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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 446/2005 of 18 March 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

Commission Regulation (EC) No 447/2005 of 18 March 2005 derogating for 2005 from Regulation (EC) No 1445/95 as regards the dates of issue of export licences in the beef and veal sector 3

★ **Commission Regulation (EC) No 448/2005 of 15 March 2005 amending Council Regulation (EEC) No 3880/91 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic ⁽¹⁾ 5**

★ **Commission Regulation (EC) No 449/2005 of 18 March 2005 derogating from Regulation (EC) No 174/1999 as regards the term of validity of export licences in the milk and milk products sector 28**

★ **Commission Regulation (EC) No 450/2005 of 18 March 2005 on proof that customs formalities for importation of milk and milk products in third countries have been completed as provided for in Article 16 of Regulation (EC) No 800/1999 30**

Commission Regulation (EC) No 451/2005 of 18 March 2005 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia 32

Commission Regulation (EC) No 452/2005 of 18 March 2005 determining the extent to which applications lodged in March 2005 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Bulgaria and Romania can be accepted 34

Commission Regulation (EC) No 453/2005 of 18 March 2005 determining the extent to which applications lodged in March 2005 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted 36

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

Price: EUR 18

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 454/2005 of 18 March 2005 determining the extent to which applications lodged in March 2005 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 April 2005 to 30 June 2005 can be accepted	38
Commission Regulation (EC) No 455/2005 of 18 March 2005 determining the world market price for unginned cotton	40

II Acts whose publication is not obligatory

Commission

2005/238/EC:

- ★ **Commission Decision of 14 July 2004 concerning aid granted to the fisheries and aquaculture sector in Corsica from 1986 to 1999** (notified under document number C(2004) 2585) ⁽¹⁾ 41

2005/239/EC:

- ★ **Commission Decision of 14 July 2004 concerning certain aid measures applied by France to assist fish farmers and fishermen** (notified under document number C(2004) 2588) ⁽¹⁾ 49

2005/240/EC:

- ★ **Commission Decision of 11 March 2005 authorising methods for grading pig carcasses in Poland** (notified under document number C(2005) 552) 62

2005/241/EC:

- ★ **Commission Decision of 14 March 2005 on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 2004** (notified under document number C(2005) 603) 66

2005/242/EC:

- ★ **Commission Decision of 16 March 2005 on a Community financial contribution for Germany and Finland for their programmes for strengthening inspection infrastructures for plant-health checks on plants and plant products coming from third countries** (notified under document number C(2005) 674) 71



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 446/2005
of 18 March 2005
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 19 March 2005.

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

Done at Brussels, 18 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 18 March 2005 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	105,7
	204	82,2
	212	127,0
	624	151,3
	999	116,6
0707 00 05	052	75,1
	068	170,0
	204	65,5
	999	103,5
0709 10 00	220	72,7
	999	72,7
0709 90 70	052	162,9
	204	48,7
	999	105,8
0805 10 20	052	61,3
	204	48,3
	212	60,2
	220	51,1
	400	56,1
	421	35,9
	624	56,3
	999	52,7
0805 50 10	052	65,5
	220	21,8
	400	74,3
	624	57,4
	999	54,8
0808 10 80	388	67,2
	400	100,9
	404	73,4
	508	58,3
	512	81,1
	524	55,3
	528	66,2
	720	70,2
	999	71,6
0808 20 50	052	157,0
	388	64,9
	400	92,6
	512	57,3
	528	55,0
	720	38,6
	999	77,6

⁽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 447/2005**of 18 March 2005****derogating for 2005 from Regulation (EC) No 1445/95 as regards the dates of issue of export licences in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal⁽¹⁾, and in particular Article 29(2) thereof,

Whereas:

- (1) Article 10(1) of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽²⁾ provides that export licences are to be issued on the fifth working day following that on which the application is lodged, provided that the Commission has not taken any specific action during that period.
- (2) In view of the public holidays in 2005 and the irregular appearance of the *Official Journal of the European Union* during those holidays, the abovementioned period of five working days will be too short to guarantee proper

administration of the market and should therefore be extended.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 10(1) of Regulation (EC) No 1445/95, for 2005 licences for which applications are lodged during the periods set out in the Annex to this Regulation shall be issued on the corresponding dates indicated in that Annex.

The derogation shall apply provided that no specific action referred to in Article 10(2) of Regulation (EC) No 1445/95 has been taken prior to those dates of issue.

Article 2

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

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

Done at Brussels, 18 March 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

ANNEX

Period for submission of licence applications	Date of issue
from 21 to 23 March 2005	31 March 2005
from 2 to 4 May 2005	12 May 2005
from 27 to 28 October 2005	7 November 2005
19 December 2005	27 December 2005
26 December 2005	3 January 2006

COMMISSION REGULATION (EC) No 448/2005**of 15 March 2005****amending Council Regulation (EEC) No 3880/91 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) At its annual meeting in November 2002, the North East Atlantic Fisheries Commission (NEAFC) recommended that, with a view to improving the management of fish stocks in the international waters under its jurisdiction, the international agencies responsible for the collection and compilation of catch statistics should be requested to implement an appropriate subdivision of the statistical areas.
- (2) The Deepwater Fisheries Working Group of the International Council for the Exploration of the Sea (ICES) has recommended the subdivision of the statistical divisions of the north-east Atlantic so as to better identify deep-water fisheries.

- (3) The decision of the International Baltic Sea Fisheries Commission to manage the stocks of the Baltic Sea division 28 as two separate units demands the availability of statistics for these units.

- (4) The ICES, acting on the advice of its Advisory Committee for Fisheries Management, has accordingly requested the UN Food and Agriculture Organisation (FAO) to modify its Statlant 27A questionnaire by asking national authorities to submit statistics for catches in certain waters of the north-east Atlantic with an increased level of detail.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Agricultural Statistics set up by Council Decision 72/279/EEC⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EEC) No 3880/91 are replaced by Annexes I and II to this Regulation respectively.

Article 2

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

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

Done at Brussels, 15 March 2005.

For the Commission

Joaquín ALMUNIA

Member of the Commission

⁽¹⁾ OJ L 365, 31.12.1991, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 179, 7.8.1972, p. 1.

ANNEX I

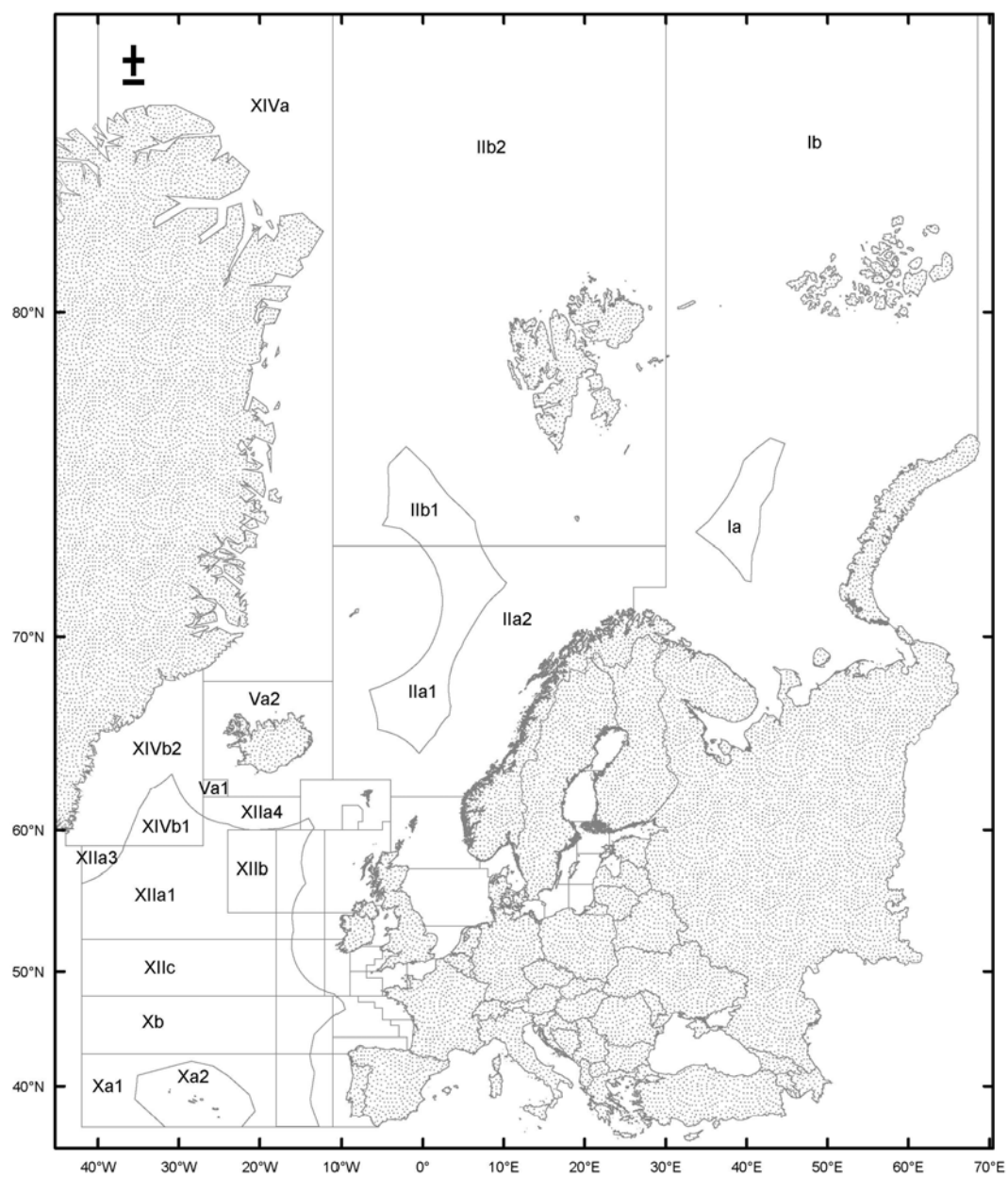
STATISTICAL FISHING REGIONS OF THE NORTH-EAST ATLANTIC FOR WHICH DATA ARE TO BE SUBMITTED

ICES division Ia	ICES division VIIIc
ICES division Ib	ICES sub-division VIII d 1
ICES sub-division IIa 1	ICES sub-division VIII d 2
ICES sub-division IIa 2	ICES sub-division VIII e 1
ICES sub-division IIb 1	ICES sub-division VIII e 2
ICES sub-division IIb 2	ICES division IXa
ICES division IIIa	ICES sub-division IXb 1
ICES division IIIb, c	ICES sub-division IXb 2
ICES division IVa	ICES sub-division Xa 1
ICES division IVb	ICES sub-division Xa 2
ICES division IVc	ICES division Xb
ICES sub-division Va 1	ICES sub-division XIIa 1
ICES sub-division Va 2	ICES sub-division XIIa 2
ICES sub-division Vb 1a	ICES sub-division XIIa 3
ICES sub-division Vb 1b	ICES sub-division XIIa 4
ICES sub-division Vb 2	ICES division XIIb
ICES division VIa	ICES division XIIc
ICES sub-division VIb 1	ICES division XIVa
ICES sub-division VIb 2	ICES sub-division XIVb 1
ICES division VIIa	ICES sub-division XIVb 2
ICES division VIIb	BAL 22
ICES sub-division VIIc 1	BAL 23
ICES sub-division VIIc 2	BAL 24
ICES division VIId	BAL 25
ICES division VIIe	BAL 26
ICES division VIIf	BAL 27
ICES division VIIg	BAL 28-1
ICES division VIIh	BAL 28-2
ICES sub-division VIIj 1	BAL 29
ICES sub-division VIIj 2	BAL 30
ICES sub-division VIIk 1	BAL 31
ICES sub-division VIIk 2	BAL 32
ICES division VIIla	
ICES division VIIlb	

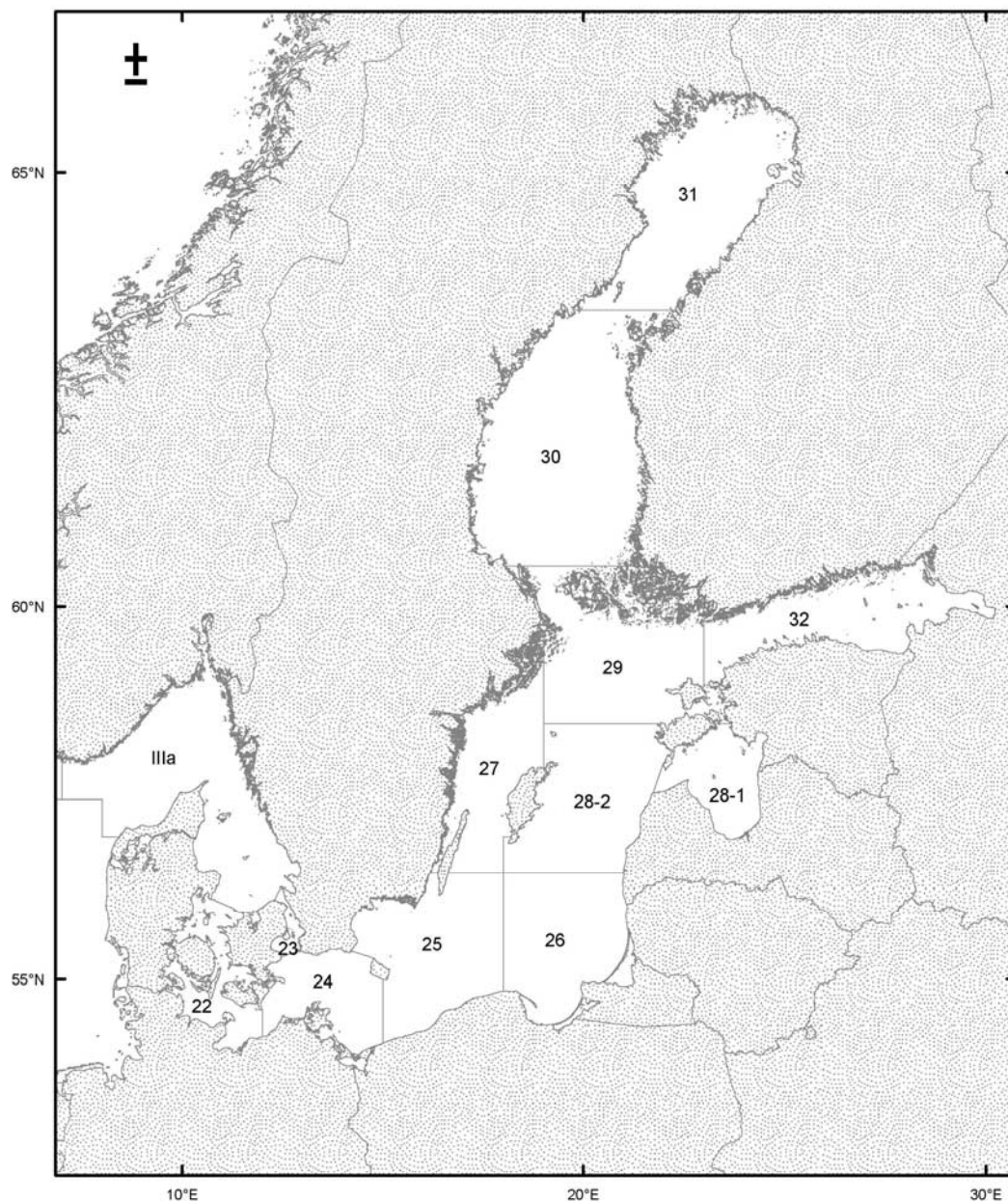
Notes

1. Those statistical fishing regions preceded by 'ICES' have been identified and defined by the International Council for the Exploration of the Sea.
2. Those statistical fishing regions preceded by 'BAL' have been identified and defined by the International Baltic Sea Fishery Commission.
3. Data should be submitted so as to include as much detail as possible. 'Unknown' and aggregate regions should only be used where the detailed information is not available. Where detailed information is submitted the aggregate categories should not be used.

Statistical fishing regions of the north-east Atlantic







ANNEX II

DESCRIPTION OF THE ICES SUB-AREAS AND DIVISIONS USED FOR THE PURPOSE OF FISHERY STATISTICS AND REGULATIONS IN THE NORTH-EAST ATLANTIC**ICES STATISTICAL AREA (NORTH-EAST ATLANTIC)**

All waters of the Atlantic and Arctic Oceans and their dependent seas bounded by a line from the geographic North Pole along the meridian of 40° 00' west to the north coast of Greenland; then in an easterly and southerly direction along the coast of Greenland to a point at 44° 00' west; then due south to 59° 00' north; then due east to 42° 00' west; then due south to 36° 00' north; then due east to a point on the coast of Spain (Punta Marroqui isthmus) at 5° 36' west; then in a north-westerly and northerly direction along the south-west coast of Spain, the coast of Portugal, the north-west and north coasts of Spain, and the coasts of France, Belgium, the Netherlands and Germany to the western terminus of its boundary with Denmark; then along the west coast of Jutland to Thyboroen; then in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; then in a southerly direction along the east coast of Jutland to the eastern terminus of the boundary of Denmark with Germany; then along the coast of Germany, Poland, Russia, Lithuania, Latvia, Estonia, Russia, Finland, Sweden and Norway, and the north coast of Russia to Khaborova; then across the western entry of the Strait of Yugorskiy Shar; then in a westerly and northerly direction along the coast of Vaigach Island; then across the western entry of the Strait off the Karskiye Vorota; then west and north along the coast of the south island of Novaya Zemlya; then across the western entry of the Strait of Matochkin Shar; then along the west coast of the north island of Novaya Zemlya to a point at 68° 30' east; then due north to the geographic North Pole.

This area also represents statistical area 27 (north-east Atlantic statistical area) in the FAO International Standard Statistical Classification of Fishing Areas.

ICES statistical sub-area I

The waters bounded by a line from the geographic North Pole along the meridian of 30° 00' east to 72° 00' north; then due west to 26° 00' east; then due south to the coast of Norway; then in an easterly direction along the coasts of Norway and Russia to Khaborova; then across the western entry of the Strait of Yugorskiy Shar; then in a westerly and northerly direction along the coast of Vaigach Island; then across the western entry of the Strait off the Karskiye Vorota; then west and north along the coast of the south island of Novaya Zemlya; then across the western entry of the Strait of Matochkin Shar; then along the west coast of the north island of Novaya Zemlya to a point at 68° 30' east; then due north to the geographic North Pole.

— ICES statistical division Ia

That part of sub-area I enclosed by the line joining the following coordinates:

Latitude	Longitude	Latitude	Longitude
73.98 N	33.70 E	75.99 N	43.51 E
74.18 N	34.55 E	75.39 N	43.18 E
74.36 N	35.28 E	74.82 N	41.73 E
74.71 N	36.38 E	73.98 N	41.56 E
75.14 N	37.57 E	73.17 N	40.66 E
75.45 N	38.31 E	72.20 N	40.51 E
75.84 N	39.05 E	72.26 N	39.76 E
76.26 N	39.61 E	72.62 N	38.96 E
76.61 N	41.24 E	73.04 N	37.74 E
76.96 N	42.81 E	73.37 N	36.61 E
76.90 N	43.06 E	73.56 N	35.70 E
76.75 N	44.48 E	73.98 N	33.70 E

— ICES statistical division Ib

That part of sub-area I outside of division Ia.

ICES statistical sub-area II

The waters bounded by a line from the geographic North Pole along the meridian of 30°00' east to 72°00' north; then due west to 26°00' east; then due south to the coast of Norway; then in a westerly and south-westerly direction along the coast of Norway to 62°00' north; then due west to 4°00' west; then due north to 63°00' north; then due west to 11°00' west; then due north to the geographic North Pole.

— ICES statistical division IIa

The waters bounded by a line beginning at a point on the coast of Norway at 62°00' north; then due west to 4°00' west; then due north to 63°00' north; then due west to 11°00' west; then due north to 72°30' north; then due east to 30°00' east; then due south to 72°00' north; then due west to 26°00' east; then due south to the coast of Norway; then in a westerly and south-westerly direction along the coast of Norway to the point of beginning.

— ICES statistical sub-division IIa 1

That part of division IIa within the line joining the following coordinates:

Latitude	Longitude	Latitude	Longitude
73.50 N	00.20 W	64.84 N	01.31 W
73.50 N	07.21 E	64.92 N	01.56 W
73.45 N	07.28 E	65.13 N	02.17 W
73.14 N	07.83 E	65.22 N	02.54 W
72.76 N	08.65 E	65.39 N	03.19 W
72.49 N	09.33 E	65.47 N	03.73 W
72.31 N	09.83 E	65.55 N	04.19 W
72.18 N	10.29 E	65.59 N	04.56 W
71.98 N	09.94 E	65.69 N	05.58 W
71.91 N	09.70 E	65.96 N	05.60 W
71.64 N	08.75 E	66.22 N	05.67 W
71.36 N	07.93 E	66.47 N	05.78 W
71.13 N	07.42 E	67.09 N	06.25 W
70.79 N	06.73 E	67.61 N	06.62 W
70.17 N	05.64 E	67.77 N	05.33 W
69.79 N	05.01 E	67.96 N	04.19 W
69.56 N	04.74 E	68.10 N	03.42 W
69.32 N	04.32 E	68.33 N	02.39 W
69.10 N	04.00 E	68.55 N	01.56 W
68.86 N	03.73 E	68.86 N	00.61 W
68.69 N	03.57 E	69.14 N	00.08 E
68.46 N	03.40 E	69.44 N	00.68 E
68.23 N	03.27 E	69.76 N	01.18 E
67.98 N	03.19 E	69.97 N	01.46 E
67.77 N	03.16 E	70.21 N	01.72 E
67.57 N	03.15 E	70.43 N	01.94 E
67.37 N	03.18 E	70.63 N	02.09 E
67.18 N	03.24 E	70.89 N	02.25 E
67.01 N	03.31 E	71.14 N	02.35 E
66.84 N	03.42 E	71.35 N	02.39 E
66.43 N	03.27 E	71.61 N	02.38 E
66.39 N	03.18 E	71.83 N	02.31 E
66.23 N	02.79 E	72.01 N	02.22 E
65.95 N	02.24 E	72.24 N	02.06 E
65.64 N	01.79 E	72.43 N	01.89 E
65.38 N	01.44 E	72.60 N	01.68 E
65.32 N	01.26 E	72.75 N	01.48 E
65.08 N	00.72 E	72.99 N	01.08 E
64.72 N	00.04 E	73.31 N	00.34 E
64.43 N	00.49 W	73.50 N	00.20 W

— ICES statistical sub-division IIa 2

That part of division IIa not falling within sub-division IIa 1.

— ICES statistical division IIb

The waters bounded by a line from the geographic North Pole along the meridian of 30°00' east to 73°30' north; then due west to 11°00' west; then due north to the geographic North Pole.

— ICES statistical sub-division IIb 1

That part of division IIb confined by the following coordinates:

Latitude	Longitude	Latitude	Longitude
73.50 N	07.21 E	76.56 N	01.60 W
73.50 N	00.20 W	76.00 N	00.80 E
73.60 N	00.48 W	75.87 N	01.12 E
73.94 N	01.88 W	75.64 N	01.71 E
74.09 N	02.70 W	75.21 N	03.06 E
74.21 N	05.00 W	74.96 N	04.07 E
74.50 N	04.38 W	74.86 N	04.55 E
75.00 N	04.29 W	74.69 N	05.19 E
75.30 N	04.19 W	74.34 N	06.39 E
76.05 N	04.30 W	74.13 N	06.51 E
76.18 N	04.09 W	73.89 N	06.74 E
76.57 N	02.52 W	73.60 N	07.06 E
76.67 N	02.10 W	73.50 N	07.21 E

— ICES statistical sub-division IIb 2

That part of division IIb not falling within sub-division IIb 1.

ICES statistical sub-area III

The waters bounded by a line, beginning at a point on the coast of Norway at 7°00' east; then due south to 57°30' north; then due east to 8°00' east; then due south to 57°00' north; then due east to the coast of Denmark; then along the north-west and east coasts of Jutland to Hals; then across the eastern entrance of the Limfjord to Egensekloster Point; then in a southerly direction along the coast of Jutland to the eastern terminus of the boundary of Denmark and Germany; then along the coasts of Germany, Poland, Russia, Lithuania, Latvia, Estonia, Russia, Finland, Sweden, and Norway to the point of beginning.

— ICES statistical division IIIa

The waters bounded by a line beginning at a point on the coast of Norway at 7°00' east; then due south to 57°30' north; then due east to 8°00' east; then due south to 57°00' north; then due east to the coast of Denmark; then along the north-west and east coasts of Jutland to Hals; then across the eastern entrance of the Limfjord to Egensekloster Point; then in a southerly direction along the coast of Jutland to Hasenore Head; then across the Great Belt to Griben Point; then along the north coast of Zealand to Gilbjerg Head; then across the northern approaches of the Øresund to Kullen on the coast of Sweden; then in an easterly and northerly direction along the west coast of Sweden and the south coast of Norway to the point of beginning.

— ICES statistical division IIIb and c

The waters bounded by a line from Hasenoere Head on the east coast of Jutland to Gniben Point on the west coast of Zealand to Gilbjerg Head; then across the northern approaches of the Ceresund to Kullen on the coast of Sweden; then in a southerly direction along the coast of Sweden to Falsterbo Light; then across the southern entrance of the Ceresund to Stevns Light; then along the south-east coast of Zealand; then across the eastern entrance of the Storstroem Sound; then along the east coast of the island of Falster to Gedser; then to Darsser Ort on the coast of Germany; then in a south-westerly direction along the coast of Germany and the east coast of Jutland to the point of beginning.

— ICES statistical sub-division 22 (BAL 22)

The waters bounded by a line from Hasenoere Head (56°09' north, 10°44' east) on the east coast of Jutland to Gniben Point (56°01' north, 11°18' east) on the west coast of Zealand; then along the west and south coasts of Zealand to a point at 12°00' east; then due south to the island of Falster; then along to the east coast of the island of Falster to Gedser Odd (54°34' north, 11°58' east); then due east to 12°00' east; then due south to the coast of Germany; then in a south-westerly direction along the coast of Germany and the east of Jutland to the point of beginning.

— ICES statistical sub-division 23 (BAL 23)

The waters bounded by a line from Gilbjerg Head (56°08' north, 12°18' east) on the north coast of Zealand to Kullen (56°18' north, 12°28' east) on the coast of Sweden; then in a southerly direction along the coast of Sweden to the Falsterbo Light (55°23' north, 12°50' east), then through the southern entrance to the Sound to the Stevns Light (55°19' north, 12°29' east) on the coast of Zealand; then in a northerly direction along the east coast of Zealand to the point of beginning.

— ICES statistical sub-division 24 (BAL 24)

The waters bounded by a line from the Stevns Light (55°19' north, 12°29' east) on the east coast of Zealand through the southern entrance to the Sound to the Falsterbo Light (55°23' north, 12°50' east) on the coast of Sweden; then along the south coast of Sweden to the Sandhammaren Light (55°24' north, 14°12' east); then to the Hammerodde Light (55°18' north, 14°47' east) on the north coast of Bornholm; then along the west and south coasts of Bornholm to a point at 15°00' east; then due south to the coast of Poland; then in a westerly direction along the coasts of Poland and Germany to a point at 12°00' east; then due north to a point at 54°34' north, 12°00' east; then due west to Gedser Odde (54°34' north, 11°58' east); then along the east and north coasts of the island of Falster to a point at 12°00' east; then due north to the south coast of Zealand; then in a westerly and northerly direction along the west coast of Zealand to the point of beginning.

— ICES statistical sub-division 25 (BAL 25)

The waters bounded by a line beginning at a point on the east coast of Sweden at 56°30' north; then due east to the west coast of the island of Öland; then, after passing south of island of Öland to a point on the east coast at 56°30' north, due east to 18°00' east; then due south to the coast of Poland; then in a westerly direction along the coast of Poland to a point at 15°00' east; then due north to the island of Bornholm; then along the south and west coasts of Bornholm to the Hammerodde Light (55°18' north, 14°47' east); then to the Sandhammaren Light (55°24' north, 14°12' east) on the south coast of Sweden; then in a northerly direction along the east coast of Sweden to the point of beginning.

— ICES statistical sub-division 26 (BAL 26)

The waters bounded by a line beginning at a point at 56°30' north, 18°00' east; then due east to the west coast of Latvia; then in a southerly direction along the coasts of Latvia, Lithuania, Russia and Poland to a point on the Polish coast at 18°00' east; then due north to the point of beginning.

— ICES statistical sub-division 27 (BAL 27)

The waters bounded by a line beginning at a point on the east mainland coast of Sweden at 59°41' north, 19°00' east; then due south to the north coast of the island of Gotland; then in a southerly direction along the west coast of Gotland to a point at 57°00' north; then due west to 18°00' east; then due south to 56°30' north; then due west to the east coast of the island of Öland; then, after passing south of the island of Öland, to a point on its west coast at 56°30' north; then due west to the coast of Sweden; then in a northerly direction along the east coast of Sweden to the point of beginning.

— ICES statistical sub-division 28 (BAL 28)

The waters bounded by a line beginning at a point at 58° 30' north, 19° 00' east; then due east to the west coast of the island of Saaremaa; then, after passing north of the island of Saaremaa, to a point on its east coast at 58° 30' north; then due east to the coast of Estonia; then in a southerly direction along the west coasts of Estonia and Latvia to a point at 56° 30' north, then due west to 18° 00' east; then due north to 57° 00' north; then due east to the west coast of the island of Gotland; then in a northerly direction to a point on the north coast of Gotland at 19° 00' east; then due north to the point of beginning.

— ICES statistical sub-division 28-1 (BAL 28.1)

The waters bounded on the west by a line drawn from Ovisi lighthouse (57° 34.1234' N, 21° 42.9574' E) on the west coast of Latvia to the southern Rock of Cape Loode (57° 57.4760' N, 21° 58.2789' E) on the island of Saaremaa, then southwards to the southernmost point of the peninsula of Sörve and then in a north-eastern direction along the east coast of the island of Saaremaa, and in the north by a line drawn from 58° 30.0' N, 23° 13.2' E to 58° 30' N, 23° 41.1' E.

— ICES statistical sub-division 28-2 (BAL 28.2)

That part of sub division 28 outside of sub-division 28-1.

— ICES statistical sub-division 29 (BAL 29)

The waters bounded by a line beginning at a point on the east mainland coast of Sweden at 60° 30' north, then due east to the mainland coast of Finland; then in a southerly direction along the west and south coasts of Finland to a point on the south mainland coast at 23° 00' east; then due south to 59° 00' north; then due east to the mainland coast of Estonia; then in a southerly direction along the west coast of Estonia to a point at 58° 30' north; then due west to the east coast of the island of Saaremaa; then, after passing north of the island of Saaremaa, to a point on its west coast at 58° 30' north; then due west to 19° 00' east; then due north to a point on the east mainland coast of Sweden at 59° 41' north; then in a northerly direction along the east coast of Sweden to the point of beginning.

— ICES statistical sub-division 30 (BAL 30)

The waters bounded by a line beginning a point on the east coast of Sweden at 63° 30' north, then due east to the mainland coast of Finland; then in a southerly direction along the coast of Finland to a point at 60° 30' north; then due west to the mainland coast of Sweden; then in a northerly direction along the east coast of Sweden to the point of beginning.

— ICES statistical sub-division 31 (BAL 31)

The waters bounded by a line beginning at a point on the east coast of Sweden at 63° 30' north; then, after passing north of the Gulf of Bothnia, to a point on the west mainland coast of Finland at 63° 30' north; then due west to the point of beginning.

— CES statistical sub-division 32 (BAL 32)

The waters bounded by a line beginning at a point on the south coast of Finland at 23° 00' east; then, after passing east of the Gulf of Finland, to a point on the west coast of Estonia at 59° 00' north; then due west to 23° 00' east; then due north to the point of beginning.

ICES statistical sub-area IV

The waters bounded by a line beginning at a point on the coast of Norway at 62° 00' north; then due west to 4° 00' west; then due south to the coast of Scotland; then in an easterly and southerly direction along the coasts of Scotland and England to a point at 51° 00' north; then due east to the coast of France; then in a north-easterly direction along the coasts of France, Belgium, the Netherlands, and Germany to the western terminus of its boundary with Denmark; then along the west coast of Jutland to Thyboroen; then in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; then across the eastern entrance of the Limfjord to Hals; then in a westerly direction along the north coast of the Limfjord to the southernmost point af Agger Tange; then in a northerly direction along the west coast of Jutland to a point at 57° 00' north, then due west to 8° 00' east; then due north to 57° 30' north; then due west to 7° 00' east; then due north to the coast of Norway; then in a north-westerly direction along the coast of Norway to the point of beginning.

— ICES statistical division IVa

The waters bounded by a line beginning at a point on the coast of Norway at 62°00' north; then due west to 3°00' west; then due south to the coast of Scotland; then in an easterly and southerly direction along the coast of Scotland to a point at 57°30' north; then due east to 7°00' east; then due north to the coast of Norway; then in a north-westerly direction along the coast of Norway to the point of beginning.

— ICES statistical division IVb

The waters bounded by a line beginning at a point on the west coast of Denmark at 57°00' north; then due west to 8°00' east; then due north to 57°30' north; then due west to the coast of Scotland; then in a southerly direction along the coasts of Scotland and England to a point at 53°30' north; then due east to the coast of Germany; then in a north-easterly direction along the coast of Jutland to Thyboroen; then in a southerly and easterly direction along the south coast of the Limfjord to Egensekloster Point; then across the eastern entrance of the Limfjord to Hals; then in a westerly direction along the north coast of the Limfjord to the southernmost point of Agger Tange; then in a northerly direction along the west coast of Jutland to the point of beginning.

— ICES statistical division IVc

The waters bounded by a line beginning at a point on the west coast of Germany at 53°30' north; then due west to the coast of England; then in a southerly direction to a point at 51°00' north; then due east to the coast of France; then in a north-easterly direction along the coasts of France, Belgium, the Netherlands, and Germany to the point of beginning.

ICES statistical sub-area V

The waters bounded by a line beginning at a point at 68°00' north, 11°00' west; then due west to 27°00' west; then due south to 62°00' north; then due east to 15°00' west; then due south to 60°00' north; then due east to 5°00' west; then due north to 60°30' north; then due east to 4°00' west; then due north to 63°00' north; then due west to 11°00' west; then due north to the point of beginning.

— ICES statistical division Va

The waters bounded by a line beginning at a point at 68°00' north, 11°00' west; then due west to 27°00' west; then due south to 62°00' north; then due east to 15°00' west; then due north to 63°00' north; then due east to 11°00' west; then due north to the point of beginning.

— ICES statistical sub-division Va 1

The area inside the rectangle defined by the following coordinates:

Latitude	Longitude
63.00 N	24.00 W
62.00 N	24.00 W
62.00 N	27.00 W
63.00 N	27.00 W
63.00 N	24.00 W

— ICES statistical sub-division Va 2

That part of division V a not in sub-division Va 1.

— ICES statistical division Vb

The waters bounded by a line beginning at a point at 63°00' north, 4°00' west; then due west to 15°00' west; then due south to 60°00' north; then due east to 5°00' west; then due north to 60°00' north; then due east to 4°00' west; then due north to the point of beginning.

— ICES statistical sub-division Vb 1

The waters bounded by a line beginning at a point at 63°00' north, 4°00' west; then due west to 15°00' west; then due south to 60°00' north; then due east to 10°00' west; then due north to 61°30' north; then due east to 8°00' west; then along a rhumb-line to a point at 61°15' north, 7°30' west; then due south to 60°30' north; then due west to 8°00' west; then due south to 60°00' north; then due east to 5°00' west; then due north to 60°30' north; then due east to 4°00' west; then due north to the point of beginning.

— ICES statistical sub-division Vb 1a

That part of sub-division Vb 1 enclosed by the line joining the following coordinates:

Latitude	Longitude
60.49 N	15.00 W
60.71 N	13.99 W
60.15 N	13.29 W
60.00 N	13.50 W
60.00 N	15.00 W
60.49 N	15.00 W

— ICES statistical sub-division Vb 1b

That part of sub-division Vb 1 not within sub-division Vb 1a.

— ICES statistical sub-division Vb 2

The waters bounded by a line beginning at a point at 60°00' north, 10°00' west; then due north to 61°30' north; then due east to 8°00' west; then along a rhumb-line to a point at 61°15' north, 7°30' west; then due south to 60°30' north; then due west to 8°00' west; then due south to 60°00' north; then due west to the point of beginning.

ICES statistical sub-area VI

The waters bounded by a line beginning at a point on the north coast of Scotland at 4°00' west; then due north to 60°30' north; then due west to 5°00' west; then due south to 60°00' north, then due west to 18°00' west; then due south to 54°30' north; then due east to the coast of Ireland; then in a northerly and easterly direction along the coasts of Ireland and Northern Ireland to a point on the east coast of Northern Ireland at 55°00' north; then due east to the coast of Scotland; then in a northerly direction along the west coast of Scotland to the point of beginning.

— ICES statistical division VIa

The waters bounded by a line beginning at a point on the north coast of Scotland at 4°00' west; then due north to 60°30' north; then due west to 5°00' west; then due south to 60°00' north, then due west to 12°00' west; then due south to 54°30' north; then due east to the coast of Ireland; then in a northerly and easterly direction along the coasts of Ireland and Northern Ireland to a point on the east coast of Northern Ireland at 55°00' north; then due east to the coast of Scotland; then in a northerly direction along the west coast of Scotland to the point of beginning.

— ICES statistical division VIb

The waters bounded by a line beginning at a point at 60° 00' north, 12° 00' west; then due west to 18° 00' west; then due south to 54° 30' north; then due east to 12° 00' west; then due north to the point of beginning.

— ICES statistical sub-division VIb 1

That part of division VIb enclosed by the line joining the following coordinate:

Latitude	Longitude	Latitude	Longitude
54.50 N	18.00 W	55.80 N	15.27 W
60.00 N	18.00 W	55.73 N	15.34 W
60.00 N	13.50 W	55.65 N	15.41 W
60.15 N	13.29 W	55.57 N	15.47 W
59.65 N	13.99 W	55.50 N	15.54 W
59.01 N	14.57 W	55.42 N	15.60 W
58.51 N	14.79 W	55.34 N	15.65 W
57.87 N	14.88 W	55.26 N	15.70 W
57.01 N	14.63 W	55.18 N	15.75 W
56.57 N	14.34 W	55.09 N	15.79 W
56.50 N	14.44 W	55.01 N	15.83 W
56.44 N	14.54 W	54.93 N	15.87 W
56.37 N	14.62 W	54.84 N	15.90 W
56.31 N	14.72 W	54.76 N	15.92 W
56.24 N	14.80 W	54.68 N	15.95 W
56.17 N	14.89 W	54.59 N	15.97 W
56.09 N	14.97 W	54.51 N	15.99 W
56.02 N	15.04 W	54.50 N	15.99 W
55.95 N	15.11 W	54.50 N	18.00 W
55.88 N	15.19 W		

— ICES statistical sub-division VIb 2

That part of division VIb not in sub division VI b 1.

ICES statistical sub-area VII

The waters bounded by a line beginning at a point on the west coast of Ireland at 54° 30' north; then due west to 18° 00' west; then due south to 48° 00' north; then due east to the coast of France; then in a northerly and north-easterly direction along the coast of France to a point at 51° 00' north; then due west to south-east coast of England; then in a westerly and northerly direction along the coasts of England, Wales and Scotland to a point on the west coast of Scotland at 55° 00' north; then due west to the coast of Northern Ireland; then in a northerly and westerly direction along the coasts of Northern Ireland and Ireland to the point of beginning.

— ICES statistical division VIIa

The waters bounded by a line beginning at a point on the west coast of Scotland at 55° 00' north; then due west to the coast of Northern Ireland; then in a southerly direction along the coasts of Northern Ireland and Ireland to a point on the south-east coast of Ireland at 52° 00' north; then due east to the coast of Wales; then in a north-easterly and northerly direction along the coasts of Wales, England and Scotland to the point of beginning.

— ICES statistical division VIIb

The waters bounded by a line beginning at a point on the west coast of Ireland at 54° 30' north; then due west to 12° 00' west; then due south to 52° 30' north; then due east to the coast of Ireland; then in a northerly direction along the west coast of Ireland to the point of beginning.

— ICES statistical division VIIc

The waters bounded by a line beginning at a point at 54° 30' north, 12° 00' west; then due west to 18° 00' west; then due south to 52° 30' north; then due east to 12° 00' west; then due north to the point of beginning.

— ICES statistical sub-division VIIc 1

That part of division VII c confined by the following coordinates:

Latitude	Longitude	Latitude	Longitude
54.50 N	15.99 W	53.26 N	15.86 W
54.42 N	15.99 W	53.18 N	15.84 W
54.34 N	16.00 W	53.10 N	15.88 W
54.25 N	16.01 W	53.02 N	15.92 W
54.17 N	16.01 W	52.94 N	15.95 W
54.08 N	16.01 W	52.86 N	15.98 W
53.99 N	16.00 W	52.77 N	16.00 W
53.91 N	15.99 W	52.69 N	16.02 W
53.82 N	15.97 W	52.61 N	16.04 W
53.74 N	15.96 W	52.52 N	16.06 W
53.66 N	15.94 W	52.50 N	16.06 W
53.57 N	15.91 W	52.50 N	18.00 W
53.49 N	15.90 W	54.50 N	18.00 W
53.42 N	15.89 W	54.50 N	15.99 W
53.34 N	15.88 W		

— ICES statistical sub-division VIIc 2

That part of division VIIc not within sub division VIIc 1,

— ICES statistical division VIId

The waters bounded by a line beginning at a point on the west coast of France at 51° 00' north; then due west to the coast of England; then in a westerly direction along the south coast of England to 2° 00' west; then due south to the coast of France at Cap de la Hague; then in a north-easterly direction along the coast of France to the point of beginning.

— ICES statistical division VIIf

The waters bounded by a line beginning at a point on the south coast of England at 2° 00' west; then in a southerly and westerly direction along the coast of England to a point on the south-west coast at 50° 00' north; then due west to 7° 00' west; then due south to 49° 30' north; then due east to 5° 00' west; then due south to 48° 00' north; then due east to the coast of France; then in a northerly and north-easterly direction along the coast of France to Cap de la Hague; then due north to the point of beginning.

— ICES statistical division VIIg

The waters bounded by a line beginning at a point on the south coast of Wales at 5° 00' west; then due south to 51° 00' north; then due west to 6° 00' west; then due south to 50° 30' north; then due west to 7° 00' west; then due south to 50° 00' north; then due east to the coast of England; then along the south-west coast of England and the south coast of Wales to the point of beginning.

— ICES statistical division VIIg

The waters bounded by a line beginning at a point on the west coast of Wales at 52° 00' north; then due west to the south-east coast of Ireland; then in a south-westerly direction along the coast of Ireland to a point at 9° 00' west; then due south to 50° 00' north; then due east to 7° 00' west; then due north to 50° 30' north; then due east to 6° 00' west; then due north to 51° 00' north; then due east to 5° 00' west; then due north to the south coast of Wales; then in a north-westerly direction along the coast of Wales to the point of beginning.

— ICES statistical division VIIh

The waters bounded by a line beginning at a point at 50° 00' north, 7° 00' west; then due west to 9° 00' west; then due south to 48° 00' north; then due east to 5° 00' west; then due north to 49° 30' north; then due west to 7° 00' west; then due north to the point of beginning.

— ICES statistical division VIIj

The waters bounded by a line beginning at a point on the west coast of Ireland at 52° 30' north; then due west to 12° 00' west; then due south to 48° 00' north; then due east to 9° 00' west; then due north to the south coast of Ireland; then in a northerly direction along the coast of Ireland to the point of beginning.

— ICES statistical sub-division VIIj 1

That part of division VIIj enclosed by the line joining the following coordinates:

Latitude	Longitude
48.43 N	12.00 W
48.42 N	11.99 W
48.39 N	11.87 W
48.36 N	11.75 W
48.33 N	11.64 W
48.30 N	11.52 W
48.27 N	11.39 W
48.25 N	11.27 W
48.23 N	11.14 W
48.21 N	11.02 W
48.19 N	10.89 W
48.17 N	10.77 W
48.03 N	10.68 W
48.00 N	10.64 W
48.00 N	12.00 W
48.43 N	12.00 W

— ICES statistical sub-division VIIj 2

That part of division VIIj not in sub division VIIj 1.

— ICES statistical division VIIk

The waters bounded by a line beginning at a point at 52° 30' north, 12° 00' west; then due west to 18° 00' west; then due south to 48° 00' north; then due east to 12° 00' west; then due north to the point of beginning.

— ICES statistical sub-division VIIk 1

That part of division VIIk enclosed by the line joining the following coordinates:

Latitude	Longitude	Latitude	Longitude
48.00 N	18.00 W	49.96 N	14.97 W
52.50 N	18.00 W	49.89 N	14.89 W
52.50 N	16.06 W	49.82 N	14.82 W
52.44 N	16.07 W	49.75 N	14.74 W
52.36 N	16.08 W	49.69 N	14.65 W
52.27 N	16.09 W	49.62 N	14.57 W
52.19 N	16.09 W	49.56 N	14.48 W
52.11 N	16.09 W	49.50 N	14.39 W
52.02 N	16.08 W	49.44 N	14.30 W
51.94 N	16.07 W	49.38 N	14.22 W
51.85 N	16.07 W	49.32 N	14.13 W
51.77 N	16.05 W	49.27 N	14.04 W
51.68 N	16.04 W	49.21 N	13.95 W
51.60 N	16.02 W	49.15 N	13.86 W
51.52 N	15.99 W	49.10 N	13.77 W
51.43 N	15.96 W	49.05 N	13.67 W
51.34 N	15.93 W	49.00 N	13.57 W
51.27 N	15.90 W	48.95 N	13.47 W
51.18 N	15.86 W	48.90 N	13.37 W
51.10 N	15.82 W	48.86 N	13.27 W
51.02 N	15.77 W	48.81 N	13.17 W
50.94 N	15.73 W	48.77 N	13.07 W
50.86 N	15.68 W	48.73 N	12.96 W
50.78 N	15.63 W	48.69 N	12.85 W
50.70 N	15.57 W	48.65 N	12.74 W
50.62 N	15.52 W	48.62 N	12.64 W
50.54 N	15.47 W	48.58 N	12.54 W
50.47 N	15.42 W	48.55 N	12.43 W
50.39 N	15.36 W	48.52 N	12.32 W
50.32 N	15.30 W	48.49 N	12.22 W
50.24 N	15.24 W	48.46 N	12.11 W
50.17 N	15.17 W	48.43 N	12.00 W
50.10 N	15.11 W	48.00 N	18.00 W
50.03 N	15.04 W		

— ICES statistical sub-division VIIk 2

That part of division VIIk not in sub division VIIk 1.

ICES statistical sub-area VIII

The waters bounded by a line beginning at a point on the west coast of France at 48° 00' north; then due west to 18° 00' west; then due south to 43° 00' north; then due east to the west coast of Spain; then in a northerly direction along the coasts of Spain and France to the point of beginning.

— ICES statistical division VIIIa

The waters bounded by a line beginning at a point on the west coast of France at 48°00' north; then due west to 8°00' west; then due south to 47°30' north; then due east to 6°00' west; then due south to 47°00' north; then due east to 5°00' west; then due south to 46°00' north; then due east to the coast of France; then in a north-westerly direction along the coast of France to the point of beginning.

— ICES statistical division VIIIb

The waters bounded by a line beginning at a point on the west coast of France at 46°00' north; then due west to 4°00' west; then due south to 45°30' north; then due east to 3°00' west; then due south to 44°30' north; then due east to 2°00' west; then due south to the north coast of Spain; then along the north coast of Spain and the west coast of France to the point of beginning.

— ICES statistical division VIIIc

The waters bounded by a line beginning at a point on the north coast of Spain at 2°00' west; then due north to 44°30' north; then due west to 11°00' west; then due south to 43°00' north; then due east to the west coast of Spain; then in a northerly and easterly direction along the coast of Spain to the point of beginning.

— ICES statistical division VIId

The waters bounded by a line beginning at a point at 48°00' north, 8°00' west; then due west to 11°00' west; then due south to 44°30' north; then due east to 3°00' west; then due north to 45°30' north; then due west to 4°00' west; then due north to 46°00' north; then due west to 5°00' west; then due north to 47°00' north; then due west to 6°00' west; then due north to 47°30' north, then due west to 8°00' west; then due north to the point of beginning.

— ICES statistical sub-division VIId 1

That part of division VIId enclosed by the line joining the following coordinates:

Latitude	Longitude
48.00 N	11.00 W
48.00 N	10.64 W
47.77 N	10.37 W
47.45 N	09.89 W
46.88 N	09.62 W
46.34 N	10.95 W
46.32 N	11.00 W
48.00 N	11.00 W

— ICES statistical sub-division VIId 2

That part of division VIId outside of sub-division VIId 1.

— ICES statistical division VIIIE

The waters bounded by a line beginning at a point at 48°00' north, 11°00' west; then due west to 18°00' west; then due south to 43°00' north; then due east to 11°00' west; then due north to the point of beginning.

— ICES statistical sub-division VIIIe 1

That part of division VIIIe enclosed by the line joining the following coordinates:

Latitude	Longitude
43.00 N	18.00 W
48.00 N	18.00 W
48.00 N	11.00 W
46.32 N	11.00 W
44.72 N	13.31 W
44.07 N	13.49 W
43.00 N	13.80 W

— ICES statistical sub-division VIIIe 2

That part of division VIIIe not within sub division VIIIe 1.

ICES statistical sub-area IX

The waters bounded by a line beginning at a point on the north-west coast of Spain at 43°00' north; then due west to 18°00' west; then due south to 36°00' north; then due east to a point on the south coast of Spain (Punta Marroqui isthmus) at 5°36' west; then in a north-westerly direction along the south-west coast of Spain, the coast of Portugal, and the north-west coast of Spain to the point of beginning.

— ICES statistical division IXa

The waters bounded by a line beginning at a point on the north-west coast of Spain at 43°00' north; then due west to 11°00' west; then due south to 36°00' north; then due east to a point on the south coast of Spain (Punta Marroqui isthmus) at 5°36' west; then in a north-westerly direction along the south-west coast of Spain, the coast of Portugal and the north-west coast of Spain to the point of beginning.

— ICES statistical division IXb

The waters bounded by a line beginning at a point at 43°00' north, 11°00' west; then due west to 18°00' west; then due south to 36°00' north; then due east to 11°00' west; then due north to the point of beginning.

— ICES statistical sub-division IXb 1

That part of division IXb enclosed by the lines joining the following points:

Latitude	Longitude
43.00 N	18.00 W
43.00 N	13.80 W
42.88 N	13.84 W
42.04 N	13.64 W
41.38 N	13.27 W
41.13 N	13.27 W
40.06 N	13.49 W
38.75 N	13.78 W
38.17 N	13.69 W
36.03 N	12.73 W
36.04 N	15.30 W
36.02 N	17.90 W
36.00 N	18.00 W
43.00 N	18.00 W

— ICES statistical sub-division IXb 2

That part of division IXb not within sub division IXb 1.

ICES statistical sub-area X

The waters bounded by a line beginning at a point at 48°00' north, 18°00' west; then due west to 42°00' west; then due south to 36°00' north; then due east to 18°00' west; then due north to the point of beginning.

— ICES statistical division Xa

That part of sub-area X south of 43°N.

— ICES statistical sub-division Xa 1

That part of division Xa enclosed by the line joining the following coordinates:

Latitude	Longitude
36.00 N	18.00 W
36.00 N	22.25 W
37.58 N	20.62 W
39.16 N	21.32 W
40.97 N	23.91 W
41.35 N	24.65 W
41.91 N	25.79 W
42.34 N	28.45 W
42.05 N	29.95 W
41.02 N	35.11 W
40.04 N	35.26 W
38.74 N	35.48 W
36.03 N	31.76 W
36.00 N	32.03 W
36.00 N	42.00 W
43.00 N	42.00 W
43.00 N	18.00 W
36.00 N	18.00 W

— ICES statistical sub-division Xa 2

That part of division X a not included in sub division X a 1.

— ICES statistical division Xb

That part of sub-area X north of 43°N.

ICES statistical sub-area XII

The waters bounded by a line beginning at a point at 62°00' north, 15°00' west; then due west to 27°00' west; then due south to 59°00' north; then due west to 42°00' west; then due south to 48°00' north; then due east to 18°00' west; then due north to 60°00' north; then due east to 15°00' west; then due north to the point of beginning.

— ICES statistical division XIIa

That part of sub-area XII enclosed by the line joining the following coordinates:

Latitude	Longitude
62.00 N	15.00 W
62.00 N	27.00 W
59.00 N	27.00 W
59.00 N	42.00 W
52.50 N	42.00 W
52.50 N	18.00 W
54.50 N	18.00 W
54.50 N	24.00 W
60.00 N	24.00 W
60.00 N	18.00 W
60.00 N	15.00 W
62.00 N	15.00 W

— ICES statistical sub-division XIIa 1

That part of division XIIa enclosed by the line joining the following coordinates:

Latitude	Longitude	Latitude	Longitude
52.50 N	42.00 W	59.00 N	27.00 W
56.55 N	42.00 W	60.85 N	27.00 W
56.64 N	41.50 W	60.69 N	26.46 W
56.75 N	41.00 W	60.45 N	25.09 W
56.88 N	40.50 W	60.37 N	23.96 W
57.03 N	40.00 W	60.22 N	23.27 W
57.20 N	39.50 W	60.02 N	21.76 W
57.37 N	39.00 W	60.00 N	20.55 W
57.62 N	38.50 W	60.05 N	18.65 W
57.78 N	38.25 W	60.08 N	18.00 W
57.97 N	38.00 W	60.00 N	18.00 W
58.26 N	37.50 W	60.00 N	24.00 W
58.50 N	37.20 W	54.50 N	24.00 W
58.63 N	37.00 W	54.50 N	18.00 W
59.00 N	36.77 W	52.50 N	18.00 W
		52.50 N	42.00 W

— ICES statistical sub-division XIIa 2

That part of division XIIa enclosed by the line joining the following coordinates:

Latitude	Longitude
60.00 N	20.55 W
60.00 N	15.00 W
60.49 N	15.00 W
60.44 N	15.22 W
60.11 N	17.32 W
60.05 N	18.65 W
60.00 N	20.55 W

— ICES statistical sub-division XIIa 3

That part of division XIIa enclosed by the line joining the following coordinates:

Latitude	Longitude
59.00 N	42.00 W
56.55 N	42.00 W
56.64 N	41.50 W
56.75 N	41.00 W
56.88 N	40.50 W
57.03 N	40.00 W
57.20 N	39.50 W
57.37 N	39.00 W
57.62 N	38.50 W
57.78 N	38.25 W
57.97 N	38.00 W
58.26 N	37.50 W
58.63 N	37.00 W
59.00 N	36.77 W
59.00 N	42.00 W

— ICES statistical sub-division XIIa 4

That part of division XIIa enclosed by the line joining the following coordinates:

Latitude	Longitude
62.00 N	27.00 W
60.85 N	27.00 W
60.69 N	26.46 W
60.45 N	25.09 W
60.37 N	23.96 W
60.22 N	23.27 W
60.02 N	21.76 W
60.00 N	20.55 W
60.05 N	18.65 W
60.11 N	17.32 W
60.44 N	15.22 W
60.49 N	15.00 W
62.00 N	15.00 W
62.00 N	27.00 W

— ICES statistical division XIIb

That part of sub-area XII enclosed by the line joining the following coordinates:

Latitude	Longitude
60.00 N	18.00 W
54.50 N	18.00 W
54.50 N	24.00 W
60.00 N	24.00 W
60.00 N	18.00 W

— ICES statistical division XIIc

That part of sub-area XII enclosed by the line joining the following coordinates:

Latitude	Longitude
52.50 N	42.00 W
48.00 N	42.00 W
48.00 N	18.00 W
52.50 N	18.00 W
52.50 N	42.00 W

ICES statistical sub-area XIV

The waters bounded by a line from the geographic North Pole along the meridian of 40° 00' west to the north coast of Greenland; then in an easterly and southerly direction along the coast of Greenland to a point at 44° 00' west; then due south to 59° 00' north; then due east to 27° 00' west; then due north to 68° 00' north; then due east to 11° 00' west; then due north to the geographic North Pole.

— ICES statistical division XIVa

The waters bounded by a line from the geographic North Pole along the meridian of 40° 00' west to the north coast of Greenland; then in an easterly and southerly direction along the coast of Greenland to a point at Cape Savary at 68° 30' north; then due south along the meridian of 27° 00' west to 68° 00' north; then due east to 11° 00' west; then due north to the geographic North Pole.

— ICES statistical division XIVb

The waters bounded by a line beginning at a point on the south coast of Greenland at 44° 00' west; then due south to 59° 00' north; then due east to 27° 00' west; then due north to a point at Cape Savary at 68° 30' north; then south-westerly direction along the coast of Greenland to the point of beginning.

— ICES statistical sub-division XIVb 1

That part of division XIVb enclosed by the line joining the following coordinates:

Latitude	Longitude	Latitude	Longitude
59.00 N	27.00 W	62.45 N	33.53 W
59.00 N	36.77 W	62.50 N	33.27 W
59.35 N	36.50 W	62.56 N	33.00 W
59.50 N	36.35 W	62.69 N	32.50 W
59.75 N	36.16 W	62.75 N	32.30 W
60.00 N	35.96 W	62.87 N	32.00 W
60.25 N	35.76 W	63.03 N	31.50 W
60.55 N	35.50 W	63.25 N	31.00 W
60.75 N	35.37 W	63.31 N	30.86 W
61.00 N	35.15 W	63.00 N	30.61 W
61.25 N	34.97 W	62.23 N	29.87 W
61.50 N	34.65 W	61.79 N	29.25 W
61.60 N	34.50 W	61.44 N	28.61 W
61.75 N	34.31 W	61.06 N	27.69 W
61.98 N	34.00 W	60.85 N	27.00 W
62.25 N	33.70 W	59.00 N	27.00 W

— ICES statistical sub-division XIVb 2

That part of division XIV b not included in sub-division XIV b 1.

COMMISSION REGULATION (EC) No 449/2005**of 18 March 2005****derogating from Regulation (EC) No 174/1999 as regards the term of validity of export licences in the milk and milk products sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 31(14) thereof,

Whereas:

(1) Article 6 of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products⁽²⁾ lays down the term of validity of export licences.

(2) The Russian Federation has imposed new requirements on the approval of dairy processing establishments exporting to Russia in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as the new Member States).

(3) Despite the control of dairy establishment carried out by the Russian veterinary authorities during last months, the Russian authorities have not yet provided the competent authorities of the new Member States with the list of approved establishments.

(4) Many operators, expecting the dairy establishments to be approved since they meet the requirements of Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products⁽³⁾, have not ceased to apply on a continuous base for export licences to maintain their normal trade pattern towards Russia. However, they will not be able to use these licences before their term of validity.

(5) New Russian certification conditions require community exporters to have as from 1 January 2005 at the latest pre-export certificates to prove veterinary and sanitary compliance of animal and animal products, originating from a Member State other than the exporting Member State, contained in the final product.

(6) Since the set up of a new administrative system and the establishment of appropriate procedures between the Member States in respect of the issue and the exchange of those pre-export certificates needs time and the system is not fully operational in all Member States, some exporters will not be able to use export licences expiring on 31 January 2005, by lack of those pre-export certificates.

(7) It is appropriate, in these circumstances, to provide for an extension of the term of validity of the export licences issued in July, August, September, October and November 2004.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 6 of Regulation (EC) No 174/1999, export licences with advance fixing of the refund, with destination Russia, which have been issued in the months of July, August, September, October and November 2004, in respect of the products referred to in points (a) to (d) of that Article, shall be valid until 30 April 2005.

Article 2

On request of the holder, the term of validity of licences as provided for in Article 1 is adjusted by the competent authorities of the Member States.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

⁽³⁾ OJ L 268, 14.9.1992, p. 1. Directive last amended by the 2003 Act of Accession

Article 3

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

Article 1 shall apply from 1 July 2004.

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

Done at Brussels, 18 March 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 450/2005**of 18 March 2005****on proof that customs formalities for importation of milk and milk products in third countries have been completed as provided for in Article 16 of Regulation (EC) No 800/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular the third indent of Article 31(10) thereof,

Whereas:

- (1) The third indent of Article 31(10) of Regulation (EC) No 1255/1999 stipulates that in the case of differentiated refunds the refund is to be paid on presentation of proof that the products have reached the destination indicated on the licence or another destination for which a refund was fixed. Exceptions may be made to this rule in accordance with the procedure laid down in Article 42 of the same Regulation, provided conditions are laid down which offer equivalent guarantees.
- (2) Commission Regulation (EC) No 351/2004 of 26 February 2004 fixing the export refunds on milk and milk products⁽²⁾ has introduced refunds differentiated according to destination for all milk products from 27 February 2004.
- (3) Article 16 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽³⁾ indicates which documents may serve as proof that customs formalities for importation have been completed in a third country in cases where the refund rate is differentiated according to destination. Under that Article, the Commission may decide, in certain specific cases to be determined, that proof of import as referred to that Article may be furnished by a specific document or in any other way.

(4) Since subjecting the payment of refunds to the requirements of Article 16 of Regulation (EC) No 800/1999 entails a substantial change in the administrative procedures for both the national authorities and exporters, it has administrative implications and represents a significant financial burden. Obtaining the proof referred to in Article 16 of that Regulation can pose considerable administrative difficulties in some countries.

(5) To alleviate some of the administrative and financial constraints imposed on exporters, and in order to allow the authorities and exporters to set up the new arrangements for the products concerned and introduce the procedures needed to ensure that all the formalities to be completed run smoothly, Commission Regulation (EC) No 519/2004 of 19 March 2004 derogating from Regulation (EC) No 800/1999 as regards exports of milk and milk products⁽⁴⁾ provides for a transitional period during which the proof that customs formalities for importation have been completed is made easier. Those provisions expire on 31 December 2004.

(6) However, in many of the countries of destination appropriate procedures and adequate means to provide for the necessary documents are still not in place. In order to prevent traders from not being granted the export refund for a lack of administrative procedures in the third countries, it is necessary to continue to provide for a transitional regime for the year 2005. On the basis of the experience gained in the application of Regulation (EC) No 519/2004, the transitional regime provided for in that Regulation should be adapted in order to provide for the submission of additional documents.

(7) It is appropriate to remind the provisions of Article 20 of Regulation (EC) No 800/1999 allowing the competent authorities of the Member States, in case any doubt exists as to the destination of the exported products, to require additional evidence for all refunds proving to their satisfaction that the product has actually been placed on the market in the importing third country.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 60, 27.2.2004, p. 46.

⁽³⁾ OJ L 102, 17.4.1999, p. 11. Regulation last amended by Regulation (EC) No 671/2004 (OJ L 105, 14.4.2004, p. 5).

⁽⁴⁾ OJ L 83, 20.3.2004, p. 4.

HAS ADOPTED THIS REGULATION:

Article 1

1. In the case of exports of products falling within CN codes 0401 to 0405 carried out under Article 31 of Regulation (EC) No 1255/1999 for which the exporter is unable to provide the proof referred to in Article 16(1) and (2) of Regulation (EC) No 800/1999, products shall, by derogation from that Article, be deemed to have been imported into a third country on presentation of the following three documents:

- (a) a copy of the transport document;
- (b) a declaration that the product has been unloaded, drawn up by an official authority of the third country in question, by the official authorities of a Member State established in the country of destination, or by an international supervisory agency approved in conformity with Articles 16a to 16f of Regulation (EC) No 800/1999, certifying that the product has left the place of unloading or at least that, to the

knowledge of the authority or agency issuing the declaration, the product has not subsequently been reloaded for re-exportation;

- (c) a bank document issued by approved intermediaries established in the Community, certifying that payment for the export in question has been credited to the account of the exporter opened with them, or the proof of payment.

2. For the purposes of applying Article 20 of Regulation (EC) No 800/1999 Member States shall take into account the provisions laid down in paragraph 1.

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 to export declarations accepted from 1 January 2005 until 31 December 2005.

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

Done at Brussels, 18 March 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 451/2005

of 18 March 2005

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal⁽¹⁾,Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98⁽²⁾,Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States)⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.
- (2) The applications for import licences submitted between 1 and 10 March 2005, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.
- (3) The quantities in respect of which licences may be applied for from 1 April 2005 should be fixed within the scope of the total quantity of 52 100 t.

- (4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 March 2005 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

United Kingdom:

- 300 t originating in Botswana,
- 10 t originating in Swaziland,
- 550 t originating in Namibia.

Article 2

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 2247/2003, during the first 10 days of April 2005 for the following quantities of boned beef and veal:

Botswana:	17 236 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 337 t,
Zimbabwe:	9 100 t,
Namibia:	11 350 t.

Article 3

This Regulation shall enter into force on 21 March 2005.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 18 March 2005.

For the Commission
J. M. SILVA RODRÍGUEZ
*Director-General for Agriculture and
Rural Development*

COMMISSION REGULATION (EC) No 452/2005**of 18 March 2005****determining the extent to which applications lodged in March 2005 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Bulgaria and Romania can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 April to 30 June 2005 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in the Annex.

Whereas:

(1) The applications for import licences lodged for the period 1 April to 30 June 2005 are for quantities less than or equal to the quantities available and can therefore be met in full.

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

(2) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which

Article 2

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 18 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period 1 April to 30 June 2005
B1	100,0
15	100,0
16	100,0
17	100,0

COMMISSION REGULATION (EC) No 453/2005

of 18 March 2005

determining the extent to which applications lodged in March 2005 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 18 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 April to 30 June 2005
1	100,00

ANNEX II

(t)	
Group	Total quantity available for the period 1 July to 30 September 2005
1	5 250,0

COMMISSION REGULATION (EC) No 454/2005**of 18 March 2005****determining the extent to which applications lodged in March 2005 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 April 2005 to 30 June 2005 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Whereas:

The applications for import licences lodged for the period 1 April to 30 June 2005 are for quantities less than the quantities available and can therefore be met in full.

Article 1

Applications for import licences for the period 1 April to 30 June 2005 submitted pursuant to Regulation (EC) No 1458/2003 shall be met as referred to in the Annex.

Article 2

This Regulation shall enter into force on 1 April 2005.

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

Done at Brussels, 18 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 208, 19.8.2003, p. 3.

ANNEX

Group	Percentage of acceptance of import licences submitted for the period 1 April to 30 June 2005
G2	100
G3	100
G4	100
G5	100
G6	100
G7	100

COMMISSION REGULATION (EC) No 455/2005
of 18 March 2005
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned

cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 19,011 EUR/100 kg.

Article 2

This Regulation shall enter into force on 19 March 2005.

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

Done at Brussels, 18 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 July 2004

concerning aid granted to the fisheries and aquaculture sector in Corsica from 1986 to 1999

(notified under document number C(2004) 2585)

(Only the French text is authentic)

(Text with EEA relevance)

(2005/238/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having called on interested parties to submit their comments in accordance with the above provision,

Whereas:

I. PROCEDURE

- (1) A meeting was held in Brussels on 21 May 1996 between France and the Commission concerning the situation of certain economic sectors in Corsica, including the fisheries sector. The Commission learned during this meeting that public aid had been granted to the sector without it having been notified to permit its examination in accordance with Article 93 (now Article 88) of the Treaty.
- (2) By letter dated 14 June 1996, the Commission asked France to provide details of this aid.
- (3) By letter dated 7 July 1996, France informed the Commission that it had asked the authorities in Corsica to forward the information requested. Since the Commission did not receive this information, a first reminder was sent on 12 September 1996.

- (4) Subsequently, by letter dated 17 December 1996, France sent certain information concerning the aid in question. The aid was entered in the register of unnotified aid under number NN 11/97 on 6 January 1997.

- (5) Having found that it did not have all the information necessary to examine the aid scheme, the Commission requested additional information by letter dated 24 April 1997. Documentation was sent by letters dated 3 December 1997 and 11 August 1998.

- (6) The Commission then made a new request for further information by letter dated 11 February 1999. A meeting was then held at the Commission on 22 February 2000 with representatives of the authorities of Corsica. Following this meeting, the Commission again sent France a list of the information it needed to analyse the aid measures. After a further two reminders, a large part of the information required arrived by letter dated 11 April 2001.

- (7) In addition, the Commission was informed of Report No 1077 of the French National Assembly drawn up in the name of the Committee of Inquiry into the use of public funds and the management of public services in Corsica⁽¹⁾ (hereinafter referred to as the report of the National Assembly). The report, published in 1998, describes the aid granted to the fisheries and aquaculture sector in 1997 (see point I.C.1.b of the report).

⁽¹⁾ Report available on the Internet site of the National Assembly: <http://www.assemblee-nationale.fr/dossiers/corse.asp>

- (8) The Commission informed France by letter dated 30 October 2001 of its decision to initiate the formal investigation procedure provided for in Article 88(2) of the Treaty against the following aid measures implemented in Corsica:
- aid for purchasing new and second-hand vessels for the whole period from 1986 to 1999,
 - aid for converting and equipping existing vessels during the period from 1 January 1987 to 28 October 1998 where the work carried out resulted in increased engine power.
- (9) By the same decision, the Commission informed France that it had decided to regard as being compatible with the common market aid for converting and equipping vessels where the work carried out did not result in any increase in the power of the vessel and aid for shore facilities for fishermen.
- (10) By this decision, the Commission also requested France to provide it with the information necessary for examining the aid for aquaculture.
- (11) By letter dated 21 December 2001, France submitted comments concerning the aid regarding which the formal investigation procedure had been initiated and provided information on the aid for aquaculture.
- (12) The decision to initiate the procedure was published in the *Official Journal of the European Communities*⁽¹⁾. The Commission called on the interested parties to submit their comments on the aid in question. The Commission received no comments following publication of the decision.
- ## II. DESCRIPTION
- (13) The aid measures covered by this Decision are those for which the formal investigation procedure was initiated and those for which the Commission enjoined France to provide information. This decision therefore concerns the following four types of aid:
- aid for purchasing new vessels during the period from 1986 to 1999,
 - aid for converting and equipping existing vessels during the period from 1 January 1997 to 28 October 1998 where the work carried out resulted in increased engine power,
 - aid for purchasing second-hand vessels for the period from 1986 to 1999,
 - aid for aquaculture for the period from 1994 to 1999.
- (14) The aid for the fishing fleet was instituted by the Assembly of Corsica, which, on 29 March 1985, adopted Decision 85/10a 'on aid for the modernisation of the fleet'. This Decision was amended on several occasions: Decision 90/99 of 30 November 1990, Decision 91/1032 of 19 December 1991, Decision 93/25 of 23 February 1993, Decision 95/16 of 9 March 1995, Decision 95/79 of 11 September 1995 and Decision 97/36 of 11 April 1997. France stressed that the most recent of those Decisions (97/36) was not amended until the end of the programming period covered by the single programming document (SPD) concerning Structural Fund measures in force at the time, i.e. until 31 December 1999. As regards the aid for aquaculture, France stated that the regional authorities in Corsica applied Community legislation directly, in accordance with the Aid Guide published by the Corsican Economic Development Agency (ADEC). The part of the Guide relating to fisheries and aquaculture, describing the aid that may be granted, was sent to the Commission.
- (15) The aid dates back to 1985. Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty⁽²⁾ does not lay down any limitation period for the examination of unlawful aid within the meaning of Article 1(f) thereof, i.e. aid implemented before the Commission is able to reach a conclusion about its compatibility with the common market. However, Article 15 of that Regulation stipulates that the powers of the Commission to recover aid is subject to a limitation period of 10 years, that the limitation period begins on the day on which the aid is awarded to the beneficiary and that that limitation period is interrupted by any action taken by the Commission. Consequently, the Commission considers that it is pointless to examine the aid covered by the limitation, i.e. aid granted more than ten years before any measure taken by the Commission concerning it.
- (16) The Commission considers that the limitation period was interrupted by its request for information sent to France on 14 June 1996. Accordingly, the limitation applies to aid granted to beneficiaries before 14 June 1986. The limitation therefore applies, in particular, to aid granted before 14 June 1986 by the Region of Corsica but paid to beneficiaries only in subsequent years, after the eligible investments had actually been made. Consequently, the Commission takes into account, in the analysis below, aid granted by decisions taken between 14 June 1986 and 31 December 1999.

⁽¹⁾ OJ C 25, 29.1.2002, p. 2.

⁽²⁾ OJ L 83, 27.3.1999, p. 1. Regulation as amended by the 2003 Act of Accession.

Aid for purchasing new vessels

- (17) Decision 85/10a of 1985 laid down that aid could be granted for the purchase of vessels of less than 18 metres intended for fishing from Corsica if the vessels concerned, except where special derogation was granted, were built in France. The subsidy was 20 % of the purchase price, with an additional subsidy of 10 % where it was the first purchase of a new vessel and a further 10 % where the vessel was built in Corsica. In addition, with the aim of encouraging Corsican shipyards using traditional timber-construction methods, the subsidy could be increased by 20 % of the purchase price with a special contribution from the specific funding available for the promotion of the timber sector. The contribution from the shipowner had to be at least 10 %.
- (18) Decision 90/99 amended the aid rates, increasing the basic rate from 20 % to 30 % and reducing the additional aid of 20 % for timber construction to 5 %.
- (19) Decision 95/16 amended the aid rates as follows: the basic rate remained at 30 % and it was laid down that the eligible investment could include the purchase of the hull, equipment and 80 lengths of net (6 400 metres). The aid for a first purchase remained at 10 % and the specific aid where the vessel was built in Corsica was reduced from 10 % to 5 %, still with an additional 5 % in the case of timber construction. The requirement for the vessel to be built in France was abolished.
- (20) Decision 95/79 restricted aid for the purchase of nets to the first purchase of a vessel by the applicant. The subsidy of 5 % where the vessel was timber-built in a Corsican shipyard was also abolished.
- (21) Decision 97/36 did not make any substantial change to the provisions described above. It continued to stipulate that the contribution from the shipowner had to be at least 10 %.

Aid for converting and equipping vessels

- (22) Decision 85/10a of 1985 laid down that the conversion of vessels of less than 18 metres at a cost of at least 25 000 French francs (FRF) was eligible for aid where the aim was to make a significant improvement to fishing potential (winches, net winches, echo sounders, gantries, navigation equipment, net rollers, etc.) and allow the refrigerated storage of fish or improve the energy efficiency of the means of propulsion (diesel engine of a capacity suited to the size of the vessel, adjustable pitch propeller, nozzles, etc.).

- (23) A subsidy of 15 % could be granted for the cost of this equipment. Decision 93/25 increased this to 30 % of the cost of the investment.
- (24) Decision 95/79 did not change the rate of aid but specified that, if the owner of the vessel applied for Community aid, the grant from the Corsican authorities would be calculated in accordance with the aid rates provided for in the relevant Community rules. The minimum cost above which investment is eligible was lowered to FRF 20 000. Decision 95/79 also laid down that, if the application for aid for converting or equipping a vessel was submitted for the first purchase of a new or second-hand vessel by a fisherman, the first 80 lengths of net could receive a 30 % subsidy.

Aid for purchasing second-hand vessels

- (25) Decision 85/10a of 1985 laid down that a grant of 10 % could be paid for the purchase of a second-hand vessel at a price of at least FRF 50 000. An additional subsidy of 5 % could be paid for a first purchase. The purchaser had to contribute at least 15 % of the cost of the vessel.
- (26) Decision 91/1032 increased the basic rate from 10 % to 15 %. Decision 95/16 increased the rate to 20 % for vessels less than 20 years old.

Aid for aquaculture

- (27) Aid for aquaculture was laid down in the 1994 planning agreement between the national and regional governments and in the single programming document for Community aid under Objective 1. The rules on the Financial Instrument for Fisheries Guidance (FIFG) were applied for the implementation of projects part-financed by the Community.
- (28) Aid for collective or private investments. Collective investments cover the promotion of fishery products, market research and technical support for aquaculture undertakings. Investments in undertakings are intended to make aquaculture undertakings more competitive with a view to increasing the quality of products on the market. These investments are connected with compliance with health standards and improving the conditions for product marketing: packaging equipment, storage facilities, service vessels, computer equipment, ice-making machines, refrigerated vans, etc.

- (29) The maximum rate of aid was 25 % of the investment in order to take account of possible financing by the FIFG.

criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽¹⁰⁾.

III. REASONS FOR OPENING THE FORMAL INVESTIGATION PROCEDURE

- (30) The Commission based its decision to open the formal investigation procedure on the various versions of the Guidelines for the examination of State aid to fisheries and aquaculture (hereinafter referred to as the Guidelines). According to point 3.4 of the 2001 Guidelines⁽¹⁾, currently in force, unlawful aid must be examined in the light of the Guidelines applicable when it is granted. In 1986 and 1987, the Guidelines applicable were those published in 1985⁽²⁾. Subsequently, the Guidelines applicable were the following: those published in 1988⁽³⁾ for aid granted from 1 January 1989, those published in 1992⁽⁴⁾ for aid granted from 1 July 1992, those published in 1994⁽⁵⁾ for aid granted from 1 January 1995 and those published in 1997⁽⁶⁾ for aid granted from 1 January 1997.

- (31) The Commission also referred to the successive Council Regulations concerning Community structural measures in the fisheries and aquaculture sector, to which these Guidelines constantly refer, in particular as regards eligible investments and permissible aid rates. These regulations are as follows: Council Regulation (EEC) No 2908/83 of 4 October 1983 on a common measure for restructuring, modernising and developing the fishing industry and for developing aquaculture⁽⁷⁾, Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector⁽⁸⁾, Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽⁹⁾ and Council Regulation (EC) No 2468/98 of 3 November 1998 laying down the

Aid for purchasing new vessels

- (32) The Commission expressed doubts on the compatibility of these aid measures for two reasons.

- (33) Firstly, based on the Guidelines, the Commission pointed out that aid for the purchase of new vessels was compatible with the common market if granted for investments contributing to achievement of the objectives of the multiannual guidance programme for the fishing fleet (MAGP), which sets out a number of requirements and a list of the means necessary for their fulfilment, in particular adjustment of the capacity of the fishing fleet of each Member State in line with the fishery resources to which it has access. However, France did not achieve the objective set out in MAGP III⁽¹¹⁾, in force from 1992 to 1996. It accordingly had to stop granting aid for the construction and modernisation of fishing vessels as from 1 January 1997. Subsequently, by letter dated 28 October 1998, the Commission told France that it could restart granting investment aid on certain conditions. In its letter dated 30 October 2001 informing France of its decision to initiate the formal investigation procedure, the Commission assumed that the aid granted from 1 January 1997 to 28 October 1998 infringed the Guidelines applicable over that period.

- (34) Secondly, the Commission noted that, given the possible aid rates and the possibility of cumulation with aid under other schemes, the aid had exceeded the maximum permissible rate.

Aid for converting and equipping vessels

- (35) The Commission expressed doubts regarding the compatibility of the aid granted from 1 January 1997 to 28 October 1998 for converting and equipping vessels where the work carried out resulted in an increase in the vessel's engine capacity since, in the same way as for aid for purchasing vessels, aid of this kind did not contribute to achieving the objectives of the MAGP.

⁽¹⁾ OJ C 19, 20.1.2001, p. 7.

⁽²⁾ OJ C 268, 19.10.1985, p. 2.

⁽³⁾ OJ C 313, 8.12.1988, p. 21.

⁽⁴⁾ OJ C 152, 17.6.1992, p. 2.

⁽⁵⁾ OJ C 260, 17.9.1994, p. 3.

⁽⁶⁾ OJ C 100, 17.3.1997, p. 12.

⁽⁷⁾ OJ L 290, 22.10.1983, p. 1. Regulation as last amended by Regulation (EC) No 3733/85 (OJ L 361, 31.12.1985, p. 78).

⁽⁸⁾ OJ L 376, 31.12.1986, p. 7. Regulation as last amended by Regulation (EC) No 3946/92 (OJ L 401, 31.12.1992, p. 1).

⁽⁹⁾ OJ L 346, 31.12.1993, p. 1. Regulation as last amended by Regulation (EC) No 25/97 (OJ L 6, 10.1.1997, p. 7).

⁽¹⁰⁾ OJ L 312, 20.11.1998, p. 19.

⁽¹¹⁾ Commission Decision 92/588/EEC of 21 December 1992 on a multiannual guidance programme for the fishing fleet of France for the period 1993 to 1996 pursuant to Council Regulation (EEC) No 4028/86 (OJ L 401, 31.12.1992, p. 3). Decision as last amended by Decision 95/238/EC (OJ L 166, 15.7.1995, p.1).

Aid for purchasing second-hand vessels

- (36) The Commission expressed doubts regarding the compatibility of some of the aid granted for purchasing second-hand vessels from 1 January 1989 because the Decision of the Assembly of Corsica provided for the possibility of granting such aid for purchasing vessels without any maximum age limit although the 1988 Guidelines, applicable at that time, prohibited aid for vessels more than 15 years old, reduced to 10 years by the 1992 Guidelines, applicable from 1 July 1992, and the subsequent Guidelines.
- (37) In addition, the Commission informed France that the 1998 Guidelines and subsequent Guidelines stipulated that aid for purchasing second-hand vessels could be granted only in the event of first purchases by young fishermen or possibly the acquisition of part-ownership or the replacement of a vessel following total loss. It also pointed out that, given the possible aid rates and the possibility of cumulation with aid under other schemes, the aid might have exceeded the maximum permissible rate.

IV. COMMENTS SUBMITTED BY FRANCE

- (38) In its reply, France gave a detailed explanation of the reasons why the aid granted had not, in fact, exceeded the permissible rates, including where there had been cumulation with aid from other sources, in particular Community aid. In support of its arguments, it enclosed a copy of the Aid Guide drafted by ADEC.
- (39) France also explained that the age requirements for vessels for the purposes of aid for purchasing second-hand vessels, as laid down in the Guidelines, had been included in the Guide and had been respected.
- (40) France also forwarded to the Commission, along with its comments following the opening of the formal investigation procedure, information on aid granted for aquaculture required by the 'injunction to provide information' contained in the Commission letter dated 30 October 2001.

V. ASSESSMENT

- (41) The aid measures in question confer a financial advantage on a category of undertakings carrying out a specific activity, i.e. fishing or aquaculture. The resources necessary for implementing these measures are public resources. Since the products of the beneficiary under-

takings are sold on the Community market, the measures strengthen the position of those undertakings, both on the French market compared with undertakings from other Member States wanting to introduce their own products onto that market and on the market of the other Member States compared with undertakings selling their products on those markets. Consequently, these measures distort or threaten to distort competition. They constitute State aid within the meaning of Article 87(1) of the Treaty.

- (42) These measures can be considered compatible with the common market only if eligible for one of the derogations provided for in the Treaty. Since this aid benefits undertakings in the fisheries and aquaculture sector, to be able to benefit from the derogation provided for, they must correspond to one of the exceptions provided for by the Guidelines (the various versions of these which have been applicable since 1986 are listed in recital 30).

Aid for purchasing new vessels (1986-1999)

- (43) In its comments, France explained that the maximum aid rates had been respected. The Commission notes that the Aid Guide drafted by ADEC states that the maximum rate must not exceed the rate provided for in the Regulation on structural measures financed from the FIFG. This aid is, in this respect, therefore compatible with the common market, subject to what is stated below.
- (44) There remains, however, the problem of aid granted over the period from 1 January 1997 to 28 October 1998 in view of the obligation on France to stop paying aid for constructing or modernising vessels under the rules of the common fisheries policy, which was lifted by letter dated 28 October 1998⁽¹⁾. In its letter dated 30 October 2001 informing France of the opening of the formal investigation procedure, the Commission assumed that aid had been granted during this period. This hypothesis was based on two factors: firstly, the fact that, according to France's letter dated 11 April 2001, Assembly of Corsica Decision 97/36 had not been amended, which meant that the Decision had been applied continuously from the date of its adoption until the end of 1999 and, secondly, the fact that the report of the National Assembly expressly stated that aid had actually been granted for constructing vessels in 1997 (point I.C.1.b of the report).
- (45) It would be useful to quote an extract from the report of the National Assembly:

'.... — aid for fisheries and aquaculture:

⁽¹⁾ See recital 33.

.... In 1997, ADEC processed 114 applications submitted by both private undertakings, for the purposes of modernising the fleet and aquaculture... Of the 114 applications processed, only 16 were rejected.

In total, the applications resulted in aid from the Corsican authorities of more than FRF 13 million, made up of FRF 11,5 million as investment aid and FRF 1,6 million as operating aid. Almost half of the aid granted for investments was for modernising the fleet.

In 1997, 10 fishing vessels were constructed, ...'.

(46) France made no comment regarding the assumption made in the Commission's letter dated 30 October 2001, neither stating, for example, that application of Decision 97/36 had been suspended nor that no aid had been granted during the period concerned. It is therefore safe to assume that aid was actually granted during that period.

(47) The successive versions of the Guidelines consistently stipulated that aid for purchasing new vessels was compatible with the common market if it was granted for investments that contributed to achieving the objectives of the MAGP⁽¹⁾. More specifically, for aid granted from 1 January 1997 to 28 October 1998, to which the 1997 Guidelines applied, point 2.2.3.1 of those Guidelines laid down that 'Aid for the construction of new fishing vessels may be deemed to be compatible with the common market subject to the requirements of Articles 7 and 10 and Annex III (paragraph 1.3) of Regulation (EC) No 3699/93 [...].'

(48) Article 10(1) of Regulation (EC) No 3699/93 lays down that 'Member States may take such measures to promote the construction of fishing vessels as comply with the global annual intermediate objectives and the final objectives by segment under their multiannual guidance programme within the stated time limits. Member States shall, when forwarding any pertinent aid proposal, inform the Commission of provisions taken to ensure that this condition is complied with.' Under that provision, the Commission reminded France by letter dated 4 July 1997, that 'it must therefore stop granting aid for construction or modernisation as from 1 January 1997'.

(49) By letter dated 8 August 1997, France replied, indicating in particular that: 'At the beginning of 1996, the intermediate objectives of MAGP II not having been achieved by 31 December 1995, the French authorities had already taken the necessary steps to freeze investment projects resulting in increased fleet capacity. In addition, in July 1996, in order to accelerate the reduction in the fishing fleet, a plan for the withdrawal of fishing vessels from the fleet was implemented..., the plan provided for the withdrawal from the fleet of between 10 000 kW and 15 000 kW. Therefore, at the beginning of 1997, France thought it would be able to fulfil its objectives under MAGP III. Consequently, authorisation was given for limited volumes of investment, accompanied by national aid, essentially in cases where there was an urgent need to replace vessels or fit new engines... However, the full effects of the withdrawal measures were seen only at the end of the first half of 1997...'

(50) In fact, it was only in the second half of 1998 that France was able to achieve the objectives of the MAGP. By letter dated 28 October 1998, the Commission informed France that 'following our meeting of 21 October 1998, our previous meetings and the clarifications contained in your letters dated 5 and 22 October 1998, I have the pleasure to announce that the Directorate-General for Fisheries can accept a resumption of investments such as you envisage, i.e. in a very measured manner, giving priority to young fishermen, without increasing capacity and in compliance with the objectives of the MAGP'.

(51) It can be seen from this exchange of correspondence that France was perfectly aware that it was not achieving the intermediate objectives of MAGP III and that, despite this, aid for purchasing new vessels was authorised. The requirements laid down in Article 10 of Regulation (EC) No 3699/93 was not therefore fulfilled. Consequently, under point 2.2.3.1 of the 1997 Guidelines, the aid granted during that period for purchasing new vessels was incompatible with the common market.

Aid for converting and equipping vessels (1 January 1997 to 28 October 1998)

(52) The opening of the formal investigation procedure concerned aids for converting and equipping vessels granted during the period from 1 January 1997 to 28 October 1998 where the work carried out increased the power of the vessel, because, as in the case of the aid for purchasing new vessels, such aid did not contribute to achieving the objectives of the MAGP.

⁽¹⁾ See recital 33.

(53) The report of the National Assembly (point I.C.1.b) refers to aid for modernising vessels. As well as stating that ten fishing vessels had been built, the report also said that '... 38 vessels have undergone various types of alterations and re-equipping...'. It is therefore clear that aid for modernising vessels was granted during the period.

(54) The successive Decisions adopted by the authorities of the Region of Corsica expressly stipulated that aid could be granted for fitting 'an engine of a capacity suited to the size of the vessel'. This appears to indicate that aid for modernising vessels could be granted for purchasing a more powerful engine. In addition, as in the case of aid for purchasing vessels, France made no comment regarding the assumption made in the Commission's letter dated 30 October 2001 that aid for purchasing an engine more powerful than an existing engine was granted during the period. It is therefore safe to assume that aid for modernising vessels was actually granted in certain cases where the work carried out resulted in increased engine power.

(55) As in the case of aid for construction, point 2.2.3.2 of the 1997 Guidelines stipulates that 'Aid for the modernisation of commissioned vessels may be deemed compatible with the common market subject to the requirements of Articles 7 and 10 of, and Annex III (paragraph 1.4) to, Regulation (EC) No 3699/93 [...]'. Article 10(2), of Regulation (EC) No 3699/93 lays down that 'Member States may take measures to promote the modernisation of fishing vessels. Such measures shall be subject to the conditions referred to in paragraph 1 (construction of vessels) where investments are likely to result in an increase in fishing effort'.

(56) The requirement laid down in Article 10 of Regulation (EC) No 3699/93 was not therefore fulfilled. Consequently, under point 2.2.3.2 of the 1997 Guidelines, aid granted during that period for modernising vessels, where modernisation resulted in increased power, was incompatible with the common market.

Aid for purchasing second-hand vessels (1986-1999)

(57) As already indicated in recital 39, France provided information showing that the age requirement had actually been respected. The doubts expressed on this subject by the Commission in opening the formal investigation procedure have therefore been dispelled. The same holds for the maximum possible rate of aid.

(58) In addition, with regard to the requirement to restrict such aid to first purchases by young fishermen and the replacement of vessels following total loss, France also indicated in its reply dated 21 December 2001 that this aid was granted in accordance with the Community provisions in force. Consequently, this aid can be deemed to be compatible with the common market.

Aid for aquaculture (1994-1999)

(59) In accordance with the successive versions of the Guidelines, aid for aquaculture is compatible with the common market where the requirements laid down in the Regulation on Community structural measures in the fisheries sector are fulfilled.

(60) As France indicated in its letter dated 21 December 2001, the Aid Guide took account of those requirements, stipulating in particular that the maximum authorised aid rate must take account of aid from other sources.

(61) Accordingly, the aid granted for aquaculture can be deemed to be compatible with the common market.

VI. CONCLUSIONS

(62) The following State aid implemented in the Region of Corsica in France by Decision of the Assembly of Corsica 85/10a of 29 March 1985, as amended by Decision 90/99 of 30 November 1990, Decision 91/1032 of 19 December 1991, Decision 93/25 of 23 February 1993, Decision 95/16 of 9 March 1995, Decision 95/79 of 11 September 1995 and Decision 97/36 of 11 April 1997 is incompatible with the common market:

— aid for purchasing new vessels granted during the period from 1 January 1997 to 28 October 1998,

— aid for converting and equipping existing vessels granted during the period from 1 January 1997 to 28 October 1998 where the work carried out resulted in increased engine power.

(63) In accordance with Article 14 of Regulation (EC) No 659/1999, France must recover the aid concerned.

(64) The following aid is compatible with the common market:

- aid for purchasing new vessels granted outside the period from 1 January 1997 to 28 October 1998,
- aid for converting and equipping existing vessels granted outside the period from 1 January 1997 to 28 October 1998 or granted during that period where the work carried out did not result in increased engine power,
- aid for purchasing second-hand vessels,
- aid for aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The following aid measures implemented by France in the Region of Corsica and introduced by Decision of the Assembly of Corsica 85/10a of 29 March 1985, as amended by Decision 90/99 of 30 November 1990, Decision 91/1032 of 19 December 1991, Decision 93/25 of 23 February 1993, Decision 95/16 of 9 March 1995, Decision 95/79 of 11 September 1995 and Decision 97/36 of 11 April 1997 are incompatible with the common market:

- (a) aid for purchasing new vessels granted during the period from 1 January 1997 to 28 October 1998;
- (b) aid for converting and equipping existing vessels granted during the period from 1 January 1997 to 28 October 1998 where the work carried out resulted in increased engine power.

Article 2

The following aid measures implemented by France in the Region of Corsica and introduced by the Decision of the Assembly of Corsica referred to in Article 1 are compatible with the common market:

- (a) aid for purchasing new vessels granted outside the period from 1 January 1997 to 28 October 1998;
- (b) aid for converting and equipping existing vessels granted outside the period from 1 January 1997 to 28 October 1998 or granted during that period where the work carried out did not result in increased engine power;
- (c) aid for purchasing second-hand vessels;
- (d) aid for aquaculture granted from 1994 to 1999.

Article 3

1. France shall take all measures necessary to recover from the beneficiaries the aid referred to in Article 1 that was unlawfully granted to them.

2. Recovery shall be effected without delay and in accordance with the procedures of national law provided that they allow the immediate and effective execution of this Decision. The aid to be recovered shall include interest from the date on which it was granted to the recipient until the date of its recovery. Interest shall be calculated and applied in accordance with Chapter V of Commission Regulation (EC) No 794/2004⁽¹⁾.

Article 4

France shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 14 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 140, 30.4.2004, p. 1.

COMMISSION DECISION
of 14 July 2004
concerning certain aid measures applied by France to assist fish farmers and fishermen

(notified under document number C(2004) 2588)

(Only the French text is authentic)

(Text with EEA relevance)

(2005/239/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II. DESCRIPTION

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having called on interested parties to submit their comments pursuant to the provision cited above,

Whereas:

I. PROCEDURE

- (1) By letter dated 21 June 2000, France informed the Commission of the compensation measures it had adopted for fishermen and fish farmers affected by the oil pollution caused by the wreck of the *Erika* in the Bay of Biscay on 12 December 1999 and the extraordinarily violent storms of 27 and 28 December 1999. At the Commission's request, further information was provided by letters dated 28 November 2000, 6 April 2001 and 13 August 2001. Because they were implemented before the Commission could decide whether they were compatible with common market rules, these measures were registered as a non-notified aid scheme, under the number NN 80/2000.
- (2) By letter dated 11 December 2001, the Commission notified France of its decision to consider certain of the planned measures compatible with the common market and to initiate the formal investigation procedure provided for in Article 88(2) of the Treaty in respect of the others. France made known its response by letter dated 5 March 2002.
- (3) The Commission Decision to initiate the formal investigation procedure was published in the *Official Journal of the European Communities*⁽¹⁾. The Commission invited interested parties to submit their comments. The Commission received no comments.

- (4) The formal investigation procedure was initiated in respect of the following measures:

1. exceptional aid for the fishermen and fish farmers of the departments of Finistère, Morbihan, Loire-Atlantique, Vendée, Charente-Maritime and Gironde on France's Atlantic coast (hereinafter referred to as the Atlantic coast departments from Finistère to Gironde).

— exemption from social security contributions for the first quarter of 2000 (or an average quarter),

— reduction of financial charges;

2. additional measures to assist fish farmers and fishermen throughout France:

— additional measure reducing social security contributions for all fish farmers (from 15 April to 15 July 2000) and fishermen (from 15 April to 15 October 2000) of mainland France and the overseas departments,

— exemption from State fees for the year 2000 for all fish farmers; when the formal investigation procedure was opened, the Commission understood that this exemption applied only to aquaculture undertakings in the Atlantic coast departments from Finistère to Gironde, but it subsequently transpired that the measure was an additional general measure applying to all producers in mainland France and the overseas departments.

- (5) For the record, the Commission would point out that the measures that had been deemed compatible with the common market, about which France was informed in a letter of 11 December 2001, concerned the undertakings located in the Atlantic coast departments from Finistère to Gironde, and were the following:

⁽¹⁾ OJ C 39, 13.2.2002, p. 6.

— for fish farmers: application of the agricultural disasters scheme, aid for rebuilding equipment and stocks, advances on compensation to be paid by the International Oil Pollution Compensation Fund (IOPCF),

— for fishermen: aid for rebuilding vessels and equipment lost or damaged in the storm, advances on compensation to be paid by the IOPCF, flat-rate aid for loss of revenue resulting from damage suffered during the storm.

A. Measures for fish farmers in the Atlantic coast departments from Finistère to Gironde

1. Exemption from social security contributions for the first quarter of 2000 (or an average quarter)

(6) This measure was aimed at two categories of fish farmers: those whose stocks and equipment were damaged by the storm in December 1999 and who received aid for rebuilding stocks, and those who suffered damage by pollution from oil from the *Erika* and received an advance on compensation to be paid by the IOPCF.

(7) It was a targeted measure determined by the situation of the undertakings concerned. It was applied for one, two or three months, depending on the scale of damage suffered by the undertakings concerned. During that period, the undertakings concerned were totally exempted from social security charges.

(8) Applications were examined by the compensation units set up in each of the departments concerned under the authority of the prefect, with the participation of the administrations concerned, professional organisations, banks and insurance companies. The list of beneficiaries was drawn up by the Directorate for Sea Fishing and Sea-based Fish Farming at the proposal of the departments' prefects. It concerned 1 476 undertakings. The total value of the exemptions was EUR 0.87 million.

2. Reduction of financial charges

(9) This measure was applied to the same undertakings as those referred to in recitals 6 to 8. It consisted in paying, under individual debt adjustment plans, part of the interest falling due in 2000, 2001 and 2002 for medium and long-term loans and operational consolidation loans. The purpose of these measures stated by France in its letter of 13 August 2001 was to reduce the

financial pressure on undertakings affected by the storm and/or the oil pollution.

(10) Application files had to be submitted by 1 April 2000. They were evaluated by the departments' maritime affairs directorates and presented to the compensation unit. The amount of the aid was determined according to criteria defined locally. The compensation units had to consider the scale of activity actually lost in the 1999/2000 winter, the debt situation and vulnerability of the undertaking, the operating revenue for the last two financial years, any external revenue to the undertaking over the same period, and the viability of the undertaking. The undertakings' creditors (banks and suppliers) were asked to make a particular effort. The amount of the aid could not exceed FRF 48 000 (EUR 7 317), except where the compensation unit judged the situation particularly critical and raised the ceiling to FRF 62 000 (EUR 9 451).

(11) The individual debt adjustment plans drawn up under this procedure were the basis for an agreement approved by all the parties and identifying the contribution of each party to its implementation. The decision to award the aid was taken by the department prefect. The total amount of the aid was approximately FRF 8 million (EUR 1,2 million) for 1 083 undertakings.

B. Additional measures

(12) In addition to the above measures — both those for which the formal investigation procedure was initiated and those which the Commission has already approved — the Minister for agriculture, fisheries and aquaculture decided to apply additional measures to assist these undertakings, in order, as France has stated, to deal with the difficulties facing the fisheries and aquaculture sector as a result of the cumulative effects of the storm and oil pollution, and take account of the damage suffered by undertakings in the sector because of the deterioration of the market.

1. Exemption of all fish farmers from State fees for the year 2000

(13) As France stated in its letter of 21 June 2000, i.e. before the formal investigation procedure was initiated, an exemption from State fees for fish farming concessions in public sea waters and water intake authorisations to supply parcels situated on private property was granted for the year 2000.

(14) In its letter of 5 March 2002, in which it gave its comments on the initiation of the procedure, France stated that this measure was part of the additional relief measures for all fish farmers in mainland France and the overseas departments.

(15) In response to a request from the Commission, France confirmed in its letter of 24 September 2002 that this exemption had been extended to all marine fish farmers by a decision of 12 September 2000.

(16) The total value of the exemption was EUR 3,81 million.

2. Reduction of social security contributions for fish farmers and fishermen

(17) The Minister for Agriculture and Fisheries decided (decisions issued in circulars of 15 April 2000 and 13 July 2000) to grant all undertakings in the sector a 50 % reduction in social security contributions for the period 15 April 2000 to 15 July 2000 for fish farmers and 15 April 2000 to 15 October 2000 for fishermen.

(18) This reduction applied to employers' and employees' contributions for all fishermen and fish farmers in mainland France and the overseas departments.

(19) The procedures for applying the reduction varied according to whether the contributions were paid to the ENIM (Etablissement National des Invalides de la Marine) or the MSA (Mutualité Sociale Agricole).

(20) The rate of reduction of contributions to the ENIM was 50 % for both employees' and employers' contributions. However, in the case of certain vessels for which the share payment system is not applied, the part of the employers' contributions taken over was increased to 75 %. France explained this different rate by the fact that in the case of share payment there is a close financial solidarity between the owners and the crew in the face of difficulties encountered in the course of fishing activities, particularly as regards reduced turnover, whereas in the case of industrial ship owners where this type of payment does not exist, the owners bear the greater part of economic difficulties.

(21) The procedures for the reduction of the contributions owed to the MSA for fish farmers covered by this scheme were defined in a circular issued by the Ministry of agriculture and fisheries on 25 April 2000. 50 % of the contributions payable by fish farmers and heads of undertakings were paid for them for three twelfths of the contributions required for 1999 and for the contributions due from them for their employees for the last three months of 1999.

(22) The total value of these exemptions was FRF 119 million (EUR 18,2 million).

C. Reasons for initiating the formal investigation procedure

(23) The measures described in sections A and B were adopted in response to the pollution caused by the wreck of the petrol tanker *Erika* on 12 December 1999 and the violent storm of 26 and 27 December 1999.

(24) They were analysed in the light of Article 87(2)(b) of the Treaty, which states that aid is compatible with the common market if it is granted 'to make good the damage caused by natural disasters or exceptional occurrences.' The pollution following the shipwreck of the *Erika* can be described as an exceptional occurrence within the meaning of this Article. Equally, the extreme and unaccustomed violence of the storm of 26 and 27 December 1999 qualifies it to be described as a natural disaster.

(25) The Commission's role in this context is to establish whether there was over-compensation for the damage caused by these events.

1. Measures for fish farmers in the Atlantic coast departments from Finistère to Gironde

(26) The measures for which the formal investigation procedure was initiated are the exemption from social security contributions for the first quarter of 2000 (or an average quarter), the reduction in financial charges and the exemption from State fees.

(27) The social security contributions exemption measure was applied after examination by the compensation unit of the situation of each undertaking that might qualify for it. The duration of the exemption was graded, from one to three months, depending on the damage suffered. This exemption measure was additional to other measures (application of the agricultural disaster scheme, aid for rebuilding equipment and stock and advances on compensation to be paid by the IOPCF). On the basis of the information provided, the Commission did not feel able to confirm that this exemption from social security contributions had not, overall, involved compensation over and above the damage suffered.

(28) The reduction of financial charges was also additional to the other measures adopted. Here too, the Commission could not be sure that this measure had not provided compensation over and above the damage suffered.

(29) The exemption from State fees was also additional to the other measures adopted. Also, according to the information available to the Commission, all fish farmers in the six departments concerned appeared to have benefited from this measure. France did not state the reasons why this measure had been extended to all those working in the sector in these departments. Therefore the Commission again could not be sure that, overall, the exemption from State fees had not provided compensation over and above the damage suffered.

(30) Since the Commission could not establish that there had not been over-compensation for the damage suffered, these measures could not be declared compatible with the common market under Article 87(2)(b) of the Treaty.

(31) As unnotified aid, these measures were analysed in the light of the Guidelines on the examination of State aid to fisheries and aquaculture⁽¹⁾, adopted in 1997 and in force at the time of the measures (hereinafter the 1997 Guidelines). Since the aid concerned was operating aid, the Commission applied the third indent of the fourth subparagraph of point 1.2 of the 1997 Guidelines, which states as a general principle that operating aid is incompatible with the common market. It found that on the basis of the information available it still had doubts about the compatibility of the measures with the common market.

2. Additional measures reducing social security contributions for all fish farmers and fishermen

(32) According to France, the additional relief measures for all fish farmers and fishermen in mainland France and the overseas departments were adopted to compensate for the adverse economic impact on the sector of the deterioration of the market caused by the poor image of fisheries and aquaculture products following the pollution caused by the wreck of the *Erika*.

Fish farmers

(33) Social security contributions were reduced for the period 15 April to 15 July 2000.

(34) According to France, the deterioration of the market led to a fall in retail sales (9 % by volume and 5 % by weight) of shellfish in the first half of 2000. The storm also had a negative impact on the economic situation of the entire shellfish industry as Charente-Maritime plays a key role in the marketing of oysters in France.

(35) However, France gave no information on the link between the amount of economic damage which it stated that the oil pollution had caused to all shellfish producers and the amount represented by the exemption from social security contributions over the period in question. The Commission was not therefore able to establish that the exemption measure corresponded in value to the damage suffered and did not over-compensate.

(36) Since the measure had the characteristics of operating aid, the Commission found, on the basis of the third indent of the fourth subparagraph of point 1.2 of the 1997 Guidelines that, on the basis of the information at its disposal, there were doubts as to the compatibility of the measure with the common market.

Fishermen

(37) Social security contributions were reduced for the period from 15 April to 15 October 2000.

(38) According to France there was a general downturn in the market for fisheries products, with a sustained fall in demand because of consumers' concerns about the health implications of the oil pollution.

⁽¹⁾ OJ C 100, 27.3.1997, p.12.

(39) Various retail sales statistics on fisheries products were provided by France in justification of this relief measure. The Commission took note of this information. However, in its letter informing France that the formal investigation procedure was being initiated, the Commission pointed out that other information indicated that during the first quarter of 2000 the value of auction sales rose by 3 % against the previous year and market withdrawals were less than 1,5 % of the quantities landed for all the main species, which was equivalent to the withdrawal rate in the same period in 1999. Furthermore, the exemption measure was applied to all French fisheries undertakings, included those established in the overseas departments.

(40) Moreover, the Commission had taken note of information distributed by *Agence France-Presse* and in the newspapers according to which the reductions in social security contributions were intended to compensate the rise in oil prices which had already been registered for several months.

(41) In view of all this information, the Commission found that France had not provided information establishing that the measure was compensation for the economic impact on undertakings of the deterioration of the market in fisheries and aquaculture products. Since the measure had the characteristics of operating aid, the Commission found, on the basis of the third indent of the fourth subparagraph of point 1.2 of the 1997 Guidelines that, on the basis of the information at its disposal, there were serious doubts as to the compatibility of the measure with the common market.

III. COMMENTS FROM FRANCE

A. Measures for fish farmers in the Atlantic coast departments from Finistère to Gironde

(42) France stated that the purpose of the reductions in financial charges granted under debt adjustment plans was to help the most vulnerable undertakings to deal with an exceptional situation associated with the natural disasters, and not to cover losses. Only the most vulnerable undertakings were eligible for this measure.

(43) France stated that the procedure put in place for the reduction of social security contributions and financial charges was precisely to avoid over-compensation for damage suffered. The compensation units set up in the departments affected evaluated the overall economic

situation of each undertaking and validated the amounts granted in line with the damage suffered.

B. Additional measures for all fish farmers and fishermen

1. Measures for fish farmers

(44) France found that relief restricted to the fish farmers affected by the storm and the oil pollution was inadequate. The overall situation of the industry appeared sufficiently worrying to justify intervention for the industry as a whole. The media impact of the oil pollution on public opinion damaged the consumer image of fisheries and aquaculture products, and particularly farmed shellfish, whatever their origin. A study carried out for the *Office national interprofessionnel des produits de la mer et de l'aquaculture* (National Inter-trade Board for Sea and Fish-Farming Products - Ofimer), estimated that shellfish farming turnover fell by FRF 51 million (EUR 7,77 million) over a four-month period from 17 December 1999 to 16 April 2000.

(45) General measures were adopted to deal with this situation: a general reduction of social security contributions and exemption from State fees. The aid value of the social security contribution reductions was EUR 3,35 million. The value of the State fees exemption was EUR 3,81 million. The total amount was thus less than the EUR 7,77 million fall in turnover estimated by the study carried out for Ofimer.

2. Measures for fishermen

(46) France contests the Commission's grounds for initiating the formal investigation procedure. It states that the shock of the *Erika* oil pollution, and media coverage of its alleged or suspected consequences badly damaged the image of fisheries and aquaculture products; not a single sector or area escaped this effect.

(47) France further states that the relief period (15 April to 15 October 2000) in fact relates to fishing activity in the first six months of the year, since social security contributions actually relate to the activity of the three previous months. This lag made it possible to take into consideration the exact activity of fishermen when the greatest difficulties were experienced, i.e. over the six months following the two disasters of December 1999. France therefore considers that the Commission's analysis should not have referred to the Ofimer *Flash Eco* memo on the economy of 16 February 2001.

(48) It also considers that the Commission should not have referred to the Ofimer memo on the economy for January to April 2000 since it was based on estimates and a large part of the data for March and April was estimated. The discrepancies found by the Commission were not the result of different evaluations but of the normal statistical gap between raw instantaneous data and its definitive validation. The Commission should therefore have confined its analysis to the data in the memo of 6 April 2001 sent to the Commission by the France as part of the investigation of this case, this data being definitive for the period in question.

(49) France also states that Ofimer's monthly summaries indicate that the quantities landed over the first six months were stable in relation to the same period in 1999, although there were downturns, sometimes large-scale, over short periods which appear to correspond to the periods of greatest media coverage. However, during this period withdrawals increased by 28 % as against 1999, particularly during the first three months of the year (January: + 92 %, February: + 66 %, March: + 35 %). For some species the level of withdrawals was extremely high (Norway lobsters: + 175 %, monkfish: + 161 %, spider crab: $\times 5$), which is evidence of the psychological impact of the oil pollution on consumer behaviour.

(50) During the first half of 2000, since the quantities landed were relatively stable but there was a very substantial increase in the quantities withdrawn, the quantities sold decreased. The consumption of fresh fisheries and aquaculture products fell by 7 % (6 % for fish, 9 % for shellfish and 6,5 % for crustaceans, particularly shrimps).

(51) Prices fell by 6 % against January 1999 and this decline persisted for the species essential to undertakings' equilibrium. It was found that of the 49 important species monitored by Ofimer, prices fell for 34 species in January 2000, 26 in February 2000 and 21 in March 2000. Similarly, a constant decline was recorded for all the main species fished over the entire period.

(52) France further states that consumers could not easily distinguish the origin of fisheries and aquaculture products and disaffection with those products was manifested irrespective of the production area. The suspicion generated by the oil pollution therefore affected products both from the mainland and from the overseas departments without differentiation. According to

France, the customs data for the overseas departments shows that their products also suffered the effects of the oil pollution and there was therefore no reason to exclude them from the support provided by the Government.

(53) Lastly, France commented that the Commission had given little credit to the press articles submitted for illustrative purposes and yet had made much of the views journalists had garnered at trade fairs. It submitted with its comments a number of articles and additional documents showing the media hype that surrounded this event and the climate of suspicion that gave rise to consumer disaffection with fisheries and aquaculture products. It also refuted the Commission's suggestion in its letter notifying initiation of the formal investigation procedure that the reduction in social security contributions was really intended to compensate for the increase in fuel prices, which had already been registered for several months.

IV. ASSESSMENT

A. Existence of State aid

(54) Article 87(1) of the Treaty stipulates that 'any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market.'

(55) The various measures that are the subject of this Decision (reductions in social security contributions and financial charges, exemption from State fees) are measures that favour undertakings engaging in a certain activity, namely aquaculture or fisheries. These undertakings are relieved of certain charges which they would normally have to bear.

(56) The measures entailed a loss of State resources, either directly (reduction in financial charges and exemption from State fees) or indirectly, since the State had to compensate the losses borne by the body levying the social security contributions. These measures therefore constitute State aid within the meaning of Article 87(1) of the Treaty.

- (57) Furthermore, since the products of the beneficiary undertakings are sold on the Community market, the measures adopted by France reinforce the position of those undertakings both on the French market in relation to undertakings from other Member States wishing to introduce their own products (fisheries and aquaculture products or other competing food products) on that market and on the markets of other Member States in relation to the undertakings active on those markets (for the same products). The measures therefore distort or threaten to distort competition and may affect trade between the Member States.
- (58) Such measures are in principle prohibited under Article 87(1) of the Treaty. They may only be deemed compatible with the common market if they qualify for one of the derogations provided for in the Treaty. The aid to aquaculture and fisheries undertakings must be analysed in the light of the 1997 Guidelines, as was done in the course of the preliminary investigation.
- (61) Going by the additional information provided, in the case of the exemption from social security contributions and the reduction of financial charges, the procedure set up by France, with the creation of a compensation unit in each department concerned, with representatives of the State services concerned, banking establishments and professionals, really was designed to avoid risks of over-compensation. France points out that investigating each case individually ensured that the aid was adjusted to the situation of each undertaking, thereby avoiding over-compensation.
- (62) In view of this information the Commission finds that France established an appropriate procedure allowing over-compensation to be avoided. It therefore finds that the only objective of this aid was indeed to compensate for damage suffered as a result of the two exceptional occurrences, the storm of December 1999 and the wreck of the *Erika*.

B. Measures for fish farmers in the Atlantic coast departments from Finistère to Gironde

- (59) The Commission initiated the formal investigation procedure for certain measures adopted to assist fish farmers after the events of December 1999 because it had not been able to establish that overall, with the cumulative effect of the different aid measures, including those which it had already approved, there had not been over-compensation for the damage suffered.
- (60) The formal investigation procedure related to the following aid measures:
- exemption from social security contributions during the first quarter of 2000 (for one, two, or three months according to the damage suffered),
 - reduction of financial charges for fish farmers directly affected by the storm or the oil pollution,
 - exemption from State fees for the year 2000 for concessions in the six departments affected by the events (Atlantic coast departments from Finistère to Gironde).
- (63) The exemption from social-security contributions and the reduction of financial charges must therefore be deemed compatible with the common market under Article 87(2)(b) of the Treaty.
- (64) The exemption from State fees will be analysed in section C.1 below, since the measure was applied to all French fish-farmers, contrary to the information at the Commission's disposal prior to initiation of the formal investigation procedure. France informed the Commission in its letter of 21 June 2000 that the marine aquaculture concessions and the water intake authorisations in the departments concerned were exempt from payment of the State fee for the year 2000. Since France made no further mention of this exemption in its subsequent letters to the Commission, which described in detail the content of the measures implemented, the Commission asked France by letter of 21 June 2001 whether the exemption had in fact been applied, and if so asked France to supply the relevant information. In its reply of 13 August 2001 France stated that the fish farmers of the departments of Finistère, Morbihan, Loire-Atlantique, Vendée, Charente-Maritime and Gironde had in fact been granted exemption from the State fee payable in 2000, without mentioning that these departments were not the only ones to which the exemption had been applied. Not until it responded to the initiation of the formal investigation procedure did France state that the measure was a general one applying to all French fish farmers, like the reduction in social security contributions.

C. Additional measures in favour of all fish farmers and all fishermen

1. Fish farmers

- (65) The exemption from State fees for the year 2000 and the reduction in social security charges from 15 April to 15 July 2000 were applied to all fish farmers of mainland France and the overseas departments.
- (66) According to France these measures were introduced to compensate for the loss of turnover suffered by the whole industry throughout the territory as a result of the deterioration of the consumer image of farmed shellfish after the wreck of the *Erika*. A study carried out for the Ofimer concluded that, following this event, turnover had fallen by EUR 7,7 million against the previous year.
- (67) The exemption from State fees, with a value of EUR 3,81 million, and the reduction in social security charges, with a value of EUR 3,35 million, would thus partially compensate for this loss of revenue. The total value of the aid for all France was thus EUR 7,16 million, less than the estimated loss (EUR 7,7 million).
- (68) On the basis of the information provided the Commission does not contest that the farmed shellfish market suffered temporarily. However, as already noted in the Commission decision initiating the formal investigation procedure, this market deterioration must be put in perspective — there was no sudden and extreme customer disaffection.
- (69) The Commission notes that in 1999 the value of aquaculture products (shellfish and fish) for the whole of France was EUR 502 million (2000 Ofimer report). The table giving this figure does not indicate the relative shares of fish and shellfish. According to another source ('aquaculture' page of the website of the Ministry of Agriculture ⁽¹⁾), the value of farmed fish products (sea farming and freshwater farming) was EUR 221 million. This would make the estimated value of shellfish farming EUR 281 million.
- (70) The loss of turnover following the deterioration of the image of shellfish can therefore be estimated as 7,7/281 or 2,7 % of the value of the previous year's production. The compensation of a value of EUR 7,16 million would therefore be 7,16/281 or 2,5 % of turnover.
- (71) The Commission considers that small-scale losses must be categorised as costs to be borne by undertakings in the normal course of their activity. Any economic activity is subject to various greater and lesser risks (price fluctuation of production factors, fluctuation of the sales price of production, possible increase in charges, etc.) resulting from a wide variety of unforeseen circumstances. It considers that when such risks lead to small-scale losses they cannot give rise to an entitlement to compensation because that would mean that traders could claim compensation whenever they suffered the impact of any unforeseen event. For example, in line with this general approach, the Commission considers that in the agriculture sector losses must exceed a threshold of 30 % (20 % in less-favoured areas) for aid to be deemed compatible with the common market under Article 87(2)(b) of the Treaty.
- (72) The social security contribution reduction and State fee exemption measures, intended to compensate for a loss of turnover of only 2,7 % cannot therefore in principle be deemed compatible with the common market under Article 87(2)(b) of the Treaty. Nor do these aid measures correspond to any of the derogations provided for in the 1997 guidelines. They must therefore in principle be deemed incompatible with the common market.
- (73) However, the Commission notes that the measures applied to fish farmers in the Atlantic coast departments from Finistère to Gironde were intended to compensate for damage directly linked to one of the events of December 1999, the wreck of the *Erika* or the storm. These aid measures must be evaluated in conjunction with the other aid measures granted following those events. The Commission has already pronounced those other aid measures (application of the agricultural disasters scheme, aid for rebuilding equipment and stock, advances on the compensation to be paid by the IOPCF) compatible with the common market (letter of 11 December 2001), or is pronouncing them so in this decision (social security contributions relief for the first quarter of 2000 and reduction of financial charges — see Section B).

⁽¹⁾ www.agriculture.gouv.fr/pech/aqua/.

- (74) Since these measures have been or are now being pronounced compatible with the common market under Article 87(2)(b), an additional compensation worth 2,5 % of turnover must be incorporated in the total aid received by the fish farmers (the percentage of 2,5 %, corresponding to EUR 7,16 million/EUR 281 million, was calculated for France as a whole; the same percentage may be taken as the average for each farm). Given this low relative value and the fact that the other aid did not fully compensate for the damage suffered, the risk of over-compensation is avoided.
- (75) Losses, and aid allocations to compensate for them, should have been assessed for each individual aquaculture holding to establish whether the value of damage suffered by each undertaking (with the addition of the loss of turnover resulting from the deterioration in the image of shellfish, estimated at 2,7 %) was significant. This was not the method France adopted, since the scheme applied to all producers in the area concerned (Atlantic coast departments from Finistère to Gironde). However, in this case the Commission finds France's method acceptable and considers that it was reasonable to use it to facilitate administration, given the large area and the number of undertakings affected by the events.
- (76) Therefore the State fee exemption and social security relief cannot be deemed compatible with the common market under Article 87(2)(b) of the Treaty when applied to the aquaculture holdings outside the departments affected by the events. They can however be deemed compatible with the common market when applied to the undertakings in the Atlantic coast departments from Finistère to Gironde.
- 2. Fishermen*
- (77) The nationwide social security contribution relief applied to French fisherman was, according to France, intended to compensate for the depressed market for fisheries products. The relief was for the period 15 April to 15 October 2000.
- Data used by the Commission*
- (78) The Commission was not convinced by the data submitted by France, particularly in view of other information derived from Ofimer (information on the website of this public institution⁽¹⁾), and decided to initiate a formal investigation procedure.
- (79) In a memo of 5 March 2002 responding to the initiation of the formal investigation procedure, France stated that the information provided in its memo of 5 April 2001 was the definitive data for the period concerned. It considered that the Commission should not have based its assessment on information found on the Ofimer website.
- (80) The Commission rejects this argument. Ofimer is a public institution answerable to the Ministry of Agriculture and Fisheries, and one of its functions is, as the notice on its website states, the daily monitoring of developments on the fisheries and aquaculture market. For this purpose it has an economic observatory. The fish-auction network gathers sales data from all the French auctions in order to pass it on in summary form to the industry's operators. It was in just such summary data that the Commission was interested, since they allowed the partial data provided by France to be placed in their general context for the purposes of analysing the aid scheme.
- (81) The Commission cannot accept that the Ofimer data differs significantly from the definitive data established some time later. The methodology used by the Ofimer economic observatory to gather this information is described in the institution's annual reports⁽²⁾. On the basis of the fish-auction network's contributions, Ofimer sends local operators (auctions, producers' organisations, wholesale traders) a daily memo and a weekly memo publishing quantity and price data for the main auctions and the most representative species of French supply. In addition, at the beginning of each month an 'advance' memo gives the accumulated sales data from the beginning of the year for the most representative auctions and the main species and at the end of each quarter a summary memo on sales is drawn up and made available on the institution's website. The method of collecting this information shows that Ofimer data is reliable. There is no concrete evidence that this data is misleading. Furthermore, the Commission has found nothing in the documents it has consulted on the website to correct or contradict the data it has used. Had it done so it would naturally have taken this into account. Further more by making this data available to the public on its website, Ofimer gives the data official status. There is no reason to doubt its credibility.

⁽¹⁾ www.ofimer.fr

⁽²⁾ Annual Report for 2000, p. 39; Annual Report for 2001, p. 42.

(82) The information that France officially submitted, before the investigation procedure was initiated and in its memo of 5 March responding to the initiation of the procedure, was too partial and incomplete for the Commission to correctly assess the state of the market for fisheries products over the period concerned. It had to find other information in order to carry out its assessment. The Commission regrets that France did not send this data, or official data of the same kind, to the Commission directly.

(83) The available data should therefore be analysed to determine the exact situation of the market in fisheries products during the first half of 2000.

Supplies

(84) The memo from France of 6 April 2001 did not contain figures on supplies. It only said that 'the quantities actually sold and the value of those qualities were in reality lower than the data held by the Commission (indicate) and lower than in 1999.' On that date the Commission was already familiar with the data in the memo on the economy for January to April 2000 examined by the management board of Ofimer at its meeting of 24 May 2000, and it referred to this data in its request to France for additional information of 15 January 2001 (quoting an extract stating that 'the quantities landed during the first four months of 2000 are stable compared to the same period in 1999 and the value of auction sales has increased by 3 % compared to last year.')

(85) The memo from France of 5 March 2002, on the other hand, says that 'for all the main French auctions, ... the quantities landed in the first six months of 2000 were stable compared to the same period in 1999, although there were downturns, sometimes major ones, over short periods, apparently corresponding to the greatest media activity.' This corresponds to what is said in the memo on the economy referred to and to Ofimer's *Flash Eco* of 16 February 2001, to which the Commission referred in

its decision initiating the procedure (this document provides important information comparing production in 2000 with that in 1999 and stating that 'the results for 2000 show sales and volume stability compared with 1999.').

(86) The Commission therefore notes that supplies remained stable in 2000, and in particular during the first six months. There is no information to indicate that there was a downturn in supplies when media coverage was most intense. The downturns in supplies were more probably the result of other factors, mainly bad weather. It is not rare for a large proportion of fishing vessels to be unable to go to sea over relatively long periods (one to two weeks or more) in cases of persistent bad weather. The media influence cited does not have a direct impact on supplies — it does not prevent fishermen from going to sea. Its impact is, rather, to be observed at the next stage, on prices and quantities withdrawn from the market.

Quantities withdrawn

(87) According to the French memo of 6 April 2001, 'the withdrawal rate was much higher in the early part of 2000 than in the same period of the previous year: there was a rise of 25 % between January to April 1999 and January to April 2000, 35 % between January to March 1999 and January to March 2000, 92 % between January 1999 and January 2000 and 57 % between February 1999 and February 2000.' The memo of 5 March 2002 also quotes these figures, adding that for the period January to May withdrawals rose by 32 % and for the period January to June by 28 %. It went on: 'the level of withdrawals showed some very sharp peaks for species such as Norway lobster (175 %), monkfish (161 %) and spider crab (X 5) whose sensitivity to residual hydrocarbons⁽¹⁾ was highly publicised.'

⁽¹⁾ The French authorities sent 14 copies of the results of analyses designed to determine hydrocarbon concentrations in the products tested (various fish). The Commission was surprised to find that the test results were obtained from fish samples taken, in the case of three tests, on 22 February 2000 and received by the laboratory on 23 February 2000, in the case of another two tests, taken on 7 March 2000 and received by the laboratory on 10 March, and in the nine remaining cases taken and tested in September and October 2000. These tests showing the presence of hydrocarbons in the flesh do not prove that they came from the *Erika*, given the amount of time that had elapsed. To prove cause and effect between the *Erika*'s oil and hydrocarbon contamination, tests should have been carried out closer to the date of the wreck. The lack of such tests would lead to the conclusion that there was not any real organoleptic contamination immediately after the event. The presence of hydrocarbons three or nine months later may in some cases — those of February and March for example, be just as easily attributable, not to the *Erika*, but to the residues from the cleaning of tanks that ships often carry out in the open sea in breach of the rules. This alternative possibility is all the more probable for the samples taken in September and October.

- (88) This data is incomplete and does not give a full picture of withdrawals. The quantities actually withdrawn are not given, so a doubling or tripling of the quantity would be insignificant if the reference quantity, namely the quantity withdrawn in the first year, was very small. Nor are there any figures for the quantities withdrawn from the market as a proportion of the quantities landed. Nor is it explained whether the increased withdrawals in January were of species whose sensitivity to hydrocarbons received the greatest publicity. The Commission will analyse the arguments concerning three species cited by France: Norway lobster, monkfish and spider crab.
- (89) A study carried out by Ofimer on Norway lobster⁽¹⁾ reports that the peak production season for this species is from mid-April to August. Sizeable withdrawals may be seasonally determined. The study cites the case of abnormally high withdrawals in May and June 2001 as a result of large-scale supplies of live Norway lobster at a time of year in which they are harder to sell. Furthermore, according to information received by the Commission in the course of administering the rules governing common organisation of the market in fishery products (Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products and the implementing Regulations⁽²⁾ applicable on the date of the events in question), these withdrawals for the first half of 2000 stood at 21 kg in January, 5 kg in February, 2 kg in March, 103 kg in April, 1 364 kg in May and 2 007 kg in June. So there is no conclusive data to show that the publicity surrounding the oil spill — which one supposes would be at its greatest in the weeks immediately after the accident — led to a significant increase in the quantity of Norway lobster withdrawn from the market.
- (90) According to the figures in the Commission's possession, 454 kg of monkfish were withdrawn from sale in January 2000 against 84 kg in January 1999, which is a marked increase. However, withdrawals in February 2000 stood at only 59 kg against 221 kg in February 1999, and at 39 kg in March 2000 against 148 kg in March 1999; withdrawals in the following three months were again below 1999 levels (241 kg against 278 kg). The Commission cannot conclude from this conflicting evidence that the oil spill led to an increase in withdrawals.
- (91) The Commission has no data concerning the quantities withdrawn of spider crab, the third species cited by France⁽³⁾. We can, however, look at the quantities notified to the Commission for crabs of the species *Cancer pagurus*, which are distributed and marketed in a similar way. The quantities withdrawn rose in the first months of 2000 in relation to 1999, but, in absolute terms, the quantities were small: a rise from 19 to 47 kg in January, 3 to 35 kg in February, 7 to 31 kg in March, none in April, and then from 31 to 164 kg in May and from 501 to 521 kg in June. So consumers did not shun the *Cancer pagurus* crab in the early months of 2000, and nothing indicates that things were any different for the spider crab over the same period.
- (92) Therefore, although withdrawals in January 2000 rose by 92 % compared with January 1999 and rose by 28 % over the first half of that year, these withdrawals were not large in absolute terms. Nor is there any evidence to link this increase to the media coverage of the oil spill. Furthermore, the figures available to the Commission show that the large withdrawals recorded in January 2000 were of species such as spotted dogfish (from 11 423 to 16 362 kg), saithe (from 120 to 3 727 kg) and plaice (from 51 to 1 789 kg), species for which, given the way they are marketed, there is little or no link between increased withdrawals and the media coverage of the oil spill. And, according to Ofimer's sectoral report for January-April 2000, withdrawals remained below 1,5 % of the quantities landed of the main species; individual withdrawals were reported for sea bass, anchovy and spider crab.
- (93) To sum up, the Commission finds that there is no evidence to link increased withdrawals to media coverage of the oil spill.
- (1) 'The Norway lobster market' presented to the Ofimer board on 6 March 2002.
- (2) OJ L 388, 31.12.1992, p. 1. According to Commission Regulation (EEC) No 2210/93 of 26 July 1993 on the communication of information for the purposes of the common organisation of the market in fishery and aquaculture products (OJ L 197, 6.8.1993), the Member States have to notify the Commission every six months of the quantities of fishery products listed in Annex 1 A, D and E to Regulation (EC) No 3759/92 that are withdrawn or unsold. Norway lobster and monkfish are on this list.
- (3) The spider crab is one of the species referred to in Article 1 of Regulation (EC) No 3759/92 but is not listed in Annex 1 A, D or E. If a withdrawal price is set by the producers' organisation for such a species they are not obliged to send the withdrawal figures to the Commission.

Quantities sold and prices

- (94) In its memo of 6 April 2001 France reported that retail sales of fishery products were down 2 % in volume over the first half compared with the previous year, with fresh products particularly affected, down 7 % in volume and 1 % in value, breaking down into a 6 % volume drop for shellfish and 6 % for fish (5 % for fish pieces and 7 % for whole fish). The memo of 5 March 2002 cites these figures (with a minor correction to 6,5 % for shellfish) as evidence that consumers were boycotting fishery products. It also states that, of 49 major species monitored by OFIMER, prices had fallen for 34 in January, 26 in January-February, 21 in January-March and 18 in January-June. Average price falls for some of these species were: sole (-5 %), sea bass (-6 %), hake (-6 %), anchovy (-6 %), squid (-11 %), saithe (-8 %), sardine (-6 %), John Dory (-11 %), mackerel (-18 %), plaice (-28 %), black scabbard-fish (-20 %), black sea bream (-11 %), red gurnard (-4 %), octopus (-23 %), spider crab (-16 %), pink shrimp (-20 %). According to France, 'all this data is quantifiable evidence of the slump in the market between January and June 2000 and shows, if proof were needed, the impact the wreck of the *Erika* had on consumers' behaviour.'
- (95) The Commission notes that this data is not really quantifiable evidence of what happened. To give a true picture of the situation France should also have sent the Commission figures for the quantities marketed of each of the species in question, something it did not do.
- (96) The Commission points out that price trends were inconsistent according to Ofimer's sectoral report for January to April 2000. Some prices fell as a result of plentiful supply (sea bass down 11 %, saithe down 8 % and hake down 9 %) whereas limited supplies led to price hikes for other species: red mullet (31 %), cod (27 %) and monkfish (13 %). This sectoral report also shows a change in the structure of supply, with expensive species (hake, monkfish, sole, sea bass, red mullet, Norway lobster) gaining market share from cheaper species (mackerel, saithe, whiting, cuttlefish, anchovies) and leading to a 3 % increase in the value of auction sales on the previous year.
- (97) The value of auction sales minus sales costs represents vessels' turnover. The Commission therefore observes a slight increase in the overall turnover of fishing busi-

nesses. Accordingly, though prices for many species did fall, this fall did not reflect a decline in prices across the board but the contrasting situation described by Ofimer in its sectoral report. Though the oil spill may well have affected the market for fishery products, e.g. for certain specific species, evidence from a number of sources suggests that the impact was very marginal. Furthermore, if it had been significant, Ofimer would definitely have mentioned it in the various public documents it drew up.

Conclusion

- (98) On the basis of the evidence, the Commission believes that the nationwide reduction of social security contributions granted to fishermen for the period 15 April to 15 October cannot be considered compatible with the common market under Article 87(2)(b) of the Treaty.
- (99) As operating aid granted to all fishing businesses without any obligation on the part of the recipients, this aid is incompatible with the common market by virtue of the third indent of the fourth paragraph of section 1.2 of the 1997 Guidelines.

V. CONCLUSIONS

- (100) The Commission finds that France has unlawfully implemented the aid in question contrary to Article 88(3) of the Treaty.
- (101) On the basis of the arguments set out in sections IV-B and IV-C.1 of this Decision, the Commission believes that the aid given to fish farmers in the departments concerned (reduction of social security contributions and of financial charges and exemption from State fees) is compatible with the common market under Article 87(2)(b) of the Treaty.
- (102) On the basis of the arguments set out in section IV-C.1 of this Decision, the Commission believes that the reduction of social security contributions for aquaculture producers for the period 15 April to 15 July 2000 and the exemption from State fees for the year 2000 granted to fish farmers in other departments are not eligible for the derogation provided for in Article 87(2)(b) of the Treaty.

(103) On the basis of the arguments set out in section IV-C.2 of this Decision, the Commission believes that the reduction of social security contributions granted to fishermen for the period from 15 April to 15 October 2000 is not eligible for the derogation provided for in Article 87(2)(b) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The reduction of social security contributions, reduction of financial charges and exemption from State fees granted by France to fish farmers in the departments of Finistère, Morbihan, Loire-Atlantique, Vendée, Charente-Maritime and Gironde are compatible with the common market.

Article 2

The aid granted by France to fish farmers of departments other than Finistère, Morbihan, Loire-Atlantique, Vendée, Charente-Maritime and Gironde in the form of a reduction of social security contributions for the period 15 April to 15 July 2000 and exemption from State fees for the year 2000 is incompatible with the common market.

Article 3

The aid granted by France to fishermen in the form of a reduction of social security contributions for the period 15 April to 15 October 2000 is incompatible with the common market.

Article 4

1. France shall take all necessary measures to recover from the beneficiaries the aid referred to in Articles 2 and 3 and unlawfully made available to the beneficiaries.

2. Recovery shall be effected without delay and in accordance with the procedures of national law provided that they allow the immediate and effective execution of the Decision. The aid to be recovered shall include interest from the date on which it was at the disposal of the beneficiaries until the date of its recovery. The rate of interest shall be calculated and applied in accordance with Chapter V of Commission Regulation (EC) No 794/2004 ⁽¹⁾.

Article 5

France shall inform the Commission, within two months of notification of this decision, of the measures taken to comply with it.

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 14 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 140, 30.4.2004, p. 1.

COMMISSION DECISION

of 11 March 2005

authorising methods for grading pig carcasses in Poland

(notified under document number C(2005) 552)

(Only the Polish text is authentic)

(2005/240/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, and in particular Article 5(2) thereof,

Whereas:

(1) Article 2(3) of Regulation (EEC) No 3220/84 provides that the grading of pig carcasses must be determined by estimating the content of lean meat in accordance with statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass. The authorisation of grading methods is subject to compliance with a maximum tolerance for statistical error in assessment. This tolerance was defined in Article 3 of Commission Regulation (EEC) No 2967/85 of 24 October 1985 laying down detailed rules for the application of the Community scale for grading pig carcasses ⁽²⁾.

(2) The Government of Poland has requested the Commission to authorise three methods for grading pig carcasses and has submitted the results of its dissection trials which were executed before the day of accession, by presenting part two of the protocol provided for in Article 3 of Regulation (EEC) No 2967/85.

(3) The evaluation of this request has revealed that the conditions for authorising these grading methods are fulfilled.

(4) Article 2 of Regulation (EEC) No 3220/84 lays down that Member States may be authorised to provide for a presentation of pig carcasses different from the standard presentation defined in the same Article where commercial practice or technical requirements warrant such a derogation.

(5) In Poland the traditions in carcass presentation, and consequently, commercial practice, necessitate that carcasses can be presented with the flare fat, kidneys and/or diaphragm. This should be taken into account in adjusting the weight recorded to the weight for standard presentation.

(6) No modification of the apparatus or grading methods may be authorised except by means of a new Commission Decision adopted in the light of experience gained; for this reason, the present authorisation may be revoked.

(7) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS DECISION:

Article 1

The use of the following methods is hereby authorised for grading pig carcasses pursuant to Regulation (EEC) No 3220/84 in Poland:

(a) the apparatus termed 'Capteur Gras/Maigre — Sydel (CGM)' and the assessment methods related thereto, details of which are given in Part 1 of the Annex;

(b) the apparatus termed 'Ultra FOM 300' and the assessment methods related thereto, details of which are given in part 2 of the Annex;

(c) the apparatus called 'Fully automatic ultrasonic carcass grading (Autofom)' and the assessment methods related thereto, details of which are given in part 3 of the Annex.

As regards the apparatus 'Ultra FOM 300', referred in the first paragraph, point (b), it is laid down that after the end of the measurement procedure it must be possible to verify on the carcass that the apparatus measured the values of measurement T_1 and T_2 on the site provided for in the Annex, part 2, point 3. The corresponding marking of the measurement site must be made at the same time as the measurement procedure.

⁽¹⁾ OJ L 301, 20.11.1984, p. 1. Regulation as last amended by Regulation (EC) No 3513/93 (OJ L 320, 22.12.1993, p. 5).

⁽²⁾ OJ L 285, 25.10.1985, p. 39. Regulation as amended by Regulation (EC) No 3127/94 (OJ L 330, 21.12.1994, p. 43).

Article 2

Notwithstanding the standard presentation referred to in Article 2(1) of Regulation (EEC) No 3220/84, the flare fat, the kidneys and the diaphragm need not be removed from pig carcasses before being weighed and graded. In order to establish quotations for pig carcasses on a comparable basis, the recorded hot weight shall be reduced:

(a) for diaphragm by 0,23 %

(b) for flare fat and kidneys by:

— 1,90 % for carcasses grade S and E,

— 2,11 % for carcasses grade U,

— 2,54 % for carcasses grade R,

— 3,12 % for carcasses grade O,

— 3,35 % for carcasses grade P.

Article 3

Modifications of the apparatus or the assessment methods shall not be authorised.

Article 4

This Decision is addressed to the Republic of Poland.

Done at Brussels, 11 March 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

METHODS FOR GRADING PIG CARCASSES IN POLAND

Part 1

CAPTEUR GRAS/MAIGRE — SYDEL (CGM)

1. Grading of pig carcasses is carried out by means of the apparatus known as 'Capteur gras/maigre — Sydel (CGM)'.
2. The apparatus shall be equipped with a high-definition Sydel probe 8 mm in width, a light-emitting infra-red diode (Honeywell) and two light sensors (Honeywell). The operating distance is between 0 and 105 mm.

The values measured will be converted into estimated lean meat content by the CGM itself.

3. The lean meat content of the carcase shall be calculated according to the following formula:

$$\hat{y} = 50,11930 - 0,62421X_1 + 0,26979X_2$$

where:

$\hat{y}$ = the estimated percentage of lean meat in the carcase,

X_1 = the thickness of back fat (including rind) in millimetres measured at 6 centimetres off the midline of the carcase between the third and fourth last rib,

X_2 = the thickness of the muscle in millimetres measured at the same time and in the same place as X_1 .

This formula shall be valid for carcasses weighing between 60 and 120 kilograms.

Part 2

ULTRA-FOM 300

1. Grading of pig carcasses shall be carried out by means of the apparatus termed 'Ultra-FOM 300'.
2. The apparatus shall be equipped with an ultrasonic probe at 3,5 MHz (Krautkrämer MB 4 SE). The ultrasonic signal is digitised, stored and processed by a microprocessor.

The results of the measurements shall be converted into estimated lean meat content by means of the Ultra-FOM apparatus itself.

3. The lean meat content of the carcase should be calculated according to the following formula:

$$\hat{y} = 49,88792 - 0,41858T_1 - 0,22302T_2 + 0,16050M_1 + 0,11181M_2$$

where:

$\hat{y}$ = the estimated percentage of lean meat in the carcase,

T_1 = the thickness of back fat (including rind) in millimetres, measured at 7 cm off the midline of the carcase, at the last rib,

T_2 = the thickness of back fat (including rind) in millimetres, measured at 7 cm off the midline of the carcase, between the third and fourth last rib,

M_1 = the thickness of muscle in millimetres, measured at the same time and in the same place as T_1 ,

M_2 = the thickness of muscle in millimetres, measured at the same time and in the same place as T_2 .

This formula shall be valid for carcasses weighing between 60 and 120 kilograms.

Part 3

FULLY AUTOMATIC ULTRASONIC CARCASS GRADING (AUTOFOM)

1. Pig carcass grading shall be carried out using the apparatus termed Autofom (*Fully automatic ultrasonic carcass grading*).
2. The apparatus shall be equipped with 16 16,2 MHz ultrasonic transducers (Krautkrämer, SFK 2 NP), with an operating distance between transducers of 25 mm.

The ultrasonic data shall comprise measurements of back-fat thickness and muscle thickness.

The results of the measurements are converted into estimated lean meat content using a computer.

3. The carcase's lean meat content shall be calculated on the basis of 55 measurement points using the following formula:

$$\begin{aligned} \hat{y} = & 56,252136* - 0,028473*x_1 - 0,027282*x_2 - 0,015806*x_3 - 0,016142*x_4 - 0,022851*x_6 - 0,034145*x_7 \\ & - 0,020363*x_8 - 0,041058*x_{10} - 0,037529*x_{12} - 0,037360*x_{13} - 0,033079*x_{14} - 0,040317*x_{16} - 0,031628*x_{18} \\ & - 0,047627*x_{19} - 0,037751*x_{20} - 0,053476*x_{22} - 0,025057*x_{23} - 0,008859*x_{36} - 0,029586*x_{51} - 0,029084*x_{52} \\ & - 0,028232*x_{53} - 0,037867*x_{55} - 0,042106*x_{56} - 0,040204*x_{57} - 0,027405*x_{60} - 0,033291*x_{61} - 0,036111*x_{62} \\ & - 0,040422*x_{63} - 0,041369*x_{64} - 0,025033*x_{70} - 0,027128*x_{71} - 0,032544*x_{72} - 0,035766*x_{73} - 0,033897*x_{74} \\ & - 0,035085*x_{75} - 0,035188*x_{76} - 0,036037*x_{77} - 0,030996*x_{78} - 0,031859*x_{79} - 0,031764*x_{80} - 0,033305*x_{81} \\ & - 0,033473*x_{82} - 0,034710*x_{83} - 0,042587*x_{90} - 0,039693*x_{91} - 0,033790*x_{92} + 0,044578*x_{115} + 0,041854*x_{116} \\ & + 0,037605*x_{117} + 0,034210*x_{118} + 0,035420*x_{119} + 0,031481*x_{120} + 0,020061*x_{124} + 0,030630*x_{125} \\ & + 0,030004*x_{126} \end{aligned}$$

where:

$\hat{y}$ = the estimated percentage of lean meat in the carcase,

$x_1, x_2 \dots x_{126}$ are the variables measured by Autofom.

4. Descriptions of the measurement points and the statistical method can be found in part II of the Polish protocol forwarded to the Commission in accordance with Article 3(3) of Regulation (EEC) No 2967/85.

The formula shall be valid for carcases weighing between 60 and 120 kilograms.

COMMISSION DECISION

of 14 March 2005

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 2004*(notified under document number C(2005) 603)***(Only the French text is authentic)**

(2005/241/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1452/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the French overseas departments, amending Directive 72/462/EEC and repealing Regulations (EEC) No 525/77 and (EEC) No 3763/91 (Poseidom) ⁽¹⁾, and in particular Article 20(3),

Having regard to the programmes submitted by France for the control of organisms harmful to plants or plant products in the French overseas departments,

Whereas:

- (1) Commission Decision 93/522/EEC of 30 September 1993 on the definition of the measures eligible for Community financing in the programmes for the control of organisms harmful to plants or plant products in the French overseas departments, in the Azores and in Madeira ⁽²⁾ defines the measures eligible for Community financing under programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira.
- (2) Specific growing conditions in the French overseas departments call for particular attention and measures concerning crop production, in particular plant health measures, must be adopted or strengthened in those regions.
- (3) The plant health measures to be adopted or strengthened are particularly costly.
- (4) A programme of measures has been presented to the Commission by the competent French authorities; this programme specifies the objectives to be achieved, the operations to be carried out, their duration and their cost with a view to a possible Community financial contribution.

(5) According to Article 20(4) of Council Regulation (EC) No 1452/2001 the Community's financial contribution may cover up to 60 % of eligible expenditure, protective measures for bananas being excluded.

(6) In accordance with Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽³⁾, 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. Financial control of these measures comes under Articles 8 and 9 of the above Regulation.

(7) The technical information provided by France has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

A Community financial contribution to the official programme for the control of organisms harmful to plants and plant products in the French overseas departments presented by the French Republic for 2004 is hereby approved.

Article 2

The official programme shall consist of three subprogrammes:

1. an inter-departmental subprogramme for Martinique, Guadeloupe, Guyana and La Réunion in two parts:

— pest risk analysis for certain invasive plants relevant to the French overseas departments,

— detection methods for viroids of citrus;

⁽¹⁾ OJ L 198, 21.7.2001, p. 11. Regulation as last amended by Regulation 1690/2004, (OJ L 305, 1.10.2004, p. 1).

⁽²⁾ OJ L 251, 8.10.1993, p. 35. Decision as last amended by Decision 96/633/EC (OJ L 283, 5.11.1996, p. 58).

⁽³⁾ OJ L160, 26.6.1999, p. 103.

2. a subprogramme drawn up for the department of Martinique in four parts:

- plant health evaluation and diagnostics by use of the regional laboratory and its mobile unit (labo vert)
- strategy for the control of the corn earworm in the tomato crop,
- set up of a database on phytosanitary practices in sugarcane, vegetables and fruit production,
- integrated farming in fruit production: citrus and guava, inventory of pests and phytosanitary practices, publication of technical sheets;

3. a subprogramme drawn up for the department of Guyana:

- plant health evaluation and diagnostics by use of the regional laboratory and its mobile unit (labo vert), promotion of good agricultural practices.

Article 3

The Community's financial contribution to the programme presented by the French Republic in 2004 shall be 60 % of expenditure related to eligible measures as defined by Commission Decision 93/522/EEC, with a maximum of EUR 187 800 (VAT excluded).

The schedule of programme costs and their financing is set out as Annex I to this Decision.

The breakdown of costs is set out as Annex II to this Decision.

Article 4

An advance of EUR 100 000 shall be paid within 60 days after reception of a request of payment by France.

Article 5

The eligibility period for the costs related to this project shall start on 1 October 2004 and end on 30 September 2005.

The period of execution of the actions may exceptionally be extended only with the express written agreement of the Monitoring Committee as referred to in point I.A of Annex III before the tasks have been completed.

Article 6

The financial contribution by the Community shall be granted provided that the implementation of the programme shall be in conformity with the relevant provisions of Community law, including rules of competition and on the award of public contracts.

Article 7

The actual expenditure incurred shall be notified to the Commission broken down by type of action or subprogramme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. Such notifications may be in electronic form.

The balance of the financial contribution referred to in Article 3 shall be paid provided that the document specified in the second subparagraph of the third paragraph of point I.B(4) of Annex III shall be submitted before 30 September 2005.

The Commission may, on duly justified request of the French Republic, adjust the financing plans within a limit of 15 % of the Community contribution to a subprogramme or measure for the entire period, provided that the total amount of eligible costs scheduled in the programme is not exceeded and that the main objectives of the programme are not thereby compromised.

All payments of aid granted by the Community under this Decision shall be made to the French Republic, which will also be responsible for repayment to the Community of any excess amount.

Article 8

The French Republic shall ensure compliance with the financial provisions, with Community policies and the information to be supplied to the Commission set out in Annex III.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 14 March 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 2004

(euro)

	EC contribution	National contribution	Eligible expenditures 2004
Pest risk analysis — invasive pests	54 000	36 000	90 000
Detection methods for viroids	19 500	13 000	32 500
Martinique	75 300	50 200	125 500
Guyana	39 000	26 000	65 000
Total	187 800	125 200	313 000

ANNEX II

COST BREAKDOWN TABLE FOR 2004

(euro)

	Staff	Equipment	Consumables	Other costs	Total
Pest risk analysis — invasive pests	85 000	0	3 000	2 000	90 000
Detection methods for viroids	18 000	3 000	8 000	3 500	32 500
Martinique	93 000	6 500	20 000	6 000	125 500
Guyana	50 000	0	5 000	10 000	65 000
Total	246 000	9 500	36 000	21 500	313 000

ANNEX III

I. Provisions on the implementation of the programme

MONITORING AND ASSESSMENT

A. Monitoring Committee

1. Establishment

Independent of the financing of this action, a monitoring committee for the programme shall be set up, composed of representatives of France and the Commission. It shall review implementation of the programme regularly and, in appropriate cases, propose any adjustments required.

2. The Committee shall establish its own internal procedures within one month of the notification of the present decision to France.

3. Competence of Monitoring Committee

The Committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch with respect to the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme should the information furnished periodically by the interim monitoring and assessment indicators reveal a delay,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the programme,
- shall give its opinion on the final report,
- shall report during the relevant period to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred.

B. Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. By continuous monitoring is meant an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realization.
3. Continuous assessment of a programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of programme

4. France shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final implementation report on the present programme will be presented by the competent authority to the Commission on 15 October 2005 at the latest and shall thereafter be presented to the Standing Committee on Plant Health as soon as possible after that date.

It shall contain:

- a concise technical evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact,
 - a financial cost statement, including expenditure and income, and a declaration from France stating that no other Community contribution was or will be asked for for these measures included in the programme.
5. The Commission may jointly with France call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment referred to in point 3. He may submit proposals for adjustment of the subprogrammes and/or measures, and amending the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall give an opinion on the administrative measures to be taken.

II. Compliance with Community policies

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by France in the final report.

PROTECTION OF THE ENVIRONMENT

(a) General information

- description of the main environmental features and problems of the region concerned, giving, *inter alia*, a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry for the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) Description of planned activities

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
 - the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.
-

COMMISSION DECISION

of 16 March 2005

on a Community financial contribution for Germany and Finland for their programmes for strengthening inspection infrastructures for plant-health checks on plants and plant products coming from third countries

*(notified under document number C(2005) 674)***(Only the Finnish, German and Swedish texts are authentic)**

(2005/242/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular the sixth subparagraph of Article 13(c)(5) thereof.

Whereas:

(1) Directive 2000/29/EC provides for a Community financial contribution to be granted to Member States in order to strengthen inspection infrastructures for plant-health checks on plants and plant products coming from third countries.

(2) Germany and Finland have each established a programme to strengthen their inspection infrastructures for checks on plants and plant products coming from third countries. They have applied for the allocation of a Community financial contribution for those programmes in accordance with Commission Regulation (EC) No 998/2002 of 11 June 2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a Community financial contribution for Member States in order to strengthen inspection infrastructures for plant-health checks on plants and plant products coming from third countries⁽²⁾.

(3) The technical information provided for by Germany and Finland has enabled the Commission to analyse the situation accurately and comprehensively. The Commission has prepared a list of eligible inspection posts strengthening programmes, which give details of the amount of the proposed Community financial contribution to each programme. The information has also been examined by the Standing Committee on Plant Health.

(4) Each programme included in that list has been individually assessed for approval. The Commission has concluded that the conditions and criteria set out in Directive 2000/29/EC and Regulation (EC) No 998/2002 for the grant of a Community financial contribution have been met.

(5) Accordingly, it is appropriate to allocate a Community financial contribution to cover the expenditure of those programmes by Germany and Finland.

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

HAS ADOPTED THIS DECISION:

Article 1

1. The allocation of a Community financial contribution to cover expenditure to be incurred by Germany for its programme for strengthening inspection posts is hereby approved.

2. The allocation of a Community financial contribution to cover expenditure to be incurred by Finland for its programme for strengthening inspection posts is hereby approved.

Article 2

1. The total amount of the Community financial contribution as provided for in Article 1 shall be EUR 94 470.

2. The maximum amount of the Community financial contribution for each concerned Member State shall be as follows:

(a) EUR 36 875: Germany;

(b) EUR 57 595: Finland.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Directive 2005/15/EC (OJ L 56, 2.3.2005, p. 12).

⁽²⁾ OJ L 152, 12.6.2002, p. 16. The Regulation was published as Regulation (EC) No 997/2002 but the number was corrected by a corrigendum (OJ L 153, 13.6.2002, p. 18).

3. The maximum Community financial contribution for each programme for strengthening inspection posts shall be as set out in the Annex.

Article 3

The Community financial contribution per programme as set out in the Annex shall only be paid when:

(a) evidence of the purchase and/or improvement of the equipment and/or facilities listed in the programme has been given by the Member State concerned to the Commission by appropriate documentation; and

(b) a request for payment of the Community financial contribution has been submitted by the Member State concerned to the Commission, in accordance with the rules provided for in Article 3 of Regulation (EC) No 998/2002.

Article 4

This Decision is addressed to the Federal Republic of Germany and the Finnish Republic.

Done at Brussels, 16 March 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

PROGRAMMES FOR STRENGTHENING INSPECTION POSTS**Programmes with corresponding Community financial contribution**

Member State	Names of the inspection posts (administrative unit, name)	Eligible expenditure (EUR)	Maximum Community Financial contribution (EUR)
Germany	Bayern, München-Flughafen	1 500	750
	Bayern, Nürnberg Flughafen	1 500	750
	Bremen, Bremen Stadt, entry point nos. 5.1 to 5.7	1 700	850
	Bremen, Bremerhaven, entry point nos. 5.8 and 5.9	1 700	850
	Hessen, Frankfurt Flughafen	36 750	18 375
	Niedersachsen, Emden	5 200	2 600
	Niedersachsen, Brake and Nordenham	7 700	3 850
	Niedersachsen, Wilhelmshaven	5 200	2 600
	Mecklenburg-Vorpommern, Rostock	1 700	850
	Mecklenburg-Vorpommern, Wismar	1 700	850
	Mecklenburg-Vorpommern, Sassnitz-Mukran	1 700	850
	Sachsen, Flughafen Dresden	1 750	875
	Sachsen, Flughafen Halle/Leipzig	1 750	875
	Thüringen, Erfurt-Kühnhausen	3 900	1 950
Finland	Lappeenranta	61 702	30 851
	Niirala/Joensuu	16 963	8 481
	Oulu	12 418	6 209
	Kouvola	8 436	4 218
	Pori-Rauma	4 674	2 337
	Vainikkala	1 445	722
	Kajaani	4 218	2 109
	Parikkala	945	472
	Lieksan Inari	945	472
	Vartius	1 948	974
	Kortesalmi	750	375
	Uukuniemi	750	375
Total Community financial contribution (EUR)			94 470