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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1720/2004
of 1 October 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 2 October 2004.

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

Done at Brussels, 1 October 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 1 October 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	54,8
	999	54,8
0707 00 05	052	92,6
	999	92,6
0709 90 70	052	83,4
	999	83,4
0805 50 10	052	78,0
	388	64,8
	524	67,2
	528	52,0
	999	65,5
0806 10 10	052	82,3
	400	163,7
	624	150,8
	999	132,3
0808 10 20, 0808 10 50, 0808 10 90	052	76,7
	388	85,0
	400	93,8
	508	98,9
	512	109,2
	720	16,9
	800	137,8
	804	79,5
0808 20 50	999	87,2
	052	103,1
	388	43,4
	999	73,3

⁽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 1721/2004**of 1 October 2004****amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on tomatoes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, and in particular Article 33(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables⁽²⁾ provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of 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⁽³⁾.

(2) For the purposes of Article 5(4) of the Agreement on Agriculture⁽⁴⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 2001, 2002 and 2003, the

trigger levels for additional duties on tomatoes should be adjusted.

(3) As a result, Regulation (EC) No 1555/96 should be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on the 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, 1 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 193, 3.8.1996, p. 1. Regulation as last amended by Regulation (EC) No 1469/2004 (OJ L 271, 19.8.2004, p. 20).

⁽³⁾ 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).

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX

Without prejudice to the rules governing the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where “ex” appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and by the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 May	596 477
78.0020			— 1 June to 30 September	552 167
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	11 924
78.0075			— 1 November to 30 April	8 560
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	1 357
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	18 056
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	404 503
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	164 111
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	89 273
78.0155	ex 0805 50 10	Lemons	— 1 June to 31 December	342 761
78.0160			— 1 January to 31 May	12 938
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	227 815
78.0175	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August	730 623
78.0180			— 1 September to 31 December	32 246
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	257 158
78.0235			— 1 July to 31 December	27 497
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	4 123
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	32 863
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	6 808
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	51 276’

COMMISSION REGULATION (EC) No 1722/2004**of 1 October 2004****fixing the minimum selling prices for butter for the 149th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices of butter from intervention stocks and processing securities applying for the 149th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 October 2004.

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

Done at Brussels, 1 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

ANNEX

to the Commission Regulation of 1 October 2004 fixing the minimum selling prices for butter for the 149th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

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

COMMISSION REGULATION (EC) No 1723/2004**of 1 October 2004****fixing the maximum aid for cream, butter and concentrated butter for the 149th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for the 149th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 October 2004.

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

Done at Brussels, 1 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

ANNEX

to the Commission Regulation of 1 October 2004 fixing the maximum aid for cream, butter and concentrated butter for the 149th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

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

COMMISSION REGULATION (EC) No 1724/2004**of 1 October 2004****fixing the minimum selling price for skimmed-milk powder for the 68th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 68th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 28 September 2004, the minimum selling price and the processing security are fixed as follows:

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

Article 2

This Regulation shall enter into force on 2 October 2004.

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

Done at Brussels, 1 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 340, 31.12.1999, p. 3. Regulation as last amended by Regulation (EC) No 1674/2004 (OJ L 300, 25.9.2004, p. 11).

COMMISSION REGULATION (EC) No 1725/2004**of 1 October 2004****fixing the maximum aid for concentrated butter for the 321st special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 321st tender under the standing invitation to tender opened by Regulation (EEC) No 429/90 the maximum aid and the end-use security are fixed as follows:

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

Article 2

This Regulation shall enter into force on 2 October 2004.

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

Done at Brussels, 1 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 45, 21.2.1990, p. 8. Regulation as last amended by Commission Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

COMMISSION REGULATION (EC) No 1726/2004**of 1 October 2004****fixing the minimum selling price for butter for the 5th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 5th individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 28 September 2004, the minimum selling price for butter is fixed at 270 EUR/100 kg.

Article 2

This Regulation shall enter into force on 2 October 2004.

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

Done at Brussels, 1 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1448/2004 (OJ L 267, 14.8.2004, p. 30).

COMMISSION REGULATION (EC) No 1727/2004**of 1 October 2004****fixing the minimum selling price for skimmed-milk powder for the 4th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

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

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price

shall be fixed or a decision shall be taken to make no award, in accordance with Article 24a of Regulation (EC) No 214/2001.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 4th individual invitation to tender pursuant to Regulation (EC) No 214/2001, in respect of which the time limit for the submission of tenders expired on 28 September 2004, the minimum selling price for skimmed milk is fixed at 188,50 EUR/100 kg.

Article 2

This Regulation shall enter into force on 2 October 2004.

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

Done at Brussels, 1 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 37, 7.2.2001, p. 100. Regulation as last amended by Regulation (EC) No 1675/2004 (OJ L 300, 25.9.2004, p. 12).

COMMISSION REGULATION (EC) No 1728/2004**of 1 October 2004****amending for the 38th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freezing of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 28 September 2004, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 1 October 2004.

For the Commission

Christopher PATTEN

Member of the Commission

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 1277/2004 (OJ L 241, 13.7.2004, p. 12).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

1. The following entries shall be added under the heading 'Legal persons, groups and entities'.
 - (a) Al-Haramain Foundation (Union of the Comoros). Address: B/P: 1652 Moroni, Union of the Comoros.
 - (b) Al-Haramain Foundation (United States of America). Address: (a) 1257 Siskiyou Blvd., Ashland, OR 97520, USA,
(b) 3800 Highway 99 S, Ashland, OR 97520, USA, (c) 2151 E Division St, Springfield, MO 65803, USA.
 2. The following entry shall be added under the heading 'Natural persons'.
 - (a) Suliman Al-Buthe. Date of birth: 8 December 1961. Place of birth: Egypt. Nationality: Saudi Arabian. Passport No: B049614.
-

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 24 September 2004

authorising the Portuguese Republic to extend until 9 April 2005 the Agreement on mutual fishery relations with the Republic of South Africa

(2004/668/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the 1985 Act of Accession, and in particular Article 354(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement on mutual fishery relations between the Government of the Portuguese Republic and the Government of the Republic of South Africa, signed on 9 April 1979, entered into force on that day for an initial period of 10 years. The Agreement remains in force for an indeterminate period if it is not denounced by the giving of 12 months' notice.
- (2) Article 354(2) of the 1985 Act of Accession lays down that the rights and obligations resulting from the fisheries agreements concluded by the Portuguese Republic with third countries shall not be affected during the period for which the provisions of such agreements are provisionally maintained.
- (3) Pursuant to Article 354(3) of the said Act of Accession, the Council is to adopt, before the expiry of the fisheries agreements concluded by the Portuguese Republic with third countries, decisions appropriate for the conti-

uation of fishing activities resulting therefrom, including the possibility of prolonging for periods not exceeding one year. The abovementioned Agreement has been last extended by Council Decision 2003/539/EC of 15 July 2003⁽¹⁾ until 9 April 2004.

- (4) The Portuguese Republic should be authorised to renew the said Agreement until 9 April 2005,

HAS ADOPTED THIS DECISION:

Article 1

The Portuguese Republic is hereby authorised to extend until 9 April 2005 the Agreement on mutual fishery relations with the Republic of South Africa which entered into force on 9 April 1979.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 24 September 2004.

For the Council
The President

L. J. BRINKHORST

⁽¹⁾ OJ L 185, 24.7.2003, p. 25.

COMMISSION

COMMISSION DECISION

of 6 April 2004

**establishing revised ecological criteria for the award of the Community eco-label to refrigerators
and amending Decision 2000/40/EC**

(notified under document number C(2004) 1414)

(Text with EEA relevance)

(2004/669/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme⁽¹⁾, and in particular the second subparagraph of Article 6(1) thereof, after consulting the European Union Eco-Labeling Board,

Whereas:

(1) Under Regulation (EC) No 1980/2000, the Community eco-label may be awarded to a product possessing characteristics which enable it to contribute significantly to improvements in relation to key environmental aspects.

(2) Regulation (EC) No 1980/2000 provides that specific eco-label criteria are to be established according to product groups.

(3) It also provides that the review of eco-label criteria, as well as of the assessment and verification requirements related to those criteria, is to take place in good time before the end of the period of validity of the criteria specified for the product group concerned.

(4) It is appropriate, in order to reflect developments on the market, to revise the ecological criteria established by Commission Decision 2000/40/EC of 16 December 1999 establishing ecological criteria for the award of the Community eco-label to refrigerators⁽²⁾. At the same time, the period of validity of that Decision should be modified.

(5) A new Decision should be adopted establishing the specific ecological criteria for that product group, which should be valid for a period of three years.

(6) It is appropriate to allow a transitional period of not more than eighteen months for producers whose products have been awarded the eco-label before 1 May 2004 or who have applied for such an award before that date, so that they have sufficient time to adapt their products to comply with the new criteria.

(7) The measures provided for in this Decision are based on the draft criteria developed by the European Union Eco-labeling Board established under Article 13 of Regulation (EC) No 1980/2000.

(8) The measures provided for in this Decision are in accordance with the opinion of the Committee instituted by Article 17 of Regulation (EC) No 1980/2000,

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ OJ L 13, 19.1.2000, p. 22; Decision as amended by Decision 2004/214/EC (OJ L 67, 5.3.2004, p. 23).

HAS ADOPTED THIS DECISION:

Article 1

In order to be awarded the Community eco-label, for refrigerators, under Regulation (EC) No 1980/2000, an appliance must fall within the product group 'refrigerators' as defined in Article 2, and must comply with the ecological criteria set out in the Annex to this Decision.

Article 2

The product group 'refrigerators' shall comprise all electric, mains-operated household refrigerators, frozen food storage cabinets, food freezers and their combinations. Appliances that may also use other energy sources, such as batteries, shall be excluded.

Article 3

For administrative purposes, the code number assigned to the product group 'refrigerators' shall be '012'.

Article 4

In Decision 2000/40/EC, Article 3 is replaced by the following:

'Article 3

This Decision shall apply until 30 April 2004'.

Article 5

This Decision, with the exception of Article 4, shall apply from 1 May 2004 until 31 May 2007.

Producers of products falling within the product group 'refrigerators' which have been awarded the eco-label before 1 May 2004 may continue to use that label until 31 October 2005.

Producers of products falling within the product group 'refrigerators' who have applied for the award of the eco-label in respect of those products before 1 May 2004 may be awarded the eco-label under the conditions laid down in Decision 2000/40/EC. In such cases the label may be used until 31 October 2005.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2004.

For the Commission

Margot WALLSTRÖM

Member of the Commission

ANNEX

ECOLOGICAL CRITERIA

FRAMEWORK

In order to be awarded an eco-label, the appliance shall comply with the criteria of this Annex, which are aimed at promoting:

- reduction of environmental damage or risks related to the use of energy (global warming, acidification, depletion of non renewable energy sources) by reducing energy consumption,
- reduction of environmental damage or risks related to the use of potentially ozone-depleting and other hazardous substances by reducing the use of these substances,
- reduction of environmental damage or risks related to the use of substances that may have a global-warming potential.

Additionally, the criteria encourage the implementation of best practice (optimal environmental use) and enhance consumers' environmental awareness.

Furthermore, marking the plastic components is an aid to the machine's recycling.

The Competent Bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO 14001, when assessing applications and monitoring compliance with the criteria in this Annex (*Note: it is not required to implement such management schemes*).

KEY CRITERIA

1. Energy savings

The appliance must have an energy efficiency class of A+ or A++ as defined in Directive 94/2/EC, as amended by Directive 2003/66/EC.

The applicant shall provide a copy of the technical documentation referred to under article 2 paragraph 1 of Commission Directive 94/2/EC as amended by Commission Directive 2003/66/EC. This documentation shall include the reports of at least three measurements of energy consumption made according to EN 153 which itself shall be performed in accordance with the test guidelines as detailed in CECED's Operational Code. The arithmetic mean of these measurements shall be less or equal to the above requirement. The value declared on the energy label shall not be lower than this mean value and the energy efficiency class indicated on the energy label shall correspond to this mean value.

2. Reduction of ozone depletion potential (ODP) of refrigerants and foaming agents

The refrigerants in the refrigerating circuit and foaming agents used for the insulation of the appliance shall have an ozone depletion potential equal to zero.

The use of CFCs and HCFCs as refrigerants and for the production of foaming agents in new equipment and their placing on the market is not permitted under Regulation 2037/2000/EC.

3. Reduction of global warming potential (GWP) of refrigerants and foaming agents

The refrigerants in the refrigerating circuit and foaming agents used for the insulation of the appliance, shall have a global warming potential equal to, or lower than, 15 (rated as CO₂ equivalents over a period of 100 years).

The applicant shall declare compliance of the product with these requirements. The applicant and/or his supplier or suppliers, as appropriate, shall indicate to the Competent Body assessing the application which refrigerants and foaming agents have been used and details of their global warming potential.

ADDITIONAL CRITERIA

4. Life time extension

The availability of compatible replacement parts and service shall be guaranteed for 12 years from the time that production ceases.

The applicant shall declare compliance with this requirement.

5. Take-back and recycling

The manufacturer shall offer free of charge, the take-back for recycling of the appliance and of components being replaced, except for items contaminated by users (e.g. appliances originating from medical or nuclear establishments).

In addition, the appliance shall meet the following criteria:

- 5.1. The manufacturer shall take into account the disassembly of the appliance and provide a disassembly report. Amongst others, the report shall confirm that:

- joints are easy to find and accessible,
- electronic assemblies are easy to find and to dismantle,
- the product is easy to dismantle by using commonly available tools,
- incompatible and hazardous materials are separable.

- 5.2. Plastic parts heavier than 50 grams shall have a permanent marking identifying the material, in conformity with ISO 11469. Excluded from this criterion are extruded plastic parts.

- 5.3. Plastic parts shall not contain PBB or PBDE flame retardants. Plastic parts shall not contain chloroparaffin flame retardants with chain length 10-13 carbon atoms and chlorine content > 50 % by weight (CAS No 85535-84-8). The applicant shall declare compliance with this requirement.

- 5.4. Plastic parts heavier than 25 grams shall not contain flame retardant substances or preparations that are assigned at the time of applying for the ecolabel any of the risk phrases:

Dangerous for health:

R45 (may cause cancer)

R46 (may cause heritable genetic damage)

R60 (may impair fertility)

R61 (may cause harm to the unborn child)

Dangerous for the environment:

R50 (very toxic to aquatic organisms)

R50/R53 (very toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment)

R51/R53 (toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment)

as defined in Council Directive 67/548/EEC ⁽¹⁾.

This requirement does not apply to flame retardants that on application change their chemical nature to no longer warrant classification under any of the R-phrases listed above, and where less than 0.1 % of the flame retardant in the treated part remains in the form as before application. All flame retardants used shall be identified in the ecolabel application documentation submitted to the awarding competent body (by name and CAS no).

- 5.5. The type of refrigerant and foaming agent used for the insulation shall be indicated on the appliance, near to or on the rating plate, to facilitate possible future recovery.

With reference to criteria 5.1, 5.2, 5.3 and 5.5, the applicant shall declare compliance of the appliance with these requirements. The applicant shall provide the Competent Body assessing the application with a copy of the disassembly report. The applicant and/or his supplier or suppliers, as appropriate, shall indicate to this Competent Body, which refrigerants and foaming agents have been used.

⁽¹⁾ OJ 196, 16.8.1967, p. 1. Directive as last amended by Commission Directive 2004/73/EC (OJ L 152, 30.4.2004, p. 1).

With reference to criterion 5.4, the flame retardants that are used, if any, shall not have been assigned any of the above risk phrases nor shall they be named in Annex 1 to Directive 67/548/EEC or its subsequent amendments regarding the classification, packaging and labelling of dangerous substances. Any flame retardants that are used in plastic parts >25 g must be specified in the application documentation by giving their name and CAS number.

6. User instructions

The appliance shall be sold with an instruction manual, which provides advice on the correct environmental use and, in particular:

- 6.1. The following text on the cover page or first page: 'Information on how to minimise environmental impacts is given in this manual.'
- 6.2. Recommendations for optimal use of energy in the operation of the appliance, including:
 - 6.2.1. guidelines concerning the placing or installation of the appliance, amongst others, stating the minimum dimensions of free space around the appliance needed to ensure sufficient circulation of air, and also indicating that where the consumer has the possibility, significant energy savings can be achieved by placing the appliance in an unheated or less heated location;
 - 6.2.2. advice that the consumer should avoid placing the appliance next to any heat source (such as ovens, radiators, etc.) or in direct sunlight; advice that, where relevant, the consumer should consider insulating the appliance from wall or under floor heating sources;
 - 6.2.3. advice that the thermostat setting is dependent on the ambient temperature and therefore, the temperature setting should be checked by using an appropriate thermometer (explanation on how to proceed should be provided);
 - 6.2.4. advice that hot foodstuffs should be allowed to cool down before placing in the appliance, as the steam from the foodstuffs contributes to the icing up of the evaporator unit, but that the cooling period, however, should be as short as possible for health and hygiene reasons;
 - 6.2.5. advice that the evaporator unit should be kept clean from thick layers of ice and that frequent defrosting facilitates the removal of the ice cover;
 - 6.2.6. advice that the sealing of the door should be replaced when not functioning properly;
 - 6.2.7. advice that when moving the appliance sufficient time should be allowed before switching it on again;
 - 6.2.8. advice that the condenser on the back of the appliance and the space underneath the appliance should be kept clean from dust and kitchen debris;
 - 6.2.9. information that ignoring the issues mentioned above will lead to higher energy consumption and therefore higher running costs.
- 6.3. Advice that any damage to the condenser (heat-exchanger) on the back of the appliance, or other events leading to exposure of the refrigerant to the environment, should be avoided because of potential environmental and health risks. The manual shall specifically mention that sharp objects (such as knives, screwdrivers, etc. should not be used for removing ice as they could damage the evaporator unit.
- 6.4. Information that the appliance is made of parts and materials, including fluids, which are reusable and/or recyclable.
- 6.5. Advice on how the consumer can make use of the manufacturer's take-back offer.

The applicant shall declare compliance of the appliance with these requirements. The applicant shall provide the Competent Body assessing the application with a copy of the instruction manual.

7. Limit noise emissions

Airborne noise from the appliance, counted as sound power, shall not exceed 40 dB(A) (re 1 pW).

Information about the noise level of the appliance shall be provided in a way clearly visible to the consumer. This shall be done by the incorporation of this information in the energy label for refrigerators.

The measurement of the noise level and the information relating to noise shall be provided in accordance with Council Directive 86/594/EEC⁽¹⁾, using EN 28960 standard.

This criterion does not apply to chest freezers indicated as category 9: 'household food freezers, chest' in Annex IV of Commission Directive 94/2/EC.

The applicant shall declare compliance of the product with these requirements.

8. Packaging

Packaging shall meet the following requirements:

- 8.1. All packaging components shall be easily separable by hand into individual materials to facilitate recycling.
- 8.2. Where used, cardboard packaging shall consist of at least 80 % recycled material.

The applicant shall declare compliance with the requirement and provide a sample(s) of the packaging to the awarding Competent Body as part of the application.

9. Consumer information

Information appearing on the eco-label

Box 2 of the eco-label shall include the following text:

- low energy consumption,
- minimised global warming potential,
- low noise.

The applicant shall declare the compliance of the product with this requirement, and shall provide a copy of the eco-label as it appears on the packaging and/or product and/or accompanying documentation.

⁽¹⁾ OJ L 344, 6.12.1986, p. 24. Directive as amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

CORRIGENDA**Corrigendum to Council Regulation (EC) No 379/2004 of 24 February 2004 opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2004 to 2006***(Official Journal of the European Union L 64 of 2 March 2004)*

On page 9, in the Annex, against Order No 09.2786, in the column headed 'Description':

for: '...', frozen whole, tentacles and fins, ...',

read: '...', frozen, whole or tentacles and fins, ...'.
