

Official Journal

of the European Union

L 357

English edition

Legislation

Volume 47

2 December 2004

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 2059/2004 of 4 October 2004 amending Commission Decision No 1469/2002/ECSC on administering certain restrictions on imports of certain steel products from Kazakhstan** 1

- ★ **Council Regulation (EC) No 2060/2004 of 22 November 2004 amending Regulation (EC) No 2702/1999 on measures to provide information on, and to promote, agricultural products in third countries and Regulation (EC) No 2826/2000 on information and promotion actions for agricultural products on the internal market** 3

- Commission Regulation (EC) No 2061/2004 of 1 December 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 9

- ★ **Commission Regulation (EC) No 2062/2004 of 30 November 2004 establishing unit values for the determination of the customs value of certain perishable goods** 11

- ★ **Commission Regulation (EC) No 2063/2004 of 30 November 2004 prohibiting fishing for cod by vessels flying the flag of Portugal** 17

- ★ **Commission Regulation (EC) No 2064/2004 of 30 November 2004 prohibiting fishing for black scabbardfish by vessels flying the flag of Spain** 18

- ★ **Commission Regulation (EC) No 2065/2004 of 30 November 2004 prohibiting fishing for cod by vessels flying the flag of Germany** 19

- Commission Regulation (EC) No 2066/2004 of 1 December 2004 fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, table grapes and apples) 20

Council

2004/814/EC:

- ★ **Council Decision of 4 October 2004 concerning the conclusion of an Agreement between the European Community and the Republic of Kazakhstan amending the Agreement between the European Coal and Steel Community and the Government of the Republic of Kazakhstan on trade in certain steel products** 22

Agreement between the European Community and the Government of the Republic of Kazakhstan amending the Agreement between the European Coal and Steel Community and the Government of the Republic of Kazakhstan on trade in certain steel products 23

2004/815/EC:

- ★ **Council Decision of 19 November 2004 amending the declaration by the European Community on the exercise of competence and voting rights submitted to the General Fisheries Commission for the Mediterranean** 30

2004/816/EC, Euratom:

- ★ **Council Decision of 19 November 2004 appointing a Latvian member of the Economic and Social Committee** 32

2004/817/EC:

- ★ **Council Decision of 19 November 2004 authorising Germany to apply a measure derogating from Article 17 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes** 33

2004/818/EC, Euratom:

- ★ **Council Decision of 19 November 2004 appointing a German member of the Economic and Social Committee** 34

2004/819/EC, Euratom:

- ★ **Council Decision of 19 November 2004 appointing a German member of the Economic and Social Committee** 35

Commission

2004/820/EC:

- ★ **Commission Decision of 7 May 2004 on the state aid granted by Germany to Fairchild Dornier GmbH (Dornier) (notified under document number C(2004) 1621) ⁽¹⁾** 36

Acts adopted under Title V of the Treaty on European Union

2004/821/CFSP:

- ★ **Political and Security Committee Decision BiH/4/2004 of 19 October 2004 on the appointment of the Head of the EU Command Element at Naples for the European Union military operation in Bosnia and Herzegovina** 38

2004/822/CFSP:

- ★ **Political and Security Committee Decision BiH/5/2004 of 3 November 2004 amending Decision BiH/1/2004 on the acceptance of third States' contributions to the European Union military operation in Bosnia and Herzegovina and Decision BiH/3/2004 on the setting-up of the Committee of Contributors for the European Union military operation in Bosnia and Herzegovina** 39

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2059/2004**of 4 October 2004****amending Commission Decision No 1469/2002/ECSC on administering certain restrictions on imports of certain steel products from Kazakhstan**

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) The Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Kazakhstan⁽¹⁾ entered into force on 1 July 1999.
- (2) Article 17(1) of the Partnership and Cooperation Agreement provides for trade in European Coal and Steel Community (hereinafter referred to as the ECSC) products to be governed by Title III of that Agreement, save for Article 11 thereof, and by the provisions of an agreement on quantitative arrangements concerning exchanges of ECSC steel products.
- (3) On 22 July 2002 the ECSC and the Government of the Republic of Kazakhstan concluded such an Agreement on trade in certain steel products⁽²⁾ (hereinafter referred to as the Agreement), approved on behalf of the ECSC by Commission Decision 2002/654/ECSC⁽³⁾.
- (4) The ECSC Treaty expired on 23 July 2002 and the European Community took over all rights and obligations contracted by the ECSC.

- (5) The Parties agreed pursuant to Article 11(2) of the Agreement that the latter was to be continued and that all rights and obligations of the Parties under it were to be maintained after such expiry.

- (6) The Parties entered into consultations as provided for in Article 2(6) of the Agreement and agreed to increase the quantitative limits set out therein to take into account the enlargement of the European Union. The increases have been the subject of a new agreement that entered into force on the day of its signature⁽⁴⁾.

- (7) Commission Decision No 1469/2002/ECSC of 8 July 2002 on administering certain restrictions on imports of certain steel products from Kazakhstan⁽⁵⁾ should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex IV to Decision No 1469/2002/ECSC, the quantitative limits set out for the year 2004 are replaced by the quantitative limits appearing in the Annex to this Regulation.

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 Luxembourg, 4 October 2004.

For the Council
The President
A. J. DE GEUS

⁽¹⁾ OJ L 196, 28.7.1999, p. 3.

⁽²⁾ OJ L 222, 19.8.2002, p. 20.

⁽³⁾ OJ L 222, 19.8.2002, p. 19.

⁽⁴⁾ See page 23 of this Official Journal.

⁽⁵⁾ OJ L 222, 19.8.2002, p. 1.

ANNEX
QUANTITATIVE LIMITS

		(tonnes)
Products		2004
SA (flat products)		
SA1 (coils)		55 228
SA1a (coils for re-rolling)		5 500
SA2 (heavy plate)		852
SA3 (other flat products)		80 082

COUNCIL REGULATION (EC) No 2060/2004**of 22 November 2004****amending Regulation (EC) No 2702/1999 on measures to provide information on, and to promote, agricultural products in third countries and Regulation (EC) No 2826/2000 on information and promotion actions for agricultural products on the internal market**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee⁽²⁾,

Having regard to the opinion of the Committee of the Regions,

Whereas:

- (1) In the light of experience gained with the implementation of Regulations (EC) No 2702/1999⁽³⁾ and No 2826/2000⁽⁴⁾, analysed in the report presented by the Commission to the European Parliament and the Council in April 2004, it is appropriate to revise certain provisions of those Regulations.
- (2) Harmonisation of the provisions concerning the submission and selection of proposals, the monitoring of the programmes as well as consultation and technical assistance, applied in the context of Regulations (EC) No 2702/1999 and No 2826/2000, should lead to simplified management of the two regimes; in particular, proposing organisations should be given the possibility of implementing certain parts of the programmes themselves and selecting implementation bodies at a later stage in the procedure.
- (3) Fragmentation of financing into small and ineffective programmes should be avoided and a balanced distribution of the available budgetary resources should be ensured, by providing minimum and maximum effective cost limits for programmes submitted.

- (4) The possibility of the Commission initiating promotion and information measures in third countries should be extended in cases where such measures have a Community-wide interest or no appropriate measures have been submitted by professional or interprofessional organisations. The Commission should also be given the possibility of initiating, on the internal market, information measures related to Community regimes concerning the quality and labelling of agricultural products and foodstuffs.
- (5) In the light of experience gained with the implementation of the degressive contribution from 60 to 40 % in cases of multiannual programmes, the provisions concerning the Community contribution to such programmes should be simplified, while maintaining the level of the Community contribution at 50 % of the effective cost of each programme.
- (6) The share of the contribution of the Member State(s) and the proposing organisation(s) should be made more flexible, leaving however a minimum share of compulsory financing to be borne by the proposing organisation.
- (7) It is highly important that the materials which are used in information and promotion campaigns are checked as regards their conformity with Community legislation. It is therefore necessary to clarify the existing monitoring obligations of Member States in that respect.
- (8) The contributions of the Member State(s) to programmes are made in the context of a specific procedure. Member States should therefore be exempted from the obligation to notify such national contributions as state aid in order to simplify the administrative proceedings concerned, as these contributions should not be considered as state aid within the meaning of Articles 87, 88 and 89 of the Treaty.
- (9) Ad hoc working groups of representatives from Member States and/or experts with particular expertise in promotion and publicity matters can usefully advise the Commission in developing the strategy and the implementation measures for the regime. The possibility for consulting such groups should therefore be provided for.

- (10) Regulation (EC) No 2702/1999 should continue to apply after 31 December 2004.

⁽¹⁾ Opinion delivered on 14 October 2004 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 27 October 2004 (not yet published in the Official Journal).

⁽³⁾ OJ L 327, 21.12.1999, p. 7.

⁽⁴⁾ OJ L 328, 23.12.2000, p. 2.

- (11) In order to permit the necessary adaptations for implementing the proposed measures, this Regulation should apply from 1 January 2005.
- (12) Regulations (EC) No 2702/1999 and (EC) No 2826/2000 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2702/1999 is hereby amended as follows:

1. in Article 2, point (c) shall be replaced by the following:

‘(c) information campaigns, in particular on the Community systems covering protected designations of origin (PDOs), protected geographical indications (PGIs), guaranteed traditional specialities (GTSs) and organic production, as well as other Community regimes concerning quality standards and labelling for agricultural products and foodstuffs, and graphic symbols laid down in the relevant Community legislation;’

2. Article 5 shall be replaced by the following:

‘Article 5

1. In accordance with the procedure referred to in Article 12(2), the Commission shall draw up every two years a list of the products and markets referred to in Articles 3 and 4 respectively.

However, this list may be amended in the interim, if necessary.

2. In accordance with the procedure referred to in Article 12(2), the Commission may adopt guidelines defining details concerning the strategy to be followed in the proposals for information and promotion campaigns for certain or all of the products referred to in paragraph 1.’;

3. Article 7 shall be replaced by the following:

‘Article 7

1. To carry out the measures referred to in Article 2(a), (b), (c), (d) and (e) and subject to Article 6, the professional and/or interprofessional organisation(s) representing the sector(s) in one or more Member States or at Community level shall draw up proposals for promotion and information programmes lasting no longer than three years.

Member States shall draw up a specification laying down the requirements and criteria for evaluating the programmes.

2. The Member State(s) concerned shall examine the suitability of each proposed programme and its conformity with the provisions of this Regulation, the guidelines adopted under Article 5(2), and the relevant specification. They shall also check that the programme offers value for money.

Once having examined the programme or programmes, the Member State(s) shall draw up a list of programmes within the limit of available funds and shall undertake to contribute to their funding.

3. The Member State(s) shall send the Commission the list of programmes and copies of the programmes.

If the Commission finds that a programme which has been submitted, or certain actions thereof, are not in accordance with Community provisions or do not offer value for money, it shall, within a time limit to be determined in accordance with the procedure referred to in Article 12(2), notify the Member State(s) concerned of the ineligibility of all or part of the programme. Once that time limit has been exceeded, the programme shall be deemed eligible.

The Member State(s) shall take account of any observations made by the Commission and shall send the programmes, revised in agreement with the proposing organisation, to the Commission, within a period of time to be determined in accordance with the procedure referred to in Article 12(2).

4. The Commission shall decide, in accordance with the procedure referred to in Article 12(2), which programmes are accepted and the corresponding budgets. Programmes submitted by more than one Member State or providing for actions in more than one-third of the country shall be given priority.

5. After inviting competitive offers by all appropriate means, the proposing organisation shall select the bodies which shall implement the programmes. However, under certain conditions to be determined in accordance with the procedure referred to in Article 12(2), the proposing organisation may be authorised to implement certain parts of the programme.

6. In accordance with the procedure referred to in Article 12(2), the Commission may set minimum and/or maximum effective cost limits for the programmes to be submitted under this Article. These cost limits may be differentiated according to the nature of the programmes concerned. Criteria in this respect may be defined in accordance with the procedure referred to in Article 12(2).’;

4. the following Article shall be inserted:

'Article 7a

After the Management Committee referred to in Article 12(1) or, where appropriate, the Regulatory Committees referred to in Council Regulations (EEC) No 2092/91 (*), (EEC) No 2081/92 (**) or (EEC) No 2082/92 (***) have been informed, the Commission shall decide on the following measures:

- (a) measures referred to in Article 2(f) and (g) of this Regulation;
- (b) measures referred to in Article 2(a), (b), (c), (d) and (e) of this Regulation, where such measures have a Community-wide interest or no appropriate proposals have been submitted under the procedure established in Article 7 of this Regulation;
- (c) measures carried out by an international organisation as referred to in Article 6 of this Regulation.

(*) OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 1481/2004 (OJ L 272, 20.8.2004, p. 11).

(**) OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 1215/2004 (OJ L 232, 1.7.2004, p. 21).

(***) OJ L 208, 24.7.1992, p. 9. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).;

5. Article 8 shall be amended as follows:

- (a) in paragraph 1, the second and third indents shall be replaced by the following:

— the body or bodies responsible for implementing the measures referred to in Article 7a;

- (b) paragraph 4 shall be replaced by the following:

'4. The Member States concerned shall be responsible for monitoring programmes referred to in Article 7 and for making the payments in respect thereof. The Member States shall ensure that any information or promotion material produced under an accepted programme complies with Community law.;

6. Article 9 shall be amended as follows:

- (a) paragraphs 1, 2 and 3 shall be replaced by the following:

'1. Without prejudice to paragraph 4, the Community shall fund the measures referred to in Article 7a in their entirety. The Community shall also fund entirely the cost

of technical assistants selected according to the first indent of Article 8(1).

2. The Community's contribution to the programmes referred to in Article 7 shall not exceed 50 % of the real cost of the programmes. In the case of promotion programmes lasting two or three years, the contribution for each year of implementation shall not exceed that maximum limit.

3. The proposing organisation(s) shall fund at least 20 % of the real cost of the programmes referred to in Article 7, the rest of the financing being borne by the Member State(s) concerned, taking into account the Community's contribution referred to in paragraph 2. The respective shares of the Member State(s) and the proposing organisation(s) shall be defined at the time the programme is submitted to the Commission in accordance with Article 7(3). The payments made by Member States and/or the proposing organisations may come from parafiscal charges or compulsory contributions.;

- (b) the following paragraph 5 shall be added:

'5. Articles 87, 88 and 89 of the Treaty shall not apply to the financial contributions provided by Member States and to the financial contributions, coming from parafiscal charges or compulsory contributions, provided by Member States and/or proposing organisations, for the programmes subject to Community support within the scope of Article 36 of the Treaty and which the Commission has decided to accept in accordance with Article 7(4).;

7. The following Article shall be inserted:

'Article 12a

Before drawing up the list and guidelines referred to in Article 5, or accepting programmes referred to in Article 7, or deciding on measures in accordance with Article 7a, or adopting implementation measures in accordance with Article 11, the Commission may consult:

- (a) the Standing Group on Promotion of Agricultural Products of the Advisory Committee on Agricultural Product Health and Safety;
- (b) technical ad hoc working groups composed of members of the Management Committee referred to in Article 12(1) and/or experts with particular expertise in promotion and publicity.;

8. in Article 13, the date '31 December 2003' shall be replaced by '31 December 2006';

9. in Article 15, the second paragraph shall be deleted.

Article 2

Regulation (EC) No 2826/2000 is hereby amended as follows:

1. in Article 2, point (c) shall be replaced by the following:

'(c) information campaigns, in particular on the Community systems covering protected designations of origin (PDOs), protected geographical indications (PGIs), guaranteed traditional specialities (GTSs) and organic production, as well as other Community regimes concerning quality standards and labelling for agricultural products and foodstuffs, and the graphic symbols laid down in the relevant Community legislation, including the graphic symbol for extremely remote regions;'

2. in Article 4, paragraph 2 shall be deleted;

3. in Article 5, paragraph 2 shall be deleted;

4. Article 6 shall be replaced by the following:

'Article 6

1. To carry out the measures referred to in Article 2(a), (b), (c) and (d) and in accordance with the guidelines referred to in Article 5, the professional and/or interprofessional organisation(s) representing the sector(s) in one or more Member States or at Community level shall draw up proposals for promotion and information programmes lasting no longer than three years.

Member States shall draw up a specification laying down the requirements and criteria for evaluating the programmes.

2. The Member State(s) concerned shall examine the suitability of each proposed programme and its conformity with the provisions of this Regulation, the guidelines referred to in Article 5 and the relevant specification. They shall also check that the programme offers value for money.

Once having examined the programme or programmes, the Member State(s) shall draw up a list of programmes within the limit of available funds and shall undertake to contribute to their funding.

3. The Member State(s) shall send the Commission the list of programmes and copies of the programmes.

If the Commission finds that a programme which has been submitted, or certain actions thereof, are not in accordance with Community provisions or with the guidelines referred to in Article 5, or do not offer value for money, it shall, within a time limit to be determined in accordance with the procedure referred to in Article 13(2), notify the Member State(s) concerned of the ineligibility of all or part of the programme. Once that time limit has been exceeded, the programme shall be deemed eligible.

The Member State(s) shall take account of any observations made by the Commission and shall send the programmes, revised in agreement with the proposing organisation, to the Commission, within a period of time to be determined in accordance with the procedure referred to in Article 13(2).

4. The Commission shall decide, in accordance with the procedure referred to in Article 13(2), which programmes are accepted and the corresponding budgets. Programmes submitted by more than one Member State or providing for actions in more than one Member State shall be given priority.

5. After inviting competitive offers by all appropriate means, the proposing organisation shall select the bodies which shall implement the programmes. However, under certain conditions to be determined in accordance with the procedure referred to in Article 13(2), the proposing organisation may be authorised to implement certain parts of the programme.

6. In accordance with the procedure referred to in Article 13(2), the Commission may set minimum and/or maximum effective cost limits for the programmes to be submitted under this Article. These cost limits may be differentiated according to the nature of the programmes concerned. Criteria in this respect may be defined in accordance with the procedure referred to in Article 13(2).';

5. Article 7 shall be amended as follows:

(a) paragraph 3 shall be replaced by the following:

'3. For the purposes of the Commission's examination of the programmes, Article 6(3) and (4) shall apply.;

(b) the following paragraph 4 shall be added:

'4. In accordance with the procedure referred to in Article 13(2), the Commission may set minimum and/or maximum effective cost limits for the programmes submitted under this Article. These cost limits may be differentiated according to the nature of the programmes concerned. Criteria in this respect may be defined in accordance with the procedure referred to in Article 13(2).;

6. the following Article shall be inserted:

'Article 7a

After the Management Committee referred to in Article 13(1) or, where appropriate, the Regulatory Committees referred to in Regulations (EEC) No 2092/91 (*), (EEC) No 2081/92 (**) or (EEC) No 2082/92 (***) have been informed, the Commission shall decide on the following measures:

(a) measures referred to in Article 2(e) of this Regulation;

(b) measures referred to in Article 2(b), (c) and (d) of this Regulation, where such measures have a Community-wide interest or no appropriate proposals have been submitted under the procedures established in Articles 6 or 7 of this Regulation.

(*) OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 1481/2004 (OJ L 272, 20.8.2004, p. 11).

(**) OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 1215/2004 (OJ L 232, 1.7.2004, p. 21).

(***) OJ L 208, 24.7.1992, p. 9. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).;

7. Article 8 shall be replaced by the following:

'Article 8

The Commission shall, on the basis of an open or restricted invitation to tender, choose:

(a) any technical assistance needed to evaluate the proposed programmes, including the proposed implementing bodies;

(b) the body or bodies responsible for implementing the measures referred to in Article 7a.;

8. Article 9 shall be amended as follows:

(a) paragraphs 1, 2 and 3 shall be replaced by the following:

'1. The Community shall fund the measures referred to in Article 7a in their entirety. The Community shall also fund entirely the cost of technical assistants selected according to Article 8(a).

2. The Community's contribution to the programmes referred to in Articles 6 and 7 shall not exceed 50 % of the real cost of the programmes. In the case of promotion programmes lasting two or three years, the contribution for each year of implementation shall not exceed that maximum limit.

3. The proposing organisation(s) shall fund at least 20 % of the real cost of the programmes referred to in Article 6, the rest of the financing being borne by the Member State(s) concerned, taking into account the Community's contribution referred to in paragraph 2. The respective shares of the Member State(s) and proposing organisation(s) shall be defined at the time the programme is submitted to the Commission in accordance with Article 6(3). The payments made by Member States and/or the proposing organisations may come from parafiscal charges or compulsory contributions.;

(b) the following paragraph 5 shall be added:

'5. Articles 87, 88 and 89 of the Treaty shall not apply to the financial contributions provided by Member States and to the financial contributions, coming from parafiscal charges or compulsory contributions, provided by Member States and/or proposing organisations, for the programmes subject to Community support within the scope of Article 36 of the Treaty and which the Commission has decided to accept in accordance with Article 6(4) or Article 7(3).;

9. in Article 10, paragraph 2 shall be replaced by the following:

'2. A monitoring group, comprising representatives of the Commission, the Member States concerned and the proposing organisations concerned, shall supervise the proper conduct of the programmes referred to in Articles 6 and 7.

3. The Member States concerned shall be responsible for monitoring programmes referred to in Articles 6 and 7 and for making the payments in respect thereof. The Member States shall ensure that any information or promotion material produced under an accepted programme complies with Community law.;

10. The following Article shall be inserted:

'Article 13a

Before drawing up the list referred to in Article 4, or laying down the guidelines referred to in Article 5, or approving programmes referred to in Articles 6 and 7, or deciding on measures in accordance with Article 7a, or taking implementation measures in accordance with Article 12, the Commission may consult:

- (a) the Standing Group on Promotion of Agricultural Products of the Advisory Committee on Agricultural Product Health and Safety;

- (b) technical ad hoc working groups composed of members of the Management Committee referred to in Article 13(1), and/or experts with particular expertise in promotion and publicity matters.;

11. Article 14 shall be replaced by the following:

'Article 14

Before 31 December 2006, the Commission shall present to the European Parliament and the Council a report on the application of this Regulation, together with any appropriate proposals.'

Article 3

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

It shall apply from 1 January 2005.

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

Done at Brussels, 22 November 2004.

For the Council
The President
C. VEERMAN

COMMISSION REGULATION (EC) No 2061/2004**of 1 December 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 December 2004.

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

Done at Brussels, 1 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽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 December 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	89,0
	070	81,3
	204	90,7
	999	87,0
0707 00 05	052	82,8
	204	32,5
	999	57,7
0709 90 70	052	108,3
	204	61,0
	999	84,7
0805 20 10	052	59,1
	204	49,9
	999	54,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,7
	204	56,9
	624	78,9
	720	30,1
	999	59,4
0805 50 10	052	43,0
	388	41,4
	528	25,4
	999	36,6
0808 10 20, 0808 10 50, 0808 10 90	052	95,1
	388	129,6
	400	88,9
	404	94,4
	512	104,5
	720	79,7
	804	107,6
0808 20 50	999	100,0
	400	96,5
	720	53,0
	999	75,2

⁽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 2062/2004**of 30 November 2004****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 ⁽²⁾ laying down provisions for the implementation of Regulation (EEC) No 2913/92, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 December 2004.

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

Done at Brussels, 30 November 2004.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 (OJ L 311, 12.12.2000, p. 17).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

ANNEX

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	— — —	— — —	— — —	— — —	— — —	— — —
1.30	Onions (other than seed) 0703 10 19	12,25 42,30 109,30	7,10 8,39 8,57	379,74 5,30	91,02 51,62	191,70 2 937,69	3 004,34 481,30
1.40	Garlic 0703 20 00	109,55 378,27 977,38	63,49 75,03 76,66	3 395,64 47,40	813,88 461,59	1 714,16 26 269,00	26 864,98 4 303,85
1.50	Leeks ex 0703 90 00	54,75 189,05 488,47	31,73 37,50 38,31	1 697,05 23,69	406,76 230,69	856,69 13 128,53	13 426,38 2 150,95
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	16,57 57,21 147,83	9,60 11,35 11,59	513,59 7,17	123,10 69,81	259,26 3 973,15	4 063,30 650,95
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	61,43 212,11 548,04	35,60 42,07 42,98	1 904,02 26,58	456,36 258,82	961,17 14 729,69	15 063,86 2 413,28
1.100	Chinese cabbage ex 0704 90 90	75,36 260,20 672,32	43,67 51,61 52,73	2 335,78 32,61	559,85 317,51	1 179,13 18 069,82	18 479,78 2 960,52
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	26,74 92,33 238,56	15,50 18,31 18,71	828,81 11,57	198,65 112,66	418,39 6 411,72	6 557,18 1 050,48
1.140	Radishes ex 0706 90 90	75,37 260,24 672,41	43,68 51,62 52,74	2 336,09 32,61	559,92 317,56	1 179,28 18 072,22	18 482,23 2 960,91
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	370,76 1 280,17 3 307,74	214,86 253,94 259,42	11 491,84 160,43	2 754,41 1 562,14	5 801,20 88 901,86	90 918,82 14 565,48

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	136,81 472,37 1 220,52	79,28 93,70 95,72	4 240,36 59,20	1 016,35 576,41	2 140,58 32 803,82	33 548,06 5 374,50
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	194,17 670,43 1 732,27	112,52 132,99 135,86	6 018,30 84,02	1 442,49 818,10	3 038,10 46 558,08	47 614,37 7 627,97
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	242,49 837,25 2 163,31	140,52 166,08 169,67	7 515,83 104,92	1 801,42 1 021,66	3 794,07 58 143,15	59 462,27 9 526,04
1.200.2	— other ex 0709 20 00	494,97 1 709,02 4 415,78	286,83 339,00 346,33	15 341,45 214,17	3 677,10 2 085,44	7 744,52 118 682,78	121 375,39 19 444,71
1.210	Aubergines (eggplants) 0709 30 00	85,41 294,92 762,02	49,50 58,50 59,76	2 647,42 36,96	634,54 359,88	1 336,44 20 480,64	20 945,29 3 355,50
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	83,53 288,41 745,20	48,41 57,21 58,45	2 589,01 36,14	620,54 351,94	1 306,96 20 028,82	20 483,23 3 281,48
1.230	Chantarelles 0709 59 10	926,44 3 198,81 8 265,14	536,87 634,52 648,23	28 715,01 400,87	6 882,52 3 903,37	14 495,64 222 141,78	227 181,62 36 395,20
1.240	Sweet peppers 0709 60 10	145,70 503,06 1 299,81	84,43 99,79 101,94	4 515,83 63,04	1 082,37 613,86	2 279,64 34 934,84	35 727,43 5 723,64
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	72,10 248,95 643,24	41,78 49,38 50,45	2 234,76 31,20	535,64 303,78	1 128,13 17 288,28	17 680,51 2 832,47
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	110,98 383,18 990,07	64,31 76,01 77,65	3 439,72 48,02	824,45 467,58	1 736,41 26 609,97	27 213,68 4 359,72

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	150,16 518,47 1 339,64	87,02 102,84 105,07	4 654,20 64,97	1 115,54 632,67	2 349,49 36 005,32	36 822,19 5 899,03
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines 0805 10 10	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	— — —	— — —	— — —	— — —	— — —	— — —
2.70.2	— Monreales and satsumas ex 0805 20 30	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkins ex 0805 20 50	— — —	— — —	— — —	— — —	— — —	— — —
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	— — —	— — —	— — —	— — —	— — —	— — —
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	134,79 465,40 1 202,51	78,11 92,32 94,31	4 177,79 58,32	1 001,35 567,91	2 108,99 32 319,75	33 053,01 5 295,19
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	84,03 290,15 749,69	48,70 57,55 58,80	2 604,61 36,36	624,28 354,06	1 314,83 20 149,46	20 606,60 3 301,24
2.90.2	— pink ex 0805 40 00	88,02 303,92 785,28	51,01 60,29 61,59	2 728,26 38,09	653,92 370,87	1 377,25 21 106,04	21 584,88 3 457,96

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	205,88 710,87 1 836,74	119,31 141,01 144,05	6 381,28 89,08	1 529,49 867,44	3 221,33 49 366,10	50 486,09 8 088,03
2.110	Water melons 0807 11 00	53,52 184,79 477,47	31,01 36,66 37,45	1 658,85 23,16	397,60 225,50	837,41 12 833,03	13 124,17 2 102,53
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	44,71 154,38 398,90	25,91 30,62 31,29	1 385,85 19,35	332,17 188,39	699,59 10 721,09	10 964,33 1 756,52
2.120.2	— Other ex 0807 19 00	90,10 311,10 803,84	52,21 61,71 63,04	2 792,71 38,99	669,37 379,63	1 409,79 21 604,63	22 094,79 3 539,65
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	— — —	— — —	— —	— —	— —	— —
2.140.2	— Other ex 0808 20 50	— — —	— — —	— —	— —	— —	— —
2.150	Apricots 0809 10 00	226,17 780,91 2 017,74	131,06 154,90 158,25	7 010,09 97,86	1 680,21 952,92	3 538,77 54 230,66	55 461,02 8 885,03
2.160	Cherries 0809 20 95 0809 20 05	817,99 2 824,34 7 297,57	474,02 560,24 572,34	25 353,45 353,94	6 076,81 3 446,42	12 798,68 196 136,44	200 586,28 32 134,54
2.170	Peaches 0809 30 90	294,62 1 017,27 2 628,44	170,73 201,79 206,15	9 131,81 127,48	2 188,75 1 241,33	4 609,83 70 644,49	72 247,23 11 574,23
2.180	Nectarines ex 0809 30 10	295,61 1 020,70 2 637,29	171,31 202,47 206,84	9 162,56 127,91	2 196,12 1 245,51	4 625,36 70 882,35	72 490,49 11 613,20
2.190	Plums 0809 40 05	145,37 501,93 1 296,89	84,24 99,56 101,71	4 505,68 62,90	1 079,94 612,48	2 274,51 34 856,34	35 647,14 5 710,78
2.200	Strawberries 0810 10 00	581,62 2 008,23 5 188,91	337,05 398,35 406,96	18 027,46 251,67	4 320,89 2 450,56	9 100,45 139 461,99	142 626,03 22 849,13

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	304,95	176,72	9 451,93	2 265,47	4 771,43	74 779,84
		1 052,93	208,86	131,95	1 284,85	73 120,91	11 979,96
		2 720,58	213,37				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 582,95	917,32	49 063,54	11 759,74	24 767,79	388 171,00
		5 465,61	1 084,16	684,94	6 669,44	379 559,75	62 186,19
		14 122,13	1 107,59				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	125,43	72,69	3 887,76	931,83	1 962,58	30 758,44
		433,09	85,91	54,27	528,48	30 076,08	4 927,60
		1 119,03	87,76				
2.230	Pomegranates ex 0810 90 95	117,10	67,86	3 629,63	869,96	1 832,27	28 716,14
		404,34	80,20	50,67	493,39	28 079,10	4 600,41
		1 044,73	81,94				
2.240	Khakis (including sharon fruit) ex 0810 90 95	113,73	65,90	3 524,94	844,87	1 779,43	27 887,94
		392,67	77,89	49,21	479,16	27 269,27	4 467,73
		1 014,60	79,57				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 2063/2004
of 30 November 2004
prohibiting fishing for cod by vessels flying the flag of Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21(3) thereof,

Whereas:

(1) 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 limitations in catch are required⁽²⁾ lays down quotas for cod for 2004.

(2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.

(3) According to the information received by the Commission, catches of cod in the waters of ICES sub-area I and ICES division IIb by vessels flying the flag of Portugal or registered in Portugal have exhausted the quota allocated for 2004. Portugal has prohibited fishing for this stock from 27 October 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES sub-area I and ICES division IIb by vessels flying the flag of Portugal or registered in Portugal are hereby deemed to have exhausted the quota allocated to Portugal for 2004.

Fishing for cod in the waters of ICES sub-area I and ICES division IIb by vessels flying the flag of Portugal or registered in Portugal is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 27 October 2004.

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

Done at Brussels, 30 November 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

⁽²⁾ OJ L 344, 31.12.2003, p. 1.

COMMISSION REGULATION (EC) No 2064/2004
of 30 November 2004
prohibiting fishing for black scabbardfish by vessels flying the flag of Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2340/2002 of 16 December 2002 fixing for 2003 and 2004 the fishing opportunities for deep-sea fish stocks⁽²⁾ lays down quotas for black scabbardfish for 2004.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of black scabbardfish in the waters of ICES sub-areas V, VI, VII and XII (Community waters and waters not under the sovereignty or jurisdiction of third countries) by vessels flying the flag of Spain or registered in Spain have exhausted the quota allocated for 2004. Spain has prohibited fishing for this stock from 3 November 2004. This date should be adopted in this Regulation also,

Article 1

Catches of black scabbardfish in the waters of ICES sub-areas V, VI, VII and XII (Community waters and waters not under the sovereignty or jurisdiction of third countries) by vessels flying the flag of Spain or registered in Spain are hereby deemed to have exhausted the quota allocated to Spain for 2004.

Fishing for black scabbardfish in the waters of ICES sub-areas V, VI, VII and XII (Community waters and waters not under the sovereignty or jurisdiction of third countries) by vessels flying the flag of Spain or registered in Spain is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 3 November 2004.

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

Done at Brussels, 30 November 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

⁽²⁾ OJ L 356, 31.12.2002, p. 1.

COMMISSION REGULATION (EC) No 2065/2004
of 30 November 2004
prohibiting fishing for cod by vessels flying the flag of Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾ and in particular Article 21(3) thereof,

Whereas:

(1) 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 limitations in catch are required⁽²⁾ lays down quotas for cod for 2004.

(2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are hereby deemed to have exhausted the quota allocated.

(3) According to the information received by the Commission, catches of cod in the waters of ICES divisions I and IIb by vessels flying the flag of Germany or registered in Germany have exhausted the quota allocated for 2004. Germany has prohibited fishing for this stock from 22 October 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I and IIb by vessels flying the flag of Germany or registered in Germany are hereby deemed to have exhausted the quota allocated to Germany for 2004.

Fishing for cod in the waters of ICES divisions I and IIb by vessels flying the flag of Germany or registered in Germany is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 22 October 2004.

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

Done at Brussels, 30 November 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

⁽²⁾ OJ L 344, 31.12.2003, p. 1.

COMMISSION REGULATION (EC) No 2066/2004**of 1 December 2004****fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, table grapes and apples)**

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⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables⁽²⁾, and in particular Article 6(7) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1425/2004⁽³⁾ fixed the indicative quantities for the issue of B system export licences.

- (2) The definitive rate of refund for tomatoes, oranges, table grapes and apples covered by licences applied for under system B between 17 September and 15 November 2004 should be fixed at the indicative rate, and the percentage of licences to be issued for the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

For applications for system B export licences submitted pursuant to Article 1 of Regulation (EC) No 1425/2004 between 17 September and 15 November 2004, the percentages of licences to be issued and the rates of refund applicable are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 December 2004.

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

Done at Brussels, 1 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽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. 1).

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as amended by Regulation (EC) No 1176/2002 (OJ L 170, 29.6.2002, p. 69).

⁽³⁾ OJ L 262, 7.8.2004, p. 5.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 17 September and 15 November 2004 (tomatoes, oranges, table grapes and apples)

Product	Rate of refund (EUR/t net)	Percentages of licences to be issued for the quan- tities applied for
Tomatoes	30	100 %
Oranges	25	100 %
Table grapes	24	100 %
Apples	29	100 %

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 4 October 2004

concerning the conclusion of an Agreement between the European Community and the Republic of Kazakhstan amending the Agreement between the European Coal and Steel Community and the Government of the Republic of Kazakhstan on trade in certain steel products

(2004/814/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Kazakhstan⁽¹⁾, entered into force on 1 July 1999.
- (2) Article 17(1) of the Partnership and Cooperation Agreement provides for trade in European Coal and Steel Community (hereinafter referred to as the ECSC) products to be governed by Title III of that Agreement, save for Article 11 thereof, and by the provisions of an Agreement on quantitative arrangements concerning exchanges of ECSC products.
- (3) On 22 July 2002 the ECSC and the Government of the Republic of Kazakhstan concluded such an Agreement on trade in certain steel products⁽²⁾ (hereinafter referred to as the Agreement), approved on behalf of the ECSC by Commission Decision 2002/654/ECSC⁽³⁾.
- (4) The ECSC Treaty expired on 23 July 2002 and the European Community took over all rights and obligations contracted by the ECSC.

(5) The Parties agreed pursuant to Article 11(2) of the Agreement that it was to be continued and that all rights and obligations of the Parties under it were to be maintained after such expiry.

(6) The Parties entered into consultations as provided for in Article 2 paragraph 6 of the Agreement and agreed to increase the quantitative limits set out in the Agreement to take into account the enlargement of the European Union.

(7) The amending Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Agreement between the European Community and the Government of the Republic of Kazakhstan amending the Agreement between the ECSC and the Government of the Republic of Kazakhstan concerning trade in certain steel products is hereby approved on behalf of the Community.

2. The text of the amending Agreement⁽⁴⁾ is attached to this Decision.

Article 2

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

Done at Luxembourg, 4 October 2004.

For the Council

The President

A. J. DE GEUS

⁽¹⁾ OJ L 196, 28.7.1999, p. 3.

⁽²⁾ OJ L 222, 19.8.2002, p. 20.

⁽³⁾ OJ L 222, 19.8.2002, p. 19.

⁽⁴⁾ See page 23 of this Official Journal.

AGREEMENT

between the European Community and the Government of the Republic of Kazakhstan amending the Agreement between the European Coal and Steel Community and the Government of the Republic of Kazakhstan on trade in certain steel products

THE EUROPEAN COMMUNITY,

of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN,

of the other part,

being the Parties to this Agreement,

WHEREAS:

The Parties are desirous to promote the orderly and equitable development of trade in steel between the European Community and the Republic of Kazakhstan;

The Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Kazakhstan entered into force on 1 July 1999;

Article 17(1) of the Partnership and Cooperation Agreement provides for trade in European Coal and Steel Community products to be governed by Title III, save for Article 11 thereof, and by the provisions of an Agreement on trade in certain steel products;

The European Coal and Steel Community (ECSC) and the Government of the Republic of Kazakhstan concluded on 22 July 2002 such an Agreement on trade in certain steel products, hereinafter referred to as 'the Agreement';

The ECSC Treaty expired on 23 July 2002 and the European Community took over all rights and obligations contracted by the ECSC;

According to Article 11(2) of the Agreement the Parties agreed that the Agreement will be continued and that all rights and obligations of the Parties under it shall be maintained after such expiry;

Further to Article 2(6) of the Agreement, the Parties agreed to consider the increase of the quantitative limits of the Agreement as from 1 May 2004, to take into account the enlargement of the European Union,

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

THE EUROPEAN COMMUNITY:

THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN:

WHO HAVE AGREED AS FOLLOWS:

Article 1

- 1.1. The quantitative limits for the year 2004 set out in Annex II of the Agreement shall be increased as laid down in Annex I of this Agreement.
- 1.2. The Parties agree that the exports from the Republic of Kazakhstan to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of products included in Annex I of the Agreement shipped before 1 May 2004 shall not be deducted from the quantitative limits set out in Annex II of the Agreement.
- 1.3. For the purpose of applying paragraph 1.2, such shipments are considered to have taken place on the date of their loading onto the exporting transport as evidenced by the bill of lading or other transport documents.

Article 2

- 2.1. Article 13(2) of Protocol A of the Agreement is replaced as specified in Annex II to this Agreement.
- 2.2. The list of the competent national authorities attached to Protocol A of the Agreement is replaced by Annex III of this Agreement.

Article 3

This Agreement shall enter into force on the day of its signature.

Article 4

This Agreement shall be drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish, Kazakh and Russian languages, each of these texts being equally authentic.

Hecho en Bruselas, el diez de noviembre del dos mil cuatro.

V Bruselu dne desátého listopadu dva tisíce čtyři.

Udfærdiget i Bruxelles den tiende november to tusind og fire.

Geschehen zu Brüssel am zehnten November zweitausendundvier.

Kahe tuhande neljanda aasta novembrikuu kümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα Νοεμβρίου δύο χιλιάδες τέσσερα.

Done at Brussels on the tenth day of November in the year two thousand and four.

Fait à Bruxelles, le dix novembre deux mille quatre.

Fatto a Bruxelles, addì dieci novembre duemilaquattro.

Briselē, divi tūkstoši ceturťā gada desmitajā novembrī.

Priimta du tūkstančiai ketvirtų metų lapkričio dešimtą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-negyedik év november havának tizedik napján.

Magħmul fi Brussel fl-għaxar jum ta' Novembru tas-sena elfejn u erbgha.

Gedaan te Brussel, de tiende november tweeduizendvier.

Sporządzono w Brukseli, dnia dziesiątego listopada roku dwutysięcznego czwartego.

Feito em Bruxelas, em dez de Novembro de dois mil e quatro.

V Bruseli desiateho novembra dvetisícštyri.

V Bruslju, desetega novembra leta dva tisoč štiri.

Tehty Brysselissä kymmenentenä päivänä marraskuuta vuonna kaksituhattaneljä.

Som skedde i Bryssel den tionde november tjugohundrafyra.

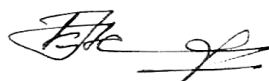
Совершено в городе Брюсселе « 10 » ноября 2004 года

2004 жылы “ 10 ” карашада Брюссель қаласыдна жасалған

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



Por el Gobierno de la República de Kazajstán
Za vládu Republiky Kazachstán
For regeringen for Republikken Kasakhstan
Im Namen der Regierung der Republik Kasachstan
Kasahstani Vabariigi valitsuse nimel
Για την κυβέρνηση της Δημοκρατίας του Καζακστάν
For the Government of the Republic of Kazakhstan
Pour le gouvernement de la République du Kazakhstan
Per il governo della Repubblica di Kazakistan
Kazahstānas Republikas valdības vārdā
Kazachstano Respublikos Vyriausybės vardu
A Kazah Köztársaság Kormányára részéről
Ghall-Gvern tar-Repubblika tal-Kazakastan
Voor de regering van de Republiek Kazachstan
W imieniu rządu Republiki Kazachstanu
Pelo Governo da República do Cazaquistão
Za vládu Kazašskej republiky
Za Vlado Republike Kazahstan
Kazakstanin tasavallan hallituksen puolesta
För Republiken Kazakstans regering
Қазақстан Республикасының Үкіметі үшін
За Правительство Республики Казахстан



ANNEX I

(tonnes)	
Products	2004
SA. (Flat products)	
SA1. (Coils)	5 228
SA1a. (Coils for rerolling)	500
SA2. (Heavy plate)	852
SA3. (Other flat products)	21 582

ANNEX II

Article 13(2) to the Protocol A of the Agreement is replaced by the following:

'2. Each document shall bear a standardised serial number, whether or not printed, by which it can be identified. This number shall be composed of the following elements:

- two letters identifying the exporting country as follows: KZ = Kazakhstan,
- two letters identifying the intended Member State of customs clearance as follows:

BE = Belgium

CZ = Czech Republic

DK = Denmark

DE = Germany

EE = Estonia

EL = Greece

ES = Spain

FR = France

IE = Ireland

IT = Italy

CY = Cyprus

LV = Latvia

LT = Lithuania

LU = Luxembourg

HU = Hungary

MT = Malta

NL = Netherlands

AT = Austria

PL = Poland

PT = Portugal

SI = Slovenia

SK = Slovakia

FI = Finland

SE = Sweden

GB = United Kingdom

- a one-digit number identifying the year, corresponding to the last figure in the respective year, e.g. "4" for 2004,
- a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
- a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.'

ANNEX III

LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES
SEZNAM PŘÍSLUŠNÝCH VNITROSTÁTNÍCH ORGÁNŮ
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN
PÄDEVATE RIIKLIKE ASUTUSTE NIMEKIRI
ΔΙΕΥΘΥΝΣΕΙΣ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ
LIST OF THE COMPETENT NATIONAL AUTHORITIES
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES
ELENCO DELLE AUTORITÀ NAZIONALI COMPETENTI
VALSTU KOMPETENTO IESTĀŽU SARAKSTS
ATSAKINGŲ NACIONALINIŲ INSTITUCIJŲ SĄRAŠAS
AZ ILLETÉKES NEMZETI HATÓSÁGOK LISTÁJA
LISTA TA' L-AWTORITAJIET KOMPETENTI NAZZJONALI
LIJST VAN BEVOEGDE NATIONALE INSTANTIES
LISTA WŁAŚCIWYCH ORGANÓW KRAJOWYCH
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES
ZOZNAM PRÍSLUŠNÝCH ŠTÁTNYCH ORGÁNOV
SEZNAM PRISTOJNIH NACIONALNIH ORGANOV
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA
FÖRTECKNING ÖVER BEHÖRIGA NATIONELLA MYNDIGHETER

BELGIQUE/BELGIË

Service public fédéral économie, PME, classes moyennes et énergie
Administration du potentiel économique
politiques d'accès aux marchés, services Licences
Rue Général Leman 60
B-1040 Bruxelles
Télécopieur (32-2) 230 83 22

Federale Overheidsdienst Economie, KMO, Middenstand & Energie
Bestuur Economisch Potentieel
Markttoegangsbeleid, Dienst Vergunningen
Generaal Lemanstraat 60
B-1040 Brussel
Fax (32-2) 230 83 22

ČESKÁ REPUBLIKA

Ministerstvo průmyslu a obchodu
Licenční správa
Na Františku 32
CZ-110 15 Praha 1
Fax: +420-22421 21 33

DANMARK

Erhvervs- og Boligstyrelsen
Økonomi- og Erhvervsministeriet
Vejlsovej 29
DK-8600 Silkeborg
Fax (45) 35 46 64 01

DEUTSCHLAND

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29—35
D-65760 Eschborn 1
Fax (49-61) 969 42 26

EESTI

Majandus- ja Kommunikatsiooniministeerium
Harju 11
EE-15072 Tallinn
Faks: +372-6313 660

ΕΛΛΑΔΑ

Υπουργείο Οικονομίας και Οικονομικών
Διεύθυνση Διεθνών Οικονομικών Ροών
Κορνάρου 1
GR-105 63 Αθήνα
Φαξ: (30-210) 32 86 094

ESPAÑA

Ministerio de Economía
Secretaría General de Comercio Exterior
Subdirección General de Productos Industriales
Paseo de la Castellana 162
E-28046 Madrid
Fax (34) 913 49 38 31

FRANCE

SETICE
8, rue de la Tour-des-Dames
F-75436 Paris Cedex 09
Télécopieur (33-1) 55 07 46 69

IRELAND

Department of Enterprise, Trade and Employment
Import/Export Licensing, Block C
Earlsfort Centre
Hatch Street
Dublin 2
Ireland
Fax: (353-1) 631 25 62

ITALIA

Ministero delle Attività produttive
Direzione generale per la politica commerciale e per la gestione del
regime degli scambi
Viale America 341
I-00144 Roma
Fax (39-06) 59 93 22 35/59 93 26 36

ΚΥΠΡΟΣ

Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού Υπηρεσία Εμπορίου
Μονάδα Έκδοσης Αδειών Εισαγωγής/Εξαγωγής
Οδός Ανδρέα Αραούζου αρ. 6
CY-1421 Λευκωσία
Φαξ: (357-22) 37 51 20

LATVIJA

Latvijas Republikas Ekonomikas ministrija
Brīvības iela 55
LV-1519 Rīga
Fakss: + 371-728 08 82

LIETUVA

Lietuvos Respublikos ūkio ministerija
Prekybos departamentas
Gedimino pr. 38/2
LT-01104 Vilnius
Faksas (370-5) 26 23 974

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
BP 113
L-2011 Luxembourg
Télécopieur (352) 46 61 38

MAGYARORSZÁG

Magyar Kereskedelmi Engedélyezési Hivatal
Margit krt. 85.
H-1024 Budapest
Fax: (36-1) 336 73 02

MALTA

Diviżjoni għall-Kummerċ
Servizzi Kummerċjali
Lascaris
MT-Valletta CMR02
Fax: + 356 2569 0299

NEDERLAND

Belastingdienst/Douane centrale dienst voor in- en uitvoer
Postbus 30003
Engelse Kamp 2
9700 RD Groningen
Nederland
Fax (31-50) 523 23 41

ÖSTERREICH

Bundesministerium für Wirtschaft und Arbeit
Außenwirtschaftsadministration
Abteilung C2/2
Stubenring 1
A-1011 Wien
Fax: + 43-1-711 00/83 86

POLSKA

Ministerstwo Gospodarki, Pracy i Polityki Społecznej
pl. Trzech Krzyży 3/5
PL-00-507 Warszawa
Fax: (48-22) 693 40 21/693 40 22

PORTUGAL

Ministério das Finanças
Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o
Consumo
Rua Terreiro do Trigo
Edifício da Alfândega de Lisboa
P-1140-060 Lisboa
Fax: (351-21) 88142 61

SLOVENIJA

Ministrstvo za gospodarstvo
Področje za ekonomske odnose s tujino
Kotnikova 5
SI-1000 Ljubljana
Faks: + 386-1-478 36 11

SLOVENSKÁ REPUBLIKA

Ministerstvo hospodárstva SR
Odbor licencií
Mierová 19
SK-827 15 Bratislava 212
Fax: + 421-2-43 42 39 19

SUOMI/FINLAND

Tullihallitus
PL 512
FI-00101 Helsinki
Faksi (358) 20 492 28 52

Tullstyrelsen
PB 512
FI-00101 Helsingfors
Fax (358) 20 492 28 52

SVERIGE

Kommerskollegium
Box 6803
S-113 86 Stockholm
Fax (46-8) 30 67 59

UNITED KINGDOM

Department of Trade and Industry
Import Licensing Branch
Queensway House — West Precinct
Billingham TS23 2NF
United Kingdom
Fax: (44-1642) 36 42 69

COUNCIL DECISION
of 19 November 2004
amending the declaration by the European Community on the exercise of competence and voting
rights submitted to the General Fisheries Commission for the Mediterranean

(2004/815/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof, in conjunction with the first sentence of Article 300(2) and the first subparagraph of paragraph 3 thereof,

Having regard to the proposal from the Commission,⁽¹⁾

Having regard to the opinion of the European Parliament,⁽²⁾

Whereas:

- (1) The European Community is a member of the General Fisheries Commission for the Mediterranean (GFCM); when acceding to this organisation, the Community deposited a single declaration by the Community on the exercise of competence and voting rights⁽³⁾.
- (2) GFCM adopted, at its meeting from 13 to 16 October 1997, amendments to the text of the agreement establishing an autonomous budget.
- (3) The Community accepted, by Council Decision of 17 July 2000, the amendment of the Agreement establishing the General Fisheries Commission for the Mediterranean with a view to establishing an autonomous budget for that organisation⁽⁴⁾.
- (4) The amendments relative to the autonomous budget entered into force on 29 April 2004.

- (5) The implementation of an autonomous budget for GFCM implies that the Community will provide a financial contribution to that budget; the volume of this contribution makes it necessary to adapt the declaration of competence and voting rights deposited at the time of the accession of the Community to GFCM,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The European Community shall amend its single declaration of competence and voting rights submitted to the General Fisheries Commission for the Mediterranean when acceding to this organisation, which shall be replaced by the declaration by the European Community on the exercise of competence and voting rights according to Article II(6) of the GFCM Agreement contained in the Annex hereto.
2. The President of the Council is hereby authorised to notify the amended declaration by the European Community to the Director-General of the Food and Agriculture Organisation.

Done at Brussels, 19 November 2004.

For the Council

The President

J. P. H. DONNER

⁽¹⁾ OJ C 15, 20.1.1999, p. 13.

⁽²⁾ OJ C 150, 28.5.1999, p. 153.

⁽³⁾ Council Decision 98/416/EC of 16 June 1998 on the accession of the European Community to the General Fisheries Commission for the Mediterranean (OJ L 190, 4.7.1998, p. 34).

⁽⁴⁾ OJ L 197, 3.8.2000, p. 35.

ANNEX

Single declaration by the European Community on the exercise of competence and voting rights according to Article II(6) of the GFCM Agreement

This declaration specifies the competence of the European Community and of its Member States in matters covered by the Agreement establishing the GFCM.

1. European Community's exclusive competence

For agenda items dealing with conservation and management of living marine resources, the European Community has exclusive competence and voting rights.

2. Member States' competence

For agenda items dealing with organisational matters (legal and procedural issues), the Member States of the European Community have competence and voting rights.

3. Shared competence

- (a) For agenda items dealing with statistics and aquaculture, the competence is shared between the European Community and its Member States. The European Community has voting rights.
- (b) For agenda items dealing with research and development aid, the competence is shared between the European Community and its Member States. Member States have voting rights.
- (c) For agenda items dealing with consideration of reports and cooperation with other organisations, the competence is shared between the European Community and its Member States, in accordance with the same principles of distribution of competence as those set out in this declaration.
- (d) For agenda items dealing with budgetary issues, the competence is shared between the European Community and its Member States. The European Community has voting rights.

This declaration replaces the preceding declaration as of 1 December 2004 and applies to all GFCM meetings unless a specific statement is made by the European Community in respect of any meeting or agenda item.

Should the scope of the competence shared between the European Community and its Member States change, this declaration will be supplemented or modified.

COUNCIL DECISION
of 19 November 2004
appointing a Latvian member of the Economic and Social Committee
(2004/816/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to the Council Decision of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 ⁽¹⁾,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Ms Ieva JAUNZEME, of which the Council was informed on 2 September 2004;

Having regard to the nomination submitted by the Latvian Government,

Having obtained the opinion of the Commission of the European Union,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Vitalijs GAVRILOVS is hereby appointed a member of the Economic and Social Committee in place of Ms Ieva JAUNZEME for the remainder of the latter's term of office, which runs until 20 September 2006.

Done at Brussels, 19 November 2004.

For the Council
The President
J. P. H. DONNER

⁽¹⁾ OJ L 253, 21.9.2002, p. 9.

COUNCIL DECISION

of 19 November 2004

authorising Germany to apply a measure derogating from Article 17 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2004/817/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽¹⁾, and in particular Article 27(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In a letter registered by the Commission's Secretariat-General on 22 March 2004 the German authorities requested authorisation to continue to apply a derogation which had been granted by Article 1 of Council Decision 2000/186/EC⁽²⁾.
- (2) The other Member States were informed of the request on 6 August 2004.
- (3) The derogating measure is intended to exclude expenditure on goods and services completely, from the right to deduct VAT when the goods and services are used more than 90 % for the private purposes of the taxable person, or of his employees, or for non-business purposes in general. This measure is a derogation from Article 17 of Directive 77/388/EEC, as amended by Article 28f of that Directive, and is justified by the need to simplify the procedure for charging VAT; it affects the amount of tax due at the final consumption stage only to a negligible extent.
- (4) The authorisation expired on 30 June 2004⁽³⁾, although the legal situation and the facts which justified application of the simplification measure in question have not changed and continue to exist.

(5) In its recent judgment of 29 April 2004 in case C-17/01, the Court decided that consideration of the procedure prior to the adoption of Decision 2000/186/EC of 28 February 2000 had disclosed no irregularity such as to affect the validity of that decision. Germany should therefore be authorised to apply the simplification measure during a further period of time until 31 December 2009.

(6) The derogation will not adversely affect the Communities' own resources from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 17(2) of Directive 77/388/EEC Germany is authorised to exclude expenditure on goods and services from the right to deduct VAT when the goods and services in question are used more than 90 % for the private purposes of a taxable person or of his employees, or, more generally, for non-business purposes.

Article 2

This Decision shall apply until 31 December 2009.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 19 November 2004.

For the Council
The President
J. P. H. DONNER

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

⁽²⁾ OJ L 59, 4.3.2000, p. 12.

⁽³⁾ Decision 2003/354/EC (OJ L 123, 17.5.2003, p. 47).

COUNCIL DECISION
of 19 November 2004
appointing a German member of the Economic and Social Committee
(2004/818/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the nomination submitted by the German Government,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having obtained the opinion of the Commission of the European Union,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Sole Article

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 ⁽¹⁾,

Mr Alfred GEISLER is hereby appointed a member of the Economic and Social Committee in place of Mr Ulrich FREESE for the remainder of the latter's term of office, which runs until 20 September 2006.

Done at Brussels, 19 November 2004.

Whereas a member's seat on that Committee has fallen vacant following the resignation of Mr Ulrich FREESE, of which the Council was informed on 22 July 2004,

For the Council
The President
J. P. H. DONNER

⁽¹⁾ OJ L 253, 21.9.2002, p. 9.

COUNCIL DECISION
of 19 November 2004
appointing a German member of the Economic and Social Committee
(2004/819/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the nomination submitted by the German Government,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having obtained the opinion of the Commission of the European Union,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Sole Article

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 ⁽¹⁾,

Mr Peter KORN is hereby appointed a member of the Economic and Social Committee in place of Ms Dagmar BOVING for the remainder of the latter's term of office, which runs until 20 September 2006.

Done at Brussels, 19 November 2004.

Whereas a member's seat on that Committee has fallen vacant following the resignation of Ms Dagmar BOVING, of which the Council was informed on 24 July 2004;

For the Council
The President
J. P. H. DONNER

⁽¹⁾ OJ L 253, 21.9.2002, p. 9.

COMMISSION

COMMISSION DECISION

of 7 May 2004

on the state aid granted by Germany to Fairchild Dornier GmbH (Dornier)

(notified under document number C(2004) 1621)

(Only the German version is authentic)

(Text with EEA relevance)

(2004/820/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provisions cited above⁽¹⁾ and having regard to their comments,

Whereas:

1. PROCEDURE

- (1) On 19 July 2002 the Commission authorised rescue aid⁽²⁾ for Fairchild Dornier GmbH ('Dornier'). The aid consisted of a guarantee with a three-month maturity. On 6 August 2002 Germany notified the Commission that it intended to extend the guarantee and communicated to it additional measures in favour of Dornier.
- (2) On 5 February 2003 a formal investigation procedure was initiated into the extension of the guarantee and the additional measures⁽³⁾. Germany's reply to the initiation of the investigation procedure was received on 2 April 2003, and the last information supplied by Germany on 3 December 2003. No comments were submitted by third parties during the investigation procedure.

2. DESCRIPTION OF THE AID

2.1. Dornier

- (3) From 1996 the German aircraft manufacturer Dornier belonged to the American company Fairchild Aerospace. With some 3 600 employees, Dornier manufactured aircraft and aircraft parts in Oberpfaffenhofen-Wessling, Bavaria. The plant facilities and business

premises in the United States were sold off. In March 2002 Dornier filed for bankruptcy.

- (4) Bankruptcy proceedings were opened on 1 July 2002. At the same time the employees were divided into an active group and a passive group, the plan being to dismiss the latter, which accounted for about half the workforce. The employees in the passive group ceased working and were included in a social plan, which was partly financed by a state corporation. On 20 December 2002 the bankruptcy trustee decided to liquidate the undertaking and sell the assets separately.

- (5) There were two separate asset deals: aircraft manufacture and customer services were sold to AvCraft Aerospace GmbH and AvCraft International Ltd, while the manufacture of Airbus parts and aviation services were transferred to Ruag Holding (Switzerland). According to Germany, this was done in an open, transparent procedure.

2.2. Financial measures

Extension of the guarantee

- (6) On 19 July 2002 the Commission authorised a 50 % deficiency guarantee by the Federal Government and Bavaria for a loan of USD 90 million. The guarantee was authorised as rescue aid for the requested period of three months. The period began when the authorisation was granted and would have ended on 20 September 2002.
- (7) On 6 August 2002 Germany applied for an extension of the guarantee until 20 December 2002, i.e. for a further three months, so that Dornier could carry on operating during the search for a financial partner. The terms of the guarantee remained unchanged. The guarantee related to the same loan, which had not been fully utilised. It was formally terminated on 20 December 2002. The extension until that date is the subject of this Decision.

⁽¹⁾ OJ C 67, 20.3.2003, p. 2.

⁽²⁾ OJ C 239, 4.10.2002, p. 2.

⁽³⁾ See footnote 2.

Social measures

- (8) In the second notification of 6 August 2002 the Commission was informed that the Federal Labour Office (*Bundesanstalt für Arbeit*) had agreed to cover some EUR 12,6 million of a social plan costing a total of EUR 20,6 million for the 1 800 employees faced with dismissal. The remaining EUR 8 million were financed by the undertaking. The Federal Labour Office measure is also the subject of this Decision.

- (9) According to Germany, the measures were not used to pay wages or redundancy money, but to finance the following costs: individual support for employees, identifying their strengths and weaknesses, setting goals, training, measures to promote mobility, decentralisation, setting up a job agency, etc. The group of employees covered by the social plan ceased working.

3. CONCLUSION

- (10) The guarantee was terminated in December 2002 after a total period of six months. The social plan drawn up for employees in the passive group also ended in December 2002. Dornier was then liquidated, and its assets were transferred to different investors. The beneficiary of the measures no longer exists therefore. Consequently, and since according to Germany the liquidation proceedings

were carried out openly and transparently and the assets sold at market prices, an assessment of the measures would not be necessary.

- (11) The formal investigation under Article 88(2) of the EC Treaty of the measures described was thus rendered unnecessary,

HAS ADOPTED THIS DECISION:

Article 1

The formal investigation procedure under Article 88(2) of the EC Treaty initiated with regard to Fairchild Dornier GmbH on 5 February 2003 is terminated.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 7 May 2004.

For the Commission

Mario MONTI

Member of the Commission

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

POLITICAL AND SECURITY COMMITTEE DECISION BiH/4/2004

of 19 October 2004

**on the appointment of the Head of the EU Command Element at Naples for the European Union
military operation in Bosnia and Herzegovina**

(2004/821/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 25, third paragraph, thereof,

Having regard to the Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) By Exchange of Letters between the Secretary-General/High Representative and the NATO Secretary-General on 28 September 2004 and on 8 October 2004 respectively, the North Atlantic Council has agreed to make available the Chief of Staff of the Joint Force Command Headquarters Naples, as Head of the EU Command Element at Naples.
- (2) The EU Military Committee on 15 September 2004 agreed to the recommendation by the EU Operation Commander to appoint the Chief of Staff of the Joint Force Command Headquarters Naples, General Ciro COCOZZA, as Head of the EU Command Element at Naples for the European Union military operation in Bosnia and Herzegovina.
- (3) Pursuant to Article 6 of Joint Action 2004/570/CFSP, the Council authorised the Political and Security Committee (PSC) to exercise the political and strategic direction of the EU military operation.
- (4) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on

European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications.

- (5) The Copenhagen European Council adopted on 12 and 13 December 2002 a Declaration stating that the 'Berlin plus' arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the 'Partnership for Peace', and which have consequently concluded bilateral security agreements with NATO,

HAS DECIDED AS FOLLOWS:

Article 1

General Ciro COCOZZA is hereby appointed Head of the EU Command Element at Naples for the European Union military operation in Bosnia and Herzegovina.

Article 2

This Decision shall take effect on the day of its adoption.

Done at Brussels, 19 October 2004.

For the Political and Security Committee

The Chairperson

A. HAMER

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.

POLITICAL AND SECURITY COMMITTEE DECISION BiH/5/2004**of 3 November 2004****amending Decision BiH/1/2004 on the acceptance of third States' contributions to the European Union military operation in Bosnia and Herzegovina and Decision BiH/3/2004 on the setting-up of the Committee of Contributors for the European Union military operation in Bosnia and Herzegovina****(2004/822/CFSP)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to Political and Security Committee Decision BiH/1/2004 of 21 September 2004 on the acceptance of third States' contributions to the European Union military operation in Bosnia and Herzegovina⁽¹⁾ and Political and Security Committee Decision BiH/3/2004 of 29 September 2004 on the setting-up of the Committee of Contributors for the European Union military operation in Bosnia and Herzegovina⁽²⁾,

Whereas:

- (1) Following the recommendation of the EU Operation Commander on Albania's contribution, the EUMC agreed to recommend the Political and Security Committee to accept Albania's contribution.

- (2) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications. Therefore, Denmark does not participate in the financing of the operation.

- (3) The Copenhagen European Council adopted on 12 and 13 December 2002 a Declaration stating that the 'Berlin plus' arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the 'Partnership for Peace', and which have consequently concluded bilateral security agreements with NATO,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Political and Security Committee Decision BiH/1/2004 of 21 September 2004 shall be replaced by the following:

'ANNEX

LIST OF THIRD STATES REFERRED TO IN ARTICLE 1

- Albania
- Argentina
- Bulgaria
- Canada
- Chile
- Morocco
- New Zealand
- Norway
- Romania
- Switzerland
- Turkey'.

⁽¹⁾ OJ L 324, 27.10.2004, p. 20.

⁽²⁾ OJ L 325, 28.10.2004, p. 64.

Article 2

The Annex to Political and Security Committee Decision BiH/3/2004 of 29 September 2004 shall be replaced by the following:

‘ANNEX

LIST OF THIRD STATES REFERRED TO IN ARTICLE 3(1)

- Albania
- Argentina
- Bulgaria
- Canada
- Chile
- Morocco
- New Zealand
- Norway
- Romania
- Switzerland
- Turkey’.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 3 November 2004.

For the Political and Security Committee
The Chairperson
A. HAMER
