D-28195 Bremen	HB
Bayerische Landesanstalt für Landwirtschaft Institut für Pflanzenbau u. Pflanzenzüchtung — Amtliche Saatenanerkennung — Postfach 16 41 D-85316 Freising	FS

⁽¹⁾ Seeds of the species covered by the legislation under Appendix 1, section 1.

Landwirtschaftskammer Hannover — Referat 32.1 — Postfach 2 69 D-30002 Hannover	H
Landesanstalt für Landwirtschaft und Gartenbau Sachsen-Anhalt (LLG) Abt. 6, Dez. 62 Prüf- u. Anerkennungsstelle für Saat- u. Pflanzgut Heinrich-u.-Thomas-Mann-Str. 19 D-06108 Halle	HAL
Freie und Hansestadt Hamburg Behörde für Wirtschaft und Arbeit Amt Wirtschaft u. Landwirtschaft Postfach 11 21 09 D-20421 Hamburg	HH
Landesforschungsanstalt für Landwirtschaft und Fischerei Mecklenburg-Vorpommern Landesanererkennungsstelle f. Saat- u. Pflanzgut Graf-Lippe-Straße 1 D-18059 Rostock	HRO
Thüringer Landesanstalt für Landwirtschaft Referat Saatgut Naumburger Straße 98 D-07743 Jena	J
Landwirtschaftliche Untersuchungs- und Forschungsanstalt Augustenberg Saatgutenerkennungsstelle Postfach 43 02 30 D-76217 Karlsruhe	KA
Landwirtschaftskammer Schleswig-Holstein Abteilung Pflanzenbau Fachbereich Saatgutwesen Am Kamp 9 D-24783 Osterrönfeld	KI
Landwirtschaftskammer Rheinland-Pfalz — Amtliche Saatenanerkennung — Postfach 18 51 D-55508 Bad Kreuznach	KH
Hessisches Dienstleistungszentrum für Landwirtschaft, Gartenbau und Naturschutz Kölnische Straße 48—50 D-34117 Kassel	KS
Sächsische Landesanstalt für Landwirtschaft Fachbereich 4, Ref. 43 Saatgut- und Sortenwesen Waldheimer Str. 219 D-01683 Nossen	MEI
Landwirtschaftskammer Weser-Ems Fachbereich 3.10 Anerkennungsstelle Postfach 25 49 D-26015 Oldenburg	OL
Landwirtschaftskammer für das Saarland Lessingstraße 12 D-66121 Saarbrücken	SB

Landesamt für Verbraucherschutz und Landwirtschaft
Referat 45 — Saatenanerkennung
Verwaltungszentrum — Teilbereich C
Steinplatz 1
D-15838 Wünsdorf

TF

ESTONIA

Taimetoodangu Inspektsioon (Estonian Plant Production Inspectorate (PPI))
Vabaduse plats 4
EE-71020 Viljandi
1. Seed Certification Department (seeds other than potato)
2. Plant Health Department (only potato)

GREECE

Ministry of Rural Development and Food
Directorate General of Plant Production
Directorate of Inputs of Crop Production
2 Acharnon Street
GR-101 76 Athens

SPAIN

Ministerio de Agricultura, Pesca y Alimentación
Oficina española de variedades vegetales Madrid
Generalitat de Catalunya
Dirección General de la Producción Agraria Barcelona
Comunidad Autónoma de País Vasco
Dirección de Agricultura Vitoria-Álava
Junta de Galicia
Dirección General de Producción Agropecuaria Santiago de Compostela
Gobierno de Cantabria
Dirección General de Agricultura Santander
Principado de Asturias
Dirección General de Agroalimentación Oviedo
Junta de Andalucía
Dirección General de la Producción Agraria Sevilla
Comunidad Autónoma de Murcia
Dirección General de Agricultura e Industrias Agrarias Murcia
Diputación General de Aragón
Dirección General de Tecnología Agraria Zaragoza
Junta de Comunidades de Castilla-La Mancha
Dirección General de la Producción Agraria Toledo
Generalitat Valenciana
Dirección General de Innovación Agraria y Ganadería Valencia
Gobierno de La Rioja
Dirección General de Desarrollo Rural Logroño
Junta de Extremadura
Dirección General de Producción, Investigación y Formación Agraria Mérida
Gobierno de Canarias
Dirección General de Desarrollo Agrícola Santa Cruz de Tenerife
Junta de Castilla y León
Dirección General de Producción Agropecuaria Valladolid
Gobierno Balear
Dirección General de Agricultura Palma de Mallorca
Comunidad de Madrid
Dirección General de Agricultura Madrid
Comunidad Foral de Navarra
Dirección General de Agricultura y Ganadería Pamplona

FRANCE

Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires Rurales
Service Officiel de Contrôle et de Certification (SOC)
Paris

IRELAND

The Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2

ITALY

Ente Nazionale Sementi Elette (ENSE)
Milan

CYPRUS

Ministry of Agriculture, Natural Resources and Environment
Department of Agriculture
1412, Nicosia

LATVIA

Valsts Augu Aizsardzības dienests (State Plant Protection Service)
Republikas lauk. 2
LV-1981 Rīga

LITHUANIA

Valstybinė sėklų ir grūdų tarnyba prie Žemės ūkio ministerijos (State Seed and Grain Service under the Ministry of Agriculture)
V. Kudirkos 18
LT-2600 Vilnius

LUXEMBOURG

L'Administration des Services Techniques de l'Agriculture (ASTA)
Service de la Production Végétale
L-1470 Luxembourg

HUNGARY

Országos Mezőgazdasági Minőség Intézet (National Institute for Agricultural Quality Control)
Keleti Károly u. 24.
Pf. 30, 93
H-1525 Budapest 114.

MALTA

Agricultural Services Laboratories,
Agricultural Services & Rural Development Division,
Ministry for Rural Affairs and the Environment
Ghammieri
Marsa

NETHERLANDS

Nederlandse Algemene Keuringsdienst voor zaaizaad en pootgoed van landbouwgewassen (NAK)
Emmeloord

AUSTRIA

Bundesamt für Ernährungssicherheit
Spargelfeldstrasse 191, PO Box 400
A-1226 Vienna

POLAND

Państwowa Inspekcja Ochrony Roślin i Nasiennictwa (State Plant Health and Seed Inspection Service)
Ul. Wspólna 30
PL-00-930 Warszawa

PORTUGAL

Ministério da Agricultura, Desenvolvimento Rural e Pescas
Direcção Geral de Protecção das Culturas
Edifício I
Tapada da Ajuda
P-1349-018 Lisboa

SLOVENIA

Kmetijski inštitut Slovenije (Agricultural institute of Slovenia)
Hacquetova 17
SI-1000 Ljubljana

SLOVAK REPUBLIC

Ústredný kontrolný a skúšobný ústav poľnohospodársky (Central Controlling and Testing Institute in Agriculture)
Odbor osív a sadív (Department of Seeds and Planting Material)
Matúškova 21
SL-833 16 Bratislava

FINLAND

Kasvintuotannon tarkastuskeskus (KTTK)/Kontrollcentralen för växtproduktion
Siementarkastusosasto/Frökontrollavdelningen
BO Box 111
FI-32201 Loimaa

SWEDEN

- (a) Seeds other than seed potatoes
 - Statens utsädeskontroll (SUK) (Swedish Seed Testing and Certification Institute)
Svalöv
 - Frökontrollen Mellansverige AB
Örebro
- (b) Seed potatoes
 - Statens utsädeskontroll (SUK) (Swedish Seed Testing and Certification Institute)
Svalöv

UNITED KINGDOM**England and Wales**

- (a) Seeds other than seed potatoes
 - Department for Environment, Food and Rural Affairs
Plant Varieties and Seeds Division
Cambridge
- (b) Seed potatoes
 - Department for Environment, Food and Rural Affairs
Plant Health Division
York

Scotland

Scottish Executive
Environment and Rural Affairs Department
Edinburgh

Northern Ireland

Department of Agriculture and Rural Development
Environmental Policy
Belfast

B. SWITZERLAND

Office fédéral de l'agriculture
Service des semences et plants
CH-3003 Berne
Tel. (41-31) 322 25 50
Fax (41-31) 322 26 34

APPENDIX 3

DEROGATIONS

Community derogations allowed by Switzerland

- (a) dispensing certain Member States from the obligation to apply Council Directives 66/401/EEC, 66/402/EEC and 2002/57/EC on the marketing of fodder plant, cereal and oil and fibre plant seed to certain species:
- Commission Decision 69/270/EEC (OJ L 220, 1.9.1969, p. 8)
 - Commission Decision 69/271/EEC (OJ L 220, 1.9.1969, p. 9)
 - Commission Decision 69/272/EEC (OJ L 220, 1.9.1969, p. 10)
 - Commission Decision 70/47/EEC (OJ L 13, 19.1.1970, p. 26), as last amended by Decision 80/301/EEC (OJ L 68, 14.3.1980, p. 30)
 - Commission Decision 70/48/EEC (OJ L 13, 19.1.1970, p. 27)
 - Commission Decision 70/49/EEC (OJ L 13, 19.1.1970, p. 28)
 - Commission Decision 70/93/EEC (OJ L 25, 2.2.1970, p. 16)
 - Commission Decision 70/94/EEC (OJ L 25, 2.2.1970, p. 17)
 - Commission Decision 70/481/CEE (OJ L 237, 28.10.1970, p. 29)
 - Commission Decision 73/123/EEC (OJ L 145, 2.6.1973, p. 43)
 - Commission Decision 74/5/EEC (OJ L 12, 15.1.1974, p. 13)
 - Commission Decision 74/360/EEC (OJ L 196, 19.7.1974, p. 18), as last amended by Decision 2003/234/EC (OJ L 86, 3.4.2003, p. 48)
 - Commission Decision 74/361/EEC (OJ L 196, 19.7.1974, p. 19)
 - Commission Decision 74/362/EEC (OJ L 196, 19.7.1974, p. 20)
 - Commission Decision 74/491/EEC (OJ L 267, 3.10.1974, p. 18)
 - Commission Decision 74/532/EEC (OJ L 299, 7.11.1974, p. 14)
 - Commission Decision 80/301/EEC (OJ L 68, 14.3.1980, p. 30)
 - Commission Decision 80/512/EEC (OJ L 126, 21.5.1980, p. 15)
 - Commission Decision 86/153/EEC (OJ L 115, 3.5.1986, p. 26)
 - Commission Decision 89/101/EEC (OJ L 38, 10.2.1989, p. 37);
- (b) authorising certain Member States to restrict the marketing of seed of certain varieties (cf. Common catalogue of varieties of agricultural plant species, 22nd complete edition, column 4 (OJ C 91A, 16.4.2003, p. 1);
- (c) authorising certain Member States to adopt more stringent provisions concerning the presence of *Avena fatua* in cereal seed:
- Commission Decision 74/269/EEC (OJ L 141, 24.5.1974, p. 20), as amended by Decision 78/512/EEC (OJ L 157, 15.6.1978, p. 35)

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- Commission Decision 74/531/EEC (OJ L 299, 7.11.1974, p. 13)
 - Commission Decision 95/75/EC (OJ L 60, 18.3.1995, p. 30)
 - Commission Decision 96/334/EC (OJ L 127, 25.5.1996, p. 39);
- (d) authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 2002/56/EC:
- Commission Decision 2004/3/EC (OJ L 2, 6.1.2004, p. 47);
- (e) authorisation to assess the satisfaction of the varietal purity standards for seed of apomictic uniclinal varieties of *Poa pratensis* also on the basis of the results of seed and seedling testing
- Commission Decision 85/370/EEC (OJ L 209, 6.8.1985, p. 41).
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APPENDIX 4

LIST OF THIRD COUNTRIES ⁽¹⁾

Argentina

Australia

Bulgaria

Canada

Chile

Croatia

Israel

Morocco

New Zealand

Romania

Serbia and Montenegro

South Africa

Turkey

United States of America

Uruguay

⁽¹⁾ Recognition is based on Council Decision 2003/17/EC (OJ L 8, 14.1.2003, p. 10), as last amended by Regulation (EC) No 885/2004 (OJ L 168, 1.5.2004, p. 1) for field inspections of seed-producing crops and seeds produced, and on Council Decision 97/788/EC (OJ L 322, 25.11.1998, p. 39), as last amended by Commission Decision 2004/120/EC of 29 January 2004 (OJ L 36, 7.2.2004, p. 57) for checks on practices for the maintenance of varieties. The Agreement on the European Economic Area applies in the case of Norway.'

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

COUNCIL COMMON POSITION 2004/661/CFSP
of 24 September 2004
concerning restrictive measures against certain officials of Belarus

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) The EU remains seriously concerned at the continuing deterioration of democracy, the rule of law and human rights in Belarus.
- (2) Recalling the conclusions of the Council of 15 September 1997, the EU reiterates its clear interest in Belarus's political, social and economic progress towards a democratic state respecting the rule of law and human rights, in order for the country to take its rightful place in Europe.
- (3) While reaffirming its interest in a constructive dialogue with Belarus, the EU considers the fact that no independent, full and credible investigation of the crimes examined by the Parliamentary Assembly of the Council of Europe in its report adopted on 28 April 2004 (Pourgourides Report) has been carried out or even started to date, to be another serious setback for the rule of law in Belarus.
- (4) The government of Belarus has continuously ignored calls by the EU, most recently in the latter's Declaration of 14 May 2004, the Council of Europe and others to open such an independent investigation.
- (5) The extensive and well-founded Pourgourides Report clearly names the current Prosecutor-General of Belarus, former Secretary of the Security Council, Victor Sheyman, the Minister of Sports and Tourism of Belarus, former Minister of the Interior, Yury Sivakov, and Colonel Dmitri Pavlichenko of a special forces unit of the Ministry of Internal Affairs of the Republic of Belarus as key actors in the disappearances of four well-known persons in Belarus in 1999/2000 and the subsequent obstruction of justice.
- (6) Those bearing the main responsibility for the disappearances have gone unpunished.

(7) Consequently, the Council, in view of the apparent obstruction of justice, has decided to implement targeted sanctions in the form of restrictions on admission aimed at those individuals who are responsible for, but failed to start, the initiation of independent investigation and prosecution of the alleged crimes and at those who are considered by the Pourgourides Report to be key actors in the disappearances and the subsequent cover-up. The EU reserves the right to consider additional restrictive measures at a later date.

(8) The EU will review its position in the light of future developments, taking into account the willingness of the relevant Belarusian authorities to have the disappearances fully and transparently investigated and those responsible for the crimes brought to justice,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who are responsible for, but failed to start, the initiation of independent investigation and prosecution of the alleged crimes and those who are considered by the Pourgourides Report to be key actors in the disappearances of four well-known persons in Belarus in 1999/2000 and the following cover-up, in view of their apparent obstruction of justice.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country of an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the United Nations; or

- (c) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending inter-governmental meetings, including those promoted by the EU, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Belarus.

6. A Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

7. In cases where, pursuant to paragraphs 3, 4, 5 and 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 2

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications to the list contained in the Annex as required by political developments in Belarus.

Article 3

In order to maximise the impact of the abovementioned measures, the EU shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

Article 4

This Common Position shall apply for a 12-month period. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 5

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

Article 6

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

Done at Brussels, 24 September 2004.

For the Council
The President

L. J. BRINKHORST

ANNEX

List of persons referred to in Article 1

1. SIVAKOV, YURY (YURI) Leonidovich, Minister of Tourism and Sports of Belarus, born on 5 August 1946, in Sakhalin Region, former Russian Socialist Federative Soviet Republic.
 2. SHEYMAN (SHEIMAN), VICTOR Vladimirovich, Prosecutor General of Belarus, born on 26 May 1958, in Grodno region.
 3. PAVLICHENKO (PAVLIUCHENKO), DMITRI (Dmitry) Valeriyevich, officer of the special forces of Belarus, born in 1966 in Vitebsk.
 4. NAUMOV, VLADIMIR Vladimirovich, Minister of the Interior, born in 1956.
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