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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2200/2004**of 13 December 2004****amending Council Regulations (EEC) No 3030/93 and (EC) No 3285/94 as regards the common rules for imports of certain textile products from third countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Community is party to the WTO Agreement on Textiles and Clothing (ATC) according to which that Agreement and all restrictions hereunder shall stand terminated on 1 January 2005 in conformity with the integration schedule laid down in Article 9 of the Agreement.
- (2) An a posteriori customs-based surveillance system is established in order to monitor effectively trends of imports of products liberalised.
- (3) Special provisions may be maintained beyond that date by virtue of the provisions of China's Protocol of Accession to the WTO. Within this context and in order to gather in good time the necessary information to carry out an effective monitoring of certain imports, it is appropriate to establish a prior surveillance of imports of Chinese origin by an automatic import licensing regime applicable for a period of up to 31 December 2005, although this requirement can be terminated earlier once the customs-based ex-post surveillance system to be set up is fully operational.
- (4) According to the ATC, importing countries are not obliged to accept shipments in excess of the restrictions notified; in accordance with Community legislation the date of shipment is therefore considered to be the determining date for charging against the relevant quota. Consequently, goods arriving in 2005 but shipped in 2004 have, during a transitional period in 2005, to be charged against the 2004 quotas and do therefore remain subject to the system of double checking.
- (5) It is in the interest of the business community to establish commercial certainty and predictability, and it is therefore appropriate to set a definitive date after which the setting-off, against 2004 quotas, of shipments arriving in 2005 will no longer be applicable. This terminal date should be 31 March 2005.

(6) To comply with the ATC provisions on the elimination of quantitative restrictions on WTO members, Annex II to Regulation (EEC) No 3030/93 ⁽¹⁾ should cover, from 2005 onwards, only those non-WTO members with which the Community has concluded bilateral textiles agreements.

(7) The list of textiles and clothing products which are governed by the GATT rules and disciplines, contained in Annex II to Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports and repealing Regulation (EC) No 518/94 ⁽²⁾, should be amended to include, as from 1 January 2005, the products to be integrated into the GATT.

(8) It is desirable for this Regulation to enter into force on the day after that of its publication in order to allow operators to benefit from it as soon as possible,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3030/93 is hereby amended as follows:

1. Article 1 is amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. Without prejudice to Article 2 (5) and to Article 13, this Regulation shall apply to imports of textile products listed in Annex I, originating in third countries with which the Community has concluded bilateral agreements, protocols or other arrangements as listed in Annex II. The relevant provisions of this Regulation shall also apply to imports of textile and clothing products originating in China in respect of Article 10a.;

(b) paragraph 7 shall be deleted;

⁽¹⁾ OJ L 275, 8.11.1993, p. 1. Regulation as last amended by Regulation (EC) No 1627/2004 (OJ L 295, 18.9.2004, p. 1).

⁽²⁾ OJ L 349, 31.12.1994, p. 53. Regulation as last amended by Regulation (EC) No 2474/2000 (OJ L 286, 11.11.2000, p. 1).

2. Article 2 shall be amended as follows:

(a) paragraph 4 shall be deleted;

(b) paragraph 5 shall be replaced by the following:

'5. The release for free circulation of products the importation of which was subject to quantitative limits before 1 January 2005, as listed in Annexes Va and VIIa and which were shipped before that date shall continue, until 31 March 2005, to be subject to the presentation of an import authorisation that shall be issued under the import regime in force before 1 January 2005. Shipment of the goods shall be considered to have taken place on the date of their loading in the country of origin on to the exporting aircraft, vehicle or vessel.'

3. in Article 3, paragraphs 3 and 4 shall be deleted;

4. Article 7 shall be replaced by the following:

'Article 7

Flexibility provisions

Provided they notify the Commission in advance, supplier countries may effect transfers between the quantitative limits listed in Annexes V and Va to the extent and subject to the conditions stipulated in Annexes VIII and VIIa.'

5. Article 9 shall be deleted;

6. Article 10 shall be amended as follows:

(a) paragraphs 4, 5 and 6, subparagraphs (b) and (c) of paragraph 9, and paragraphs 10 and 12 shall be deleted;

(b) paragraph 7 subparagraph (a) shall be amended as follows:

'(a) Measures taken pursuant to paragraph 3 shall be subject to a Commission communication published without delay in the *Official Journal of the European Union*.'

(c) in paragraph 8, the first sentence shall be replaced by the following:

'The consultations with the supplier country concerned which are provided for in paragraph 3 may lead to an arrangement between that country and the Community, on the introduction and the level of quantitative limits.'

(d) paragraph 13 shall be replaced by the following:

'13. Measures provided for in paragraphs 3 and 9 of this Article shall be adopted and implemented in accordance with the procedure laid down in Article 17.'

7. in Article 10a, the following paragraph shall be inserted:

'2a. The imports of textile and clothing products covered in Annex I originating in China as indicated in table B of Annex III are subject to a system of single prior surveillance in accordance with Article 13 and Part IV of Annex III. The requirement for the issuance of a surveillance document shall not apply to textile and clothing products for which an import authorisation is issued pursuant to Article 2(5). This prior surveillance system will be lifted once the ex-post customs-based surveillance system set up under Article 13 is fully operational. Decisions to terminate the prior surveillance system and to amend table B of Annex III shall be taken in accordance with Article 17.'

8. Article 11 shall be deleted;

9. in Article 13, paragraph 1 shall be replaced by the following:

'1. Where, in accordance with the relevant provisions of an agreement, protocol or other arrangement between the Community and a third country, or in order to monitor the trends of imports of products originating in a third country, a system of surveillance a priori or a posteriori is introduced on a category of products referred to in Annex I which is not subject to the quantitative limits listed in Annex V, the procedures and formalities concerning single and double checking, economic outward processing, classification and certification of origin shall be those laid down in Annex III and IV.'

10. in Article 13, paragraph 3 shall be replaced by the following:

'3. The decision to impose the surveillance system on categories of products or on supplier countries not listed in the tables in Annex III shall be taken, when applicable, in accordance with the relevant provisions regarding consultations contained in the agreement, protocol or other arrangements with the third country in question.

The Commission shall decide to introduce an a priori or an a posteriori surveillance system. Decisions to impose the a priori surveillance system as well as any other measures needed to implement this system, shall be adopted in accordance with the procedure laid down in Article 17.'

11. Article 14 shall be deleted;

Article 2

12. Article 15(1) shall be replaced by the following:

Regulation (EEC) No 3285/94 is hereby amended as follows:

1. in Article 1, paragraph 1 shall be replaced by the following:

‘1. Where, following the enquiries carried out in accordance with the procedures established in Annex IV, the Commission finds that the information in its possession constitutes proof that products originating in a supplier country listed in Annex V and being subject to the quantitative limits referred to in Article 2 or introduced pursuant to Articles 10 or 10a have been trans-shipped, re-routed or otherwise imported into the Community through circumvention of such quantitative limits and that there is a need for the necessary adjustments to be made, it shall request that consultations be opened, in accordance with the procedure described in Article 17, so that agreement may be reached on an equivalent adjustment of the corresponding quantitative limits.’;

‘1. This Regulation applies to imports of products originating in third countries, except for:

(a) textile products subject to specific import rules under Council Regulation (EC) No 517/94,

(b) the products originating in certain third countries listed in Council Regulation (EC) No 519/94 on common rules for imports of certain third countries.’;

13. in Article 16, paragraph 2 shall be deleted;

2. Annex II shall be deleted.

14. Article 20 shall be replaced by the following:

Article 3

‘Article 20

This Regulation shall not prejudice the provisions of the bilateral agreements, protocols or arrangements between the Community and the third countries listed in Annex II.’;

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

15. the following Article shall be inserted:

It shall apply from 1 January 2005, with the exception of the following provisions of the Annex which shall apply from 1 April 2005:

‘Article 21a

References to Annexes V, VII and VIII are deemed to cover also, where appropriate, Annexes Va, VIIa and VIIIa’;

paragraph 1, subparagraphs (a), (e) and (j) of paragraph 3, subparagraphs (b) and (c) of paragraph 4, paragraph 6 and subparagraphs (a) and (b) of paragraph 9.

16. Annexes I, II, III, V, VII, VIII, IX and X shall be amended and new Annexes Va, VIIa and VIIIa added as indicated in the Annex to this Regulation.

Subparagraph (l) of paragraph 3 of the Annex shall not apply beyond 31 December 2005.

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

Done at Brussels, 13 December 2004.

For the Council

The President

B. R. BOT

ANNEX

AMENDMENTS TO CERTAIN ANNEXES OF REGULATION (EEC) No 3030/93

- 1) In Annex I, paragraph 2 is replaced by the following:

‘2. When the constitutive material of the products of categories 1 to 114 originating in Vietnam is not specifically mentioned, these products shall be taken to be made exclusively of wool or of fine animal hair, of cotton or of man-made fibres.’
- 2) Annex II is replaced by the following:

‘ANNEX II

EXPORTING COUNTRIES REFERRED TO IN ARTICLE 1

Belarus

Russia

Ukraine

Uzbekistan

Vietnam’.
- 3) Annex III is amended as follows:
 - (a) Article 12(2) is deleted;
 - (b) Article 18(2) is deleted;
 - (c) Article 19(2) is deleted;
 - (d) the penultimate sentence of Article 21(1) is deleted;
 - (e) the specimens for certificates of origin for Hong Kong and Thailand, and the specimens for the export licences for Hong Kong and Thailand are deleted;
 - (f) the specimen export licence for Egypt is deleted;
 - (g) Article 25(4) is replaced by the following:

‘4. Surveillance documents, drawn up on the form conforming to the specimen set out in Appendix I to this Annex or as regards China corresponding to the model in Annex I of Council Regulation 3285/94, shall be valid throughout the customs territory of the European Community. Surveillance documents shall be valid for six months from the date of their issue.’;
 - (h) the following Article is inserted:

‘Article 26a

In case the import of textile and clothing products is subject to prior surveillance measures, Member States shall communicate to the Commission the country of origin, the product category, and the details of the quantity and value of the products for which each surveillance document has been issued. This information shall be provided without delay once the surveillance documents are issued, electronically via the integrated network set up for this purpose (“Système Intégré de Gestion de Licences”), in accordance with data formats and procedures to be harmonised.’;
 - (i) Article 27 is replaced by the following:

‘Article 27

Textile products listed in tables C and D shall be subject to a system of a posteriori statistical surveillance. After the release for free circulation of the products, the competent authorities of the Member States shall notify the Commission, if possible on a weekly basis but no less frequently than at the end of each month, of the total quantities imported and their value, indicating the combined nomenclature code and the category of products to which they belong and using the units, and where appropriate supplementary units, used in that code. Imports shall be broken down in accordance with the statistical procedures in force.’;

(j) Article 28(6) is replaced by the following:

‘6. This number shall be composed of the following elements:

— two letters identifying the exporting country as follows:

Belarus = BY

China = CN

Ukraine = UA

Uzbekistan = UZ

Vietnam = VN,

— two letters identifying the intended Member State of destination, or group of such Member States, as follows:

AT = Austria

BL = Benelux

CY = Cyprus

CZ = Czech Republic

DE = Federal Republic of Germany

DK = Denmark

EE = Estonia

GR = Greece

ES = Spain

FI = Finland

FR = France

GB = United Kingdom

HU = Hungary

IE = Ireland

IT = Italy

LT = Lithuania

LV = Latvia

MT = Malta

PL = Poland

PT = Portugal

SE = Sweden

SI = Slovenia

SK = Slovakia

— a one-digit number identifying the quota year or the year under which exports were recorded, in the case of products listed in table A of this Annex, corresponding to the last figure in the year in question, e.g. “5” for 2005 and “6” for 2006. In the case of products originating in the People’s Republic of China listed in Appendix C to Annex V this number should be “1” for the year 2004,

— a two-digit number identifying the issuing office in the exporting country,

— a five-digit number running consecutively from 00001 to 99999 allocated to the specific Member State of destination.’;

(k) table A is replaced by the following:

'Countries and categories subject to the system of double-checking surveillance'

Third country	Group	Category	Unit
Uzbekistan	I A	1	tonnes
		3	tonnes
	I B	4	1 000 pieces
		5	1 000 pieces
		6	1 000 pieces
		7	1 000 pieces
		8	1 000 pieces
	II B	26	1 000 pieces
Vietnam	I A	1	tonnes
		2	tonnes
		3	tonnes
	II A	22	tonnes
		23	tonnes
		32	tonnes
	II B	16	1 000 pieces
		17	1 000 pieces
		19	1 000 pieces
		24	1 000 pieces
		27	1 000 pieces
	III A	33	tonnes
		36	tonnes
		37	tonnes
	III B	90	tonnes
	IV	115	tonnes
		117	tonnes
	V	136	tonnes
		156	tonnes
		157	tonnes
		159	tonnes
		160	tonnes';

(l) table B is replaced by the following:

'Countries and categories subject to the system of single surveillance'

Third country	Group	Category	Unit
China	Group I A		
		1	tonnes
		2	tonnes
		of which 2 a	tonnes
		3	tonnes
		of which 3 a	tonnes
		ex 20	tonnes

Third country	Group	Category	Unit
	Group I B		
		4	1 000 pieces
		5	1 000 pieces
		6	1 000 pieces
		7	1 000 pieces
		8	1 000 pieces
	Group II A		
		9	tonnes
		20/39	tonnes
		22	tonnes
		23	tonnes
	Group II B		
		12	1 000 pairs
		13	1 000 pieces
		14	1 000 pieces
		15	1 000 pieces
		16	1 000 pieces
		17	1 000 pieces
		26	1 000 pieces
		28	1 000 pieces
		29	1 000 pieces
		31	1 000 pieces
		78	tonnes
		83	tonnes
	Group III A		
		35	tonnes
	Group III B		
		97	tonnes
	Group IV		
		115	tonnes
		117	tonnes
		118	tonnes
		122	tonnes
	Group V		
		136 A	tonnes
		156	tonnes
		157	tonnes
		159	tonnes
		163	tonnes'

(m) Table C is replaced by the following:

'Countries and categories subject to the system of a posteriori statistical surveillance for direct imports

Third country	Group	Category	Unit
All countries	Group I A		
		1	tonnes
		2	tonnes
		of which 2 a	tonnes
		3	tonnes
		of which 3 a	tonnes
		ex 20	tonnes
	Group I B		
		4	1 000 pieces
		5	1 000 pieces
		6	1 000 pieces
		7	1 000 pieces
		8	1 000 pieces
	Group II A		
		9	tonnes
		20	tonnes
		22	tonnes
		23	tonnes
		39	tonnes
	Group II B		
		12	1 000 pairs
		13	1 000 pieces
		14	1 000 pieces
		15	1 000 pieces
		16	1 000 pieces
		17	1 000 pieces
		18	tonnes
		21	1 000 pieces
		24	1 000 pieces
		26	1 000 pieces
		28	1 000 pieces
		29	1 000 pieces
		31	1 000 pieces
		68	tonnes
		78	tonnes
		83	tonnes
	Group III A		
		35	tonnes
	Group III B		
		97	tonnes
		97 a	tonnes
	Group IV		
		115	tonnes
		117	tonnes
		118	tonnes
		122	tonnes

Third country	Group	Category	Unit
	Group V	136 A	tonnes
		156	tonnes
		157	tonnes
		159	tonnes
		163	tonnes';

4) Annex V is modified as follows:

(a) Annex V is replaced by the following:

'ANNEX V

COMMUNITY QUANTITATIVE LIMITS applicable for the year 2005

Belarus	Category	Unit	Community quantitative limits 2005
Group I A	1	tonnes	1 585
	2	tonnes	5 100
	3	tonnes	233
Group I B	4	1 000 pieces	1 600
	5	1 000 pieces	1 058
	6	1 000 pieces	1 400
	7	1 000 pieces	1 200
	8	1 000 pieces	1 110
Group II A	9	tonnes	363
	20	tonnes	318
	22	tonnes	498
	23	tonnes	255
	39	tonnes	230
Group II B	12	1 000 pairs	5 958
	13	1 000 pieces	2 651
	15	1 000 pieces	1 500
	16	1 000 pieces	186
	21	1 000 pieces	889
	24	1 000 pieces	803
	26/27	1 000 pieces	1 069
	29	1 000 pieces	450
	73	1 000 pieces	315
	83	tonnes	178

Belarus	Category	Unit	Community quantitative limits 2005
Group III A	33	tonnes	387
	36	tonnes	1 242
	37	tonnes	463
	50	tonnes	196
Group III B	67	tonnes	339
	74	1 000 pieces	361
	90	tonnes	199
Group IV	115	tonnes	87
	117	tonnes	1 800
	118	tonnes	448

Third country	Category	Unit	2005
Vietnam ⁽¹⁾	Group I B		
	4	1 000 pieces	23 613
	5	1 000 pieces	8 129
	6	1 000 pieces	10 340
	7	1 000 pieces	6 792
	8	1 000 pieces	23 986
	Group II A		
	9	tonnes	1 131
	20	tonnes	307
	39	tonnes	282
	Group II B		
	12	1 000 pairs	5 872
	13	1 000 pieces	15 883
	14	1 000 pieces	675
	15	1 000 pieces	1 124
	18	tonnes	2 260
	21	1 000 pieces	24 318
	26	1 000 pieces	2 489
	28	1 000 pieces	7 536
	29	1 000 pieces	792
	31	1 000 pieces	8 574
	68	tonnes	837
	73	1 000 pieces	2 219
	76	tonnes	2 173
	78	tonnes	2 254
	83	tonnes	753

Third country	Category	Unit	2005
	Group III A		
	35	tonnes	1 422
	41	tonnes	1 416
	Group III B		
	10	1 000 pairs	7 252
	97	tonnes	389
	Group IV		
	118	tonnes	312
	Group V		
	161	tonnes	578 ⁽¹⁾

⁽¹⁾ See appendix A.

(b) Appendix A is replaced by the following:

'Appendix A to Annex V

Category	Third Country	Remarks
All categories subject to quantitative limits	Vietnam	Vietnam shall reserve 30 % of its quantitative limits for firms belonging to the Community textile industry for a period of four months beginning on 1 January of each year, on the basis of lists provided by the Community before 30 October of the preceding year'

(c) Appendices B and C are deleted.

5) The following Annex Va is inserted:

'ANNEX Va

COMMUNITY QUANTITATIVE LIMITS referred to under Article 2(5)

Third country	Category	Unit	Community quantitative limits
			Quota levels applicable in 2004
Argentina	GROUP I A		
	1	tonnes	6 010
	2	tonnes	8 551
	2 a	tonnes	7 622

Third country	Category	Unit	Community quantitative limits
			Quota levels applicable in 2004
China ⁽²⁾ ⁽³⁾	GROUP I A		
	1	tonnes	4 770
	2 ⁽¹⁾	tonnes	30 556
	of which 2 a	tonnes	4 359
	3	tonnes	8 088
	of which 3 a	tonnes	2 769
	GROUP I B		
	4 ⁽¹⁾	1 000 pieces	126 808
	5 ⁽¹⁾	1 000 pieces	39 422
	6 ⁽¹⁾	1 000 pieces	40 913
	7 ⁽¹⁾	1 000 pieces	17 093
	8 ⁽¹⁾	1 000 pieces	27 723
	GROUP II A		
	9	tonnes	6 962
	20/39	tonnes	11 361
	22	tonnes	19 351
	23	tonnes	11 847
	GROUP II B		
	12	1 000 pairs	132 029
	13	1 000 pieces	586 244
	14	1 000 pieces	17 887
	15 ⁽¹⁾	1 000 pieces	20 131
	16	1 000 pieces	17 181
	17	1 000 pieces	13 061
	26 ⁽¹⁾	1 000 pieces	6 645
	28	1 000 pieces	92 909
	29	1 000 pieces	15 687
	31	1 000 pieces	96 488
	78	tonnes	36 651
	83	tonnes	10 883
	GROUP III B		
	97	tonnes	2 861
	GROUP V		
	163 ⁽¹⁾	tonnes	8 481
Hong Kong	GROUP I A		
	2	tonnes	14 172
	2 a	tonnes	12 166
	3	tonnes	11 912
	3 a	tonnes	8 085
	GROUP I B		
	4 ⁽¹⁾	1 000 pieces	58 250
	5	1 000 pieces	40 240
	6 ⁽¹⁾	1 000 pieces	79 703
	6 a	1 000 pieces	68 857
	7	1 000 pieces	42 372
	8	1 000 pieces	59 172

Third country	Category	Unit	Community quantitative limits
			Quota levels applicable in 2004
	GROUP II A		
	39	tonnes	2 444
	GROUP II B		
	12	1 000 pairs	53 159
	13 ⁽¹⁾	1 000 pieces	117 655
	16	1 000 sets	4 707
	26	1 000 pieces	12 498
	29	1 000 sets	5 191
	31	1 000 pieces	35 442
	78	tonnes	14 658
	83	tonnes	792
India	GROUP I A		
	1	tonnes	55 398
	2	tonnes	67 539
	2 a	tonnes	30 211
	3	tonnes	38 567
	3 a	tonnes	7 816
	GROUP I B		
	4 ⁽¹⁾	1 000 pieces	100 237
	5	1 000 pieces	53 303
	6 ⁽¹⁾	1 000 pieces	13 706
	7	1 000 pieces	78 485
	8	1 000 pieces	58 173
	GROUP II A		
	9	tonnes	15 656
	20	tonnes	29 049
	23	tonnes	31 206
	39	tonnes	9 185
	GROUP II B		
	15	1 000 pieces	10 238
	26	1 000 pieces	24 712
	29	1 000 pieces	14 637
Indonesia	GROUP I A		
	1	tonnes	22 559
	2	tonnes	34 126
	2 a	tonnes	12 724
	3	tonnes	31 250
	3 a	tonnes	16 872

Third country	Category	Unit	Community quantitative limits
			Quota levels applicable in 2004
	GROUP I B		
	4	1 000 pieces	59 337
	5	1 000 pieces	58 725
	6 ⁽¹⁾	1 000 pieces	21 429
	7	1 000 pieces	15 694
	8	1 000 pieces	24 626
	GROUP II A		
	23	tonnes	32 405
	GROUP III A		
	35	tonnes	32 725
Macao	GROUP I B		
	4 ⁽¹⁾	1 000 pieces	15 051
	5	1 000 pieces	14 055
	6 ⁽¹⁾	1 000 pieces	15 179
	7	1 000 pieces	5 907
	8	1 000 pieces	8 257
	GROUP II A		
	20	tonnes	244
	39	tonnes	307
	GROUP II B		
	13	1 000 pieces	9 446
	15	1 000 pieces	651
	16	1 000 pieces	508
	26	1 000 pieces	1 322
	31	1 000 pieces	10 789
	78	tonnes	2 115
	83	tonnes	517
Malaysia	GROUP I A		
	2	tonnes	8 870
	2 a	tonnes	3 406
	3 ⁽¹⁾	tonnes	18 594
	3 a ⁽¹⁾	tonnes	7 652
	GROUP I B		
	4 ⁽¹⁾	1 000 pieces	21 805
	5	1 000 pieces	10 132
	6 ⁽¹⁾	1 000 pieces	12 831
	7	1 000 pieces	43 822
	8	1 000 pieces	10 500
	GROUP II A		
	22	tonnes	18 573

Third country	Category	Unit	Community quantitative limits
			Quota levels applicable in 2004
Pakistan	GROUP I A		
	1 ⁽¹⁾	tonnes	25 961
	2	tonnes	51 252
	2 a	tonnes	19 376
	3	tonnes	86 004
	GROUP I B		
	4 ⁽¹⁾	1 000 pieces	50 030
	5	1 000 pieces	14 849
	6	1 000 pieces	53 885
	7	1 000 pieces	36 205
	8	1 000 pieces	8 350
	GROUP II A		
	9	tonnes	15 398
	20	tonnes	59 896
	39	tonnes	20 156
	GROUP II B		
	26	1 000 pieces	35 434
	28	1 000 pieces	128 083
Peru	GROUP I A		
	1 ⁽¹⁾	tonnes	24 085
	2	tonnes	18 080
Philippines	GROUP I B		
	4 ⁽¹⁾	1 000 pieces	32 787
	5	1 000 pieces	16 653
	6 ⁽¹⁾	1 000 pieces	15 388
	7	1 000 pieces	8 185
	8	1 000 pieces	9 275
	GROUP II B		
	13	1 000 pieces	42 526
	15	1 000 pieces	5 213
	26	1 000 pieces	6 964
	31	1 000 pieces	26 364
Singapore	GROUP I A		
	2	tonnes	5 895
	2 a	tonnes	2 846
	3	tonnes	2 009
	GROUP I B		
	4 ⁽¹⁾	1 000 pieces	35 106
	5	1 000 pieces	19 924
	6 ⁽¹⁾	1 000 pieces	21 452
	7	1 000 pieces	17 176
	8	1 000 pieces	10 343

Third country	Category	Unit	Community quantitative limits
			Quota levels applicable in 2004
South Korea	GROUP I A		
	1	tonnes	932
	2	tonnes	6 290
	2 a	tonnes	1 156
	3	tonnes	9 470
	3 a	tonnes	5 156
	GROUP I B		
	4 ⁽¹⁾	1 000 pieces	16 962
	5	1 000 pieces	36 754
	6 ⁽¹⁾	1 000 pieces	6 749
	7	1 000 pieces	10 785
	8	1 000 pieces	34 921
	GROUP II A		
	9	tonnes	1 721
	22	tonnes	22 841
	GROUP II B		
	12	1 000 pairs	231 975
	13	1 000 pieces	17 701
	14	1 000 pieces	8 961
	15	1 000 pieces	12 744
	16	1 000 pieces	1 285
	17	1 000 pieces	3 524
	26	1 000 pieces	3 345
	28	1 000 pieces	1 359
	29 ⁽¹⁾	1 000 pieces	857
	31	1 000 pieces	8 318
	78	tonnes	9 358
	83	tonnes	485
	GROUP III A		
	35	tonnes	17 631
	50	tonnes	1 463
	GROUP III B		
	97	tonnes	2 783
	97 a ⁽¹⁾	tonnes	889
Taiwan	GROUP I A		
	2	tonnes	5 994
	2 a	tonnes	595
	3	tonnes	12 143
	3 a	tonnes	4 485
	GROUP I B		
	4 ⁽¹⁾	1 000 pieces	12 468
	5	1 000 pieces	22 264
	6 ⁽¹⁾	1 000 pieces	6 215
	7	1 000 pieces	3 823
	8	1 000 pieces	9 821

Third country	Category	Unit	Community quantitative limits
			Quota levels applicable in 2004
	GROUP II A		
	20	tonnes	369
	22	tonnes	10 054
	23	tonnes	6 524
	GROUP II B		
	12	1 000 pairs	43 744
	13	1 000 pieces	3 765
	14	1 000 pieces	5 076
	15	1 000 pieces	3 162
	16	1 000 pieces	530
	17	1 000 pieces	1 014
	26	1 000 pieces	3 467
	28 ⁽¹⁾	1 000 pieces	2 549
	78	tonnes	5 815
	83	tonnes	1 300
	GROUP III A		
	35	tonnes	12 480
	GROUP III B		
	97	tonnes	1 783
	97 a ⁽¹⁾	tonnes	807
Thailand	GROUP I A		
	1	tonnes	25 175
	2	tonnes	18 729
	2 a	tonnes	4 987
	3 ⁽¹⁾	tonnes	34 101
	3 a ⁽¹⁾	tonnes	9 517
	GROUP I B		
	4	1 000 pieces	55 198
	5	1 000 pieces	38 795
	6	1 000 pieces	16 568
	7	1 000 pieces	13 169
	8	1 000 pieces	6 856
	GROUP II A		
	20	tonnes	15 443
	22	tonnes	7 478
	GROUP II B		
	12	1 000 pairs	49 261
	26	1 000 pieces	11 460
	GROUP III B		
	97	tonnes	3 445
97 a ⁽¹⁾	tonnes	2 911	

⁽¹⁾ See appendix A.⁽²⁾ See appendix B.⁽³⁾ See appendix C.^(*) Possibility to transfer to and from category 3 up to 40% of the category to which the transfer is made.

Appendix A to Annex Va

Category	Third Country	Remarks
1	Pakistan	The following additional quantities may be added to the relevant annual quantitative limit (tonnes): 509 These quantities may subject to notification be transferred to the relevant quantitative limits for category 2. Part of the quantity so transferred may be used on a pro rata basis for category 2a)
	Peru	In addition to the quantitative limits shown in Annex Va. an additional annual quantity of 900 tonnes of products falling within category 1 is reserved for imports into the Community for processing by the Community industry
2	China	For fabrics below 115 cm in width (CN codes: 5208 11 90, ex 5208 12 16, ex 5208 12 96, 5208 13 00, 5208 19 00, 5208 21 90, ex 5208 22 16, ex 5208 22 96, 5208 23 00, 5208 29 00, 5208 31 00, ex 5208 32 16, ex 5208 32 96, 5208 33 00, 5208 39 00, 5208 41 00, 5208 42 00, 5208 43 00, 5208 49 00, 5208 51 00, 5208 52 10, 5208 53 00, 5208 59 00, 5209 11 00, 5209 12 00, 5209 19 00, 5209 21 00, 5209 22 00, 5209 29 00, 5209 31 00, 5209 32 00, 5209 39 00, 5209 41 00, 5209 42 00, 5209 43 00, 5209 49 90, 5209 51 00, 5209 52 00, 5209 59 00, 5210 11 10, 5210 12 00, 5210 19 00, 5210 31 10, 5210 32 00, 5210 39 00, 5210 41 00, 5210 42 00, 5210 49 00, 5211 11 00, 5211 12 00, 5211 19 00, 5211 31 00, 5211 32 00, 5211 39 00, 5211 41 00, 5211 42 00, 5211 43 00, ex 5211 49 10, 5211 49 90, 5212 11 10, 5212 11 90, 5212 13 90, 5212 14 10, 5212 14 90, 5212 21 10, 5212 21 90, 5212 23 10, 5212 23 90, 5212 24 10, 5212 24 90, ex 5811 00 00 and ex 6308 00 00) the following additional quantities may be exported to the Community by China (tonnes): 1 454 For fabrics of category 2 for medical gauze (CN codes: 5208 11 10 and 5208 21 10) the following additional quantities may be exported to the Community by China (tonnes): 2 009 Possibility of transfer to and from category 3 of up to 40 % of the category to which the transfer is made
3	Malaysia Thailand	The quantitative limits shown in Annex Va include cotton fabric falling within category 2
3 a	Malaysia Thailand	The quantitative limits shown in Annex Va include cotton fabric other than unbleached or bleached falling within category 2a)
4	China Hong Kong India Macao Malaysia	For the purpose of setting off exports against the agreed quantitative limits a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 5 % of the quantitative limits
5	Pakistan Philippines Singapore South Korea Taiwan	For Hong Kong, Macao and South Korea, this figure shall be 3 %, and for Taiwan 4 % The export licence concerning these products must bear, in box 9, the words 'The conversion rate for garments of a commercial size of not more than 130 cm must be applied'

Category	Third Country	Remarks
	China	These figures include the following quantities reserved for European industry for a period of 180 days each year (1 000 pieces): 700 For products of category 5 (other than anoraks, windcheaters, waister jackets and the like) of fine animal hair falling within CN codes: 6110 10 35, 6110 10 38, 6110 10 95 and 6110 10 98 , the following sublimits apply within the quantitative limits established for category 5 (1 000 pieces): 250
6	China	The figures include the following quantities reserved for European industry for a period of 180 days each year (1 000 pieces): 1 274 The following additional quantities of shorts (CN codes 6203 41 90, 6203 42 90, 6203 43 90, and 6203 49 50) may be exported by China to the Community (1 000 pieces): 1 266
	Hong Kong India Indonesia Macao Malaysia Philippines Singapore South Korea Taiwan	For the purpose of setting off exports against the agreed quantitative limits a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 5 % of the quantitative limits For Macao this figure shall be 3 % and for Hong Kong it shall be 1 % Utilisation of the conversion rate for Hong Kong is limited in respect of long trousers to the subceiling shown below The export licence concerning these products must bear, in box 9, the words 'The conversion rate for garments of a commercial size of not more than 130 cm must be applied'
	Hong Kong	Within the quantitative limits laid down in Annex Va there are the following subceilings for long trousers falling within CN codes: 6203 41 10, 6203 42 31, 6203 42 33, 6203 42 35, 6203 43 19, 6203 49 19, 6204 61 10, 6204 62 31, 6204 62 33, 6204 62 39, 6204 63 18, 6204 69 18, 6211 32 42, 6211 33 42, 6211 42 42 and 6211 43 42 (1 000 pieces): 68 857 The export licence covering these products should be endorsed 'category 6 A'.
7	China	These figures include the following quantities reserved for European industry for a period of 180 days each year (1 000 pieces): 755
8	China	These figures include the following quantities reserved for European industry for a period of 180 days each year (1 000 pieces): 1 220
13	Hong Kong	The quantitative limits shown in Annex Va cover only products of cotton or synthetic fibres falling within CN codes: 6107 11 00, ex 6107 12 00, 6108 21 00, ex 6108 22 00 and ex 6212 10 10. In addition to the quantitative limits shown in Annex Va, the following specific quantities were agreed for exports of products (of wool or regenerated fibres) falling within CN codes: Ex 6107 12 00, ex 6107 19 00, ex 6108 22 00, ex 6108 29 00 and ex 6212 10 10 (tonnes): 3 002 The export licence covering these products should be endorsed 'category 13 S'.
15	China	These figures include the following quantities reserved for European industry for a period of 180 days each year (1 000 pieces): 371

Category	Third Country	Remarks
26	China	These figures include the following quantities reserved for European industry for a period of 180 days each year (1 000 pieces): 370
28	Taiwan	In addition to the quantitative limits laid down in Annex Va, specific quantities were agreed for exports of bib and brace overalls, breeches and shorts falling within CN codes: 6103 41 90, 6103 42 90, 6103 43 90, 6103 49 91, 6104 61 90, 6104 62 90, 6104 63 90 and 6104 69 91: 1 226 368 pieces.
29	South Korea	In addition to the quantitative limits laid down in Annex Va, additional quantities are reserved for martial arts (judo, karate, kung fu, taekwondo or the like) clothing (1 000 pieces): 454
97 a	South Korea Taiwan Thailand	Fine nets (CN codes: 5608 11 19 and 5608 11 99)
163	China	These figures include the following quantities reserved for European industry for a period of 180 days each year (tons): 400
All categories subject to quantitative limits	Vietnam	Vietnam shall reserve 30 % of its quantitative limits for firms belonging to the Community textile industry for a period of four months beginning on 1 January of each year, on the basis of lists provided by the Community before 30 October of the preceding year

Appendix B to Annex Va

Third country	Category	Unit	2004
China	The following quantities made available for the year 2004, may be used exclusively at European fairs:		
	1	tonnes	317
	2	tonnes	1 338
	2 a	tonnes	159
	3	tonnes	196
	3 a	tonnes	27
	4	1 000 pieces	2 061
	5	1 000 pieces	705
	6	1 000 pieces	1 689
	7	1 000 pieces	302
	8	1 000 pieces	992
	9	tonnes	294
	12	1 000 pairs	843
	13	1 000 pieces	3 192
	20/39	tonnes	372
	22	tonnes	332

Flexibilities provided for in Article 7 of and Annex VIIIa to Council Regulation 3030/93 for China are applicable to the above categories and amounts

Appendix C to Annex Va

COMMUNITY QUANTITATIVE LIMITS

Third country	Category	Unit	2004
China	GROUP I		
	ex 20 ⁽¹⁾	tonnes	59
	GROUP IV		
	115	tonnes	1 413
	117	tonnes	684
	118	tonnes	1 513
	122	tonnes	220
	GROUP V		
	136 A	tonnes	462
	156 ⁽²⁾	tonnes	3 986
	157 ⁽²⁾	tonnes	13 738
	159 ⁽²⁾	tonnes	4 352

⁽¹⁾ Categories marked by "ex" cover products other than those of wool or fine animal hairs, cotton or synthetic or artificial textile materials.

⁽²⁾ For these categories, China undertakes to reserve, as a priority 23 % of the quantitative limits concerned for users belonging to the textile Community industry during 90 days beginning on 1 January of each year.'

6) Annex VI is amended as follows:

(a) subparagraph (d) of paragraph 1 is deleted.

(b) the second and third subparagraphs of paragraph 2 are deleted.

7) In Annex VII the table is replaced by the following:

TABLE

Community quantitative limits for goods re-imported under opt applicable for year 2005

Third country	Category	Unit	Community quantitative limits
			2005
Belarus	Group I B		
	4	1 000 pieces	4 733
	5	1 000 pieces	6 599
	6	1 000 pieces	8 800
	7	1 000 pieces	6 605
	8	1 000 pieces	2 249
	Group II B		
	12	1 000 pairs	4 446
	13	1 000 pieces	697
	15	1 000 pieces	3 858
	16	1 000 pieces	786
	21	1 000 pieces	2 567
	24	1 000 pieces	661
	26/27	1 000 pieces	3 215
	29	1 000 pieces	1 304
	73	1 000 pieces	4 998
	83	tonnes	664

Third country	Category	Unit	Community quantitative limits
			2005
	Group III B		
	74	1 000 pièces	872
Vietnam	Group I B		
	4	1 000 pieces	1 129
	5	1 000 pieces	861
	6	1 000 pieces	811
	7	1 000 pieces	1 503
	8	1 000 pieces	3 483
	Group II B		
	12	1 000 pairs	3 549
	13	1 000 pieces	1 086
	15	1 000 pieces	350
	18	tonnes	409
	21	1 000 pieces	2 374
	26	1 000 pieces	223
	31	1 000 pieces	1 981
	68	tonnes	166
	76	tonnes	564
	78	tonnes	395'

- 8) The following Annex VIIa is inserted:

ANNEX VII a)

TABLE

COMMUNITY QUANTITATIVE LIMITS FOR GOODS RE-IMPORTED UNDER OPT referred to under Article 2(5)

Third country	Category	Unit	Community quantitative limits
			2004
Belarus	GROUP I B		
	4	1 000 pieces	4 432
	5	1 000 pieces	6 179
	6	1 000 pieces	7 526
	7	1 000 pieces	5 586
	8	1 000 pieces	1 966
	GROUP II B		
	12	1 000 pairs	4 163
	13	1 000 pieces	419
	15	1 000 pieces	3 228
	16	1 000 pieces	736
	21	1 000 pieces	2 403
	24	1 000 pieces	526
	26/27	1 000 pieces	2 598
	29	1 000 pieces	1 221
	73	1 000 pieces	4 679
	83	tonnes	622

Third country	Category	Unit	Community quantitative limits	
			2004	
	GROUP III B			
	74	1 000 pieces	816	
China	GROUP I B			
	4	1 000 pieces	337	
	5	1 000 pieces	746	
	6	1 000 pieces	2 707	
	7	1 000 pieces	724	
	8	1 000 pieces	1 644	
	GROUP II B			
	13	1 000 pieces	888	
	14	1 000 pieces	660	
	15	1 000 pieces	679	
	16	1 000 pieces	1 032	
	17	1 000 pieces	868	
	26	1 000 pieces	1 281	
	29	1 000 pieces	129	
	31	1 000 pieces	10 199	
	78	tonnes	105	
	83	tonnes	105	
	GROUP V			
	159	tonnes	9	
	India	GROUP I B		
		7	1 000 pieces	4 987
		8	1 000 pieces	3 770
GROUP II B				
15		1 000 pieces	380	
26		1 000 pieces	3 555	
Indonesia	GROUP I B			
	6	1 000 pieces	2 456	
	7	1 000 pieces	1 633	
	8	1 000 pieces	2 045	
Macao	GROUP I B			
	6	1 000 pieces	335	
	GROUP II B			
	16	1 000 pieces	906	
Malaysia	GROUP I B			
	4	1 000 pieces	594	
	5	1 000 pieces	594	
	6	1 000 pieces	594	
	7	1 000 pieces	383	
	8	1 000 pieces	308	

Third country	Category	Unit	Community quantitative limits
			2004
Pakistan	GROUP I B		
	4	1 000 pieces	8 273
	5	1 000 pieces	4 148
	6	1 000 pieces	7 096
	7	1 000 pieces	3 372
	8	1 000 pieces	4 704
	GROUP II B		
	26	1 000 pieces	4 604
Philippines	GROUP I B		
	6	1 000 pieces	738
	8	1 000 pieces	221
Singapore	GROUP I B		
	7	1 000 pieces	1 283
Thailand	GROUP I B		
	5	1 000 pieces	416
	6	1 000 pieces	417
	7	1 000 pieces	653
	8	1 000 pieces	416
	GROUP II B		
	26	1 000 pieces	633
Vietnam	GROUP I B		
	4	1 000 pieces	1 064
	5	1 000 pieces	811
	6	1 000 pieces	757
	7	1 000 pieces	1 417
	8	1 000 pieces	3 286
	GROUP II B		
	12	1 000 pairs	3 348
	13	1 000 pieces	1 024
	15	1 000 pieces	329
	18	tonnes	385
	21	1 000 pieces	2 235
	26	1 000 pieces	209
	31	1 000 pieces	1 869
	68	tonnes	156
	76	tonnes	532
	78	tonnes	371’.

9) Annex VIII is amended as follows:

(a) The table is replaced by the following:

'COUNTRY	Advance utilisation	Carry-over	Transfers from cat 1 to cats 2 and 3	Transfers between cats 2 and 3	Transfers between cats 4, 5, 6, 7, 8	Transfers from Groups I, II, III to Groups II, III, IV	Maximum increase in any cat.	9. Additional conditions
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Belarus	5 %	7 %	4 %	4 %	4 %	5 %	13,5 %	With regard to column 7, transfers can also be made from and to Group V. For Group I categories the limit in column 8 is 13 %.
Vietnam	5 %	7 %	0 %	0 %	7 %	7 %	17 %	With regard to column 7, transfers can be made from any category in Groups I, II, III, IV and V to Groups II, III, IV and V.'

(b) the Appendix to Annex VIII is deleted.

10) The following Annex is inserted:

'ANNEX VIIIa

Flexibility provisions referred to under Article 7

COUNTRY	Advance utilisation	Carry-over	Transfers from cat 1 to cats 2 and 3	Transfers between cats 2 and 3	Transfers between cats 4, 5, 6, 7, 8	Transfers from Groups I, II, III to Groups II, III, IV	Maximum increase in any cat.	Additional conditions
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Argentina	5 %	7 %	7 %	7 %	7 %	7 %	n.a.	Transfers may be made from categories 2 and 3 to cat. 1 up to 4 %.
Belarus	5 %	7 %	4 %	4 %	4 %	5 %	13,5 %	With regard to column 7, transfers can also be made from and to Group V. For Group I categories the limit in column 8 is 13 %.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
China	1 %	3 %	1 %	4 %	4 %	6 %	17 %	Further amounts may be authorized by the Commission in accordance with the procedure set out in Article 17(2) up to: Column 2: 5 % Column 3: 7 % With regard to column 7, transfers from Groups I, II, and III may only be made into Groups II and III.
Hong Kong	*	*	0 %	4 %	4 %	5 %	n.a.	See appendix to Annex VIIIa.
India	5 %	7 %	7 %	7 %	7 %	7 %	n.a.	Further amounts may be authorised by the Commission in accordance with the procedure set out in Article 17(2) up to 8 000 tonnes (2 500 tonnes for any particular textiles category and 3 000 tonnes for any particular clothing category).
Indonesia	5 %	7 %	7 %	7 %	7 %	7 %	n.a.	
Macao	1 %	2 %	0 %	4 %	4 %	5 %	n.a.	Further amounts may be authorised by the Commission in accordance with the procedure set out in Article 17(2) up to: Column 2: 5 % Column 3: 7 %
Malaysia	5 %	7 %	7 %	7 %	7 %	7 %	n.a.	
Pakistan	5 %	7 %	7 %	7 %	7 %	7 %	n.a.	With regard to Column 4 transfers may be made between categories 1, 2 and 3. Further amounts may be authorised by the Commission in accordance with the procedure set out in Article 17(2) up to 4 000 tonnes (2 000 tonnes for any particular category).

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Peru	5 %	9 %	11 %	11 %	11 %	11 %	n.a.	Transfers may be made between categories 1, 2 and 3 up to 11 %.
Philippines	5 %	7 %	7 %	7 %	7 %	7 %	n.a.	
Singapore	5 %	7 %	7 %	7 %	7 %	7 %	n.a.	
South Korea	1 %	2 %	0 %	4 %	4 %	5 %	n.a.	Further amounts may be authorised by the Commission in accordance with the procedure set out in Article 17(2) up to: Column 2: 5 % Column 3: 7 %
Taiwan	5 %	7 %	0 %	4 %	4 %	5 %	12 %	
Thailand	5 %	7 %	7 %	7 %	7 %	7 %	n.a.	
Uzbekistan	5 %	7 %	4 %	4 %	4 %	5 %	13,5 %	With regard to column 7, transfers can also be made from and to Group V. For Group I categories the limit in column 8 is 13 %.
Vietnam	5 %	7 %	0 %	0 %	7 %	7 %	17 %	With regard to column 7, transfers can be made from any category in Groups I, II, III, IV and V to Groups II, III, IV and V.

n.a. = not applicable

Flexibility provisions for quantitative restrictions referred to in Appendix C to Annex Va

COUNTRY	Advance utilisation	Carry-over	Transfers between cats 156, 157, 159 and 161	Transfers between other categories	Maximum increase in any cat.	Additional conditions
(1)	(2)	(3)	(4)	(5)	(6)	(7)
China	1 %	3 %	1,5 %	6 %	14 %	Further amounts may be authorized by the Commission in accordance with the procedure set out in Article 17(2) up to: Column 2: 5 % Column 3: 7 %

n.a. = not applicable

Appendix to Annex VIIIa

Flexibility provisions Hong Kong

1. Country	Group	Category	2. Advance utilisation
Hong Kong	Group I	2, 2 A	3,25 %
		3, 3 A, 4, 7, 8	3,00 %
		5	3,75 %
		6, 6 A	2,75 %
	Group II	13, 21, 68, 73	3,50 %
		12, 16, 18, 24, 26, 32, 39, 77	4,25 %
		13 S, 31, 68 S, 83	4,50 %
		27, 29, 78	5,00 %
	Group III	all categories	5,00 %

1. Country	Group	Category	3. Carry-over
Hong Kong	Group I	2, 2 A, 3, 3 A	3,75 %
		4	3,25 %
		5	3,00 %
		6, 6 A, 7, 8	2,50 %
	Group II	13, 13 S, 21, 73	3,00 %
		18, 68, 68 S	3,50 %
		12, 31	4,50 %
		24, 26, 27, 32, 39, 78	5,00 %
		16, 29, 77, 83	5,50 %
	Group III	all categories	5,50 %

11) Annex IX is replaced by the following:

‘ANNEX IX

Supplier country	Group I	Group II	Group III	Group IV	Group V
Belarus		1,20 %	4,00 %	4,00 %	4,00 %
Ukraine		1,20 %	4,00 %	4,00 %	4,00 %
Uzbekistan	0,35 % ⁽¹⁾	1,20 %	4,00 %	4,00 %	4,00 %

⁽¹⁾ Except for category 1: 2005: %.

Supplier country	Group I	Group II A	Group II B	Group III	Group IV	Group V
Vietnam	1,0 %	5,0 %	2,5 %	10,0 %	10,0 %	10,0 %

12) Annex X is deleted.

COMMISSION REGULATION (EC) No 2201/2004**of 21 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 22 December 2004.

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

Done at Brussels, 21 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 21 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	93,5
	204	84,1
	999	88,8
0707 00 05	052	118,1
	999	118,1
0709 90 70	052	103,0
	204	73,9
	999	88,5
0805 10 10, 0805 10 30, 0805 10 50	052	44,2
	204	47,4
	220	45,0
	388	50,7
	999	46,8
0805 20 10	204	62,2
	999	62,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,8
	204	46,7
	624	96,2
	999	71,6
0805 50 10	052	43,2
	528	38,5
	999	40,9
0808 10 20, 0808 10 50, 0808 10 90	388	150,2
	400	75,6
	404	102,8
	720	62,5
	999	97,8
0808 20 50	400	104,2
	528	47,6
	720	55,0
	999	68,9

⁽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 2202/2004**of 21 December 2004****opening Community tariff quotas for 2005 for sheep, goats, sheepmeat and goatmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Article 16(1) thereof,

Whereas:

- (1) Community tariff quotas for sheepmeat and goatmeat should be opened for 2005. The duties and quantities referred to in Regulation (EC) No 2529/2001 should be fixed in accordance with the respective international agreements in force during the year 2005.
- (2) Council Regulation (EC) No 312/2003 of 18 February 2003 implementing for the Community the tariff provisions laid down in the 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⁽²⁾, has provided for an additional bilateral tariff quota of 2 000 tonnes with a 10 % annual increase of the original quantity to be opened for product code 0204 from 1 February 2003. That quota was added to the GATT/WTO quota for Chile and both quotas should continue to be managed in the same way during 2005. Moreover, with regard to that quota a calculation error occurred when attributing the quota for the year 2004 under Commission Regulation (EC) No 2233/2003 of 23 December 2003 opening Community tariff quotas for 2004 for sheep, goats, sheepmeat and goatmeat⁽³⁾ and a quantity of 5 183 tonnes instead of 5 200 tonnes was attributed. The remaining 17 tonnes should, therefore, be added to the quantity available for 2005.
- (3) Council Regulation (EC) No 1329/2003 of 21 July 2003 amending Regulation (EC) No 992/95 as regards tariff quotas for certain agricultural and fishery products originating in Norway⁽⁴⁾ grants additional bilateral trade concessions concerning agricultural products.
- (4) Certain tariff quotas for sheep and goatmeat products have been granted to the ACP States under the Cotonou Agreement⁽⁵⁾.
- (5) Certain quotas are defined for period running from 1 July of year n to 30 June of year n+1. Since imports under the present Regulation are being managed on a calendar-year basis, the corresponding quantities to be fixed for the calendar year 2005 with regard to the quotas concerned are the sum of half of the quantity for the period from 1 July 2004 to 30 June 2005 and half of the quantity for the period from 1 July 2005 to 30 June 2006.
- (6) A carcase-weight equivalent needs to be fixed in order to ensure a proper functioning of the Community tariff quotas. Furthermore, since certain tariff quotas provide for the option of importing either the live animals or their meat, a conversion factor is required.
- (7) Experience with the management of the Community tariff quotas under the first-come, first-served system in sheepmeat and goatmeat products has been positive during the year 2004. Therefore, quotas concerning these products should, by way of derogation from Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector⁽⁶⁾, be managed in conformity with Article 16(2)(a) of Regulation (EC) No 2529/2001. This should be done in accordance with Articles 308a, 308b and 308c(1) of 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⁽⁷⁾.

⁽¹⁾ OJ L 341, 22.12.2001, p. 3. Regulation as amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 46, 20.2.2003, p. 1.

⁽³⁾ OJ L 339, 24.12.2003, p. 22. Regulation as amended by Regulation (EC) No 65/2004 (OJ L 63, 28.2.2004, p. 30).

⁽⁴⁾ OJ L 187, 26.7.2003, p. 1.

⁽⁵⁾ OJ L 317, 15.12.2000, p. 3.

⁽⁶⁾ OJ L 143, 27.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 272/2001 (OJ L 41, 10.2.2001, p. 3).

⁽⁷⁾ 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).

- (8) In order to avoid any discrimination among exporting countries, and given that equivalent tariff quotas have not been quickly exhausted in the last two years, tariff quotas under this Regulation should be regarded initially as non-critical within the meaning of Article 308c of Regulation (EEC) No 2454/93 when managed under the first-come first-served system. Therefore, customs authorities should be authorised to waive the requirement for security in respect of goods initially imported under those quotas in accordance with Articles 308c(1) and 248(4) of Regulation (EEC) No 2454/93. Due to the particularities of the transfer from one management system to the other Article 308c(2) and (3) of that Regulation should not apply.
- (9) It should be clarified which kind of proof certifying the origin of products has to be provided by the operator concerned in order to benefit from the tariff quotas under the first-come, first-served system.
- (10) When sheepmeat products are presented by the operator concerned to the customs authorities for import, it is difficult for those authorities to establish whether they originate from domestic sheep or other sheep, which determines the application of different duty rates. It is therefore appropriate to provide that the proof of origin contains a clarification to that end.
- (11) In accordance with Chapter II of 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⁽¹⁾ and with Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽²⁾, imports may be authorised only for products meeting the requirements of the food chain procedures, rules and checks in force in the Community.
- (12) Given the date of application and the time needed for translation, this Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation opens Community tariff quotas for sheep, goats, sheepmeat and goatmeat for the period from 1 January to 31 December 2005.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 24, 30.1.98, p. 9. Directive as last amended by European Parliament and Council Regulation (EC) No 882/2004 (OJ L 165, 30.4.2004, p. 1).

Article 2

The customs duties applicable to imports into the Community of sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90, 0210 99 21, 0210 99 29 and 0204 originating in the countries indicated in the Annex shall be suspended or reduced in accordance with this Regulation.

Article 3

1. The quantities, expressed in carcase-weight equivalent, for the import of meat falling within CN code 0204 and of live animals falling within CN codes 0104 10 30, 0104 10 80 and 0104 20 90, as well as the customs duty applicable shall be those as laid down in the Annex.

2. For the purpose of calculating the quantities of 'carcase-weight equivalent' referred to in paragraph 1 the net weight of sheep and goat products shall be multiplied by the following coefficients:

(a) for live animals: 0,47

(b) for boneless lamb and boneless goatmeat of kid: 1,67

(c) for boneless mutton, boneless sheep and boneless goatmeat other than of kid and mixtures of any of these: 1,81

(d) for bone-in products: 1,00.

3. 'Kid' shall mean goats of up to one year old.

Article 4

By way of derogation from Title II A and B of Regulation (EC) No 1439/95, the tariff quotas set up in the Annex to this Regulation for the countries of Country Groups No 1, 2, 3, 4 and 5 shall be managed on a first-come, first-served basis in accordance with Articles 308a, 308b and 308c(1) of Regulation (EEC) No 2454/93 from 1 January to 31 December 2005. Article 308c(2) and (3) of that Regulation shall not apply. No import licences shall be required.

Article 5

1. In order to benefit from the tariff quotas set out in the Annex and managed in accordance with Article 4, a valid proof of origin issued by the competent authorities of the third country concerned together with a customs declaration for release for free circulation for the goods concerned shall be presented to the Community customs authorities. The origin of products subject to tariff quotas other than those resulting from preferential tariff agreements shall be determined in accordance with the provisions in force in the Community.

2. The proof of origin referred to in paragraph 1 shall be as follows:

- (a) in the case of a tariff quota which is part of a preferential tariff agreement, it shall be the proof of origin laid down in that agreement;
- (b) in the case of other tariff quotas, it shall be a proof established in accordance with Article 47 of Regulation (EEC) No 2454/93 and in addition to the elements provided for in that Article, the following data:
 - the CN code (at least the first four digits),
 - the order number or order numbers of the tariff quota concerned in accordance with the third subparagraph of this paragraph,
 - the total net weight per coefficient category as specified in Article 3(2) of this Regulation.
- (c) in the case of a country whose quota falls under points (a) and (b) and are merged, it shall be the proof referred to in point (a).

Where the proof of origin referred to in point (b) is presented as supporting document for only one declaration for release for free circulation, it may contain several order numbers. In all other cases, it shall only contain one order number.

3. In order to benefit from the tariff quota set up in the Annex for Country Group 4 in respect of products falling under CN codes ex 0204, ex 0210 99 21 and ex 0210 99 29 the proof of origin shall contain in the box concerning the description of the products one of the following:

- (a) 'sheep product/s from the species domestic sheep';
- (b) 'products from the species other than domestic sheep'.

Those indications shall correspond to the indications in the veterinary certificate accompanying those products.

Article 6

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

It shall apply from 1 January 2005.

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

Done at Brussels, 21 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

SHEEPMEAT AND GOATMEAT in tonnes (t) of carcase weight equivalent

COMMUNITY TARIFF QUOTAS FOR 2005

Country group No	CN codes	'Ad valorem' duty %	Specific duty EUR/100 Kg	Order number under 'first-come first-served'				Origin	Annual volume in tonnes of carcase weight equivalent
				Live animals (Coefficient = 0,47)	Boneless lamb ⁽¹⁾ (Coefficient = 1,67)	Boneless mutton/sheep ⁽²⁾ (Coefficient = 1,81)	Bone-in and carcases (Coefficient = 1,00)		
1	0204	Zero	Zero	—	09.2101	09.2102	09.2011	Argentina	23 000
				—	09.2105	09.2106	09.2012	Australia	18 650
				—	09.2109	09.2110	09.2013	New Zealand	226 700
				—	09.2111	09.2112	09.2014	Uruguay	5 800
				—	09.2115	09.2116	09.1922	Chile	5 417
2	0204	Zero	Zero	—	09.2119	09.2120	09.0790	Iceland	1 350
				—	09.2121	09.2122	09.0781	Norway	300
3	0204	Zero	Zero	—	09.2125	09.2126	09.0693	Greenland	100
				—	09.2129	09.2130	09.0690	Faeroes	20
				—	09.2131	09.2132	09.0227	Turkey	200
4	0104 10 30, 0104 10 80 and 0104 20 90 For the species 'other than 'domestic sheep' only: ex 0204, ex 0210 99 21 and ex 0210 99 29	Zero	Zero	09.2141	09.2145	09.2149	09.1622	ACP States	100
	For the species 'domestic sheep' only: ex 0204, ex 0210 99 21 and ex 0210 99 29	Zero	65 % reduction of specific duties	—	09.2161	09.2165	09.1626	ACP States	500

Country group No	CN codes	'Ad valorem' duty %	Specific duty EUR/100 Kg	Order number under 'first-come first-served'				Origin	Annual volume in tonnes of carcase weight equivalent
				Live animals (Coefficient = 0,47)	Boneless lamb ⁽¹⁾ (Coefficient = 1,67)	Boneless mutton/sheep ⁽²⁾ (Coefficient = 1,81)	Bone-in and carcases (Coefficient = 1,00)		
5 ⁽³⁾	0204	Zero	Zero	—	09.2171	09.2175	09.2015	Others	200
	0104 10 30 0104 10 80 0104 20 90	10	Zero	09.2181	—	—	09.2019	Others	49

⁽¹⁾ And goatmeat of kid.

⁽²⁾ And goatmeat other than of kid.

⁽³⁾ 'Others' shall refer to all origins including the ACP States and excluding the other countries mentioned in the current table.

COMMISSION REGULATION (EC) No 2203/2004**of 21 December 2004****amending Regulation (EEC) No 1859/82 concerning the selection of returning holdings for the purpose of determining incomes of agricultural holdings**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

holdings laid down in Annex I for Belgium, Denmark, Germany, France and Luxembourg should be adjusted, to maintain the actual sample size.

Having regard to the Treaty establishing the European Community,

- (4) The number of returning holdings per division in Sweden should be adjusted, due to changes in the borders between the divisions.

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⁾, and in particular Articles 4(4), and 6(2) thereof,

- (5) Regulation (EEC) No 1859/82 should therefore be amended accordingly.

Whereas:

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

- (1) Commission Regulation (EEC) No 1859/82⁽²⁾ fixes the number of returning holdings per division. The number of returning holdings to be selected in each division may differ by up to 20 % in either direction provided that this does not entail a reduction in the total number of returning holdings per Member State.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1859/82 is amended as follows:

- (2) As the financial management of such a measure is difficult, a limitation per Member State as to the total number of duly completed farm returns eligible for Community financing is introduced in 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⁽³⁾. For reasons of clarity and coherence, this change should be reflected in Regulation (EEC) No 1859/82. Flexibility in the number of returning holdings per division should remain allowed, as long as the total number of the returning holdings of the Member State concerned is respected.

1. Article 3 is replaced by the following:

'Article 3

The number of returning holdings per Member State as well as per division is laid down in Annex I.

- (3) In view of the limitation per Member State of the total number of duly completed farm returns eligible for Community financing, the number of returning

The number of returning holdings to be selected per division may differ from that laid down in Annex I by up to 20 % in either direction provided that the total number of the returning holdings of the Member State concerned is respected.'

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

⁽²⁾ OJ L 205, 13.7.1982, p. 40. Regulation as last amended by Regulation (EC) No 730/2004 (OJ L 113, 20.4.2004, p. 8).

⁽³⁾ OJ L 190, 14.7.1983, p. 25. Regulation as amended by Regulation (EC) No 1388/2004 (OJ L 255, 31.7.2004, p. 5).

2. Annex I is amended in accordance with the Annex to this Regulation.

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 the 2005 accounting year.

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

Done at Brussels, 21 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Annex I to Regulation (EEC) No 1859/82 is amended as follows:

(a) the part concerning Belgium is replaced by the following:

	'BELGIUM	
341	Vlaanderen	720
342	Bruxelles-Brussel	—
343	Wallonie	480
Total Belgium		1 200'

(b) the part concerning Denmark is replaced by the following:

'370	DENMARK	2 250'
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(c) the part concerning Germany is replaced by the following:

	'GERMANY	
010	Schleswig-Holstein	450
020	Hamburg	50
030	Niedersachsen	980
040	Bremen	—
050	Nordrhein-Westfalen	790
060	Hessen	440
070	Rheinland-Pfalz	600
080	Baden-Württemberg	740
090	Bayern	1 150
100	Saarland	80
110	Berlin	—
112	Brandenburg	240
113	Mecklenburg-Vorpommern	180
114	Sachsen	280
115	Sachsen-Anhalt	190
116	Thüringen	190
Total Germany		6 360'

(d) the part concerning France is replaced by the following:

	'FRANCE	
121	Île-de-France	170
131	Champagne-Ardenne	400
132	Picardie	300
133	Haute-Normandie	160
134	Centre	450
135	Basse-Normandie	220
136	Bourgogne	380
141	Nord-Pas-de-Calais	310
151	Lorraine	230
152	Alsace	180
153	Franche-Comté	230
162	Pays de la Loire	490

163	Bretagne	540
164	Poitou-Charentes	360
182	Aquitaine	500
183	Midi-Pyrénées	480
184	Limousin	200
192	Rhône-Alpes	450
193	Auvergne	360
201	Languedoc-Roussillon	400
203	Provence-Alpes-Côte d'Azur	360
204	Corse	150
Total France		7 320'

(e) the part concerning Luxembourg is replaced by the following:

'350	LUXEMBOURG	360'
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(f) the part concerning Sweden is replaced by the following:

	'SWEDEN	
710	Plains of Southern and Central Sweden	680
720	Forest and mixed agricultural and forest areas of Southern and Central Sweden	215
730	Areas of Northern Sweden	105
Total Sweden		1 000'

COMMISSION REGULATION (EC) No 2204/2004**of 21 December 2004****amending Regulation (EEC) No 1915/83 on certain detailed implementing rules concerning the keeping of accounts for the purpose of determining the incomes of agricultural holdings**

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⁾, and in particular Article 6(2) thereof,

Whereas:

(1) Pursuant to Article 5(1) of Commission Regulation (EEC) No 1915/83⁽²⁾, the Commission shall pay a standard fee to the Member State concerned in respect of each duly completed farm return forwarded to it within the period prescribed in Article 3 of that Regulation. For the sake of clarity some provisions relating to those payments laid down in Commission Regulation (EEC) No 1859/82 of 12 July 1982 concerning the selection of returning holdings for the purpose of determining incomes of agricultural holdings⁽³⁾ should also be included in Regulation (EEC) No 1915/83.

(2) For budgetary reasons and to facilitate financial management, the maximum number of farm returns per Member State to be paid should be limited to the number indicated in Annex I to Regulation (EEC) No 1859/82.

(3) Some flexibility in the number of farm returns per division eligible for payment should be allowed, within the maximum number of returning holdings per Member State as laid down in Annex I to Regulation (EEC) No 1859/82 if the Member State concerned has more than one division.

(4) If the number of duly completed farm returns forwarded within the time limit per division or per Member State is less than 80 % of the number fixed for the division or the Member State in question, the standard fee for the farm returns from that division or from the Member State concerned should be reduced as from accounting year 2005. However, it is appropriate, as a transitional measure, to postpone the application of the reduction system in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, in order to allow a smooth adaptation of the new Member States to the system of keeping accounts for the purpose of determining the incomes of agricultural holdings, that is new for them.

(5) Regulation (EEC) No 1915/83 should therefore be amended accordingly.

(6) 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

Article 5(1) of Regulation (EEC) No 1915/83 is replaced by the following:

‘1. The Commission shall pay a standard fee to the Member States in respect of each duly completed farm return forwarded to it within the period referred to in Article 3.

1a. The total number per Member State of duly completed and forwarded farm returns that is eligible for the standard fee shall not be more than the total number of returning holdings laid down for that Member State in Annex I to Regulation (EEC) No 1859/82.

⁽¹⁾ OJ 109, 23.6.1965, p. 1859/65. Regulation as 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 as amended by Regulation (EC) No 1388/2004 (OJ L 255, 31.7.2004, p. 5).

⁽³⁾ OJ L 205, 13.7.1982, p. 40. Regulation as last amended by Regulation (EC) No 730/2004 (OJ L 113, 20.4.2004, p. 8).

For Member States having more than one division, the number of duly completed and forwarded farm returns per division that is eligible for the standard fee may be up to 20 % higher than the number laid down for the division concerned, provided that the total number of duly completed and forwarded farm returns of the Member State concerned shall not be higher than the total number laid down for that Member State in Annex I to Regulation (EEC) No 1859/82.

If the number of duly completed and forwarded farm returns in respect of a division or a Member State is less than 80 % of the number of returning holdings laid down for that division or for the Member State concerned, the standard fee for the farm returns from that division or from the Member State concerned shall be reduced by:

— 10 % in the accounting years 2005 and 2006,

— 20 % in the 2007 accounting year and the subsequent accounting years.

If there is a shortfall for both a division and the Member State concerned, the reduction shall be applied only at national level.

The reduction in respect of the accounting year 2005 provided for in the first indent of the third subparagraph shall not apply to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia'.

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 the 2005 accounting year.

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

Done at Brussels, 21 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 2205/2004**of 21 December 2004****amending Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

The paragraph concerning Italy in the Annex to Regulation (EC) No 3199/93 is hereby replaced by the following:

Having regard to Council Directive 92/83/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages⁽¹⁾, and in particular Article 27(4) thereof,

Having regard to the opinion of the Committee on Excise Duties,

Whereas:

(1) Pursuant to Article 27(1)(a) of Directive 92/83/EEC, Member States are required to exempt from excise duty alcohol which has been completely denatured in accordance with the requirements of any Member State, provided that such requirements have been duly notified and accepted in accordance with the conditions laid down in paragraphs 3 and 4 of that Article.

(2) Italy has communicated some changes to the denaturing processes authorised by Commission Regulation (EC) No 3199/93⁽²⁾.

(3) The Commission transmitted the said communication to the other Member States on 26 November 2003.

(4) Neither the Commission nor any Member State having requested that the matter be raised in the Council within the time limit prescribed, the Council is deemed, pursuant to Article 27(4) of Directive 92/83/EEC, to have authorised, with effect from 26 January 2004, the changes to the denaturing processes notified by Italy.

(5) Regulation (EC) No 3199/93 should, therefore, be amended accordingly,

Italy

The ethyl alcohol to be denatured must have a ethyl alcohol content of at least 83 % by volume and a strength measured on the EC alcoholmeter of at least 90 % by volume. Per anhydrous hectolitre, add:

(a) 125 grams of thiophene,

(b) 0,8 grams of denatonium benzoate,

(c) 3 grams of CI reactive red 24 (red colorant), solution at 25 % w/w,

(d) 2 litres of methyl ethyl ketone.

In order to ensure the complete solubility of all the components, the denaturant mixture must be prepared in ethyl alcohol below 96 % by volume measured on the EC alcoholmeter.

Denaturation is achieved by the substances listed at points (a), (b) and (d). Thiophene and denatonium benzoate alter the organoleptic characteristics of the product, making ingestion impossible, while methyl ethyl ketone, with a boiling point (79,6 °C) close to that of ethyl alcohol (78,9 °C), is difficult to eliminate except by non-economic techniques. This facilitates checks by the financial authorities to identify possible misuse.

The purpose of CI reactive red 24 is to give the product a characteristic red colour, which makes the purpose of the product immediately identifiable.'

⁽¹⁾ OJ L 316, 31.10.1992, p. 21. Directive as amended by the 2003 Act of accession.

⁽²⁾ OJ L 288, 23.11.1993, p. 12. Regulation as last amended by Regulation (EC) No 2559/98 (OJ L 320, 28.11.98, p. 27).

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, 21 December 2004.

For the Commission
László KOVÁCS
Member of the Commission

COMMISSION REGULATION (EC) No 2206/2004**of 21 December 2004****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Article 14(3) and 19 thereof,

Whereas:

- (1) Article 14 of Regulation (EC) No 1785/2003 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) Article 14 of Regulation (EC) No 1785/2003, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availability of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽²⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) The maximum export refund for rend, medium and long A rice was fixed at a relatively low level. Consequently, it is not justified for the moment to fix a common right to refund for rice.
- (5) Article 14(5) of Regulation (EC) No 1785/2003 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.
- (6) 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.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) 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 of Regulation (EC) No 1785/2003 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

The issue of export licences with advance fixing of the refund is hereby suspended.

Article 3

This Regulation shall enter into force on 22 December 2004.

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 154, 15.6.1976, p. 11.

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

Done at Brussels, 21 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

to the Commission Regulation of 21 December 2004 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾	Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾
1006 20 11 9000	R01	EUR/t	0	1006 30 65 9900	R01	EUR/t	0
1006 20 13 9000	R01	EUR/t	0		066	EUR/t	0
1006 20 15 9000	R01	EUR/t	0		A97	EUR/t	0
1006 20 17 9000	—	—	—	1006 30 67 9100	021 and 023	EUR/t	0
1006 20 92 9000	R01	EUR/t	0		066	EUR/t	0
1006 20 94 9000	R01	EUR/t	0	1006 30 67 9900	066	EUR/t	0
1006 20 96 9000	R01	EUR/t	0	1006 30 92 9100	R01	EUR/t	0
1006 20 98 9000	—	—	—		R02	EUR/t	0
1006 30 21 9000	R01	EUR/t	0		R03	EUR/t	0
1006 30 23 9000	R01	EUR/t	0		066	EUR/t	0
1006 30 25 9000	R01	EUR/t	0		A97	EUR/t	0
1006 30 27 9000	—	—	—		021 and 023	EUR/t	0
1006 30 42 9000	R01	EUR/t	0	1006 30 92 9900	R01	EUR/t	0
1006 30 44 9000	R01	EUR/t	0		A97	EUR/t	0
1006 30 46 9000	R01	EUR/t	0		066	EUR/t	0
1006 30 48 9000	—	—	—	1006 30 94 9100	R01	EUR/t	0
1006 30 61 9100	R01	EUR/t	0		R02	EUR/t	0
	R02	EUR/t	0		R03	EUR/t	0
	R03	EUR/t	0		066	EUR/t	0
	066	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		021 and 023	EUR/t	0
	021 and 023	EUR/t	0	1006 30 94 9900	R01	EUR/t	0
1006 30 61 9900	R01	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		066	EUR/t	0
	066	EUR/t	0	1006 30 96 9100	R01	EUR/t	0
1006 30 63 9100	R01	EUR/t	0		R02	EUR/t	0
	R02	EUR/t	0		R03	EUR/t	0
	R03	EUR/t	0		066	EUR/t	0
	066	EUR/t	0		A97	EUR/t	0
	A97	EUR/t	0		021 and 023	EUR/t	0
	021 and 023	EUR/t	0	1006 30 96 9900	R01	EUR/t	0
1006 30 63 9900	R01	EUR/t	0		A97	EUR/t	0
	066	EUR/t	0		066	EUR/t	0
	A97	EUR/t	0	1006 30 98 9100	021 and 023	EUR/t	0
1006 30 65 9100	R01	EUR/t	0	1006 30 98 9900	—	—	—
	R02	EUR/t	0	1006 40 00 9000	—	—	—
	R03	EUR/t	0				
	066	EUR/t	0				
	A97	EUR/t	0				
	021 and 023	EUR/t	0				

⁽¹⁾ The procedure laid down in Article 8(3) of Commission Regulation (EC) No 1342/2003 (OJ L 189, 29.7.2003, p. 12) applies to licences applied for under that Regulation for quantities according to the destination:

destination R01: 0 t,
destinations R02 and R03: 0 t,
destinations 021 and 023: 0 t,
destination 066: 0 t,
destination A97: 0 t.

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).

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 2207/2004**of 21 December 2004****fixing the maximum export refund on wholly milled and parboiled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2032/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice⁽¹⁾, and in particular Article 14(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2032/2004⁽²⁾.

(2) Article 5 of Commission Regulation (EEC) No 584/75⁽³⁾ allows the Commission to fix, in accordance with the procedure laid down in Article 26(2) of Regulation (EC) No 1785/2003 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 14(4) of Regulation (EC) No 1785/2003 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(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 maximum export refund on wholly milled and parboiled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2032/2004 is hereby fixed on the basis of the tenders submitted from 13 to 16 December 2004 at 65,00 EUR/t.

Article 2

This Regulation shall enter into force on 22 December 2004.

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

Done at Brussels, 21 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 353, 27.11.2004, p. 6.

⁽³⁾ OJ L 61, 7.3.1975, p. 25. Regulation as last amended by Regulation (EC) No 1948/2002 (OJ L 299, 1.11.2002, p. 18).

COMMISSION REGULATION (EC) No 2208/2004**of 21 December 2004****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled and medium and long grain A rice issued in Regulation (EC) No 2031/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽¹⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2031/2004 ⁽²⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 26(2) of Regulation (EC) No 1785/2003 and on the basis of the tenders submitted, to make no award.

- (3) On the basis of the criteria laid down in Article 14(4) of Regulation (EC) No 1785/2003, a maximum refund should not be fixed.

- (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

No action shall be taken on the tenders submitted from 13 to 16 December 2004 in response to the invitation to tender for the export refund on wholly milled and, medium and long grain A rice to certain third European countries issued in Regulation (EC) No 2031/2004.

Article 2

This Regulation shall enter into force on 22 December 2004.

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

Done at Brussels, 21 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 353, 27.11.2004, p. 3.

⁽³⁾ OJ L 61, 7.3.1975, p. 25. Regulation as last amended by Regulation (EC) No 1948/2002 (OJ L 299, 1.11.2002, p. 18).

COMMISSION REGULATION (EC) No 2209/2004**of 21 December 2004****determining the extent to which applications lodged in December 2004 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 593/2004 of 30 March 2004 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin⁽¹⁾, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged for the period from 1 January to 31 March 2005 are, in the case of certain products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of

other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2005 submitted pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 April to 30 June 2005, may be lodged pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 for the total quantity as referred to in the Annex to this Regulation.

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, 21 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 94, 31.3.2004, p. 10.

⁽²⁾ OJ L 161, 29.6.1996, p. 136. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period of 1 January to 31 March 2005	Total quantity available for the period of 1 April to 31 June 2005 (t)
E1	—	134 360,00
E2	82,06	1 750,00
E3	100,00	12 911,45
P1	100,00	1 926,00
P2	100,00	3 825,16
P3	2,11	175,00
P4	100,00	475,00

COMMISSION REGULATION (EC) No 2210/2004**of 21 December 2004**

determining the extent to which applications lodged in December 2004 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products⁽¹⁾ and in particular Article 4(4) thereof,

1. Applications for import licences for the period 1 January to 31 March 2005 submitted pursuant to Regulation (EC) No 1431/94 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 April to 30 June 2005 may be lodged pursuant to Regulation (EC) No 1431/94 for the total quantity as referred to in the Annex to this Regulation.

Whereas:

Article 2

The applications for import licences lodged for the period 1 January to 31 March 2005 are greater than the quantities

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, 21 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 156, 23.6.1994, p. 9. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

ANNEX

Group No	Percentage of acceptance of import certificates submitted for the period 1 January to 31 March 2005	Total quantity available for the period 1 April to 30 June 2005 (t)
1	1,46	1 775,00
2	8,92	1 275,00
3	1,52	825,00
4	1,86	450,00
5	2,91	175,00

COMMISSION REGULATION (EC) No 2211/2004**of 21 December 2004****determining the extent to which applications lodged in December 2004 for import licences for certain poultrymeat sector products pursuant to Regulation (EC) No 2497/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EC) No 2497/96 of 18 December 1996 laying down rules for the application in the poultrymeat sector of the system provided for by the Association Agreement and the Interim Agreement between the European Community and the State of Israel⁽¹⁾, and in particular Article 4(5) thereof,

1. Applications for import licences for the period 1 January to 31 March 2005 submitted pursuant to Regulation (EC) No 2497/96 shall be met as referred to in the Annex.

2. Application for import licences for the period 1 April to 30 June 2005 may be lodged pursuant to Regulation (EC) No 2497/96 for the total quantity as referred to in the Annex to this Regulation.

Whereas:

Article 2

The applications for import licences lodged for the period 1 January to 31 March 2005 are less than or equal to the quantities available and can therefore be met in full,

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, 21 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 338, 28.12.1996, p. 48. Regulation as last amended by Regulation (EC) No 361/2004 (OJ L 63, 28.2.2004, p. 15).

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period of 1 January to 31 March 2005	Total quantity available for the period of 1 April to 30 June 2005 (t)
I1	100,00	371,00
I2	100,00	132,50

COMMISSION REGULATION (EC) No 2212/2004**of 21 December 2004****determining the extent to which applications lodged in December 2004 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Bulgaria and Romania can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

comply with all veterinary rules currently in force in the Community,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by the Agreements concluded by the Community with the Republic of Bulgaria, the Czech Republic, Slovakia, Romania, the Republic of Poland and the Republic of Hungary⁽¹⁾, and in particular Article 4(5) thereof,

Article 1

1. Applications for import licences for the period 1 January to 31 March 2005 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in Annex I.

2. For the period 1 April to 30 June 2005, applications may be lodged pursuant to Regulation (EC) No 1898/97 for import licences for a total quantity as referred to in Annex II.

3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 1 January 2005.

Whereas:

- (1) The applications for import licences lodged for the first quarter of 2005 are for quantities less than or equal to the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which

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

Done at Brussels, 21 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 267, 30.9.1997, p. 58. Regulation as last amended by Regulation (EC) No 333/2004 (OJ L 60, 27.2.2004, p. 12).

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2005
B1	100,0
15	100,0
16	100,0
17	100,0

ANNEX II

(t)	
Group	Total quantity available for the period 1 April to 30 June 2005
B1	3 500,0
15	1 105,0
16	2 125,0
17	15 625,0

COMMISSION REGULATION (EC) No 2213/2004**of 21 December 2004**

determining the extent to which applications lodged in December 2004 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products⁽¹⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the first quarter of 2005 are for quantities less than the quantities available and can therefore be met in full.
- (2) The quantity available for the following period should be determined.

- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2005 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. For the period 1 April to 30 June 2005, applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

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, 21 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 156, 23.6.1994, p. 14. Regulation as last amended by Regulation (EC) No 332/2004 (OJ L 60, 27.2.2004, p. 10).

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2005
1	100,00

ANNEX II

Group	Total quantity available for the period 1 April to 30 June 2005
1	3 500,0

(t)

COMMISSION REGULATION (EC) No 2214/2004**of 21 December 2004****determining the extent to which applications lodged in December 2004 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 January to 31 March 2005 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*Having regard to Commission Regulation (EC) No 1458/2003 of 18 August 2003 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector⁽¹⁾, and in particular Article 5(6) thereof,

1. Applications for import licences for the period 1 January to 31 March 2005 submitted pursuant to Regulation (EC) No 1458/2003 shall be met as referred to in Annex I.

Whereas:

2. For the period 1 April to 30 June 2005, applications may be lodged pursuant to Regulation (EC) No 1458/2003 for import licences for a total quantity as referred to in Annex II.

(1) The applications for import licences lodged for the first quarter of 2005 are for quantities less than the quantities available and can therefore be met in full.

Article 2

(2) The surplus to be added to the quantity available for the following period should be determined,

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, 21 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 208, 19.8.2003, p. 3.

ANNEX I

Group	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2005
G2	100
G3	100
G4	100
G5	100
G6	100
G7	100

ANNEX II

Group No	Total quantity available for the period 1 April to 30 June 2005	(t)
G2	30 847,5	
G3	4 987,5	
G4	3 000,0	
G5	6 100,0	
G6	15 000,0	
G7	5 477,3	

COMMISSION REGULATION (EC) No 2215/2004
of 21 December 2004
amending the import duties in the cereals sector applicable from 22 December 2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 2142/2004⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2142/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2142/2004 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 22 December 2004.

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

Done at Brussels, 21 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 29.9.2003, p. 78.

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

⁽³⁾ OJ L 369, 16.12.2004, p. 55. Regulation as amended by Regulation (EC) No 2180/2004 (OJ L 371, 17.12.2004, p. 39).

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 22 December 2004

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	4,24
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	47,57
1005 10 90	Maize seed other than hybrid	52,37
1005 90 00	Maize other than seed ⁽²⁾	52,37
1007 00 90	Grain sorghum other than hybrids for sowing	47,57

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

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

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

ANNEX II

Factors for calculating duties

period from 15.12.2004-20.12.2004

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	109,43 (***)	59,79	151,51	141,51	121,51	78,13
Gulf premium (EUR/t)	—	11,13	—			—
Great Lakes premium (EUR/t)	23,12	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 32,71 EUR/t; Great Lakes–Rotterdam: 46,26 EUR/t.

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

COMMISSION DIRECTIVE 2004/115/EC**of 15 December 2004****amending Council Directive 90/642/EEC as regards the maximum levels for certain pesticide residues fixed therein****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables⁽¹⁾, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽²⁾, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) In accordance with Directive 91/414/EEC, authorisations of plant protection products for use on specific crops are the responsibility of the Member States. Such authorisations are required to be based on the evaluation of effects on human and animal health and influence on the environment. Elements to be taken into account in such evaluations include operator and bystander exposure and impact on the terrestrial, aquatic and aerial environments, as well as impact on humans and animals through consumption of residues on treated crops.
- (2) Maximum residue levels (MRLs) reflect the use of minimum quantities of pesticides to achieve effective protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in terms of estimated dietary intake.
- (3) MRLs are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residue in or on the food product, or where there are no authorised uses, or where uses which have been

authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported with such necessary data.

- (4) MRLs for pesticides should be kept under review. They may be changed to take account of new uses, new information and data.
- (5) Information on new or changed uses of certain pesticides covered by Directive 90/642/EEC have been notified to the Commission.
- (6) The lifetime exposure of consumers to these pesticides via food products that may contain residues of these pesticides, has been assessed and evaluated in accordance with the procedures and practices used within the Community, taking account of guidelines published by the World Health Organisation⁽³⁾. It has been calculated that the MRLs concerned will ensure that the acceptable daily intakes are not exceeded.
- (7) Where appropriate, the acute exposure of consumers to these pesticides via each of the food products that may contain residues of these pesticides has been assessed and evaluated in accordance with the procedures and practices currently used within the European Community, taking account of guidelines published by the World Health Organisation. The opinions of the Scientific Committee for Plants, in particular advice and recommendations concerning the protection of consumers of food products treated with pesticides, have been taken into account.
- (8) Therefore it is appropriate to fix new maximum levels for residues of those pesticides.
- (9) Directive 90/642/EEC should therefore be amended accordingly.

⁽¹⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2004/95/EC (OJ L 301, 28.9.2004, p. 42).

⁽²⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/99/EC (OJ L 309, 6.10.2004, p. 6).

⁽³⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

- (10) The setting or modification at Community level of provisional MRLs does not prevent the Member States from establishing provisional MRLs for the substances concerned in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI thereto. It is considered that a period of four years is sufficient to permit further uses of the active substance concerned. The provisional MRL should then become definitive.
- (11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The maximum pesticide residue levels for methomyl, thiodicarb, myclobutanil, maneb group, fenpropimorph, metalaxyl, metalaxyl-m, penconazole, iprovalicarb, azoxystrobin and fenhexamid in Annex II to Directive 90/642/EEC are replaced by those in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 22 June 2005 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply these provisions from 23 June 2005.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 3

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 15 December 2004.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Pesticide residues and maximum residue levels (mg/kg)

[illegible]

[illegible]

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpro- pimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
Figs									
Kiwi									10 (p)
Kumquats									
Litchis									
Mangoes									
Olives			5						
Passion fruit									
Pineapples									
Papaya									
Others		0,02 (*)	0,05 (*)	0,05 (*)				0,05 (*)	0,05 (*) (p)
2. Vegetables, fresh or uncooked, frozen or dry									
(i) ROOT AND TUBER VEGETABLES				0,05 (*)		0,05 (*)	0,05 (*) (p)		0,05 (*) (p)
Beetroot									
Carrots		0,2	0,2		0,1 (p)			0,2	
Celeriac			0,2					0,3	
Horseradish		0,2						0,2	
Jerusalem artichokes									
Parsnips		0,2			0,1 (p)			0,2	
Parsley root		0,2						0,2	
Radishes	0,5		2						
Salsify			0,2					0,2	
Sweet potatoes									
Swedes									
Turnips									
Yam									
Others	0,05 (*)	0,02 (*)	0,05 (*)		0,05 (*) (p)			0,05 (*)	
(ii) BULB VEGETABLES	0,05 (*)	0,02 (*)		0,05 (*)		0,05 (*)			0,05 (*) (p)
Garlic			0,5		0,5 (p)				
Onions			0,5		0,5 (p)		0,1 (p)		
Shallots			0,5		0,5 (p)				
Spring onions			1		0,2 (p)			2	
Others			0,05 (*)		0,05 (*) (p)		0,05 (*) (p)	0,05 (*)	

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpro- pimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
(iii) FRUITING VEGETABLES				0,05 (*)					
(a) Solanacea						0,05 (*)		2	
Tomatoes	0,5	0,3	3		0,2 (p)		1 (p)		1 (p)
Peppers		0,5			0,5 (p)				2 (p)
Aubergines	0,5	0,3							1 (p)
Others	0,05 (*)	0,02 (*)	2		0,05 (*) (p)		0,05 (*) (p)		0,05 (*) (p)
(b) Cucurbits - edible peel	0,05 (*)	0,1				0,05 (*)		1	1 (p)
Cucumbers			0,5		0,5 (p)		0,1 (p)		
Gherkins			2				0,1 (p)		
Courgettes			2				0,1 (p)		
Others			0,05 (*)		0,05 (*) (p)		0,05 (*) (p)		
(c) Cucurbits-inedible peel	0,05 (*)	0,2	0,5			0,1		0,5	0,05 (*) (p)
Melons					0,2 (p)		0,2 (p)		
Squashes									
Watermelons					0,2 (p)		0,2 (p)		
Others					0,05 (*) (p)		0,05 (*) (p)		
(d) Sweet corn	0,05 (*)	0,02 (*)	0,05 (*)		0,05 (*) (p)	0,05 (*)	0,05 (*) (p)	0,05 (*)	0,05 (*) (p)
(iv) BRASSICA VEGETABLES		0,02 (*)				0,05 (*)	0,05 (*) (p)		0,05 (*) (p)
(a) Flowering brassica			1	0,05 (*)	0,1 (p)				
Broccoli	0,2							0,5	
Cauliflower								0,5	
Others	0,05 (*)							0,05 (*)	
(b) Head brassica	0,05 (*)		1						
Brussels sprouts				0,5				0,1	
Head cabbage					1 (p)			0,3	
Others				0,05 (*)	0,05 (*) (p)			0,05 (*)	
(c) Leafy brassica	0,05 (*)			0,05 (*)				5	
Chinese cabbage									
Kale			2		0,2 (p)				
Others			0,5		0,05 (*) (p)				
(d) Kohlrabi	0,05 (*)		0,1 (*)	0,05 (*)	0,05 (*) (p)			0,2	

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpro- pimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	lprovalicarb	Azoxystrobin	Fenhexamid
(v) LEAF VEGETABLES & FRESH HERBS				0,05 (*)		0,05 (*)			
(a) Lettuce and similar			5				1 (p)	3	
Cress									
Lamb's lettuce		5							
Lettuce	2				2 (p)				30 (p)
Scarole					1 (p)				
Others	0,05 (*)	0,02 (*)			0,05 (*) (p)				0,05 (*) (p)
(b) Spinach and similar	2	0,02 (*)	0,05 (*)		0,05 (*) (p)		0,05 (*) (p)	0,05 (*)	0,05 (*) (p)
Spinach									
Beet leaves (chard)									
Others									
(c) Water cress	0,05 (*)	0,02 (*)	0,3		0,05 (*) (p)		0,05 (*) (p)	0,05 (*)	0,05 (*) (p)
(d) Witloof	0,05 (*)	0,02 (*)	0,2		0,3 (p)		0,05 (*) (p)	0,2	0,05 (*) (p)
(e) Herbs	2	0,02 (*)	5		1 (p)		0,05 (*) (p)	3	0,05 (*) (p)
Chervil									
Chives									
Parsley									
Celery leaves									
Others									
(vi) LEGUME VEGETABLES (fresh)	0,05 (*)	0,02 (*)		0,05 (*)	0,05 (*) (p)	0,05 (*)	0,05 (*) (p)		0,05 (*) (p)
Beans (with pods)			1					1	
Beans (without pods)			0,1					0,2	
Peas (with pods)			1					0,5	
Peas (without pods)			0,1					0,2	
Others			0,05 (*)					0,05 (*)	
(vii) STEM VEGETABLES (fresh)	0,05 (*)						0,05 (*) (p)		0,05 (*) (p)
Asparagus									
Cardoons									
Celery			0,5					5	
Fennel									
Globe artichokes		0,5				0,2		1	
Leek			3	0,5	0,2 (p)			0,1	
Rhubarb									
Others		0,02 (*)	0,05 (*)	0,05 (*)	0,05 (*) (p)	0,05 (*)		0,05 (*)	

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpro- pimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
(viii) FUNGI	0,05 (*)	0,02 (*)	0,05 (*)	0,05 (*)	0,05 (*) (p)	0,05 (*)	0,05 (*) (p)	0,05 (*)	0,05 (*) (p)
(a) Cultivated mushrooms									
(b) Wild mushrooms									
3. Pulses	0,05 (*)	0,02 (*)	0,05 (*)	0,05 (*)	0,05 (*) (p)	0,05 (*)	0,05 (*) (p)	0,1	0,05 (*) (p)
Beans									
Lentils									
Peas									
Others									
4. OIL SEED		0,05 (*)		0,05 (*)	0,1 (*) (p)	0,05 (*)	0,1 (*) (p)		0,1 (*) (p)
Linseed									
Peanuts	0,1								
Poppy seeds									
Sesame seed									
Sunflower seed									
Rape seed			0,5					0,5	
Soya bean	0,1							0,5	
Mustard seed									
Cotton seed	0,1								
Others	0,05 (*)		0,1 (*)					0,05 (*)	
5. Potatoes	0,05 (*)	0,02 (*)	0,1	0,05 (*)	0,05 (*) (p)	0,05 (*)	0,05 (*) (p)	0,05 (*)	0,05 (*) (p)
Early potatoes									
Ware potatoes									
6. TEA (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*) (p)	0,1 (*)	0,1 (*) (p)	0,1 (*)	0,1 (*) (p)
7. HOPS (dried), including hop pellets and unconcentrated powder	10	2	25	10	10 (p)	0,5	0,1 (*) (p)	20	0,1 (*) (p)

(*) indicates lower limit of analytical determination.

(p) indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from [4 years from date of coming into force of the Directive introducing this amendment].

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 13 December 2004

appointing an Austrian alternate member of the Committee of the Regions

(2004/884/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Austrian Government,

Whereas:

- (1) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) A seat as an alternate member of the Committee of the Regions has fallen vacant following the death of Mr Manfred DÖRLER, notified to the Council on 6 October 2004,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Gebhard HALDER, Landtagspräsident, Vorarlberger Landtag, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Manfred DÖRLER for the remainder of his term of office, which runs until 25 January 2006.

Done at Brussels, 13 December 2004.

For the Council

The President

B. R. BOT

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COMMISSION

DECISION No 30/2004 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT ON MUTUAL RECOGNITION BETWEEN THE EUROPEAN COMMUNITY AND THE UNITED STATES OF AMERICA

of 2 December 2004

related to the listing of a Conformity Assessment Body under the Sectoral Annex on Telecommunication Equipment

(2004/885/EC)

THE JOINT COMMITTEE,

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

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

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Body in Attachment A is added to the list of Conformity Assessment Bodies in Section V of the Sectoral Annex on Telecommunication Equipment.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the Conformity Assessment Body indicated in Attachment A has been agreed by the Parties and will be maintained by them.

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

Signed in Washington DC, 26 November 2004.

Signed in Brussels, 2 December 2004.

On behalf of the United States of America

On behalf of the European Community

James C. SANFORD

Joanna KIOUSSI

*ATTACHMENT A***EC Conformity Assessment Body added to the list of Conformity Assessment Bodies in Section V of the Sectoral Annex on Telecommunication Equipment**

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CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2187/2004 of 20 December 2004*(Official Journal of the European Union L 373 of 20 December 2004)*

The text of the Regulation is replaced by the following:

**COMMISSION REGULATION (EC) No 2187/2004
of 20 December 2004**

amending Regulation (EC) No 1614/2000 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 Cambodia 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 Cambodia.

(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) Cambodia has benefited from such a derogation for certain textiles since 1997, in the last instance by virtue of Regulation (EC) No 1614/2000 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 Cambodia regarding certain exports of textiles to the Community⁽⁴⁾, as amended by Regulation No 292/2002⁽⁵⁾, which extended its validity until 31 December 2004. By letter dated 10 June 2004, Cambodia has submitted a request for the renewal of this derogation.

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

(5) When the validity of Regulation No 1614/2000 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 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 1614/2000, in particular the existence of quantitative limits, which apply on an annual basis, reflecting the Community market's capacity to absorb the Cambodian products, Cambodia'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 Cambodia 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 1614/2000 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

Corrigendum to Commission Regulation (EC) No 1646/2004 of 20 September 2004 amending Annex I of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Official Journal of the European Union L 296 of 21 September 2004)

On page 8:

for: '2.1.4. Phenol derivatives including salicylanides',

read: '2.1.1. Salicylanilides'.
