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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2132/2004**of 6 December 2004****fixing for the 2005 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽¹⁾, and in particular Article 18(3) and Article 26(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 18(1) and Article 26(1) of Regulation (EC) No 104/2000 provide that a guide price and a Community producer price should be fixed for each fishing year in order to determine price levels for intervention on the market for certain fisheries products.

(2) Article 18(1) of Regulation (EC) No 104/2000 requires the guide price to be fixed for each of the products and groups of products listed in Annexes I and II to that Regulation.

(3) On the basis of the data currently available on the prices for the products concerned and the criteria referred to in Article 18(2) of Regulation (EC) No 104/2000, the guide prices should be increased, maintained or reduced for the 2005 fishing year depending on the species.

(4) Regulation (EC) No 104/2000 requires the Community producer price to be fixed for each of the products listed in Annex III to that Regulation. It is, however, sufficient

to establish the Community producer price for only one of the products listed in Annex III to Regulation (EC) No 104/2000 since the prices for the other products may be calculated by means of the conversion factors established by Commission Regulation (EEC) No 3510/82⁽²⁾.

(5) On the basis of the criteria laid down in the first and second indent of Article 18(2) and in Article 26(1) of Regulation (EC) No 104/2000, the Community producer price for the 2005 fishing year should be adjusted.

(6) Given the urgency of the matter, it is important to grant an exception to the six-week period mentioned in paragraph 1(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on the European Union,

HAS ADOPTED THIS REGULATION:

Article 1

For the fishing year from 1 January to 31 December 2005, the guide prices as provided for in Article 18(1) of Regulation (EC) No 104/2000 shall be as set out in Annex I to this Regulation.

Article 2

For the fishing year from 1 January to 31 December 2005, the Community producer prices as provided for in Article 26(1) of Regulation (EC) No 104/2000 shall be as set out in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on 1 January 2005.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 368, 28.12.1982, p. 27. Regulation as last amended by Regulation (EEC) No 3899/92 (OJ L 392, 31.12.1992, p. 24).

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

Done at Brussels, 6 December 2004.

For the Council
The President
H. HOOGERVORST

ANNEX I

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price (EUR/tonne)
I	1. Herring of the species <i>Clupea harengus</i>	Whole fish	260
	2. Sardines of the species <i>Sardina pilchardus</i>	Whole fish	587
	3. Dogfish (<i>Squalus acanthias</i>)	Whole fish or gutted fish with head	1 101
	4. Spotted dogfish (<i>Scyliorhinus spp.</i>)	Whole fish or gutted fish with head	759
	5. Redfish (<i>Sebastes spp.</i>)	Whole fish	1 153
	6. Cod of the species <i>Gadus morhua</i>	Whole fish or gutted fish with head	1 615
	7. Saithe (<i>Pollachius virens</i>)	Whole fish or gutted fish with head	751
	8. Haddock (<i>Melanogrammus aeglefinus</i>)	Whole fish or gutted fish with head	983
	9. Whiting (<i>Merlangius merlangus</i>)	Whole fish or gutted fish with head	937
	10. Ling (<i>Molva spp.</i>)	Whole fish or gutted fish with head	1 196
	11. Mackerel of the species <i>Scomber scombrus</i>	Whole fish	314
	12. Mackerel of the species <i>Scomber japonicus</i>	Whole fish	303
	13. Anchovy (<i>Engraulis spp.</i>)	Whole fish	1 270
	14. Plaice (<i>Pleuronectes platessa</i>)	Whole fish or gutted fish with head from 1.1.2005 to 30.4.2005	1 079
		Whole fish or gutted fish with head from 1.5.2005 to 31.12.2005	1 499
	15. Hake of the species <i>Merluccius merluccius</i>	Whole fish or gutted fish with head	3 731
	16. Megrim (<i>Lepidorhombus spp.</i>)	Whole fish or gutted fish with head	2 454
	17. Dab (<i>Limanda limanda</i>)	Whole fish or gutted fish with head	877
	18. Common flounder (<i>Platichthys flesus</i>)	Whole fish or gutted fish with head	530
	19. Albacore or longfinned tunas (<i>Thunnus alalunga</i>)	Whole fish	2 242
		Gutted fish with head	2 515
	20. Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)	Whole	1 621
	21. Monkfish (<i>Lophius spp.</i>)	Whole fish or gutted fish with head	2 853
		Without head	5 869
	22. Shrimp of the species <i>Crangon crangon</i>	Simply boiled in water	2 415
	23. Northern prawn (<i>Pandalus borealis</i>)	Simply boiled in water	6 315
		Fresh or chilled	1 606
	24. Edible crab (<i>Cancer pagurus</i>)	Whole	1 740
	25. Norway lobster (<i>Nephrops norvegicus</i>)	Whole	5 364
		Tails	4 258
	26. Sole (<i>Solea spp.</i>)	Whole fish or gutted fish with head	6 613

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price (EUR/tonne)
II	1. Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Frozen, in original packages containing the same products	1 956
	2. Hake of the genus <i>Merluccius</i> spp.	Frozen, whole, in original packages containing the same products	1 239
		Frozen, filleted, in original packages containing the same products	1 499
	3. Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Frozen, in lots or in original packages containing the same products	1 602
	4. Swordfish (<i>Xiphias gladius</i>)	Frozen, whole, in original packages containing the same products	4 019
	5. Cuttlefish (<i>Sepia officinalis</i>) (<i>Rossia macrosoma</i>) (<i>Sepiola rondeletti</i>)	Frozen, in original packages containing the same products	1 946
	6. Octopus (<i>Octopus</i> spp.)	Frozen, in original packages containing the same products	2 140
	7. Squid (<i>Loligo</i> spp.)	Frozen, in original packages containing the same products	1 168
	8. Squid (<i>Ommastrephes sagittatus</i>)	Frozen, in original packages containing the same products	961
	9. <i>Illex argentinus</i>	Frozen, in original packages containing the same products	861
	10. Prawn of the family <i>Penaeidae</i> — Prawn of the species <i>Parapenaeus longirostris</i>	Frozen, in original packages containing the same products	3 995
	— Other species of the family <i>Penaeidae</i>	Frozen, in original packages containing the same products	8 061

ANNEX II

Species Products listed in Annex III to Regulation (EC) No 104/2000	Commercial specifications	Community producer price (EUR/tonne)
Yellow-fin tuna (<i>Thunnus albacares</i>)	Whole, weighing more than 10 kg each	1 207

The Community producer prices for the other products listed in Annex III to Regulation (EC) No 104/2000 shall be determined by means of the conversion factors referred to in Regulation (EEC) No 3510/82.

COUNCIL REGULATION (EC) No 2133/2004

of 13 December 2004

on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when they cross the external borders of the Member States and amending the provisions of the Convention implementing the Schengen agreement and the common manual to this end

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(a) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

(1) The European Council held in Seville on 21 and 22 June 2002 called for closer co-operation in combating illegal immigration and called on the Commission and the Member States to take operational steps to ensure an equivalent level of control and surveillance of external borders.

(2) The provisions of the Convention implementing the Schengen Agreement of 14 June 1985⁽²⁾, and of the common manual⁽³⁾ concerning the crossing of external borders lack clarity and precision as regards the obligation to affix stamps to the travel documents of third-country nationals when they cross external borders. As a result, such provisions lead to divergent practices in the Member States and make it difficult to check whether the conditions relating to the duration of short stays for such third country nationals on the territory of the Member States are fulfilled, namely a maximum of three months in any six-month period.

(3) At its meeting of 27 and 28 February 2003, the Council expressed support for the Commission's intention to clarify the existing rules in this area, notably by specifying, by way of a proposal for a Council Regulation the obligation for the Member States to stamp systematically third country nationals' travel documents on entry and exit at external border crossings.

(4) In its Conclusions of 8 May 2003 the Council called for separate control lanes for different nationalities, differentiated by signs. Specific Community rules on local border traffic should improve the management of external borders by the services responsible, making it easier to overcome any practical difficulties arising from the

requirement to stamp third country nationals' travel documents systematically. These measures will also help to ensure that any measures relaxing checks on persons at external borders are exceptional.

(5) The obligation on the Member States to stamp third-country nationals' travel documents systematically when they enter the territory of the Member States provides, in conjunction with the limitation regarding the circumstances in which measures relaxing checks on persons at external borders may be adopted, the possibility of presuming, in the absence of a stamp on such travel documents, that their holder is not, or is no longer, respecting the conditions relating to the duration of a short stay.

(6) However, it should be possible for the third country national concerned to overturn this presumption by any form of relevant and credible proof. In such cases, the competent national authorities should certify the date and the place of the relevant border crossing so as to provide the third country national concerned with evidence of the compliance with the conditions relating to the duration of the stay.

(7) The stamping of the travel document makes it possible to establish, with certainty, the date and place of the crossing of the border, without establishing in all cases that all the required travel document control measures have been carried out.

(8) This Regulation should also define the categories of persons whose documents do not have to be stamped systematically upon crossing the external borders of the Member States. In this context, it should be stressed that Community rules on local border traffic, including rules on the stamping of travel documents of border residents, are in the course of preparation. Pending the adoption of Community rules on local border traffic, the possibility of exempting the travel documents of border residents from the obligation of stamping should be maintained in accordance with existing bilateral agreements on local border traffic.

⁽¹⁾ Opinion delivered on 21 April 2004 (not yet published in the Official Journal).

⁽²⁾ OJ L 239, 22.9.2000, p. 19. Convention at last amended by Regulation (EC) No 871/2004 (OJ L 162, 30.4.2004, p. 29).

⁽³⁾ OJ C 313, 16.12.2002, p. 97. Manual as last amended by Decision 2004/574/EC (OJ L 261, 6.8.2004, p. 36).

- (9) The provisions of the Convention implementing the Schengen Agreement and the common manual should be amended accordingly.
- (10) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds on the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Regulation whether it will implement it in its national law.
- (11) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis, within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis⁽¹⁾, which fall within the area referred to in Article 1(A) of Decision 1999/437/EC⁽²⁾ on certain arrangements for the application of that Agreement.
- (12) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis⁽³⁾, which fall in the area referred to in Article 1(A) of Decision 1999/437/EC read in conjunction with Article 4(1) of the Council Decisions of 25 October 2004 on the signing on behalf of the European Union, and on the signing on behalf of the European Community, and on the provisional application of certain provisions of that Agreement⁽⁴⁾.
- (13) This Regulation constitutes a development of the provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis⁽⁵⁾. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (14) This Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning

Ireland's request to take part in some of the provisions of the Schengen acquis⁽⁶⁾. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application,

HAS ADOPTED THIS REGULATION:

Article 1

The purpose of this Regulation is:

- to reiterate the obligation for the competent authorities of the Member States to stamp systematically third-country nationals' travel documents when they cross the external borders of the Member States;
- to specify the conditions under which the absence of an entry stamp on third country nationals' travel documents may constitute a presumption that the authorised duration of a short stay by such nationals on the territory of the Member States has been exceeded.

Article 2

The provisions of the Convention implementing the Schengen Agreement are hereby amended as follows:

1. Article 6(2)(e) shall be replaced by the following:

- 'e) If in exceptional and unforeseen circumstances requiring immediate measures such checks cannot be carried out, priorities must be set. In that case, entry checks shall as a rule take priority over exit checks';

2. The following Articles shall be inserted:

'Article 6a

The travel documents of third-country nationals referred to in Article 5(1)(a), shall be systematically stamped on entry and exit.

Article 6b

1. If the travel document of a third-country national does not bear an entry stamp, the competent national authorities may presume that the holder does not fulfil, or no longer fulfils, the conditions of duration of stay applicable within the Member State concerned.

⁽¹⁾ OJ L 176, 10.7.1999, p. 36.

⁽²⁾ OJ L 176, 10.7.1999, p. 31.

⁽³⁾ Council doc. 13054/04 accessible on <http://register.consilium.eu.int>

⁽⁴⁾ Council doc. 13464/04 and 13466/04 accessible on <http://register.consilium.eu.int>

⁽⁵⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁶⁾ OJ L 64, 7.3.2002, p. 20.

2. This presumption may be rebutted where the third-country national provides, by any means, credible evidence such as transport tickets or proof of his or her presence outside the territory of the Member States, which shows that he or she has respected the conditions relating to the duration of a short stay.

In such cases:

- a) where the third-country national is found on the territory of the Member States applying the Schengen acquis in full, the competent authorities shall indicate, in accordance with national law and practice, in the third-country national's travel document the date on which, and the place where, the person has crossed the external border of one of these Member States;
- b) where the third-country national is found on the territory of a Member State in respect of which the decision contemplated in Article 3(2) of the 2003 Act of Accession has not been taken, the competent authorities shall indicate, in accordance with national law and practice, in the third-country national's travel document the date on which, and the place where, the person has crossed the external border of that Member State;
- c) in addition to the indication as referred to in (a) and (b), a form as shown in the Annex may be given to the third-country national concerned;
- d) Member States shall inform each other and the Commission and the Council Secretariat of their national practices with regard to the indication referred to in this Article.

3. Should the presumption referred to in paragraph 1 not be rebutted, the third-country national may be expelled by the competent authorities from the territory of the Member States concerned.'

Article 3

Part II of the common manual is hereby amended as follows:

1. Point 1.3.5. shall be replaced by the following:

'1.3.5. Checks at land borders may be relaxed as a result of exceptional and unforeseen circumstances. This will be the case where unforeseen events lead to such intensity of traffic that the delay in the time taken to reach checking posts becomes excessive, and all resources have been exhausted as regards staff, facilities and organisation.'

2. The following point shall be inserted:

'1.3.5.4. Even in the event of checks being relaxed, the officials locally responsible for border checks must stamp the travel documents of third-country nationals both on entry and exit.'

3. Point 2.1.1. is hereby amended as follows:

- a) The introductory phrase of the first subparagraph shall be replaced by the following:

'2.1.1. On entry into, or exit from, the territory of a Member State, a stamp shall be affixed to';

- b) The second subparagraph shall be replaced by the following:

'No entry or exit stamp shall be affixed to the documents of citizens of the European Union, nationals of the countries of the European Economic Area, nationals of the Swiss Confederation.

In addition, entry and exit stamps shall not be affixed to documents of nationals of third countries who are family members of citizens of the European Union, of nationals of the countries of the European Economic Area or of nationals of the Swiss Confederation provided that they present a residence card issued by a Member State or by one of these third States in accordance with Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States ⁽¹⁾.

⁽¹⁾ OJ L 158, 30.4.2004, p. 77.'

4. The following indent shall be added to point 2.1.5.:

'— on the travel documents of the beneficiaries of bilateral agreements on local border traffic that do not provide for the stamping of these documents, if these bilateral agreements are in accordance with Community law'.

5. The following subparagraph shall be added to point 3.4.2.3.:

'Even in the event of a relaxation of the checks, the officials responsible must proceed in accordance with point 1.3.5.4.'

Article 4

The text appearing to the Annex shall be annexed to the common manual.

Article 5

The Commission shall report to the Council on the operation of this Regulation at the latest three years after its entry into force.

Article 6

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

It shall apply from 1 December 2005.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 13 December 2004

For the Council

The President

B. R. BOT

ANNEX

'ANNEX 16

LOGO OF STATE	Name of State (Name of Office) _____	
No logo required for Iceland and Norway		
APPROVAL OF THE EVIDENCE REGARDING THE RESPECT OF THE CONDITION OF THE DURATION OF A SHORT STAY IN CASES WHERE THE TRAVEL DOCUMENT DOES NOT BEAR AN ENTRY STAMP		
On _____ at (time) _____ at (place) _____ We, the undersigning authority, _____ have before us: Surname _____ First name _____ Date of birth _____ Place of birth _____ Sex: _____ Nationality _____ Resident in _____ Travel document _____ number _____ Issued in _____ on _____ Visa number _____ (if applicable) issued by _____ for a period of _____ days on the following grounds: _____		

Having regard to the evidence relating to the duration of his (her) stay on the territory of the Member States that he (she) has provided, he (she) is considered to have entered the territory of the Member State _____ on _____ at _____ at the border point _____

Contact details of the undersigning authority:

Tel. _____

Fax. _____

E-mail: _____

The person concerned shall receive a copy of this document.

Person concerned

Officer responsible
+ stamp'

COMMISSION REGULATION (EC) No 2134/2004**of 15 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 16 December 2004.

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

Done at Brussels, 15 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 15 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	110,3
	204	86,2
	624	182,9
	999	126,5
0707 00 05	052	111,0
	220	122,9
	999	117,0
0709 90 70	052	115,2
	204	69,2
	999	92,2
0805 10 10, 0805 10 30, 0805 10 50	204	35,7
	382	32,3
	388	43,2
	528	41,6
	999	38,2
0805 20 10	204	59,7
	999	59,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	72,2
	204	42,7
	464	171,7
	624	80,7
	999	91,8
0805 50 10	052	56,1
	528	38,6
	999	47,4
0808 10 20, 0808 10 50, 0808 10 90	388	150,3
	400	78,3
	404	105,9
	512	105,4
	720	74,2
	804	167,7
	999	113,6
0808 20 50	400	121,4
	528	47,1
	720	42,1
	999	70,2

⁽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 2135/2004**of 14 December 2004****prohibiting fishing for Northern prawn by vessels flying the flag of Poland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 1954/2003⁽²⁾, 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 catch limitations are required lays down quotas for Northern prawn for 2004⁽³⁾.
- (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 Northern prawn in the waters of NAFO division 3L by vessels flying the flag of Poland or registered in Poland have exhausted the quota allocated for 2004.

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Northern prawn in the waters of NAFO division 3L by vessels flying the flag of Poland or registered in Poland are hereby deemed to have exhausted the quota allocated to Poland for 2004.

Fishing for Northern prawn in the waters of NAFO division 3L by vessels flying the flag of Poland or registered in Poland 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*.

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

Done at Brussels, 14 December 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ No L 261, 20.10.1993, p. 1.

⁽²⁾ OJ No L 289, 7.11.2003, p. 1.

⁽³⁾ OJ No L 344, 31.12.2003, p. 1.

COMMISSION REGULATION (EC) No 2136/2004**of 14 December 2004****amending Annex II to Council Regulation (EC) No 872/2004 concerning further restrictive measures in relation to Liberia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 872/2004 of 29 April 2004 concerning further restrictive measures in relation to Liberia⁽¹⁾, and in particular, Article 11(b) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 872/2004 lists the competent authorities to which specific functions relating to the implementation of that Regulation are attributed.
- (2) On 1 May 2004, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia acceded to the European Union. The Act of Accession does not, however, make provision for amendment of that Annex.

- (3) The competent authorities of the new Member States should, therefore, be included as from 1 May 2004 in that Annex,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 872/2004 is hereby amended in accordance with the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 May 2004.

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

Done at Brussels, 14 December 2004.

For the Commission

Benita FERRERO-WALDNER

Member of the Commission

⁽¹⁾ OJ L 162, 30.4.2004, p.32. Regulation as last amended by Regulation (EC) No 1580/2004 (OJ L 289, 10.9.2004, p. 4).

ANNEX

Annex II to Regulation (EC) No 872/2004 is amended as follows:

1. The following is inserted between the entries for Belgium and Denmark:

‘CZECH REPUBLIC

Ministerstvo průmyslu a obchodu

Licenční správa

Na Františku 32

110 15 Praha 1

Tel. (420-2) 24 06 27 20

Fax (420-2) 24 22 18 11

Ministerstvo financí

Finanční analytický útvar

PO Box 675

Jindřišská 14

111 21 Praha 1

Tel. (420-2) 57 04 45 01

Fax (420-2) 57 04 45 02’.

2. The following is inserted between the entries for Germany and Greece:

‘ESTONIA

Finantsinspektsioon

Sakala 4

15030 Tallinn

Tel. (372-6) 68 05 00

Fax (372-6) 68 05 01’.

3. The following is inserted between the entries for Italy and Luxembourg:

‘CYPRUS

Υπουργείο Εξωτερικών

Λεωφ. Προεδρικού Μεγάρου

1447 Λευκωσία

Tel. (357-22) 30 06 00

Fax (357-22) 66 18 81

Ministry of Foreign Affairs

Presidential Palace Avenue

1447 Nicosia

Tel. (357-22) 30 06 00

Fax (357-22) 66 18 81

LATVIA

Latvijas Republikas Ārlietu ministrija

Brīvības iela 36

Rīga LV-1395

Tel. (371) 701 62 01

Fax (371) 782 81 21

Noziedzīgi iegūto līdzekļu legalizācijas novēršanas dienests

Kalpaka bulvārī 6

Rīga LV-1081

Tel. (371) 704 44 31

Fax (371) 704 45 49

LITHUANIA

Economics Department

Ministry of Foreign Affairs of the Republic of Lithuania

J.Tumo-Vaižganto 2

LT-2600 Vilnius

Tel. (370-5) 236 25 92

Fax (370-5) 231 30 90'.

4. The following is inserted between the entries for Luxembourg and the Netherlands:

'HUNGARY

Articles 3 and 4

Hungarian National Police

Országos Rendőrfőkapitányság

1139 Budapest, Teve u. 4–6.

Magyarország

Tel./Fax (36-1) 443 55 54

Article 7

Ministry of Finance (as regards funds only)

Pénzügyminisztérium

1051 Budapest, József nádor tér 2–4.

Magyarország

Postafiók: 1369 Pf.: 481

Tel. (36-1) 318 20 66, (36-1) 327 21 00

Fax (36-1) 318 25 70, (36-1) 327 27 49

MALTA

Bord ta' Sorveljanza dwar is-Sanzjonijiet

Direttorat ta' l-Affarijiet Multilaterali

Ministeru ta' l-Affarijiet Barranin

Palazzo Parisio

Triq il-Merkanti

Valletta CMR 02

Tel. (356-21) 24 28 53

Fax (356-21) 25 15 20'.

5. The following is inserted between the entries for Austria and Portugal:

'POLAND

Ministerstwo Spraw Zagranicznych

Departament Prawno – Traktatowy

Al. J. CH. Szucha 23

PL-00-580 Warszawa

Tel. (48-22) 523 93 48

Fax (48-22) 523 91 29'.

6. The following is inserted between the entries for Portugal and Finland:

'SLOVENIA

Bank of Slovenia

Slovenska 35

1505 Ljubljana

Tel. (386-1) 471 90 00

Fax (386-1) 251 55 16

<http://www.bsi.si>

Ministry of Foreign Affairs of the Republic of Slovenia

Prešernova 25

1000 Ljubljana

Tel. (386-1) 478 20 00

Fax (386-1) 478 23 47

<http://www.gov.si/mzz>

SLOVAKIA

For financial and technical assistance related to military activities:

Ministerstvo hospodárstva Slovenskej republiky

Sekcia obchodných vzťahov a ochrany spotrebiteľa

Mierová 19

827 15 Bratislava

Tel. (421-2) 48 54 21 16

Fax (421-2) 48 54 31 16

For funds and economic resources:

Ministerstvo financií Slovenskej republiky

Štefanovičova 5

817 82 Bratislava

Tel. (421-2) 59 58 22 01

Fax (421-2) 52 49 35 31'.

- 7) The following is added after the entry for the United Kingdom:

'EUROPEAN COMMUNITY

Commission of the European Communities

Directorate-General for External Relations

Directorate CFSP

Unit A.2.: Legal and institutional matters for external relations – Sanctions

CHAR 12/163

B-1049 Brussels

Tel. (32-2) 295 81 48, (32-2) 296 25 56

Fax (32-2) 296 75 63'.

COMMISSION REGULATION (EC) No 2137/2004**of 14 December 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⁽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 17 December 2004.

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

Done at Brussels, 14 December 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	11,47 39,59 103,35	6,64 7,87 7,92	353,91 4,95	85,20 48,24	179,39 2 750,21	2 840,90 448,16
1.40	Garlic 0703 20 00	110,96 383,14 1 000,23	64,27 76,12 76,70	3 425,24 47,89	824,57 466,90	1 736,21 26 616,93	27 494,66 4 337,36
1.50	Leeks ex 0703 90 00	56,11 193,74 505,78	32,50 38,49 38,78	1 732,03 24,22	416,96 236,10	877,94 13 459,27	13 903,11 2 193,26
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	13,55 46,79 122,14	7,85 9,30 9,37	418,26 5,85	100,69 57,01	212,01 3 250,24	3 357,42 529,64
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43 212,11 553,73	35,58 42,14 42,46	1 896,22 26,51	456,49 258,48	961,17 14 735,21	15 221,13 2 401,18
1.100	Chinese cabbage ex 0704 90 90	75,36 260,20 679,30	43,65 51,70 52,09	2 326,21 32,53	560,00 317,09	1 179,13 18 076,60	18 672,70 2 945,67
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	26,74 92,33 241,03	15,49 18,34 18,48	825,41 11,54	198,70 112,51	418,39 6 414,12	6 625,64 1 045,21
1.140	Radishes ex 0706 90 90	53,66 185,29 483,73	31,08 36,81 37,09	1 656,52 23,16	398,78 225,80	839,67 12 872,55	13 297,04 2 097,65
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	366,90 1 266,84 3 307,27	212,51 251,70 253,60	11 325,57 158,36	2 726,46 1 543,82	5 740,79 88 009,09	90 911,30 14 341,52

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	144,74 499,75 1 304,66	83,83 99,29 100,04	4 467,75 62,47	1 075,54 609,01	2 264,65 34 718,14	35 863,01 5 657,49
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	155,62 537,32 1 402,76	90,14 106,76 107,56	4 803,68 67,17	1 156,41 654,80	2 434,92 37 328,57	38 559,52 6 082,87
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	238,71 824,21 2 151,71	138,26 163,75 164,99	7 368,42 103,03	1 773,83 1 004,41	3 734,96 57 258,74	59 146,92 9 330,59
1.200.2	— other ex 0709 20 00	527,94 1 822,86 4 758,83	305,78 362,17 364,91	16 296,38 227,86	3 923,10 2 221,40	8 260,43 126 636,39	130 812,38 20 636,02
1.210	Aubergines (eggplants) 0709 30 00	97,21 335,65 876,25	56,30 66,69 67,19	3 000,68 41,96	722,37 409,03	1 521,01 23 317,76	24 086,69 3 799,74
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	83,53 288,41 752,94	48,38 57,30 57,74	2 578,40 36,05	620,71 351,47	1 306,96 20 036,34	20 697,06 3 265,02
1.230	Chantarelles 0709 59 10	926,44 3 198,81 8 350,93	536,59 635,54 640,36	28 597,35 399,85	6 884,38 3 898,18	14 495,64 222 225,16	229 553,30 36 212,69
1.240	Sweet peppers 0709 60 10	156,89 541,72 1 414,23	90,87 107,63 108,44	4 842,97 67,72	1 165,87 660,16	2 454,84 37 633,92	38 874,95 6 132,63
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	101,08 349,02 911,18	58,55 69,34 69,87	3 120,28 43,63	751,16 425,33	1 581,63 24 247,14	25 046,72 3 951,19
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	69,10 238,59 622,88	40,02 47,40 47,76	2 133,01 29,82	513,49 290,76	1 081,20 16 575,28	17 121,87 2 701,02

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	160,36 553,68 1 445,46	92,88 110,01 110,84	4 949,91 69,21	1 191,61 674,73	2 509,04 38 464,88	39 733,31 6 268,04
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	214,98 742,28 1 937,83	124,52 147,48 148,59	6 636,01 92,79	1 597,52 904,57	3 363,71 51 567,35	53 267,84 8 403,15
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	72,41 250,01 652,67	41,94 49,67 50,05	2 235,05 31,25	538,05 304,67	1 132,92 17 368,20	17 940,93 2 830,23
2.90.2	— pink ex 0805 40 00	84,68 292,38 763,30	49,05 58,09 58,53	2 613,88 36,55	629,25 356,31	1 324,94 20 312,05	20 981,86 3 309,95

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	236,28 815,82 2 129,80	136,85 162,09 163,31	7 293,40 101,98	1 755,77 994,18	3 696,93 56 675,74	58 544,69 9 235,59
2.110	Water melons 0807 11 00	42,82 147,85 385,98	24,80 29,37 29,60	1 321,77 18,48	318,20 180,17	669,99 10 271,23	10 609,94 1 673,75
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	51,68 178,46 465,89	29,94 35,46 35,72	1 595,41 22,31	384,07 217,47	808,69 12 397,63	12 806,46 2 020,26
2.120.2	— Other ex 0807 19 00	114,33 394,76 1 030,58	66,22 78,43 79,03	3 529,16 49,35	849,59 481,07	1 788,89 27 424,51	28 328,86 4 468,96
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	320,86 1 107,88 2 892,28	185,84 220,11 221,78	9 904,45 138,49	2 384,35 1 350,10	5 020,44 76 965,84	79 503,88 12 541,96
2.160	Cherries 0809 20 95 0809 20 05	704,37 2 432,06 6 349,23	407,97 483,20 486,86	21 742,63 304,01	5 234,21 2 963,80	11 021,06 168 958,29	174 529,89 27 532,59
2.170	Peaches 0809 30 90	241,90 835,25 2 180,52	140,11 165,95 167,20	7 467,08 104,41	1 797,59 1 017,86	3 784,97 58 025,44	59 938,90 9 455,53
2.180	Nectarines ex 0809 30 10	229,01 790,71 2 064,26	132,64 157,10 158,29	7 068,94 98,84	1 701,74 963,59	3 583,16 54 931,57	56 743,01 8 951,37
2.190	Plums 0809 40 05	339,11 1 170,89 3 056,77	196,41 232,63 234,40	10 467,76 146,36	2 519,95 1 426,89	5 305,97 81 343,16	84 025,54 13 255,27
2.200	Strawberries 0810 10 00	389,56 1 345,06 3 511,47	225,63 267,24 269,26	12 024,86 168,13	2 894,80 1 639,14	6 095,25 93 443,13	96 524,53 15 227,02

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	176,63	9 413,20	2 266,08	4 771,43	75 560,51
		1 052,93	209,20	131,62	1 283,14	73 148,36	11 919,89
		2 748,82	210,78				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 243,19	720,06	38 374,79	9 238,14	19 451,70	308 037,62
		4 292,49	852,83	536,56	5 230,97	298 203,99	48 593,81
		11 206,11	859,29				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	118,95	68,90	3 671,85	883,94	1 861,22	29 474,27
		410,72	81,60	51,34	500,52	28 533,35	4 649,65
		1 072,25	82,22				
2.230	Pomegranates ex 0810 90 95	119,24	69,06	3 680,60	886,05	1 865,65	29 544,47
		411,70	81,80	51,46	501,71	28 601,31	4 660,72
		1 074,80	82,42				
2.240	Khakis (including sharon fruit) ex 0810 90 95	68,65	39,76	2 118,96	510,11	1 074,07	17 009,06
		237,02	47,09	29,63	288,84	16 466,07	2 683,23
		618,77	47,45				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 2138/2004**of 15 December 2004****amending Regulation (EC) No 14/2004 as regards the forecast supply balance for the Canary Islands for milk and cream**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1454/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Canary Islands and repealing Regulation (EEC) No 1601/92 (Poseican)⁽¹⁾, and in particular Article 3(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 14/2004 of 30 December 2003 establishing the supply balances and Community aid for the supply of certain essential products for human consumption, for processing and as agricultural inputs and for the supply of live animals and eggs to the outermost regions pursuant to Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001⁽²⁾ establishes a forecast supply balance and Community aid for the products covered by the specific supply arrangements for the Azores, Madeira and the Canary Islands.
- (2) Current implementation of the annual supply balance for the Canary Islands for milk and cream falling within CN codes 0402 91 and 0402 99 indicates that the quantities

fixed for the supply of these products are below requirements because of a higher demand than expected.

- (3) The quantity of the above product should therefore be adjusted in line with the actual needs of the region concerned.
- (4) Regulation (EC) No 14/2004 should be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Regulation (EC) No 14/2004 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 15 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 198, 21.7.2001, p. 45. Regulation as last amended by Regulation (EC) No 1690/2004 (OJ L 305, 1.10.2004, p. 1).

⁽²⁾ OJ L 3, 7.1.2004, p. 6. Regulation as last amended by Regulation (EC) No 1997/2004 (OJ L 344, 20.11.2004, p. 28).

ANNEX

In part 11 of Annex V to Regulation (EC) No 14/2004, the table is replaced by the following:

Description	CN code	Quantity (in tonnes)	Aid (EUR/tonne)		
			I	II	III ⁽¹⁾
Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽²⁾	0401	114 800 ⁽³⁾	41	59	⁽⁴⁾
Milk and cream, concentrated or containing added sugar or other sweetening matter ⁽²⁾	0402	28 600 ⁽⁵⁾	41	59	⁽⁴⁾
Milk and cream, concentrated or containing added sugar or other sweetening matter of a non-fat milk solid content of 15 % or more by weight and a fat content by weight not exceeding 3 % ⁽⁶⁾	0402 91 19 9310		—	97	—
Butter and other fats and oils derived from milk; dairy spreads ⁽²⁾	0405	4 000	72	90	⁽⁴⁾
Cheese ⁽²⁾	0406 0406 30 0406 90 23 0406 90 25 0406 90 27 0406 90 76 0406 90 78 0406 90 79 0406 90 81	15 000	72	90	⁽⁴⁾
	0406 90 86 0406 90 87 0406 90 88	1 900			
Fat-free milk preparations	1901 90 99	800	—	59	⁽⁷⁾
Milk preparations for children containing no milk fat etc.	2106 90 92	45			

⁽¹⁾ In EUR/100 kg net weight, unless otherwise specified.

⁽²⁾ The products concerned and the related footnotes are the same as those covered by the Commission Regulation fixing the export refunds under Article 31 of Regulation (EC) No 1255/1999.

⁽³⁾ Including 1 300 tonnes for the processing and/or packaging sector.

⁽⁴⁾ The amount shall be equal to the refund for product falling within the same CN code granted pursuant to Article 31 of Regulation (EC) No 1255/1999. Where the refunds granted pursuant to Article 31 of that Regulation have more than one rate as defined in Article 2(1)(e) and 2(1)(l) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11), the amount shall be equal to the highest amount of the refund for products falling within the same CN code (Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

However for the butter awarded in accordance with Regulation (EC) No 2571/97, the amount shall be as indicated in column II.

⁽⁵⁾ To be allocated as follows:

— 7 250 tonnes falling within CN codes 0402 91 and/or 0402 99 for direct consumption,

— 5 350 tonnes falling within CN codes 0402 91 and/or 0402 99 for the processing and/or packaging sector,

— 16 000 tonnes falling within CN codes 0402 10 and/or 0402 21 for the processing and/or packaging sector.

⁽⁶⁾ Where the milk protein content (nitrogen content $\times 6,38$) in the non-fatty milk solid of a product under this position is less than 34 %, no aid shall be granted. Where the water content by weight of the powdered products under this position is greater than 5 %, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose the minimum milk protein content in the non-fatty milk solid, and the maximum water content for powdered products.

⁽⁷⁾ The amount shall be equal to the refund set in the Commission Regulation fixing the refund rates applicable to certain milk products exported in the goods not covered by Annex I, granted under Regulation (EC) No 1520/2000.'

COMMISSION REGULATION (EC) No 2139/2004**of 8 December 2004****adapting and implementing Council Regulation (EEC) No 571/88 and amending Commission Decision 2000/115/EC with a view to the organisation of Community surveys on the structure of agricultural holdings in 2005 and 2007**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 571/88 of 29 February 1988 on the organisation of Community surveys on the structure of agricultural holdings⁽¹⁾, and in particular Article 8(1) and (4) thereof and point 5 of Annex II thereto,

Whereas:

- (1) The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic on 1 May 2004 makes it necessary to amend the list of characteristics set out in Annex I to Regulation (EEC) No 571/88.
- (2) The new political goal of achieving a sustainable common agricultural policy calls for more information, especially on rural development.
- (3) In accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS)⁽²⁾, all Member States' statistics transmitted to the Commission which are broken down by territorial units should use the NUTS classification. Consequently, for the purposes of surveys on the structure of agricultural holdings (hereinafter referred to as the farm structure surveys), the regions and districts should be defined in accordance with the NUTS classification.
- (4) Time limits for the communication of validated individual data from the farm structure surveys should be established by the Commission, taking into account the fact that the timetable for carrying out the survey work differs between Member States.

(5) Both Regulation (EEC) No 571/88 itself and the decision laying down the definitions and explanations relating to that Regulation, namely Commission Decision 2000/115/EC⁽³⁾, should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Agricultural Statistics established by Council Decision 72/279/EEC⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 571/88 is replaced by the text shown in Annex I to this Regulation.

Article 2

Decision 2000/115/EC is amended as follows:

1. Annex I is amended as shown in Annex II to this Regulation;
2. Annex IV is deleted.

Article 3

1. For the purposes of the farm structure surveys 2005 and 2007, the regions shall be the territorial units NUTS 2 as referred to in Regulation (EC) No 1059/2003.

By way of derogation, for Germany the regions shall be the territorial units NUTS 1 as referred to in that Regulation.

2. For the purposes of the farm structure surveys 2005 and 2007, the districts shall be the territorial units NUTS 3 as referred to in Regulation (EC) No 1059/2003.

⁽¹⁾ OJ L 56, 2.3.1988, p. 1. Regulation as last amended by Regulation (EC) No 1435/2004 of the European Parliament and of the Council (OJ L 268, 16.8.2004, p. 1).

⁽²⁾ OJ L 154, 21.6.2003, p. 1.

⁽³⁾ OJ L 38, 12.2.2000, p. 1. Decision as last amended by the 2003 Act of Accession.

⁽⁴⁾ OJ L 179, 7.8.1972, p. 1.

By way of derogation, for Germany the districts are the territorial units NUTS 2 as referred to in that Regulation.

3. For the purposes of the farm structure surveys 2005 and 2007, the municipalities shall be the smaller administrative units as referred to in Annex III to Regulation (EC) No 1059/2003. Member States shall provide the municipality for each surveyed holding.

Article 4

The Member States shall communicate validated individual data from the farm structure surveys 2005 and 2007 in accordance with the timetable set out in Annex III to this Regulation.

Article 5

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

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

Done at Brussels, 8 December 2004.

For the Commission

Joaquín ALMUNIA

Member of the Commission

ANNEX

ANNEX I

LIST OF CHARACTERISTICS FOR 2005 AND 2007^(*)

Explanatory notes:

- The characteristics marked with the letters "NE" in the Annex are deemed not to exist or to be close to zero in the respective Member States.
- The characteristics marked with the letters "NS" are deemed not to be significant in the respective Member States.

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
A. Geographical situation of the holding																									
1. Survey district																									
(a) Municipality or district ⁽¹⁾																									
2. Less-favoured area ⁽¹⁾											NE														
(a) Mountain area ⁽¹⁾					NE						NE	NE	NE			NE									
3. Agricultural areas with environmental restrictions											NE					NE			NE			NE			

B. Legal personality and management of the holding
(on the day of the survey)

1. Is the legal and economic responsibility of the holding assumed by:

(a) a natural person who is a sole holder, where the holding is independent?																									
(b) one or more natural persons who is/are a partner, where the holding is a group holding? ⁽²⁾		NS			NS	NS	NS		NS	NS				NS	NS			NS	NS			NE		NS	NS
(c) a legal person?																									
2. If the answer to question B/1 (a) is "yes", is the person (the holder) also the manager?																									

^(*) Note to the reader: The numbering of the characteristics is a consequence of the long history of the farm structure surveys and cannot be changed without repercussion on comparability between surveys.

⁽¹⁾ The provision of information on less-favoured area (A2) and mountain area (A2a) is optional in case the municipality code (A1a) is sent for each holding. In case the municipality code (A1a) is not provided for the holding, the information on less-favoured area (A2) and mountain area (A2a) is obligatory.

⁽²⁾ Voluntary information.

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
(a) If the answer to question B/2 is 'no', is the manager a member of the holder's family?																									
(b) If the answer to question B/2(a) is 'yes', is the manager the spouse of the holder?								NS		NS															
3. Agricultural training of the managers (only practical agricultural experience, basic agricultural training, full agricultural training) ⁽¹⁾																									

yes/no

yes/no

code

(a) If the answer to question B/2 is 'no', is the manager a member of the holder's family?

(b) If the answer to question B/2(a) is 'yes', is the manager the spouse of the holder?

3. Agricultural training of the managers (only practical agricultural experience, basic agricultural training, full agricultural training) ⁽¹⁾

C. Type of tenure (in relation to the holder) and farming system

Agricultural area utilised:

1. For owner farming																									
2. For tenant farming																									
3. For share farming or other modes													NS			NS					NS		NE	NE	NS

ha/a

ha/a

ha/a

5. Farming system and practises:

(a) The utilised agricultural area of the holding on which organic farming production methods are applied according to European Community rules																NE									
(d) The utilised agricultural area of the holding that are under conversion to organic farming production methods											NS					NE									
(e) Is the holding applying organic production methods also to the animal production?											NS					NE									

ha/a

ha/a

totally, partly, not at all

⁽¹⁾ Not recorded in the 2007 survey.

BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
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(f) Direct investment aids to the holding in the framework of common agricultural policy during the last five years:

(i) Did the holding benefit directly from public aids within the framework of productive investments? ⁽¹⁾

yes/no

(ii) Did the holding benefit directly from public aids within the framework of rural development measures? ⁽¹⁾

yes/no

6. Destination of the holding's production:

(a) Does the household of the holder consume more than 50 % of the value of the final production of the holding? ⁽¹⁾

yes/no

(b) Do the direct sales to consumers account for more than 50 % of the total sales? ⁽¹⁾

yes/no

D. Arable land

Cereals for the production of grain (including seed):

1. Common wheat and spelt	ha/a																								
2. Durum wheat	ha/a	NE	NS	NE							NE	NE	NE					NE					NE	NE	NS
3. Rye	ha/a							NS						NE											
4. Barley	ha/a													NE											
5. Oats	ha/a													NE											
6. Grain maize	ha/a									NS	NE			NE								NE	NE	NE	NS
7. Rice	ha/a	NE	NE	NE	NE			NE		NE	NE	NE	NE				NE	NE	NE						
8. Other cereals for the production of grain	ha/a													NE											

⁽¹⁾ Not recorded in the 2007 survey.

		BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
G. Permanent crops	1. Fruit and berry plantations																									
	(a) fresh fruit and berry species of temperate climate zones ⁽¹⁾																									
	(b) fruit and berry species of subtropical climate zones	NE	NE	NE	NE	NE				NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE		NE	NE	NE	NE	NE
	(c) nuts	NS	NS	NE	NS	NE				NE	NE	NE	NE	NE	NE	NE	NE	NS	NS			NS	NS	NE	NE	NS
2. Citrus plantations		NE	NE	NE	NE	NE				NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE		NS	NE	NE	NE	NE
3. Olive plantations	(a) normally producing table olives	NE	NE	NE	NE	NE				NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE			NE	NE	NE	NE
	(b) normally producing olives for oil production	NE	NE	NE	NE	NE			NS	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE		NS	NE	NE	NE	NE
		NE	NE	NE	NE	NE			NS	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE			NE	NE	NE	NE
		NE	NE	NE	NE	NE			NS	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE			NE	NE	NE	NE
4. Vineyards		NS		NE		NE				NE			NE	NE				NS		NS				NE	NE	
of which normally producing:	(a) quality wine	NS		NE		NE				NE	NE		NE	NE				NS		NE				NE	NE	NE
	(b) other wines	NS	NE	NE	NS	NE				NE	NE		NE	NE	NE			NS	NE	NS				NE	NE	
	(c) table grapes	NS		NE	NS	NE				NE	NE		NE	NE	NE			NS	NS	NE		NS		NE	NE	NE
	(d) raisins	NS	NE	NE	NE	NE			NE	NE	NE		NE	NE	NE	NE	NE	NE	NE	NE	NS	NE	NE	NE	NE	NE
5. Nurseries																										
6. Other permanent crops					NE	NE				NS			NS			NS	NS	NE	NE					NE	NE	NS
			NS		NE	NE			NS	NS			NS	NE	NE	NS	NS		NE		NS	NE	NE	NE	NE	NE

⁽¹⁾ Belgium, the Netherlands and Austria may include item G/1(c) 'nuts' under this heading.

BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
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H. Other land

1. Non-utilised agricultural land (agricultural land which is no longer farmed, for economic, social or other reasons, and which is not used in the crop rotation system)

ha/a

2. Wooded area

ha/a

3. Other land (land occupied by buildings, farmyards, tracks, ponds, quarries, infertile land, rock, etc.)

ha/a

															NE									

I. Successive secondary cropping, mushrooms, irrigation and set-aside of arable land

1. Successive secondary crops (excluding market-garden crops and crops under glass) ⁽¹⁾

ha/a

2. Mushrooms

ha/a

			NE	NS				NE			NE					NE	NS						NE	NS
--	--	--	----	----	--	--	--	----	--	--	----	--	--	--	--	----	----	--	--	--	--	--	----	----

			NS	NS							NE					NS							NS	
--	--	--	----	----	--	--	--	--	--	--	----	--	--	--	--	----	--	--	--	--	--	--	----	--

3. Irrigated area

(a) total irrigable area

ha/a

(b) cultivated area irrigated

ha/a

			NS	NS				NS			NS	NS	NE											
			NS	NS				NS			NS	NS	NE										NS	

4. Area subject to set-aside incentive schemes broken down by:
(a) fallow land with no economic use (already recorded under D/22)

ha/a

(b) areas used for the production of agricultural raw material for non-food purposes (e.g. sugar beet, rape, non-forestry trees and bushes etc., including lentils, chick peas and vetches; already recorded under D and G)

ha/a

															NE									

⁽¹⁾ Voluntary information.

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
ha/a				NS							NE					NE								NE	NE
ha/a				NS												NE								NS	
ha/a																		NS						NE	

J. Livestock (on the reference day of the survey)

1. Equidae																									
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Bovine animals:

2. Bovine animals, under one year old, male and female																									
3. Male bovine animals, one but less than two years old																									
4. Female bovine animals, one but less than two years old																									
5. Male bovine animals, two years old and over																									
6. Heifers, two years old and over																									
7. Dairy cows																									
8. Other cows																									

(1) Not recorded in the 2007 survey.
(2) Germany may merge headings 8(c), 8(d) and 8(e).

[illegible]

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
16. Other poultry																									
of which:																									
(a) turkeys					NS																				
(b) ducks					NS											NS								NS	
(c) geese					NS											NS	NS			NE				NS	
(d) other poultry, not mentioned elsewhere				NS	NS											NS								NS	
17. Rabbits, breeding females			NS	NS					NS									NS					NE	NE	NS
18. Bees			NS	NS					NS							NS	NS	NS					NS	NS	NS
19. Livestock not mentioned elsewhere				NS	NS							NS					NS		NE						

K. Tractors, cultivators, machinery and equipment

1. On day of survey, belonging exclusively to the holding

1. Four-wheel tractors, track-laying tractors, tool carriers by power rating (kW) ⁽¹⁾																										
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a) < 40 ⁽²⁾																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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⁽¹⁾ Not recorded in the 2007 survey.

⁽²⁾ Optional in the 2005 survey. Not recorded in the 2007 survey.

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
9. Other fully mechanised harvesters ⁽¹⁾																NS									
Number																									
10. Irrigation equipment ⁽¹⁾																									
yes/no	NS				NS				NE					NE											
(a) if yes, is the equipment mobile ⁽¹⁾	NS				NS				NE					NE											
(b) if yes, is the equipment fixed ⁽¹⁾	NS				NS				NE					NE			NS								
yes/no																									

2. Machinery used in the last 12 months, used by several holdings (belonging to another holding, to a cooperative or owned jointly with other holdings) or belonging to a service supply agency

1. Four-wheel tractors, track-laying tractors, tool carriers by power rating (kW) ⁽¹⁾																									
yes/no																									
2. Cultivators, hoeing machines, rotary hoes and motor mowers ⁽¹⁾																									
yes/no																									
3. Combine harvesters ⁽¹⁾																									
yes/no																									
9. Other fully mechanised harvesters ⁽¹⁾																									
yes/no																									

L. **Farm labour force** (in the 12 months preceding the day of the survey)

Statistical information is collected for each person, working on the holding, belonging to the following farm labour force categories in a way allowing multiple crossing with each other and/or with any other survey characteristics.

⁽¹⁾ Not recorded in the 2007 survey.

BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

1. Holders

In this category are found:

- natural persons:
 - sole holders of independent holdings (all persons who have answered 'yes' to question B/1(a))
 - the partner on group holdings that has been identified as being the holder
- legal persons

The following information is recorded for each natural person mentioned above:

- the gender
- the age according to the following age classes:
 - from school leaving age to < 25 years, 25 to 34, 35 to 44, 45 to 54, 55 to 64, 65 and over
- the farm work on the holding (apart from housework) according to the classification:
 - 0 %, > 0 to < 25 %, 25 to < 50 %, 50 to < 75 %, 75 to < 100 %, 100 % (full time) of annual time worked by a full-time farm worker.

BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	NL	AT	PL	PT	SI	SK	FI	SE	UK
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

In this category are found:

- the managers on independent holdings, including spouses and other members of the holders' families who are also manager; that is where the answer is 'yes' to either B/2(a) or B/2(b)
- the partners on group holdings who have been identified as managers
- the managers on holdings where the holder is a legal person.

(The managers who are at the same time sole holders or partners identified as being the holder of a group holding are recorded only once, that is, as a holder in category L/1).

The following information is recorded for each person mentioned above:

- the gender
- the age according to the following age classes:
 - from school leaving age to < 25 years, 25 to 34, 35 to 44, 45 to 54, 55 to 64, 65 and over

[illegible][illegible]

[illegible]

0 %, > 0 to < 25 %, 25 to < 50 %, 50 to < 75 %, 75 to < 100 %, 100 % (full time) of annual time worked by a full-time farm worker.

BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

3 (a) Other members of sole holders' families carrying out farm work for the holding: male (excluding persons in categories L/1, L/1(a) and L/2)

3 (b) Other members of sole holders' families carrying out farm work for the holding: female (excluding persons in categories L/1, L/1(a) and L/2)

The following information on the number of persons on the holding corresponding to the following classes is to be recorded for each person of the categories mentioned above:

— the age according to the following age classes:

from school leaving age to < 25 years, 25 to 34, 35 to 44, 45 to 54, 55 to 64, 65 and over ⁽¹⁾

— The farm work on the holding (apart from housework) according to the classification:

> 0 to < 25 %, 25 to < 50 %, 50 to < 75 %, 75 to < 100 %, 100 % (full time) of annual time worked by a full-time farm worker.

⁽¹⁾ Not recorded in the 2007 survey.

BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

4 (a) Non-family labour regularly employed: male (excluding persons in categories L/1, L/1a, L/2 and L/3)

4 (b) Non-family labour regularly employed: female (excluding persons in categories L/1, L/1a, L/2 and L/3)

The following information on the number of persons on the holding corresponding to the following classes is to be recorded for each of the categories mentioned above:

— the age according to the following age classes:

from school leaving age to < 25 years, 25 to 34, 35 to 44, 45 to 54, 55 to 64, 65 and over ⁽¹⁾

— the farm work on the holding (apart from housework) according to the classification:

> 0 to < 25 %, 25 to < 50 %, 50 to < 75 %, 75 to < 100 %, 100 % (full time) of annual time worked by a full-time farm worker

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

⁽¹⁾ Not recorded in the 2007 survey.

	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
Number of working days																									

5. and 6 Non-family labour employed on a non regular basis: male and female

7. Does the holder who is also the manager have any other gainful activities?

— as his/her major occupation?
yes/no

— as a subsidiary occupation?
yes/no

8. Does the sole holder's spouse have any other gainful activity?

— as his/her major occupation?
yes/no

— as a subsidiary occupation?
yes/no

9. Does any other member of the sole holder's family engaged in the farm work of the holding have any other gainful activity? If 'yes', how many have other gainful activities:

— as his/her major occupation?

— as a subsidiary occupation?

10. Total number of equivalent full-time working days of farm work during the 12 months preceding the day of the survey, not included under 1/1 to 1/6, undertaken on the holding by persons not employed directly by the holding (e.g. contractors' employees) ⁽¹⁾

number of persons																										
number of persons																										
number of days														NE				NS	NS							

⁽¹⁾ Optional for Member States that are able to provide an overall estimate for this characteristic at regional level.

BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

1. Other gainful activities on the holding (other than agriculture), directly related to the holding

[illegible]

ANNEX II

AMENDMENTS TO ANNEX I TO DECISION 2000/115/EC

1. *Amendments to paragraph A:*

subparagraph A/1 II:

‘The regions and districts for the purposes of the agricultural structure surveys are listed in Annex IV.’;

and the following sentence in paragraph A/1 (a) II:

‘If these codes cannot be transmitted, the Member State communicates instead, for each holding, the information indicated in characteristics A/2, A/2(a) and A/3.’;

are deleted.

2. *Amendments to paragraph C:*

the following subparagraph is added to paragraph C:

‘C/05. **Farming system and practices**1. *C/5 (f) Aid for investments during the last five years*

I. Public aid for investment concerns measures covered by Regulation (EC) No 1257/1999 concerning rural development.

II. “Directly” means that the characteristic does not cover investment aid which is not paid directly to the holding but provided at a higher level (regional or group), even if the holding would have benefited from this aid indirectly. Examples of investments not covered are:

- basic services for the rural economy and population,
- development and improvement of infrastructure connected with the development of agriculture,
- setting-up of farm relief and farm management services,
- marketing of quality agricultural products,
- land improvement,
- reparaCelling.

Nor does the question cover support and measures existing in Regulation (EC) No 1257/1999 that are not related to investments such as:

- training (chapter III),
- early retirement (chapter IV),
- LFA and areas with environmental restrictions (chapter V),
- agro-environment (chapter VI).

2. *C/5 (f) (i) Benefit from public aid within the framework of productive investments*

I. Productive investments concern, in Regulation 1257/1999:

- Article 4 : investment in agricultural holdings;
- Article 8: setting-up of young farmers.

3. C/5 (f) (ii) *Benefit from public aid within the framework of rural development measures*

I. The rural development measures covered by this question are certain measures implemented under Article 33 of Regulation (EC) No 1257/1999:

- renovation and development of villages and protection and conservation of the rural heritage,
- diversification of agricultural activities and activities close to agriculture to provide multiple activities or alternative incomes,
- encouragement for tourist and craft activities,
- protection of the environment in connection with agriculture, forestry and landscape conservation as well as with the improvement of animal welfare,
- financial engineering,

as well as investment in forestry (chapter VIII).

C/06 Destination of the holding's production

4. C/6 (a) *The holder's household consumption*

II. Gifts to family and relatives without remuneration should be considered as household consumption. Final production follows the definition used in agricultural accounts (i.e. production used as inputs for other production, such as forage for animal production, should not be taken into account in the total of production).

The 50 % should of course not be considered as an exact threshold, but just as an order of magnitude.

5. C/6(b) *Direct sales to consumers*

II. The 50 % should of course not be considered as the result of an exact estimation, but as an order of magnitude.'

ANNEX III

Time limits for communicating the validated individual survey data to Eurostat

Member State	Time limits Farm structure surveys 2005	Time limits Farm structure surveys 2007
Belgium	30 June 2006	31 May 2008
Czech Republic	30 June 2006	30 June 2008
Denmark	31 May 2006	31 May 2008
Germany	30 September 2006	30 September 2008
Estonia	30 June 2006	30 June 2008
Greece	31 December 2006	31 December 2008
Spain	31 December 2006	31 December 2008
France	31 December 2006	31 December 2008
Ireland	30 June 2006	31 May 2008
Italy	31 October 2006	30 September 2008
Cyprus	30 September 2006	30 September 2008
Latvia	30 June 2006	30 June 2008
Lithuania	31 March 2006	31 March 2008
Luxembourg	31 May 2006	31 May 2008
Hungary	30 September 2006	30 September 2008
Malta	31 July 2006	31 July 2008
Netherlands	31 July 2006	31 July 2008
Austria	30 September 2006	30 September 2008
Poland	31 March 2006	31 March 2008
Portugal	31 December 2006	31 December 2008
Slovenia	30 June 2006	30 June 2008
Slovak Republic	31 October 2006	30 September 2008
Finland	31 August 2006	31 August 2008
Sweden	30 June 2006	30 June 2008
United Kingdom	31 August 2006	31 August 2008

COMMISSION REGULATION (EC) No 2140/2004**of 15 December 2004****laying down detailed rules for the application of Regulation (EC) No 1245/2004 as regards applications for fisheries licences in waters in the exclusive economic zone of Greenland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1245/2004 of 28 June 2004 on the conclusion of the Protocol modifying the fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other⁽¹⁾, and in particular the second subparagraph of Article 4 thereof,

Whereas:

- (1) Regulation (EC) No 1245/2004 provides that owners of Community vessels who receive a licence for a Community vessel authorised to fish in waters in the exclusive economic zone of Greenland are to pay a licence fee in accordance with Article 11(5) of the fourth Protocol.
- (2) Article 11(5) of the fourth Protocol provides that the implementing technical modalities for the attribution of fisheries licences are to be agreed by an administrative arrangement between the Parties.

- (3) The local Government of Greenland and the Community have held negotiations to determine the licence application and issuing formalities and, following those negotiations, an administrative arrangement was initialled on 30 September 2004.

- (4) The measures provided for in that administrative arrangement should be applied accordingly.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The fisheries licence application and issuing formalities referred to in Article 4 of Regulation (EC) No 1245/2004 shall be as set out in the administrative agreement in the Annex hereto.

Article 2

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, 15 December 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 237, 8.7.2004, p. 1.

ANNEX

Administrative Arrangement on licences between the European Commission, the Government of Denmark and the Home Rule Government of Greenland.**Conditions for the exercise of fishing activities by Community vessels in the Greenland fishing zone**

A LICENCE APPLICATION AND ISSUING FORMALITIES

1. The shipowners shall present to the European Commission via the national authorities by 1 March or thirty days before the beginning of the fishing trip an application for each vessel wishing to fish under the Agreement. Applications shall be made on the forms provided for that purpose by Greenland, specimens of which are attached (Appendix 1). Each licence application shall be accompanied by proof of payment of the fee for the licence's term of validity. The fees shall include all national and local charges related to access to fishing activities. The Greenland Fisheries Authority will charge an administration fee of 1 % of the licence fee.

The European Commission shall present to the Greenland Fisheries Authority an application, made by the shipowner, for each vessel wishing to fish under the Agreement.

2. The Greenland Fisheries Authority shall communicate, before the entry into force of the Administrative Arrangement, all information concerning the bank accounts to be used for the payment of the fee.
3. Licences shall be issued for specific vessels and shall not be transferable, subject to the provisions of paragraph 4. Licences shall indicate the maximum quantity authorised to catch and retain on board. An amendment of any maximum quantity indicated in the licence shall be subject to a new licence request. In the case where a vessel exceeds any maximum quantity indicated in its licence, it shall pay a fee for the quantity in excess to the maximum quantity indicated in its licence. No new licence is issued to that vessel as long as the fees corresponding to the exceeded quantity are not paid. This fee is calculated in accordance with Part B 3.
4. However, in the case of *force majeure* and at the request of the Commission, a vessel's licence may be replaced by a new licence for another vessel with characteristics similar to those of the first vessel. The new licence shall indicate:

— the date of issue,

— the fact that it invalidates and replaces the licence of the previous vessel.

5. In case of 'swapping' of maximum quantities, in whole or in part, indicated in the licences, new licences shall be issued and the former licence withdrawn. In that case no licence fee is required.
6. Licences shall be transmitted by the Greenland Fisheries Authority to the Commission within 15 working days of receipt of the application.
7. The original licence or a copy of it must be held on board at all times and be presented at any time on request of the competent Greenland authorities.

B VALIDITY OF LICENCES AND PAYMENT

1. Licences shall be valid from the date of issue to the end of the calendar year in which the licence has been issued. They shall be issued within 15 working days of receipt of the application following payment of the required licence fees per year for each vessel.

As far as the capelin fishery is concerned, licences shall be issued from 20 June to 31 December and 1 January to 30 April.

2. The licence fees shall be based on the following:

— 2005: 2 % of the price per tonne of the species,

— 2006: 3 % of the price per tonne of the species

3. The licence fees for 2005 are based on Annex VI of the Protocol and are as follows:

Species	EUR per tonne
Redfish	28
Greenland Halibut	51
Shrimp	42
Atlantic Halibut	56
Capelin	2
Roundnose Grenadier	12
Snowcrab	81

The total licence fee (maximum quantity authorised to be fished multiplied with price per tonne) will be charged with a Greenlandic administration fee of one percent of the licence fee.

When the maximum authorised quantity is not fished, the fee corresponding to this maximum authorised quantity is not reimbursed to the shipowner.

4. The licence fees for 2006 will be fixed in November 2005 by an Annex to this Administrative Arrangement based on Annex VI of the Protocol.
5. The Greenland Fisheries Authority will draw up a statement of fees in respect of the previous calendar year on the basis of licences issued to Community vessels and other information in the possession of the Greenland Fisheries Authority.

The statement will be sent to the Commission before 5 January of the following year.

C MODALITIES FOR THE PAYMENT OF THE FINANCIAL COMPENSATION REFERRED TO IN ARTICLE 11 OF THE PROTOCOL

1. Referring to Article 11(1) of the Protocol, the financial compensation shall be payable annually at the beginning of each fishing year.

Referring to Article 11(5) of the Protocol, the financial compensation is, with the revision, composed of two segments: the EC financial compensation and the shipowners licence fees.

The amounts expected to be obtained by Greenland through licence fees paid by shipowners will be deducted from the EC financial compensation.

2. Following the end of the fishing year, the amount paid by the shipowners is examined and the balance between the result of full utilisation and payment of licence fees is transferred to the Greenland Authorities as soon as possible, in addition to the next year's EC financial compensation.

D DATE OF ENTRY INTO FORCE

This administrative arrangement shall enter into force on 1 January 2005.

Appendix 1

Application for licence in Greenlandic waters

1	Nationality	
2	Name of vessel	
3	EC community fleet register number	
4	External identification letters and number	
5	Port of registration	
6	Radio call sign	
7	Inmarsat number (telephone, telex, e-mail) ⁽¹⁾	
8	Year of building	
9	Type of vessel	
10	Type of fishing gear	
11	Target species and quantity	
12	Fishing area (ICES/NAFO)	
13	Time period for a licence	
14	Owners, address, telephone, telex, e-mail	
15	Vessel operator	
16	Name of master	
17	Number of crew members	
18	Engine power (KW)	
19	Length (L.O.A.)	
20	Tonnage in GT	
21	Representative in Greenland Name and address	
22	Address to where the licence should be mailed, fax	European Commission, Directorate-General Fisheries, Rue de la Loi 200, B-1049 Brussels, Fax (32-2) 296 23 38

⁽¹⁾ May be forwarded when application has been approved.

COMMISSION REGULATION (EC) No 2141/2004**of 15 December 2004****laying down, for the 2004/2005 marketing year, the revised production estimate for unginned cotton and the resulting new provisional reduction in the guide price**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

percentage increase of 12 % for Greece and 7,5 % for Spain and Portugal should be applied for the 2004/2005 marketing year.

Having regard to the Treaty establishing the European Community,

(4) The new provisional reduction in the guide price must be calculated in accordance with Article 7 of Regulation (EC) No 1051/2001, but replacing actual production by the revised production estimate increased as above.

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton ⁽¹⁾,

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Natural Fibres,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular the second indent of Article 19(2) thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

(1) Article 16(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾ provides that the revised production estimate for unginned cotton referred to in the second subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 and the resulting new provisional reduction in the guide price are to be established before 1 December of the marketing year concerned.

1. For the 2004/2005 marketing year, the revised production estimate for unginned cotton is hereby set at:

— 1 103 000 tonnes for Greece,

— 344 640 tonnes for Spain,

(2) Article 19(2) of Regulation (EC) No 1051/2001 provides that the revised production estimate is to be established taking account of the progress of the harvest. That revised estimate should therefore be fixed on the basis of data available for the 2004/2005 marketing year.

— 926 tonnes for Portugal.

2. For the 2004/2005 marketing year, the new provisional reduction in the guide price shall be:

(3) The second subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 provides that from 16 December following the start of the marketing year, the amount of the advance is to be determined based on the revised production estimate, plus at least 7,5 %. In view of the most recent figures on quantities placed in supervised storage notified by the Member States in accordance with Article 15(4)(c)(i) of Regulation (EC) No 1591/2001 and of uncertainty about the situation with regard to Greek production, as a safety margin, a

— EUR 39 437/100kg for Greece,

— EUR 27 957/100 kg for Spain,

— EUR 0/100 kg for Portugal.

⁽¹⁾ Protocol as last amended by Council Regulation (EC) No 1050/2001 (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).

Article 2

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

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

Done at Brussels, 15 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 2142/2004**of 15 December 2004****fixing the import duties in the cereals sector applicable from 16 December 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.

- (4) The import duties are applicable until new duties are fixed and enter into force.

- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.

- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 December 2004.

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

Done at Brussels, 15 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 16 December 2004

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	32,26
1005 10 90	Maize seed other than hybrid	52,37
1005 90 00	Maize other than seed ⁽²⁾	52,37
1007 00 90	Grain sorghum other than hybrids for sowing	32,26

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- EUR 3/t, where the port of unloading is on the Mediterranean Sea, or
- EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

period from 1.12.2004-14.12.2004

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	109,43 (**)	59,79	156,74 (****)	146,74 (****)	126,74 (****)	79,95 (****)
Gulf premium (EUR/t)	—	11,13	—			—
Great Lakes premium (EUR/t)	23,12	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(****) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

(****) Fob Duluth.

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 35,18 EUR/t; Great Lakes–Rotterdam: 46,26 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
-
- 0,00 EUR/t (SRW2).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 7 December 2004

authorising the French Republic and the Italian Republic to apply a measure derogating from Article 3(1) of the Sixth Council Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes

(2004/853/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 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Under Article 27 of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce special measures for derogation from the provisions of the Directive, in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance.

(2) In a request submitted to the Commission and registered by the Commission's Secretariat-General on 24 March 2004, the French and the Italian Governments sought authorisation to derogate from Article 3 of Directive 77/388/EEC.

(3) In accordance with Article 27(2) of Directive 77/388/EEC, the Commission informed the other Member States by letter of 1 June 2004 of the request made by the French and the Italian Governments and by letter of 3 June 2004 the Commission notified the French Republic and the Italian Republic that it had all the information it considered necessary for appraisal of the request.

(4) Between France and Italy there are two tunnels: Mont Blanc (Monte Bianco) and Fréjus. The border between the two States is inside the tunnel but it would be impractical to arrange collection of tolls inside. The first indent of Article 3(1) of Directive 77/388/EEC stipulates that the '... "territory of a Member State" shall mean the territory of the country ...'. Under the current rules, therefore, the taxable amount of the tolls should be related to the length of the tunnel which belongs to each State. Since it would be expensive and disruptive to have a toll booth at each end of the tunnel for each Member State to collect their share of the toll, tolls are collected as a whole at the entrance of the tunnel. Each journey through the tunnel should be invoiced with two tolls and two different VAT rates: one for the French territory and one for the Italian territory. Moreover the taxable amount and the VAT should afterwards be shared between the two Member States. Thus the VAT is an additional complicating factor in an already complex mechanism of financial compensation resulting from the sharing of the management costs for the tunnel.

(5) The purpose of the derogation requested by France and Italy is to seek authorisation to derogate from Article 3 of Directive 77/388/EEC in relation to the tunnel of Mont Blanc (Monte Bianco) and tunnel of Fréjus.

⁽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).

- (6) For both tunnels the two States wish to consider the entire length of the carriageway within the tunnel as the territory of the State in which any transit journey through the tunnel using the carriageway starts. Thus the French office will apply French VAT to the entire toll for all journeys starting from the French side. The same mechanism will be applied by the Italian office to all journeys starting from the Italian side.
- (7) This derogation only has effect with regard to the charging of tolls and in order to simplify the way in which VAT is calculated and accounted for. It does not affect the VAT territory of Italy or France for the purposes of any other supplies.
- (8) The intended measure is designed to solve the problems outlined above by simplifying the arrangements for paying the tax and is essentially of a technical nature. It does not adversely affect the Communities' own resources provided from VAT, nor does it have any effect on the amount of the tax due at the final stage of consumption.
- (9) As the matter involved is the territory definition for VAT purposes to which there should be no changes, the requested derogation should be granted for an indefinite period,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 3 of Directive 77/388/EEC, France and Italy are hereby authorised to consider the carriageway within the tunnels of Mont Blanc (Monte Bianco) and Fréjus, for their entire length, as part of the territory of the Member State from which any journey using the carriageway starts.

Article 2

Article 1 shall apply to the tunnels' tolls only.

Article 3

This Decision is addressed to the French Republic and the Italian Republic.

Done at Brussels, 7 December 2004.

For the Council
The President
G. ZALM

COUNCIL DECISION

of 7 December 2004

amending Decision 2001/865/EC authorising the Kingdom of Spain to apply a measure derogating from Article 11 of the Sixth Council Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes

(2004/854/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) By Decision 2001/865/EC⁽²⁾ the Council authorised the Kingdom of Spain, by way of derogation from Article 11(A)(1)(a) of Directive 77/388/EEC, to include in the taxable amount of a supply of goods or a supply of services the value of any gold used by the supplier and provided by the recipient in cases where the supply of the gold to the recipient is exempt in accordance with Article 26b of Directive 77/388/EEC.
- (2) The aim of that derogation was to avoid abuse of the exemption for investment gold and thus to prevent certain types of tax evasion or avoidance.
- (3) By letter registered with the Secretariat-General of the Commission on 4 August 2004, the Spanish Government requested an extension of the validity of Decision 2001/865/EC, which expires on 31 December 2004.
- (4) In accordance with Article 27(2) of Directive 77/388/EEC, the Commission informed the other Member States by letter dated 9 August 2004 of the request made by the Kingdom of Spain. By letter dated 10 August 2004, the Commission notified the Kingdom of Spain that it had all the information it considered necessary for appraisal of the request.
- (5) According to the Spanish authorities, the derogation authorised by Decision 2001/865/EC has been effective in achieving the aims stated above.

(6) The derogations pursuant to Article 27 of Directive 77/388/EEC which counter VAT avoidance linked to the exemption for investment gold may be included in a future proposal for a Directive rationalising some of the derogations pursuant to that Article.

(7) It is therefore necessary to extend the validity of the derogation granted under Decision 2001/865/EC until the entry into force of a Directive rationalising the derogations pursuant to Article 27 of Directive 77/388/EEC which covers the avoidance of value added tax linked to the exemption for investment gold, or until 31 December 2009, whichever is the earlier.

(8) The derogation will have no negative impact on the Community's own resources provided from VAT,

HAS ADOPTED THIS DECISION:

Article 1

Article 2 of Decision 2001/865/EC shall be replaced by the following:

'Article 2

The authorisation granted under Article 1 shall expire on the date of entry into force of a directive rationalising the derogations pursuant to Article 27 of Directive 77/388/EEC which counter avoidance of value added tax linked to the exemption for investment gold or on the 31 December 2009, whichever is the earlier.'

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 7 December 2004.

For the Council
The President
G. ZALM

⁽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 323, 7.12.2001, p. 24.

COUNCIL DECISION

of 7 December 2004

amending Article 3 of Decision 98/198/EC authorising the United Kingdom to extend application of a measure derogating from Articles 6 and 17 of the Sixth Council Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes

(2004/855/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) Pursuant to Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce or extend special measures for derogation from that Directive, in order to simplify the procedure of charging the tax or to prevent certain types of tax evasion or avoidance.
- (2) By Decisions 95/252/EC⁽²⁾ and 98/198/EC⁽³⁾, the Council authorised the United Kingdom to apply a measure derogating from Articles 6 and 17 of Directive 77/388/EEC.
- (3) By letter registered with the Commission's Secretariat-General on 14 June 2004, and subsequently circulated to all Member States on 7 July 2004, the United Kingdom Government has requested an extension of the abovementioned derogation.
- (4) The extant derogation allows the United Kingdom to restrict to 50% the right of the hirer or lessee to deduct input tax on charges for the hire or lease of a

business passenger car where the car is also used for private purposes. It also allows the United Kingdom not to treat as supplies of services for consideration the private use of a car hired or leased by a taxable person for business purposes. The derogation removes the need for the hirer/lessee to keep records of private mileage travelled in business cars and to account for tax on the actual private mileage of each car. It is therefore a simplification measure but also limits the scope for abuse through incorrect record keeping.

- (5) The legal and factual circumstances which justified granting authorisation to apply the original derogation have not changed and are therefore still relevant.
- (6) In the light of Commission proposals to amend Directive 77/388/EEC with regard to restrictions on the right to deduct VAT, it is appropriate to extend the period of the authorisation until such relevant amendments come into force. However, this authorisation will expire on 31 December 2007 at the latest if no such amendments have entered into force by that date, enabling an assessment to be made at that time of the necessity for a derogation in the light of further discussions of the proposals held in the Council.
- (7) An extension will have no impact on the European Communities' own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision 98/198/EC shall be replaced by the following:

'Article 3

This authorisation shall expire on the date of entry into force of Community rules determining what expenditure relating to motorised road vehicles is not to be eligible for full deduction of value added tax, but on 31 December 2007 at the latest.'

⁽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 159, 11.7.1995, p. 19.

⁽³⁾ OJ L 76, 13.3.1998 p. 31. Decision as last amended by Decision 2003/909/EC (OJ L 342, 30.12.2003, p. 49).

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 7 December 2004.

For the Council

The President

G. ZALM

COUNCIL DECISION

of 7 December 2004

amending Decision 2000/746/EC authorising the French Republic to apply a measure derogating from Article 11 of the sixth Council Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes

(2004/856/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) By Decision 2000/746/EC⁽²⁾, the Council authorised the French Republic, by way of derogation from Article 11(A)(1)(a) of Directive 77/388/EEC, to include in the taxable amount of a supply of goods or a supply of services the value of any gold used by the supplier and provided by the recipient in cases where the supply of the gold to the recipient is exempt in accordance with Article 26b of Directive 77/388/EEC.

(2) The aim of that derogation was to avoid abuse of the exemption for investment gold and thus to prevent certain types of tax evasion or avoidance.

(3) By letter registered with the Secretariat-General of the Commission on 6 July 2004, the French Government requested an extension of Decision 2000/746/EC, which expires on 31 December 2004.

(4) In accordance with Article 27(2) of Directive 77/388/EEC, the Commission informed the other Member States by letter dated 10 August 2004 of the request made by the French Republic and notified the French Republic that it had all the information it considered necessary for appraisal of the request.

(5) According to the French authorities, the derogation authorised by Decision 2000/746/EC has been effective in achieving the aims stated above.

(6) The derogations pursuant to Article 27 of Directive 77/388/EEC which counter VAT avoidance linked to the exemption for investment gold may be included in a future proposal for a directive rationalising some of the derogations pursuant to that Article.

(7) It is therefore necessary to extend the validity of the derogation granted under Decision 2000/746/EC until the entry into force of a directive rationalising the derogations pursuant to Article 27 of Directive 77/388/EEC which covers the avoidance of value added tax linked to the exemption for investment gold or until 31 December 2009, whichever is the earlier.

(8) The derogation will have no negative impact on the European Communities' own resources provided from VAT,

HAS ADOPTED THIS DECISION:

Article 1

Article 2 of Decision 2000/746/EC shall be replaced by the following:

'Article 2

The authorisation granted under Article 1 shall expire on the date of entry into force of a directive rationalising the derogations pursuant to Article 27 of Directive 77/388/EEC which counter avoidance of value added tax linked to the exemption for investment gold or on 31 December 2009, whichever is the earlier.'

⁽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 302, 1.12.2000, p. 61.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 7 December 2004.

For the Council

The President

G. ZALM

COMMISSION

COMMISSION DECISION

of 8 December 2004

amending Decision 97/222/EC laying down the list of third countries from which the Member States authorise the importation of meat products

(notified under document number C(2004) 4563)

(Text with EEA relevance)

(2004/857/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, and in particular Articles 3(1) and 16 in conjunction with the first indent of Article 21a(1) thereof,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and as regards pathogens, to Directive 90/425/EEC⁽²⁾, and in particular Article 10(2)(a) and (3)(a) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽³⁾, and in particular Article 8(1) and (4) thereof,

Whereas:

(1) Commission Decision 97/222/EC⁽⁴⁾ establishes a list of third countries or parts of third countries from which the importation of meat products are authorised.

⁽¹⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽²⁾ OJ L 62, 15.3.1993, p. 49. Directive as last amended by Commission Regulation (EC) No 445/2004 (OJ L 72, 11.3.2004, p. 60).

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ OJ L 89, 4.4.1997, p. 39. Decision as last amended by Decision 2004/245/EC (OJ L 77, 13.3.2004, p. 62).

(2) To ensure transparency and harmonisation of the codes for certain treatment regimes as laid down in the tables in Part II and III of the Annex to Decision 97/222/EC, it is necessary to amend and clarify some of the footnotes with reference to the origin and provenance of fresh meat.

(3) In the description of regionalised territories in Part I of the Annex to Decision 97/222/EC, there are outdated references to legislation that has now been repealed and replaced by new acts. It is therefore necessary to update those references. The corresponding codes of territories and treatment regimes in Part II of the Annex to Decision 97/222/EC should also be updated accordingly.

(4) Therefore, Part I, II and IV of the Annex to Decision 97/222/EC should be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 97/222/EC is amended as follows:

1. Part I of the Annex is replaced by the text in Annex I to this Decision;
2. Part II of the Annex is replaced by the text in Annex II to this Decision;
3. Part IV of the Annex is replaced by the text in Annex III to this Decision.

Article 2

This Decision shall apply from 23 December 2004.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 December 2004.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

'Description of regionalised territories as laid down for the countries listed in parts II and III

Country	Territory		Description of territory
	Code	Version	
Argentina	AR		Whole country
	AR-1	1/2004	The whole country except the Provinces of Chubut, Santa Cruz and Tierra del Fuego
	AR-2	1/2004	The Provinces of Chubut, Santa Cruz and Tierra del Fuego
Bulgaria	BG		Whole country
	BG-1	—	As described in Part I of Annex II to Council Decision 79/542/EEC ⁽¹⁾ (as last amended)
	BG-2	—	As described in Part I of Annex II to Council Decision 79/542/EEC ⁽¹⁾ (as last amended)
Brazil	BR		Whole country
	BR-1	—	As described in Annex I to Commission Decision 94/984/EC ⁽²⁾ (as last amended)
Serbia and Montenegro	CS		Whole country as described in Part I of Annex II to Council Decision 79/542/EEC ⁽¹⁾ (as last amended)
Malaysia	MY		Whole country
	MY-1	95/1	Peninsular (western) Malaysia only

⁽¹⁾ OJ L 146, 14.6.1976, p. 15.⁽²⁾ OJ L 378, 31.12.1994, p. 11.'

ANNEX II

PART II

Third countries or parts thereof from where meat products are authorised for importation into the European Community

Code ISO	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game	Domestic rabbit and farmed leporidae	Wild cloven hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
AR	Argentina AR	C	C	C	A	A	A	C	C	XXX	A	D	XXX
	Argentina AR-1 ⁽¹⁾	C	C	C	A	A	A	C	C	XXX	A	D	XXX
	Argentina AR-2 ⁽¹⁾	A ⁽²⁾	A ⁽²⁾	C	A	A	A	C	C	XXX	A	D	XXX
AU	Australia	A	A	A	A	D	A	A	A	XXX	A	D	A
BG	Bulgaria BG	D	D	D	A	D	A	D	D	XXX	A	D	XXX
	Bulgaria BG-1	A	A	D	A	D	A	A	D	XXX	A	D	XXX
	Bulgaria BG-2	D	D	D	A	D	A	D	D	XXX	A	D	XXX
BH	Bahrain	B	B	B	B	XXX	A	C	C	XXX	A	XXX	XXX
BR	Brazil	C	C	C	A	D	A	C	C	XXX	A	D	XXX
	Brazil BR-1	C	C	C	A	A	A	C	C	XXX	A	A	XXX
BW	Botswana	B	B	B	B	XXX	A	B	B	A	A	XXX	XXX
BY	Belarus	C	C	C	B	XXX	A	C	C	XXX	A	XXX	XXX
CA	Canada	A	A	A	A	A	A	A	A	XXX	A	A	A

Code ISO	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven- hoofed game (excluding swine)	Domestic ovine/ caprine	1. Domestic porcine 2. Farmed cloven- hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game	Domestic rabbit and farmed leporidae	Wild cloven hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
CH	Switzerland	A	A	A	A	A	A	A	D	XXX	A	A	XXX
CL	Chile	A	A	A	A	A	A	B	B	XXX	A	A	XXX
CN	People's Republic of China	B	B	B	B	B	A	B	B	XXX	A	B	XXX
CO	Colombia	B	B	B	B	XXX	A	B	B	XXX	A	XXX	XXX
CS	Serbia and Montenegro	A	A	D	A	D	A	D	D	XXX	A	XXX	XXX
ET	Ethiopia	B	B	B	B	XXX	A	B	B	XXX	A	XXX	XXX
GL	Greenland	XXX	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	A	A
HK	Hong Kong	B	B	B	B	D	A	B	B	XXX	A	XXX	XXX
HR	Croatia	A	A	D	A	A	A	A	D	XXX	A	A	XXX
IL	Israel	B	B	B	B	D	A	B	B	XXX	A	D	XXX
IN	India	B	B	B	B	XXX	A	B	B	XXX	A	XXX	XXX
IS	Iceland	B	B	B	A	A	A	B	B	XXX	A	A	XXX
KE	Kenya	B	B	B	B	XXX	A	B	B	XXX	A	XXX	XXX
KR	South Korea	XXX	XXX	XXX	XXX	D	A	XXX	XXX	XXX	A	D	XXX
MA	Morocco	B	B	B	B	XXX	A	B	B	XXX	A	XXX	XXX

Code ISO	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/ caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game	Domestic rabbit and farmed leporidae	Wild cloven hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
MG	Madagascar	B	B	B	B	D	A	B	B	XXX	A	D	XXX
MK	Former Yugoslav Republic of Macedonia ⁽³⁾	A	A	B	A	XXX	A	B	B	XXX	A	XXX	XXX
MU	Mauritius	B	B	B	B	XXX	A	B	B	XXX	A	XXX	XXX
MX	Mexico	A	D	D	A	D	A	D	D	XXX	A	D	XXX
MY	Malaysia MY	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
	Malaysia MY-1	XXX	XXX	XXX	XXX	D	A	XXX	XXX	XXX	A	D	XXX
NA	Namibia ⁽¹⁾	B	B	B	B	D	A	B	B	A	A	D	XXX
NZ	New Zealand	A	A	A	A	A	A	A	A	XXX	A	A	A
PY	Paraguay	C	C	C	B	XXX	A	C	C	XXX	A	XXX	XXX
RO	Romania	A	A	D	A	A	A	A	D	XXX	A	A	A
RU	Russia	C	C	C	B	XXX	A	C	C	XXX	A	XXX	A
SG	Singapore	B	B	B	B	D	A	B	B	XXX	A	XXX	XXX
SZ	Swaziland	B	B	B	B	XXX	A	B	B	A	A	XXX	XXX
TH	Thailand	B	B	B	B	A	A	B	B	XXX	A	D	XXX
TN	Tunisia	C	C	B	B	A	A	B	B	XXX	A	D	XXX
TR	Turkey	XXX	XXX	XXX	XXX	D	A	XXX	XXX	XXX	A	D	XXX
UA	Ukraine	XXX	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	XXX	XXX

Code ISO	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game	Domestic rabbit and farmed leporidae	Wild cloven hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
US	United States of America	A	A	A	A	A	A	A	A	XXX	A	A	XXX
UY	Uruguay	C	C	B	A	D	A	XXX	XXX	XXX	A	D	XXX
ZA	South Africa ⁽¹⁾	C	C	C	A	D	A	C	C	A	A	D	XXX
ZW	Zimbabwe ⁽¹⁾	C	C	B	A	D	A	B	B	XXX	A	D	XXX

⁽¹⁾ See Part III of the present Annex for minimum treatment requirements applicable to pasteurised meat products and biltong.

⁽²⁾ For meat products prepared from fresh meat obtained from animals slaughtered after 1 March 2002.

⁽³⁾ Former Yugoslav Republic of Macedonia: provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations.

XXX: Meat products containing meat of these species are not authorised.

ANNEX III

PART IV**Interpretation of codes used in tables in parts II and III***Non-specific treatment regime:*

- A = No minimum specified temperature or other treatment is established for animal health purposes for the meat product. However, to qualify as a "meat product", the meat must have undergone a treatment such that its cut surface shows that it no longer has the characteristics of fresh meat and the fresh meat used must also satisfy the animal health rules applicable to the export of fresh meat to the European Community.

Specific treatment regimes — listed in descending order of severity:

- B = Treatment in a hermetically sealed container to an F_0 value of three or more.
- C = A Minimum temperature of 80 °C which must be reached throughout the meat during the processing of the meat product.
- D = A Minimum temperature of 70 °C which must be reached throughout the meat during the processing of meat products, or for raw ham, a treatment consisting of natural fermentation and maturation of not less than nine months and resulting in the following characteristics:
- A_w value of not more than 0,93,
 - pH value of not more than 6,0.
- E = In the case of "biltong"-type products, a treatment to achieve:
- A_w value of not more than 0,93,
 - pH value of not more than 6,0.
- F = A Heat treatment ensuring that a centre temperature of at least 65 °C is reached for a period of time as necessary to achieve a pasteurisation value (pv) equal to or above 40.'
-

COMMISSION DECISION**of 15 December 2004****setting up an executive agency, the 'Executive Agency for the Public Health Programme', for the management of Community action in the field of public health — pursuant to Council Regulation (EC) No 58/2003**

(2004/858/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

tation of technical projects which do not entail political decision-making and requires a high level of technical and financial expertise throughout the project cycle.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

(1) Regulation (EC) No 58/2003 empowers the Commission to set up executive agencies in accordance with the general statute laid down by the said Regulation and to entrust them with certain management tasks relating to one or more Community programmes; this Decision does not affect the scope of the Regulation.

(2) The purpose of empowering the Commission to set up executive agencies is to allow it to focus on core activities and functions which cannot be outsourced, without relinquishing control over, or ultimate responsibility for, activities managed by the said executive agencies.

(3) Management of the programme of Community action in the field of public health, adopted by Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002⁽²⁾, involves implemen-

(4) The delegation to an executive agency of tasks related to programme implementation is possible, with a clear separation between the project programming stage, which is the task of the Commission, and the project implementation stage, which would be entrusted to the executive agency.

(5) A cost-benefit study carried out for that purpose showed that the executive agency would be a more economical means of improving the effectiveness of the way in which the public health programme is implemented. Based on the characteristics of this programme, the emphasis is on delegating technical tasks, the main aim being to strengthen the connections between the said Community programme and communities of experts in the Member States.

(6) The agency will have to mobilise high-level expertise in order to meet the objectives defined by the Commission and under its control. The agency will also have to make it possible to optimise the implementation of the programme by facilitating the recruitment of specialists in public health matters.

(7) In addition to its tasks in the long term, the agency will improve flexibility in the implementation of the programme. The agency's annual work programme will ensure that it supports the setting of annual priorities for the implementation of the public health programme, arranged and decided by the Commission following the opinion of the programme committee.

⁽¹⁾ OJ L 11, 16.1.2003, p. 1.

⁽²⁾ OJ L 271, 9.10.2002, p. 1. Decision as last amended by Decision No 786/2004/EC (OJ L 138, 30.4.2004, p. 7).

- (8) Management based on the results obtained by the agency, together with the establishment of the necessary procedures and channels of control and coordination, will make it possible to simplify the ways in which the programme is implemented by the Commission. The Commission will be able to capitalise on the technical work carried out by the agency, by developing, in parallel and in an appropriate manner, tasks which require political discretion. The Commission will also develop tasks relating to the implementation of the programme which it would be inappropriate to entrust to the agency.
- (9) Cooperation between the agency and the Commission, and the accomplishment of the agency's specific tasks as regards disseminating information and providing assistance to networks, should help to raise the profile of Community action in the field of public health.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee for Executive Agencies,

DECIDES:

Article 1

Establishment

1. An executive agency for the management of the Community programme in the field of public health (the Agency), the statute of which is laid down in Regulation (EC) No 58/2003, is hereby established.
2. The name of the Agency shall be the 'Executive Agency for the Public Health Programme'.

Article 2

Location

The Agency shall be located in Luxembourg.

Article 3

Term

The Agency is hereby established for a period beginning on 1 January 2005 and ending on 31 December 2010.

Article 4

Objectives and tasks

1. Under the Community programme in the field of public health established by Decision No 1786/2002/EC (framework Decision), the Agency is hereby entrusted with implementing the tasks concerning Community aid under the programme, except for programme evaluation, monitoring of legislation,

or any other action which could come under the exclusive competence of the Commission. In particular, it is hereby entrusted with the following tasks:

- (a) managing all the phases in the lifetime of specific projects, in the context of implementing the programme on public health, on the basis of Decision No 1786/2002/EC and of the work plan provided for in that Decision and adopted by the Commission, and the necessary checks to that end, taking the relevant decisions where the Commission has empowered it to do so;
- (b) adopting the instruments of budget execution for revenue and expenditure and carrying out, where the Commission has empowered it to do so, all the operations necessary for the management of the Community programme and, in particular, those linked to the award of contracts and grants;
- (c) providing logistical, scientific and technical support, in particular by organising technical meetings (management of expert working groups), preparatory studies, seminars or conferences.

2. The Commission decision delegating authority to the Agency shall set out in detail all the tasks entrusted to the Agency. It shall be forwarded to the Committee for Executive Agencies by way of information.

Article 5

Organisational structure

1. The Agency shall be managed by a Steering Committee and a Director appointed by the Commission.
2. The members of the Steering Committee shall be appointed for two years.
3. The Director shall be appointed for four years.

Article 6

Grant

The Agency shall receive a grant entered in the general budget of the European Union and taken from the funds allocated to the programme on public health.

Article 7

Supervision and reporting requirement

The Agency shall be subject to supervision by the Commission and shall report regularly on progress in implementing the programmes for which it is responsible, in accordance with the arrangements and at the intervals stipulated in the instrument of delegation.

*Article 8***Implementation of the operating budget**

The Agency shall implement its operating budget in accordance with the provisions of the standard financial regulation ⁽¹⁾.

Done at Brussels, 15 December 2004.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes (OJ L 297, 22.9.2004, p. 6).