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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2182/2004
of 6 December 2004
concerning medals and tokens similar to euro coins

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank⁽¹⁾,

Whereas:

(1) On 1 January 1999, the euro became the legal currency of the participating Member States in accordance with the requirements of Council Regulation (EC) No 974/1998 of 3 May 1998 on the introduction of the euro⁽²⁾ and of those third countries which have concluded an agreement with the Community on the introduction of the euro, namely Monaco, San Marino, and the Vatican City.

(2) Council Regulation (EC) No 975/1998 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation⁽³⁾ defined the basic features of euro coins. Euro coins, following their introduction in January 2002, circulate throughout the euro area as sole legal tender in metallic form.

(3) Commission Recommendation 2002/664/EC of 19 August 2002 concerning medals and tokens similar to the euro coins⁽⁴⁾ recommended that certain visual characteristics should be avoided in the sale and production, stocking, importation and distribution, for sale or for other commercial purposes, of medals and tokens whose size is close to that of euro coins.

(4) The Commission Communication of 23 July 1997 on the use of the euro symbol established the symbol '€' and called upon all currency users to use the symbol for the description of monetary amounts denominated in euro.

(5) The Commission communication of 22 October 2001 on copyright protection of the common face design of the euro coins⁽⁵⁾ defined the arrangements to be applied for the reproduction of the common face design of euro coins.

(6) The visual characteristics of the euro coins were published by the Commission on 28 December 2001⁽⁶⁾.

(7) Citizens may be led to believe that medals and tokens bearing the terms 'euro' or 'euro cent', the euro symbol, or a design similar to that which appears on the common face or on any of the national sides of the euro coins, have legal-tender status in any of the Member States that have adopted the euro, or in a participating third country.

(8) There is an increasing risk that medals and tokens having a size and metal properties similar to euro coins may be unlawfully used in the place of euro coins.

(9) It is therefore appropriate that medals and tokens having visual characteristics, size or metal properties which are similar to euro coins should not be sold, produced, imported or distributed for the purpose of sale or for other commercial purposes.

(10) It is for each Member State to introduce applicable sanctions for infringements, with a view to achieving an equivalent protection of the euro against similar medals and tokens throughout the Community.

⁽¹⁾ OJ C 134, 12.5.2004, p. 11.

⁽²⁾ OJ L 139, 11.5.1998, p. 1. Regulation as amended by Regulation (EC) No 2596/2000 (OJ L 300, 29.11.2000, p. 2).

⁽³⁾ OJ L 139, 11.5.1998, p. 6. Regulation as amended by Regulation (EC) No 423/1999 (OJ L 52, 27.2.1999, p. 2).

⁽⁴⁾ OJ L 225, 22.8.2002, p. 34.

⁽⁵⁾ OJ C 318, 13.11.2001, p. 3.

⁽⁶⁾ OJ C 373, 28.12.2001, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation the following definitions shall apply:

- (a) 'euro' means the legal currency of participating Member States as defined in Article 1 of Regulation (EC) No 974/98 and of those participating third countries which have concluded an agreement with the Community on the introduction of the euro (hereinafter referred to as participating third countries);
- (b) 'euro symbol' means the symbol representing the euro '€' as shown and described in Annex I;
- (c) 'medals and tokens' means those metallic objects, other than blanks intended for striking coins, which have the appearance and/or technical properties of a coin but are not issued under national or participating third country legislative provisions or other foreign legislative provisions, and which therefore are neither a legal means of payment nor legal tender;
- (d) 'gold', 'silver' and 'platinum' mean alloys containing gold, silver and platinum with a millesimal fineness in weight of at least 375, 500 and 850 respectively. This definition shall not concern hallmarking conventions applicable in Member States;
- (e) 'European Technical and Scientific Centre' (hereinafter referred to as ETSC) means the entity established by the Commission Decision of 29 October 2004;
- (f) 'reference band' shall have the meaning given to it in Section 1 of Annex II.

Article 2

Protective provisions

Subject to Articles 3 and 4, the production and sale of medals and tokens, and their importation and distribution for sale or for other commercial purposes, shall be prohibited in the following circumstances:

- (a) when the terms 'euro' or 'euro cent' or the euro symbol appear on their surface; or
- (b) when their size is inside the reference band; or
- (c) when any design appearing on the surface of medals and tokens is similar to any of the national obverse designs or to the common reverse face of euro coins, or is identical or similar to the edge design of the two-euro coin.

Article 3

Exemptions

- 1. Medals and tokens bearing the terms 'euro' or 'euro cent' or the euro symbol without an associated nominal value shall not be prohibited when their size is outside the reference band.
- 2. Medals and tokens whose size is inside the reference band shall not be prohibited when:
 - (a) they are pierced with a hole of over 6 millimetres in the centre, or when their shape is polygonal but not exceeding six edges, provided the condition under point (c)(ii) is respected; or
 - (b) they are made of gold or silver or platinum; or
 - (c) when they fulfil the following conditions:
 - (i) the combinations of diameter and edge height of medals and tokens are consistently outside the ranges defined in each of the cases specified in Section 2 of Annex II; and
 - (ii) the combinations of diameter and metal properties of medals and tokens are consistently outside the ranges defined in each of the cases specified in Section 3 of Annex II.

Article 4

Derogations by authorisation

1. The Commission may grant specific authorisations to use the terms 'euro' or 'euro cent' or the euro symbol under controlled conditions of utilisation in cases where no risk of confusion exists. In such cases, the economic operator concerned within a Member State shall be clearly identifiable on the surface of the medal or token and the indication 'Not legal tender' must be stamped on the obverse or the reverse of the medal or token.

2. The Commission shall be competent to declare whether a design is 'similar' within the meaning of Article 2(c).

Article 5

Existing medals and tokens

Medals and tokens issued before the entry into force of this Regulation which do not satisfy the conditions set out in Articles 2, 3 and 4 may continue to be used until the end of the year 2009, at the latest, unless they are capable of being used in place of euro coins. Those medals and tokens shall be recorded, if appropriate, according to the procedures applicable in the Member States and communicated to the ETSC.

*Article 6***Sanctions**

1. Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

2. Member States shall adopt by 1 July 2005 the laws, regulations and administrative provisions for applying this Article. They shall forthwith inform the Commission thereof.

*Article 7***Applicability**

This Regulation shall apply in the participating Member States as defined in Regulation (EC) No 974/98.

*Article 8***Entry into force**

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 the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 6 December 2004.

For the Council

The President

H. HOOGERVORST

ANNEX I

APPEARANCE OF THE EURO SYMBOL AS MENTIONED IN ARTICLE 1



ANNEX II

1. Definition of the reference band referred to in Article 1

- (a) The reference band for the size of medals and tokens is the set of combinations between the values for diameter and values for edge height included in the reference range for diameter and the reference range for edge height respectively.
- (b) Reference range for diameter is the one between 19,00 millimetres and 28,00 millimetres.
- (c) Reference range for edge height is the one included between 7,00 % and 12,00 % of each value within the reference range for diameter.

2. Ranges referred to in Article 3(2)(c)(i)

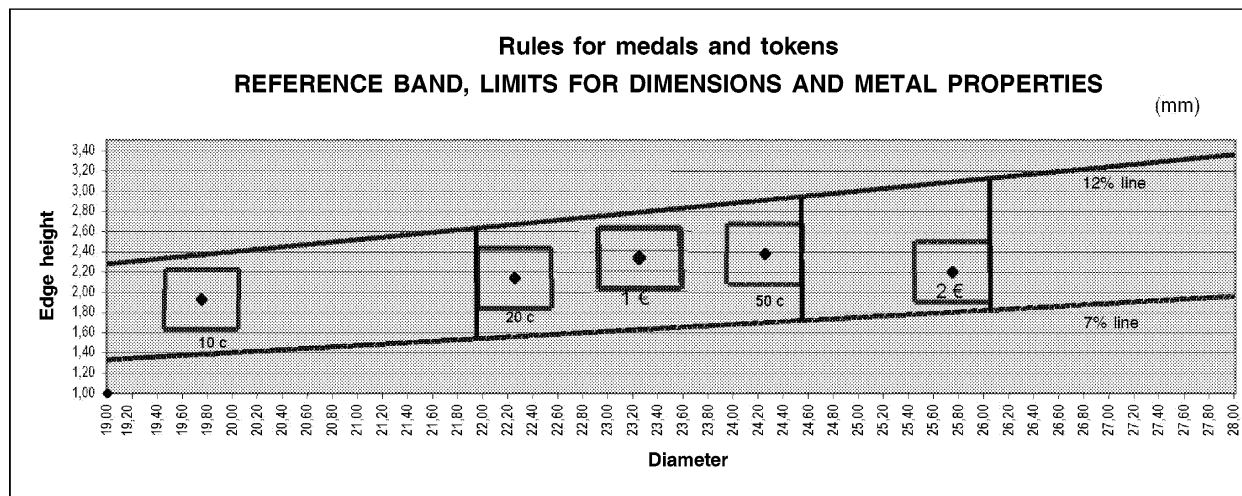
Defined ranges		
	Diameter (mm)	Edge height (mm)
1.	19,45-20,05	1,63-2,23
2.	21,95-22,55	1,84-2,44
3.	22,95-23,55	2,03-2,63
4.	23,95-24,55	2,08-2,68
5.	25,45-26,05	1,90-2,50

3. Ranges referred to in Article 3(2)(c)(ii)

	Diameter (mm)	Metal properties
1.	19,00-21,94	Electrical conductivity between 14,00 and 18,00 % IACS
2.	21,95-24,55	Electrical conductivity between: — 14,00 and 18,00 % IACS; or — 4,50 and 6,50 % IACS, unless the medal or token is of single alloy and its magnetic moment is outside the range from 1,0 to 7,0 $\mu\text{Vs.cm}$
3.	24,56-26,05	Electrical conductivity between: — 15,00 and 18,00 % IACS; or — 13,00 and 15,00 % IACS, unless the medal or token is of single alloy and its magnetic moment is outside the range from 1,0 to 7,0 $\mu\text{Vs.cm}$
4.	26,06-28,00	Electrical conductivity between 13,00 and 15,00 % IACS, unless the medal or token is of single alloy and its magnetic moment is outside the range from 1,0 to 7,0 $\mu\text{Vs.cm}$

4. Graphical representation

The following graph provides an indicative illustration of definitions in this Annex:



COUNCIL REGULATION (EC) No 2183/2004**of 6 December 2004****extending to the non-participating Member States the application of Regulation (EC) No 2182/2004
concerning medals and tokens similar to euro coins**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) When it adopted Regulation (EC) No 2182/2004⁽²⁾ the Council indicated that the Regulation should apply in the participating Member States as defined in Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro⁽³⁾.

- (2) However, it is important that the rules concerning medals and tokens similar to euro coins should be uniform throughout the Community, and the requisite provisions should be adopted to that end,

HAS ADOPTED THIS REGULATION:

Article 1

The application of Regulation (EC) No 2182/2004 shall be extended to Member States other than the participating Member States as defined in Regulation (EC) No 974/98.

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, 6 December 2004.

For the Council

The President

H. HOOGERVORST

⁽¹⁾ Opinion of 1 April not yet published in the Official Journal.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ L 139, 11.5.1998, p. 1. Regulation as last amended by Regulation (EC) No 2596/2000 (OJ L 300, 29.11.2000, p. 2).

COMMISSION REGULATION (EC) No 2184/2004**of 20 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 21 December 2004.

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

Done at Brussels, 20 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 20 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	102,1
	204	83,9
	999	93,0
0707 00 05	052	92,0
	999	92,0
0709 90 70	052	117,1
	204	70,4
	999	93,8
0805 10 10, 0805 10 30, 0805 10 50	052	60,4
	204	47,4
	388	50,7
	528	41,6
	999	50,0
0805 20 10	204	61,8
	999	61,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	72,3
	204	43,2
	624	82,1
	999	65,9
0805 50 10	052	52,4
	528	39,0
	999	45,7
0808 10 20, 0808 10 50, 0808 10 90	388	150,1
	400	67,6
	404	101,6
	720	59,9
	999	94,8
0808 20 50	400	97,8
	528	47,6
	720	64,7
	999	70,0

⁽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 2185/2004

of 17 December 2004

opening for the year 2005 a tariff quota applicable to the importation into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular, Article 7(2) thereof,

Having regard to Council Decision 2004/859/EC of 25 October 2004 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway⁽²⁾, and in particular article 3 thereof,

Whereas:

(1) Protocol 2 to the bilateral free trade agreement between the European Economic Community and the Kingdom of Norway⁽³⁾, of the one hand, and Protocol 3 to the EEA Agreement⁽⁴⁾, determine the trade arrangements for certain agricultural and processed agricultural products between the Contracting Parties.

(2) Protocol 3 to the EEA Agreement, as amended by Decision 138/2004 of the EEA Joint Committee amending Protocol 3 to the EEA Agreement, concerning products referred to in Article 8(3)(b) of the Agreement⁽⁵⁾ provides for a zero duty applying to goods classified under CN codes 2202 10 00 (waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured) and ex 2202 90 10 (other non-alcoholic beverages containing sugar (sucrose or invert sugar)).

(3) The zero duty has been temporarily suspended for Norway by the Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the bilateral free trade Agreement between the European Economic Community and the Kingdom of Norway, approved by Council Decision 2004/859/EC. Pursuant to point IV of that Agreement, duty free imports of goods of the CN codes 2202 10 00 (waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured) and ex 2202 90 10 (other non-alcoholic beverages containing sugar (sucrose or invert sugar)) originating in Norway are permitted only within the limits of a duty free quota.

(4) It is therefore necessary to open this quota for the year 2005.

(5) In order to facilitate the set up of the quota and to ensure an appropriate management of it, in the interest of operators, the benefit of the exoneration of the duties within the quota should be temporarily conditional to the presentation to the Community customs authorities of a certificate issued by the Norwegian authorities.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

Article 1

1. For 1 January to 31 December 2005, the Community tariff quota set out in Annex I is opened for the goods originating in Norway which are listed in that Annex under the conditions specified therein.

2. The rules of origin mutually applicable under this agreement shall be as set out in Protocol 3 of the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway.

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 370, 17.12.2004, p. 70.

⁽³⁾ OJ L 171, 27.6.1973, p. 1.

⁽⁴⁾ OJ L 22, 24.1.2002, p. 37.

⁽⁵⁾ OJ L 342, 18.11.2004, p. 30.

3. The benefit from the exoneration of the duties within the quota set out in Annex I shall be conditional upon the presentation to the Community customs authorities of the certificate set out in Annex II, as issued to the exporters by the Norwegian authorities in one of the Community languages.

4. For quantities imported above the quota or for which the certificate referred to in paragraph 3 has not been presented, a duty of 0,047 EUR/litre shall apply.

Article 2

The Community tariff quota referred to in article 1(1) shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall be applicable from 1 January 2005.

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

Done at Brussels, 17 December 2004.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX I

Tariff Quota applicable upon import into the Community of goods originating in Norway

Order No	CN code	Product description	Annual quota volume for 2005	Rate of duty applicable within the limits of the quota	Rate of the duty applicable above the quota volume
09.0709	2202 10 00	— Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	14,3 million litres	Exemption	0,047 EUR/litre
	ex 2202 90 10	other non-alcoholic beverages containing sugar (sucrose or invert sugar)			

ANNEX II

CERTIFICATE**Mineral waters**

1. Exporter (name, full address)	2. Serial No of issue	ORIGINAL	
3. Consignee (name, full address)	CERTIFICATE For the duty free admission to the Community of waters classified under CN-Code 2202 10 00 and ex 2202 90 10		
4. Number and date of invoice	5. Country of origin NORWAY	6. Member State of destination	
IMPORTANT The original and where appropriate, a copy of the certificate must be presented to the customs office in the Community at the time when the product is being put into free circulation.			
7. CN-Code (10 digits)			
8. Marks, numbers, number and kind of packages in the exported quantity		9. Volume (litres)	
10. IT IS HEREBY CERTIFIED that the particulars set out above are accurate and comply with the Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway Place: Oslo 2004 10 25 Year Month Day			
11. Issuing agency Norwegian Agricultural Authority Postboks 8140 Dep. N-0033 Oslo, Norway		<i>(Signature and stamp of issuing agency)</i>	

COMMISSION REGULATION (EC) No 2186/2004**of 20 December 2004****amending Regulation (EC) No 1613/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Laos regarding certain exports of textiles to the Community**

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⁾, and in particular Article 247 thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽²⁾, and in particular Article 76 thereof,

Whereas:

(1) By Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period 1 January 2002 to 31 December 2004⁽³⁾, the Community granted generalised tariff preferences to Laos.

(2) Commission Regulation (EEC) No 2454/93 establishes the definition of the concept of originating products to be used for the purposes of the scheme of generalised tariff preferences (GSP). However, Regulation (EEC) No 2454/93 provides for derogations in favour of least-developed GSP-beneficiary countries which submit an appropriate request to that effect to the Community.

(3) Laos has benefited from such a derogation for certain textiles since 1997, in the last instance by virtue of Commission Regulation (EC) No 1613/2000 of 24 July 2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Laos regarding certain exports of textiles to the Community⁽⁴⁾, as amended by Regulation No 291/2002⁽⁵⁾, which extended its validity until 31 December 2004. By letters dated 4 May 2004 and 4 August 2004, Laos has submitted a request for the renewal of this derogation.

(4) The request submitted by Laos has been considered by the Commission and has been found to be duly substantiated.

(5) When the validity of Regulation No 1613/2000 was extended, it was considered that its expiry should coincide with the ending of the current GSP scheme, which was due to end on that date. However, Regulation No 2211/2003⁽⁶⁾ extended the validity of the GSP scheme for a further year, until 31 December 2005.

(6) On 18 December 2003 the Commission published a Green Paper on the future of rules of origin in preferential trade arrangements⁽⁷⁾ which opened a wide-ranging debate on the subject. On 7 July 2004 it published a Communication to the Council, the European Parliament and the Economic and Social Committee entitled 'Developing countries, international trade and sustainable development: the function of the Community's generalised system of preferences (GSP) for the 10-year period from 2006 to 2015'⁽⁸⁾, which also acknowledged the need for change in rules of origin. However, no decisions have yet been taken and no new rules will be in place before 31 December 2004.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by the 2003 Act of Accession.

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

⁽³⁾ OJ L 346, 31.12.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1928/2004 (OJ L 321, 22.10.2004, p. 23).

⁽⁴⁾ OJ L 185, 25.7.2000, p. 38.

⁽⁵⁾ OJ L 46, 16.2.2002, p. 12.

⁽⁶⁾ OJ L 332, 19.12.2003, p. 1.

⁽⁷⁾ COM(2003) 787 final.

⁽⁸⁾ COM(2004) 461 final.

(7) A prolongation of the derogation should not prejudice or prejudice the outcome of discussions on possible new rules of origin for GSP. However, the interests of traders concluding contracts both in Laos and in the Community, as well as the stability and the sustained development of the Lao industry in terms of ongoing investment and employment, require that the derogation should be prolonged for a period of time sufficient to permit the continuation or conclusion of longer-term contracts, while facilitating the transition to possible new rules of origin for GSP.

(8) The provisions of Regulation (EC) No 1613/2000, in particular the existence of quantitative limits, which apply on an annual basis, reflecting the Community market's capacity to absorb the Lao products, Laos's export capacity and actual recorded trade flows, were designed to prevent injury to the corresponding branches of Community industry.

(9) The derogation should therefore be renewed until 31 December 2006. However, in order to ensure fair treatment both for Laos and for other least developed countries, the continuing need for the derogation should be reviewed once any new rules of origin are adopted in the context of the new GSP.

(10) Regulation (EC) No 1613/2000 should therefore be amended accordingly.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1613/2000 is amended as follows:

— in Article 2, '31 December 2004' is replaced by '31 December 2006';

— the following paragraph is added:

'The continuing need for the derogation shall however be reviewed not later than 31 December 2005, in accordance with the new provisions to be adopted with regard to the generalised system of preferences and the rules of origin related thereto'.

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, 20 December 2004.

For the Commission

László KOVÁCS

Member of the Commission

COMMISSION REGULATION (EC) No 2187/2004

of 20 December 2004

amending Regulation (EC) No 1615/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Nepal regarding certain exports of textiles to the Community

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⁾, and in particular Article 247 thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽²⁾, and in particular Article 76 thereof,

Whereas:

(1) By Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period 1 January 2002 to 31 December 2004⁽³⁾, the Community granted generalised tariff preferences to Nepal.

(2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 establishes the definition of the concept of originating products to be used for the purposes of the scheme of generalised tariff preferences (GSP). However, Regulation (EEC) No 2454/93 provides for derogations in favour of least-developed GSP-beneficiary countries which submit an appropriate request to that effect to the Community.

(3) Nepal has benefited from such a derogation for certain textiles since 1997, in the last instance by virtue of Commission Regulation (EC) No 1615/2000 of 24 July 2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Nepal regarding certain exports of textiles to the Community⁽⁴⁾, as amended by Regulation No 293/2002⁽⁵⁾, which extended its validity until 31 December 2004. By letter dated 10 June 2004, Nepal has submitted a request for the renewal of this derogation.

(4) The request submitted by Nepal has been considered by the Commission and has been found to be duly substantiated.

(5) When the validity of Regulation No 1615/2000 was extended, it was considered that its expiry should coincide with the ending of the current GSP scheme, which was due to end on that date. However, Regulation No 2211/2003⁽⁶⁾ extended the validity of the GSP scheme for a further year, until 31 December 2005.

(6) On 18 December 2003 the Commission published a Green Paper on the future of rules of origin in preferential trade arrangements⁽⁷⁾ which opened a wide-ranging debate on the subject. On 7 July 2004 it published a Communication to the Council, the European Parliament and the Economic and Social Committee entitled 'Developing countries, international trade and sustainable development: the function of the Community's generalised system of preferences (GSP) for the 10-year period from 2006 to 2015'⁽⁸⁾, which also acknowledged the need for change in rules of origin. However, no decisions have yet been taken and no new rules will be in place before 31 December 2004.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by the 2003 Act of Accession.

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

⁽³⁾ OJ L 346, 31.12.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1828/2004 (OJ L 321, 22.10.2004, p. 23).

⁽⁴⁾ OJ L 185, 25.7.2000, p. 46.

⁽⁵⁾ OJ L 46, 16.2.2002, p. 14.

⁽⁶⁾ OJ L 332, 19.12.2003, p. 1.

⁽⁷⁾ COM(2003) 787 final.

⁽⁸⁾ COM(2004) 461 final.

- (7) A prolongation of the derogation should not pre-judge or prejudice the outcome of discussions on possible new rules of origin for GSP. However, the interests of traders concluding contracts both in Nepal and in the Community, as well as the stability and the sustained development of the Nepalese industry in terms of ongoing investment and employment, require that the derogation should be prolonged for a period of time sufficient to permit the continuation or conclusion of longer-term contracts, while facilitating the transition to possible new rules of origin for GSP.
- (8) The provisions of Regulation (EC) No 1615/2000, in particular the existence of quantitative limits, which apply on an annual basis, reflecting the Community market's capacity to absorb the Nepalese products, Nepal's export capacity and actual recorded trade flows, were designed to prevent injury to the corresponding branches of Community industry.
- (9) The derogation should therefore be renewed until 31 December 2006. However, in order to ensure fair treatment both for Nepal and for other least developed countries, the continuing need for the derogation should be reviewed once any new rules of origin are adopted in the context of the new generalised system of preferences.
- (10) Regulation (EC) No 1615/2000 should therefore be amended accordingly.

- (11) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1615/2000 is amended as follows:

- in Article 2, '31 December 2004' is replaced by '31 December 2006';
- the following paragraph is added:

'The continuing need for the derogation shall however be reviewed not later than 31 December 2005, in accordance with the new provisions to be adopted with regard to the generalised system of preferences and the rules of origin related thereto'.

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, 20 December 2004.

For the Commission

László KOVÁCS

Member of the Commission

COMMISSION REGULATION (EC) No 2188/2004

of 20 December 2004

amending Regulation (EC) No 1615/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Nepal regarding certain exports of textiles to the Community

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⁾, and in particular Article 247 thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽²⁾, and in particular Article 76 thereof,

Whereas:

(1) By Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period 1 January 2002 to 31 December 2004⁽³⁾, the Community granted generalised tariff preferences to Nepal.

(2) Regulation (EEC) No 2454/93 of 2 July 1993 establishes the definition of the concept of originating products to be used for the purposes of the scheme of generalised tariff preferences (GSP). However, Regulation (EEC) No 2454/93 provides for derogations in favour of least-developed GSP-beneficiary countries which submit an appropriate request to that effect to the Community.

(3) Nepal has benefited from such a derogation for certain textiles since 1997, in the last instance by virtue of Commission Regulation (EC) No 1615/2000 of 24 July 2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Nepal regarding certain exports of textiles to the Community⁽⁴⁾, as amended by Regulation (EC) No 293/2002⁽⁵⁾, which extended its validity until 31 December 2004. By letter dated 14 June 2004, Nepal has submitted a request for the renewal of this derogation.

(4) The request submitted by Nepal has been considered by the Commission and has been found to be duly substantiated.

(5) When the validity of Regulation (EC) No 1615/2000 was extended, it was considered that its expiry should coincide with the ending of the current GSP scheme, which was due to end on that date. However, Council Regulation (EC) No 2211/2003⁽⁶⁾ extended the validity of the GSP scheme for a further year, until 31 December 2005.

(6) On 18 December 2003, the Commission published a Green Paper on the future of rules of origin in preferential trade arrangements⁽⁷⁾ which opened a wide-ranging debate on the subject. On 7 July 2004, it published a Communication to the Council, the European parliament and the Economic and Social Committee entitled 'Developing countries, international trade and sustainable development: the function of the Community's generalised system of preferences (GSP) for the 10-year period from 2006 to 2015'⁽⁸⁾, which also acknowledged the need for change in rules of origin. However, no decisions have yet been taken and no new rules will be in place before 31 December 2004.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by the 2003 Act of accession.

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

⁽³⁾ OJ L 346, 31.12.2001, p. 1. Regulation as last amended by Regulation (EC) No 1828/2004 (OJ L 321, 22.10.2004, p. 23).

⁽⁴⁾ OJ L 185, 25.7.2000, p. 54.

⁽⁵⁾ OJ L 46, 16.2.2002, p. 16.

⁽⁶⁾ OJ L 332, 19.12.2003, p. 1.

⁽⁷⁾ COM(2003) 787 final.

⁽⁸⁾ COM(2004) 461 final.

- (7) A prolongation of the derogation should not prejudice or prejudice the outcome of discussions on possible new rules of origin for GSP. However, the interests of traders concluding contracts both in Nepal and in the Community, as well as the stability and the sustained development of the Nepalese industry in terms of ongoing investment and employment, require that the derogation should be prolonged for a period of time sufficient to permit the continuation or conclusion of longer-term contracts, while facilitating the transition to possible new rules of origin for GSP.
- (8) The provisions of Regulation (EC) No 1615/2000, in particular the existence of quantitative limits, which apply on an annual basis, reflecting the Community market's capacity to absorb the Nepalese products, Nepal's export capacity and actual recorded trade flows, were designed to prevent injury to the corresponding branches of Community industry.
- (9) The derogation should therefore be renewed until 31 December 2006. However, in order to ensure fair treatment both for Nepal and for other least developed countries, the continuing need for the derogation should be reviewed once any new rules of origin are adopted in the context of the new generalised system of preferences.
- (10) Regulation (EC) No 1615/2000 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Regulation (EC) No 1615/2000 is amended as follows:
- in Article 2, '31 December 2004' is replaced by '31 December 2006', and
- the following paragraph is added:
- 'The continuing need for the derogation shall however be reviewed not later than 31 December 2005, in accordance with the new provisions to be adopted with regard to the generalised system of preferences and the rules of origin related thereto.'
- Article 2*
- This Regulation shall enter into force on the seventh day following that of 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, 20 December 2004.

For the Commission
László KOVÁCS
Member of the Commission

COMMISSION REGULATION (EC) No 2189/2004**of 20 December 2004****fixing the standard fee per farm return for the 2005 accounting year of the farm accountancy data network**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community⁽¹⁾,

Having regard to Commission Regulation (EEC) No 1915/83 of 13 July 1983 on certain detailed implementing rules concerning the keeping of accounts for the purpose of determining the incomes of agricultural holdings⁽²⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 5(1) of Regulation (EEC) No 1915/83 provides that a standard fee shall be paid by the Commission to

the Member States for each duly completed farm return forwarded to it within the period prescribed in Article 3 of that Regulation.

- (2) Commission Regulation (EC) No 134/2004⁽³⁾ fixed the amount of the standard fee for the 2004 accounting year at EUR 140 per farm return. The trend in costs and its effects on the cost of completing the farm return justify a revision of the fee.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

The standard fee provided for in Article 5(1) of Regulation (EEC) No 1915/83 shall be fixed at EUR 142.

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*.

It shall apply for the 2005 accounting year.

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

Done at Brussels, 20 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 109, 23.6.1965, p. 1859/65. Regulation last amended by Commission Regulation (EC) No 660/2004 (OJ L 104, 8.4.2004, p. 97).

⁽²⁾ OJ L 190, 14.7.1983, p. 25. Regulation amended by Regulation (EC) No 1388/2004 (OJ L 255, 31.7.2004, p. 5).

⁽³⁾ OJ L 21, 28.1.2004, p. 8.

COMMISSION REGULATION (EC) No 2190/2004**of 20 December 2004****amending Regulation (EC) No 1433/2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operational funds, operational programmes and financial assistance**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Member States should be able to allow expenditure to be eligible from 1 January of the year following the application.

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, and in particular Article 48 thereof,

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

Whereas:

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) Article 11 of Commission Regulation (EC) No 1433/2003⁽²⁾ provides that producer organisations already recognised are to submit their operational programmes to the competent national authority for approval.

1. the following paragraph is added to Article 11:

(2) Producer groups applying for recognition under Article 11(2) of Regulation (EC) No 2200/96 should also be explicitly allowed to submit their operational programmes at the same time. Those programmes may not be approved unless the producer organisation in question has been recognised by the national authority no later than the final date laid down in Article 13(2) of Regulation (EC) No 1433/2003.

‘Producer groups applying for recognition as producer organisations under Article 11(2) of Regulation (EC) No 2200/96 may at the same time submit the operational programmes referred to in the first paragraph for approval. Approval of those programmes shall be subject to obtainment of recognition no later than the final date laid down in Article 13(2).’;

(3) Articles 13 and 14 of Regulation (EC) No 1433/2003 provide that the competent national authority is to take decisions on programmes and funds or amendments thereto, following submission by the producer organisations in accordance with Articles 11 and 14 of that Regulation, no later than the final date of 15 December. In view of the experience gained over the last few years, as a result of administrative overload, some Member States are unable to examine all the programmes or take decisions on them by that date.

2. the following subparagraph is added to Article 13(2):

‘However, for duly justified reasons, Member States may take a decision on operational programmes and funds not later than 20 January following the date of the application. The approval decision may stipulate that expenditure is eligible from 1 January of the year following the application.’;

(4) Instead of applying systematic derogations, and in order not to harm traders and to allow the national authorities to continue examining applications, the Member States should be allowed, for duly justified reasons, to postpone the final date of 15 December to 20 January of the year following that in which the application is submitted.

3. the following subparagraph is added to Article 14(3):

‘However, for duly justified reasons, Member States may take a decision on amendments to operational programmes not later than 20 January following the date of the application. The approval decision may stipulate that expenditure is eligible from 1 January of the year following the application.’;

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

⁽²⁾ OJ L 203, 12.8.2003, p. 25. Regulation as last amended by Regulation (EC) No 1813/2004 (OJ L 319, 20.10.2004, p. 5).

4. the following subparagraph is added to Article 16(2):

‘Where Article 13(2) or Article 14(3) are applied, and notwithstanding the first and second subparagraphs, the implementation of operational programmes approved in accordance with these provisions shall commence not later than 31 January following their approval.’;

5. the third paragraph of Article 17 is replaced by the following:

‘Where Article 13(2) or Article 14(3) are applied, and notwithstanding the second subparagraph, Member States

shall give notification of the approved amount of aid not later than 20 January.

Member States shall communicate to the Commission not later than 31 January the total amount of aid approved for all operational programmes.’

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, 20 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 2191/2004**of 20 December 2004****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2005.

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

Done at Brussels, 20 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

ANNEX

to the Commission Regulation of 20 December 2004 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	A00	EUR/t	0
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	A00	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	A00	EUR/t	0
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	A00	EUR/t	0
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	A00	EUR/t	0				

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

COMMISSION REGULATION (EC) No 2192/2004**of 20 December 2004****fixing the corrective amount applicable to the refund on cereals**

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⁾, and in particular Article 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2005.

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

Done at Brussels, 20 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

ANNEX

to the Commission Regulation of 20 December 2004 fixing the corrective amount applicable to the refund on cereals

(EUR/t)								
Product code	Destination	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	0	0	0	0	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0	0	0	0	—	—
1101 00 15 9130	A00	0	0	0	0	0	—	—
1101 00 15 9150	A00	0	0	0	0	0	—	—
1101 00 15 9170	A00	0	0	0	0	0	—	—
1101 00 15 9180	A00	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended. The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 2193/2004
of 20 December 2004
fixing the export refunds on malt

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⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1(1)(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2005.

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

Done at Brussels, 20 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

ANNEX

to the Commission Regulation of 20 December 2004 fixing the export refunds on malt

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

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

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

COMMISSION REGULATION (EC) No 2194/2004
of 20 December 2004
fixing the corrective amount applicable to the refund on malt

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 organization of the market in cereals⁽¹⁾, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾ allows for the fixing of a corrective amount for the malt referred to in Article 1(1)(c) of Regulation (EEC) No 1766/92.

That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 2005.

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

Done at Brussels, 20 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

ANNEX

to the Commission Regulation of 20 December 2004 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 7	7th period 8	8th period 9	9th period 10	10th period 11	11th period 12
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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

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

COMMISSION REGULATION (EC) No 2195/2004**of 20 December 2004****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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⁾ and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽²⁾ and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽³⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

(3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

(4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 January 2005.

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

Done at Brussels, 20 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽³⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 20 December 2004 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	57,30
1102 20 10 9400	49,12
1103 11 10 9200	0,00
1103 13 10 9100	73,67
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 2196/2004**of 20 December 2004****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip⁽¹⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan,

Morocco and the West Bank and the Gaza Strip⁽²⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 21 December 2004.

It shall apply from 22 December 2004 to 4 January 2005.

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

Done at Brussels, 20 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture
and Rural Development*

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

ANNEX

to the Commission Regulation of 20 December 2004 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 22 December 2004 to 4 January 2005

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	16,33	11,52	41,60	19,73
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	—	—
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	13,24	—	—	—

COMMISSION REGULATION (EC) No 2197/2004
of 20 December 2004
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 16,658 EUR/100 kg.

Article 2

This Regulation shall enter into force on 21 December 2004.

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

Done at Brussels, 20 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

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

COMMISSION REGULATION (EC) No 2198/2004**of 20 December 2004****fixing the production refund for olive oil used in the manufacture of certain preserved foods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, and in particular Article 20a thereof,

Whereas:

- (1) Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry. Pursuant to paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months.
- (2) By virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing

the export refunds for those olive oils during the reference period. It is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund.

- (3) The application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of January and February 2005, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be 44,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 1 January 2005.

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

Done at Brussels, 20 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture
and Rural Development*

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

COUNCIL DIRECTIVE 2004/113/EC**of 13 December 2004****implementing the principle of equal treatment between men and women in the access to and supply of goods and services**

THE COUNCIL OF THE EUROPEAN UNION,

European Convention for the Protection of Human Rights and Fundamental Freedoms, to which all Member States are signatories.

Having regard to the Treaty establishing the European Community and in particular Article 13(1) thereof,

Having regard to the proposal from the Commission,

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

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

Having regard to the opinion of the Committee of the Regions⁽³⁾,

Whereas:

(1) In accordance with Article 6 of the Treaty on European Union, the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States, and respects fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States as general principles of Community law.

(2) The right to equality before the law and protection against discrimination for all persons constitutes a universal right recognised by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination and the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and by the

(3) While prohibiting discrimination, it is important to respect other fundamental rights and freedoms, including the protection of private and family life and transactions carried out in that context and the freedom of religion.

(4) Equality between men and women is a fundamental principle of the European Union. Articles 21 and 23 of the Charter of Fundamental Rights of the European Union prohibit any discrimination on grounds of sex and require equality between men and women to be ensured in all areas.

(5) Article 2 of the Treaty establishing the European Community provides that promoting such equality is one of the Community's essential tasks. Similarly, Article 3(2) of the Treaty requires the Community to aim to eliminate inequalities and to promote equality between men and women in all its activities.

(6) The Commission announced its intention of proposing a directive on sex discrimination outside of the labour market in its Communication on the Social Policy Agenda. Such a proposal is fully consistent with Council Decision 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005)⁽⁴⁾ covering all Community policies and aimed at promoting equality for men and women by adjusting these policies and implementing practical measures to improve the situation of men and women in society.

(7) At its meeting in Nice of 7 and 9 December 2000, the European Council called on the Commission to reinforce equality-related rights by adopting a proposal for a directive on promoting gender equality in areas other than employment and professional life.

⁽¹⁾ Opinion delivered on 30 March 2004 (not yet published in the Official Journal).

⁽²⁾ OJ C 241, 28.9.2004, p. 44.

⁽³⁾ OJ C 121, 30.4.2004, p. 27.

⁽⁴⁾ OJ L 17, 19.1.2001, p. 22.

- (8) The Community has adopted a range of legal instruments to prevent and combat sex discrimination in the labour market. These instruments have demonstrated the value of legislation in the fight against discrimination.
- (9) Discrimination based on sex, including harassment and sexual harassment, also takes place in areas outside of the labour market. Such discrimination can be equally damaging, acting as a barrier to the full and successful integration of men and women into economic and social life.
- (10) Problems are particularly apparent in the area of the access to and supply of goods and services. Discrimination based on sex, should therefore be prevented and eliminated in this area. As in the case of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial and ethnic origin⁽¹⁾, this objective can be better achieved by means of Community legislation.
- (11) Such legislation should prohibit discrimination based on sex in the access to and supply of goods and services. Goods should be taken to be those within the meaning of the provisions of the Treaty establishing the European Community relating to the free movement of goods. Services should be taken to be those within the meaning of Article 50 of that Treaty.
- (12) To prevent discrimination based on sex, this Directive should apply to both direct discrimination and indirect discrimination. Direct discrimination occurs only when one person is treated less favourably, on grounds of sex, than another person in a comparable situation. Accordingly, for example, differences between men and women in the provision of healthcare services, which result from the physical differences between men and women, do not relate to comparable situations and therefore, do not constitute discrimination.
- (13) The prohibition of discrimination should apply to persons providing goods and services, which are available to the public and which are offered outside the area of private and family life and the transactions carried out in this context. It should not apply to the content of media or advertising nor to public or private education.
- (14) All individuals enjoy the freedom to contract, including the freedom to choose a contractual partner for a transaction. An individual who provides goods or services may have a number of subjective reasons for his or her choice of contractual partner. As long as the choice of partner is not based on that person's sex, this Directive should not prejudice the individual's freedom to choose a contractual partner.
- (15) There are already a number of existing legal instruments for the implementation of the principle of equal treatment between men and women in matters of employment and occupation. Therefore, this Directive should not apply in this field. The same reasoning applies to matters of self-employment insofar as they are covered by existing legal instruments. The Directive should apply only to insurance and pensions which are private, voluntary and separate from the employment relationship.
- (16) Differences in treatment may be accepted only if they are justified by a legitimate aim. A legitimate aim may, for example, be the protection of victims of sex-related violence (in cases such as the establishment of single-sex shelters), reasons of privacy and decency (in cases such as the provision of accommodation by a person in a part of that person's home), the promotion of gender equality or of the interests of men or women (for example single-sex voluntary bodies), the freedom of association (in cases of membership of single-sex private clubs), and the organisation of sporting activities (for example single-sex sports events). Any limitation should nevertheless be appropriate and necessary in accordance with the criteria derived from case law of the Court of Justice of the European Communities.
- (17) The principle of equal treatment in the access to goods and services does not require that facilities should always be provided to men and women on a shared basis, as long as they are not provided more favourably to members of one sex.
- (18) The use of actuarial factors related to sex is widespread in the provision of insurance and other related financial services. In order to ensure equal treatment between men and women, the use of sex as an actuarial factor should not result in differences in individuals' premiums and benefits. To avoid a sudden readjustment of the market, the implementation of this rule should apply only to new contracts concluded after the date of transposition of this Directive.

⁽¹⁾ OJ L 180, 19.7.2000, p. 22.

- (19) Certain categories of risks may vary between the sexes. In some cases, sex is one but not necessarily the only determining factor in the assessment of risks insured. For contracts insuring those types of risks, Member States may decide to permit exemptions from the rule of unisex premiums and benefits, as long as they can ensure that underlying actuarial and statistical data on which the calculations are based, are reliable, regularly up-dated and available to the public. Exemptions are allowed only where national legislation has not already applied the unisex rule. Five years after transposition of this Directive, Member States should re-examine the justification for these exemptions, taking into account the most recent actuarial and statistical data and a report by the Commission three years after the date of transposition of this Directive.
- (20) Less favourable treatment of women for reasons of pregnancy and maternity should be considered a form of direct discrimination based on sex and therefore prohibited in insurance and related financial services. Costs related to risks of pregnancy and maternity should therefore not be attributed to the members of one sex only.
- (21) Persons who have been subject to discrimination based on sex should have adequate means of legal protection. To provide a more effective level of protection, associations, organisations and other legal entities should also be empowered to engage in proceedings, as the Member States so determine, either on behalf or in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts.
- (22) The rules on the burden of proof should be adapted when there is a *prima facie* case of discrimination and for the principle of equal treatment to be applied effectively, the burden of proof should shift back to the defendant when evidence of such discrimination is brought.
- (23) The effective implementation of the principle of equal treatment requires adequate judicial protection against victimisation.
- (24) With a view to promoting the principle of equal treatment, Member States should encourage dialogue with relevant stakeholders, which have, in accordance with national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of sex in the area of access to and supply of goods and services.
- (25) Protection against discrimination based on sex should itself be strengthened by the existence of a body or bodies in each Member State, with competence to analyse the problems involved, to study possible solutions and to provide concrete assistance for the victims. The body or bodies may be the same as those with responsibility at national level for the defence of human rights or the safeguarding of individuals' rights, or the implementation of the principle of equal treatment.
- (26) This Directive lays down minimum requirements, thus giving the Member States the option of introducing or maintaining more favourable provisions. The implementation of this Directive should not serve to justify any regression in relation to the situation, which already prevails in each Member State.
- (27) Member States should provide for effective, proportionate and dissuasive penalties in cases of breaches of the obligations under this Directive.
- (28) Since the objectives of this Directive, namely to ensure a common high level of protection against discrimination in all the Member States, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (29) In accordance with paragraph 34 of the interinstitutional agreement on better law-making⁽¹⁾, Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between the Directive and the transposition measures and to make them public,

⁽¹⁾ OJ C 321, 31.12.2003, p. 1.

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this Directive is to lay down a framework for combating discrimination based on sex in access to and supply of goods and services, with a view to putting into effect in the Member States the principle of equal treatment between men and women.

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (a) direct discrimination: where one person is treated less favourably, on grounds of sex, than another is, has been or would be treated in a comparable situation;
- (b) indirect discrimination: where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;
- (c) harassment: where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment;
- (d) sexual harassment: where any form of unwanted physical, verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Article 3

Scope

1. Within the limits of the powers conferred upon the Community, this Directive shall apply to all persons who

provide goods and services, which are available to the public irrespective of the person concerned as regards both the public and private sectors, including public bodies, and which are offered outside the area of private and family life and the transactions carried out in this context.

2. This Directive does not prejudice the individual's freedom to choose a contractual partner as long as an individual's choice of contractual partner is not based on that person's sex.

3. This Directive shall not apply to the content of media and advertising nor to education.

4. This Directive shall not apply to matters of employment and occupation. This Directive shall not apply to matters of self-employment, insofar as these matters are covered by other Community legislative acts.

Article 4

Principle of equal treatment

1. For the purposes of this Directive, the principle of equal treatment between men and women shall mean that

- (a) there shall be no direct discrimination based on sex, including less favourable treatment of women for reasons of pregnancy and maternity;

- (b) there shall be no indirect discrimination based on sex.

2. This Directive shall be without prejudice to more favourable provisions concerning the protection of women as regards pregnancy and maternity.

3. Harassment and sexual harassment within the meaning of this Directive shall be deemed to be discrimination on the grounds of sex and therefore prohibited. A person's rejection of, or submission to, such conduct may not be used as a basis for a decision affecting that person.

4. Instruction to direct or indirect discrimination on the grounds of sex shall be deemed to be discrimination within the meaning of this Directive.

5. This Directive shall not preclude differences in treatment, if the provision of the goods and services exclusively or primarily to members of one sex is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

*Article 5***Actuarial factors**

1. Member States shall ensure that in all new contracts concluded after 21 December 2007 at the latest, the use of sex as a factor in the calculation of premiums and benefits for the purposes of insurance and related financial services shall not result in differences in individuals' premiums and benefits.

2. Notwithstanding paragraph 1, Member States may decide before 21 December 2007 to permit proportionate differences in individuals' premiums and benefits where the use of sex is a determining factor in the assessment of risk based on relevant and accurate actuarial and statistical data. The Member States concerned shall inform the Commission and ensure that accurate data relevant to the use of sex as a determining actuarial factor are compiled, published and regularly updated. These Member States shall review their decision five years after 21 December 2007, taking into account the Commission report referred to in Article 16, and shall forward the results of this review to the Commission.

3. In any event, costs related to pregnancy and maternity shall not result in differences in individuals' premiums and benefits.

Member States may defer implementation of the measures necessary to comply with this paragraph until two years after 21 December 2007 at the latest. In that case the Member States concerned shall immediately inform the Commission.

*Article 6***Positive action**

With a view to ensuring full equality in practice between men and women, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to sex.

*Article 7***Minimum requirements**

1. Member States may introduce or maintain provisions which are more favourable to the protection of the principle of equal treatment between men and women than those laid down in this Directive.

2. The implementation of this Directive shall in no circumstances constitute grounds for a reduction in the level of

protection against discrimination already afforded by Member States in the fields covered by this Directive.

CHAPTER II

REMEDIES AND ENFORCEMENT*Article 8***Defence of rights**

1. Member States shall ensure that judicial and/or administrative procedures, including where they deem it appropriate conciliation procedures, for the enforcement of the obligations under this Directive are available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended.

2. Member States shall introduce into their national legal systems such measures as are necessary to ensure real and effective compensation or reparation, as the Member States so determine, for the loss and damage sustained by a person injured as a result of discrimination within the meaning of this Directive, in a way which is dissuasive and proportionate to the damage suffered. The fixing of a prior upper limit shall not restrict such compensation or reparation.

3. Member States shall ensure that associations, organisations or other legal entities, which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that the provisions of this Directive are complied with, may engage, on behalf or in support of the complainant, with his or her approval, in any judicial and/or administrative procedure provided for the enforcement of obligations under this Directive.

4. Paragraphs 1 and 3 shall be without prejudice to national rules on time limits for bringing actions relating to the principle of equal treatment.

*Article 9***Burden of proof**

1. Member States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.

2. Paragraph 1 shall not prevent Member States from introducing rules of evidence, which are more favourable to plaintiffs.

3. Paragraph 1 shall not apply to criminal procedures.

4. Paragraphs 1, 2 and 3 shall also apply to any proceedings brought in accordance with Article 8(3).

5. Member States need not apply paragraph 1 to proceedings in which it is for the court or other competent authority to investigate the facts of the case.

Article 10

Victimisation

Member States shall introduce into their national legal systems such measures as are necessary to protect persons from any adverse treatment or adverse consequence as a reaction to a complaint or to legal proceedings aimed at enforcing compliance with the principle of equal treatment.

Article 11

Dialogue with relevant stakeholders

With a view to promoting the principle of equal treatment, Member States shall encourage dialogue with relevant stakeholders which have, in accordance with national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of sex in the area of access to and supply of goods and services.

CHAPTER III

BODIES FOR THE PROMOTION OF EQUAL TREATMENT

Article 12

1. Member States shall designate and make the necessary arrangements for a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex. These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights, or the implementation of the principle of equal treatment.

2. Member States shall ensure that the competencies of the bodies referred to in paragraph 1 include:

- (a) without prejudice to the rights of victims and of associations, organisations or other legal entities referred to in

Article 8(3), providing independent assistance to victims of discrimination in pursuing their complaints about discrimination;

- (b) conducting independent surveys concerning discrimination;

- (c) publishing independent reports and making recommendations on any issue relating to such discrimination.

CHAPTER IV

FINAL PROVISIONS

Article 13

Compliance

Member States shall take the necessary measures to ensure that the principle of equal treatment is respected in relation to the access to and supply of goods and services within the scope of this Directive, and in particular that:

- (a) any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished;

- (b) any contractual provisions, internal rules of undertakings, and rules governing profit-making or non-profit-making associations contrary to the principle of equal treatment are, or may be, declared null and void or are amended.

Article 14

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied. The penalties, which may comprise the payment of compensation to the victim, shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 21 December 2007 at the latest and shall notify it without delay of any subsequent amendment affecting them.

Article 15

Dissemination of information

Member States shall take care that the provisions adopted pursuant to this Directive, together with the relevant provisions already in force, are brought to the attention of the persons concerned by all appropriate means throughout their territory.

*Article 16***Reports**

1. Member States shall communicate all available information concerning the application of this Directive to the Commission, by 21 December 2009, and every five years thereafter.

The Commission shall draw up a summary report, which shall include a review of the current practices of Member States in relation to Article 5 with regard to the use of sex as a factor in the calculation of premiums and benefits. It shall submit this report to the European Parliament and to the Council no later than 21 December 2010. Where appropriate, the Commission shall accompany its report with proposals to modify the Directive.

2. The Commission's report shall take into account the viewpoints of relevant stakeholders.

*Article 17***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 21 December 2007 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such publication of reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 18***Entry into force**

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

*Article 19***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 13 December 2004.

For the Council

The President

B. R. BOT

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 November 2004

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile concerning amendments to Appendix I to the Agreement on trade in spirit drinks and aromatised drinks of the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, taking into account the enlargement

(2004/881/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2002/979/EC of 18 November 2002 on the signature and provisional application of certain provisions of an Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part⁽¹⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Taking account of the enlargement, it is necessary to amend Appendix I, Section A of the Agreement on trade in spirit drinks and aromatised drinks of the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, in order to protect the new spirit terms of the new Member States with effect from 1 May 2004.
- (2) Therefore, the Community and the Republic of Chile have negotiated, in accordance with Article 16(2) of the aforementioned Agreement, an agreement in the form of an Exchange of Letters to amend its Appendix I, section A. This Exchange of Letters should therefore be approved.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Implementation Committee for Spirit Drinks,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Chile amending Appendix I, Section A of the Agreement on trade in spirit drinks and aromatised drinks of the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The Commissioner of Agriculture is hereby empowered to sign the Exchange of Letters in order to bind the Community.

Done at Brussels, 29 November 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 352, 30.12.2002, p. 1.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the Republic of Chile concerning amendment of Appendix I to the Agreement on trade in spirits drinks and aromatised drinks of the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part

LETTER No 1

Letter from the European Community

Brussels, 30 November 2004

Sir,

I have the honour to refer to meetings related to technical adaptations which have been held under Article 16(2) of the Agreement on trade in spirit drinks and aromatised drinks of the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, of 18 November 2002, which provides that the Contracting Parties may, by mutual consent, amend this Agreement.

As you are already aware the enlargement of the European Union took place on 1 May 2004. Therefore, in this context it is necessary to make technical adaptations to Appendix I, Section A (List of protected designations for spirit drinks originating in the Community) of the above-mentioned Agreement, in order to include the recognition and protection of designations for spirit drinks of the new Member States with a view to be applied by the Parties with effect from 1 May 2004.

I have therefore the honour to propose that Appendix I, Section A to the Agreement on trade in spirit drinks and aromatised drinks of the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, be replaced by the Appendix attached hereto, with effect as of 1 May 2004, i.e. the date of entry into force of the Treaty of Accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Community

Mariann FISCHER BOEL

LETTER No 2

Letter from Chile

Brussels, 30 November 2004

Madam,

I have the honour to acknowledge receipt of your letter of 30 November 2004 which reads as follows:

'I have the honour to refer to meetings related to technical adaptations which have been held under Article 16(2) of the Agreement on trade in spirit drinks and aromatised drinks of the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, of 18 November 2002, which provides that the Contracting Parties may, by mutual consent, amend this Agreement.

As you are already aware the enlargement of the European Union took place on 1 May 2004. Therefore, in this context it is necessary to make technical adaptations to Appendix I, Section A (List of protected designations for spirit drinks originating in the Community) of the above-mentioned Agreement, in order to include the recognition and protection of designations for spirit drinks of the new Member States with a view to be applied by the Parties with effect from 1 May 2004.

I have therefore the honour to propose that Appendix I, Section A to the Agreement on trade in spirit drinks and aromatised drinks of the Association Agreement between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, be replaced by the Appendix attached hereto, with effect as of 1 May 2004, i.e. the date of entry into force of the Treaty of Accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.'

I have the honour to inform you that the Republic of Chile is in agreement with the content of this letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Republic of Chile

Alberto VAN KLAVEREN

‘APPENDIX 1

(referred to in Article 6)

PROTECTED DESIGNATIONS FOR SPIRIT DRINKS AND AROMATISED DRINKS**A. List of protected designations of spirit drinks originating in the Community**1. *Rum*

Rhum de la Martinique/Rhum de la Martinique traditionnel
 Rhum de la Guadeloupe/Rhum de la Guadeloupe traditionnel
 Rhum de la Réunion/Rhum de la Réunion traditionnel
 Rhum de la Guyane/Rhum de la Guyane traditionnel
 Ron de Málaga
 Ron de Granada
 Rum da Madeira

2. (a) *Whisky*

Scotch Whisky
 Irish Whisky
 Whisky español
 (These designations may be supplemented by the terms “malt” or “grain”)

2. (b) *Whiskey*

Irish Whiskey
 Uisce Beatha Eireannach/Irish Whiskey
 (These designations may be supplemented by the terms “Pot Still”)

3. *Grain spirit*

Eau-de-vie de seigle de marque nationale luxembourgeoise
 Korn
 Kornbrand

4. *Wine spirit*

Eau-de-vie de Cognac
 Eau-de-vie des Charentes
 Cognac
 (The designation “Cognac” may be supplemented by the following terms:
 — Fine
 — Grande Fine Champagne
 — Grande Champagne
 — Petite Champagne
 — Petite Fine Champagne
 — Fine Champagne
 — Borderies
 — Fins Bois
 — Bons Bois)
 Fine Bordeaux
 Armagnac
 Bas Armagnac
 Haut Armagnac
 Ténarèse
 Eau-de-vie de vin de la Marne
 Eau-de-vie de vin originaire d'Aquitaine
 Eau-de-vie de vin de Bourgogne
 Eau-de-vie de vin originaire du Centre-Est
 Eau-de-vie de vin originaire de Franche-Comté
 Eau-de-vie de vin originaire du Bugey
 Eau-de-vie de vin de Savoie
 Eau-de-vie de vin originaire des Coteaux de la Loire
 Eau-de-vie de vin des Côtes-du-Rhône
 Eau-de-vie de vin originaire de Provence
 Eau-de-vie de Faugères/Faugères

Eau-de-vie de vin originaire du Languedoc
Aguardente do Minho
Aguardente do Douro
Aguardente da Beira Interior
Aguardente da Bairrada
Aguardente do Oeste
Aguardente do Ribatejo
Aguardente do Alentejo
Aguardente do Algarve
Aguardente de Vinho da Região dos Vinhos Verdes
Aguardente da Região dos Vinhos Verdes Alvarinho
Lourinhã

5. *Brandy*

Brandy de Jerez
Brandy del Penedés
Brandy italiano
Brandy Αττικής/Brandy of Attica
Brandy Πελοποννήσου/Brandy of the Peloponnese
Brandy Κεντρικής Ελλάδας/Brandy of Central Greece
Deutscher Weinbrand
Wachauer Weinbrand
Weinbrand Dürnstein
Karpatské brandy špeciál

6. *Grape marc spirit*

Eau-de-vie de marc de Champagne ou
Marc de Champagne
Eau-de-vie de marc originaire d'Aquitaine
Eau-de-vie de marc de Bourgogne
Eau-de-vie de marc originaire du Centre-Est
Eau-de-vie de marc originaire de Franche-Comté
Eau-de-vie de marc originaire de Bugey
Eau-de-vie de marc originaire de Savoie
Marc de Bourgogne
Marc de Savoie
Marc d'Auvergne
Eau-de-vie de marc originaire des Coteaux de la Loire
Eau-de-vie de marc des Côtes-du-Rhône
Eau-de-vie de marc originaire de Provence
Eau-de-vie de marc originaire du Languedoc
Marc d'Alsace Gewürztraminer
Marc de Lorraine
Bagaceira do Minho
Bagaceira do Douro
Bagaceira da Beira Interior
Bagaceira da Bairrada
Bagaceira do Oeste
Bagaceira do Ribatejo
Bagaceira do Alentejo
Bagaceira do Algarve
Aguardente Bagaceira da Região dos Vinhos Verdes
Bagaceira da Região dos Vinhos Verdes Alvarinho
Orujo gallego
Grappa
Grappa di Barolo
Grappa piemontese/Grappa del Piemonte
Grappa lombarda/Grappa di Lombardia
Grappa trentina/Grappa del Trentino
Grappa friulana/Grappa del Friuli
Grappa veneta/Grappa del Veneto
Südtiroler Grappa/Grappa dell'Alto Adige
Τσικουδιά Κρήτης/Tsikoudia of Crete
Τσίπουρο Μακεδονίας/Tsipouro of Macedonia

Τσίπουρο Θεσσαλίας/Tsipouro of Thessaly
 Τσίπουρο Τυρνάβου/Tsipouro of Tyrnavos
 Eau-de-vie de marc de marque nationale luxembourgeoise
 Ζιβάνια/Zivania
 Pálinka

7. *Fruit spirit*

Schwarzwälder Kirschwasser
 Schwarzwälder Himbeergeist
 Schwarzwälder Mirabellenwasser
 Schwarzwälder Williamsbirne
 Schwarzwälder Zwetschgenwasser
 Fränkisches Zwetschgenwasser
 Fränkisches Kirschwasser
 Fränkischer Obstler
 Mirabelle de Lorraine
 Kirsch d'Alsace
 Quetsch d'Alsace
 Framboise d'Alsace
 Mirabelle d'Alsace
 Kirsch de Fougerolles
 Südtiroler Williams/Williams dell'Alto Adige
 Südtiroler Aprikot/Südtiroler
 Marille/Aprikot dell'Alto Adige/Marille dell'Alto Adige
 Südtiroler Kirsch/Kirsch dell'Alto Adige
 Südtiroler Zwetschgeler/Zwetschgeler dell'Alto Adige
 Südtiroler Obstler/Obstler dell'Alto Adige
 Südtiroler Gravensteiner/Gravensteiner dell'Alto Adige
 Südtiroler Golden Delicious/Golden Delicious dell'Alto Adige
 Williams friulano o del Friuli
 Sliwovitz del Veneto
 Sliwovitz del Friuli-Venezia Giulia
 Sliwovitz del Trentino-Alto Adige
 Distillato di mele trentino o del Trentino
 Williams trentino o del Trentino
 Sliwovitz trentino o del Trentino
 Aprikot trentino o del Trentino
 Medronheira do Algarve
 Medronheira do Buçaco
 Kirsch o Kirschwasser friulano
 Kirsch o Kirschwasser trentino
 Kirsch o Kirschwasser Veneto
 Aguardente de pêra da Lousã
 Eau-de-vie de pommes de marque nationale luxembourgeoise
 Eau-de-vie de poires de marque nationale luxembourgeoise
 Eau-de-vie de kirsch de marque nationale luxembourgeoise
 Eau-de-vie de quetsch de marque nationale luxembourgeoise
 Eau-de-vie de mirabelle de marque nationale luxembourgeoise
 Eau-de-vie de prunelles de marque nationale luxembourgeoise
 Wachauer Marillenbrand
 Bošacka Slivovica
 Szatmári Szilvapálinka
 Kecskeméti Barackpálinka
 Békési Szilvapálinka
 Szabolcsi Almapálinka
 Slivovice
 Pálinka

8. *Cider spirit and perry spirit*

Calvados
 Calvados du Pays d'Auge
 Eau-de-vie de cidre de Bretagne
 Eau-de-vie de poiré de Bretagne
 Eau-de-vie de cidre de Normandie
 Eau-de-vie de poiré de Normandie

Eau-de-vie de cidre du Maine
Aguardiente de sidra de Asturias
Eau-de-vie de poiré du Maine

9. *Gentian spirit*

Bayerischer Gebirgsenzian
Südtiroler Enzian/Genzians dell'Alto Adige
Genziana trentina o del Trentino

10. *Fruit spirit drinks*

Pacharán
Pacharán navarro

11. *Juniper-flavoured spirit drinks*

Ostfriesischer Kornenever
Genièvre Flandres Artois
Hasseltse jenever
Balegemse jenever
Pékét de Wallonie
Steinhäger
Plymouth Gin
Gin de Mahón
Vilniaus Džinas
Spišská Borovička
Slovenská Borovička Juniperus
Slovenská Borovička
Inovecká Borovička
Liptovská Borovička

12. *Caraway-flavoured spirit drinks*

Dansk Akvavit/Dansk Aquavit
Svensk Aquavit/Svensk Akvavit/Swedish Aquavit

13. *Aniseed-flavoured spirit drinks*

Anís español
Évora anisada
Cazalla
Chinchón
Ojén
Rute
Oûço/Ouzo

14. *Liqueur*

Berliner Kümmel
Hamburger Kümmel
Münchener Kümmel
Chiemseer Klosterlikör
Bayerischer Kräuterlikör
Cassis de Dijon
Cassis de Beaufort
Irish Cream
Palo de Mallorca
Ginjinha portuguesa
Licor de Singeverga
Benediktbeurer Klosterlikör
Ettaler Klosterlikör
Ratafia de Champagne
Ratafia catalana
Anis português
Finnish berry/Finnish fruit liqueur

Grossglockner Alpenbitter
Mariazeller Magenlikör
Mariazeller Jagasaftl
Puchheimer Bitter
Puchheimer Schlossgeist
Steinfelder Magenbitter
Wachauer Marillenlikör
Jägertee/Jagertee/Jagatee
Allažu Kimelis
Čepkelių
Demänovka Bylinný Likér
Polish Cherry
Karlovarská Hořká

15. *Spirit drinks*

Pommeau de Bretagne
Pommeau du Maine
Pommeau de Normandie
Svensk Punsch/Swedish Punch
Slivovice

16. *Vodka*

Svensk Vodka/Swedish Vodka
Suomalainen Vodka/Finsk Vodka/Vodka of Finland
Polska Wódka/Polish Vodka
Laugarício Vodka
Originali Lietuviška degtinė
Wódka ziołowa z Niziny Północnopolaskiej aromatyzowana ekstraktem z trawy żubrowej/Herbal Vodka from the North Podlasie Lowland aromatised with an extract of bison grass
Latvijas Dzidrais
Rīgas Degvīns
LB Degvīns
LB Vodka

17. *Bitter-tasting spirit drinks*

Rīgas melnais Balzāms/Riga Black Balsam
Demänovka bylinná horká.

COMMISSION DECISION

of 3 December 2004

amending Annex I and II to Council Decision 79/542/EEC as regards the updating of the import conditions and model health certificates relating to wild and farmed game meat

(notified under document number C(2004) 4554)

(Text with EEA relevance)

(2004/882/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC⁽¹⁾ 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, and in particular Article 3(1), last sentence, Article 11(2) and Article 16(1) 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⁽²⁾, and in particular Article 8(1) and (4) and Article 9(4)(b) thereof,

Whereas:

- (1) Council Decision 79/542/EEC of 21 December 1979 draws up a list of third countries or parts of third countries, and lays down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat⁽³⁾.
- (2) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies⁽⁴⁾, has been recently amended by Commission Regulation (EC) No 1471/2004⁽⁵⁾, in order to take account of the risk related to chronic wasting disease in wild and farmed cervids. Requirements on imports of fresh meat of cervids originating in the United States and in Canada have been inserted in the Regulation and will enter into force as from 1 January 2005.
- (3) It is necessary to align the animal health certificates Models 'RUW' and 'RUF' in Annex II to Decision 79/542/EEC with the updated TSE rules.

(4) Chronic Wasting Disease is relevant only for certain animal species. It is therefore opportune to review the current restrictions on imports of 'other ruminants' from Canada in order to allow import of live ruminants with the exception of *cervidae*.

(5) The Commission has been formally requested by the Chilean authorities to list Chile for export of fresh farmed 'wild boar' meat. Chile is authorised to export suidae, non-domestic suidae and meat of domestic porcine animals because of its satisfactory animal health situation assessed by several inspections of the Food and Veterinary Office, and therefore it is appropriate to list Chile for exportation of meat of farmed non-domestic suidae.

(6) The definition of the territory of Serbia and Montenegro should be reviewed in order to fully reflect the United Nations Security Council Resolution 1244 of 10 June 1999.

(7) Part 1 of Annex I and part 1 and part 2 of Annex II to Decision 79/542/EEC should be amended accordingly.

(8) 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

Part 1 of Annex I to Decision 79/542/EEC is replaced by the text in Annex I to this decision.

Article 2

Part 1 of Annex II to Decision 79/542/EEC is replaced by the text in Annex II to this Decision.

⁽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 18, 23.1.2002, p. 11.

⁽³⁾ OJ L 146, 14.6.1979, p. 15. As last amended by Decision 2004/620/EC (OJ L 279, 28.8.2004, p. 30).

⁽⁴⁾ OJ L 147, 31.5.2001, p. 1. as last amended by Commission Regulation (EC) No 1993/2004 (OJ L 344, 20.11.2004, p. 12).

⁽⁵⁾ OJ L 271, 18.8.2004, p. 24.

Article 3

Part 2 of Annex II to Decision 79/542/EEC is amended as follows:

1. 'SG (Supplementary guarantees)' are replaced by text in Annex III to this decision.
2. Health certificate models RUF and RUW are replaced by the models in Annex IV to this Decision.

Article 4

Articles 1 and 2 of this Decision shall apply from 24 December 2004.

Article 3 shall apply from 1 January 2005.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 3 December 2004.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

'ANNEX I

LIVE ANIMALS

PART 1

List of third countries or parts thereof(*)

Country	Code of Territory	Description of territory	Veterinary certificate		Specific conditions
			Model(s)	SG	
1	2	3	4	5	6
BG — Bulgaria	BG-0	Whole country	—		
	BG-1	The provinces of Varna, Dobrich, Silistra, Choumen, Targovitchte, Razgrad, Rousse, V. Tarnovo, Gabrovo, Plevn, Lovetch, Plovdic, Smolian, Pasardjik, Sofia distric, Sofia city, Pernik, Kustendil, Blagoevgrad, Sliven, Starazagora, Vratza, Montana and Vidin	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y	A	
CA — Canada	CA-0	Whole country	POR-X		IVb IX
	CA-1	Whole country except the Okanagan Valley region of British Columbia described as follows: — from a point on the Canada/United States border 120° 15' longitude, 49° latitude — northerly to a point 119° 35' longitude, 50° 30' latitude — north-easterly to a point 119° longitude, 50° 45' latitude — southerly to a point on the Canada/United States border 118° 15' longitude, 49° latitude	BOV-X, OVI-X, OVI-Y, RUM (*)	A	
CH — Switzerland	CH-0	Whole country	BOV-X, BOV-Y, OVI-X, OVI-Y, RUM		
			POR-X, POR-Y, SUI	B	
CL — Chile	CL-0	Whole country	OVI-X, RUM		
			POR-X, SUI	B	
GL — Greenland	GL-0	Whole country	OVI-X, RUM		V
HR — Croatia	HR-0	Whole country	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y		

1	2	3	4	5	6
IS — Iceland	IS-0	Whole country	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y		I
			POR-X, POR-Y	B	
NZ — New Zealand	NZ-0	Whole country	BOV-X, BOV-Y, RUM, POR-X, POR-Y, OVI-X, OVI-Y		I
PM — St Pierre and Miquelon	PM-0	Whole country	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y, CAM		
RO — Romania	RO-0	Whole country	BOV-X, BOV-Y, RUM, OVI-X, OVI-Y		V

(*) Without prejudice to specific certification requirements provided for by any relevant Community agreement with third countries.

(**) Exclusively for live animals other than animals belonging to the cervidae species.

Specific conditions

(see footnotes in each certificate)

- "I": territory where the presence of BSE in native cattle has been assessed as highly unlikely, for the purpose of exporting to the European Community animals certified according to the models of certificate BOV-X and BOV-Y
- "II": territory recognised as having an official tuberculosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X
- "III": territory recognised as having an official brucellosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X
- "IVa": territory recognised as having an official enzootic-bovine-leukosis (EBL) free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X
- "IVb": territory with approved holdings recognised as having an official enzootic-bovine-leukosis (EBL) free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X
- "V": territory recognised as having an official brucellosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate OVI-X
- "VI": geographical constraints
- "VII": territory recognised as having an official tuberculosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate RUM
- "VIII": territory recognised as having an official brucellosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate RUM
- "IX": territory recognised as having an official Aujeszky's disease -free status for the purposes of exports to the European Community of animals certified according to the model of certificate POR-X.'

ANNEX II

'ANNEX II

FRESH MEAT

PART 1

List of third countries or parts thereof(*)

Country	Code of Territory	Description of territory	Veterinary certificate		Specific conditions
			Model(s)	SG	
1	2	3	4	5	6
AL — Albania	AL-0	Whole country	—		
AR — Argentina	AR-0	Whole country	EQU		
	AR-1	The Provinces of Buenos Aires, Catamarca, Corrientes, Entre Ríos, La Rioja, Mendoza, Misiones, Neuquen, Rio Negro, San Juan, San Luis, Santa Fe, and Tucuman.	BOV	A	1 and 2
	AR-2	La Pampa and Santiago del Estero	BOV	A	1 and 2
	AR-3	Cordoba	BOV	A	1 and 2
	AR-4	Chubut, Santa Cruz and Tierra del Fuego	BOV, OVI		
	AR-5	Formosa (only the territory of Ramon Lista) and Salta (only the department of Rivadavia)	BOV	A	1 and 2
	AR-6	Salta (only the departments of General Jose de San Martin, Oran, Iruya, and Santa Victoria)	BOV	A	1 and 2
	AR-7	Chaco, Formosa (except the territory of Ramon Lista), Salta (except the departments of General Jose de San Martin, Rivadavia, Oran, Iruya, and Santa Victoria), Jujuy	BOV	A	1 and 2
AU — Australia	AU-0	Whole country	BOV, OVI, POR, EQU, RUF, RUW, SUF, SUW		
BA — Bosnia Hercegovina	BA-0	Whole country	—		
BG — Bulgaria	BG-0	Whole country	EQU		
	BG-1	The provinces of Varna, Dobrich, Silistra, Choumen, Targovitchte, Razgrad, Rousse, V.Tarnovo, Gabrovo, Pleven, Lovetch, Plovdic, Smolian, Pasardjik, Sofia district, Sofia city, Pernik, Kustendil, Blagoevgrad, Vratza, Montana and Vidin	BOV, OVI, RUW, RUF		
	BG-2	The provinces of Bourgas, Jambol, Sliven, Starazagora, Hasskovo, Kardjaliand and the 20 km-wide corridor on the border with Turkey	—		

1	2	3	4	5	6
BH — Bahrain	BH-0	Whole country	—		
BR — Brazil	BR-0	Whole country	EQU		
	BR-1	States of Paraná, Minas Gerais (except regional delegations of Oliveira, Passos, São Gonçalo de Sapucaí, Setelagoas and Bambuí), São Paulo, Espírito Santo, Mato Grosso do Sul (except for the municipalities of Sete Quedas, Sonora, Aquidauana, Bodoqueno, Bonito, Caracol, Coxim, Jardim, Ladario, Miranda, Pedro Gomes, Porto Murtinho, Rio Negro, Rio Verde of Mato Grosso and Corumbá), Santa Catarina, Goiás and the regional units of Cuiabá (except for the municipalities of San Antonio de Leverger, Nossa Senhora do Livramento, Pocone and Barão de Melgaço), Cáceres (except for the municipality of Cáceres), Lucas do Rio Verde, Rondonópolis (except for the municipality of Itiquira), Barra do Garça and Barra do Burges in Mato Grosso.	BOV	A	1 and 2
	BR-2	State of Rio Grande do Sul	BOV	A	1 and 2
	BR-3	State of Mato Grosso do Sul, municipality of Sete Quedas	BOV	A	1 and 2
BW — Botswana	BW-0	Whole country	EQU, EQW		
	BW-1	The veterinary disease control zones 5, 6, 7, 8, 9 and 18	BOV, OVI, RUF, RUW	F	1 and 2
	BW-2	The veterinary disease control zones 10, 11, 12, 13 and 14	BOV, OVI, RUF, RUW	F	1 and 2
BY — Belarus	BY-0	Whole country	—		
BZ — Belize	BZ-0	Whole country	BOV, EQU		
CA — Canada	CA-0	Whole country	BOV, OVI, POR, EQU, SUF, SUW, RUF, RUW	G	
CH — Switzerland	CH-0	Whole country	BOV, OVI, POR, EQU, RUF, RUW, SUF, SUW		
CL — Chile	CL-0	Whole country	BOV, OVI, POR, EQU, RUF, RUW, SUF		
CN — China (People's Republic of)	CN-0	Whole country	—		

1	2	3	4	5	6
CO — Colombia	CO-0	Whole country	EQU		
	CO-1	The zone included within the borderlines from the point where the Murri River flows into the Atrato River, downstream along the Atrato River to where it flows into the Atlantic Ocean from this point to the Panamanian border following the Atlantic coast-line to Cabo Tiburón; from this point to the Pacific Ocean following the Columbian-Panamanian border; from this point to the mouth of the Valle River along the Pacific coast and from this point along a straight line to the point where the Murri River flows into the Atrato River.	BOV	A	2
	CO-3	The zone included within the borderlines from the mouth of the Sinu River on the Atlantic Ocean, upstream along the Sinu River to its head-Waters of Alto Paramillo, from this point to Puerto Rey on the Atlantic Ocean, following the borderline between the Department of Antiquia and Córdoba, and from this point to the mouth of the Sinu River along the Atlantic coast.	BOV	A	2
CR — Costa Rica	CR-0	Whole country	BOV, EQU		
CS — Serbia and Montenegro ("")	CS-0	Whole country	BOV, OVI, EQU		
CU — Cuba	CU-0	Whole country	BOV, EQU		
DZ — Algeria	DZ-0	Whole country	—		
ET — Ethiopia	ET-0	Whole country	—		
FK — Falkland Islands	FK-0	Whole country	BOV, OVI, EQU		
GL — Greenland	GL-0	Whole country	BOV, OVI, EQU, RUF, RUW		
GT — Guatemala	GT-0	Whole country	BOV, EQU		
HK — Hong Kong	HK-0	Whole country	—		
HN — Honduras	HN-0	Whole country	BOV, EQU		
HR — Croatia	HR-0	Whole country	BOV, OVI, EQU, RUF, RUW		
IL — Israel	IL-0	Whole country	—		

1	2	3	4	5	6
IN — India	IN-0	Whole country	—		
IS — Iceland	IS-0	Whole country	BOV, OVI, EQU, RUF, RUW		
KE — Kenya	KE-0	Whole country	—		
MA — Morocco	MA-0	Whole country	EQU		
MG — Madagascar	MG-0	Whole country	—		
(MK) — Former Yugoslav Republic of Macedonia (**)	MK-0	Whole country	OVI, EQU		
MU — Mauritius	MU-0	Whole country	—		
MX — Mexico	MX-0	Whole country	BOV, EQU		
NA — Namibia	NA-0	Whole country	EQU, EQW		
	NA-1	South of the cordon fences which extend from Palgrave Point in the west to Gam in the east	BOV, OVI, RUF, RUW	F	2
NC — New Caledonia	NC-0	Whole country	BOV, RUF, RUW		
NI — Nicaragua	NI-0	Whole country	—		
NZ — New Zealand	NZ-0	Whole country	BOV, OVI, POR, EQU, RUF, RUW, SUF, SUW		
PA — Panama	PA-0	Whole country	BOV, EQU		
PY — Paraguay	PY-0	Whole country	EQU		
	PY-1	Chaco central and San Pedro areas	BOV	A	1 and 2
RO — Romania	RO-0	Whole country	BOV, OVI, EQU, RUW, RUF		
RU — Russian Federation	RU-0	Whole country	—		
	RU-1	Region of Murmansk (Murmanskaya oblast)	RUF		
SV — El Salvador	SV-0	Whole country	—		

1	2	3	4	5	6
SZ — Swaziland	SZ-0	Whole country	EQU, EQW		
	SZ-1	Area west of the "red line" fences which extends northwards from the river Usutu to the frontier with South Africa west of Nkalashane,	BOV, RUF, RUW	F	2
	SZ-2	The veterinary foot and mouth surveillance and vaccination control areas as gazetted as a Statutory Instrument under legal notice number 51 of 2001	BOV, RUF, RUW	F	1 and 2
TH — Thailand	TH-0	Whole country	—		
TN — Tunisia	TN-0	Whole country	—		
TR — Turkey	TR-0	Whole country	—		
	TR-1	The provinces of Amasya, Ankara, Aydin, Balikesir, Bursa, Cankiri, Corum, Denizli, Izmir, Kastamonu, Kutahya, Manisa, Usak, Yozgat and Kirikkale	EQU		
UA — Ukraine	UA-0	Whole country	—		
US — United States of America	US-0	Whole country	BOV, OVI, POR, EQU, SUF, SUW, RUF, RUW	G	
UY — Uruguay	UY-0	Whole country	EQU		
			BOV	A	1
			OVI	A	1 and 2
ZA — South Africa	ZA-0	Whole country	EQU, EQW		
	ZA-1	The whole country except: — the part of the foot-and-mouth disease control area situated in the veterinary regions of Mpumalanga and northern provinces, in the district of Ingwavuma of the veterinary region of Natal and in the border area with Botswana east of longitude 28°, and — the district of Camperdown, in the province of KwaZuluNatal	BOV, OVI, RUF, RUW	F	2
ZW — Zimbabwe	ZW-0	Whole country	—		

(*) Without prejudice to specific certification requirements provided for by Community agreements with third countries.

(**) Not including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.

(***) 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.

— = No certificate laid down and fresh meat imports are prohibited.

ANNEX III

SG (Supplementary guarantees)

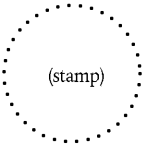
- 'A': guarantees regarding the maturation, pH measurement and boning of fresh meat, excluding offal, certified according to the models of certificates BOV (point 10.6), OVI (point 10.6), RUF (point 10.7) and RUW (point 10.4).
- 'B': guarantees regarding matured trimmed offal as described in the model of certificate BOV (point 10.6).
- 'C': guarantees regarding laboratory test for classical swine fever in the carcasses from which fresh meat certified according to the model of certificate SUW (point 10.3 bis) was obtained.
- 'D': guarantees regarding swill feed on holding(s) of animals from which fresh meat certified according to models of certificate POR (point 10.3 d)) was obtained.
- 'E': guarantees regarding tuberculosis test in the animals from where fresh meat certified according to the model of certificate BOV (point 10.4 d)) was obtained.
- 'F': guarantees regarding the maturation and de-boning of fresh meat, excluding offal, certified according to the models of certificates BOV (point 10.6), OVI (point 10.6), RUF (point 10.7) and RUW (point 10.4).
- 'G': guarantees regarding 1, exclusion of offals and spinal cord; and 2, testing and origin of cervid animals in relation to chronic wasting disease as referred to in the models of certificates RUF (point 9.2.1) and RUW (point 9.3.1).
-

ANNEX IV

MODEL RUF

1. Consignor (name and address in full)	VETERINARY CERTIFICATE for fresh meat of farmed non-domestic animals ⁽¹⁾ other than Equidae and Suidae, consigned to the European Community No ⁽²⁾ ORIGINAL																																																																								
2. Consignee (name and address in full)	3. Origin of the meat ⁽³⁾ 3.1. Country: 3.2. Code of territory:																																																																								
5. Intended destination of the meat 5.1. EU Member State: 5.2. Establishment: Name and address: Approval or registration number (where applicable):	4. Competent Authority 4.1. Ministry: 4.2. Service: 4.3. Local/Regional level:																																																																								
7. Means of transport and consignment identification ⁽⁴⁾ 7.1. (Lorry, Rail-wagon, Ship, or Aircraft) ⁽⁵⁾ 7.2. Registration number(s), ship name or flight number:	6. Place of loading for exportation 7.3. Consignment identification details ⁽⁶⁾ :																																																																								
8. Identification of the meat 8.1. Meat from: (animal species). 8.2. Temperature conditions of the meat included in this consignment: chilled/frozen ⁽⁷⁾ 8.3. Individual identification of the meat included in this consignment: <table border="1" data-bbox="316 1216 1318 1554"> <thead> <tr> <th rowspan="2">Nature of cuts ⁽⁷⁾</th> <th colspan="3">Approval number of the establishments</th> <th rowspan="2">Number of packages/pieces</th> <th rowspan="2">Net weight (kg)</th> </tr> <tr> <th>Slaughterhouse</th> <th>Cutting plant</th> <th>Cold store</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr> <td colspan="4">Total</td><td> </td><td> </td></tr> </tbody> </table>					Nature of cuts ⁽⁷⁾	Approval number of the establishments			Number of packages/pieces	Net weight (kg)	Slaughterhouse	Cutting plant	Cold store																																																							Total					
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	Slaughterhouse	Cutting plant	Cold store																																																																						
Total																																																																									
9. Public Health attestation I, the undersigned official veterinarian, hereby certify, that: 9.1. the fresh meat has been obtained, prepared, handled and stored under the health conditions governing production and control laid down in European Community legislation ⁽⁸⁾ and it is, therefore, considered as such to be fit for human consumption; 9.2. the fresh meat, or the packages of meat, bear an official health mark to the effect that the meat has been wholly dressed and inspected in the establishments indicated under point 8.3 that are approved for exportation to the European Community; ⁽¹⁴⁾ [9.2.1. with regard to chronic wasting disease (CWD):																																																																									

	this product contains or is derived exclusively from meat, excluding offal and spinal cord, of cervid animals which have been examined for chronic wasting disease by histopathology, immunohistochemistry or other diagnostic method recognised by the competent authority with negative results and is not derived from animals coming from a herd where chronic wasting disease has been confirmed or is officially suspected;]
9.3.	the means of transport and the loading conditions of this consignment meet the hygiene requirements laid down in European Community legislation ⁽⁸⁾ .
10.	Animal Health attestation
	I, the undersigned official veterinarian, hereby certify, that the fresh meat described above:
10.1.	has been obtained in the territory with code: ⁽³⁾ which, at the date of issuing this certificate:
	(a) has been free for 12 months from rinderpest, and during the same period no vaccination against this disease has taken place; and
⁽⁵⁾ either	[(b) has been free for 12 months from foot-and-mouth disease, and during the same period no vaccination against this disease has taken place;]
⁽⁵⁾ or	[(b) has been considered free from foot-and-mouth disease since ((date), without having had cases/outbreaks afterwards, and authorised to export this meat by Commission Decision 2004/.../EC of 3 December 2004;]
⁽⁵⁾ ⁽⁹⁾ or	[(b) vaccination programmes against foot-and-mouth disease are being officially carried out and controlled in domestic bovine animals;]
10.2.	has been obtained from animals that:
⁽⁵⁾	[have remained in the territory described under point 10.1 since birth, or for at least the last three months before slaughter;]
⁽⁵⁾ and/or	[have been introduced on (date) into the territory described under point 10.1, from the territory with code ⁽³⁾ , which at that date was authorised to export this fresh meat to the European Community;]
10.3.	has been obtained from animals coming from holdings:
	(a) in which none of the animals present therein have been vaccinated against [foot-and-mouth disease or] ⁽¹⁰⁾ rinderpest;
	(b) where regular veterinary inspections are carried out to diagnose diseases transmissible to humans or animals and, these holdings are not subject to prohibition as a result of an outbreak of brucellosis during the previous six weeks; and
⁽⁵⁾ either	[(c) in and around which in an area of 10 km radius, there has been no case/outbreak of foot-and-mouth disease or rinderpest during the previous 30 days;]
⁽⁵⁾ ⁽⁹⁾ or	[(c) where there is no official restriction for health reasons and in and around which in an area of 50 km radius, there has been no case/outbreak of foot-and-mouth disease or rinderpest during the previous 90 days; and
	(d) where the animals have remained for at least 40 days before direct dispatch to the slaughterhouse;]
10.4.	has been obtained from animals:
⁽⁵⁾ either	[(a) which have been transported from their holdings in vehicles, cleaned and disinfected before loading, to an approved slaughterhouse, without contact with other animals which did not comply with the conditions mentioned above;
	(b) which at the slaughterhouse, have passed ante-mortem health inspection during the 24 hours before slaughter and in particular, have shown no evidence of the diseases mentioned under point 10.1 above; and
	(c) which have been slaughtered on or between ⁽¹¹⁾ ;
⁽⁵⁾ or	[(a) which have been slaughtered on the holding of origin, following authorisation by an official veterinarian responsible for the holding, who has provided a written statement that:
	— in his opinion an unacceptable risk would have been posed to the welfare of the animals or to their handlers by the transport of the animals to an slaughterhouse,
	— the holding had been inspected and authorised by the competent authority for the slaughter of game animals,

	— the animals have passed the ante mortem health inspection during the 24 hours before the slaughter and in particular, have shown no evidence of the diseases mentioned under point 10.1 above, — the animals were slaughtered between and⁽¹¹⁾ — the bleeding of the animals was performed correctly, and — the slaughtered animals were eviscerated within three hours of the time of slaughter; and
	(b) the carcasses of which have been transported to the approved slaughterhouse under hygienic conditions and where more than one hour elapsed since the time of slaughter, a temperature of between 0° C and + 4° C has been found on the arrival of the vehicle used for the transport;]
(¹²) 10.5.	has been obtained from animals that have remained separate since birth from wild cloven-hoofed animals;
10.6.	has been obtained in an establishment around which, within a radius of 10 km, there has been no case/outbreak of the diseases mentioned under point 10.1 above during the previous 30 days or, in the event of a case of disease, the preparation of meat for exportation to the European Community has been authorized only after slaughter of all animals present, removal of all meat, and the total cleaning and disinfection of the establishment under the control of an official veterinarian;
10.7.	
(⁵) either	[has been obtained and prepared without contact with other meats not complying with the conditions required above;]
(⁵)(⁹) or	[contains [boneless meat] [and] [minced meat] (⁵), obtained only from boned meat other than offal that was obtained from carcasses in which the main accessible lymphatic glands have been removed, which have been submitted to maturation at a temperature above + 2° C for at least 24 hours before the bones were removed and in which the pH value of the meat was below 6,0 when tested electronically in the middle of the longissimus-dorsi muscle after maturation and before boning; and has been kept strictly separate from meat not conforming to the requirements mentioned above during all stages of its production, boning and storage until it has been packed in boxes or cartons for further storage in dedicated areas;]
(⁵)(¹³) or	[contains [boneless meat], [and] [minced meat] (⁵), obtained only from boned meat other than offal that was obtained from carcasses in which the main accessible lymphatic glands have been removed, which have been submitted to maturation at a temperature above +2 °C for at least 24 hours before the bones were removed, and has been kept strictly separate from meat not conforming to the requirements mentioned above during all stages of its production, boning and storage until it has been packed in boxes or cartons for further storage in dedicated areas.]
Official stamp and signature Done at, on  (stamp) (signature of official veterinarian) (name in capital letters, qualifications and title)	

Notes

- (¹) Fresh meat means all parts, excluding offal, whether fresh, chilled or frozen, fit for human consumption of wild mammal animals belonging to the taxa Perissodactyla – except Equidae –, Proboscidea or Artiodactyla –except Suidae– that are domestically kept or bred since birth in farms.
- (²) Issued by the competent authority.
- (³) Country and code of territory as appearing in Part 1 of Annex II to Council Decision 79/542/EEC (as last amended).
- (⁴) The registration number(s) of rail-wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft. In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, should be indicated under point 7.3.
- (⁵) Keep as appropriate.
- (⁶) Complete if appropriate.
- (⁷) If appropriate, indicate 'matured'. If frozen, indicate the date of freezing (mm/yy) of the cuts/pieces.
- (⁸) Regarding fresh meat, the provisions of Council Directive 91/495/EEC (as last amended) shall apply. Regarding welfare at slaughter, the provisions of Council Directive 93/119/EC (as last amended) shall apply.
- (⁹) Supplementary guarantees regarding meats from matured de-boned meat to be provided when required in column 5 'SG' of part 1 of Annex II to Council Decision 79/542/EEC (as last amended) with the entry 'A'.
- (¹⁰) Delete when the exporting country carries out vaccination against foot-and-mouth disease with serotypes A, O or C, and this country is allowed for export to the European Community matured de-boned meat which fulfils the supplementary guarantees described under (9) above.
- (¹¹) Date or dates of slaughter. Imports of this meat shall not be allowed when obtained from animals slaughtered either prior to the date of authorisation for exportation to the European Community of the territory mentioned under (3), or during a period where restrictive measures have been adopted by the European Community against imports of this meat from this territory.
- (¹²) Not necessary for farmed game animals kept permanently in Arctic regions.
- (¹³) Supplementary guarantees regarding meats from matured boned meat to be provided when required in column 5 'S' of part 1 of Annex II to Council Decision 79/542/EEC (as last amended), with the entry 'F'. The matured boned meat shall not be allowed for importation into the European Community until 21 days after the date of slaughter of the animals.
- (¹⁴) Supplementary guarantees regarding fresh meat obtained from cervids to be provided when required in column 5 'SG' of part 1 of Annex II to Council Decision 79/542/EEC (as last amended), with the entry 'G'.

MODEL RUF

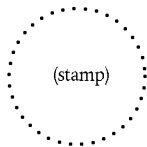
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	Game establishment	Cutting plant	Cold store																																																																							
Total																																																																										
9. Public Health attestation I, the undersigned official veterinarian, hereby certify, that: 9.1. the fresh meat has been obtained, prepared, handled and stored under the health conditions governing production and control laid down in European Community legislation ⁽⁸⁾ and it is, therefore, considered as such to be fit for human consumption; ⁽⁵⁾ either 9.2. the fresh meat has been obtained from carcasses that have been skinned and eviscerated and afterwards, have undergone a post-mortem inspection at the approved game establishment; 9.3. the fresh meat, or the packages of meat, bear an official health mark to the effect that the meat has been wholly dressed and inspected in the establishments indicated under point 8.3 that are approved for exportation to the European Community;] ⁽⁵⁾ or 9.2. the unskinned carcasses were eviscerated and afterwards, they were conveyed to the approved game establishment where the viscera have undergone a post-mortem inspection which did not lead to the carcasses being judged unfit for human consumption; 9.3. the unskinned carcasses bear an official mark of the origin indicated under point 8.3 above, and																																																																										

(⁵) either	[after having been chilled to and maintained at a temperature between -1 °C and +7 °C, they are intended to be transported to the final EU approved game establishment of destination, within seven days of post-mortem inspection;]
(⁵) or	[after having been chilled to and maintained at a temperature between -1 °C and +1 °C, they are intended to be transported to the final EU approved game establishment of destination, within 15 days of post-mortem inspection,] in a means of transport capable to maintain this temperature during transport;]
(¹²) [9.3.1.	with regard to chronic wasting disease (CWD): this product contains or is derived exclusively from meat, excluding offal and spinal cord, of cervid animals which have been examined for chronic wasting disease by histopathology, immunohistochemistry or other diagnostic method recognised by the competent authority with negative results and is not derived from animals coming from a region where chronic wasting disease has been confirmed in the last three years or is officially suspected;].
9.4.	the means of transport and the loading conditions of this consignment meet the hygiene requirements laid down in European Community legislation (⁸).
10.	Animal Health attestation I, the undersigned official veterinarian, hereby certify, that the fresh meat described above:
10.1.	has been obtained in the territory with code: (³) which, at the date of issuing this certificate: (a) has been free for 12 months from rinderpest, and during the same period no vaccination against this disease has taken place, and (⁵) either [(b) has been free for 12 months from foot-and-mouth disease, and during the same period no vaccination against this disease has taken place;] (⁵) or [(b) has been considered free from foot-and-mouth disease since (date), without having had cases/outbreaks afterwards, and authorised to export these animals by Commission Decision 2004/.../EC, of (date);] (⁵)(⁹) or [(b) vaccination programmes against foot-and-mouth disease are being officially carried out and controlled in domestic bovine animals;]
10.2.	has been obtained from wild animals that were killed between and (¹⁰) inside the territory mentioned under point 10.1, and the killing took place: (a) at a distance that exceeds 20 km from the borders of a country or part thereof, which is not authorised during this period for exporting this fresh meat to the European Community, (b) in an area where during the last 60 days, there has been no restrictions for the diseases mentioned under point 10.1;
10.3.	has been obtained from animals which after killing were transported within 12 hours for chilling [to a collection centre, and immediately afterwards] (⁵) to an approved game establishment around which, within a radius of 10 km, there has been no case/outbreak of the diseases mentioned under point 10.1 above during the previous 30 days or, in the event of a case of disease, the preparation of meat for exportation to the European Community has been authorised only after removal of all meat, and the total cleaning and disinfection of the establishment under the control of an official veterinarian;
10.4.	
(⁵) either	[has been obtained and prepared without contact with other meats not complying with the conditions required above;]
(⁵)(⁹) or	[contains [boneless meat] [and] [minced meat] (⁵), obtained only from boned meat other than offal that was obtained from carcasses in which the main accessible lymphatic glands have been removed, which have been submitted to maturation at a temperature above +2 °C for at least 24 hours before the bones were removed and in which the pH value of the meat was below 6,0 when tested electronically in the middle of the longissimus-dorsi muscle after maturation and before boning, and has been kept strictly separate from meat not conforming to the requirements mentioned above during all stages of its production, boning and storage until it has been packed in boxes or cartons for further storage in dedicated areas;]
(⁵)(¹¹) or	[contains [boneless meat], [and] [minced meat] (⁵), obtained only from de-boned meat other than offal that was obtained from carcasses in which the main accessible lymphatic glands have been removed, which have been submitted to maturation at a temperature above +2 °C for at least 24 hours before the bones were removed, and

has been kept strictly separate from meat not conforming to the requirements mentioned above during all stages of its production, de-boning and storage until it has been packed in boxes or cartons for further storage in dedicated areas.]

Official stamp and signature

Done at on



(signature of official veterinarian)

(name in capital letters, qualifications and title)

Notes

(¹) Fresh meat means all parts, excluding offal, whether fresh, chilled or frozen, fit for human consumption of wild mammal animals belonging to the taxa Perissodactyla -except Equidae-, Proboscidea or Artiodactyla -except Suidae- that are killed or hunted in the wild.

After importation, skin-in carcasses must be conveyed without delay to the processing establishment of destination.

(²) Issued by the competent authority.

(³) Country and code of territory as appearing in part 1 of Annex II to Council Decision 79/542/EEC (as last amended).

(⁴) The registration number(s) of rail-wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft.

In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, should be indicated under point 7.3.

(⁵) Keep as appropriate.

(⁶) Complete if appropriate.

(⁷) If appropriate, indicate 'matured' or 'unskinned'. If frozen, indicate the date of freezing (mm/yy) of the cuts/pieces.

In the case of 'unskinned' meat, indicate the origin identification mark(s). This mark cannot be the health mark used for declaring suitability for human consumption, the latter to be attributed by the approved game establishment in the EU Member State of destination once the meat has been skinned and undergone a post-mortem inspection.

(⁸) Regarding fresh meat, the provisions of Council Directive 92/45/EEC (as last amended) shall apply.

(⁹) Supplementary guarantees regarding meat from matured de-boned meat to be provided when required in column 5 'SG' of part 1 of Annex II to Council Decision 79/542/EEC (as last amended) with the entry 'A'.

The matured boned meat shall not be allowed for importation into the European Community until 21 days after the date of killing of the animals.

(¹⁰) Dates. Imports of this meat shall not be allowed when obtained from animals killed or hunted either prior to the date of authorisation for exportation to the European Community of the territory mentioned under (3), or during a period where restrictive measures have been adopted by the European Community against imports of this meat from this territory.

(¹¹) Supplementary guarantees regarding meats from matured de-boned meat to be provided when required in column 5 'SG' of part 1 of Annex II to Council Decision 79/542/EEC (as last amended), with the entry 'F'. The matured boned meat shall not be allowed for importation into the European Community until 21 days after the date of slaughter of the animals.

(¹²) Supplementary guarantees regarding fresh meat obtained from cervids to be provided when required in column 5 'SG' of part 1 of Annex II to Council Decision 79/542/EEC (as last amended), with the entry 'G'.

COMMISSION DECISION**of 10 December 2004****adjusting the Annex to Council Directive 95/57/EC on the collection of statistical information in the field of tourism as regards country lists***(notified under document number C(2004) 4723)***(Text with EEA relevance)****(2004/883/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

gramme Committee established by Council Decision 89/382/EEC, Euratom ⁽²⁾,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS DECISION:

*Article 1*Having regard to Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism ⁽¹⁾, and in particular Articles 3(2) thereof,

The Annex to Directive 95/57/EC is amended as shown in the Annex to this Decision.

Article 2

Whereas:

This Decision is addressed to the Member States.

(1) The country lists to be used in data collection need to be updated in order to facilitate the collection of harmonised statistics and because of new requirements regarding data on new countries of destination and origin, due to changes in travel behaviour.

Done at Brussels, 10 December 2004.

(2) The measures provided for in this Decision are in accordance with the opinion of the Statistical Pro-

For the Commission
Joaquín ALMUNIA
Member of the Commission

⁽¹⁾ OJ L 291, 6.12.1995, p. 32. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

ANNEX

The section headed 'Breakdown by geographical areas' in the Annex to Directive 95/57/EC is replaced by the following text:

'BREAKDOWN BY GEOGRAPHICAL AREAS'**1. Supply side statistics**

World total

Total European Economic Area

Total European Union (25)

Belgium
Czech Republic
Denmark
Germany
Estonia
Greece
Spain
France
Ireland
Italy
Cyprus
Latvia
Lithuania
Luxembourg
Hungary
Malta
Netherlands
Austria
Poland
Portugal
Slovenia
Slovakia
Finland
Sweden
United Kingdom

Total EFTA

Iceland
Norway
Switzerland (incl. Liechtenstein)

Total other European countries

of which:

Russia
Turkey
Ukraine

Total Africa

of which:

South Africa

Total North America

of which:

United States of America

Canada

Total South and Central America

of which:

Brazil

Total Asia

of which:

People's Republic of China

Japan

Republic of South Korea

Total Australia, Oceania and other territories

of which:

Australia

*Unspecified***2. Demand side statistics***World total**Total European Economic Area**Total European Union (25)*

Belgium

Czech Republic

Denmark

Germany

Estonia

Greece

Spain

France

Ireland

Italy

Cyprus

Latvia

Lithuania

Luxembourg

Hungary

Malta

Netherlands

Austria

Poland

Portugal

Slovenia

Slovakia

Finland

Sweden

United Kingdom

Total EFTA

Iceland

Norway

Switzerland (incl. Liechtenstein)

Total other European countries

of which:

Bulgaria

Romania

Russia

Turkey

Total Africa

of which:

South Africa

Maghreb countries

Total North America

of which:

United States of America

Total South and Central America

of which:

Argentina

Brazil

Total Asia

of which:

People's Republic of China

Japan

Republic of South Korea

Total Australia, Oceania and other territories

of which:

Australia

Unspecified'
