

Official Journal

of the European Union

L 366

Volume 47

11 December 2004

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 2107/2004 of 10 December 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 2108/2004 of 10 December 2004 amending Commission Regulation (EC) No 1420/2004 determining the extent to which applications for import rights lodged in respect of the quota for frozen meat of bovine animals, provided for in Regulation (EC) No 1203/2004, can be accepted and providing for the administrative rules for the allocation of certain import rights 3**

Commission Regulation (EC) No 2109/2004 of 10 December 2004 on the issue of import licences for high-quality fresh, chilled or frozen beef and veal 5

★ **Commission Regulation (EC) No 2110/2004 of 9 December 2004 prohibiting fishing for Norway lobster by vessels flying the flag of France 6**

★ **Commission Regulation (EC) No 2111/2004 of 9 December 2004 prohibiting fishing for herring by vessels flying the flag of France 7**

★ **Commission Regulation (EC) No 2112/2004 of 10 December 2004 amending Regulation (EC) No 634/2004 laying down transitional measures for the application of Council Regulation (EC) No 2202/96 and Regulation (EC) No 2111/2003 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union 8**

★ **Commission Regulation (EC) No 2113/2004 of 10 December 2004 amending Regulation (EC) No 1943/2003 laying down rules for the application of Council Regulation (EC) No 2200/96 as regards aid to producer groups granted preliminary recognition 10**

(Continued overleaf)

Commission Regulation (EC) No 2114/2004 of 10 December 2004 fixing the export refunds on olive oil	11
Commission Regulation (EC) No 2115/2004 of 10 December 2004 determining the world market price for unginned cotton	13

II *Acts whose publication is not obligatory*

Commission

2004/845/EC:

★ Commission Decision of 12 November 2004 on authorising the placing on the market of milk based beverages with added phytosterols/phytostanols as novel foods or novel food ingredients under Regulation (EC) No 258/97 of the European Parliament and of the Council (<i>notified under document number C(2004) 4289</i>)	14
--	----

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2107/2004
of 10 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 11 December 2004.

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

Done at Brussels, 10 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 10 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	99,7
	204	89,5
	999	94,6
0707 00 05	052	87,0
	204	32,5
	220	122,9
	999	80,8
0709 90 70	052	101,7
	204	62,8
	999	82,3
0805 10 10, 0805 10 30, 0805 10 50	052	50,8
	204	52,8
	382	32,3
	388	51,8
	528	36,4
	999	44,8
0805 20 10	204	63,7
	999	63,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	67,5
	204	46,0
	464	161,3
	624	96,2
	720	30,2
	999	80,2
0805 50 10	052	55,4
	528	42,0
	999	48,7
0808 10 20, 0808 10 50, 0808 10 90	052	116,3
	388	150,9
	400	82,3
	404	107,3
	512	105,4
	720	69,6
	804	167,7
	999	114,2
0808 20 50	400	95,1
	720	42,1
	999	68,6

⁽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 2108/2004
of 10 December 2004**

amending Commission Regulation (EC) No 1420/2004 determining the extent to which applications for import rights lodged in respect of the quota for frozen meat of bovine animals, provided for in Regulation (EC) No 1203/2004, can be accepted and providing for the administrative rules for the allocation of certain import rights

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal⁽¹⁾,

Having regard to Commission Regulation (EC) No 1203/2004 of 29 June 2004 opening and providing for the administration of a tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (1 July 2004 to 30 June 2005)⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 1203/2004 fixes at 53 000 tonnes the quantity of the quota for the products covered by CN code 0202 and products covered by the CN code 0206 29 91 in respect of which Community importers can lodge an application for import rights.
- (2) As the import rights applied for exceeded the available quantity referred to in Article 1 of Regulation (EC) No 1203/2004, the reduction coefficient of the import rights applied for was fixed under Article 1 of Commission Regulation (EC) No 1420/2004⁽³⁾, in accordance with Article 5 of Regulation (EC) No 1203/2004.
- (3) Following the publication of the abovementioned reduction coefficient, the Commission was informed by the United Kingdom and Malta that their communications to the Commission of applications for import rights in accordance with Article 4(2) of Regulation 1203/2004 included certain administrative errors with regard to the reference quantities referred to in Article 3 of that Regulation on the basis of which the level of the rights of access of operators to the quota has to be determined.

- (4) Setting off quantities overdeclared on the one hand against quantities underdeclared on the other leads to a higher coefficient by which applications for import rights can be accepted.
- (5) Consequently, the reduction coefficient referred to in Article 5 of Regulation (EC) No 1203/2004 shall be recalculated on the basis of the corrected overall reference quantity.
- (6) Regulation (EC) No 1420/2004 should be amended accordingly.
- (7) The level of import rights for each operator who applied under Regulation (EC) No 1203/2004 should, however, only be recalculated on the basis of this new coefficient in case the operator is still interested in receiving a higher amount of rights. The appropriate rules, therefore, need to be established.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 1420/2004 is replaced by the following:

'Article 1

Each application for import rights lodged in accordance with Article 4(1) of Regulation (EC) No 1203/2004 shall be accepted at a rate of 14,96825 % of the import rights applied for.'

Article 2

An increased amount of import rights which results from a recalculation of such rights on the basis of the coefficient fixed in Article 1 shall only be allocated on request of the operator concerned. Prior to attributing the increased amount of import rights, the operator concerned shall, together with the request, lodge a security for the quantities concerned to be calculated by way of application *mutatis mutandis* of Article 6(1) of Regulation (EC) No 1203/2004.

Article 3

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

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

⁽²⁾ OJ L 230, 30.6.2004, p. 27.

⁽³⁾ OJ L 258, 5.8.2004, p. 16.

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

Done at Brussels, 10 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 2109/2004**of 10 December 2004****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal meeting the definition laid down therein which may be imported on special terms for the period 1 July 2004 to 30 June 2005 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 December 2004 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of January 2005 for 6 067,098 t.

Article 2

This Regulation shall enter into force on 11 December 2004.

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

Done at Brussels, 10 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

COMMISSION REGULATION (EC) No 2110/2004**of 9 December 2004****prohibiting fishing for Norway lobster by vessels flying the flag of France**

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 fishing 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, lays down quotas for Norway lobster for 2004⁽²⁾.
- (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 Norway lobster in the waters of ICES division VIIIc by vessels flying the flag of France or registered in France have exhausted the quota allocated for 2004. France has prohibited fishing for this stock from 23 October 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Norway lobster in the waters of ICES division VIIIc by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2004.

Fishing for Norway lobster in the waters of ICES division VIIIc by vessels flying the flag of France or registered in France 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 23 October 2004.

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

Done at Brussels, 9 December 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. Regulation as last amended by Regulation (EC) No 1928/2004 (OJ L 332, 6.11.2004, p. 5).

COMMISSION REGULATION (EC) No 2111/2004
of 9 December 2004
prohibiting fishing for herring by vessels flying the flag of France

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 fishing 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, lays down quotas for herring for 2004⁽²⁾.
- (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 herring in the waters of ICES divisions I and II (Community waters and international waters) by vessels flying the flag of France or registered

in France have exhausted the quota allocated for 2004. France has prohibited fishing for this stock from 23 October 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of herring in the waters of ICES divisions I and II (Community waters and international waters) by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2004.

Fishing for herring in the waters of ICES divisions I and II (Community waters and international waters) by vessels flying the flag of France or registered in France 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 23 October 2004.

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

Done at Brussels, 9 December 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. Regulation as last amended by Regulation (EC) No 1928/2004 (OJ L 332, 6.11.2004, p. 5).

COMMISSION REGULATION (EC) No 2112/2004**of 10 December 2004****amending Regulation (EC) No 634/2004 laying down transitional measures for the application of Council Regulation (EC) No 2202/96 and Regulation (EC) No 2111/2003 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

Whereas:

- (1) Producer organisations in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereafter 'the new Member States') should benefit from the provisions of Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits⁽¹⁾.
- (2) The Community aid scheme for producers of certain citrus fruits is based on contracts between, on the one hand, producer organisations recognised or provisionally admitted under Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽²⁾ and on the other hand, processors.
- (3) Commission Regulation (EC) No 634/2004⁽³⁾ laid down transitional measures for the application of Regulation (EC) No 2202/96 and of Commission Regulation (EC) No 2111/2003 of 1 December 2003 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits⁽⁴⁾.
- (4) Article 13 of Regulation (EC) No 2111/2003 provides that producer organisations and processors wishing to participate in the aid scheme shall inform the competent authorities of the Member States in which their head office is situated, no later than 20 days before the start of the marketing year.
- (5) Due to different administrative constraints observed in the new Member States, certain producer organisations could not be recognised or provisionally admitted under Regulation (EC) No 2200/96 by the competent authorities in time to be in a position to inform those authorities of their wish to participate in the aid scheme within a time limit set by Article 13 of Regulation (EC) No 2111/2003.
- (6) In order to give, as far as possible, such producer organisations the opportunity to benefit from the provisions of Council Regulation (EC) No 2202/96, while ensuring that the aid scheme is properly applied, provisions should be made for the 2004/2005 marketing year as regards the deadline by which producer organisations in the new Member States should inform the competent authorities of their wish to participate in the aid scheme.
- (7) Article 10(1) of Regulation (EC) No 2111/2003 provides that the Member States have the possibility to decide, within a certain deadline fixed by that Article, the date(s) by which short-term contracts should be concluded by producer organisations that have their head office located in their territory. However, if producer organisations in the new Member States are to inform the competent authorities of their wish to participate in the aid scheme at a later stage, the deadline for the conclusion of short-term contracts that cover at least eight complete and consecutive months should be revised accordingly. Nevertheless, any revision of that deadline should not jeopardise the necessary checks to be carried out by the competent authorities of the Member States concerned.
- (8) Regulation (EC) No 634/2004 should therefore be amended accordingly.

⁽¹⁾ OJ L 297, 21.11.1996, p. 49. Regulation as last amended by the 2003 Act of Accession.

⁽²⁾ 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).

⁽³⁾ OJ L 100, 6.4.2004, p. 19.

⁽⁴⁾ OJ L 317, 2.12.2003, p. 5.

- (9) Since the 2004/2005 marketing year started on 1 October 2004, and contracts between producer organisations and processors have already been arranged, amendments should apply from 10 September 2004.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EC) No 634/2004 the following Articles 3a and 3b are inserted:

'Article 3a

By way of derogation from Article 13 of Regulation (EC) No 2111/2003, for the 2004/2005 marketing year, and for the new Member States only, producer organisations wishing to participate in the aid scheme provided for in Article 3 of

Regulation (EC) No 2202/96 shall inform the competent authorities of the Member State in which their head office is situated no later than 120 days after they have been recognised or provisionally admitted under Council Regulation (EC) No 2200/96 (*), but in any case no later than 21 January 2005.

Article 3b

By way of derogation from Article 10(1)(a) of Regulation (EC) No 2111/2003, for the 2004/05 marketing year, and for the new Member States only, short-term contracts that cover at least eight complete and consecutive months shall be concluded no later than 1 February 2005.

(*) OJ L 297, 21.11.1996, p. 1.'

Article 2

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

It shall apply from 10 September 2004.

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

Done at Brussels, 10 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 2113/2004

of 10 December 2004

amending Regulation (EC) No 1943/2003 laying down rules for the application of Council Regulation (EC) No 2200/96 as regards aid to producer groups granted preliminary recognition

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) Article 4 of Commission Regulation (EC) No 1943/2003⁽²⁾ provides that aid for investments linked to implementation of the measures in recognition plans as referred to in Article 14(2)(b) of Regulation (EC) No 2200/96 is to be granted solely in the form of special loans. In view of the experience gained over the last few years, and in particular the difficulties encountered by the Member States in implementing this type of aid while ensuring that beneficiaries receive the level of Community funding for the eligible costs of the investments provided for in Article 8 of that Regulation, it should be made possible for direct capital aid to be paid.
- (2) Regulation (EC) No 1943/2003 should be amended accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1943/2003 is hereby amended as follows:

1. Article 4 is amended as follows:

- (a) The title is replaced by the following:

*'Article 4****Aid for investments required for recognition'***

- (b) The first subparagraph of paragraph 1 is replaced by the following:

'To cover part of the cost of investments linked to implementation of the measures in recognition plans described in Article 16 of Regulation (EC) No 1432/2003, aid as provided for in Article 14(2)(b) of Regulation (EC) No 2200/96 shall be granted:

- (a) directly, in capital or
- (b) indirectly, through credit institutions, in the form of special loans.'

2. The first subparagraph of Article 8(2) is replaced by the following:

'The Community contribution towards aid as referred to in Article 4, expressed in terms of a capital grant or capital-grant equivalent, shall not exceed, as a percentage of eligible investment costs as referred to in Article 4:

- 50 % in Objective 1 and 2 regions as referred to in Article 1 of Regulation (EC) No 1260/1999,
- 30 % in other regions.'

Article 2

This Regulation shall enter into force on the third day following 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, 10 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 286, 4.11.2003, p. 5.

COMMISSION REGULATION (EC) No 2114/2004
of 10 December 2004
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72⁽²⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate,

to take account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 December 2004.

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

Done at Brussels, 10 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

⁽²⁾ OJ L 78, 31.3.1972, p. 1. Regulation as last amended by Regulation (EEC) No 2962/77 (OJ L 348, 30.12.1977, p. 53).

ANNEX

to the Commission Regulation of 10 December 2004 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 2115/2004
of 10 December 2004
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most

favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 16,657 EUR/100 kg.

Article 2

This Regulation shall enter into force on 11 December 2004.

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

Done at Brussels, 10 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 November 2004

on authorising the placing on the market of milk based beverages with added phytosterols/phytosterols as novel foods or novel food ingredients under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document number C(2004) 4289)

(Only the English text is authentic)

(2004/845/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients⁽¹⁾, and in particular Article 7 thereof,

Whereas:

(1) On 7 September 2000 Novartis (now Forbes Medi-Tech Inc.) made a request to the competent authorities of Belgium to place milk based beverages with added phytosterols on the market as a novel food or a novel food ingredient.

(2) On 30 March 2001 the competent authorities of Belgium issued their initial assessment report.

(3) In their initial assessment report, Belgium's competent food assessment body came to the conclusion that an additional assessment was required.

(4) The Commission forwarded the initial assessment report to all Member States on 27 April 2001.

(5) The Scientific Committee on Food (SCF) in its opinion 'General view on the long-term effects of the intake of elevated levels of phytosterols from multiple dietary sources, with particular attention to the effects on β -carotene' of 26 September 2002 indicated that there was no evidence of additional benefits at intakes higher than 3 g/day and that high intakes may induce undesirable effects and that it was therefore prudent to avoid plant sterol intakes exceeding 3 g/day. Furthermore, the European Food Safety Authority's (EFSA) Panel on Dietetic Products, Nutrition and Allergies in its opinion 'on a request from the Commission related to a Novel Food application from Forbes Medi-Tech for approval of plant sterol-containing milk-based beverages' of 25 November 2003 concurred for that application with the conclusions of the SCF, in its opinion on applications for approval of a variety of plant sterol enriched foods of 5 March 2003, came to the conclusion that the addition of phytosterols is safe, provided that the daily consumption does not exceed 3 g.

(6) Commission Regulation (EC) No 608/2004⁽²⁾ concerning the labelling of foods and food ingredients with added phytosterol esters ensures that consumers receive the information necessary in order to avoid excessive intake of added phytosterols/phytosterols.

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

⁽¹⁾ OJ L 43, 14.2.1997, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 97, 1.4.2004, p. 44.

HAS ADOPTED THIS DECISION:

Article 1

Foods and food ingredients as described in Annex 1 with added phytosterols/phytostanols as specified in Annex 2 (hereinafter called 'the products'), may be placed on the market in the Community.

Article 2

The products shall be presented in such a manner that they can easily be divided into portions that contain either a maximum of 3 g (in case of one portion per day) or a maximum of 1 g (in case of three portions per day) of added phytosterols/phytostanols.

The amount of phytosterols/phytostanols added to a container of beverages shall not exceed 3 g.

Article 3

This Decision is addressed to Forbes Medi-Tech Inc., 750 West Pender Street, Vancouver BC V6C 2T8, Canada.

Done at Brussels, 12 November 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX 1

Products referred to in Article 1

Milk type products, such as semi-skimmed and skimmed milk type products, where the milk fat has been partly or fully replaced by vegetable fat.

ANNEX 2

Specifications of phytosterols and phytostanols for the addition to foods and food ingredients*Definition*

Phytosterols and phytostanols are sterols and stanols that are extracted from plants and may be presented as free sterols and stanols or esterified with food grade fatty acids.

Composition (with GC-FID or equivalent method)

< 80 % β -sitosterol

< 35 % β -sitostanol

< 40 % campesterol

< 15 % campestanol

< 30 % stigmasterol

< 3 % brassicasterol

< 3 % other sterols/stanols

Contamination/purity (GC-FID or equivalent method)

Phytosterols and phytostanols extracted from sources other than vegetable oil suitable for food have to be free of contaminants, best ensured by a purity of more than 99 % of the phytosterol/phytostanol ingredient.
