

Official Journal

of the European Union

L 389

English edition

Legislation

Volume 47

30 December 2004

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 2257/2004 of 20 December 2004 amending Regulations (EEC) No 3906/89, (EC) No 1267/1999, (EC) No 1268/1999 and (EC) No 2666/2000, to take into account of Croatia's candidate status** 1
- ★ **Commission Regulation (EC) No 2258/2004 of 28 December 2004 fixing the Community withdrawal and selling prices for the fishery products listed in Annex I to Council Regulation (EC) No 104/2000 for the 2005 fishing year** 5
- ★ **Commission Regulation (EC) No 2259/2004 of 28 December 2004 fixing the Community selling prices for the fishery products listed in Annex II to Council Regulation (EC) No 104/2000 for the 2005 fishing year** 13
- ★ **Commission Regulation (EC) No 2260/2004 of 28 December 2004 fixing the reference prices for certain fishery products for the 2005 fishing year** 15
- ★ **Commission Regulation (EC) No 2261/2004 of 28 December 2004 fixing the amount of the carry-over aid and the flat-rate aid for certain fishery products for the 2005 fishing year** ... 19
- ★ **Commission Regulation (EC) No 2262/2004 of 28 December 2004 fixing the amount of private storage aid for certain fishery products in the 2005 fishing year** 21
- ★ **Commission Regulation (EC) No 2263/2004 of 28 December 2004 fixing the standard values to be used in calculating the financial compensation and the advance pertaining thereto in respect of fishery products withdrawn from the market during the 2005 fishing year** 22
- Commission Regulation (EC) No 2264/2004 of 29 December 2004 fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 January 2005 24

Council

2004/917/EC:

- ★ **Council Decision of 5 July 2004 on the existence of an excessive deficit in Greece** 25

2004/918/EC:

- ★ **Council Decision of 5 July 2004 on the existence of an excessive deficit in Hungary** 27

2004/919/EC:

- ★ **Council Decision of 22 December 2004 on tackling vehicle crime with cross-border implications** 28

Commission

2004/920/EC:

- ★ **Commission Decision of 20 December 2004 on a derogation from certain provisions of Directive 2003/54/EC of the European Parliament and of the Council concerning the archipelago of the Azores** (notified under document number C(2004) 4880) 31

2004/921/EC:

- ★ **Commission Decision of 27 December 2004 concerning the funding by the Community of a Eurobarometer survey on the attitudes of consumers towards the welfare of farmed animals** 33

2004/922/EC:

- ★ **Commission Decision of 29 December 2004 amending Decisions 2003/746/EC and 2003/848/EC as regards the reallocation of the Community's financial contribution to Member States' TSE eradication and monitoring programmes for 2004** (notified under document number C(2004) 5396) 34

2004/923/EC:

- ★ **Commission Decision of 29 December 2004 amending Decisions 2003/743/EC and 2003/849/EC as regards the reallocation of the Community's financial contribution to certain Member States for their programmes for the eradication and monitoring of animal diseases and for checks aimed at the prevention of zoonoses for 2004** (notified under document number C(2004) 5397) ⁽¹⁾ 37

Acts adopted under Title V of the Treaty on European Union

- ★ **Council Decision 2004/924/CFSP of 22 November 2004 concerning the conclusion of the Agreement between the European Union and Georgia on the status and activities of the European Union Rule of Law Mission in Georgia, EUJUST THEMIS** 41

Agreement between the European Union and Georgia on the status and activities of the European Union Rule of Law Mission in Georgia, EUJUST THEMIS 42

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2257/2004**of 20 December 2004****amending Regulations (EEC) No 3906/89, (EC) No 1267/1999, (EC) No 1268/1999 and (EC) No 2666/2000, to take into account of Croatia's candidate status**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 181a(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) The European Council decided at its meeting in Brussels on 17 and 18 June 2004 that Croatia shall be a candidate country for membership, and requested the Commission to prepare a pre-accession strategy for Croatia, including the necessary financial instruments.
- (2) In order to provide pre-accession assistance to Croatia it is appropriate to include it as a beneficiary under Council Regulations (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe (PHARE)⁽¹⁾, Council Regulation (EC) No 1267/1999 of 21 June 1999, establishing an instrument for structural policies for pre-accession⁽²⁾ (ISPA) and Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period⁽³⁾ (SAPARD).
- (3) The Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Croatia, signed on 29 October 2001, in its Title III, requests Croatia to actively promote regional cooperation in the Western Balkans.
- (4) The regional dimension of Community assistance to the Western Balkans is receiving a special attention through Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina,

Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia⁽⁴⁾ (CARDS), with the view to promote regional cooperation, and Croatia should remain eligible for projects and programmes with a regional dimension.

- (5) Decision 2004/648/EC⁽⁵⁾ determines the principles, priorities and conditions contained in the European Partnership with Croatia.
- (6) The Memorandum of Understanding on the development of the South East Europe Core Regional Transport Network should facilitate the process of selecting priority measures for developing a pan-European transport network during the pre-accession period.
- (7) The entry into force of Regulation (EC, Euratom) 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁽⁶⁾ necessitates certain adaptations of the Regulations to bring terminology and current practises in line with the abovementioned Regulation.
- (8) Although the new Member States are not mentioned in this Regulation, Article 33 of the 2003 Act of Accession provides for the application of Regulations (EC) No 3906/1989 and (EC) No 1267/1999 for these Member States during a transitional period.
- (9) The Commission has adopted Regulation (EC) No 1419/2004⁽⁷⁾ and Regulation (EC) No 447/2004⁽⁸⁾ which constitute the legal basis for the financing of measures under SAPARD under commitments which had not yet been brought to an end by the date of accession. Any decisions by the Commission which might still become necessary until the finalisation of such commitments and which cannot be based upon the two abovementioned Regulations may still be based on Regulation (EC) No 1268/1999 as it was in force prior to the amendment of that Regulation by the present Regulation.

⁽¹⁾ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 769/2004 (OJ L 123, 27.4.2004, p. 1).

⁽²⁾ OJ L 161, 26.6.1999, p. 73. Regulation as last amended by Regulation (EC) No 769/2004.

⁽³⁾ OJ L 161, 26.6.1999, p. 87. Regulation as last amended by Regulation (EC) No 769/2004.

⁽⁴⁾ OJ L 306, 7.12.2000, p. 1. Regulation as amended by Regulation (EC) No 2415/2001 (OJ L 327, 12.12.2001, p. 3).

⁽⁵⁾ OJ L 297, 22.9.2004, p. 19.

⁽⁶⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁷⁾ OJ L 258, 5.8.2004, p. 11.

⁽⁸⁾ OJ L 72, 11.3.2004, p. 64.

- (10) Regulations (EEC) No 3906/89, (EC) No 1267/1999, (EC) No 1268/1999 and (EC) No 2666/2000 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EEC) No 3906/89 is hereby amended as follows:

1. Article 3 shall be amended as follows:

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

‘3. For applicant countries with accession partnerships with the European Union, funding under the PHARE programme shall focus on the main priorities for the adoption of the *acquis communautaire*, i.e. building up the administrative and institutional capacities of the applicant States and investment, except for the type of investments financed in accordance with Council Regulations (EC) No 1267/1999 of 21 June 1999 establishing an instrument for structural policies for pre-accession (*) and (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in pre-accession period (**), provided the conditions for funding measures under those two Regulations are met. PHARE funding may also be used to finance the measures in the fields of environment, transport and agriculture and rural development which form an incidental but indispensable part of integrated industrial reconstruction or regional development programmes.

(*) OJ L 161, 26.6.1999, p. 73. Regulation as last amended by Regulation (EC) No 769/2004 (OJ L 123, 27.4.2004, p. 1).

(**) OJ L 161, 26.6.1999, p. 87. Regulation as last amended by Regulation (EC) No 769/2004.’

- (b) the following paragraphs shall be added:

‘4. Assistance may be used to cover the participation of recipient countries under this Regulation in regional, cross-border, and, where appropriate, transnational and interregional cooperation among themselves and between them and EU Member States.

5. Where appropriate, aid may also be used to cover a recipient country's participation in regional programmes under other legal instruments.’

2. in Article 8, the following subparagraph shall be added:

‘The Commission may, within the limits established in Article 54 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (*), decide to entrust tasks of public authority, and in

particular budget implementation tasks to the bodies listed in Article 54(2) of that Regulation. The bodies defined in Article 54(2)(c) of Regulation (EC, Euratom) No 1605/2002 may be entrusted with tasks of public authority if they are of recognised international standing, comply with internationally recognised systems of management and control, and are supervised by a public authority.

(*) OJ L 248, 16.9.2002, p. 1.’

3. the list in the Annex shall be replaced by the following list:

‘Bulgaria

Croatia

Romania’.

Article 2

Regulation (EC) No 1267/1999 is hereby amended as follows:

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

‘1. The Instrument for Structural Policies for Pre-Accession, hereinafter referred to as “ISPA” is hereby established.

ISPA shall provide assistance to contribute to the preparation for accession to the European Union of Bulgaria, Croatia and Romania, hereinafter referred to as the “beneficiary countries”, in the area of economic and social cohesion, concerning environment and transport policies in accordance with the provisions of this Regulation.’

2. the following subparagraph shall be added at the end of Article 3:

‘Notwithstanding the above, Community assistance to Croatia shall be granted during the period from 2005 to 2006.’

3. the following subparagraph shall be added at the end of Article 4:

‘By way of derogation from the first and second sentence of this Article, the allocation for Croatia for 2005 and 2006 under this instrument shall be determined by the Commission on the basis of an assessment of the administrative absorption capacity and accession-driven investment needs of this beneficiary country.’

4. in Article 9, paragraph 1, lit. (a), the words ‘as from 1 January 2000 and in any event not later than 1 January 2002,’ shall be deleted.

Article 3

Regulation (EC) No 1268/1999 is hereby amended as follows:

1. paragraph 1 of Article 1 shall be replaced by the following:

‘1. This Regulation establishes the framework for Community support for sustainable agriculture and sustainable rural development for the pre-accession period for Bulgaria, Croatia and Romania. The Regulation shall also remain applicable for the finalisation of any of the programmes started under it in the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia prior to their accession to the European Union.’;

2. at the end of Article 4(2) the following subparagraph shall be added:

‘By way of derogation from the first subparagraph, for Croatia the plan shall, under the same conditions as stipulated in the first subparagraph, cover a period of up to two years from the year 2005.’;

3. at the end of Article 5(1) the following sentence shall be added:

‘However, with regard to Croatia, the respective programme shall not be subject to a mid-term appraisal.’;

4. Article 7 shall be amended as follows:

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

‘1. Community assistance under this Regulation shall be granted during the period from 2000 to 2006, with the exception of Community assistance for Croatia which shall be granted during the period from 2005 to 2006. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.’;

- (b) at the end of paragraph 3 the following subparagraph shall be added:

‘However, for Croatia the annual financial allocation shall be fixed separately.’;

5. Article 11 shall be replaced by the following:

‘Article 11

The Commission shall allocate the available resources to the applicant countries for the implementation of Article 7(2). Within three months of the decision to make a country eligible for assistance under this Regulation, the Commission shall communicate its decision on the indicative financial allocation for the ongoing financial perspective to that applicant country.’.

Article 4

Regulation (EC) No 2666/2000 is hereby amended as follows:

1. at the end of paragraph 1 of Article 1 the following sentence shall be added:

‘From 2005 Croatia shall be eligible as a recipient country only for projects and programmes with a regional dimension, such as outlined in Article 2(2). Notwithstanding the preceding sentence, Croatia shall remain eligible for projects and programmes under Decision 1999/311/EC.’;

2. Article 7 shall be amended as follows:

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

‘1. The Commission shall implement the Community assistance in accordance with Council Regulation (EC) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (*).

(*) OJ L 248, 16.9.2002, p. 1.’

- (b) the following paragraph shall be inserted:

‘2a. The Commission may, within the limits established in Article 54 of Regulation (EC) No 1605/2002, decide to entrust tasks of public authority, and in particular budget implementation tasks to the bodies listed in Article 54(2) of said Regulation. The bodies defined in Article 54(2)(c) of said Regulation may be entrusted with tasks of public authority if they are of recognised international standing, comply with internationally recognised systems of management and control, and are supervised by public authority.’.

Article 5

For the implementation of the pre-accession instruments, and for the implementation of Council Regulation (EC) No 1266/1999 of 21 June 1999 on coordinating aid to the applicant countries in the framework of the pre-accession strategy ⁽¹⁾, where reference is being made to the Accession Partnership ⁽²⁾ and the Europe Agreement, this shall be understood in the case of Croatia to refer to the European Partnership ⁽³⁾ and the Stabilisation and Association Agreement.

Article 6

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

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

Done at Brussels, 20 December 2004

For the Council
The President
P. VAN GEEL

⁽¹⁾ OJ L 161, 26.6.1999, p. 68.

⁽²⁾ OJ L 85, 20.3.1998, p. 1.

⁽³⁾ OJ L 86, 23.3.2004, p. 1.

COMMISSION REGULATION (EC) No 2258/2004**of 28 December 2004****fixing the Community withdrawal and selling prices for the fishery products listed in Annex I to Council Regulation (EC) No 104/2000 for the 2005 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽¹⁾, and in particular Article 20(3) and Article 22 thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that the Community withdrawal and selling prices for each of the products listed in Annex I thereto are to be fixed on the basis of the freshness, size or weight and presentation of the product by applying the conversion factor for the product category concerned to an amount not more than 90 % of the relevant guide price.
- (2) The withdrawal prices may be multiplied by adjustment factors in landing areas which are very distant from the main centres of consumption in the Community. The guide prices for the 2005 fishing year were fixed for all the products concerned by the Council's Regulation⁽²⁾.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The conversion factors used for calculating the Community withdrawal and selling prices for the 2005 fishing year for the products listed in Annex I to Regulation (EC) No 104/2000 are set out in Annex I to this Regulation.

Article 2

The Community withdrawal and selling prices applicable for the 2005 fishing year and the products to which they relate are set out in Annex II.

Article 3

The withdrawal prices applicable for the 2005 fishing year in landing areas which are very distant from the main centres of consumption in the Community and the products to which those prices relate are set out in Annex III.

Article 4

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

It shall apply from 1 January 2005.

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

Done at Brussels, 28 December 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ Not yet published in the Official Journal.

ANNEX I

Conversion factors for the products listed in points A, B and C of Annex I to Regulation (EC) No 104/2000

Species	Size (°)	Conversion factors	
		Gutted fish, with head (°)	Whole fish (°)
		Extra, A (°)	Extra, A (°)
Herring of the species <i>Clupea harengus</i>	1	0,00	0,47
	2	0,00	0,72
	3	0,00	0,68
	4a	0,00	0,43
	4b	0,00	0,43
	4c	0,00	0,90
	5	0,00	0,80
	6	0,00	0,40
	7a	0,00	0,40
	7b	0,00	0,36
	8	0,00	0,30
Sardines of the species <i>Sardina pilchardus</i>	1	0,00	0,51
	2	0,00	0,64
	3	0,00	0,72
	4	0,00	0,47
Dogfish <i>Squalus acanthias</i>	1	0,60	0,60
	2	0,51	0,51
	3	0,28	0,28
Dogfish <i>Scyliorhinus</i> spp.	1	0,64	0,60
	2	0,64	0,56
	3	0,44	0,36
Redfish <i>Sebastes</i> spp.	1	0,00	0,81
	2	0,00	0,81
	3	0,00	0,68
Cod of the species <i>Gadus morhua</i>	1	0,72	0,52
	2	0,72	0,52
	3	0,68	0,40
	4	0,54	0,30
	5	0,38	0,22
Coalfish <i>Pollachius virens</i>	1	0,72	0,56
	2	0,72	0,56
	3	0,71	0,55
	4	0,61	0,30
Haddock <i>Melanogrammus aeglefinus</i>	1	0,72	0,56
	2	0,72	0,56
	3	0,62	0,43
	4	0,52	0,36
Whiting <i>Merlangius merlangus</i>	1	0,66	0,50
	2	0,64	0,48
	3	0,60	0,44
	4	0,41	0,30

Species	Size (°)	Conversion factors	
		Gutted fish, with head (°)	Whole fish (°)
		Extra, A (°)	Extra, A (°)
Ling <i>Molva</i> spp.	1	0,68	0,56
	2	0,66	0,54
	3	0,60	0,48
Mackerel of the species <i>Scomber scombrus</i>	1	0,00	0,72
	2	0,00	0,71
	3	0,00	0,69

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000

Species	Size (°)	Conversion factor	
		Gutted fish, with head (°)	Whole fish (°)
		Extra, A (°)	Extra, A (°)
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0,00	0,77
	2	0,00	0,77
	3	0,00	0,63
	4	0,00	0,47
Anchovies <i>Engraulis</i> spp.	1	0,00	0,68
	2	0,00	0,72
	3	0,00	0,60
	4	0,00	0,25
Plaice <i>Pleuronectes platessa</i>	1	0,75	0,41
	2	0,75	0,41
	3	0,72	0,41
	4	0,52	0,34
Hake of the species <i>Merluccius merluccius</i>	1	0,90	0,71
	2	0,68	0,53
	3	0,68	0,52
	4	0,56	0,43
	5	0,52	0,41
Megrims <i>Lepidorhombus</i> spp.	1	0,68	0,64
	2	0,60	0,56
	3	0,54	0,49
	4	0,34	0,29
Dab <i>Limanda limanda</i>	1	0,71	0,58
	2	0,54	0,42
Flounder <i>Platichthys flesus</i>	1	0,66	0,58
	2	0,50	0,42
Albacore or longfinned tuna <i>Thunnus alalunga</i>	1	0,90	0,81
	2	0,90	0,77
Cuttlefishes <i>Sepia officinalis</i> and <i>Rossia macrosoma</i>	1	0,00	0,64
	2	0,00	0,64
	3	0,00	0,40

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

Species	Size (°)	Conversion factor		
		Whole fish Guttet fish, with head (°)	Fish without head (°)	
		Extra, A (°)	Extra, A (°)	
Monkfish <i>Lophius spp.</i>	1	0,61	0,77	
	2	0,78	0,72	
	3	0,78	0,68	
	4	0,65	0,60	
	5	0,36	0,43	
		All presentations		
		Extra, A (°)		
Shrimps of the species <i>Crangon crangon</i>	1	0,59		
	2	0,27		
		Cooked in water	Fresh or chilled	
		Extra, A (°)	Extra, A (°)	
Deep-water prawns <i>Pandalus borealis</i>	1	0,77	0,68	
	2	0,27	—	
		Whole (°)		
Edible crabs <i>Cancer pagurus</i>	1	0,72		
	2	0,54		
		Whole (°)		Tails (°)
		E' (°)	Extra, A (°)	Extra, A (°)
Norway lobster <i>Nephrops norvegicus</i>	1	0,86	0,86	0,81
	2	0,86	0,59	0,68
	3	0,77	0,59	0,50
	4	0,50	0,41	0,41
		Guttet fish, with head (°)	Whole fish (°)	
		Extra, A (°)	Extra, A (°)	
Sole <i>Solea spp.</i>	1	0,75	0,58	
	2	0,75	0,58	
	3	0,71	0,54	
	4	0,58	0,42	
	5	0,50	0,33	

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000

ANNEX II

Withdrawal and selling prices in the Community of the products listed in points A, B and C of Annex I to Regulation (EC) No 104/2000

Species	Size (°)	Withdrawal price (EUR/tonne)	
		Gutted fish, with head (°)	Whole fish (°)
		Extra, A (°)	Extra, A (°)
Herring of the species <i>Clupea harengus</i>	1	0	122
	2	0	187
	3	0	177
	4a	0	112
	4b	0	112
	4c	0	234
	5	0	208
	6	0	104
	7a	0	104
Sardines of the species <i>Sardina pilchardus</i>	7b	0	94
	8	0	78
	1	0	299
	2	0	376
	3	0	423
Dogfish <i>Squalus acanthias</i>	4	0	276
	1	661	661
	2	562	562
Dogfish <i>Scyliorhinus spp.</i>	3	308	308
	1	486	455
	2	486	425
Redfish <i>Sebastes spp.</i>	3	334	273
	1	0	934
	2	0	934
Cod of the species <i>Gadus morhua</i>	3	0	784
	1	1 163	840
	2	1 163	840
	3	1 098	646
	4	872	485
Coalfish <i>Pollachius virens</i>	5	614	355
	1	541	421
	2	541	421
	3	533	413
Haddock <i>Melanogrammus aeglefinus</i>	4	458	225
	1	708	550
	2	708	550
	3	609	423
Whiting <i>Merlangius merlangus</i>	4	511	354
	1	618	469
	2	600	450
	3	562	412
Ling <i>Molva spp.</i>	4	384	281
	1	813	670
	2	789	646
Mackerel of the species <i>Scomber scombrus</i>	3	718	574
	1	0	226
	2	0	223
Spanish mackerel of the species <i>Scomber japonicus</i>	3	0	217
	1	0	233
	2	0	233
	3	0	191
	4	0	142

Species	Size (°)	Withdrawal price (EUR/tonne)	
		Gutted fish, with head (°)	Whole fish (°)
		Extra, A (°)	Extra, A (°)
Anchovies <i>Engraulis spp.</i>	1	0	864
	2	0	914
	3	0	762
	4	0	318
Plaice <i>Pleuronectes platessa</i> — 1 January to 30 April 2005	1	809	442
	2	809	442
	3	777	442
	4	561	367
	1	1 124	615
	2	1 124	615
	3	1 079	615
	4	779	510
Hake of the species <i>Merluccius merluccius</i>	1	3 358	2 649
	2	2 537	1 977
	3	2 537	1 940
	4	2 089	1 604
	5	1 940	1 530
Megrims <i>Lepidorhombus spp.</i>	1	1 669	1 571
	2	1 472	1 374
	3	1 325	1 202
	4	834	712
Dab <i>Limanda limanda</i>	1	623	509
	2	474	368
Flounder <i>Platichthys flesus</i>	1	350	307
	2	265	223
Albacore or longfinned tuna <i>Thunnus alalunga</i>	1	2 264	1 816
	2	2 264	1 726
Cuttlefishes <i>Sepia officinalis</i> and <i>Rossia macrosoma</i>	1	0	1 037
	2	0	1 037
	3	0	648
		Whole fish Gutted fish, with head (°)	Fish without head (°)
		Extra, A (°)	Extra, A (°)
Monkfish <i>Lophius spp.</i>	1	1 740	4 519
	2	2 225	4 226
	3	2 225	3 991
	4	1 854	3 521
	5	1 027	2 524
		All presentations	
		Extra, A (°)	
Shrimps of the species <i>Crangon crangon</i>	1	1 425	
	2	652	
		Cooked in water	Fresh or chilled
		Extra, A (°)	Extra, A (°)
Deep-water prawns <i>Pandalus borealis</i>	1	4 863	1 092
	2	1 705	—

Species	Size (°)	Selling prices (EUR/tonne)		
		Whole (°)		
Edible crabs <i>Cancer pagurus</i>	1	1 253		
	2	940		
		Whole (°)		Tails (°)
		E' (°)	Extra, A (°)	Extra, A (°)
Norway lobster <i>Nephrops norvegicus</i>	1	4 613	4 613	3 449
	2	4 613	3 165	2 895
	3	4 130	3 165	2 129
	4	2 682	2 199	1 746
		Gutted fish, with head (°)	Whole fish (°)	
		Extra, A (°)	Extra, A (°)	
Sole <i>Solea spp.</i>	1	4 960	3 836	
	2	4 960	3 836	
	3	4 695	3 571	
	4	3 836	2 777	
	5	3 307	2 182	

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000

ANNEX III

Withdrawal prices in landing areas which are very distant from the main centres of consumption

Species	Landing area	Conversion Factor	Size (°)	Withdrawal price (in EUR/tonne)	
				Gutted fish, with head (°)	Whole fish (°)
				Extra, A (°)	Extra, A (°)
Herring of the species <i>Clupea harengus</i>	Coastal regions and islands of Ireland	0,90	1	0	110
			2	0	168
			3	0	159
			4a	0	101
	Coastal regions of Eastern England from Berwick to Dover Coastal regions of Scotland from Portpatrick to Eyemouth and the islands located West and North of those regions Coastal regions of County Down (Northern Ireland)	0,90	1	0	110
			2	0	168
			3	0	159
			4a	0	101
Mackerel of the species <i>Scomber scombrus</i>	Coastal regions and islands of Ireland	0,96	1	0	217
			2	0	214
			3	0	208
	Coastal regions and islands of Cornwall and Devon in the United Kingdom	0,95	1	0	215
			2	0	212
			3	0	206
Hake of the species <i>Merluccius merluccius</i>	Coastal regions from Troon (in South-Western Scotland) to Wick (in North-Eastern Scotland) and the Islands located West and North of those regions	0,75	1	2 518	1 987
			2	1 903	1 483
			3	1 903	1 455
			4	1 567	1 203
			5	1 455	1 147
Albacore or longfinned tuna <i>Thunnus alalunga</i>	Islands of the Azores and Madeira	0,48	1	1 086	872
			2	1 086	829
Sardines of the species <i>Sardina pilchardus</i>	Canary Islands	0,48	1	0	144
			2	0	180
			3	0	203
			4	0	132
	Coastal regions and islands of Cornwall and Devon in the United Kingdom	0,74	1	0	222
			2	0	278
			3	0	313
			4	0	204
	Atlantic coastal regions of Portugal	0,93	2	0	349
		0,81	3	0	342

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

COMMISSION REGULATION (EC) No 2259/2004**of 28 December 2004****fixing the Community selling prices for the fishery products listed in Annex II to Council Regulation (EC) No 104/2000 for the 2005 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽¹⁾, and in particular Article 25(1) and (6) thereof,

Whereas:

- (1) A Community selling price is to be fixed for each of the products listed in Annex II to Regulation (EC) No 104/2000 before the beginning of the fishing year, at a level at least equal to 70 % and not exceeding 90 % of the guide price.
- (2) Council Regulation⁽²⁾, fixes the guide prices for the 2005 fishing year for all the products concerned.
- (3) Market prices vary considerably depending on the species and how the products are presented, particularly in the case of squid and hake.
- (4) Conversion factors should therefore be fixed for the different species and presentations of frozen products

landed in the Community in order to determine the price level that trigger the intervention measure provided for in Article 25(2) of Regulation (EC) No 104/2000.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Community selling prices applicable during the 2005 fishing year for the products listed in Annex II to Regulation (EC) No 104/2000 and the presentations and conversion factors to which they relate are set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2005.

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

Done at Brussels, 28 December 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ Not yet published in the Official Journal.

ANNEX

SELLING PRICES AND CONVERSION FACTORS

Species	Presentation	Conversion factor	Intervention level	Selling price (EUR/t)
Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Whole or gutted, with or without head	1,0	0,85	1 663
Hake (<i>Merluccius</i> spp.)	Whole or gutted, with or without head	1,0	0,85	1 053
	Individual fillets			
	— with skin	1,0	0,85	1 274
	— skinless	1,1	0,85	1 402
Sea-bream (<i>Dendex dentex</i> and <i>Pagellus</i> spp.)	Whole or gutted, with or without head	1,0	0,85	1 362
Swordfish (<i>Xiphias gladius</i>)	Whole or gutted, with or without head	1,0	0,85	3 416
Shrimps and prawns <i>Penaeidae</i>	Frozen			
(a) <i>Parapenaeus Longirostris</i>		1,0	0,85	3 396
(b) Other <i>Penaeidae</i>		1,0	0,85	6 852
Cuttlefishes (<i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeletti</i>)	Frozen	1,0	0,85	1 654
Squid (<i>Loligo</i> spp.)				
(a) <i>Loligo patagonica</i>	— whole, not cleaned	1,00	0,85	993
	— cleaned	1,20	0,85	1 191
(b) <i>Loligo vulgaris</i>	— whole, not cleaned	2,50	0,85	2 482
	— cleaned	2,90	0,85	2 879
Octopus (<i>Octopus</i> spp.)	Frozen	1,00	0,85	1 819
<i>Illex argentinus</i>	— whole, not cleaned	1,00	0,80	689
	— tube	1,70	0,80	1 171

Forms of commercial presentation:

- whole, not cleaned: product which has not undergone any treatment
- cleaned: product which has at least been gutted
- tube: squid body which has at least been gutted and had the head removed.

COMMISSION REGULATION (EC) No 2260/2004**of 28 December 2004****fixing the reference prices for certain fishery products for the 2005 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽¹⁾, and in particular Article 29(1) and (5) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that reference prices valid for the Community may be fixed each year, by product category, for products that are the subject of a tariff suspension under Article 28(1). The same holds for products which, by virtue of being either the subject of a binding tariff reduction under the WTO or some other preferential arrangements, must comply with a reference price.
- (2) For the products listed in Annex I(A) and (B) to Regulation (EC) No 104/2000, the reference price is the same as the withdrawal price fixed in accordance with Article 20(1) of that Regulation.
- (3) The Community withdrawal and selling prices for the products concerned are fixed for the 2005 fishing year by Commission Regulation (EC) No 2258/2004 of the Commission⁽²⁾.

- (4) The reference price for products other than those listed in Annexes I and II to Regulation (EC) No 104/2000 is established on the basis of the weighted average of customs values recorded on the import markets or in the ports of import in the three years immediately preceding the date on which the reference price is fixed.
- (5) There is no need to fix reference prices for all the species covered by the criteria laid down in Regulation (EC) No 104/2000, and particularly not for those imported from third countries in insignificant volumes.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The reference prices for the 2005 fishing year of fishery products as provided for in accordance with Article 29 of Regulation (EC) No 104/2000 are set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2005.

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

Done at Brussels, 28 December 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ See page 5 of this Official Journal.

ANNEX (*)

1. Reference prices for products referred to in Article 29(3)(a) of Council Regulation (EC) No 104/2000

Species	Size ⁽¹⁾	Reference price (EUR/tonne)			
		Gutted with head ⁽¹⁾		Whole fish ⁽¹⁾	
		Additional Taric code	Extra, A ⁽¹⁾	Additional Taric code	Extra, A ⁽¹⁾
Herring of the species <i>Clupea harengus</i> ex 0302 40 00	1		—	F011	122
	2		—	F012	187
	3		—	F013	177
	4a		—	F016	112
	4b		—	F017	112
	4c		—	F018	234
	5		—	F015	208
	6		—	F019	104
	7a		—	F025	104
	7b		—	F026	94
	8		—	F027	78
Redfish (<i>Sebastes spp.</i>) ex 0302 69 31 and ex 0302 69 33	1		—	F067	934
	2		—	F068	934
	3		—	F069	784
Cod of the species <i>Gadus morhua</i> ex 0302 50 10	1	F073	1 163	F083	840
	2	F074	1 163	F084	840
	3	F075	1 098	F085	646
	4	F076	872	F086	485
	5	F077	614	F087	355
		Boiled in water		Fresh or refrigerated	
		Additional Taric code	Extra, A ⁽¹⁾	Additional Taric code	Extra, A ⁽¹⁾
Deepwater prawns (<i>Pandalus borealis</i>) ex 0306 23 10	1	F317	4 863	F321	1 092
	2	F318	1 705	—	—

⁽¹⁾ The freshness, size and presentation categories are those laid down under Article 2 of Regulation (EC) No 104/2000.

(*) The additional code to be mentioned for all categories other than those explicitly referred to in point 1 and 2 of the Annex is 'F499: Other'.

2. Reference prices for fishery products referred to in Article 29(3)(d) of Council Regulation (EC) No 104/2000

Product	Additional Taric code	Presentation	Reference price (EUR/tonne)
1. Redfish (<i>Sebastes spp.</i>)			
ex 0303 79 35 ex 0303 79 37	F411	Whole: — with or without head	932
ex 0304 20 35 ex 0304 20 37	F412	Fillets: — with bones ('standard')	1 915
	F413	— without bones	2 096
	F414	— blocks in immediate packing weighing not more than 4 kg	2 240
2. Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> and <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i>			
ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41	F416	Whole, with or without head	1 084
ex 0304 20 29	F417	Fillets: — interleaved or in industrial blocks, with bones ('standard')	2 428
	F418	— interleaved or in industrial blocks, without bones	2 691
	F419	— individual or fully interleaved fillets, with skin	2 602
	F420	— individual or fully interleaved fillets, without skin	3 003
	F421	— blocks in immediate packing weighing not more than 4 kg	2 932
ex 0304 90 38	F422	Pieces and other meat, except minced blocks	1 392
3. Coalfish (<i>Pollachius virens</i>)			
ex 0304 20 31	F424	Fillets: — interleaved or in industrial blocks, with bones ('standard')	1 488
	F425	— interleaved or in industrial blocks, without bones	1 639
	F426	— individual or fully interleaved fillets, with skin	1 476
	F427	— individual or fully interleaved fillets, without skin	1 681
	F428	— blocks in immediate packing weighing not more than 4 kg	1 751
ex 0304 90 38	F429	Pieces and other meat, except minced blocks	967

Product	Additional Taric code	Presentation	Reference price (EUR/tonne)
4. Haddock (<i>Melanogrammus aeglefinus</i>)		Fillets:	
ex 0304 20 33	F431	— interleaved or in industrial blocks, with bones ('standard')	2 264
	F432	— interleaved or in industrial blocks, without bones	2 659
	F433	— individual or fully interleaved fillets, with skin	2 512
	F434	— individual or fully interleaved fillets, without skin	2 738
	F435	— blocks in immediate packing weighing not more than 4 kg	2 960
5. Alaska pollack <i>Theragra chalcogramma</i>		Fillets:	
ex 0304 20 85	F441	— interleaved or in industrial blocks, with bones ('standard')	1 147
	F442	— interleaved or in industrial blocks, without bones	1 298
6. Herring <i>Clupea harengus</i> , <i>Clupea pallasii</i>		Herring flaps	
ex 0304 10 97	F450	— exceeding 80 g a piece	505
ex 0304 90 22	F450	— exceeding 80 g a piece	455

COMMISSION REGULATION (EC) No 2261/2004**of 28 December 2004****fixing the amount of the carry-over aid and the flat-rate aid for certain fishery products for the 2005 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2814/2000 of 21 December 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of carry-over aid for certain fishery products⁽²⁾, and in particular Article 5 thereof,

Having regard to Commission Regulation (EC) No 939/2001 of 14 May 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of flat-rate aid for certain fishery products⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that aid may be granted for quantities of certain fresh products withdrawn from the market and either processed to stabilise them and stored or preserved.
- (2) The purpose of that aid is to give suitable encouragement to producers' organisations to process or preserve

products withdrawn from the market so that their destruction can be avoided.

- (3) The aid level should not be such as to disturb the balance of the market for the products in question or distort competition.
- (4) The aid level should not exceed the technical and financial costs associated with the operations essential to stabilising and storage recorded in the Community during the fishing year proceeding the year in question.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2005 fishing year, the amounts of the carry-over aid referred to in Article 23 of Regulation (EC) No 104/2000, and the amounts of the flat-rate aid referred to in Article 24(4) of that Regulation, are set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2005.

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

Done at Brussels, 28 December 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 326, 22.12.2000, p. 34.

⁽³⁾ OJ L 132, 15.5.2001, p. 10.

ANNEX

1. Amount of the carry-over aid for products listed in Annex I, (A) and (B) and for sole (*Solea spp.*) listed in Annex I, (C) to Regulation (EC) No 104/2000

Processing methods listed in Article 23 of Regulation (EC) No 104/2000	Aid (EUR/tonne)
1	2
I. Freezing and storage of whole products, gutted and with head, or cut-up products	
— Sardines of the species <i>Sardina pilchardus</i>	330
— Other species	270
II. Filleting, freezing and storage	350
III. Salting and/or drying and storage of whole products, gutted and with head, or cut-up or filleted products	260
IV. Marinating and storage	240

2. Amount of the carry-over aid for the other products listed in Annex I, (C) to Regulation (EC) No 104/2000

Processing and/or preservation methods listed in Article 23 of Regulation (EC) No 104/2000	Products	Aid EUR/tonne)
1	2	3
I. Freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>)	300
	Norway lobster tails (<i>Nephrops norvegicus</i>)	225
II. Removing the head, freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>)	280
III. Cooking, freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>)	300
	Edible crabs (<i>Cancer pagurus</i>)	225
IV. Pasteurisation and storage	Edible crabs (<i>Cancer pagurus</i>)	360
V. Live storage in fixed tanks or cages	Edible crabs (<i>Cancer pagurus</i>)	210

3. Amount of the flat-rate aid for products listed in Annex IV to Regulation (EC) No 104/2000

Processing methods	Aid (EUR/tonne)
I. Freezing and storage of whole products, gutted and with head, or cut-up products	270
II. Filleting, freezing and storage	350

COMMISSION REGULATION (EC) No 2262/2004**of 28 December 2004****fixing the amount of private storage aid for certain fishery products in the 2005 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2813/2000 of 21 December 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of private storage aid for certain fishery products ⁽²⁾, and in particular Article 1 thereof,

Whereas:

- (1) The aid should not exceed the sum of technical and financial costs recorded in the Community during the fishing year proceeding the year in question.
- (2) To discourage long-term storage, to shorten payment times and to reduce the burden of controls, private storage aid should be paid in one single instalment.

- (3) The measures provided for in this Regulation are in accordance with the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2005 fishing year the amount of private storage aid for the products listed in Annex II to Regulation (EC) No 104/2000 shall be as follows:

- first month: EUR 200 per tonne,
- second month: EUR 0 per tonne

Article 2

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

It shall apply from 1 January 2005.

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

Done at Brussels, 28 December 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 326, 22.12.2000, p. 30.

COMMISSION REGULATION (EC) No 2263/2004**of 28 December 2004****fixing the standard values to be used in calculating the financial compensation and the advance pertaining thereto in respect of fishery products withdrawn from the market during the 2005 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽¹⁾, and in particular Article 21(5) and (8) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides for financial compensation to be paid to producer organisations which withdraw, on certain conditions, the products listed in Annex I(A) and (B) to that Regulation. The amount of such financial compensation should be reduced by standard values in the case of products intended for purposes other than human consumption.
- (2) Commission Regulation (EC) No 2493/2001 of 19 December 2001 on the disposal of certain fishery products which have been withdrawn from the market⁽²⁾ specifies the ways of disposing of the products withdrawn from the market. The value of such products should be fixed at a standard level for each of these modes of disposal, taking into account the average revenues which may be obtained from such disposal in the various Member States.
- (3) Under Article 7 of Commission Regulation (EC) No 2509/2000 of 15 November 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards granting financial compensation for withdrawals of certain fishery products⁽³⁾, special rules provide that, where a producer organisation or one of its members puts its products up for sale in a Member State other than the country in which it is

recognised, that body responsible for granting the financial compensation must be informed. This body is the one in the Member State in which the producer organisation is recognised. The standard value deductible should therefore be the value applied in that Member State.

- (4) The same method of calculation should be applied to advances on financial compensation as provided for in Article 6 of Regulation (EC) No 2509/2000.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2005 fishing year, the standard values to be used in calculating financial compensation and associated advances for fishery products withdrawn from the market by producer organisations and intended for purposes other than human consumption, as referred to in Article 21(5) of Regulation (EC) No 104/2000, are set out in the Annex to this Regulation.

Article 2

The standard value to be deducted from financial compensation and associated advances shall be that applied in the Member State in which the producer organisation is recognised.

Article 3

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

It shall apply from 1 January 2005.

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

Done at Brussels, 28 December 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 337, 20.12.2001, p. 20.

⁽³⁾ OJ L 289, 16.11.2000, p. 11.

ANNEX

Standard values

Use of products withdrawn from the market	EUR/tonne
1. Use following processing into meal (animal feed):	
(a) herring of the species <i>Clupea harengus</i> and mackerel of the species <i>Scomber scombrus</i> and <i>Scomber Japonicus</i> :	
— Denmark and Sweden	70
— United Kingdom	50
— other Member States	17
— France	1
(b) shrimps of the species <i>Crangon crangon</i> and deep-water prawns (<i>Pandalus borealis</i>):	
— Denmark and Sweden	0
— other Member States	10
(c) other products:	
— Denmark	40
— Sweden, Portugal and Ireland	17
— United Kingdom	28
— other Member States	1
2. Use fresh or preserved (animal feed)	
(a) sardines of the species <i>Sardina pilchardus</i> and anchovies (<i>Engraulis spp.</i>)	
— all Member States	8
(b) other products:	
— Sweden	0
— France	30
— other Member States	38
3. Use as bait	
— France	50
— other Member States	10
4. Use for purposes other than animal feed	0

COMMISSION REGULATION (EC) No 2264/2004**of 29 December 2004****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 January 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the fifth indent of Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of

Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry⁽²⁾ provides that these refunds shall be determined according to the refund fixed for white sugar.

- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each month.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 38,829 EUR/100 kg net for the period from 1 to 31 January 2005.

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, 29 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 178, 30.6.2001, p. 63.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 5 July 2004

on the existence of an excessive deficit in Greece

(2004/917/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 104(6) thereof,

Having regard to the recommendation from the Commission,

Having regard to the observations made by Greece,

Whereas:

- (1) According to Article 104 of the Treaty Member States are to avoid excessive government deficits.
- (2) The Stability and Growth Pact is based on the objective of sound government finances as a means of strengthening the conditions for price stability and for strong sustainable growth conducive to employment creation.
- (3) The excessive deficit procedure under Article 104 provides for a decision on the existence of an excessive deficit; the Protocol on the excessive deficit procedure annexed to the Treaty sets out further provisions relating to the implementation of the excessive deficit procedure. Council Regulation (EC) No 3605/93 of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community⁽¹⁾ lays down detailed rules and definitions for the application of the provisions of the said Protocol.
- (4) Article 104(5) of the Treaty requires the Commission to address an opinion to the Council if the Commission

considers that an excessive deficit in a Member State exists or may occur. The Commission addressed such an opinion on Greece to the Council on 24 June 2004. Having examined all relevant factors taken into account in its report in accordance with Article 104(3) and having regard to the opinion of the Economic and Financial Committee in accordance with Article 104(4), the Commission concluded in its opinion on 24 June 2004 that there exists an excessive deficit in Greece.

- (5) Article 104(6) of the Treaty lays down that the Council should consider any observations which the Member State concerned may wish to make before deciding, after an overall assessment, whether an excessive deficit exists.
- (6) The overall assessment leads to the following conclusions: the general government deficit reached 3,2% of GDP in 2003 in Greece. The breach of the 3% of GDP Treaty reference value in 2003 did not result, in the sense of the Stability and Growth Pact, from an unusual event outside the control of the Greek authorities, nor is it the result of a severe economic downturn. On the contrary, it occurred in a context of strong economic growth at 4,2% in 2003, and a positive output gap of around 1,5% of GDP. The outturn of the general government deficit in 2003 compares with a target deficit of 0,9% of GDP set in the December 2002 updated stability programme. According to the Commission, the significant slippage is attributed to extraordinary factors (overruns in expenditure related to the preparation of the Olympic Games and compensation for weather damages), to higher than planned current spending (social transfers and public sector wages) and to a shortfall of revenues (VAT, income taxes and reclassification, as a financial transaction, of a payment from the Saving Postal Bank to government).
- (7) According to its spring 2004 forecasts, based on the assumption of no policy change and a deficit figure for 2003 of 2,95% of GDP notified at the end of March, the Commission projects the general government deficit in Greece to reach 3,2% of GDP in 2004.

⁽¹⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Commission Regulation (EC) No 351/2002 (OJ L 55, 26.2.2002, p. 23).

- (8) The debt-to-GDP ratio reached 103 % of GDP in 2003, well above the 60 % reference value of the Treaty. Moreover, in its Spring 2004 forecasts, the Commission projects the debt ratio to decline only marginally to 102,8 % of GDP in 2004, which is above the 98,3 % of GDP reported by the Greek authorities on 4 May 2004. The high level of government debt and its slow pace of reduction are a cause of concern, especially in a period of high nominal growth and positive and widening output gap.
- (9) At present the quality of public finance data remains uncertain. The deficit figure for 2003 of 3,2 % of GDP in the notification of 4 May compares with a deficit of 1,7 % of GDP notified in early March, which was modified to 2,95 % of GDP at the end of the same month, following the new government's initiative for a far-reaching auditing of public finances. Since open issues remained about the underlying data, the Greek authorities are committed to resolve most pending issues promptly in close collaboration with Eurostat. Moreover, although Eurostat validated the figures of the 4 May notification, there are firm indications that there will be significant further, and as regards deficits almost

certainly upwards, revisions for 2003 and earlier years, when a customary notification is made in September 2004. Such revisions are moreover expected to have an upward impact on the deficit figures for 2004,

HAS ADOPTED THIS DECISION:

Article 1

From an overall assessment it follows that an excessive deficit exists in Greece.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 5 July 2004.

For the Council

The President

G. ZALM

COUNCIL DECISION
of 5 July 2004
on the existence of an excessive deficit in Hungary
(2004/918/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 104(6) thereof,

Having regard to the recommendation from the Commission,

Having regard to the observations made by Hungary,

Whereas:

- (1) According to Article 104 of the Treaty, Member States are to avoid excessive government deficits; this applies also to Member States with a derogation, the case of all countries that joined the EU on 1 May 2004.
- (2) The Stability and Growth Pact is based on the objective of sound government finances as a means of strengthening the conditions for price stability and for strong sustainable growth conducive to employment creation.
- (3) The excessive deficit procedure under Article 104 provides for a decision on the existence of an excessive deficit and the Protocol on the excessive deficit procedure annexed to the Treaty sets out further provisions relating to the implementation of the excessive deficit procedure. Council Regulation (EC) No 3605/93 of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community⁽¹⁾, lays down detailed rules and definitions for the application of the provisions of the said Protocol.
- (4) Article 104(5) of the Treaty requires the Commission to address an opinion to the Council if the Commission considers that an excessive deficit in a Member State exists or may occur. Having examined all relevant factors taken into account in its report in accordance with Article 104(3) and having regard to the opinion of the Economic and Financial Committee in accordance with Article 104(4), the Commission concluded in its

opinion of 24 June 2004 that there exists an excessive deficit in Hungary.

- (5) Article 104(6) of the Treaty lays down that the Council should consider any observations which the Member State concerned may wish to make before deciding, after an overall assessment, whether an excessive deficit exists.
- (6) The overall assessment leads to the following conclusions: the general government deficit reached 5,9 % of GDP in 2003 in Hungary, above the 3 % of GDP Treaty reference value. The excess of the general government deficit over the reference value did not result from an unusual event outside the control of the Hungarian authorities, nor was it the result of a severe economic downturn, in the sense of the Stability and Growth Pact. The general government deficit is likely to remain above 3 % of GDP in 2004. In particular, according to the Commission spring 2004 forecast, the deficit is projected to reach 4,9 % of GDP in 2004, while the convergence programme of Hungary expects a deficit of 4,6 % of GDP. The debt ratio, which was 59 % in 2003, is likely to remain just below the 60 % of GDP Treaty reference value in 2004,

HAS ADOPTED THIS DECISION:

Article 1

From an overall assessment it follows that an excessive deficit exists in Hungary.

Article 2

This Decision is addressed to the Republic of Hungary.

Done at Brussels, 5 July 2004.

For the Council
The President
G. ZALM

⁽¹⁾ OJ L 332, 31.12.1993, p. 7. Regulation as last amended by Commission Regulation (EC) No 351/2002 (OJ L 55, 26.2.2002, p. 23).

COUNCIL DECISION
of 22 December 2004
on tackling vehicle crime with cross-border implications
(2004/919/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(1)(a) and Article 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of the Netherlands,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) An estimated 1,2 million motor vehicles are stolen each year in the Member States of the European Union.
- (2) These thefts involve considerable damage amounting to at least EUR 15 billion per year.
- (3) A large proportion of these vehicles, estimated at 30 to 40 %, are stolen by organised crime and then converted and exported to other States within and outside the European Union.
- (4) Besides causing material damage, this is also seriously damaging to citizens' sense of justice and feeling of security. Vehicle crime may be accompanied by serious forms of violence.
- (5) Consequently, attainment of the objective in Article 29 of the Treaty, to provide citizens with a high level of safety within an area of freedom, security and justice, is hampered.
- (6) The Council has adopted a Resolution of 27 May 1999 on combating international crime with fuller cover of the routes used⁽¹⁾.
- (7) Vehicle crime may also be linked internationally to other forms of crime, such as trafficking in drugs, firearms and human beings.

- (8) Tackling vehicle crime is a matter for the law enforcement agencies of the Member States. However, a common approach involving — wherever practicable and necessary — cooperation between the Member States and law enforcement authorities of the Member States is necessary and proportional in order to address the cross-border aspects of this form of crime.
- (9) Cooperation between law enforcement authorities and vehicle registration authorities is of particular importance, as is the provision of information to the relevant parties.
- (10) Cooperation with Europol is equally important as Europol can provide analyses and reports on the matter.
- (11) The European Police College offers police forces in the Member States, via the European Police Learning Net (EPLN), a library function in the field of vehicle crime for consulting information and expertise. Via its discussion function, EPLN also provides the possibility of exchanging knowledge and experience.
- (12) The fight against vehicle crime will be intensified by an increase in the number of Member States acceding to the Treaty concerning a European Vehicle and Driving Licence Information System (EUCARIS) of 29 June 2000.
- (13) A number of specific measures will need to be taken if vehicle crime with an international dimension is to be combated effectively,

HAS DECIDED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Decision, the following definitions apply:

1. 'Vehicle' shall mean any motor vehicle, trailer or caravan as defined in the provisions relating to the Schengen Information System (SIS).
2. 'National competent authorities' shall mean any national authorities designated by the Member States for the purposes of this Decision, and may include, as appropriate, police, customs, border guards and judicial authorities.

⁽¹⁾ OJ C 162, 9.6.1999, p. 1.

Article 2

Objective

1. The objective of this Decision is to achieve improved cooperation within the European Union with the aim of preventing and combating cross-border vehicle crime.

2. Particular attention shall be given to the relationship between vehicle theft and the illegal car trade and forms of organised crime, such as trafficking in drugs, firearms and human beings.

Article 3

Cooperation between national competent authorities

1. Member States shall take the necessary steps, in accordance with national law, to enhance mutual cooperation between national competent authorities in order to combat cross-border vehicle crime, such as by means of cooperation agreements.

2. Specific attention shall be given to cooperation with respect to export control, taking into account respective competences in the Member States.

Article 4

Cooperation between competent authorities and the private sector

1. Member States shall take the necessary steps to organise periodic consultations, as appropriate, among national competent authorities, in accordance with national law, and may involve representatives of the private sector (such as holders of private registers of missing vehicles, insurers and the car trade) in such consultations with a view to coordination of information and mutual alignment of activities in this area.

2. Member States shall facilitate procedures, in accordance with national law, for a quick repatriation of vehicles released by national competent authorities following their seizure.

Article 5

Vehicle crime contact points

1. By 30 March 2005, Member States shall designate, within their law enforcement authorities, a contact point for tackling cross-border vehicle crime.

2. Member States shall authorise the contact points to exchange experience, expertise as well as general and technical information concerning vehicle crime on the basis of existing applicable legislation. Information exchange shall extend to methods and best practices of prevention of vehicle crime. Such exchanges shall not include exchanges of personal data.

3. Information concerning the designated national contact points, including subsequent changes, shall be notified to the General Secretariat of the Council for publication in the *Official Journal of the European Union*.

Article 6

Issuing alerts for stolen vehicles and registration certificates

1. Whenever a vehicle is reported stolen, Member States' competent authorities shall immediately enter a stolen vehicle alert in the SIS, in accordance with national law, and, where possible, in Interpol's Stolen Motor Vehicle database.

2. An alert in the search register shall, in accordance with national law, be immediately withdrawn by the Member State which issued it as soon as the reason for issuing an alert on the vehicle ceases to exist.

3. Whenever registration certificates are reported stolen, Member States' competent authorities shall immediately enter an alert thereon in the SIS, in accordance with national law.

Article 7

Registration

1. Each Member State shall ensure that its competent authorities shall take the necessary steps to prevent abuse and theft of vehicle registration documents.

2. The national vehicle registration authorities shall be informed by law enforcement authorities whether a vehicle, that is in the process of being registered, is known as having been stolen. Access to databases to that end shall take place with due respect to provisions of Community law.

*Article 8***Preventing abuse of vehicle registration certificates**

1. In order to prevent abuse of vehicle registration certificates, each Member State shall, in accordance with national law, ensure that its competent authorities take the necessary steps to recover a vehicle owner's or vehicle holder's registration certificate if the vehicle has been seriously damaged in an accident (total loss).
2. A registration certificate shall also be recovered, in accordance with national law, where, during a check by the law enforcement agency, it is suspected that there has been an infringement concerning the vehicle's identity markings, such as the vehicle identification number.
3. Registration certificates shall be returned only following examination and positive verification of the vehicle's identity, and in accordance with national law.

*Article 9***Europol**

Each Member State shall ensure that its law enforcement authorities keep Europol informed on vehicle crime perpetrators as necessary, within the scope of that mandate and tasks.

*Article 10***Promotion of expertise and training**

Member States shall take the necessary steps to ensure that national institutes responsible for the training of relevant law enforcement authorities promote in their curricula, where appropriate in cooperation with the European Police College,

specialist training in the field of vehicle crime prevention and detection. Such training may include input from Europol, in accordance with its sphere of competence.

*Article 11***Meeting of contact points and annual report to the Council**

Vehicle crime contact points shall hold a meeting at least once a year under the auspices of the Member State holding the Presidency of the Council. Europol shall be invited to participate in that meeting. The Presidency shall report to the Council on the progress of relevant practical cooperation among law enforcement authorities.

*Article 12***Evaluation**

The Council shall evaluate the implementation of this Decision by 30 December 2007.

*Article 13***Entry into effect**

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

For those Member States in which the provisions of the Schengen acquis relating to the SIS have not yet been put into effect, the obligations of this Decision relating to the SIS shall take effect on the date on which those provisions start applying, as specified in a Council Decision adopted to that effect in accordance with the applicable procedures.

Done at Brussels, 22 December 2004

For the Council
The President
C. VEERMAN

COMMISSION

COMMISSION DECISION

of 20 December 2004

on a derogation from certain provisions of Directive 2003/54/EC of the European Parliament and of the Council concerning the archipelago of the Azores

(notified under document number C(2004) 4880)

(Only the Portuguese text is authentic)

(2004/920/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC⁽¹⁾, and in particular Article 26(1) thereof,

Whereas:

- (1) Article 26(1) of Directive 2003/54/EC provides that Member States which can demonstrate, after the Directive has been brought into force, that there are substantial problems for the operation of their small isolated systems, may apply for derogations from the relevant provisions of Chapters IV, V, VI, VII, as well as Chapter III, in the case of micro isolated systems, as far as refurbishing, upgrading and expansion of existing capacity are concerned, which may be granted to them by the Commission.
- (2) Portugal submitted to the Commission on 29 June 2004 an application for derogation for an indefinite period of time from the provisions of Chapters III, IV, V, VI, VII under Article 26(1) of Directive 2003/54/EC concerning the archipelago of the Azores.
- (3) The archipelago of the Azores qualifies as a 'micro isolated system' as defined in Article 2(27) of Directive 2003/54/EC.

(4) The archipelago of the Azores' peculiar characteristics of remoteness, insularity, small size, difficult topography and climate, have been acknowledged in Article 299(2) of the EC Treaty.

(5) The documents annexed to the Portuguese application give sufficient evidence that the objective of a competitive market in electricity is impossible or impractical to achieve given the very small level of production and the fact that the islands are also isolated from one another. In such a very small system, it is often not possible to have more than one generating facility per island, which makes the presence of competing generators very unlikely. The size of the market will hardly stimulate the application for authorisations or bids for tenders. Furthermore, there is no high voltage transmission system, and without competition in production the Directive's requirements regarding the unbundling of distribution systems lose their justification. The same considerations are valid concerning third party access to the system.

(6) The Commission, having examined the justification of Portugal's request, is satisfied that the derogation and the conditions for its application will not prejudice the achievement of the objectives of the Directive.

(7) However, possible technological developments in the medium and long term that may bring about substantial changes need to be taken into account.

⁽¹⁾ OJ L 176, 15.7.2003, p. 37. Directive as last amended by Council Directive 2004/85/EC (OJ L 236, 7.7.2004, p. 10).

(8) The Commission has consulted all Member States as prescribed in Article 26(1) of Directive 2003/54/EC,

HAS ADOPTED THIS DECISION:

Article 1

A derogation from the relevant provisions of Chapters IV, V, VI, VII, as well as Chapter III, as far as refurbishing, upgrading and expansion of existing capacity are concerned, is granted to the Portuguese Republic for the nine isles of the archipelago of the Azores.

Article 2

The Portuguese energy regulator shall monitor the evolution of the electricity sector of the Azores and report to the Commission any substantial change therein that may require the review of the granted derogation. A first report shall be submitted four years after the date of this decision and a second one nine years after that date.

Article 3

This derogation is valid for an indefinite period of time. It can be reviewed by the Commission if substantial changes occur in the electricity sector of the Azores.

Article 4

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 20 December 2004.

For the Commission

Andris PIEBALGS

Member of the Commission

COMMISSION DECISION

of 27 December 2004

concerning the funding by the Community of a Eurobarometer survey on the attitudes of consumers towards the welfare of farmed animals

(2004/921/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, and in particular Article 17 thereof,

Whereas:

- (1) Under Decision 90/424/EEC, the Community shall make a financial contribution to the establishment of an information policy in the field of animal protection.
- (2) This information policy includes, *inter alia*, the performance of studies necessary for the preparation and development of legislation in the field of animal protection.
- (3) The performance of a survey assessing the attitudes of consumers towards the welfare of farmed animals, forms part of this information policy in the field of animal protection, and the financial resources necessary for the Community to perform this survey should therefore be engaged and granted subject to the planned survey having been efficiently carried out.
- (4) This survey will be carried out in the form of a specific Eurobarometer study within the scope of the Framework Contract⁽²⁾, concluded between the European Community, represented by the European Commission and TNS Opinion and Survey a consortium formed by

Taylor Nelson Sofres plc and EOS Gallup Europe, represented by the coordinating centre the European Omnibus Survey 'EOS Gallup Europe'.

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

DECIDES:

Sole Article

The action to perform a survey on the attitudes of consumers towards the welfare of farmed animals, to be financed from budget heading 17 04 02 of the budget of the European Union for a maximum amount of EUR 200 000, is hereby approved. This survey will be carried out in the form of a specific Eurobarometer study within the scope of the Framework Contract concluded between the European Community, represented by the European Commission and TNS Opinion and Survey a consortium formed by Taylor Nelson Sofres plc and EOS Gallup Europe, represented by the coordinating centre the European Omnibus Survey 'EOS Gallup Europe'.

Done at Brussels, 27 December 2004.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31).

⁽²⁾ Contract No PRESS-B-1/2003-25/B1 of 24.8.2004.

COMMISSION DECISION

of 29 December 2004

amending Decisions 2003/746/EC and 2003/848/EC as regards the reallocation of the Community's financial contribution to Member States' TSE eradication and monitoring programmes for 2004

(notified under document number C(2004) 5396)

(2004/922/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, and in particular Article 24(5) and (6) thereof,

Whereas:

to those that are exceeding it. The reallocation should be based on the most recent information on the expenditure actually incurred by the concerned Member States.

(5) Decisions 2003/746/EC and 2003/848/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2003/746/EC is amended in accordance with the Annex to this Decision.

Article 2

Decision 2003/848/EC is amended as follows:

(1) Commission Decision 2003/746/EC of 14 October 2003 on the list of programmes for the eradication and the monitoring of certain TSEs qualifying for a financial contribution from the Community in 2004⁽²⁾, lists the programmes submitted to the Commission by the Member States for the monitoring of transmissible *spongiform encephalopathies* (TSE) qualifying for a Community financial contribution in 2004. That Decision also sets out the proposed rate and maximum amount of the contribution for each programme.

(2) Commission Decision 2003/848/EC of 28 November 2003 approving the TSE eradication and monitoring programmes of Member States and certain acceding Member States for 2004 and fixing the level of the Community's financial contribution⁽³⁾, approves the programmes listed in Decision 2003/746/EC and lays down the maximum amounts of the Community's financial contribution.

(3) Decision 2003/848/EC provides for progress reports to be forwarded by the Member States to the Commission every month. An analysis of those reports indicates that certain Member States will not utilise their full allocation for 2004, while others will spend in excess of the allocated amount.

(4) The Community's financial contribution to certain of those programmes therefore needs to be adjusted. It is appropriate to reallocate funding from programmes of Member States which are not using their full allocation

1. in Article 4(2), 'EUR 745 000' is replaced by 'EUR 383 000';

2. in Article 6(2), 'EUR 21 733 000' is replaced by 'EUR 24 735 000';

3. in Article 8(2), 'EUR 6 283 000' is replaced by 'EUR 6 401 000';

4. in Article 10(2), 'EUR 4 028 000' is replaced by 'EUR 4 346 000';

5. in Article 11(2), 'EUR 1 675 000' is replaced by 'EUR 1 789 000';

6. in Article 12(2), 'EUR 1 012 000' is replaced by 'EUR 1 177 000';

7. in Article 15(2), 'EUR 7 726 000' is replaced by 'EUR 4 269 000';

8. in Article 17(2), 'EUR 103 000' is replaced by 'EUR 159 000';

9. in Article 19(2), 'EUR 353 000' is replaced by 'EUR 399 000';

⁽¹⁾ OJ L 224, 18.9.1990, p. 19. Decision as last amended by Regulation (EC) 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 269, 21.10.2003, p. 24.

⁽³⁾ OJ L 322, 9.12.2003, p. 11.

-
10. in Article 21(2), 'EUR 5 000' is replaced by 'EUR 1 000';
11. in Article 22(2), 'EUR 755 000' is replaced by 'EUR 927 000';
12. in Article 24(2), 'EUR 435 000' is replaced by 'EUR 573 000';
13. in Article 25(2), 'EUR 1 160 000' is replaced by 'EUR 3 014 000';
14. in Article 26(2), 'EUR 490 000' is replaced by 'EUR 1 006 000';
15. in Article 27(2), 'EUR 3 210 000' is replaced by 'EUR 671 000';
16. in Article 28(2), 'EUR 675 000' is replaced by 'EUR 704 000';
17. in Article 29(2), 'EUR 30 000' is replaced by 'EUR 5 000';
18. in Article 30(2), 'EUR 255 000' is replaced by 'EUR 275 000';
19. in Article 31(2), 'EUR 5 000' is replaced by 'EUR 3 000';
20. in Article 32(2), 'EUR 5 000' is replaced by 'EUR 34 000';
21. in Article 33(2), 'EUR 7 460 000' is replaced by 'EUR 6 652 000';
22. in Article 34(2), 'EUR 740 000' is replaced by 'EUR 1 360 000'.
- Article 3*
- This Decision is addressed to the Member States.
- Done at Brussels, 29 December 2004.
- For the Commission*
Markos KYPRIANOU
Member of the Commission
-

ANNEX

Annexes I and II to Decision 2003/746/EC are replaced by the following:

‘ANNEX I

List of programmes for the monitoring of TSEs

Rate and Maximum amount of the Community financial contribution

Disease	Member States	Rate-purchase of test kits (%)	Maximum amount (in EUR)
TSEs	Belgium	100	3 351 000
	Denmark	100	2 351 000
	Germany	100	15 611 000
	Greece	100	383 000
	Spain	100	4 854 000
	France	100	24 735 000
	Ireland	100	5 386 000
	Italy	100	6 401 000
	Luxembourg	100	158 000
	Netherlands	100	4 346 000
	Austria	100	1 789 000
	Portugal	100	1 177 000
	Finland	100	1 060 000
	Sweden	100	358 000
	United Kingdom	100	4 269 000
	Cyprus	100	144 000
	Estonia	100	159 000
	Malta	100	37 000
	Slovenia	100	399 000
Total			76 968 000

ANNEX II

List of programmes for the eradication of Scrapie

Maximum amount of the Community financial contribution

Disease	Member States	Rate	Maximum amount (in EUR)
Scrapie	Denmark	50 % culling, 100 % genotyping	1 000
	Germany	50 % culling, 100 % genotyping	927 000
	Greece	50 % culling, 100 % genotyping	450 000
	Spain	50 % culling, 100 % genotyping	573 000
	France	50 % culling, 100 % genotyping	3 014 000
	Ireland	50 % culling, 100 % genotyping	1 006 000
	Italy	50 % culling, 100 % genotyping	671 000
	Netherlands	50 % culling, 100 % genotyping	704 000
	Austria	50 % culling, 100 % genotyping	5 000
	Portugal	50 % culling, 100 % genotyping	275 000
	Finland	50 % culling, 100 % genotyping	3 000
	Sweden	50 % culling, 100 % genotyping	34 000
	United Kingdom	50 % culling, 100 % genotyping	6 652 000
	Cyprus	50 % culling, 100 % genotyping	1 360 000
Total			15 675 000

COMMISSION DECISION

of 29 December 2004

amending Decisions 2003/743/EC and 2003/849/EC as regards the reallocation of the Community's financial contribution to certain Member States for their programmes for the eradication and monitoring of animal diseases and for checks aimed at the prevention of zoonoses for 2004

(notified under document number C(2004) 5397)

(Text with EEA relevance)

(2004/923/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, and in particular Article 24(5) and (6), and Articles 29 and 32 thereof,

Whereas:

(1) Decision 90/424/EEC provides for the possibility of financial participation by the Community towards the programmes of Member States aimed at the eradication and monitoring of animal diseases and for checks aimed at the prevention of zoonoses.

(2) Commission Decision 2003/743/EC of 14 October 2003 on the lists of programmes for the eradication and monitoring of animal diseases and of checks aimed at the prevention of zoonoses qualifying for a financial contribution from the Community in 2004⁽²⁾ sets out the proposed rate and maximum amount of the Community's financial contribution for each programme submitted by the Member States.

(3) Commission Decision 2003/849/EC of 28 November 2003 approving programmes for the eradication and monitoring of certain animal diseases and for the prevention of zoonoses presented by the Member States for the year 2004 and fixing the level of the Community's financial contribution⁽³⁾ sets out the maximum amount of the Community's financial contribution for each programme submitted by the Member States.

(4) The Commission has analysed the reports forwarded by the Member States on the expenditures of those programmes. The results of that analysis show that certain Member States will not utilise their full allocation for 2004 while others will spend in excess of the allocated amount.

(5) The Community's financial contribution to certain of those programmes therefore needs to be adjusted. It is appropriate to reallocate funding from programmes of Member States, which are not using their full allocation to those that are exceeding it. The reallocation should be based on the most recent information on the expenditure actually incurred by the concerned Member States.

(6) Decisions 2003/743/EC and 2003/849/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and II to Decision 2003/743/EC are amended in accordance with the Annex to this Decision.

Article 2

Decision 2003/849/EC is amended as follows:

1. In Article 1(2) 'EUR 200 000' is replaced by 'EUR 190 000';
2. In Article 2(2) 'EUR 650 000' is replaced by 'EUR 700 000';
3. In Article 3(2) 'EUR 800 000' is replaced by 'EUR 600 000';
4. In Article 4(2) 'EUR 70 000' is replaced by 'EUR 80 000';
5. In Article 5(2) 'EUR 370 000' is replaced by 'EUR 0';
6. In Article 6(2) 'EUR 1 800 000' is replaced by 'EUR 1 695 000';
7. In Article 7(2) 'EUR 110 000' is replaced by 'EUR 0';
8. In Article 8(2) 'EUR 400 000' is replaced by 'EUR 410 000';
9. In Article 9(2) 'EUR 85 000' is replaced by 'EUR 55 000';

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 268, 18.10.2003, p. 77.

⁽³⁾ OJ L 322, 9.12.2003, p. 16.

10. In Article 11(2) 'EUR 4 000 000' is replaced by 'EUR 4 150 000';
 11. In Article 12(2) 'EUR 5 000 000' is replaced by 'EUR 5 055 000';
 12. In Article 13(2) 'EUR 1 500 000' is replaced by 'EUR 1 545 000';
 13. In Article 15(2) 'EUR 150 000' is replaced by 'EUR 50 000';
 14. In Article 16(2) 'EUR 1 800 000' is replaced by 'EUR 2 000 000';
 15. In Article 17(2) 'EUR 110 000' is replaced by 'EUR 125 000';
 16. In Article 18(2) 'EUR 2 000 000' is replaced by 'EUR 2 700 000';
 17. In Article 20(2) 'EUR 5 000 000' is replaced by 'EUR 4 935 000';
 18. In Article 22(2) 'EUR 1 200 000' is replaced by 'EUR 1 900 000';
 19. In Article 24(2) 'EUR 150 000' is replaced by 'EUR 165 000';
 20. In Article 25(2) 'EUR 400 000' is replaced by 'EUR 540 000';
 21. In Article 26(2) 'EUR 40 000' is replaced by 'EUR 255 000';
 22. In Article 28(2) 'EUR 100 000' is replaced by 'EUR 110 000';
 23. In Article 30(2) 'EUR 100 000' is replaced by 'EUR 115 000';
 24. In Article 33(2) 'EUR 725 000' is replaced by 'EUR 195 000';
 25. In Article 35(2) 'EUR 6 500 000' is replaced by 'EUR 6 000 000';
 26. In Article 36(2) 'EUR 300 000' is replaced by 'EUR 395 000';
 27. In Article 37(2) 'EUR 3 500 000' is replaced by 'EUR 4 500 000';
 28. In Article 38(2) 'EUR 17 000' is replaced by 'EUR 2 000';
 29. In Article 39(2) 'EUR 2 000 000' is replaced by 'EUR 1 600 000';
 30. In Article 40(2) 'EUR 70 000' is replaced by 'EUR 0';
 31. In Article 41(2) 'EUR 150 000' is replaced by 'EUR 355 000';
 32. In Article 43(2) 'EUR 700 000' is replaced by 'EUR 1 205 000';
 33. In Article 44(2) 'EUR 150 000' is replaced by 'EUR 100 000';
 34. In Article 45(2) 'EUR 260 000' is replaced by 'EUR 210 000';
 35. In Article 46(2) 'EUR 700 000' is replaced by 'EUR 150 000';
 36. In Article 47(2) 'EUR 90 000' is replaced by 'EUR 100 000';
 37. In Article 48(2) 'EUR 400 000' is replaced by 'EUR 50 000';
 38. In Article 49(2) 'EUR 400 000' is replaced by 'EUR 200 000';
 39. In Article 50(2) 'EUR 400 000' is replaced by 'EUR 10 000';
 40. In Article 54(2) 'EUR 75 000' is replaced by 'EUR 95 000';
 41. In Article 55(2) 'EUR 800 000' is replaced by 'EUR 900 000';
 42. In Article 58(2) 'EUR 30 000' is replaced by 'EUR 25 000';
 43. In Article 60(2) 'EUR 700 000' is replaced by 'EUR 550 000';
 44. In Article 62(2) 'EUR 100 000' is replaced by 'EUR 160 000';
 45. In Article 63(2) 'EUR 50 000' is replaced by 'EUR 10 000';
 46. In Article 65(2) 'EUR 5 000' is replaced by 'EUR 0';
 47. In Article 67(2) 'EUR 60 000' is replaced by 'EUR 30 000'.
- Article 3*
- This Decision is addressed to the Member States.
- Done at Brussels, 29 December 2004.
- For the Commission*
Markos KYPRIANOU
Member of the Commission

ANNEX

Annexes I and II to Decision 2003/743/EC are replaced by the following:

‘ANNEX I

List of programmes for the eradication and monitoring of animal diseases

Proposed rate and amount of the Community financial contribution

Disease	Member State	Rate (%)	Proposed amount (EUR)
African/Classical swine fever	Italy (Sardinia)	50	250 000
Aujeszzkys disease	Belgium	50	550 000
	Spain	50	75 000
	Hungary	50	160 000
	Ireland	50	10 000
	Lithuania	50	50 000
	Malta	50	0
	Portugal	50	50 000
	Slovakia	50	30 000
Bluetongue	Spain	50	355 000
	France	50	225 000
	Italy	50	1 205 000
Bovine brucellosis	Cyprus	50	55 000
	Greece	50	300 000
	Spain	50	4 150 000
	Ireland	50	5 055 000
	Italy	50	1 545 000
	Lithuania	50	50 000
	Poland	50	50 000
	Portugal	50	2 000 000
	Slovenia	50	125 000
	United Kingdom ⁽¹⁾	50	2 700 000
Bovine tuberculosis	Greece	50	300 000
	Spain	50	4 935 000
	Ireland	50	4 500 000
	Italy	50	1 900 000
	Lithuania	50	70 000
	Poland	50	165 000
	Portugal	50	540 000
	Slovenia	50	255 000
	United Kingdom ⁽¹⁾	50	2 000 000
Classical swine fever	Belgium	50	175 000
	Czech Republic	50	95 000
	Germany	50	900 000
	Lithuania	50	20 000
	Luxembourg	50	90 000
	Slovenia	50	25 000
	Slovakia	50	125 000
Enzootic bovine leucosis	Italy	50	110 000
	Lithuania	50	100 000
	Portugal	50	115 000
	Slovakia	50	40 000
	United Kingdom ⁽¹⁾	50	5 000

Disease	Member State	Rate (%)	Proposed amount (EUR)
Ovine and caprine brucellosis (<i>B. melitensis</i>)	Cyprus	50	195 000
	Greece	50	1 000 000
	Spain	50	6 000 000
	France	50	395 000
	Italy	50	4 500 000
	Lithuania	50	2 000
	Portugal	50	1 600 000
	Slovenia	50	0
Heartwater, babesiosis and anaplasmosis ⁽²⁾	France ⁽³⁾	50	250 000
Rabies	Austria	50	190 000
	Czech Republic	50	700 000
	Germany	50	600 000
	Finland	50	80 000
	Latvia	50	0
	Poland	50	1 695 000
	Slovenia	50	0
	Slovakia	50	410 000
Swine vesicular disease Classical swine fever	Italy	50	400 000
Total			53 472 000

⁽¹⁾ United Kingdom only as regards Northern Ireland.

⁽²⁾ Heartwater, babesiosis and anaplasmosis transmitted by vector insects in the French overseas departments.

⁽³⁾ France only as regards Guadeloupe, Martinique and Réunion.

ANNEX II

List of programmes of checks aimed at the prevention of zoonoses

Proposed rate and amount of the Community financial contribution

Zoonosis	Member State	Rate (%)	Proposed amount (EUR)
Salmonella	Austria	50	100 000
	Denmark	50	210 000
	France	50	150 000
	Ireland	50	100 000
	Lithuania	50	50 000
	Netherlands	50	200 000
	Slovakia	50	10 000
Total			820 000'

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

COUNCIL DECISION 2004/924/CFSP

of 22 November 2004

concerning the conclusion of the Agreement between the European Union and Georgia on the status and activities of the European Union Rule of Law Mission in Georgia, EUJUST THEMIS

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Article 1

Having regard to the recommendation from the Presidency,

The Agreement between the European Union and Georgia on the status and activities of the European Union Rule of Law Mission in Georgia, EUJUST THEMIS, is hereby approved on behalf of the European Union.

Whereas:

The text of the Agreement is attached to this Decision.

(1) On 28 June 2004, the Council adopted Joint Action 2004/523/CFSP on the European Union Rule of Law Mission in Georgia, EUJUST THEMIS⁽¹⁾.

Article 2

(2) Article 7 of the Joint Action provides that the status of EUJUST THEMIS staff in Georgia, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUJUST THEMIS, shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty on European Union.

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the European Union.

Article 3

(3) Following the Council authorisation of 28 June 2004 given to the Secretary-General/High Representative for the Common Foreign and Security Policy, assisting the Presidency, to open negotiations on its behalf, the Secretary-General/High Representative negotiated an Agreement with the Government of Georgia on the status and activities of EUJUST THEMIS.

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

Article 4

(4) Notwithstanding Article 10(4) of the Agreement, procurement of goods and services by EUJUST THEMIS should comply with the principles of transparency, proportionality, equal treatment and non-discrimination.

This Decision shall be published in the *Official Journal of the European Union*.

(5) The Agreement should be approved,

Done at Brussels, 22 November 2004.

For the Council

The President

B. R. BOT

⁽¹⁾ OJ L 228, 29.6.2004, p. 21.

AGREEMENT**between the European Union and Georgia on the status and activities of the European Union Rule of Law Mission in Georgia, EUJUST THEMIS**

THE EUROPEAN UNION, hereinafter referred to as the 'EU',

on the one hand, and

GEORGIA, hereinafter referred to as the 'Host Party',

on the other hand,

together hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- (1) the letter from Prime Minister Zhvania of the Host Party dated 3 June 2004, inviting the EU to launch a Rule of Law Mission and foreseeing appropriate arrangements between the Government of the Host Party and the EU,
- (2) the response of the Secretary-General/High Representative for the Common Foreign and Security Policy dated 30 June 2004 accepting the invitation,
- (3) the adoption by the Council of the European Union on 28 June 2004 of Joint Action 2004/523/CFSP on the EU Rule of Law Mission EUJUST THEMIS in the Host Party,
- (4) the duration of EUJUST THEMIS, anticipated to last 12 months,
- (5) the Partnership and Cooperation Agreement between the Host Party and the European Communities and their Member States, signed on 22 April 1996, containing provisions on cooperation on matters relating to democracy, rule of law and human rights and fundamental freedoms,
- (6) that the purpose of the privileges and immunities as provided for in this Agreement is not to benefit individuals but to ensure the efficient performance of the EU Mission,

HAVE AGREED AS FOLLOWS:

*Article 1***Scope of application and definitions**

1. The provisions of this Agreement and any obligation undertaken by the Host Party or any privilege, immunity, facility or concession granted to EUJUST THEMIS or EUJUST THEMIS personnel shall apply in the territory of the Host Party only.

2. For the purpose of this Agreement, the following definitions shall apply:

(a) 'EUJUST THEMIS' means the European Union Rule of Law Mission in the Host Party established by the Council of the European Union in Joint Action 2004/523/CFSP dated 28 June 2004, including its components, headquarters and

personnel deployed in the territory of the Host Party and assigned to EUJUST THEMIS;

(b) 'Head of Mission' means the Head of Mission of EUJUST THEMIS, appointed by the Council of the European Union;

(c) 'EUJUST THEMIS personnel' means the Head of Mission, personnel seconded by EU Member States and EU institutions, and international staff recruited on a contractual basis by EUJUST THEMIS deployed for the preparation, support and implementation of the Mission, and shall not include commercial contractors or local personnel;

(d) 'Headquarters' means the EUJUST THEMIS main headquarters in Tbilisi;

(e) 'Sending State' means any EU Member State that has seconded personnel to EUJUST THEMIS;

(f) 'Premises' means all buildings, facilities and land required for the conduct of the activities of EUJUST THEMIS, as well as for the accommodation of EUJUST THEMIS personnel.

Article 2

General provisions

1. EUJUST THEMIS and EUJUST THEMIS personnel shall respect the laws and regulations of the Host Party and shall refrain from any action or activity incompatible with the impartial and international nature of their duties or inconsistent with the provisions of this Agreement.

2. EUJUST THEMIS shall be autonomous with regard to the execution of its functions under this Agreement. The Host Party shall respect the unitary and international nature of EUJUST THEMIS.

3. The Head of Mission shall notify the Government of the Host Party of the location of its Headquarters.

4. The Head of Mission shall regularly, and in a timely manner, inform the Government of the Host Party of the number, names, and nationalities of EUJUST THEMIS personnel stationed in the territory of the Host Party, through the submission of a notification list to the Ministry of Foreign Affairs of the Host Party.

Article 3

Identification

1. EUJUST THEMIS personnel shall be provided with and identified by a EUJUST THEMIS identification card, which they shall be obliged to carry with them at all times. The relevant authorities of the Host Party shall be provided with a specimen of a EUJUST THEMIS identification card.

2. The Ministry of Foreign Affairs of the Host Party shall provide diplomatic cards to EUJUST THEMIS personnel in accordance with their status as set down in Article 6.

3. EUJUST THEMIS shall be permitted to display the flag of the EU at its main headquarters and elsewhere, alone or together with the flag of the Host Party, as decided by the Head of Mission.

Article 4

Border crossing, movement and presence on the territory of the host party

1. EUJUST THEMIS personnel and EUJUST THEMIS assets and means of transport shall cross the border of the Host Party at official border crossings and via the international air corridors.

2. The Host Party shall facilitate the entry into and the departure from the territory of the Host Party for EUJUST THEMIS and EUJUST THEMIS personnel. Except for passport control on entry into and departure from the territory of the Host Party, EUJUST THEMIS personnel, with diplomatic cards, shall be exempt from passport, visa and immigration regulations and any form of immigration inspection.

3. EUJUST THEMIS personnel shall be exempt from the regulations of the Host Party governing the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of the Host Party.

4. For EUJUST THEMIS assets and means of transport entering, transiting or exiting the Host Party territory in support of the Mission, EUJUST THEMIS shall provide a certificate of exemption accompanied by an inventory. They shall be exempt from any other customs documentation. A copy of the certificate shall be transmitted to the competent authorities when entering or exiting the Host Party. The format of the certificate shall be agreed between EUJUST THEMIS and the competent authorities of the Host Party.

5. As to the licensing and registration requirements for vehicles and aircraft in support of the Mission, if required, supplementary arrangements as referred to in Article 16 shall be concluded.

6. EUJUST THEMIS personnel may drive motor vehicles in the territory of the Host Party provided they have a valid national driving licence. The Host Party shall accept as valid, without tax or fee, driving licences or permits issued to EUJUST THEMIS.

7. EUJUST THEMIS and EUJUST THEMIS personnel together with their vehicles, aircraft or any other means of transport, equipment and supplies shall enjoy free and unrestricted movement throughout the territory of the Host Party, including its airspace. If necessary, technical arrangements may be concluded in accordance with Article 16.

8. For the purpose of the Mission, EUJUST THEMIS personnel, and local personnel employed by EUJUST THEMIS when travelling on official duties, may use roads, bridges and airports without payment of duties, fees, tolls, taxes or other charges, other than such as represent payment for specific services rendered.

Article 5

Immunities and privileges of EUJUST THEMIS

1. EUJUST THEMIS shall be granted the status equivalent to that of a diplomatic mission under the Vienna Convention on Diplomatic Relations of 18 April 1961, hereafter referred to as 'the Vienna Convention'.

2. EUJUST THEMIS, its property, funds and assets shall enjoy immunity from the criminal, civil and administrative jurisdiction of the Host Party, in accordance with the Vienna Convention.

3. The premises of EUJUST THEMIS shall be inviolable. At no time shall the agents of the Host Party enter them, except with the consent of the Head of Mission.

4. The premises of EUJUST THEMIS, their furnishings and other assets therein as well as their means of transport shall be immune from search, requisition, attachment or execution.

5. The archives and documents of EUJUST THEMIS shall be inviolable at all times.

6. Correspondence of EUJUST THEMIS shall be granted a status equivalent to that of official correspondence granted under the Vienna Convention.

7. The Host Party shall permit entry of articles for EUJUST THEMIS and grant exemption from all custom duties, taxes and related charges other than charges for storage, cartage and similar services.

8. For imported goods and services and in respect of its premises, provided these are intended for the purpose of EUJUST THEMIS, EUJUST THEMIS shall be exempt from all national and municipal dues, taxes or charges of similar nature. For goods purchased and services contracted on the

domestic market, provided these are intended for the purpose of EUJUST THEMIS, EUJUST THEMIS shall be either exempt from or reimbursed by the Host Party for all national and municipal dues and taxes, including VAT, and charges of similar nature, according to the laws of the Host Party.

Article 6

Immunities and privileges of EUJUST THEMIS personnel

1. EUJUST THEMIS personnel shall be granted all privileges and immunities equivalent to that of diplomatic agents granted under the Vienna Convention, subject to which the EU Member States shall have priority of jurisdiction. These privileges and immunities shall be granted to EUJUST THEMIS personnel during their mission, and thereafter, with respect to official acts previously performed in the exercise of their mission.

2. The EU Secretary-General/High Representative shall, with the explicit consent of the competent authority of the Sending State, waive the immunity enjoyed by EUJUST THEMIS personnel where such immunity would impede the course of justice and it can be waived without prejudice to the interests of the EU.

3. EUJUST THEMIS personnel shall have the right to import free of duty or other restrictions items required for their personal use, and to export such items. EUJUST THEMIS personnel shall have the right to purchase free of duty or quantitative restrictions items required for their personal use, and to export such items; for goods and services purchased on the domestic market, EUJUST THEMIS personnel shall be exempt from VAT and taxes according to the laws of the Host Party.

4. EUJUST THEMIS personnel shall be exempt from dues and taxes in the Host Party on the emoluments and salaries they receive by reason of their employment. Where the incidence of any form of taxation depends upon residence, periods during which personnel seconded to EUJUST THEMIS and international staff recruited on a contractual basis by the EU Mission are present in the Host Party for the discharge of their duties shall not be considered as periods of residence.

Article 7

Local personnel employed by EUJUST THEMIS

Local personnel employed by EUJUST THEMIS who are nationals of or permanently resident in the Host Party shall enjoy a status equivalent to that enjoyed, in accordance with the Vienna Convention, by locally employed staff in diplomatic missions in the Host Party.

*Article 8***Security**

1. The Host Party, through its own capabilities, shall assume full responsibility for the security of EUJUST THEMIS personnel.

2. To that end, the Host Party shall take all necessary measures for the protection, safety and security of EUJUST THEMIS and EUJUST THEMIS personnel. Any specific provisions, proposed by the Host Party, shall be agreed with the Head of Mission before implementation. The Host Party shall permit and support free of any charge activities relating to the medical evacuation of EUJUST THEMIS personnel. If required, supplementary arrangements as referred to in Article 16 shall be concluded.

*Article 9***Cooperation and access to information**

1. The Host Party shall provide full cooperation and support to EUJUST THEMIS and EUJUST THEMIS personnel.

2. If requested and necessary for the accomplishment of the EUJUST THEMIS mission, the Host Party shall provide EUJUST THEMIS personnel with effective access to:

— buildings, facilities, locations and official vehicles within the control of the Host Party;

— documents, materials and information within its control relevant to the mandate of EUJUST THEMIS.

If required, supplementary arrangements as referred to in Article 16 shall be concluded.

3. The Head of Mission and the Host Party shall consult regularly and take appropriate measures to ensure close and reciprocal liaison at every appropriate level.

*Article 10***Host party support and contracting**

1. The Host Party agrees, if requested by EUJUST THEMIS, to assist in finding suitable premises.

2. If required and available, premises owned by the Host Party shall be provided free of charge.

3. Within its means and capabilities, the Host Party shall assist and support the preparation, establishment, execution

and support of the Mission, including co-location of premises and equipment for EUJUST THEMIS experts.

4. EUJUST THEMIS shall endeavour, to the maximum extent possible, to contract locally for services, goods and personnel, subject to the requirements of the Mission.

*Article 11***Deceased EUJUST THEMIS personnel**

1. The Head of Mission shall have the right to take charge of and make suitable arrangements for the repatriation of any deceased EUJUST THEMIS personnel, as well as any personal property belonging to the deceased.

2. Autopsies shall not be performed on deceased members of EUJUST THEMIS without the agreement of the Sending State or, in the case of international staff, the State of his/her nationality, and the presence of a representative of EUJUST THEMIS and/or the State concerned.

*Article 12***Communications**

EUJUST THEMIS shall enjoy the right to unrestricted communication by radio (including satellite, mobile or hand-held radio), telephone, telegraph, facsimile and other means.

*Article 13***Claims for death, injury, damage or loss**

1. The EU Member States or EU Institutions shall not be obliged to reimburse claims arising out of activities in connection with civil disturbances, protection of the EU Mission or its personnel, or which result from the execution of the Mission.

2. Any other claim of a civil law character, including claims of personnel locally employed by EUJUST THEMIS, to which the Mission or any member thereof is a party and over which the courts of the Host Party do not have jurisdiction because of any provision of this Agreement, shall be submitted through the authorities of the Host Party to the Head of Mission and shall be dealt with by separate arrangements, as referred to in Article 16, whereby procedures for settling claims and for addressing claims shall be established. Settlement of claims shall occur after previous consent of the State concerned.

*Article 14***Disputes**

1. All issues arising in connection with the application of this Agreement shall be discussed by a Joint Coordination Group. This Group shall be composed of representatives of EUJUST THEMIS and the competent authorities of the Host Party.

2. Failing any prior settlement, disputes with regard to the interpretation or application of this Agreement shall be settled between the Host Party and EU representatives by diplomatic means.

*Article 15***Other provisions**

1. Whenever this Agreement refers to the immunities, privileges and rights of EUJUST THEMIS and EUJUST THEMIS personnel, the Government of the Host Party shall be responsible for the implementation and fulfilment of such immunities, privileges and rights through the appropriate local authorities of the Host Party.

2. Nothing in this Agreement is intended or shall be construed to derogate from any rights that may attach with respect to an EU Member State or any other State contributing to EUJUST THEMIS or their personnel under other Agreements.

*Article 16***Supplementary arrangements**

The Head of Mission and the administrative authorities of the Host Party shall conclude such supplementary arrangements as may be necessary to implement this Agreement.

*Article 17***Entry into force and termination**

1. This Agreement shall enter into force upon written notification of the Parties that the internal requirements for the entry into force have been complied with.

2. This Agreement may be amended on the basis of mutual written agreement between the Parties. Such amendments shall enter into force upon written notification of the Parties that the internal requirements for the entry into force have been complied with.

3. This Agreement shall remain in force until the final departure of EUJUST THEMIS or all personnel thereof.

4. This Agreement may be denounced by written notification to the other Party. The denunciation shall take effect 60 days after receipt by the other Party of the notification of denunciation.

5. Termination or denunciation of this Agreement shall not affect any rights or obligations arising from the execution of this Agreement prior to its termination or denunciation.

Done at Tbilisi on 3 December 2004 in two originals in English.

For the European Union



For Georgia

