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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC, EURATOM) No 401/2004**of 23 February 2004**

introducing, on the occasion of the accession of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, special temporary measures for recruitment of officials of the European Communities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 283 thereof,

Having regard to the proposal from the Commission, submitted after consultation of the Staff Regulations Committee,

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

Having regard to the opinion of the Court of Justice ⁽²⁾,

Having regard to the opinion of the Court of Auditors ⁽³⁾,

Whereas:

(1) On the occasion of the forthcoming accession of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia special temporary measures should be adopted that depart from the Staff Regulations of Officials of the European Communities (Staff Regulations).

(2) Given the number of countries acceding and the number of persons potentially involved these, albeit temporary measures, should remain in force for a substantial period. 31 December 2010 appears to be the most suitable expiry date for them.

(3) Given the exceptional nature of the situation, and the forecasted future general needs, competitions should also be held for the recruitment of officials having one of the existing 11 official languages as their main language. This will be in order to ensure respect for the principles stated in Article 27 of the Staff Regulations, including recruitment on the broadest possible geographical basis.

(4) Given the exceptional size of the impending accession, this Regulation should be adopted before the actual accession date so that all the necessary preparatory work can be done to enable the planned recruitments to take place as soon as possible after the accession,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding the provisions of the second and third paragraphs of Article 4, Article 7(1), the third paragraph of Article 27 and points (a), (b) and (c) of Article 29(1) of the Staff Regulations, until 31 December 2010 vacant posts may be filled, within the limit of the number allotted, taking into account budgetary discussions, by appointment of nationals of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia after the actual date of accession of the countries concerned.

2. Appointments shall be made:

- (a) for all grades, after the actual date of accession;
- (b) except for grades A1 and A2, following competitions on the basis of both qualifications and tests organised as specified in Annex III to the Staff Regulations.

Article 2

Until 31 December 2010, general competitions shall also be held for the recruitment of officials having one of the existing 11 official languages as their main language; such competitions shall simultaneously cover all these languages.

Article 3

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

⁽¹⁾ Opinion delivered on 18 November 2003 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 18 July 2003.

⁽³⁾ Opinion delivered on 29 July 2003 (OJ C 224, 19.9.2003, p. 11).

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

Done at Brussels, 23 February 2004.

For the Council

The President

B. COWEN

COMMISSION REGULATION (EC) No 402/2004**of 4 March 2004****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 March 2004.

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

Done at Brussels, 4 March 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to the Commission Regulation of 4 March 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	104,6
	204	52,1
	212	115,9
	999	90,9
0707 00 05	052	149,9
	068	106,2
	204	38,0
	999	98,0
0709 90 70	052	109,4
	204	55,1
	628	136,0
	999	100,2
0805 10 10, 0805 10 30, 0805 10 50	052	71,7
	204	46,3
	212	55,7
	220	44,4
	400	65,0
	624	65,7
	999	58,1
0805 50 10	052	50,0
	400	36,4
	600	57,6
	999	48,0
0808 10 20, 0808 10 50, 0808 10 90	052	60,0
	060	36,5
	388	118,8
	400	109,8
	404	96,9
	508	70,3
	512	93,9
	524	82,4
	528	90,6
	720	75,2
	999	83,4
0808 20 50	060	64,4
	388	76,0
	400	84,3
	508	69,3
	512	59,5
	528	73,9
	720	49,4
	999	68,1

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 403/2004**of 4 March 2004****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, and in particular Article 1(2) and Article 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 March 2004.

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

⁽²⁾ OJ L 141, 24.6.1995 p. 12. Regulation as amended by Commission Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 4 March 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

ANNEX

to the Commission Regulation of 4 March 2004 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/ 95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,26	0,26	—
1703 90 00 ⁽¹⁾	9,06	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 404/2004

of 4 March 2004

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.
- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.

- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) Import duties and export refunds still apply to certain sugar products traded between the Community, of the one part, and the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, hereinafter referred to as 'new Member States', of the other part, and the level of export refunds is appreciably greater than the level of import duties. In view of the accession of these countries to the Community on 1 May 2004, the appreciable gap between the level of import duties and the level of export refunds granted for the products in question may result in speculative trade flows.
- (10) To prevent any abuse through the re-import or re-introduction into the Community of sugar products in receipt of an export refund, no refund or levy should be set for all the new Member States for the products covered by this Regulation.
- (11) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 March 2004.

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

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 4 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 5 MARCH 2004

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	45,19 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	43,99 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	45,19 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	43,99 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4913
1701 99 10 9100	S00	EUR/100 kg	49,13
1701 99 10 9910	S00	EUR/100 kg	47,83
1701 99 10 9950	S00	EUR/100 kg	47,83
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4913

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

The numeric destination codes are set out in Commission Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 405/2004**of 4 March 2004****fixing the maximum export refund for white sugar to certain third countries for the 22nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1290/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1290/2003 of 18 July 2003 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, for the 2003/2004 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1290/2003 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the 22nd partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 22nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1290/2003 the maximum amount of the export refund to certain third countries is fixed at 50,966 EUR/100 kg.

Article 2

This Regulation shall enter into force on 5 March 2004.

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

Done at Brussels, 4 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 181, 19.7.2003, p. 7.

**COMMISSION REGULATION (EC) No 406/2004
of 4 March 2004**

adapting several regulations concerning the olive oil sector by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia, and in particular Article 57(2) thereof,

Whereas:

- (1) Some technical adaptations are needed to several Commission regulations concerning the olive oil sector by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union.
- (2) Article 4 of Commission Regulation (EC) No 2543/95 of 30 October 1995 laying down special detailed rules for the application of the system of export licences for olive oil ⁽¹⁾ provides for entries in all the languages of the Member States. That provision should include the language versions of the new Member States.
- (3) Article 3(2) of Commission Regulation (EC) No 312/2001 of 15 February 2001 laying down detailed rules of application for the importation of olive oil originating in Tunisia and derogating from certain provisions of Regulations (EC) No 1476/95 and (EC) No 1291/2000 ⁽²⁾ provides for entries in all the languages of the Member States. That provision should include the language versions of the new Member States.
- (4) The second subparagraph of Article 9(1) of Commission Regulation (EC) No 1019/2002 of 13 June 2002 on marketing standards for olive oil ⁽³⁾ requires the Member States to notify the Commission of the measures taken to ensure compliance with that Regulation, including the system of penalties, no later than 31 December 2002. In order to allow the new Member States to meet this requirement, a date after accession should be laid down for those Member States.
- (5) Regulations (EC) Nos 2543/95, 312/2001 and 1019/2002 should therefore be amended accordingly,

⁽¹⁾ OJ L 260, 31.10.1995, p. 33. Regulation as last amended by Regulation (EC) No 2731/2000 (OJ L 316, 15.12.2000, p. 42).

⁽²⁾ OJ L 46, 16.2.2001, p. 3.

⁽³⁾ OJ L 155, 14.6.2002, p. 27. Regulation as last amended by Regulation (EC) No 1176/2003 (OJ L 164, 2.7.2003, p. 12).

Article 1

The second subparagraph of Article 4 of Regulation (EC) No 2543/95 is replaced by the following:

'Box 22 of the licence shall contain at least one of the following indications:

- Restitución válida por ... toneladas (cantidad por la que se expida en certificado)
- Náhrada platná pro ... tun (množství, pro něž je vydána licence).
- Restitutionen omfatter ... tons (den mængde, licensen vedrører).
- Erstattung gültig für ... Tonnen (Menge, für welche die Lizenz ausgestellt wurde)
- Toetust makstakse ... tonni puhul (kogus, mille kohta on litsents välja antud).
- Επιστροφή ισχύουσα για ... τόνους (ποσότητα για την οποία έχει εκδοθεί το πιστοποιητικό)
- Refund valid for ... tons (quantity for which the licence is issued)
- Restitution valide pour ... tonnes (quantité pour laquelle le certificat est délivré)
- Restituzione valida per ... t (quantitativo per il quale il titolo è stato rilasciato)
- Kompensācija paredzēta ... t (daudzums, attiecībā uz ko ir izsniegta atļauja)
- Gražinamoji išmoka taikoma ... tonoms (kiekis, kuriam išduota licencija)
- A visszatérítés ... tonnára érvényes (az a mennyiség, amelyre az engedélyt kiállították)
- Rifuzjoni valida għal ... tunnellata (kwantità li għaliha għie mahruġ iċ-ċertifikat)
- Restitutie geldig voor ... ton (hoeveelheid waarvoor het certificaat wordt afgegeven)

- Refundacja ważna dla ... ton (ilość, dla której pozwolenie zostało wydane)
- Restituição válida para ... toneladas (quantidade relativamente à qual é emitido o certificado)
- Náhrada platná pre ... ton (množstvo, na ktoré sa povolenie vydáva)
- Nadomestilo veljavno za ... ton (količina, za katero je bilo izdano dovoljenje)
- Tuki on voimassa ... tonnille (määrä, jolle todistus on myönnetty)
- Ger rätt till exportbidrag för ... ton (den kvantitet för vilken licensen utfärdats).

Article 2

Article 3(2) of Regulation (EC) No 312/2001 is replaced by the following:

‘2. Box 20 of the import licences provided for in Article 1(2) shall contain one of the following entries:

- Derechos de aduana fijados por la Decisión 2000/822/CE del Consejo
- Clo stanovené rozhodnutím Rady 2000/822/ES
- Told fastsat ved Rådets afgørelse 2000/822/EF
- Zoll gemäß Beschluss 2000/822/EG des Rates
- Tollimaks kindlaksmääratud nõukogu otsusega 2000/822/EÜ
- Δασμός που καθορίστηκε από την απόφαση του Συμβουλίου 2000/822/EK
- Customs duty fixed by Council Decision 2000/822/EC
- Droit de douane fixé par la décision 2000/822/CE du Conseil
- Dazio doganale fissato con la decisione 2000/822/CE del Consiglio

- Ar Padomes Lēmumu 2000/822/EK noteiktais muitas nodoklis
- Muito mokestis nustatytas Tarybos sprendime 2000/822/EB
- A vámokat a 2000/822/EK tanácsi határozat rögzítette.
- Dazju stabbilit mid-Deciżjoni tal-Kunsill nru. 2000/822/EC
- Bij Besluit 2000/822/EG van de Raad vastgesteld douanerecht
- Cło ustalone decyzją Rady 2000/822/WE
- Direito aduaneiro fixado pela Decisão 2000/822/CE do Conselho
- Clo stanovené rozhodnutím Rady 2000/822/ES
- Carina, določena s Sklepom Sveta 2000/822/ES
- Neuvoston päätöksessä 2000/822/EY vahvistettu tulli
- Tull fastställd genom rådets beslut 2000/822/EG’

Article 3

The following subparagraph is added to Article 9(1) of Regulation (EC) No 1019/2002:

‘The Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia shall notify the Commission of the measures taken to that end no later than 31 December 2004, and of amendments to those measures before the end of the month following that in which they are adopted.’

Article 4

This Regulation shall enter into force on 1 May 2004, subject to the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

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

Done at Brussels, 4 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 407/2004
of 4 March 2004
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾,

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

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 375/2004 ⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 375/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 375/2004 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 5 March 2004.

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

Done at Brussels, 4 March 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

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

⁽³⁾ OJ L 63, 28.2.2004, p. 44. Regulation as amended by Regulation (EC) No 388/2004 (OJ L 64, 2.3.2004, p. 29).

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	24,33
1005 10 90	Maize seed other than hybrid	25,99
1005 90 00	Maize other than seed ⁽²⁾	25,99
1007 00 90	Grain sorghum other than hybrids for sowing	24,33

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

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

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

ANNEX II

Factors for calculating duties

(period from 27 February 2004 to 3 March 2004)

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	137,48 (***)	96,06	167,04	157,04	137,04	105,98
Gulf premium (EUR/t)	28,12	8,17	—	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 33,93 EUR/t; Great Lakes–Rotterdam: 0,00 EUR/t.

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

COMMISSION REGULATION (EC) No 408/2004**of 4 March 2004****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1814/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1814/2003 of 15 October 2003 on a special intervention measure for cereals in Finland and Sweden for the marketing year 2003/04 ⁽³⁾, and in particular Article 9 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland and Sweden to all third countries, with the exception of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Romania, Slovakia and Slovenia was opened pursuant to Regulation (EC) No 1814/2003.

(2) According to Article 9 of Regulation (EC) No 1814/2003 the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 27 February to 4 March 2004 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1814/2003.

Article 2

This Regulation shall enter into force on 5 March 2004.

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

Done at Brussels, 4 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

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

⁽³⁾ OJ L 265, 16.10.2003, p. 25.

COMMISSION REGULATION (EC) No 409/2004
of 4 March 2004
concerning tenders notified in response to the invitation to tender for the import of sorghum
issued in Regulation (EC) No 238/2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals ⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 238/2004 ⁽²⁾.
- (2) Article 5 of Commission Regulation (EC) No 1839/95 ⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty 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 notified from 27 February to 4 March 2004 in response to the invitation to tender for the reduction in the duty on imported sorghum issued in Regulation (EC) No 238/2004.

Article 2

This Regulation shall enter into force on 5 March 2004.

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

Done at Brussels, 4 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Commission Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 40, 12.2.2004, p. 23.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2000 (OJ L 256, 10.10.2000, p. 13).

COMMISSION REGULATION (EC) No 410/2004
of 4 March 2004
concerning tenders notified in response to the invitation to tender for the import of maize issued
in Regulation (EC) No 2315/2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 2315/2003 ⁽²⁾.
- (2) Article 5 of Commission Regulation (EC) No 1839/95 ⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty 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 notified from 27 February to 4 March 2004 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 2315/2003.

Article 2

This Regulation shall enter into force on 5 March 2004.

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

Done at Brussels, 4 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 342, 30.12.2003, p. 34.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2000 (OJ L 256, 10.10.2000, p. 13).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 February 2004

on the implementation of the Preparatory Action on the Enhancement of the European industrial potential in the field of security research

(2004/213/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITY,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Decision 2003/113 final of 11 March 2003 adopting a Communication 'European Defence — Industrial and Market Issues — Towards an EU Defence Equipment Policy' ⁽¹⁾, and in particular Item 5,

Having regard to Article 157, point 1, fourth indent of the Treaty (fostering better exploitation of the industrial potential of policies of innovation, research and technological development),

HAS ADOPTED THIS DECISION:

Article 1

The Commission is launching a Preparatory Action on the Enhancement of the European industrial potential in the field of security research (2004-2006) as referred to in the Commission Communication on 'Implementation of the Preparatory

Action on the Enhancement of the European industrial potential in the field of security research: Towards a programme to advance European security through Research and Technology'.

The Activities and Programme of Work for the Preparatory Action are part of the Communication (Section II) and form the basis for subsequent calls for proposals and calls for tenders.

Article 2

Details for the Implementation of this Preparatory Action are set out in the Annex.

The budget line for this activity is 08 14 01.

Done at Brussels, 3 February 2004.

For the Commission

Philippe BUSQUIN

Member of the Commission

⁽¹⁾ Not published in the Official Journal.

ANNEX

IMPLEMENTATION OF THE PREPARATORY ACTION ⁽¹⁾**1. Activities and financial support**

The activities undertaken in the scope of the Preparatory Action on 'The enhancement of the European industrial potential in the field of security research' will be projects and supporting activities. The projects will normally have duration between one and two years and the supporting activities will have duration between six months and three years.

Projects will be invited by calls for proposals. The financial contributions to projects shall be covered by a written agreement (called grant contract). Supporting activities can also be selected from calls for proposals, leading to grant contracts or calls for tenders, resulting in service contracts.

Calls for proposals and calls for tenders will be published in the Official Journal of the Community.

For calls for proposals, the evaluation and negotiation procedures and the principles for IPR and grants contracts are described in sections 3, 4, 5, 6 and 7 below. For the call for tenders standard procedures and contracts will be used.

The Commission may appoint independent experts to assist in the development of the European Security Research Programme; proposal evaluation; and monitoring of activities including the overall outcome of the Preparatory Action. Experts shall be appointed by a decision of the Commission authorising officer based on a call for applications.

2. Participation**2.1. General principles**

Legal entities established in the Member States ⁽²⁾ will be eligible to participate and receive a Community financial contribution. The participants will be public authorities, industrial organisations: public and private (including SMEs), higher education institutions and research organisations.

In exceptional cases and over and above the minimum number of participants, legal entities established in a third country or international organisations may participate. In such cases, a Community financial contribution may be exceptionally provided. Involvement from third countries will be subject to arrangements of a reciprocal nature with that country.

Appropriate measures will be taken to ensure that classified information is treated in accordance with the Commission provisions on security ⁽³⁾. In addition, participants in a consortium shall ensure that the treatment of classified information complies with the security regulations applicable.

2.2. Minimum number of participants

Projects shall be carried out by a consortium composed of at least two independent legal entities from different Member States ⁽⁴⁾. It should be noted that collaborative working between different Member States entities, including public security organisations, is strongly encouraged and represents one key objective of this Preparatory Action.

Supporting activities may be carried out by a single participant or by a consortium.

Consortiums will be represented by a coordinator who will ensure coordination tasks and administer the Community contribution regarding its allocation between the participants.

2.3. Technical competence and resources

Participants shall have the knowledge and technical competence needed to carry out the activity. As work progresses, participants shall have the resources as and when needed to carry out the activity. The resources needed to carry out the activity are understood to be human resources, infrastructure, financial resources and, if necessary, intangible property and other resources made available by a third party on the basis of a prior commitment.

⁽¹⁾ At the time of the publication of the calls for proposals, the Commission will issue a detailed vade-mecum for proposers.

⁽²⁾ Member States means all States of EU-25 including Accession Countries.

⁽³⁾ OJ L 317, 3.12.2001.

⁽⁴⁾ If the composition of project partners in an EEIG is comparable with these conditions, the EEIG shall also be eligible.

3. Evaluation of project proposals

3.1. Evaluation and selection procedure

The proposals for projects submitted in response to a call for proposals will be evaluated according to the procedure described below. Classified documentation will be treated in accordance to the applicable rules on classified documents.

3.2. Eligibility check

The Commission services will verify that proposals meet the following eligibility criteria:

- receipt of proposal by the Commission on or before the deadline date and time established in the call;
- minimum number of participants, as referred to in the call for proposals;
- completeness of the proposal, i.e. presence of all requested administrative forms and the proposal description.

Only proposals that fulfil the eligibility criteria will be retained for evaluation.

3.3. Evaluation criteria

Each proposal will be assessed on the basis of the following criteria:

- relevance of the proposal to the Programme of Work of the Preparatory Action;
- reinforcement of the competitiveness for European industry and potential for exploitation;
- scientific and/or technological excellence and contribution to tangible and demonstrable improvements in security;
- building of effective partnerships between (public) users, industry and research;
- ability of the consortium to carry out the project successfully and to ensure its efficient management, including the ability to protect classified information if necessary, and clear plans for the management of intellectual property.

3.4. Scoring, thresholds and weighting of evaluation criteria

Each evaluation criterion will be marked on a six-point scale from 0 to 5 indicating the following:

0 — the proposal fails to address the issue under examination or can not be judged against the criterion due to missing or incomplete information.

1 — poor; 2 — fair; 3 — good; 4 — very good; 5 — excellent.

A minimum threshold of 3 will be set for all the criteria. Any proposal, which fails to achieve one of the threshold scores, will be rejected. A total score will be calculated for all the proposals, which pass all thresholds with all criteria weighted equally. A minimum threshold of 18/25 will be set for the total score.

3.5. Description of proposals evaluation

Each proposal will be evaluated by at least three evaluators (either Commission staff, or external experts, or both) working independently and without any conflict of interest. They will give marks and comments for each criterion.

Once all the evaluators to whom a proposal has been assigned have completed their individual assessment, a consensus discussion may be convened to discuss the marks awarded and agree on a consensus mark for each criterion.

A panel of evaluators will carry out a final examination, consolidate the scores and agree on the consensus reports. The outcome of the panel meeting is a report containing for each proposal the scores and underpinning comments for each criterion, and a list of proposals passing thresholds, if any, along with a final mark for each proposal passing the thresholds and the panel recommendations for priority order.

3.6. *Feed back to proposers*

The coordinator of each proposal will receive the evaluation report. For those proposals rejected after failing an evaluation threshold, the comments may only be complete for those criteria examined up to the point when the threshold was failed.

4. **Finalisation of the evaluation**

4.1. *Commission ranked list*

The Commission services will draw up a list of all the proposals evaluated which pass the required thresholds ranked in priority order based on the final score. If two proposals have the same final score, the Commission services will take into account the Preparatory Action objectives, the compatibility of the proposals with stated Community objectives and the available budget.

4.2. *Commission reserve list*

The list of proposals to be retained for negotiation takes into account the budget available (which is set out in the call for proposals). If necessary, a number of proposals are kept in reserve to allow for the failure of negotiations, withdrawal of proposals and/or savings to be made during contract negotiation.

The coordinators of any proposals held in reserve receive confirmation that negotiations with a view to preparing a contract may be offered, but only if funding becomes available.

When the budget for the call has been used up, any proposal remaining from the 'reserve' which could not be funded will be rejected and the coordinators informed.

4.3. *Rejection decision*

The proposals found to be ineligible, out of scope, failing any of the individual thresholds for evaluation criteria and those which, because they fall below a certain ranking cannot be funded for budgetary reasons will be rejected by a decision of the Commission authorising officer.

5. **Negotiation and selection procedure**

Immediately following the preparation of the final ranked list by the Commission services, the coordinators of proposals not to be rejected and for which funding is available will be invited to begin negotiations.

Negotiation may cover any scientific, legal or financial aspects of the proposal, based on any issue raised during the evaluation or any other issue that was taken into consideration at the ranking stage.

Future contractors must be in compliance with the Financial Regulations ⁽¹⁾. In addition, any potential contractor subject to a conflict of interest or having been found guilty of misrepresentation in supplying the information required as a condition for participation in the contract or failing to supply such information shall be excluded from participation in any future grant contract ⁽²⁾.

If it proves impossible to reach agreement with proposers within a reasonable deadline the Commission services may impose, negotiations on contract preparation may be terminated and the proposal rejected. The Commission services will negotiate proposals selected respecting the ranking decided for selection, up till the amount available in the financial decision.

If negotiations are successful, contracts for grants will be awarded.

6. **Reports and audit**

The projects and supporting activities will regularly report to the Commission on in order to allow proper monitoring. In performing monitoring of activities, the Commission may be assisted by independent experts (appropriately cleared if necessary). The Commission, or any representative authorised by it, shall have the right to carry out scientific, technological and financial audits on the participants, in order to ensure that the activities are being or have been performed under the conditions claimed and in accordance with the terms of the contract.

⁽¹⁾ Financial Regulation Articles 114 and 93.

⁽²⁾ Financial Regulation Articles 114 and 94.

7. Contract and intellectual property rights

7.1. General principles

The grant contract for projects and supporting activities will be based on the 6th Framework programme model contract. The grant contract will be signed by the authorising officer of the Commission and all the participants of the consortium.

Special clauses may be added concerning ownership of knowledge, protection of knowledge, use and confidentiality, and access rights in order to test the specificities that may arise in the activities in this Preparatory Action.

7.2. Community financial contribution

The Community financial contribution shall take the form of a grant to the budget, calculated as a percentage of the budget established by the participants to carry out the project or supporting activity. The expenses needed to implement the project or the supporting activity shall be certified by an external auditor or, in the case of public bodies, a competent public officer.

Eligible expenses must meet the following conditions:

1. They must be actual, economic and necessary for the implementation of the project or supporting activity;
2. They must be determined in accordance with the usual accounting principles of the individual participant;
3. They must be recorded in the accounts of the participants or, in the case of the resources of third parties in the corresponding financial documents of those third parties;
4. They shall be exclusive of indirect taxes, duties and interest and may not give rise to profit.

7.3. Financial schemes

For projects, two financial schemes are distinguished following the research categories as set out in of the Community framework for State-aid for research and development ⁽¹⁾:

1. Industrial Research
2. Pre-competitive Development Activities.

A third scheme is added for completeness:

3. Management of the activities

The following table indicates the maximum rates of Community financial contribution for the projects in function of the schemes.

Maximum reimbursement rates of eligible costs	Industrial Research	Pre-Competitive Development Activities	Management of the activities
Projects	up to 75 %	up to 50 %	100 % (up to 7 % of the contribution)

Where Community funding is combined with national funding in the form of State aid, total official support, according to the Community framework for State aid for research and development, may not exceed 75 % in the case of industrial research and 50 % in the case of pre-competitive development activities.

The grants allocated for supporting activities are not subject to State-aid rules and shall reimburse up to 75 % of the eligible costs, which may include up to 10 % of the total contribution for management activities.

7.4. Intellectual property rights

The knowledge shall be the property of the contractors who generate it. Any transfer of knowledge created under a grant contract, or any granting of access rights to such knowledge to another organization outside the consortium need the approval of the Commission, the Member States in which the participants reside and the other contractors.

The Commission and Member States may refuse approval for reasons of major European or national interest or by applying their laws. Other participants may refuse approval if they can demonstrate that their commercial or industrial interests may be significantly impaired or that any legal obligations would be violated.

⁽¹⁾ OJ C 45, 17.2.1996, p. 5.

COMMISSION DECISION

of 3 March 2004

amending Decision 2000/40/EC as regards the period of validity of the ecological criteria for the award of the Community eco-label to refrigerators*(notified under document number C(2004) 310)***(Text with EEA relevance)**

(2004/214/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme ⁽¹⁾, and in particular the second subparagraph of Article 6(1) thereof,

After consulting the European Union Eco-labelling Board,

Whereas:

- (1) Regulation (EC) No 1980/2000 provides for the award of an eco-label to a product possessing characteristics, which enable it to contribute significantly to improvements in relation to key environmental aspects and provides that specific eco-label criteria are to be established according to product groups.
- (2) Commission Decision 2000/40/EC of 16 December 1999 establishing the ecological criteria for the award of the Community eco-label to refrigerators ⁽²⁾ will expire on 1 December 2003.
- (3) Following the review of that Decision in accordance with Article 4 of Regulation (EC) No 1980/2000, it is appropriate to prolong the period of validity of those ecological criteria for a period of 12 months, in particular to allow those companies that have been awarded the eco-label to continue using the eco-label at least until the revision of Decision 2000/40/EC is completed.
- (4) Decision 2000/40/EC should therefore be amended accordingly.

- (5) The measures provided for in this Decision are in accordance with the opinion of the committee set up under Article 17 of Regulation (EC) No 1980/2000,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision 2000/40/EC is replaced by the following:

'Article 3

The product group definition and the criteria for the product group shall be valid until 1 December 2004. If, however, by that date a new decision establishing the product group definition and the criteria for this product group has not yet been adopted, that period of validity shall end either on 1 December 2005 or on the date of adoption of the new decision, whichever is sooner.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 March 2004.

For the Commission

Margot WALLSTRÖM

Member of the Commission⁽¹⁾ OJ L 237, 21.9.2000, p. 1.⁽²⁾ OJ L 13, 19.1.2000, p. 22.

COMMISSION DECISION

of 1 March 2004

implementing Council Directive 64/432/EEC as regards additional guarantees for intra-Community trade in bovine animals relating to infectious bovine rhinotracheitis and the approval of the eradication programmes presented by certain Member States

(notified under document number C(2004) 573)

(Text with EEA relevance)

(2004/215/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular Article 9(2) and Article 10(2) thereof,

Whereas:

(1) Infectious bovine rhinotracheitis is the description of the most prominent clinical signs of the infection with the bovine herpesvirus type 1 (BHV1). As many infections with that virus run a subclinical course, control measures should be directed to the eradication of the infection rather than to the suppression of symptoms.

(2) Part II of Annex E to Directive 64/432/EEC lists 'infectious bovine rhinotracheitis' among the diseases for which national control programmes may be approved and additional guarantees requested.

(3) Germany has submitted a programme conducted with the aim of eradicating the BHV1 infection in all parts of its territory, which complies with the criteria set out in Article 9(1) of Directive 64/432/EEC and provides for rules for the national movement of bovine animals which are equivalent to those previously implemented in Denmark, Austria, the Province of Bolzano in Italy and Sweden which were successful in eradicating the disease from those countries.

(4) It is therefore appropriate to approve the programme presented by Germany and, as requested by that Member State, to define at the same time additional guarantees in relation to trade in bovine animals in order to secure the success of that programme.

(5) Additional guarantees exist as regards Denmark, Austria, Finland and Sweden as well as Italy, concerning the province of Bolzano. Those Member States consider that their territory is free from infectious bovine rhinotracheitis and Italy takes the same view for the Province of Bolzano. In accordance with Article 10(1) of Directive 64/432/EEC, they submitted supporting documentation to the Commission, in particular substantiating that monitoring of the situation is continued.

(6) To Member States or regions thereof that are recognised as being free of that disease and which are currently listed in the Annex to Commission Decision 93/42/EEC ⁽²⁾ only minimum requirements for the dispatch of bovine animals for breeding and production to other Member States should apply.

(7) For the standardisation of BHV1 tests in laboratories the World Organisation for Animal Health (OIE) has adopted a strong positive, a weak positive and negative serum as OIE international standards for BHV1 tests which are available at the OIE Reference Laboratories for infectious bovine rhinotracheitis mentioned in the Manual of Standards for Diagnostic Tests and Vaccines ⁽³⁾.

(8) Until 1 May 2004 when modified animal health conditions and veterinary certification for imports into the Community of bovine animals come into force it must be ensured that the reference to Decision 93/42/EEC providing for the additional guarantees with regard to infectious bovine rhinotracheitis for bovine animals coming from third countries is construed as reference to the relevant provisions of the present Decision.

(9) It is appropriate to combine in a single Decision the approval of the German programme and the additional guarantees for infectious bovine rhinotracheitis. Decision 93/42/EEC should therefore be repealed.

⁽¹⁾ OJ L21, 29.7.1964, p. 1977/64. Directive as last amended by Regulation (EC) No 21/2004 (OJ L 5, 9.1.2004, p. 8).

⁽²⁾ OJ L 16, 25.1.1993, p. 50. Decision as last amended by Decision 2000/502/EC (OJ L 200, 8.8.2000, p. 62).

⁽³⁾ Manual of Standards for Diagnostic Tests and Vaccines, Fourth Edition, August 2000.

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

- (b) after the second indent: 'Article 2 of Commission Decision 2004/215/EC'.

HAS ADOPTED THIS DECISION:

Article 1

The programmes presented by the Member States listed in the first column of the table in Annex I for the control and eradication of the infection with the bovine herpesvirus type 1 (BHV1), hereinafter referred to as 'infectious bovine rhinotracheitis', in regions of these Member States specified in the second column of the table in Annex I are approved.

Article 2

1. Bovine animals for breeding and production coming from Member States or regions thereof other than those listed in Annex II and destined for Member States or regions thereof listed in Annex I, shall meet at least the following additional guarantees:

- (a) they must come from a holding on which, according to official information, no clinical or pathological evidence of infectious bovine rhinotracheitis has been recorded for the past 12 months;
- (b) they must have been isolated in a facility approved by the competent authority for 30 days immediately prior to movement and all bovine animals in the same isolation facility must have remained free of clinical signs of infectious bovine rhinotracheitis during that period;
- (c) they and all other bovine animals in the same isolation facility must have been subjected with negative results to a serological test carried out on blood samples, taken not earlier than 21 days after their arrival at the isolation facility, for the detection of the following antibodies:
 - (i) in the case of vaccinated bovine animals, antibodies against the gE-glycoprotein of the BHV1, or
 - (ii) in the case of unvaccinated bovine animals, antibodies against the entire BHV1.

2. Bovine animals for slaughter coming from Member States or regions thereof other than those listed in Annex II and destined for Member States or regions thereof listed in Annex I shall be transported directly to the slaughterhouse of destination or to an approved assembly centre from where they shall be removed in accordance with Article 7, second indent, of Directive 64/432/EEC to the slaughterhouse to be slaughtered.

3. In point 4 of Section C of the health certificate set out in Model 1 of Annex F to Directive 64/432/EEC accompanying bovine animals as referred to in paragraph 1, the following information shall be inserted:

- (a) after the first indent: 'infectious bovine rhinotracheitis',

Article 3

1. Bovine animals for breeding and production coming from Member States or regions thereof other than those listed in Annex II and destined for Member States or regions thereof free of infectious bovine rhinotracheitis and listed in Annex II, shall meet the following additional guarantees:

- (a) they shall comply with the additional guarantees provided for in Article 2(1)(a) and (b);
- (b) they and all other bovine animals in the same isolation facility referred to in Article 2(1)(b) must have been subjected with negative results to a serological test carried out on blood samples taken not earlier than 21 days after their arrival at the isolation facility, for the detection of antibodies against the entire BHV1;
- (c) they must not have been vaccinated against infectious bovine rhinotracheitis.

2. Bovine animals for slaughter coming from Member States or regions thereof other than those listed in Annex II and destined for Member States or regions thereof listed in Annex II shall be transported directly to the slaughterhouse of destination to be slaughtered in accordance with Article 7, first indent, of Directive 64/432/EEC.

3. In point 4 of Section C of the health certificate set out in Model 1 of Annex F to Directive 64/432/EEC accompanying bovine animals as referred to in paragraph 1, the following information shall be inserted:

- (a) after the first indent: 'infectious bovine rhinotracheitis',
- (b) after the second indent: 'Article 3 of Commission Decision 2004/215/EC'.

Article 4

Bovine animals for breeding and production originating in a Member State or region thereof listed in Annex II and destined for a Member State or region thereof listed in Annexes I or II shall comply with the conditions provided for in Article 2(1)(a).

Article 5

Member States shall ensure that the serological test referred to in Article 2(1)(c)(ii) and in Article 3(1)(b) for the detection of antibodies against the entire BHV1 is standardised against the strong positive, weak positive and negative serum adopted as OIE international standards for BHV1 tests.

Article 6

Decision 93/42/EEC is repealed.

References to Decision 93/42/EEC should be construed as references to Article 3 of this Decision.

Article 7

This Decision shall apply from 8 March 2004.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 1 March 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Member State	Regions of Member State to which the additional guarantees for infectious bovine rhinotracheitis apply in accordance with Article 9 of Directive 64/432/EEC
Germany	All regions

ANNEX II

Member State	Regions of Member State to which the additional guarantees for infectious bovine rhinotracheitis apply in accordance with Article 10 of Directive 64/432/EEC
Denmark	All regions
Italy	Province of Bolzano
Austria	All regions
Finland	All regions
Sweden	All regions

COMMISSION DECISION

of 1 March 2004

amending Council Directive 82/894/EEC on the notification of animal diseases within the Community to include certain equine diseases and certain diseases of bees to the list of notifiable diseases*(notified under document number C(2004) 578)***(Text with EEA relevance)**

(2004/216/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community ⁽¹⁾, and in particular the first indent of Article 5(2) thereof,

Whereas:

- (1) In accordance with Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae ⁽²⁾, African horse sickness, vesicular stomatitis, glanders, dourine, equine encephalomyelitis of all types, equine infectious anaemia, rabies and anthrax are defined as compulsorily notifiable diseases.
- (2) Annex I to Council Directive 82/894/EEC, listing the diseases the occurrence of which must be notified to the Commission and other Member States, includes in relation to diseases affecting equidae only African horse sickness and vesicular stomatitis.
- (3) African horse sickness, vesicular stomatitis, glanders, dourine, equine infectious anaemia and various types of equine encephalomyelitis are diseases of equidae that are listed by the World Organisation for Animal Health (OIE).
- (4) Member countries of the OIE are obliged to notify the confirmed first occurrence or reoccurrence of a listed disease, if the country or zone of the country was previously considered to be free from that particular disease, or the disease may have a zoonotic impact and where the disease developments may have implications for international trade.
- (5) At present African horse sickness, vesicular stomatitis, glanders, dourine and most of the types of viral equine encephalomyelitis are exotic to the Community. Equine infectious anaemia and some types of equine encephalomyelitis are reported occasionally in certain parts of the Community.

- (6) The small hive beetle and the Tropilaelaps mite are exotic parasites affecting honey bees and currently no cases of these diseases are known to occur in the Community. If imported however they could have a devastating effect on the health status of honey bees and on the apiary industry, which is why these diseases were added to the list of Community notifiable diseases.
- (7) Prompt notification and information on the occurrence of such diseases within the Community is vital for controlling an emerging disease, as well as for the movement of and trade in equidae and bees, taking also into account the potential zoonotic impact of certain of these diseases.
- (8) With the enlargement of the Community and different environmental effects on vectors transmitting some of the above diseases, the situation in the Community in relation to these diseases is susceptible to change.
- (9) It appears therefore appropriate to add glanders, dourine, equine infectious anaemia, all types of equine encephalomyelitis, the small hive beetle and the Tropilaelaps mite to Annex I to Council Directive 82/894/EEC and to change Annex II to Council Directive 82/894/EEC to take into account the way in which bees are kept.
- (10) 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 Directive 82/894/EEC are replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 25 March 2004.

⁽¹⁾ 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).

⁽²⁾ OJ L 224, 18.8.1990, p. 42; Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 1 March 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

'ANNEX I

Diseases which are subject to notification

African horse sickness
African swine fever
Avian influenza (was fowl plague)
Bluetongue
Bovine spongiform encephalopathy
Classical swine fever
Contagious bovine pleuropneumonia
Dourine
Equine encephalomyelitis (of all types, including Venezuelan equine encephalomyelitis)
Equine infectious anaemia
Foot-and-mouth disease
Glanders
Infectious haematopoietic necrosis
Infectious salmon anaemia
Lumpy skin disease
Newcastle disease
Peste des petits ruminants
Porcine enterovirus encephalomyelitis (was Teschen disease)
Rift valley fever
Rinderpest (cattle plague)
Sheep and goat pox (Capripox)
Small hive beetle (*Aethina tumida*)
Swine vesicular disease
Tropilaelaps mite
Vesicular stomatitis
Viral haemorrhagic septicaemia

ANNEX II

Information to be given under the notification required by Articles 3 and 4 in relation to primary and secondary outbreaks of the diseases listed in Annex I

1. Date of dispatch.
2. Time of dispatch.
3. Country of origin.
4. Name of disease and type of virus, where appropriate.
5. Serial number of outbreak.
6. Type of outbreak.
7. Reference number of outbreak linked to this outbreak.
8. Region and geographical location of the holding.
9. Other region affected by restrictions.
10. Date of confirmation.
11. Date of suspicion.
12. Date of estimation of first infection.
13. Origin of disease.
14. Control measures taken.
15. Number of susceptible animals on premises (a) cattle, (b) pigs, (c) sheep, (d) goats, (e) poultry, (f) equidae, (g) fish, (h) wild species, (i) in the case of diseases of bees the number of susceptible hives must be given.
16. Number of animals clinically affected on premises (a) cattle, (b) pigs, (c) sheep, (d) goats, (e) poultry, (f) equidae, (g) fish, (h) wild species, (i) in the case of diseases of bees the number of clinically affected hives must be given.
17. Number of animals that have died on premises (a) cattle, (b) pigs, (c) sheep, (d) goats, (e) poultry, (f) equidae, (g) fish, (h) wild species.
18. Number of stock slaughtered (a) cattle, (b) pigs, (c) sheep, (d) goats, (e) poultry, (f) equidae, (g) fish, (h) wild species.
19. Number of carcasses destroyed (a) cattle, (b) pigs, (c) sheep, (d) goats, (e) poultry, (f) equidae, (g) fish, (h) wild species, (i) in the case of diseases of bees the number of destroyed hives must be given.
20. (Estimated) date of completion of killing.
21. (Estimated) date of completion of destruction.

In the case of swine fever the additional information:

1. distance from nearest pig holding.
2. number and type (breeding, fattening and piglets (*)) of pigs on the infected premises.
3. number and type of pigs (breeding, fattening and piglets (*)) clinically affected on the infected premises.
4. method of diagnosis.
5. if not on premises then whether confirmed in a slaughterhouse or in a means of transport.
6. confirmation of primary cases (**) in feral pigs.

In the case of fish diseases:

Infections with infectious haematopoietic necrosis, infectious salmon anaemia, and viral haemorrhagic septicaemia, when confirmed in farms or zones approved or free, must be notified as primary outbreaks. The name and description of the approved farm or zone must be included in the free text.

(*) Animals under approximately 3 months old.

(**) Primary case in feral pigs means those cases occurring in free areas i.e. outside of restricted areas for classical swine fever in feral pigs.

COMMISSION DECISION

of 1 March 2004

adopting a list of materials whose circulation or use for animal nutrition purposes is prohibited

(notified under document number C(2004) 583)

(Text with EEA relevance)

(2004/217/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/25/EC of 29 April 1996 on the circulation and use of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC⁽¹⁾, and in particular Article 11(b) thereof,

Whereas:

- (1) By Commission Decision 91/516/EEC⁽²⁾ a list was established of ingredients whose use is prohibited in compound feedingstuffs, in accordance with Council Directive 79/373/EEC of 2 April 1979 on the circulation of compound feedingstuffs⁽³⁾. The prohibition laid down in that Decision does not cover the circulation of such ingredients as feedingstuffs or the direct use of them as feedingstuffs. That list of ingredients has been amended several times.
- (2) Directive 2000/16/EC of the European Parliament and of the Council⁽⁴⁾ provided that a list of materials whose circulation or use as feed materials is prohibited should be drawn up on the basis of Directive 96/25/EC to replace Decision 91/516/EEC, so that the scope of the prohibitions is general and applies both to the use of the feed materials as such as well as to their use in compound feedingstuffs.
- (3) Therefore, in order to ensure the compliance of feed materials with the safety requirements laid down in Article 3 of Directive 96/25/EC, such a list has been drawn up, which aims to replace the list established by Decision 91/516/EEC.
- (4) Some restrictions or prohibitions are already laid down in Community legislation, in particular Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down the rules for the

prevention, control and eradication of certain transmissible spongiform encephalopathies⁽⁵⁾ and Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption⁽⁶⁾. Therefore, those restrictions or prohibitions should not be repeated in the list of materials whose circulation or use for animal nutrition purposes is prohibited.

- (5) In the interest of clarity of Community legislation, Decision 91/516/EEC should be repealed and replaced by this Decision.
- (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

This Decision shall apply without prejudice to Regulations (EC) No 999/2001 of the European Parliament and of the Council and (EC) No 1774/2002.

Article 2

The circulation or use for animal nutrition purposes of the materials listed in the Annex shall be prohibited.

Article 3

Decision 91/516/EEC is repealed.

References to the repealed Decision shall be construed as references to this Decision.

Article 4

This Decision shall apply from 25 March 2004.

⁽¹⁾ OJ L 125, 23.5.1996, p. 35; Directive as last amended by Regulation (EC) No 806/2003 (OJ L 22, 16.5.2003, p. 1).

⁽²⁾ OJ 281, 9.10.1991, p. 23; Decision as last amended by Decision 2000/285/EC (OJ L 94, 14.4.2000, p. 43).

⁽³⁾ OJ L 86, 6.4.1979, p. 30; Directive as last amended by Regulation (EC) No 807/2003 (OJ L 22, 16.5.2003, p. 36).

⁽⁴⁾ OJ L 105, 3.5.2000, p. 36.

⁽⁵⁾ OJ L 147, 31.5.2001, p. 1; Regulation as last amended by Commission Regulation (EC) No 2245/2003 (OJ L 333, 20.12.2003, p. 28).

⁽⁶⁾ OJ L 273, 10.10.2002, p. 1; Regulation as last amended by Commission Regulation (EC) No 808/2003 (OJ L 117, 13.5.2003, p.1).

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 1 March 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

List of materials whose circulation or use for animal nutrition purposes is prohibited

The circulation or use for animal nutrition purposes of the following materials is prohibited.

1. Faeces, urine as well as separated digestive tract content resulting from the emptying or removal of digestive tract, irrespective of any form of treatment or admixture.
 2. Hide treated with tanning substances, including its waste.
 3. Seeds and other plant propagating materials which, after harvest, have undergone specific treatment with plant protection products for their intended use (propagation), and any derived by-products.
 4. Wood, including sawdust or other materials derived from wood, which has been treated with wood preservatives as defined in Annex V of Directive 98/8/EC of the European Parliament and of the Council ⁽¹⁾.
 5. All wastes obtained from the various phases of the urban, domestic and industrial waste water as defined in Article 2 of Council Directive 91/271/EEC ⁽²⁾ treatment process, irrespective of any further processing of these wastes and irrespective also of the origin of the waste waters ⁽³⁾.
 6. Solid urban waste ⁽⁴⁾, such as household waste.
 7. The packaging and parts of packaging from the use of products from the agri-food industry.
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⁽¹⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁽²⁾ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991, p. 40).

⁽³⁾ The term 'waste water' does not refer to 'process water', i.e. water from independent conduits integrated in food or feed industries; where these conduits are supplied with water, no water may be used for animal nutrition unless it is wholesome and clean water as specified in Article 4 of Council Directive 98/83/EC of 3 November 1998 concerning the quality of water intended for human consumption. In the case of fish industries, the conduits concerned may be also supplied with clean seawater as defined in Article 2 of Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products. Process water may not be used for animal nutrition unless it carries feed or food material and is technically free from cleaning agents, disinfectants or other substances not authorised by the animal nutrition legislation.

⁽⁴⁾ The term 'solid urban waste' does not refer to catering waste as defined by Regulation (EC) No 1774/2002.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 464/2001 of 7 March 2001 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(Official Journal of the European Communities L 66 of 8 March 2001)

On page 30, in the Annex, Products listed in Annex I to the EC Treaty, intended for human consumption:

for: 'Fruit and vegetables',

read: 'Other Annex I products (spices etc.)'.

Corrigendum to Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products

(Official Journal of the European Union L 152 of 20 June 2003)

On page 19:

— Article 10(2) shall be deleted.

— Article 11:

for: 'This Directive shall enter into force on the date of its publication in the *Official Journal of the European Union*.'

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