

Official Journal

of the European Union

L 287

English edition

Legislation

Volume 47

8 September 2004

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1572/2004 of 7 September 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 1573/2004 of 6 September 2004 prohibiting fishing for common sole by vessels flying the flag of France** 3

★ **Commission Directive 2004/87/EC of 7 September 2004 amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress ⁽¹⁾** 4

★ **Commission Directive 2004/88/EC of 7 September 2004 amending Council Directive 76/768/EEC concerning cosmetic products for the purpose of adapting Annex III thereto to technical progress ⁽¹⁾** 5

II Acts whose publication is not obligatory

Commission

2004/630/EC:

★ **Commission Decision of 27 July 2004 approving the programmes for the implementation of Member States' surveys for avian influenza in poultry and wild birds during 2004 and laying down reporting and eligibility rules for the financial contribution from the Community to the implementation costs of those programmes (notified under document number C(2004) 2854) ⁽¹⁾** 7

2004/631/EC:

★ **Commission Decision of 13 August 2004 on a financial contribution from the Community towards the eradication of classical swine fever in the Slovak Republic in 2004 (notified under document number C(2004) 3087)** 14

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1572/2004
of 7 September 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 8 September 2004.

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

Done at Brussels, 7 September 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 Commission Regulation of 7 September 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
0707 00 05	052	89,6
	999	89,6
0709 90 70	052	70,2
	999	70,2
0805 50 10	382	70,5
	388	50,6
	524	51,9
	528	61,0
	999	58,5
0806 10 10	052	84,3
	220	118,3
	624	149,3
	999	117,3
0808 10 20, 0808 10 50, 0808 10 90	388	78,4
	400	73,5
	512	85,9
	528	89,9
	804	74,4
	999	80,4
0808 20 50	052	97,1
	388	124,7
	999	110,9
0809 30 10, 0809 30 90	052	115,8
	999	115,8
0809 40 05	052	95,0
	066	87,8
	093	31,7
	094	29,3
	624	132,4
	999	75,2

⁽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 1573/2004**of 6 September 2004****prohibiting fishing for common sole by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated fishing conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required⁽²⁾, lays down quotas for common sole for 2004.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.

- (3) According to the information received by the Commission, catches of common sole in the waters of ICES sub-area II, North Sea, by vessels flying the flag of France or registered in France have exhausted the quota allocated for 2004. France has prohibited fishing for this stock from 17 July 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES sub-area II, North Sea, by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2004.

Fishing for common sole in the waters of ICES sub-area II, North Sea, by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 17 July 2004.

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

Done at Brussels, 6 September 2004.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

⁽²⁾ OJ L 344, 31.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 867/2004 (OJ L 161, 30.4.2004, p. 144).

COMMISSION DIRECTIVE 2004/87/EC
of 7 September 2004
amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting
Annex III thereto to technical progress
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the Scientific Committee on Cosmetic Products and Non-Food Products intended for Consumers,

Whereas:

- (1) In April 2002, the Commission included in part 2 of Annex III to Directive 76/768/EEC 60 hair dyes under the reference numbers 1 to 60. Since more information on the safety of those hair dyes was needed in order for the Scientific Committee for Cosmetic Products and Non-Food Products intended for Consumers (SCCNFP) to finish the risk assessment of those substances, those hair dyes have been provisionally allowed to be employed in cosmetic products until 30 September 2004.
- (2) In December 2002, the SCCNFP set the basic requirements to carry out a modern risk assessment of hair dyes. Following the process of consultation with the Member States and stakeholders it was agreed in December 2003 that the date of July 2005 was appropriate for the presentation to the SCCNFP of the additional information on hair dyes meeting the new requirements. Therefore, the period for which those hair dyes have been included in part 2 of Annex III to Directive 76/768/EEC has to be extended.
- (3) Directive 76/768/EEC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

Article 1

In part 2 of Annex III to Directive 76/768/EEC, the date '30.9.2004' in column g for reference numbers 1 to 60 is replaced by '31.12.2005'.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 October 2004 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 7 September 2004.

For the Commission
Olli REHN
Member of the Commission

⁽¹⁾ OJ L 262, 27.9.1976, p. 169. Directive as last amended by Commission Directive 2003/83/EC (OJ L 238, 25.9.2003, p. 23).

COMMISSION DIRECTIVE 2004/88/EC
of 7 September 2004
amending Council Directive 76/768/EEC concerning cosmetic products for the purpose of adapting
Annex III thereto to technical progress

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the Scientific Committee on Cosmetic Products and Non-food Products intended for Consumers,

Whereas:

- (1) As the risk assessment had not been completed in accordance with Council Regulation (EEC) 793/93 on the evaluation and control of the risks of existing substances⁽²⁾, the period of inclusion in part 2 of Annex III to Directive 76/768/EEC for musk xylene and musk ketone was extended until 30 September 2004.
- (2) On 8 January 2004, the Scientific Committee on Toxicity, Ecotoxicity and the Environment adopted an opinion on the results of the risk assessment of musk xylene and musk ketone that was carried out in accordance with Regulation (EEC) 793/93.
- (3) The Scientific Committee on Cosmetic Products and Non-food Products intended for Consumers (SCCNFP) has confirmed that musk xylene can be safely used in cosmetic products, excluding oral care products, up to a maximum concentration in the final product of 1 % in fine fragrance, 0,4 % in eau de toilette and 0,03 % in other products and that musk ketone can be safely used in cosmetic products, excluding oral care products, up to a maximum concentration in the final product of 1,4 % in fine fragrance, 0,56 % in eau de toilette and 0,042 % in other products.

(4) It is therefore necessary to include musk xylene and musk ketone in part 1 of Annex III to Directive 76/768/EEC while the corresponding entries in part 2 of that Annex should be deleted.

(5) Directive 76/768/EEC should therefore be amended accordingly.

(6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 76/768/EEC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 October 2004 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 7 September 2004.

For the Commission

Olli REHN

Member of the Commission

⁽¹⁾ OJ L 262, 27.9.1976, p. 169. Directive as last amended by Commission Directive 2003/83/EC (OJ L 238, 25.9.2003, p. 23).

⁽²⁾ OJ L 84, 5.4.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

ANNEX

Annex III to Directive 76/768/EEC is amended as follows:

1. In part 2, the entries under reference numbers 61 and 62 are deleted.
2. In part 1, the following entries are added as reference numbers 96 and 97:

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorised concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
'96	Musk xylene (CAS No 81-15-2)	All cosmetic products, with the exception of oral care products	(a) 1,0 % in fine fragrance (b) 0,4 % in eau de toilette (c) 0,03 % in other products		
97	Musk ketone (CAS No 81-14-1)	All cosmetic products, with the exception of oral care products	(a) 1,4 % in fine fragrance (b) 0,56 % in eau de toilette (c) 0,042 % in other products'		

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 July 2004

approving the programmes for the implementation of Member States' surveys for avian influenza in poultry and wild birds during 2004 and laying down reporting and eligibility rules for the financial contribution from the Community to the implementation costs of those programmes

(notified under document number C(2004) 2854)

(Only the German, French, Dutch, Greek, Danish, Finnish, English, Italian, Swedish, Spanish and Portuguese texts are authentic)

(Text with EEA relevance)

(2004/630/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, and in particular Article 20 thereof,

Whereas:

- (1) Council Decision 90/424/EEC provides for a financial contribution from the Community for the undertaking of technical and scientific measures necessary for the development of Community veterinary legislation and for veterinary education or training.
- (2) Commission Decision 2004/111/EC⁽²⁾ provides for the implementation in 2004 of surveys for avian influenza in poultry and wild birds in the Member States, subject to the survey plans being approved by the Commission; these surveys should investigate the presence of infections in poultry, which could lead to a review of current legislation and contribute to the knowledge of the possible threats for animals and humans from the wildlife.
- (3) Programmes submitted by Member States have been examined by the Commission against the guidelines established by Decision 2004/615/EC amending Decision 2004/111/EC on the implementation of surveys for avian influenza in poultry and wild birds in

the Member States to be carried out during 2004, and found to be consistent with those guidelines; they should therefore be approved individually.

- (4) Expenditures in relation to the programmes to be approved that have been incurred since 15 March 2004 shall also be eligible for co-financing.
- (5) Cyprus has submitted a surveillance programme but due to the small scale of the investigations planned, has not requested a financial contribution from the Community; however the programme should be officially approved.
- (6) Furthermore it is appropriate to lay down rules for reporting the results of the surveys and for the eligibility of the costs contained in the financial claim for a financial participation of the Community to the costs incurred by Member States for the implementation of the programme.
- (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

1. Member States shall carry out surveys for avian influenza in poultry and wild birds in accordance with the programmes listed in Annex I and hereby approved for the period as specified.

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

⁽²⁾ OJ L 32, 5.2.2004, p. 20. Decision as amended by Decision 2004/615/EC (OJ L 278, 27.8.2004, p. 59).

2. The financial contribution of the Community to the costs of sampling and for analysing samples shall be granted to each Member State up to the maximum amount laid down in Annex I.

This contribution shall be granted provided that the Member State:

- (a) brings into force the laws, regulations or administrative provisions necessary for implementing its programme,
- (b) forwards a final report to the Commission and to the Community Reference Laboratory for avian influenza by 15 March 2005 at the latest, on the technical execution of the programme and the results attained, according to the reporting models specified in Annex II, III, IV and V, and accompanied by justifying evidence as to the costs incurred during the period for which the programme is approved,

- (c) implements the programme efficiently; in particular the competent authority shall ensure that appropriate samples are taken in poultry holdings or at abattoirs.

Article 2

This Decision is addressed to Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, Sweden, Spain, Portugal and the United Kingdom.

Done at Brussels, 27 July 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

List of Member States, for which programmes for avian influenza surveys in poultry and wild birds are approved

(EUR)

Code	Member State	Period	Maximum amount for co-financing
AT	Austria	15 March 2004-15 March 2005	10 800,00
BE	Belgium	15 March 2004-15 March 2005	11 700,00
CY	Cyprus	15 March 2004-15 March 2005	—
DE	Germany	15 March 2004-15 March 2005	78 500,00
DK	Denmark	15 March 2004-15 March 2005	72 600,00
ES	Spain	15 March 2004-15 March 2005	34 300,00
FI	Finland	15 March 2004-15 March 2005	40 500,00
FR	France	15 March 2004-15 March 2005	148 900,00
IE	Ireland	15 March 2004-15 March 2005	32 300,00
IT	Italy	15 March 2004-15 March 2005	75 300,00
LU	Luxembourg	15 March 2004-15 March 2005	1 900,00
PT	Portugal	15 March 2004-15 March 2005	18 700,00
SE	Sweden	15 March 2004-15 March 2005	28 500,00
UK	United Kingdom	15 March 2004-15 March 2005	85 600,00
TOTAL			639 600,00

ANNEX II

Final report on sampled poultry holdings^(a) (except ducks and geese)

Serological investigation according to guidelines point A on holdings of broilers (only when at risk)/fattening turkeys/
chicken breeders/turkey breeders/laying hens/free range laying hens/rates/farmed feathered game (pheasants, partridges,
quails...)/backyard flocks/others (delete as appropriate)

Please use one form per poultry category!

Member State: Date: Reporting period from: to:

Region ^(b)	Total number of holdings ^(c)	Total number of holdings sampled	Total number of positive holdings	Number of positive holdings for subtype H 5	Number of positive holdings for subtype H 7
TOTAL					

^(a) Holdings equals herds, flocks or establishments as appropriate.

^(b) Region as defined in the approved programme of the Member State.

^(c) Total number of holdings of one category of poultry in a region.

ANNEX III
Final report on data on duck and geese holdings ⁽⁴⁾ according to guidelines point B

SEROLOGICAL INVESTIGATION

Member State: Date: Reporting period from: to:

Region ^(b)	Total number of duck and geese holdings	Total number of duck and geese holdings sampled	Total number of serological positive holdings	Number of serological positive holdings for subtype H 5	Number of serological positive holdings for subtype H 7	Total number of virological positive holdings	Number of virological positive holdings for subtype H5	Number of virological positive holdings for subtype H 7
TOTAL								

⁽⁴⁾ Holdings equals herds, flocks or establishments as appropriate.
^(b) Region as defined in the approved programme of the Member State.

Final report on data on wild birds — virological investigation according to guidelines point C

Member State: Date: Reporting period from: to:

Region ^(a)	Species of wild birds sampled	Total number of samples taken for virological examination	Total number of positive samples	Number of positive samples for subtype H 5	Number of positive samples for subtype H 7
TOTAL					

^(a) Region as defined in the approved programme of the Member States or indication of location of bird-watching station(s).

^(a) Region as defined in the approved programme of the Member States or indication of location of bird-watching station(s).

ANNEX V

Final financial report and payment application

One table per survey in poultry/wild birds ^(a)

Member State: Date: Reporting period from: to:

Measures eligible for co-financing ^(b)		
Methods of laboratory analysis	Number tests performed per method	Costs
Serological pre-screening ^(c)		
Haemagglutination-inhibition-test (HI) for H5/H7		
Virus isolation test		
Other measures to be covered	Specify activities	
Sampling		
Others		
TOTAL		

^(a) Strike through as appropriate.
^(b) Data to be given in national currency, VAT excluded.
^(c) Please indicate test used.

Herewith I certify that the data given above are correct and that no other Community contribution was asked for these measures.

..... (Place, Date) (Signature)

COMMISSION DECISION

of 13 August 2004

on a financial contribution from the Community towards the eradication of classical swine fever in the Slovak Republic in 2004

(notified under document number C(2004) 3087)

(Only the Slovak text is authentic)

(2004/631/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession 2003 of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and in particular Article 32(1) thereof,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, and in particular Article 3(3) and Article 5(3) thereof,

Whereas:

- (1) An outbreak of classical swine fever occurred in the Slovak Republic in 2004. The emergence of this disease represents a serious risk to the Community's livestock population.
- (2) With a view to helping to eradicate the disease as rapidly as possible, the Community may contribute financially to eligible costs incurred by the Member State, as provided for in Decision 90/424/EEC.
- (3) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy⁽²⁾, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the Guarantee section of the European Agricultural Guidance and Guarantee Fund. The auditing of these measures comes under Articles 8 and 9 of the said Regulation.
- (4) The payment of the Community financial contribution must be subject to the condition that the planned activities were actually implemented and the authorities provide all the necessary information within certain deadlines.
- (5) On 29 March 2004, the Slovak Republic submitted an official request for reimbursement for all the expenditure incurred on its territory.

- (6) The terms 'swift and adequate compensation of the livestock farmers' used in Article 3 of Decision 90/424/EEC, 'reasonable payments' and 'justified payments' and the categories of eligible expenditure under 'other costs' associated with the compulsory culling should all be defined.

- (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 DECIDED AS FOLLOWS:

*Article 1***Granting of a financial contribution from the Community to the Slovak Republic**

In order to eradicate classical swine fever in 2004, the Slovak Republic may benefit from a Community financial contribution for 50 % of the expenditure incurred for:

- (a) the swift and adequate compensation of farmers forced to cull their animals as part of the measures to eradicate the outbreaks of classical swine fever in 2004, pursuant to the provisions of the first and seventh indents of Article 3(2) of Decision 90/424/EC and in accordance with this Decision;
- (b) the operational expenditure associated with the culling of animals, the destruction of carcasses and products, the cleaning and disinfecting of premises and the cleaning and disinfecting, or destruction if necessary, of contaminated equipment, pursuant to the provisions of the first, the second and third indents of Article 3(2) of Decision 90/424/EEC and in accordance with this Decision.

*Article 2***Definitions**

In this Decision, the following definitions shall apply:

- (a) 'swift and adequate compensation' means payment, within 90 days of the culling of the animals, for compensation corresponding to the market value as defined in Article 3(1);
- (b) 'reasonable payments' means payments for the purchase of materials or services at proportionate prices compared to the market prices before the outbreak of the classical swine fever;

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

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

- (c) 'justified payments' means payments for the purchase of materials or services of which the nature and the direct link with the compulsory culling of animals, as referred to in Article 1(a) is demonstrated.

Article 3

The eligible expenditure covered by the financial contribution from the Community

1. The maximum eligible amount per animal of the compensation to the owners of the animals shall be based on the market value the animals had before their contamination or culling.

2. When the compensation payments made by the Slovak Republic pursuant to Article 1(a) are effected after the 90 days deadline laid down in Article 2(a), the eligible amounts shall be reduced for expenditure effected after the deadline as follows:

- 25 % for payments made between 91 and 105 days after the culling of the animals,
- 50 % for payments made between 106 and 120 days after the culling of the animals,
- 75 % for payments made between 121 and 135 days after the culling of the animals,
- 100 % for payments beyond 135 days after the culling of the animals.

However, the Commission will apply a different time-scale and/or lower reductions or none at all, if exceptional management conditions are encountered for certain measures, or if other well-founded justifications are introduced by the Slovak Republic.

3. The costs referred to in Article 1(b) eligible for a financial contribution shall only be those set out in Annex III.

4. The calculation of the financial contribution from the Community shall exclude:

- (a) value added tax,
- (b) salaries of civil servants,
- (c) use of public material other than consumables.

Article 4

Conditions for payment and supporting documentation

1. The financial contribution from the Community shall be fixed in accordance with the procedure laid down in Article 41 of Council Decision 90/424/EEC on the basis of:

- (a) a claim submitted in accordance with Annexes I and II within the time limit provided for in paragraph 2;
- (b) detailed documents confirming the figures in the claim referred to in point (a);
- (c) the results of the on-the-spot checks, if any, by the Commission as referred in Article 5.

The documents referred to in point (b) as well as relevant commercial information shall be made available for on-the-spot checks by the Commission.

2. The claim referred to in paragraph 1(a) shall be provided in computerised form in accordance with Annex I and Annex II within 60 calendar days after the notification of the present Decision.

When this deadline is not observed, the financial contribution from the Community shall be reduced by 25 % for each month of delay.

Article 5

On-the-spot checks by the Commission

The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the implementation of the classical swine fever eradication measures and the related costs incurred.

Article 6

Recipients

This Decision is addressed to the Slovak Republic.

Done at Brussels, 13 August 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Application for a contribution to the compensation for the cost of animals compulsorily culled

Out-break No	Contact with outbreak No	Identification No of holding	Farmer		Location of the holding	Date of slaughter	Method of destruction			Weight on date of destruction	Number of animals by category				Amount paid by category				Other costs paid to the farmer (not including VAT)	Total compen- sation (not including VAT)	Date of pay- ment
			Surname	First name			Rendering plant	Slaughter- house	Other (please specify)		sows	boars	piglets	pigs	sows	boars	piglets	pigs			

ANNEX II

Claim as referred to in Article 4

'Other costs' incurred for (if applicable) holding No ... or list (excluding compensation for the value of animals)	
Item	Amount without VAT
Culling	
Destruction of carcasses (transport and treatment)	
Cleaning and disinfection (salary and products)	
Feedingstuffs (compensation and destruction)	
Equipment (compensation and destruction)	
TOTAL	

ANNEX III

Eligible costs as referred to in Article 3(3)

1. Costs for the compulsory culling of the animals:
 - (a) salaries and fees of the culling-men specifically employed;
 - (b) consumables and specific equipment used for the culling;
 - (c) the procurement of services or the renting of equipment used for transporting the animals to the culling-place.
 2. Costs for the destruction of carcasses:
 - (a) rendering: the procurement of services or the renting of equipment used for transporting carcasses to the storage premises and to the rendering plant, the storage of carcasses, the treatment of carcasses in the rendering plant and the destruction of the meal;
 - (b) burying: salaries and fees of staff specifically employed, the procurement of services or the renting of equipment for the transport and the burying of the carcasses, and products used for the disinfection of the burying spot;
 - (c) burning: salaries and fees of staff specifically employed, combustibles or other materials used, the procurement of services or the renting of equipment for the transport of the carcasses, and products used for the disinfection of the burning plant.
 3. Costs for the cleaning and disinfection of holdings:
 - (a) products used for cleaning and disinfection;
 - (b) salaries and fees for the staff specifically employed.
 4. Costs for the destruction of contaminated feedingstuffs:
 - (a) compensation at purchase price of the feedingstuffs;
 - (b) the procurement of services or the renting of equipment for the transport and destruction of the feedingstuffs.
 5. Cost related to the compensation for destruction of contaminated equipment at market value of such equipment. Compensation costs for reconstruction or renewal of farm buildings, and infrastructure costs, are ineligible.
-