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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1811/2004**of 11 October 2004****amending Regulation (EC) No 2287/2003 as concerns the number of days at sea for vessels fishing for haddock in the North Sea and the use of bottom trawls in waters around the Azores, the Canary Islands and Madeira**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy⁽¹⁾, and in particular Article 20 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) According to recent scientific reports, and in particular the reports of the International Council for the Exploration of the Sea (ICES), highly sensitive deep-water habitats have been found and mapped in the Atlantic. Those habitats host important and highly diverse biological communities and are considered to require priority protection. In particular, they are defined as habitats of Community interest in Council Directive 92/43/EC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁽²⁾. Furthermore, deep-water coral reefs have recently been included in a list of endangered habitats in the framework of the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention).

(2) According to scientific evidence, recovery from damage to these habitats produced by trawl gear towed through the bottom is either impossible or very difficult and slow. The waters around the Azores, the Canary Islands and Madeira contains several known or potential deep-water habitats that have until recently been preserved from trawling. It is therefore appropriate to prohibit the use

of bottom trawls and similar gear in waters around the Azores, the Canary Islands and Madeira where these habitats are still in a favourable conservation status.

(3) New scientific information indicates that the catches of cod taken in fisheries carried out under the conditions specified in point 17 of Annex IV to Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required⁽³⁾ are likely to be low, and consequently these fisheries pose little additional risk to cod recovery. An increase in the number of days fishing for haddock is therefore justified.

(4) In order to ensure the livelihood of Community fishermen, it is important that the fisheries be available as soon as possible. Therefore, it is imperative to grant an exception to the six-week period mentioned in paragraph 1(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community.

(5) Regulation (EC) No 2287/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2287/2003 is hereby amended as follows:

1. In Annex IV the following point is added:

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 206, 22.7.1992, p. 7. 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).

⁽³⁾ OJ L 344, 31.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 1691/2004 (OJ L 305, 1.10.2004, p. 3).

‘19. Trawling ban in waters around the Azores, the Canary Islands and Madeira

Vessels shall be prohibited from using any bottom trawl or similar towed nets operating in contact with the bottom of the sea in waters under the sovereignty or the jurisdiction of Member States within the areas bounded by a line joining the following coordinates:

(a) Azores

Latitude 36° 00' N	longitude 23° 00' W
Latitude 42° 00' N	longitude 23° 00' W
Latitude 42° 00' N	longitude 34° 00' W
Latitude 36° 00' N	longitude 34° 00' W

(b) Canary Islands and Madeira

Latitude 27° 00' N	longitude 19° 00' W
Latitude 26° 00' N	longitude 15° 00' W
Latitude 29° 00' N	longitude 13° 00' W
Latitude 36° 00' N	longitude 13° 00' W
Latitude 36° 00' N	longitude 19° 00' W

referred to in point 4a”, Member States may increase the maximum days present within the area and absent from port to 12 for vessels fitted with VMS and holding special fishing permits, referred to in point 17(b) of Annex IV, that are valid one calendar month or more.

Such vessels

- shall notify national authorities of the place and time at which any landings of fish will be made at least four hours before such a landing occurs,
- may only aggregate days as laid down in point (b) for the period that a special fishing permit, referred to in point 17(b) of Annex IV, is held without interruption,
- may only transfer days as referred to in point 10 to vessels that benefit from an increase of the fishing days in accordance with this point.’.

2. In Annex V the following is added in point 6:

- ‘(g) By way of derogation from the number of days referred to in point (a), Table I, “Grouping of fishing gears**

Article 2

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

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

Done at Brussels, 11 October 2004.

For the Council
The President
B. R. BOT

COMMISSION REGULATION (EC) No 1812/2004**of 19 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 20 October 2004.

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

Done at Brussels, 19 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 19 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	51,9
	204	41,0
	999	46,5
0707 00 05	052	107,2
	999	107,2
0709 90 70	052	96,0
	999	96,0
0805 50 10	052	60,2
	388	57,8
	524	66,0
	528	42,5
	999	56,6
0806 10 10	052	95,9
	400	176,0
	999	136,0
0808 10 20, 0808 10 50, 0808 10 90	388	68,0
	400	92,7
	404	81,9
	512	107,8
	720	37,1
	800	145,3
	804	78,3
	999	87,3
0808 20 50	052	89,7
	999	89,7

⁽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 1813/2004**of 19 October 2004****amending Regulation (EC) No 1433/2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operational funds, operational programmes and financial assistance**

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 48 thereof,

Whereas:

- (1) Under Article 17 of Commission Regulation (EC) No 1433/2003⁽²⁾, once the operational programmes submitted by producer organisations have been approved Member States are to establish the approved amount of aid not later than 15 December of the year preceding implementation of the programme. In order to improve overall budget management, the Member States must inform the Commission of the total amount of aid approved for all operational programmes.
- (2) Under Article 26 of Regulation (EC) No 1433/2003, data on producer organisations, operational funds and operational programmes must be the subject of reports from the Member States to be communicated to the Commission by 1 June each year in accordance with Annex III to that Regulation. Figures relating to the final aid payments actually made are to be submitted on 15 November at the latest. Experience in recent years has shown that the two deadlines are an unnecessary administrative complication. The process should be simplified by requiring Member States to send reports including definitive information on final aid payments each year by 15 November at the latest.
- (3) Annex I to Regulation (EC) No 1433/2003 gives a complete list of operations and expenditure which may be covered by operational programmes. This expenditure includes, in point 2 of that Annex, the specific costs of quality improvement measures, including the purchase of certified seed. Experience has shown that the term 'certified seed' must be clarified by explicit reference to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed⁽³⁾, which corresponds to the objective of improving and supporting the quality mentioned in the above Regulation.

(4) Regulation (EC) No 1433/2003 should therefore be amended accordingly.

(5) The Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1433/2003 is hereby amended as follows:

1. the following paragraph is added to Article 17:

'Member States shall communicate to the Commission, within 30 days of that date, the total amount of aid approved for all operational programmes.';

2. in Article 26(1), '1 June' is replaced by '15 November';

3. in Annex I, point 2(d) is replaced by:

'(d) quality improvement measures, including certified mycelium and plants and seed of the categories "basic seed" and "certified seed", as defined by Council Directive 2002/55/EC (*);

(*) OJ L 193, 20.7.2002, p. 33.'

4. in part 3 of Annex III, point 3 is deleted.

Article 2

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

However, Article 1(3) shall not apply to operational programmes already approved by the Member States.

⁽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 203, 12.8.2003, p. 25.

⁽³⁾ OJ L 193, 20.7.2002, p. 33. Directive as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 1).

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

Done at Brussels, 19 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1814/2004**of 19 October 2004****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽³⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁴⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

- (2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

- (3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 20 October 2004.

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

Done at Brussels, 19 October 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003.

⁽³⁾ OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

⁽⁴⁾ OJ L 145, 29.6.1995, p. 47. Regulation as last amended by Regulation (EC) No 1601/2004 (OJ L 292, 15.9.2004, p. 6).

ANNEX

to the Commission Regulation of 19 October 2004 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

'ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as "65 % chickens", or otherwise presented, frozen	82,0	11	01
		79,5	12	03
0207 14 10	Boneless cuts of fowl of the species Gallus domesticus, frozen	143,4	58	01
		186,8	37	02
		178,7	41	03
		261,1	12	04
0207 14 50	Breasts of chicken, frozen	134,1	25	03
0207 27 10	Boneless cuts of turkey, frozen	258,5	12	01
		274,1	7	04
1602 32 11	Preparations of uncooked fowl of the species Gallus domesticus	161,5	44	01
		189,4	30	02
		178,8	35	03

⁽¹⁾ Origin of imports:

- 01 Brazil
- 02 Thailand
- 03 Argentina
- 04 Chile.

COMMISSION DIRECTIVE 2004/105/EC**of 15 October 2004****determining the models of official phytosanitary certificates or phytosanitary certificates for re-export accompanying plants, plant products or other objects from third countries and listed in Council Directive 2000/29/EC**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the models specified in the Annex to the IPPC, as amended in 1997.

Having regard to the Treaty establishing the European Community,

(5) The models of certificates to accompany plants, plant products or other objects for entry into the Community should be determined.

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾ and in particular Article 13a(4)(a) thereof,

(6) National plant protection organisations usually stock up certificates in large quantities. It is appropriate to lay down rules for the use of certificates based on the models specified in the Annex to IPPC, as amended in 1979, during a transitional period.

Whereas:

(1) Under Directive 2000/29/EC, plants, plant products or other objects listed in that Directive, coming from third countries, are in principle to be accompanied by the original of the required official 'phytosanitary certificate' or 'phytosanitary certificate for re-export' (certificates).

(7) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

(2) The International Plant Protection Convention (IPPC) of 6 December 1951 concluded at the United Nations Food and Agricultural Organisation (FAO) specifies in its Annex models of certificates providing a standard wording and format that should be followed for the preparation and issue of certificates.

(3) The IPPC was significantly amended in 1979 and 1997. As a consequence of those amendments different models of the certificates were approved to accompany plants, plant products and other objects when moving in international traffic.

(4) Although the amendments of the IPPC in 1997 have not yet entered into force, Resolution 12/97 of the 29th session of the Conference of the FAO allowed the use of the amended certificates as an alternative and on voluntary basis among Contracting Parties to the IPPC that accept them. It appeared that many Contracting Parties to the IPPC already use the certificates based on

Article 1

1. For the purposes of Article 13(1)(ii) of Directive 2000/29/EC, the Member States shall accept official 'phytosanitary certificates' or 'phytosanitary certificates for re-export' (certificates) accompanying plants, plant products or other objects listed in Part B of Annex V to Directive 2000/29/EC coming from contracting third countries to the International Plant Protection Convention (IPPC) which are issued in accordance with the models as specified in Annex I.

2. Member States shall only accept the certificates referred to in paragraph 1 provided that they have been completed taking into account the FAO International Standard for Phytosanitary Measures No 12 on Guidelines for phytosanitary certificates.

Article 2

The Member States shall accept certificates issued in accordance with the models as specified in Annex II, until 31 December 2009.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2004/70/EC (OJ L 127, 29.4.2004, p. 97).

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2004 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 15 October 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

MODEL PHYTOSANITARY CERTIFICATE

No.....

Plant protection organisation of:.....

To plant protection organisation(s) of:.....

I. Description of consignment

Name and address of exporter:.....

Declared name and address of consignee:.....

Number and description of packages:.....

Distinguishing marks:

Place of origin:.....

Declared means of conveyance:

Declared point of entry:

Name of produce and quantity declared:.....

Botanical name of plants:

This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.

They are deemed to be practically free from other pests (*).

II. Additional declaration**III. Disinfestation and/or disinfection treatment**

Date:..... Treatment:..... Chemical (active ingredient):.....

Duration and temperature:.....

Concentration:.....

Additional information:.....

.....

Place of issue:.....

Name of authorised officer:.....

Date:.....

(Signature)

(Stamp of organisation)

No financial liability with respect to this certificate shall attach to (name of plant protection organisation) or to any of its officers or representatives (*).

(*) Optional clause.

MODEL PHYTOSANITARY CERTIFICATE FOR RE-EXPORT

No

Plant protection organisation of:(contracting party of re-export)

To plant protection organisation(s) of:(contracting party(ies) of import)

I. Description of consignment

Name and address of exporter:

Declared name and address of consignee:

Number and description of packages:

Distinguishing marks:

Place of origin:

Declared means of conveyance:

Declared point of entry:

Name of produce and quantity declared:

Botanical name of plants:

This is to certify that the plants, plant products or other regulated articles described above were imported into (contracting party of re-export) from (contracting party of origin) covered by phytosanitary certificate No ^(*) original ☐ certified true copy ☐ of which is attached to this certificate; that they are packed ☐ repacked ☐ in original ☐ ^(*) new ☐ containers, that based on the original phytosanitary certificate ☐ and additional inspection ☐, they are considered to conform with the current phytosanitary requirements of the importing contracting party, and that during storage in (contracting party of re-export), the consignment has not been subjected to the risk of infestation or infection.

II. Additional declaration**III. Disinfestation and/or disinfection treatment**

Date: Treatment: Chemical (active ingredient):

Duration and temperature:

Concentration:

Additional information:

.....

Place of issue:

(Stamp of organisation)

Name of authorised officer:

Date:

(Signature)

No financial liability with respect to this certificate shall attach to (name of plant protection organisation) or to any of its officers or representatives ^(*).

^(*) Insert tick in appropriate ☐ boxes.

^(**) Optional clause.

ANNEX II

MODEL PHYTOSANITARY CERTIFICATE

No

Plant protection organisation of:

To plant protection organisation(s) of:

Description of consignment

Name and address of exporter:

Declared name and address of consignee:

Number and description of packages:

Distinguishing marks:

Place of origin:

Declared means of conveyance:

Declared point of entry:

Name of produce and quantity declared:

Botanical name of plants:

This is to certify that the plants or plant products described above have been inspected according to appropriate procedures and are considered to be free from quarantine pests, and practically free from other injurious pests; and that they are considered to conform with the current phytosanitary regulations of the importing country.

Disinfestation and/or disinfection treatment

Date: Treatment: Chemical (active ingredient):

Duration and temperature: Concentration:

Additional information:

.....

Additional declaration:

Place of issue:

(Stamp of organisation)

Name of authorised officer:

Date: (Signature)

No financial liability with respect to this certificate shall attach to (name of plant protection organisation) or to any of its officers or representatives (*).

(*) Optional clause.

MODEL PHYTOSANITARY CERTIFICATE FOR RE-EXPORT

No

Plant protection organisation of: (country of re-export)

To plant protection organisation(s) of: (country(ies) of import)

Description of consignment

Name and address of exporter:

Declared name and address of consignee:

Number and description of packages:

Distinguishing marks:

Place of origin:

Declared means of conveyance:

Declared point of entry:

Name of produce and quantity declared:

Botanical name of plants:

This is to certify that the plants or plant products described above were imported into (country of re-export) from (country of origin) covered by phytosanitary certificate No (*) original ☐ certified true copy ☐ of which is attached to this certificate; that they are packed ☐ repacked ☐ in original ☐ (*) new ☐ containers, that based on the original phytosanitary certificate ☐ and additional inspection ☐, they are considered to conform with the current phytosanitary regulations of the importing country, and that during storage in (country of re-export), the consignment has not been subjected to the risk of infestation or infection.

Disinfestation and/or disinfection treatment

Date: Treatment: Chemical (active ingredient):

Duration and temperature: Concentration:

Additional information:

Additional declaration:

Place of issue:

(Stamp of organisation)

Name of authorised officer:

Date: (Signature)

No financial liability with respect to this certificate shall attach to (name of plant protection organisation) or to any of its officers or representatives (**).

(*) Insert tick in appropriate ☐ boxes.

(**) Optional clause.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 11 October 2004

amending the Council's Rules of Procedure

(2004/701/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Energy Community and the Treaty on European Union with regard to the weighting of votes in the Council.

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 207(3) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 121(3) thereof,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(1) thereof,

Having regard to Article 12 of the Act concerning the conditions of accession to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded⁽¹⁾,

Whereas:

- (1) The Act concerning the conditions of accession to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded has amended, with effect from 1 November 2004, the provisions of the Treaty establishing the European Community, the Treaty establishing the European Atomic

- (2) In accordance with Article 205(4) of the Treaty establishing the European Community, Article 118(4) of the Treaty establishing the European Atomic Energy Community, the third subparagraph of Article 23(2) and Article 34(3) of the Treaty on European Union, as amended by the said Act of Accession, when a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62 % of the total population of the Union. It is necessary to establish detailed rules for implementing these provisions.

- (3) To do so, it is necessary to establish, in accordance with the data supplied by the Statistical Office of the European Communities, the total population figure for each Member State for a period of one year and to provide for the annual updating of these figures.

- (4) Point IV.A. of the Recommendations for the 2000 Censuses of Population and Housing in the ECE Region, jointly prepared by the United Nations Economic Commission for Europe and the Statistical Office of the European Communities, defines the concept of total population of a State,

HAS DECIDED AS FOLLOWS:

Article 1

The Rules of Procedure of the Council of 22 March 2004 (2004/338/EC, Euratom)⁽²⁾ are hereby amended as follows:

⁽¹⁾ OJ L 236, 23.9.2003, p. 33.

⁽²⁾ OJ L 106, 15.4.2004, p. 22.

1. in Article 11 the following paragraph shall be added:

‘5. When a decision is to be adopted by the Council by a qualified majority, and if a member of the Council so requests, it shall be verified that the Member States constituting the qualified majority represent at least 62 % of the total population of the Union calculated according to the population figures set out in Article 1 of Annex IIa.’;

2. after Annex II the following Annex shall be inserted:

‘ANNEX IIa

DETAILED RULES FOR IMPLEMENTING THE PROVISIONS CONCERNING THE WEIGHTING OF VOTES IN THE COUNCIL

Article 1

For the purposes of implementing Article 205(4) of the Treaty establishing the European Community, Article 118(4) of the Treaty establishing the European Atomic Energy Community, the third subparagraph of Article 23(2) and Article 34(3) of the Treaty on European Union, the total population of each Member State for the period from 1 November 2004 to 31 December 2005 shall be as follows:

Member State	Population (× 1 000)
Germany	82 531,7
France	61 684,7
United Kingdom	59 651,5
Italy	57 888,2
Spain	42 345,3
Poland	38 190,6
Netherlands	16 258,0
Greece	11 041,1
Portugal	10 474,7
Belgium	10 396,4
Czech Republic	10 211,5
Hungary	10 116,7

Member State	Population (× 1 000)
Sweden	8 975,7
Austria	8 114,0
Denmark	5 397,6
Slovakia	5 380,1
Finland	5 219,7
Ireland	4 027,5
Lithuania	3 445,9
Latvia	2 319,2
Slovenia	1 996,4
Estonia	1 350,6
Cyprus	730,4
Luxembourg	451,6
Malta	399,9
Total	458 599,0
Threshold (62 %)	284 331,4

Article 2

1. Before 1 September each year, Member States shall communicate to the Statistical Office of the European Communities the data concerning their total population as at 1 January of the current year.

2. With effect from 1 January each year, the Council shall, in accordance with the data available to the Statistical Office of the European Communities on 30 September of the preceding year, amend the figures set out in Article 1. This Decision shall be published in the *Official Journal of the European Union*.

Article 2

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 November 2004.

Done at Luxembourg, 11 October 2004.

For the Council
The President
 B. R. BOT

COMMISSION

DECISION No 28/2004 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT ON MUTUAL RECOGNITION BETWEEN THE EUROPEAN COMMUNITY AND THE UNITED STATES OF AMERICA

of 19 July 2004

related to the listing of a Conformity Assessment Body under the Sectoral Annex on Electromagnetic Compatibility

(2004/702/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between the European Community and the United States of America and in particular Article 7 and 14,

Whereas the Joint Committee is to take a decision to list a Conformity Assessment Body or Bodies under a Sectoral Annex,

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Body in Attachment A is added to the list of Conformity Assessment Bodies under the column 'EC access to the US market' in Section V of the Sectoral Annex on Electromagnetic Compatibility.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the Conformity Assessment Body indicated in Attachment A has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are authorised to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall be effective from the date of the later of these signatures.

Signed in Washington DC, 7 July 2004.

On behalf of the United States of America

James C. SANFORD

Signed in Brussels, 19 July 2004.

On behalf of the European Community

Joanna KIOUSSI

Appendix A

**EC Conformity Assessment Body added to the list of Conformity Assessment Bodies under the column
'EC access to the US market' in Section V of the Sectoral Annex on Electromagnetic Compatibility**

GYL Technologies Parc d'activités de Lanserre 21, rue de la Fuye F-49610 Juigné-sur-Loire Tel: (33 2) 41 57 57 40 Fax: (33 2) 41 45 25 77
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