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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 115/2004
of 23 January 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 January 2004.

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

Done at Brussels, 23 January 2004.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 23 January 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	86,1
	204	38,8
	212	121,4
	999	82,1
0707 00 05	052	132,8
	204	37,1
	999	85,0
0709 10 00	220	34,5
	999	34,5
0709 90 70	052	99,0
	204	48,2
	999	73,6
0805 10 10, 0805 10 30, 0805 10 50	052	46,3
	204	51,7
	212	45,4
	220	48,4
	448	33,3
	524	22,1
0805 20 10	999	41,2
	052	69,6
	204	88,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	999	79,3
	052	88,7
	204	51,0
	220	79,4
	464	87,2
	600	68,7
	624	73,9
0805 50 10	999	74,8
	052	60,4
	400	38,7
	600	75,5
0808 10 20, 0808 10 50, 0808 10 90	999	58,2
	052	40,9
	060	40,7
	400	103,5
	404	92,9
	720	61,2
0808 20 50	999	67,8
	060	55,2
	400	80,9
	720	66,0
	999	67,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 116/2004
of 23 January 2004
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1787/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 359/2003 ⁽⁴⁾, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 1879/2003 suspending the buying-in of butter in certain Member States ⁽⁵⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Germany, France and Sweden under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 1879/2003 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Greece, Spain, Italy, the Netherlands, Austria, Luxembourg, Finland and the United Kingdom.

Article 2

Regulation (EC) No 1879/2003 is hereby repealed.

Article 3

This Regulation shall enter into force on 24 January 2004.

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

Done at Brussels, 23 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 270, 21.10.2003, p. 121.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 53, 28.2.2003, p. 17.

⁽⁵⁾ OJ L 275, 25.10.2003, p. 25.

COMMISSION REGULATION (EC) No 117/2004

of 23 January 2004

amending Regulation (EC) No 1628/2003 imposing a provisional anti-dumping duty on imports of large rainbow trout originating in Norway and the Faeroe Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 1972/2002 ⁽²⁾ (the basic Regulation), and in particular Articles 7 and 8 thereof,

After consulting the Advisory Committee,

Whereas:

cient precision that the shipment corresponds to the commercial documents. Where no such invoice is presented, or when it does not correspond to the product presented to customs, the appropriate rate of anti-dumping duty will instead be payable.

- (6) In the event of a breach or withdrawal of the undertaking, or a suspected breach, an anti-dumping duty may be imposed pursuant to Article 8(9) and (10) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

UNDERTAKING

- (1) The Commission, by Regulation (EC) No 1628/2003 ⁽³⁾ (the provisional Regulation) imposed a provisional anti-dumping duty on imports of large rainbow trout originating in Norway and the Faeroe Islands.
- (2) Subsequent to the adoption of provisional anti-dumping measures, two groups of cooperating companies in the Faeroe Islands, i.e. (i) P/F PRG Export together with its related producer P/F Luna and (ii) P/F Vestsalmon together with its related producer P/F Vestlax (hereinafter referred to as the companies), offered price undertakings in accordance with Article 8(1) of the basic Regulation. In these undertakings, the companies have offered to sell the product concerned at or above price levels that eliminate the injurious effects of dumping.
- (3) The companies will also provide the Commission with regular and detailed information concerning their exports to the Community, as well as the resales of the product concerned made by related parties in the Community, meaning that the undertakings can be monitored effectively by the Commission. Furthermore, the sales structure of these companies is such that the Commission considers the risk of circumventing the agreed undertakings is limited.
- (4) In view of this, the undertakings are acceptable.
- (5) In order to enable the Commission to monitor effectively the companies compliance with the undertakings, when the request for release for free circulation pursuant to the undertaking is presented to the relevant customs authority, exemption from the duty will be conditional upon the presentation of an invoice containing at least the items of information listed in the Annex attached to this Regulation. This level of information is also necessary to enable customs authorities to ascertain with suffi-

Article 1

1. The following Article is added to Regulation (EC) No 1628/2003:

‘Article 2

1. The undertakings offered by the companies named below in connection with the present anti-dumping proceeding are hereby accepted. Imports under the following TARIC additional code which are produced and directly exported (i.e. shipped and invoiced) by these companies to a company in the Community acting as an importer shall be exempt from the anti-dumping duties imposed by Article 1 provided that they are imported in conformity with paragraph 2.

Country	Company	TARIC additional code
Faeroe Islands	P/F PRG Export together with its related producer P/F Luna, FO-510 Gøta	A474
Faeroe Islands	P/F Vestsalmon together with its related producer P/F Vestlax, PO Box 82, FO-410 Kollafjørður	A475

2. Imports mentioned in paragraph 1 shall be exempt from the duty on condition that:

- (a) a commercial invoice containing at least the elements listed in the Annex is presented to Member States customs authorities upon presentation of the declaration for release into free circulation; and
- (b) the goods declared and presented to customs correspond precisely to the description on the commercial invoice.’

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 232, 18.9.2003, p. 29.

2. Article 2 of Regulation (EC) No 1628/2003 is hereby renumbered Article 3.
3. Article 3 of Regulation (EC) No 1628/2003 is hereby renumbered Article 4.
4. The Annex attached to this Regulation is hereby added as Annex to Regulation (EC) No 1628/2003.

Article 2

This Regulation shall enter into force on the 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, 23 January 2004.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX

Elements to be indicated in the commercial invoice referred to in Article 2

The following elements shall be indicated in the commercial invoice accompanying sales of large rainbow trout to the Community, which are subject to the Undertaking:

1. The heading 'COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO AN UNDERTAKING'.
2. The name of the company mentioned in Article 2(1) issuing the commercial invoice.
3. The commercial invoice number.
4. The date of issue of the commercial invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs-cleared at the Community frontier.
6. The exact description of the goods, including:
 - the Product Code Number (PCN), i.e. 1 or 2,
 - the description of the goods corresponding to the PCN (i.e. 'PCN 1: large rainbow trout chilled or fresh, head-on', 'PCN 2: large rainbow trout frozen, head-off'),
 - the company product code number (CPC) (if applicable),
 - CN code,
 - quantity (to be given in kilograms).
7. The description of the terms of the sale, including:
 - price per kilogram,
 - the applicable payment terms,
 - the applicable delivery terms,
 - total discounts and rebates.
8. Name of the company acting as an importer to which the invoice is issued directly by the company.
9. The name of the official of the company that has issued the commercial invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the Undertaking offered by [company], and accepted by the European Commission through Regulation (EC) No 117/2004. I declare that the information provided on this invoice is complete and correct.'

COMMISSION REGULATION (EC) No 118/2004

of 23 January 2004

amending Regulation (EC) No 2419/2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

(1) In the light of experience gained with the application of the rules concerning administrative checks as contained in Commission Regulation (EC) No 2419/2001 ⁽²⁾, some clarifications should be introduced with regard to the kind of checks to be carried out and with regard to the measures to be taken in case of doubts after cross-checks.

(2) Certain clarifications and additional elements should be introduced with regard to risk-sampling.

(3) The existing rules of Regulation (EC) No 2419/2001 concerning remote sensing should be enhanced to ensure a proper use of remote sensing in the performance of the controls by Member States.

(4) In the light of experience, the existing provisions concerning the timing and content of certain on-the-spot checks in respect of the bovine premium should be modified to ensure a balanced and uniform approach.

(5) The existing provisions relating to ewes and goats should be developed in the light of practical reality in so far as animals sometimes need to be replaced during the retention period, and to avoid undue penalisation in some cases of certain farmers maintaining both ewes and goats. The delays for the replacements, the entry of the replacement into the register and the information of the replacement to the competent authority should be fixed in the light of the length of the retention period and of the necessity for effective controls.

(6) In order to protect the Community's financial interests, title IV of Regulation (EC) No 2419/2001 lays down provisions for the reduction of and exclusion from Community aid in the event of irregularities. Some of these

provisions should be amended so as to ensure that the reductions and exclusions are at all times strictly graded according to the gravity of the irregularity.

(7) Regulation (EC) No 2419/2001 introduced prescription rules in respect of the recovery of undue payments. These rules should, under certain conditions, also be made applicable to aid applications relating to marketing years and/or premium periods which started before 1 January 2002.

(8) Regulation (EC) No 2419/2001 should be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Fund Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2419/2001 is amended as follows:

1. Article 16 is replaced by the following:

'Article 16

Cross checks

1. The administrative checks referred to in Article 8(1) of Regulation (EEC) No 3508/92 shall permit the automated detection of irregularities using computerised means, including in particular:

(a) cross-checks on declared agricultural parcels and animals in order to avoid undue multiple granting of the same aid in respect of the same calendar or marketing year and to prevent any undue cumulation of aid granted under Community aid schemes involving declarations of areas as referred to in Article 9a of Regulation (EEC) No 3508/92;

(b) cross-checks by means of the computerised database or, in the case of area aid applications, by any other computerised means, to verify eligibility for the aid.

2. Indications of irregularities resulting from cross-checks shall be followed-up by any other appropriate administrative procedure and, where necessary, by an on-the-spot check.'

⁽¹⁾ OJ L 355, 5.12.1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 495/2001 (OJ L 72, 14.3.2001, p. 6).

⁽²⁾ OJ L 327, 12.12.2001, p. 11. Regulation as amended by Regulation (EC) No 2550/2001 (OJ L 341, 22.12.2001, p. 105).

2. Article 19 is replaced by the following:

'Article 19

Selection of applications to be checked on the spot

1. Farmers subjected to on-the-spot checks shall be selected by the competent authority on the basis of a risk analysis and an element of representativeness of the aid applications submitted. The effectiveness of risk analysis parameters used in previous years shall be assessed on an annual basis.

To provide the element of representativeness, the Member States shall select randomly between 20 % and 25 % of the minimum number of farmers to be subjected to on-the-spot checks as provided for in Article 18(1).

2. The risk analysis shall take account of:

- (a) the amount of aid involved;
- (b) the number of agricultural parcels and the area or number of animals for which aid is requested;
- (c) changes from the previous year;
- (d) the findings of checks made in past years;
- (e) cases of non-compliance with Regulation (EC) No 1760/2000;
- (f) those farmers who are either just above or below ceilings or limits relevant for the granting of aid;
- (g) replacements of animals pursuant to Article 37;
- (h) other factors to be defined by the Member States.

3. The competent authority shall keep records on the reasons for the selection of each farmer for an on-the-spot check. The inspector carrying out the on-the-spot check shall be informed accordingly prior to the commencement of the on-the-spot check.'

3. In Article 22, paragraph 1 is replaced by the following:

'1. Agricultural parcel areas shall be determined by any appropriate means defined by the competent authority which ensure measurement of a precision at least equivalent to that required for official measurements under the national rules. A measurement tolerance may be defined by the competent authority that shall not exceed either 5 % of the agricultural parcel area or a buffer of 1,5 m applied to the perimeter of the agricultural parcel. However, the maximum tolerance with regard to each agricultural parcel shall not, in absolute terms, exceed 1,0 ha.'

4. Article 23 is replaced by the following:

'Article 23

Remote sensing

1. The Member States may make use of remote sensing with regard to the sample referred to in Article 18(1)(a) instead of applying traditional means of on-the-spot

checking under the conditions set out in this Article. Articles 17, 18, 19 and 20, the first sentence of Article 21 and Article 22 shall apply where appropriate.

2. The zones to be checked by means of remote sensing shall be selected on the basis of a risk-analysis or at random.

In the case of selection on the basis of a risk-analysis the Member States shall take account of appropriate risk factors, in particular:

- (a) their financial significance in terms of Community aid;
- (b) the composition of aid applications;
- (c) the structure of the agricultural parcel systems, and complexity of the agricultural landscape;
- (d) the lack of coverage in previous years;
- (e) the technical constraints of effective use of remote sensing, with respect to zone definition;
- (f) the findings of checks made in previous years.

3. On-the-spot checks by remote sensing shall cover:

- either all aid applications having at least 80 % of the area for which aid is requested under schemes referred to in Article 1(1) of Regulation (EEC) No 3508/92 within the respective zone,
- or aid applications to be selected by the competent authority on the basis of Article 19(2).

Applications selected randomly in accordance with Article 19(1) may be checked by remote sensing.

4. Once a farmer has been selected for an on-the-spot check in accordance with paragraph 3, at least 80 % of the area for which he requests aid under aid schemes referred to in Article 1(1) of Regulation (EEC) No 3508/92 shall be subject to the on-the-spot check by remote sensing.

5. Where a Member State applies the possibility to carry out on-the-spot checks by remote sensing they shall:

- (a) perform photo interpretation of satellite images or aerial photographs of all agricultural parcels per application to be checked in accordance with paragraph 4 with a view to recognising the ground cover and measuring the area;
- (b) carry out physical inspections in the field of all agricultural parcels for which photo interpretation does not make it possible to verify the accuracy of the declaration to the satisfaction of the competent authority.

6. The additional checks referred to in Article 18(2) shall be carried out by means of traditional on-the-spot checks if it is no longer possible to carry them out by means of remote sensing within the current year.'

5. In Article 24, paragraph 1 is replaced by the following:

'1. For aid schemes other than those provided for in Article 4(6) and Article 11 of Regulation (EC) No 1254/1999, at least 60 % of the minimum rate of on-the-spot checks provided for in the last sentence of Article 18(1)(b) shall be conducted throughout the retention period of the aid scheme concerned. The remaining percentage of on-the-spot checks shall be conducted throughout the retention period of one of those aid schemes.'

6. In Article 32(2) the second subparagraph is replaced by the following:

'If the difference is more than 50 % the farmer shall be excluded once again from receiving aid up to an amount equal to the amount which corresponds to the difference between the area declared and the area determined in accordance with Article 31(2). This amount shall be off-set against aid payments under any of the aid schemes referred to in Article 1(1) of Regulation (EEC) No 3508/92 to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding. If the amount cannot be fully off-set against those aid payments, the outstanding balance shall be cancelled.'

7. In Article 33 the second subparagraph is replaced by the following:

'Moreover, where that difference is more than 20 % of the area determined, the farmer shall be excluded once again from receiving aid up to an amount equal to the amount which corresponds to the difference between the area declared and the area determined in accordance with Article 31(2). This amount shall be off-set against aid payments under any of the aid schemes referred to in Article 1(1) of Regulation (EEC) No 3508/92 to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding. If the amount cannot be fully off-set against those aid payments, the outstanding balance shall be cancelled.'

8. In Article 34, paragraph 2 is replaced by the following:

'2. Where a difference of more than 50 % is found between the area declared and the area determined in accordance with Article 31(2), the farmer shall, in the framework of aid applications he lodges in the course of the three calendar years following the calendar year of the finding, be excluded once again in respect of a forage area equal to the difference between the area declared and the area determined. If the area to be excluded cannot be fully off-set within this period, the outstanding balance shall be cancelled.'

9. In Article 37, the following paragraphs are added:

'3. Where a farmer applies for aid in respect of both ewes and goats and where there is no difference in the level of aid paid, a ewe may be replaced by a goat and a goat by a ewe. Ewes and goats in respect of which aid is

claimed in accordance with Article 4 of Regulation (EC) No 2529/2001 may be replaced during the retention period within the limits provided for in that Article without the loss of the right to the payment of the aid applied for.

4. Replacements pursuant to paragraph 3 shall occur within ten days following the event necessitating the replacement and shall be entered in the register not later than three days after the day of replacement. The competent authority to which the application was submitted shall be informed within five working days after the replacement.'

10. Article 38 is amended as follows:

(a) in paragraph 2 the third subparagraph is replaced by the following:

'If the percentage established in accordance with paragraph 3 is more than 50 %, the farmer shall, moreover, be excluded once again from receiving aid up to an amount corresponding to the difference between the number of animals declared and the number of animals determined in accordance with Article 36(3). This amount shall be off-set against aid payments under the bovine aid schemes to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding. If the amount cannot be fully off-set against those aid payments, the outstanding balance shall be cancelled.'

(b) in paragraph 4 the second subparagraph is replaced by the following:

'Where the difference established in accordance with paragraph 3 is more than 20 %, the farmer shall be excluded once again from receiving aid up to an amount corresponding to the difference between the number of animals declared and the number of animals determined in accordance with Article 36(3). This amount shall be off-set against aid payments under the bovine aid schemes to which the farmer is entitled in the context of applications he lodges in the course of the three calendar years following the calendar year of the finding. If the amount cannot be fully off-set against those aid payments, the outstanding balance shall be cancelled.'

11. Article 39 is amended as follows:

(a) in paragraph 1, first subparagraph, the following sentence is added:

'However, the amount of aid to be reduced shall not be more than 20 % of that total amount to which the farmer is entitled.'

(b) in paragraph 2, the explanation for symbol 'b' of the formula is replaced by the following:

'b = the number of bovine animals present on the holding at the time of the on-the-spot check; this number shall not be lower than 1.'

12. In Article 40, the following paragraph is added:
'7. In respect of farmers maintaining both ewes and goats entitled to the same level of premium, where an on-the-spot check reveals a difference in the composition of the flock in terms of numbers of animals per species, the animals shall be regarded as being of the same group.'

13. In title VI the following Article 52a is inserted:

'Article 52a

Prescription with regard to aid applications relating to marketing years and premium periods which started before 1 January 2002

By way of derogation from Article 54(2) and without prejudice to more favourable rules on limitation periods laid down by Member States, Article 49(5) shall also apply to aid applications relating to the marketing years and premium periods that started before 1 January 2002, unless the beneficiary has already been notified by the competent authority of the undue nature of the payment concerned before 1 February 2004.'

Article 2

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

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

Done at Brussels, 23 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 119/2004**of 23 January 2004****establishing the extent to which import licences applied for under subquota II for frozen meat of bovine animals, as provided for in Regulation (EC) No 780/2003, may be granted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2341/2003 of 29 December 2003 derogating from Regulation (EC) No 780/2003 as regards a tariff subquota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 ⁽²⁾, and in particular Article 1(3) thereof,

Whereas:

The second subparagraph of Article 12(2) of Commission Regulation (EC) No 780/2003 of 7 May 2003 opening and providing for the administration of a tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (1 July 2003 to 30 June 2004) ⁽³⁾ sets at 17 225 tonnes the quantity for which

approved operators may apply for import licences under subquota II during the period 5 to 8 January 2004. This quantity was reduced to 11 483 tonnes by Article 1(2) of Regulation (EC) No 2341/2003. Since the import licences applied for exceed the quantity available, a reduction coefficient should be fixed in accordance with Article 1(3) of Regulation (EC) No 2341/2003,

HAS ADOPTED THIS REGULATION:

Article 1

Each import licence application lodged in accordance with the first subparagraph of Article 12(2) of Regulation (EC) No 780/2003 during the period 5 to 8 January 2004 shall be accepted up to a limit of 3,8464 % of the quantities requested.

Article 2

This Regulation shall enter into force on 24 January 2004.

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

Done at Brussels, 23 January 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

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

⁽²⁾ OJ L 346, 31.12.2003, p. 33.

⁽³⁾ OJ L 114, 8.5.2003, p. 8.

COMMISSION REGULATION (EC) No 120/2004**of 23 January 2004****fixing the maximum export refund on wholly milled and parboiled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1877/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1877/2003 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled and parboiled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1877/2003 is hereby fixed on the basis of the tenders submitted from 19 to 22 January 2004 at 283,20 EUR/t.

Article 2

This Regulation shall enter into force on 24 January 2004.

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

Done at Brussels, 23 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 275, 25.10.2003, p. 20.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 121/2004
of 23 January 2004
concerning tenders submitted in response to the invitation to tender for the export of husked long
grain B rice to the island of Réunion referred to in Regulation (EC) No 1878/2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1878/2003 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

- (3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 19 to 22 January 2004 in response to the invitation to tender referred to in Regulation (EC) No 1878/2003 for the subsidy on exports to Réunion of husked long grain B rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 24 January 2004.

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

Done at Brussels, 23 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 275, 25.10.2003, p. 23.

COMMISSION REGULATION (EC) No 122/2004**of 23 January 2004****fixing the maximum export refund on wholly milled round grain rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1875/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1875/2003 ⁽³⁾.(2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1875/2003 is hereby fixed on the basis of the tenders submitted from 19 to 22 January 2004 at 138,00 EUR/t.

Article 2

This Regulation shall enter into force on 24 January 2004.

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

Done at Brussels, 23 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 275, 25.10.2003, p. 14.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 123/2004**of 23 January 2004****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1876/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1876/2003 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1876/2003 is hereby fixed on the basis of the tenders submitted from 19 to 22 January 2004 at 135,00 EUR/t.

Article 2

This Regulation shall enter into force on 24 January 2004.

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

Done at Brussels, 23 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 275, 25.10.2003, p. 17.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 124/2004**of 23 January 2004****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Regulation (EC) No 806/2003, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁴⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁵⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 2188/2003 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

(2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

(3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 24 January 2004.

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

Done at Brussels, 23 January 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁵⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁶⁾ OJ L 145, 29.6.1995, p. 47.

⁽⁷⁾ OJ L 301, 19.11.2003, p. 9.

ANNEX

to the Commission Regulation of 23 January 2004 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

'ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as "65 % chickens", or otherwise presented, frozen	90,3	8	01
0207 14 10	Boneless cuts of fowl of the species <i>Gallus domesticus</i> , frozen	157,9	51	01
		156,9	52	02
		177,8	41	03
		236,0	19	04
0207 25 10	Turkey carcasses, known as "80 % turkeys", frozen	112,4	14	01
0207 27 10	Boneless cuts of turkey, frozen	267,5	9	01
		271,4	8	04
0207 36 15	Boneless cuts of duck and guinea fowl, frozen	273,4	14	05
1602 32 11	Preparations of uncooked fowl of the species <i>Gallus domesticus</i>	189,4	30	01
		183,6	32	02
		159,5	45	03

⁽¹⁾ Origin of imports:

- 01 Brazil
- 02 Thailand
- 03 Argentina
- 04 Chile
- 05 China.

COMMISSION REGULATION (EC) No 125/2004**of 23 January 2004****fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, lemons, table grapes and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 47/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽³⁾, as amended by Regulation (EC) No 1176/2002 ⁽⁴⁾, and in particular Article 6(7) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1858/2003 ⁽⁵⁾ fixed the indicative quantities for the issue of B system export licences.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of tomatoes, oranges, lemons and table grapes.

- (3) These overruns are without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The definitive rate of refund for tomatoes, oranges, lemons, table grapes and apples covered by licences applied for under system B between 15 November 2003 and 14 January 2004 should be fixed at the indicative rate, and the percentage of licences to be issued for the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

For applications for system B export licences submitted under Article 1 of Regulation (EC) No 1858/2003 between 15 November 2003 and 14 January 2004, the percentages of licences to be issued and the rates of refund applicable are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 January 2004.

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

Done at Brussels, 23 January 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 268, 9.10.2001, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 69.

⁽⁵⁾ OJ L 212, 22.8.2003, p. 41.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 15 November 2003 and 14 January 2004 (tomatoes, oranges, lemons, table grapes and apples)

Product	Rate of refund (EUR/t net)	Percentages of licences to be issued for the quantities applied for
Tomatoes	25,0	100 %
Oranges	20,0	100 %
Lemons	28,0	100 %
Table grapes	19,0	100 %
Apples	16,0	100 %

COMMISSION REGULATION (EC) No 126/2004**of 23 January 2004****determining the extent to which the applications for import licences submitted in January 2004 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾,

Having regard to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽²⁾, and in particular Article 16(2) thereof,

Whereas:

Applications lodged from 1 to 10 January 2004 for certain quotas referred to in Annex I to Regulation (EC) No 2535/2001 concern quantities greater than those available; therefore, the allocation factors should be fixed for the quantities applied for,

Article 1

The allocation coefficients set out in the Annex to this Regulation shall be applied to the quantities for which import licences have been sought for the period from 1 to 10 January 2004 in respect of products falling within the quotas referred to in part I.B, points 1, 2, 3, 4, 7, 8, 9, 10, and parts I.C, I.D, I.E and I.G, of Annex I to Regulation (EC) No 2535/2001.

Article 2

This Regulation shall enter into force on 24 January 2004.

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

Done at Brussels, 23 January 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 1787/2003 (OJ L 270, 21.10.2003, p. 121).

⁽²⁾ OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Commission Regulation (EC) No 50/2004 (OJ L 7, 13.1.2004, p. 9).

ANNEX I. B

1. Products originating in Poland

Quota number	Allocation coefficient
09.4813	0,0080
09.4814	0,0083
09.4815	0,0080

2. Products originating in the Czech Republic

Quota number	Allocation coefficient
09.4611	0,0429
09.4636	—
09.4637	—
09.4612	0,1063
09.4613	1,0000

3. Products originating in the Slovak Republic

Quota number	Allocation coefficient
09.4641	1,0000
09.4645	—
09.4642	1,0000
09.4643	1,0000

4. Products originating in Hungary

Quota number	Allocation coefficient
09.4775	0,0298
09.4776	—
09.4777	0,0094
09.4778	0,0251
09.4733	1,0000

7. Products originating in Estonia

Quota number	Allocation coefficient
09.4578	0,0854
09.4546	0,0168
09.4579	1,0000
09.4580	—
09.4547	0,0080
09.4581	1,0000
09.4582	1,0000

8. Products originating in Latvia

Quota number	Allocation coefficient
09.4872	—
09.4873	—
09.4874	—
09.4551	0,9330
09.4552	1,0000

9. Products originating in Lithuania

Quota number	Allocation coefficient
09.4862	0,0091
09.4863	0,3783
09.4864	—
09.4865	—
09.4866	0,0079
09.4557	0,0079

10. Products originating in Slovenia

Quota number	Allocation coefficient
09.4086	0,1262
09.4087	—
09.4088	1,0000

ANNEX I. C

Quota number	Allocation coefficient
09.4026	—
09.4027	—

ANNEX I. D

Quota number	Allocation coefficient
09.4101	1,0000

ANNEX I. E

Quota number	Allocation coefficient
09.4151	1,0000

ANNEX I. G

Quota number	Allocation coefficient
09.4159	—

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 December 2003

concerning the conclusion of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation

(2004/80/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(3)(b), in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) The Commission has negotiated on behalf of the European Community an Agreement with the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation.
- (2) This Agreement has been signed, on behalf of the European Community, on 27 November 2002 subject to its possible conclusion at a later date, in accordance with the Council Decision of 23 September 2002.
- (3) This Agreement should be approved.
- (4) This Agreement established a Joint Committee which may take decisions having legal effect, and it is thus necessary to specify who represents the Community within this Committee and to provide for a procedure laying down how a Community position is adopted.
- (5) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on the European Union and to the Treaty establishing the European Community, these Member States have notified their wish to take part in the adoption and application of this Decision.

- (6) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is therefore not bound by it or subject to its application,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 20(2) of the Agreement (*).

Article 3

The Commission, assisted by experts from Member States, shall represent the European Community in the Committee of experts established by Article 17 of the Agreement.

Article 4

The position of the European Community within the Committee of experts with regard to the adoption of its rules of procedure as required under Article 17(5) of the Agreement shall be taken by the Commission after consultation with a special committee designated by the Council.

⁽¹⁾ Opinion delivered on 19 September 2002 (not yet published in the Official Journal).

(*) The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

For all other Committee of experts' decisions, the position of the European Community shall be adopted by the Council, acting by qualified majority, on a proposal by the Commission.

Article 5

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

Article 6

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 17 December 2003.

For the Council

The President

G. ALEMANNIO

AGREEMENT**between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation**

THE CONTRACTING PARTIES,

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

and

THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA,

hereinafter referred to as 'the Hong Kong SAR',

DETERMINED to strengthen their cooperation in order to combat illegal immigration more effectively,

REFERRING to Council Regulation (EC) No 539/2001⁽¹⁾, and in particular Article 1(2) in conjunction with Annex II thereof, exempting holders of a 'Hong Kong Special Administrative Region' passport from the requirement, for stays of no more than three months in all, to be in possession of a visa when crossing the external borders of the Member States of the European Union,

DESIRING to establish, by means of this Agreement and on the basis of reciprocity, rapid and effective procedures for the identification and return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the Hong Kong SAR or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation,

CONSIDERING that the provisions of this Agreement, which falls within the scope of Title IV of the Treaty establishing the European Community, do not apply to the Kingdom of Denmark, in accordance with the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community,

HAVE AGREED AS FOLLOWS:

*Article 1***Definitions**

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the European Union, with the exception of the Kingdom of Denmark;
- (b) 'national of a Member State' shall mean any person who holds the nationality, as defined for Community purposes, of a Member State;
- (c) 'permanent resident of the Hong Kong SAR' shall mean any person who has the right of abode, that is the right to reside permanently, in the Hong Kong SAR;
- (d) 'person of another jurisdiction' shall mean any person who is neither a permanent resident of the Hong Kong SAR, nor a national of a Member State. This shall include third-country nationals and stateless persons;
- (e) 'stateless person' shall mean any person who does not hold a nationality;
- (f) 'residence authorisation' shall mean a permit of any type issued by the Hong Kong SAR or one of the Member States entitling a person to reside on its territory. This shall not include an application for a residence authorisation or

temporary permissions to remain on its territory as a visitor or in connection with the processing of an asylum application;

- (g) 'visa' shall mean an authorisation issued or a decision taken by the Hong Kong SAR or one of the Member States which permits a person's entry in, or transit through, its territory and which has been issued or taken prior to the person's arrival at its border. This shall not include an airside transit visa.

SECTION I**READMISSION BY THE HONG KONG SAR***Article 2***Readmission of permanent residents and former permanent residents**

1. The Hong Kong SAR shall readmit, upon application by a Member State and without any formalities other than those specified in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are permanent residents of the Hong Kong SAR. The same shall apply to persons who, since entering the territory of a Member State, have lost their right to permanent residence in the Hong Kong SAR, unless such persons have at least been promised naturalisation by that Member State.

⁽¹⁾ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 23.3.2001, p. 1).

2. At the request of a Member State, the Hong Kong SAR shall, as necessary and without delay, issue the person to be readmitted with the travel document required for his or her return that is of a period of validity of at least six months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the Hong Kong SAR shall issue a new travel document with the same period of validity within 14 days. If the Hong Kong SAR does not issue the travel document requested within 15 days of the date of the request it shall be deemed to accept use of the EU standard travel document for the purposes of readmission.

Article 3

Readmission of persons of another jurisdiction

1. The Hong Kong SAR shall readmit, upon application by a Member State and without any formalities other than those specified in this Agreement, all persons of another jurisdiction who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:

- (a) at the time of entry held a valid visa or residence authorisation issued by the Hong Kong SAR; or
- (b) after having entered the territory of the Hong Kong SAR, proceed to enter unlawfully the territory of the Member States, coming directly from the territory of the Hong Kong SAR.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the person of another jurisdiction has been in airside transit via the Hong Kong International Airport; or
- (b) the requesting Member State has issued to the person of another jurisdiction a visa or residence authorisation before or after entering its territory, which has a longer period of validity than any visa or residence authorisation issued by the Hong Kong SAR; or
- (c) the person of another jurisdiction enjoyed visa-free access to the territory of the requesting Member State.

3. At the request of a Member State, the Hong Kong SAR shall, as necessary and without delay, issue the person to be readmitted with the travel document required for his or her return that is of a period of validity of at least six months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the Hong Kong SAR shall issue a new travel document with the same period of validity within 14 days. If the Hong Kong SAR does not issue the travel documents requested within 15 days of the date of the request it shall be deemed to accept use of the EU standard travel document for the purposes of readmission.

SECTION II

READMISSION BY THE COMMUNITY

Article 4

Readmission of own and former own nationals

1. A Member State shall readmit, upon application by the Hong Kong SAR and without any formalities other than those specified in this Agreement, all persons who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Hong Kong SAR provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that they are nationals of that Member State.

The same shall apply to persons who have been deprived of, or who have renounced, the nationality of a Member State since entering the territory of the Hong Kong SAR unless such persons have at least been promised permanent residence in the latter.

2. At the request of the Hong Kong SAR, a Member State shall, as necessary and without delay, issue the person to be readmitted with the travel document required for his or her return that is of a period of validity of at least six months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the Member State concerned shall issue a new travel document with the same period of validity within 14 days.

Article 5

Readmission of persons of another jurisdiction

1. A Member State shall readmit, upon application by the Hong Kong SAR and without any formalities other than those specified in this Agreement, all persons of another jurisdiction who do not, or who no longer, fulfil the conditions in force for entry to, presence in, or residence on, the territory of the Hong Kong SAR provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such persons:

- (a) at the time of entry held a valid visa or residence authorisation issued by the requested Member State; or
- (b) after having entered the territory of the requested Member State, proceed to enter unlawfully the territory of the Hong Kong SAR, coming directly from the territory of the requested Member State.

2. The readmission obligation in paragraph 1 shall not apply if:

- (a) the person of another jurisdiction has been in airside transit via an international airport of the requested Member State; or

(b) the Hong Kong SAR has issued to the person of another jurisdiction a visa or residence authorisation before or after entering its territory, which has a longer period of validity than any visa or residence authorisation issued by the requested Member State; or

(c) the person of another jurisdiction enjoyed visa-free access to the territory of the Hong Kong SAR.

3. If two or more Member States issued a visa or residence authorisation, the readmission obligation in paragraph 1 is for the Member State that issued the document with a longer period of validity or, if one or several of them have already expired, the document that is still valid. If all of the documents have already expired, the readmission obligation in paragraph 1 is for the Member State that issued the document with the most recent expiry date.

4. At the request of the Hong Kong SAR, a Member State shall, as necessary and without delay, issue the person to be readmitted with the travel document required for his or her return that is of a period of validity of at least six months. If, for legal or factual reasons, the person concerned cannot be transferred within the period of validity of the travel document that was initially issued, the Member State concerned shall issue a new travel document with the same period of validity within 14 days.

SECTION III

READMISSION PROCEDURE

Article 6

Principle

1. Subject to paragraph 2, a transfer of a person to be readmitted on the basis of one of the obligations contained in Articles 2 to 5 shall require the submission of a readmission application to the competent authority of the requested Contracting Party.

2. The readmission application may be replaced by a written communication to the requested Contracting Party within a reasonable time period prior to the return of the person concerned provided that

- (a) the person to be readmitted is in possession of a valid travel document and, where applicable, a valid visa or residence authorisation of the requested Contracting Party; and
- (b) the person to be readmitted is willing to return to the requested Contracting Party.

Article 7

Readmission application

1. Any readmission application is to contain the following information:

- (a) the particulars of the person to be readmitted (e.g. given names, surnames, date of birth, and, where possible, place of birth, and the last place of residence);

- (b) copies of documents which provide proof or prima facie evidence of nationality or permanent residence.

2. To the extent possible, the readmission application should also contain the following information:

- (a) statement indicating that the person to be transferred may need help or care, provided the person concerned has explicitly consented to the statement;
- (b) any other protection or security measure which may be necessary in the individual transfer case.

3. A common form to be used for readmission applications is attached as Annex 5 to this Agreement.

Article 8

Means of evidence regarding nationality and permanent residence

1. Proof of nationality or permanent residence pursuant to Article 2(1) and Article 4(1) can be furnished through the documents listed in Annex 1 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States shall recognise the nationality, and the Hong Kong SAR shall recognise the permanent residence, without further formalities. Proof of nationality or permanent residence cannot be furnished through false documents.

2. Prima facie evidence of nationality or permanent residence pursuant to Article 2(1) and Article 4(1) can be furnished through the documents listed in Annex 2 to this Agreement, even if their period of validity has expired. If such documents are presented, the Member States shall deem the nationality, and the Hong Kong SAR shall deem the permanent residence, to be established unless they can prove otherwise.

3. If none of the documents listed in Annexes 1 or 2 can be presented, the competent authorities of the Hong Kong SAR or the Member State concerned shall, upon request, make the necessary arrangements in order to establish his or her nationality or permanent residence.

Article 9

Means of evidence regarding persons of another jurisdiction

1. Proof of the conditions for the readmission of persons of another jurisdiction laid down in Article 3(1) and Article 5(1) can be furnished through the means of evidence listed in Annex 3 to this Agreement; it cannot be furnished through false documents. Any such proof shall be mutually recognised by the Contracting Parties without further formalities.

2. Prima facie evidence of the conditions for the readmission of persons of another jurisdiction laid down in Article 3(1) and Article 5(1) can be furnished through the means of evidence listed in Annex 4 to this Agreement. Where such prima facie evidence is presented, the Contracting Parties shall deem the conditions to be established unless they can prove otherwise.

3. The unlawfulness of entry, presence or residence may be established by means of the travel documents of the person concerned in which the necessary visa or other residence authorisation for the territory of the requesting Member State or the Hong Kong SAR are missing. A statement by the competent authority of the requesting Contracting Party that the person concerned has been found not having the necessary travel documents, visa or residence authorisation shall likewise provide prima facie evidence of the unlawful entry, presence or residence.

Article 10

Time limits

1. The application for readmission must be submitted to the competent authority of the requested Contracting Party within a maximum of one year after the requesting authority has gained knowledge that a person of another jurisdiction does not, or does no longer, fulfil the conditions in force for entry, presence or residence. Where there are legal or factual obstacles to the application being submitted in time, the time limit shall, upon request, be extended but only until the obstacles have ceased to exist.

2. A readmission application must be replied to without undue delay, and in any event within a maximum of one month; reasons shall be given for refusal of a readmission request. This time limit begins to run with the date of receipt of the readmission request. Upon expiry of this time limit the transfer shall be deemed to have been agreed to.

3. After agreement has been given or, where appropriate, upon expiry of the one month time limit, the person concerned shall be transferred without undue delay and, at the most, within three months. Upon application, this time limit may be extended by the time taken to deal with legal or practical obstacles.

Article 11

Transfer modalities and modes of transportation

1. Before returning a person, the competent authorities of the Hong Kong SAR and the Member State concerned shall make arrangements in writing in advance regarding the transfer date, the border crossing point and possible escorts.

2. No means of transportation, whether by air, land or sea, shall be prohibited but, as a rule, return shall take place by air. Return by air is not restricted to the use of national carriers or security staff of the requesting Contracting Party, and may take place by using scheduled flights as well as charter flights.

SECTION IV

TRANSIT OPERATIONS

Article 12

Principles

1. The Hong Kong SAR shall allow the transit of persons of another jurisdiction through its territory if a Member State so requests, and a Member State shall authorise the transit of persons of another jurisdiction through its territory if the Hong Kong SAR so requests, if the onward journey in possible other States of transit and the readmission by the State of destination is assured.

2. The Member States and the Hong Kong SAR shall endeavour to restrict the transit of persons of another jurisdiction to cases where such persons cannot be returned to the State of destination directly.

3. Transit can be refused by the Hong Kong SAR or a Member State:

(a) if the person of another jurisdiction runs the risk of persecution, or could be subjected to criminal prosecution or sanctions in another State of transit or in the State of destination, or could be threatened by criminal prosecution on the territory of the requested Member State or the Hong Kong SAR;

(b) on grounds of public health, domestic security, public order or other national interests.

4. The Hong Kong SAR or a Member State may revoke any authorisation issued if circumstances referred to in paragraph 3 subsequently arise or come to light which stand in the way of the transit operation, or if the onward journey in possible States of transit or the readmission by the State of destination is no longer assured.

Article 13

Transit procedure

1. An application for transit must be submitted to the competent authorities in writing and is to contain the following information:

(a) type of transit (by air, land or sea), possible other States of transit and intended final destination;

(b) the particulars of the person concerned (e.g. given name, surname, date of birth, and — where possible — place of birth, nationality, type and number of travel document);

(c) envisaged border crossing point, time of transfer and possible use of escorts;

- (d) a declaration that in the view of the requesting Contracting Party the conditions pursuant to Article 12(2) are met, and that no reasons for a refusal pursuant to Article 12(3) are known of.

A common form to be used for transit applications is attached as Annex 6 to this Agreement.

2. The competent authority of the requested Contracting Party shall, without undue delay and in writing, inform the requesting competent authority of the admission, confirming the border crossing point and the envisaged time of admission, or inform it of the admission refusal and of the reasons for such refusal.

3. If the transit takes place by air, the person to be readmitted and possible escorts shall be exempted from having to obtain an airport transit visa.

4. The competent authorities of the requested Contracting Party shall, subject to mutual consultations, assist in the transit, in particular through the surveillance of the persons in question and the provision of suitable amenities for that purpose.

SECTION V

COSTS

Article 14

Transport and transit costs

Without prejudice to the right of the competent authorities to recover the costs associated with the readmission from the person to be readmitted or third parties, all transport costs incurred in connection with readmission and transit pursuant to this Agreement as far as the border of the State of final destination shall be borne by the requesting Contracting Party.

SECTION VI

DATA PROTECTION AND NON-AFFECTION CLAUSE

Article 15

Data protection

The communication of personal data shall only take place if such communication is necessary for the implementation of this Agreement by the competent authorities of the Hong Kong SAR or a Member State as the case may be.

The processing and treatment of personal data in a particular case shall be subject to the domestic laws of the Hong Kong SAR and, where the controller is a competent authority of a Member State, to the provisions of Directive 95/46/EC⁽¹⁾ and of the national legislation of that Member State adopted pursuant to this Directive. Additionally the following principles shall apply:

- (a) personal data must be processed fairly and lawfully;
- (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and may not be further processed by the communicating authority nor by the receiving authority in a way incompatible with that purpose;
- (c) personal data must be adequate, relevant and not excessive in relation to the purpose for which they are collected and/or further processed; in particular, personal data communicated may concern only the following:
 - the particulars of the person to be transferred (e.g. surname, given name, any previous names, nicknames or pseudonyms, date and place of birth, sex, current and any previous nationality),
 - identity card or passport (number, period of validity, date of issue, issuing authority, place of issue),
 - stop-overs and itineraries,
 - other information needed to identify the person to be transferred or to examine the readmission requirements pursuant to this Agreement;
- (d) personal data must be accurate and, where necessary, kept up to date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) both the communicating authority and the receiving authority shall take every reasonable step to ensure as appropriate the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of this article, in particular because that data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
- (g) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data and of the results obtained therefrom;
- (h) personal data may only be communicated to the competent authorities. Further communication to other bodies requires the prior consent of the communicating authority;

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

- (i) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.

Article 16

Non-affection clause

1. This Agreement shall be without prejudice to rights, obligations and responsibilities arising from International Law applicable to the Community, the Member States and the Hong Kong SAR.

2. Nothing in this Agreement shall prevent the return of a person under other formal or informal arrangements.

SECTION VII

IMPLEMENTATION AND APPLICATION

Article 17

Readmission Committee

1. The Contracting Parties shall provide each other with mutual assistance in the application and interpretation of this Agreement. To this end, they shall set up a Readmission Committee which will, in particular, have the task:

- (a) to monitor the application of this Agreement;
- (b) to decide on implementing arrangements necessary for the uniform application of this Agreement;
- (c) to have regular exchanges of information on any implementing Protocols drawn up by individual Member States and the Hong Kong SAR pursuant to Article 18;
- (d) to recommend amendments to this Agreement.

2. Recommendations of the Readmission Committee for amendment of the annexes to this Agreement may be approved by the Parties through a simplified procedure.

3. The Readmission Committee shall be composed of representatives of the Community and the Hong Kong SAR; the Community shall be represented by the Commission of the European Communities, assisted by experts from Member States.

4. The Readmission Committee shall meet where necessary at the request of one of the Contracting Parties.

5. The Readmission Committee shall establish its rules of procedures.

Article 18

Implementing protocols

1. The Hong Kong SAR and a Member State may draw up implementing protocols which shall cover rules on:

- (a) designation of the competent authorities, border crossing points and exchange of contact points;
- (b) conditions for transit of persons of another jurisdiction under escort;
- (c) means and documents additional to those listed in Annexes 1 to 4 to this Agreement.

2. The implementing protocols referred to in paragraph 1 shall enter into force only after the Readmission Committee referred to in Article 17 has been notified.

3. The Hong Kong SAR agrees to apply any provision of an implementing protocol drawn up with one Member State also in its relations with any other Member State upon request of the latter.

Article 19

Relation to bilateral readmission agreements or arrangements of Member States

The provisions of this Agreement shall take precedence over the provisions of any bilateral agreement or arrangement on the readmission of persons residing without authorisation which have been or may, under Article 18, be concluded between individual Member States and the Hong Kong SAR, in so far as the provisions of the latter are incompatible with those of this Agreement.

SECTION VIII

FINAL PROVISIONS

Article 20

Entry into force, duration and termination

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective procedures.

2. This Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other that the procedures referred to in the first paragraph have been completed.

3. This Agreement is concluded for an unlimited period.

4. Each Contracting Party may denounce this Agreement by officially notifying the other Contracting Party. This Agreement shall cease to apply six months after the date of such notification.

Article 21

Annexes

Annexes 1 to 6 shall form an integral part of this Agreement.

Done at Brussels on the twenty-seventh day of November in the year two thousand and two in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

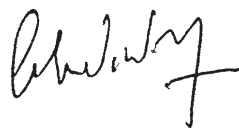
Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

Euroopan yhteisön puolesta

För Europeiska gemenskapen



Por el Gobierno de la Región Administrativa Especial de Hong Kong de la República Popular China
På regeringen for Folkerepublikken Kinas særlige administrative region Hongkongs vegne
Im Namen der Regierung der Sonderverwaltungsregion Hongkong der Volksrepublik China
Για την κυβέρνηση της ειδικής διοικητικής περιοχής Χονγκ Κονγκ της Λαϊκής Δημοκρατίας της Κίνας
For the Government of the Hong Kong Special Administrative Region of the People's Republic of China
Pour le gouvernement de la région administrative spéciale de Hong Kong de la République populaire de Chine
Per il governo della regione ad amministrazione speciale di Hong Kong della Repubblica popolare cinese
Voor de regering van de Speciale Administratieve Regio Hong Kong van de Volksrepubliek China
Pelo Governo da Região Administrativa Especial de Hong Kong da República Popular da China
Kiinan kansantasavallan erityishallintoalueen Hongkongin hallituksen puolesta
För regeringen i Folkrepubliken Kinas särskilda administrativa region Hongkong

A handwritten signature in black ink, consisting of several fluid, connected strokes. The signature is positioned above a short horizontal line.

ANNEX 1

Common list of documents the presentation of which is considered as proof of nationality or permanent residence (Article 2(1), Article 3(1), Article 4(1) and Article 5(1))

Member States:

- passports of any kind (national passports, diplomatic passports, service passports, collective passports and surrogate passports including children's passports);
- identity cards of any kind (including temporary and provisional ones);
- service books and military identity cards;
- seaman's registration books and skippers' service cards;
- official documents indicating the nationality of the person concerned.

Hong Kong:

- Hong Kong Special Administrative Region Passports;
- Hong Kong Certificate of Identity;
- Hong Kong Permanent Identity Card;
- official documents indicating the permanent residence status of the person concerned.

ANNEX 2

Common list of documents the presentation of which is considered as prima facie evidence of nationality or permanent residence (Article 2(1), Article 3(1), Article 4(1) and Article 5(1))

- photocopies of any of the documents listed in Annex 1 to this Agreement;
- driving licenses or photocopies thereof;
- birth certificates and photocopies thereof;
- company identity cards or photocopies thereof;
- statements by witnesses;
- statements made by the person concerned and language spoken by him or her, including by means of an official test result;
- any other document which may help to establish the nationality or the permanent residence status of the person concerned.

ANNEX 3

Common list of documents which are considered as proof of the conditions for the readmission of persons of another jurisdiction (Article 3(1), Article 5(1))

- entry/departure stamps or similar endorsement in the travel document of the person concerned;
- tickets as well as certificates and bills of any kind (e.g. hotel bills, appointment cards for doctors/dentists, entry cards for public/private institutions, etc.) which clearly show that the person concerned stayed on the territory of the requested Member State or the Hong Kong SAR;
- railway tickets and tickets and/or passenger lists of air or boat passages which show the itinerary on the territory of the requested State;
- information showing that the person concerned has used the services of a courier or travel agency.

ANNEX 4

Common list of documents which are considered as prima facie evidence of the conditions for the readmission of persons of another jurisdiction (Article 3(1), Article 5(1))

- official statements made, in particular, by border authority staff and other witnesses who can testify to the person concerned crossing the border;
- description of place and circumstances under which the person concerned has been intercepted after entering the territory of the requesting Member State or the Hong Kong SAR;
- information related to the identity and/or stay of a person which has been provided by an international organisation;
- reports/confirmation of information by family members, travelling companions, etc.;
- statement by the person concerned.

ANNEX 5



(Place and date)

(Designation of requesting authority)

Reference

To

(Designation of receiving authority)

READMISSION APPLICATION

pursuant to Article 7 of the Agreement of 27 November 2002 between the European Community and the Government of the Hong Kong SAR
on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

2. Maiden name:

3. Date and place of birth:

4. Sex and physical description (height, color of eyes, distinguishing marks etc.):

5. Father's and mother's name:

6. Also known as (earlier names, nicknames or pseudonyms):

7. Nationality and language:

8. Last residence in the requesting State:

9. Address in the requested State:

Photograph

B. SPECIAL CIRCUMSTANCES RELATING TO THE TRANSFEREE

1. State of health (e.g. possible reference to special medical care ; latin name of contagious disease):
.....
2. Indication of particularly dangerous person (e.g. suspected of serious offence ; aggressive behaviour):
.....

C. MEANS OF EVIDENCE ATTACHED

1. (type of document) (serial number, date and place of issue)
..... (issuing authority) (expiry date)
2. (type of document) (serial number, date and place of issue)
..... (issuing authority) (expiry date)
3. (type of document) (serial number, date and place of issue)
..... (issuing authority) (expiry date)
4. (type of document) (serial number, date and place of issue)
..... (issuing authority) (expiry date)
5. (type of document) (serial number, date and place of issue)
..... (issuing authority) (expiry date)

D. OBSERVATIONS

.....
.....
.....
.....

.....
(Signature) (Seal/stamp)

ANNEX 6



(Place and date)

(Designation of requesting authority)

Reference

To

(Designation of receiving authority)

TRANSIT APPLICATION

pursuant to Article 13 of the Agreement of 27 November 2002 between the European Community and the Government of the Hong Kong SAR on the readmission of persons residing without authorisation

A. PERSONAL DETAILS

1. Full name (underline surname):

2. Maiden name:

.....

3. Date and place of birth:

.....

4. Sex and physical description (height, color of eyes, distinguishing marks etc.):

5. Also known as (earlier names, nicknames or pseudonyms):

6. Nationality and language:

7. Type and number of travel document:

Photograph

B. TRANSIT OPERATION

1. Type of transit

☐ by air☐ by sea☐ by land

2. State of final destination

.....

3. Possible other States of transit

.....

4. Proposed border crossing point, date, time of transfer and possible escorts

.....

.....

.....

5. Admission guaranteed in any other transit State and in the State of final destination (Article 12(2))

☐ yes☐ no

6. Knowledge of any reason for a refusal of transit (Article 12(3))

☐ yes☐ no**C. OBSERVATIONS**

.....

.....

.....

.....

.....

(Signature) (Seal/stamp)

JOINT DECLARATION ON ARTICLE 1(f)

The Contracting Parties take note that, under the Hong Kong SAR's current immigration laws, a 'residence authorisation' in the meaning of Article 1(f) is, in particular, issued in all cases where a person is given permission to land in Hong Kong:

- as a student at a specified and officially approved school, university or other educational institution, or
- for paid employment and self-employed economic activities (professionals, investors, talents, imported workers, domestic helpers etc.), or
- for the purpose of joining residents in Hong Kong as dependants (family reunion).

JOINT DECLARATION CONCERNING DENMARK

The Contracting Parties take note that this Agreement does not apply to the territory of the Kingdom of Denmark. In such circumstances it is appropriate that the Hong Kong SAR and Denmark conclude a readmission agreement in the same terms as this Agreement.

JOINT DECLARATION CONCERNING ICELAND AND NORWAY

The Contracting Parties take note of the close relationship between the European Community and Iceland and Norway, particularly by virtue of the Agreement of 18 May 1999 concerning the association of these countries with the implementation, application and development of the Schengen acquis. In such circumstances it is appropriate that the Hong Kong SAR concludes a readmission agreement with Iceland and Norway in the same terms as this Agreement.

Information on the date of entry into force of the Fisheries Agreement between the European Community and the Republic of Mozambique ⁽¹⁾

The European Community and the Government of the Republic of Mozambique notified one another, upon signing on 23 December 2003, of completion of the procedures necessary for the entry into force of the Agreement.

The Agreement accordingly entered into force on 23 December 2003, in accordance with Article 15 thereof.

⁽¹⁾ OJ L 345, 31.12.2003, p. 45.

COMMISSION

COMMISSION DECISION

of 6 January 2004

amending Council Decision 79/542/EEC drawing up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products, in particular to include certain acceding States

(notified under document number C(2003) 5352)

(Text with EEA relevance)

(2004/81/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾ as last amended by Regulation (EC) No 807/2003 ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) Council Decision 79/542/EEC ⁽³⁾, draws up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products.
- (2) A number of acceding States have requested authorisation to export live animals, fresh meat and meat products to the Community prior to accession.
- (3) A large number of veterinary missions have been carried out by the Food and Veterinary Office to assess the animal health situation in these countries.
- (4) On the basis of these mission reports, of the scope of existing authorisations, and in order to harmonise the listings prior to accession, it is appropriate to extend the scope of authorisations in principle for importations into the Community from acceding States.

- (5) The Annex to Decision 79/542/EEC should 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

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

Article 2

This Decision shall apply from 27 January 2004.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 January 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 122, 16.5.2003, p. 36.

⁽³⁾ OJ L 146, 14.6.1979, p. 15, as last amended by Decision 2001/731/EC (OJ L 274, 17.10.2001, p. 22).

Imports shall fulfil the appropriate animal and public health requirements.

PART 1

Live animals, fresh meat and meat products

ISO country code	Country or territory	Fresh meat and meat products Domestic				Fresh meat Wild		Live animals				Animal health		
		B	S/G	P	E	CH	E	B	S/G	P	E	fresh meat	meat products	live animals
AL	Albania	0	X	X	X	0	X	0	0	0	0			
AR	Argentina	X	X	0	X	X	X	0	0	0	X		⁽³⁾	
AU	Australia	X	X	X	X	X	X	0	0	0	X			
BA	Bosnia and Herzegovina	X	X	X	X	X	X	0	0	0	0	⁽¹⁾		
BG	Bulgaria	X	X	X	X	X	X	X	X	0	X	⁽¹⁾		
BH	Bahrain	0	0	0	0	0	0	0	0	0	0		⁽³⁾ ⁽⁴⁾	
BR	Brazil	X	X	0	X	0	X	0	0	0	X		⁽³⁾	⁽⁵⁾
BW	Botswana	X	X	0	X	X	X	0	0	0	0	⁽¹⁾ ⁽²⁾	⁽³⁾	
BY	Belarus	X	X	X	X	X	X	0	0	0	X	⁽¹⁾		
BZ	Belize	X	0	0	X	0	X	0	0	0	0			
CA	Canada	X	X	X	X	X	X	X	X	X	X			⁽⁶⁾
CH	Switzerland	X	X	X	X	X	X	X	X	X	X			
CL	Chile	X	X	X	X	X	X	0	X	X	X			
CN	People's Republic of China	0	0	X	X	X	X	0	0	0	0	⁽¹⁾	⁽³⁾	
CO	Colombia	X	0	0	X	0	X	0	0	0	0		⁽³⁾	
CR	Costa Rica	X	0	0	X	0	X	0	0	0	0			
CU	Cuba	X	0	0	X	0	X	0	0	0	0			

ISO country code	Country or territory	Fresh meat and meat products Domestic				Fresh meat Wild		Live animals				Animal health		
		B	S/G	P	E	CH	E	B	S/G	P	E	fresh meat	meat products	live animals
CY	Cyprus (*)	X	X	X	X	X	X	0	0	X	X			
CZ	Czech Republic (*)	X	X	X	X	X	X	X	X	X	X			
DZ	Algeria	0	0	0	0	0	0	0	0	0	X			
EE	Estonia (*)	X	X	X	X	X	X	X	X	0	X	(¹)		
ET	Ethiopia	0	0	0	0	0	0	0	0	0	0		(³)	
FK	Falkland Islands	X	X	0	X	X	X	0	0	0	X			
GL	Greenland	X	X	0	X	X	X	0	X	0	X	(¹)		
GT	Guatemala	X	0	0	X	0	X	0	0	0	0			
HK	Hong Kong	0	0	0	0	0	0	0	0	0	0		(³)	
HN	Honduras	X	0	0	X	0	X	0	0	0	0			
HR	Croatia	X	X	X	X	X	X	X	X	0	X	(¹)		
HU	Hungary (*)	X	X	X	X	X	X	X	X	X	X			
IL	Israel	0	0	0	X	0	X	0	0	0	X		(³)	
IN	India	0	0	0	0	0	0	0	0	0	0		(³)	
IS	Iceland	X	X	X	X	X	X	X	X	X	X			
KE	Kenya	0	0	0	0	0	0	0	0	0	0		(³)	
LT	Lithuania (*)	X	X	X	X	X	X	X	X	0	X	(¹)		
LV	Latvia (*)	X	X	X	X	X	X	X	X	0	X	(¹)		
MA	Morocco	0	0	0	X	0	X	0	0	0	X		(³)	
MG	Madagascar	X	X	0	X	0	X	0	0	0	0		(³)	
MK (⁷)	Former Yugoslav Republic of Macedonia	0	X	0	X	0	X	0	0	0	X			
MT	Malta (*)	X	0	X	X	0	X	0	X	0	X		(³)	

ISO country code	Country or territory	Fresh meat and meat products Domestic				Fresh meat Wild		Live animals				Animal health		
		B	S/G	P	E	CH	E	B	S/G	P	E	fresh meat	meat products	live animals
UM	Mauritius	0	0	0	0	0	0	0	0	0	X		⁽³⁾	
MX	Mexico	X	0	0	X	0	X	0	0	0	X			⁽⁵⁾ ⁽⁸⁾
NA	Namibia	X	X	0	X	X	X	0	0	0	0	⁽¹⁾ ⁽²⁾	⁽³⁾	
NC	New Caledonia	X	0	0	0	X	0	0	0	0	0	⁽¹⁾		
NI	Nicaragua	X	0	0	X	0	X	0	0	0	0			
NZ	New Zealand	X	X	X	X	X	X	X	X	X	X			
PA	Panama	X	0	0	X	0	X	0	0	0	0			
PL	Poland (*)	X	X	X	X	X	X	X	X	0	X	⁽¹⁾		
PM	St.Pierre & Miquelon	0	0	0	0	0	0	0	0	0	X			
PY	Paraguay	X	X	0	X	0	X	0	0	0	X		⁽³⁾	
RO	Romania	X	X	X	X	X	X	X	X	0	X	⁽¹⁾		
RU	Russia	X	X	X	X	X	X	0	0	0	X	⁽¹⁾ ⁽²⁾		⁽⁵⁾
SCG	Serbia and Montenegro	X	X	X	X	X	X	0	0	0	X	⁽¹⁾		
SG	Singapore	0	0	0	0	0	0	0	0	0	0		⁽³⁾	
SI	Slovenia (*)	X	X	X	X	X	X	X	X	0	X	⁽¹⁾		
SK	Slovak Republic (*)	X	X	X	X	X	X	X	X	0	X	⁽¹⁾		
SV	El Salvador	X	X	0	X	0	X	0	0	0	0			
SZ	Swaziland	X	0	0	X	X	X	0	0	0	0	⁽¹⁾ ⁽²⁾	⁽³⁾	
TH	Thailand	0	0	0	0	0	0	0	0	0	0		⁽³⁾	
TN	Tunisia	0	0	0	0	0	0	0	0	0	X		⁽³⁾ ⁽⁴⁾	
TR	Turkey	0	0	0	X	0	X	0	0	0	0			

ISO country code	Country or territory	Fresh meat and meat products Domestic				Fresh meat Wild		Live animals				Animal health		
		B	S/G	P	E	CH	E	B	S/G	P	E	fresh meat	meat products	live animals
UA	Ukraine	0	0	0	0	0	0	0	0	0	X			
US	United States of America	X	X	X	X	X	X	0	0	0	X			
UY	Uruguay	X	X	0	X	X	X	0	0	0	X		(³)	
ZA	South Africa	X	X	X	X	X	X	0	0	0	X	(¹) (²)	(³)	(⁵)
ZW	Zimbabwe	X	0	0	0	X	X	0	0	0	0		(³)	

Special remarks:

B = Bovines (including buffalo and bison)

S/G = Sheep/goats

P = Pig

E = Equidae

C/H = Cloven-hoofed animals

X = Authorised

O = Unauthorised

(*) Only applicable until this acceding State becomes a Member State of the Community.

(¹) Excluding meat of wild swine.(²) Excluding bonein meat and offal.(³) Notwithstanding the restrictions in the above list, meat products which have undergone heat treatment in a hermetically sealed container to an Fo value of three or more are authorised.(⁴) Notwithstanding the restrictions in the above list, meat products which have been treated to a centre temperature of at least 80° C are authorised.(⁵) Member States shall only import equidae in accordance with Commission Decision 92/160/EEC establishing the regionalisation.(⁶) Imports of live bovine animals are restricted to animals intended for reproduction and to veal calves aged under two weeks intended for fattening.(⁷) Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations.(⁸) Imports of equidae for slaughter are not allowed.'

COMMISSION DECISION
of 15 January 2004
amending Decision 2002/199/EC concerning animal health conditions and veterinary certification
for imports of live bovine and porcine animals from certain third countries

(notified under document number C(2003) 5353)

(Text with EEA relevance)

(2004/82/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Regulation (EC) No 807/2003 ⁽²⁾, and in particular Article 8(1) thereof,

Whereas:

- (1) Commission Decision 2002/199/EC ⁽³⁾ established the animal health conditions and veterinary certification for imports of live bovine and porcine animals from certain third countries.
- (2) The animal health situation concerning diseases concerning pigs, in particular classical swine fever in Estonia, Latvia, Lithuania, Malta, Poland, certain regions of the Slovak Republic and Slovenia has been assessed and found to be satisfactory.
- (3) In addition, in order to achieve clarity and consistency prior to accession, outstanding authorisations for the import of live animals into the Community should be granted where the animal health situation so justifies it.
- (4) Member States should therefore authorise the importation of live pigs from these countries into the Community.

(5) In addition it is opportune to update the names including the regions and ISO-codes for some of the listed third countries.

(6) Decision 2002/199/EC should 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 2002/199/EC are replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 24 March 2004.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 15 January 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 122, 16.5.2003, p. 36.

⁽³⁾ OJ L 71, 13.3.2002, p. 1.

Description of territories of certain third countries established for animal health certification purposes

Country	Code of territory	Version	Description of territory
Argentina	AR	01/00	Whole country
Australia	AU	01/00	Whole country
Bosnia and Herzegovina	BA	01/00	Whole country
Bulgaria	BG	01/00	Whole country
	BG-1	01/00	The provinces of Varna, Dobrich, Silistra, Choumen, Targovichte, Razgrad, Rousse, V.Tarnovo, Gabrovo, Pleven, Lovetch, Plovdiv, Smolian, Pasardjik, Sofia district, Sofia city, Pernik, Kustendil, Blagoevgrad, Vratza, Montana, Sliven, Starazagora and Vidin
	BG-2	01/00	The provinces of Bourgas, Jambol, Hasskovo and Kardjali except the 20 km-wide corridor on the border with Turkey
	BG-3	01/00	The 20 km-wide corridor on the border with Turkey
Belarus	BY	01/00	Whole country
Canada	CA	01/00	Whole country
	CA-1	01/00	Whole country except the Okanagan Valley region of British Columbia described as follows: — From a point on the Canada/United States border 120 °15' longitude, 49 ° latitude — Northerly to a point 119 °35' longitude, 50 °30' latitude — North-easterly to a point 119 ° longitude, 50 °45' latitude — Southerly to a point on the Canada/United States border 118 °15' longitude, 49 ° latitude.
Switzerland	CH	01/00	Whole country
Chile	CL	01/00	Whole country
Czech Republic (*)	CZ	01/00	Whole country
	CZ-1	01/00	Whole country excluding the provinces of Kromeriz, Vyskov, Hodonin, Uherske Hradiste, Zlin and Vsetin
	CZ-2	01/00	The provinces of Kromeriz, Vyskov, Hodonin, Uherske Hradiste, Zlin and Vsetin
Cyprus (*)	CY	01/00	Whole country

Country	Code of territory	Version	Description of territory
Estonia (*)	EE	01/00	Whole country
Falkland Islands	FK	01/00	Whole country
Croatia	HR	01/00	Whole country
Hungary (*)	HU	01/00	Whole country
Iceland	IS	01/00	Whole country
Lithuania (*)	LT	01/00	Whole country
Latvia (*)	LV	01/00	Whole country
Former Yugoslav Republic of Macedonia	MK ⁽¹⁾	01/00	Whole country
Malta (*)	MT	01/00	Whole country
New Zealand	NZ	01/00	Whole country
Poland (*)	PL	01/00	Whole country
Romania	RO	01/00	Whole country
Russia	RU	01/00	Whole country
Serbia and Montenegro	SCG	01/2003	Whole country
	SCG-1	01/2003	The whole country excluding the region of Kosovo and Metohija
	SCG-2	01/2003	The region of Kosovo and Metohija

Country	Code of territory	Version	Description of territory
Slovenia (*)	SI	01/00	Whole country
Slovak Republic (*)	SK	01/00	Whole country
	SK-1	1/2003	The District Veterinary and Food Administrations (DVFA) of Trnava (comprising Piešťany, Hlohovec and Trnava districts); Levice (comprising Levice district); Nitra (comprising Nitra and Zlaté Moravce districts); Topoľčany (comprising Topoľčany district); Nové Mesto nad Váhom (comprising Nové Mesto nad Váhom district); Trenčín (comprising Trenčín and Bánovce nad Bebravou districts); Prievidza (comprising Prievidza and Partizánske districts); Púchov (comprising Púchov and Ilava districts); Žiar nad Hronom (comprising Žiar nad Hronom, Žarnovica and Banská Štiavnica districts); Zvolen (comprising Zvolen and Detva districts); Banská Bystrica (comprising Banská Bystrica and Brezno districts).
	SK-2	1/2003	The District Veterinary and Food Administrations (DVFA) of Bratislava mesto (comprising Bratislava I., II., III., IV. and V. districts); Senec (comprising Senec, Pezinok and Malacky districts); Dunajská Streda (comprising Dunajská Streda district); Galanta (comprising Galanta district); Senica (comprising Senica and Skalica districts); Nové Mesto nad Váhom (comprising Myjava district); Púchov (comprising Považská Bystrica district); Nové Zámky (comprising Nové Zámky district); Komárno (comprising Komárno district); Šaľa (comprising Šaľa district); Žilina (comprising Žilina and Bytča district); Dolný Kubín (comprising Dolný Kubín, Tvrdošín and Námestovo districts); Martin (comprising Martin and Turčianske Teplice districts); Liptovský Mikuláš (comprising Liptovský Mikuláš and Ružomberok districts); Lučenec (comprising Lučenec and Poltár districts); Veľký Krtíš (comprising Veľký Krtíš district); Rimavská Sobota (comprising Rimavská Sobota and Revúca districts); Zvolen (comprising Krupina district); Poprad (comprising Poprad, Kežmarok and Levoča districts); Prešov (comprising Prešov and Sabinov districts); Bardejov (comprising Bardejov district); Vranov nad Topľou (comprising Vranov nad Topľou district); Svidník (comprising Svidník and Stropkov districts); Humenné (comprising Humenné, Medzilaborce and Snina districts); Stará Ľubovňa (comprising Stará Ľubovňa district); Košice-mesto (comprising Košice I., II., III. and IV. districts); Košice-okolie (comprising Košice-okolie district); Michalovce (comprising Michalovce and Sobrance districts); Rožňava (comprising Rožňava district); Spišská Nová Ves (comprising Spišská Nová Ves and Gelnica districts) and Trebišov (comprising Trebišov district).
United States of America	US	01/00	Whole country
Uruguay	UY	01/00	Whole country

(*) Only applicable until this acceding State becomes a Member State of the Community.

(†) Provisional code which does not prejudice in any way the definitive nomenclature for this country, which will be agreed following the conclusion of negotiations currently taking place on this subject at the United Nations.

ANNEX II

Animal health requirements requested on certification — live animals

Country	Code	Bovine				Swine			
		Breeding/ production		Slaughter		Breeding/ production		Slaughter	
		mc ⁽¹⁾	sc ⁽²⁾	mc ⁽¹⁾	sc ⁽²⁾	mc ⁽¹⁾	sc ⁽²⁾	mc ⁽¹⁾	sc ⁽²⁾
Argentina	AR	—		—		—		—	
Australia	AU	—		—		—		—	
Bosnia and Herzegovina	BA	—		—		—		—	
Bulgaria	BG					—		—	
	BG-1	A		B		—		—	
	BG-2	A		B		—		—	
	BG-3	—		—		—		—	
Belarus	BY	—		—		—		—	
Canada	CA	—		—		C		—	
	CA-1	A	1, 2,	—		—		—	
Switzerland	CH	A		B		C	3	D	
Chile	CL	—		—		C		—	
Cyprus (*)	CY	—		—		C	3	D	
Czech Republic (*)	CZ	A		B		—		—	
	CZ-1	A		B		C	3	D	
	CZ-2	A		B		—		—	
Estonia (*)	EE	A		B		C	3	D	
Falkland Islands	FK	—		—		—		—	
Croatia	HR	A		B		—		—	
Hungary (*)	HU	A		B		C	3	D	
Iceland	IS	A		B		C	3	D	
Lithuania (*)	LT	A		B		C	3	D	
Latvia (*)	LV	A		B		C	3	D	
Former Yugoslav Republic of Macedonia	MK	—		—		—		—	
Malta (*)	MT	—		—		C	3	D	
New Zealand	NZ	A		B		C		D	
Poland (*)	PL	A		B		C	3	D	
Romania	RO	A		B		—		—	
Russia	RU	—		—		—		—	
Serbia and Montenegro	SCG	—		—		—		—	
	SCG-1	—		—		—		—	
	SCG-2	—		—		—		—	

Country	Code	Bovine				Swine			
		Breeding/ production		Slaughter		Breeding/ production		Slaughter	
		mc ⁽¹⁾	sc ⁽²⁾	mc ⁽¹⁾	sc ⁽²⁾	mc ⁽¹⁾	sc ⁽²⁾	mc ⁽¹⁾	sc ⁽²⁾
Slovenia (*)	SI	A		B		C	3	D	
Slovak Republic (*)	SK	A		B		—		—	
	SK-1	A		B		C	3	D	
	SK-2	A		B		—		—	
United States of America	US	—		—		—		—	
Uruguay	UY	—		—		—		—	

(*) Only applicable until this Acceding State becomes a Member State of the Community

⁽¹⁾ MC: model of certificate to be fulfilled. The letters (A, B, C, D, etc.) appearing on the tables refer to the models of animal health requirements as described in Annex III, to be applied for each animal and origin in accordance with Article 3 of this Decision. A dash (—) indicates that imports are not authorised.

⁽²⁾ SC: specific conditions. The numbers (1, 2, 3, etc.) appearing on the tables refer to the specific conditions to be provided by the exporting country as described in Annex IV. These specific conditions must be inserted by the exporting country in Section VI of each model of certificate laid down in Annex III.

COMMISSION DECISION
of 6 January 2004
amending Decision 98/371/EC as regards the import of fresh meat from certain acceding States
(notified under document number C(2003) 5314)

(Text with EEA relevance)

(2004/83/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, and in particular Articles 14, 15 and 16 thereof,

Having regard to Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽²⁾, and in particular Article 8(4) and Article 9(2)(b) thereof,

Whereas:

- (1) Commission Decision 98/371/EC ⁽³⁾ governs animal health conditions and veterinary certification for imports of fresh meat from certain European countries.
- (2) The animal health situation allowing it, and in order to achieve clarity and consistency prior to accession, it is appropriate to authorise Cyprus and Malta to import into the Community fresh meat from all species referred to in this Decision.
- (3) In addition, the general animal health situation in Estonia and Latvia is satisfactory.

- (4) Member States should therefore authorise the importation of meat from bovines, ovines, caprines and solipeds from these countries into the Community and also pigmeat from Latvia.
- (5) It is also opportune to update the names including the regions and ISO codes for Bulgaria and Slovakia.
- (6) Decision 98/371/EC should 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 98/371/EC are replaced by the text in the Annexes to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 January 2004.

For the Commission

David BYRNE

Member of the Commission

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

⁽²⁾ OJ L 18, 23.1.2003, p. 11.

⁽³⁾ OJ L 170, 16.6.1998, p. 16, as last amended by Decision 2003/827/EC (OJ L 311, 27.11.2003, p. 36).

DESCRIPTION OF TERRITORIES OF CERTAIN EUROPEAN COUNTRIES ESTABLISHED FOR ANIMAL HEALTH CERTIFICATION PURPOSES

Country	Code of territory	Version	Description of territory
ALBANIA	AL	1/98	Whole country
BOSNIA AND HERZEGOVINA	BA	1/98	Whole country
BULGARIA	BG	1/98	Whole country
	BG-1	1/98	The provinces of Varna, Dobrich, Solistra, Choumen, Targovichte, Razgrad, Rousse, V.Tarnovo, Gabrovo, Pleven, Lovetch, Plovdiv, Smolian, Pasardjik, Sofia district, Sofia city, Pernik, Kustendil, Blagoevgrad, Vratza, Montana and Vidin
	BG-2	1/99	The provinces of Bourgas, Jambol, Sliven, Starazagora, Hasskovo and Kardjali, except the 20 km-wide corridor on the border with Turkey
	BG-3	1/99	The 20 km-wide corridor to the border with Turkey
BELARUS	BY	1/98	Whole country
CYPRUS (*)	CY	1/2003	Whole country
CZECH REPUBLIC (*)	CZ	1/2003	Whole country
ESTONIA (*)	EE	1/98	Whole country
CROATIA	HR	1/98	Whole country
HUNGARY (*)	HU	1/98	Whole country
LITHUANIA (*)	LT	1/98	Whole country
LATVIA (*)	LV	1/98	Whole country
MALTA (*)	MT	1/2003	Whole country
FORMER YUGOSLAV REPUBLIC OF MACEDONIA	MK	1/2003	Whole country
POLAND (*)	PL	1/98	Whole country

Country	Code of territory	Version	Description of territory
ROMANIA	RO	1/98	Whole country
RUSSIA	RU	1/98	Whole country
SERBIA AND MONTENEGRO	SCG	1/98	Whole country
	SCG-1	1/98	Serbia and Montenegro excluding the region of Kosovo (as defined by the United Nations Security Council Resolution 1244 of 10 June 1999) and Metohija
	SCG-2	1/98	The region of Kosovo (as defined by the United Nations Security Council Resolution 1244 of 10 June 1999) and Metohija
SLOVENIA (*)	SI	1/2003	Whole country
SLOVAK REPUBLIC (*)	SK	1/98	Whole country
	SK-1	1/2003	The District Veterinary and Food Administrations (DVFA) of Trnava (comprising Piešťany, Hlohovec and Trnava districts); Levice (comprising Levice district); Nitra (comprising Nitra and Zlaté Moravce districts); Topoľčany (comprising Topoľčany district); Nové Mesto nad Váhom (comprising Nové Mesto nad Váhom district); Trenčín (comprising Trenčín and Bánovce nad Bebravou districts); Prievidza (comprising Prievidza and Partizánske districts); Púchov (comprising Púchov and Ilava districts); Žiar nad Hronom (comprising Žiar nad Hronom, Žarnovica and Banská Štiavnica districts); Zvolen (comprising Zvolen and Detva districts); Banská Bystrica (comprising Banská Bystrica and Brezno districts).
	SK-2	1/2003	The District Veterinary and Food Administrations (DVFA) of Bratislava mesto (comprising Bratislava I., II., III., IV. and V. districts); Senec (comprising Senec, Pezinok and Malacky districts); Dunajská Streda (comprising Dunajská Streda district); Galanta (comprising Galanta district); Senica (comprising Senica and Skalica districts); Nové Mesto nad Váhom (comprising Myjava district); Púchov (comprising Považská Bystrica district); Nové Zámky (comprising Nové Zámky district); Komárno (comprising Komárno district); Šal'a (comprising Šal'a district); Žilina (comprising Žilina and Bytča district); Dolný Kubín (comprising Dolný Kubín, Tvrdošín and Námestovo districts); Martin (comprising Martin and Turčianske Teplice districts); Liptovský Mikuláš (comprising Liptovský Mikuláš and Ružomberok districts); Lučenec (comprising Lučenec and Poltár districts); Veľký Krtíš (comprising Veľký Krtíš district); Rimavská Sobota (comprising Rimavská Sobota and Revúca districts); Zvolen (comprising Krupina district); Poprad (comprising Poprad, Kežmarok and Levoča districts); Prešov (comprising Prešov and Sabinov districts); Bardejov (comprising Bardejov district); Vranov nad Topľou (comprising Vranov nad Topľou district); Svidník (comprising Svidník and Stropkov districts); Humenné (comprising Humenné, Medzilaborce and Snina districts); Stará Ľubovňa (comprising Stará Ľubovňa district); Košice-mesto (comprising Košice I., II., III. and IV. districts); Košice-okolie (comprising Košice-okolie district); Michalovce (comprising Michalovce and Sobrance districts); Rožňava (comprising Rožňava district); Spišská Nová Ves (comprising Spišská Nová Ves and Gelnica districts) and Trebišov (comprising Trebišov district).

(*) Only applicable until this acceding State becomes a Member State of the Community.'

ANNEX II

‘ANNEX II

ANIMAL HEALTH GUARANTEES TO BE REQUESTED ON CERTIFICATION OF FRESH MEAT

Country	Code	Fresh meat for human consumption								Fresh meat intended for purposes other than human consumption
		Bovine		Swine		Ovine/caprine		Solipeds		
		MC ⁽¹⁾	SG ⁽²⁾	MC ⁽¹⁾	SG ⁽²⁾	MC ⁽¹⁾	SG ⁽²⁾	MC ⁽¹⁾	SG ⁽²⁾	
ALBANIA	AL	—		—		—		—		—
BOSNIA AND HERZEGOVINA	BA	—		—		—		—		—
BULGARIA	BG	—		—		—		D	—	E
	BG-1	A		—		C		D	—	E
	BG-2	—		—		—		D	—	E
	BG-3	—		—		—		—		—
BELARUS	BY	—		—		—		—	—	E
CYPRUS (*)	CY	A		B	a	C		D		E
CZECH REPUBLIC (*)	CZ	A		B		C		D	—	E
ESTONIA (*)	EE	A		B	a	C		D	—	E
CROATIA	HR	A		—		C		D	—	E
HUNGARY (*)	HU	A		B		C		D	—	E
LITHUANIA (*)	LT	A		B	a	C		D	—	E
LATVIA (*)	LV	A		B	a	C		D	—	E
MALTA (*)	MT	A		B	a	C		D		E
FORMER YUGOSLAV REPUBLIC OF MACEDONIA	MK ⁽³⁾	—		—		C		D	—	E
POLAND (*)	PL	A		B	a	C		D	—	E
ROMANIA	RO	A		—		C		D	—	E
RUSSIA	RU	—		—		—		—	—	E
SERBIA AND MONTENEGRO	SCG	—		—		—		D	—	E
	SCG-1	A		—		C		D	—	E
	SCG-2	—		—		—		D	—	E

Country	Code	Fresh meat for human consumption								Fresh meat intended for purposes other than human consumption
		Bovine		Swine		Ovine/caprine		Solipeds		
		MC ⁽¹⁾	SG ⁽²⁾	MC ⁽¹⁾	SG ⁽²⁾	MC ⁽¹⁾	SG ⁽²⁾	MC ⁽¹⁾	SG ⁽²⁾	MC
SLOVENIA (*)	SI	A		B	a	C		D	—	E
SLOVAK REPUBLIC (*)	SK	A		—		C		D	—	E
	SK-1	A		—		C		D	—	E
	SK-2	A		B	a	C		D	—	E

(*) Only applicable till this acceding State becomes a Member State of the Community.

N.B: Imports of fresh meat for human consumption are not allowed unless a programme of control of residues in the exporting third country has been approved by the Commission.

⁽¹⁾ MC: Model of certificate to be completed. The letters (A, B, C, D, etc.) appearing on the tables refer to the models of animal health guarantees, as described in Annex III to Decision 98/371/EC, to be applied for each product and origin in accordance with Article 2 of this Decision. A dash “—” indicates that imports are not authorised.

⁽²⁾ SG: Supplementary guarantees. The letters (a, b, c, d, etc.) appearing on the tables refer to the supplementary guarantees to be provided by the exporting country as described in Annex IV. These supplementary guarantees must be inserted by the exporting country in section V of each model of certificate laid down in Annex III.

⁽³⁾ Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations.’

COMMISSION DECISION
of 23 January 2004
concerning protection measures relating to avian influenza in Thailand

(notified under document number C(2004) 171)

(Text with EEA relevance)

(2004/84/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 22(1) and (5) thereof,

Whereas:

- (1) Thailand has reported an outbreak of avian influenza in poultry.
- (2) A human case due to infection with the avian influenza virus strain has also been reported in Thailand.
- (3) According to the provisions of Directives 97/78/EC and 91/496/EEC ⁽²⁾, measures shall be taken if, in the territory of a third country, a disease referred to in Council Directive 82/894/EEC ⁽³⁾, or other diseases or any other phenomenon or circumstance liable to present a serious threat to animal or public health manifests itself or spreads.
- (4) Importation of live poultry and ratites and of their hatching eggs is not authorised from Thailand; however, imports of certain poultry products originating from Thailand could pose a risk of disease introduction.
- (5) Therefore imports of fresh meat of poultry, ratites, wild and farmed feathered game, poultrymeat preparations and poultrymeat products and meat preparations consisting of or containing meat of the abovementioned species, of raw material for pet-food production obtained from poultry slaughtered after 1 January 2004 and of eggs for human consumption from Thailand to the Community should be immediately suspended, given the seriousness of the potential risks.

- (6) Commission Decision 97/222/EC ⁽⁴⁾ lays down the list of third countries from which Member States may authorise the importation of meat products and establishes treatment regimes in order to lower the risk of disease transmission via such products. The treatment that has to be applied to the product depends on the health status of the country of origin in relation to the species the meat is obtained from; in order to avoid an unnecessary burden on trade, imports of poultrymeat products originating in Thailand treated to a temperature of at least 70 ° Celsius should continue to be authorised.
- (7) This decision will be reviewed at the meeting of the Standing Committee on the Food Chain and Animal Health scheduled for 2 and 3 February 2004,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall prohibit the importation from the territory of Thailand of fresh meat of poultry, ratites, farmed and wild feathered game, poultrymeat products and meat preparations consisting or containing meat of the abovementioned species, of raw material for pet-food production and of eggs for human consumption.

Article 2

By derogation from Article 1, Member States shall authorise the importation of poultrymeat products when the poultrymeat contained in the meat product has undergone a specific treatment referred to under B, C or D in part IV of the Annex to Decision 97/222/EC.

⁽¹⁾ OJ L 24, 31.1.1998, p. 9.

⁽²⁾ OJ L 268, 29.9.1991, p. 56.

⁽³⁾ OJ L 378, 31.12.1982, p. 58. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽⁴⁾ OJ L 98, 4.4.1997, p. 39, Decision as last amended by Decision 2003/826/EC (OJ L 311, 27.11.2003, p. 29).

Article 3

1. By derogation from Article 1, Member States shall authorise the importation of fresh meat of poultry, ratites, farmed and wild feathered game, poultrymeat products and poultrymeat preparations consisting of or containing meat of the abovementioned species which have been obtained from birds slaughtered before 1 January 2004.

2. In the veterinary certificates accompanying consignments of the products mentioned in paragraph 1 the following words as appropriate to the species shall be included:

'Fresh poultrymeat/Fresh ratite meat/Fresh meat of wild game birds/Fresh meat of farmed game birds/poultrymeat product/poultrymeat preparation ^(A) in accordance with Article 3(1) of Decision 2004/84/EC.

^(A) Delete as appropriate.'

Article 4

The Member States shall amend the measures they apply to imports so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 23 January 2004.

For the Commission

David BYRNE

Member of the Commission