

Official Journal

of the European Union

ISSN 1725-2555

L 55

Volume 47

24 February 2004

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 314/2004 of 19 February 2004 concerning certain restrictive measures in respect of Zimbabwe** 1
- Commission Regulation (EC) No 315/2004 of 23 February 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 14
- ★ **Commission Regulation (EC) No 316/2004 of 20 February 2004 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products** 16
- ★ **Commission Regulation (EC) No 317/2004 of 23 February 2004 on adopting derogations from the provisions of Regulation (EC) No 2150/2002 of the European Parliament and of the Council on waste statistics as regards Austria, France and Luxembourg ⁽¹⁾** 43
- ★ **Commission Regulation (EC) No 318/2004 of 23 February 2004 amending Regulation (EC) No 2771/1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream** 44
- Commission Regulation (EC) No 319/2004 of 23 February 2004 amending representative prices and additional duties for the import of certain products in the sugar sector 50

II Acts whose publication is not obligatory

Council

2004/171/EC:

- ★ **Council Decision of 10 February 2004 appointing a Spanish member of the Committee of the Regions** 52

Price: EUR 18

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

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.

2004/172/EC:	
★ Council Decision of 10 February 2004 appointing an alternate member of the Committee of the Regions	53
2004/173/EC:	
★ Council Decision of 10 February 2004 appointing an alternate member of the Committee of the Regions	54
2004/174/EC:	
★ Council Decision of 10 February 2004 appointing a member of the Committee of the Regions	55
2004/175/EC:	
★ Council Decision of 10 February 2004 appointing an alternate member of the Committee of the Regions	56
Commission	
2004/176/EC:	
★ Commission Decision of 20 January 2004 on the allocation of import quotas for controlled substances for the period 1 January to 31 December 2004 pursuant to Regulation (EC) No 2037/2000 of the European Parliament and of the Council (notified under document number C(2004) 64)	57
2004/177/EC:	
★ Commission Decision of 20 February 2004 on the temporary introduction of registered horses participating in the Olympic Games or the Paralympic Games in Greece in 2004 ⁽¹⁾ (notified under document number C(2004) 499)	64
2004/178/EC:	
★ Commission Decision of 20 February 2004 amending Decision 1999/815/EC concerning measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing certain phthalates ⁽¹⁾ (notified under document number C(2004) 524)	66
<i>Acts adopted pursuant to Title V of the Treaty on European Union</i>	
★ Council Common Position 2004/179/CFSP of 23 February 2004 concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic	68

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 314/2004
of 19 February 2004
concerning certain restrictive measures in respect of Zimbabwe**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2004/161/CFSP of 19 February 2004 renewing restrictive measures against Zimbabwe ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

(1) By means of Common Position 2002/145/CFSP of 18 February 2002 concerning restrictive measures against Zimbabwe ⁽²⁾, the Council expressed serious concern about the situation in Zimbabwe and in particular about serious violations of human rights by the Government of Zimbabwe, including violations of the freedoms of opinion, of association and of peaceful assembly. In view of this, it imposed certain restrictive measures, which are subject to annual review. Some of the restrictive measures imposed against Zimbabwe were implemented at Community level by Council Regulation (EC) No 310/2002 ⁽³⁾. The period of that Regulation's application was extended until 20 February 2004 by Council Regulation (EC) No 313/2003 ⁽⁴⁾.

(2) The Council continues to consider that the Government of Zimbabwe is still engaging in serious violations of human rights. Therefore, for as long as the violations occur, the Council deems it necessary to maintain restrictive measures against the Government of Zimbabwe and those who bear prime responsibility for such violations.

(3) Accordingly, Common Position 2004/161/CFSP provides for renewal of the restrictive measures provided for by Common Position 2002/145/CFSP.

(4) The restrictive measures provided for by Common Position 2004/161/CFSP include, *inter alia*, a ban on technical assistance, financing and financial assistance related to military activities, a ban on the export of equipment which might be used for internal repression, and the freezing of funds, financial assets and economic resources of members of the Government of Zimbabwe and of any natural or legal persons, entities or bodies associated with them.

(5) These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement them as far as the Community is concerned. For the purpose of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.

(6) It is desirable to align with recent practice the provisions concerning the ban on technical assistance, financing and financial assistance related to military activities, and those concerning the freezing of funds, financial assets and economic resources.

(7) This Regulation amends and extends the restrictive measures contained in Regulation (EC) No 310/2002, which it should replace immediately on the latter's expiry,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

(a) 'technical assistance' means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; technical assistance includes verbal forms of assistance;

⁽¹⁾ OJ L 50, 20.2.2004, p. 66.

⁽²⁾ OJ L 50, 21.2.2002, p. 1. Common Position as last amended by Common Position 2003/115/CFSP (OJ L 46, 20.2.2003, p. 30).

⁽³⁾ OJ L 50, 21.2.2002, p. 4. Regulation as last amended by Commission Regulation (EC) No 743/2003 (OJ L 106, 29.4.2003, p. 18).

⁽⁴⁾ OJ L 46, 20.2.2003, p. 6.

(b) 'funds' means financial assets and benefits of every kind, including but not limited to:

- (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (iii) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
- (iv) interest, dividends or other income on or value accruing from or generated by assets;
- (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
- (vi) letters of credit, bills of lading, bills of sale;
- (vii) documents evidencing an interest in funds or financial resources;
- (viii) any other instrument of export-financing;

(c) 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

(d) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

(e) 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them.

Article 2

It shall be prohibited:

- (a) to grant, sell, supply or transfer technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any person, entity or body in, or for use in Zimbabwe;
- (b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, directly or indirectly to any person, entity or body in, or for use in Zimbabwe;
- (c) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to at points (a) or (b).

Article 3

It shall be prohibited:

- (a) knowingly and intentionally, to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression as listed in Annex I, whether or not originating in the Community, to any natural or legal person, entity or body in, or for use in Zimbabwe;
- (b) to grant, sell, supply or transfer, directly or indirectly, technical assistance related to the equipment referred to at point (a), to any natural or legal person, entity or body in, or for use in Zimbabwe;
- (c) to provide, directly or indirectly, financing or financial assistance related to the equipment referred to at point (a), to any natural or legal person, entity or body in, or for use in Zimbabwe;
- (d) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to at points (a), (b) or (c).

Article 4

1. By way of derogation from Articles 2 and 3 the competent authorities of Member States as listed in Annex II may authorise:

- (a) the provision of financing and financial assistance and technical assistance related to:
 - (i) non-lethal military equipment intended solely for humanitarian or protective use, or for institution-building programmes of the United Nations, the European Union and the Community;
 - (ii) materiel intended for European Union and United Nations crisis-management operations;
- (b) the sale, supply, transfer or export of equipment listed in Annex I intended solely for humanitarian or protective use, and the provision of financial assistance, financing and technical assistance related to these transactions.

2. No authorisations shall be granted for activities that have already taken place.

Article 5

Articles 2 and 3 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Zimbabwe by United Nations personnel, personnel of the European Union, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 6

1. All funds and economic resources belonging to individual members of the Government of Zimbabwe and to any natural or legal persons, entities or bodies associated with them as listed in Annex III shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex III.

3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in paragraphs 1 and 2 shall be prohibited.

Article 7

1. By way of derogation from Article 6, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the grounds on which it considers that a specific authorisation should be granted to all other competent authorities and the Commission at least two weeks prior to the authorisation.

The relevant competent authority shall inform the competent authorities of the other Member States and the Commission of any authorisation granted under this paragraph.

2. Article 6(2) shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to Regulation (EC) No 310/2002 or this Regulation,

provided that any such interest, other earnings and payments continue to be subject to Article 6(1).

Article 8

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 6, to the competent authorities of the Member States listed in Annex II where they are resident or located, and shall transmit such information, directly or through these competent authorities, to the Commission;
- (b) cooperate with the competent authorities listed in Annex II in any verification of this information.

2. Any additional information directly received by the Commission shall be made available to the competent authorities of the Member State concerned.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 9

The freezing of funds and economic resources or the not making available of funds, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.

Article 10

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 11

The Commission shall be empowered to:

- (a) amend Annex II on the basis of information supplied by Member States;
- (b) amend Annex III on the basis of decisions taken in respect of the Annex to Common Position 2004/161/CFSP.

Article 12

The Member States shall lay down the rules on sanctions applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive. The Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 13

This Regulation shall apply:

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Community who is a national of a Member State;

(d) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;

(e) to any legal person, group or entity doing business within the Community.

Article 14

This Regulation shall enter into force on 21 February 2004.

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

Done at Brussels, 19 February 2004.

For the Council

The President

M. McDOWELL

ANNEX I

List of equipment which might be used for internal repression as referred to in Article 3

The list below does not comprise the articles that have been specially designed or modified for military use.

1. Helmets providing ballistic protection, anti-riot helmets, anti-riot shields and ballistic shields and specially designed components therefor.
2. Specially designed fingerprint equipment.
3. Power-controlled searchlights.
4. Construction equipment provided with ballistic protection.
5. Hunting knives.
6. Specially designed production equipment to make shotguns.
7. Ammunition hand-loading equipment.
8. Communications intercept devices.
9. Solid-state optical detectors.
10. Image-intensifier tubes.
11. Telescopic weapon sights.
12. Smooth-bore weapons and related ammunition, other than those specially designed for military use, and specially designed components therefor; except:
 - signal pistols,
 - air- and cartridge-powered guns designed as industrial tools or humane animal stunners.
13. Simulators for training in the use of firearms and specially designed or modified components and accessories therefor.
14. Bombs and grenades, other than those specially designed for military use, and specially designed components therefor.
15. Body armour, other than those manufactured to military standards or specifications, and specially designed components therefor.
16. All-wheel-drive utility vehicles capable of off-road use that have been manufactured or fitted with ballistic protection, and profiled armour for such vehicles.
17. Water cannon and specially designed or modified components therefor.
18. Vehicles equipped with a water cannon.
19. Vehicles specially designed or modified to be electrified to repel borders and components therefor specially designed or modified for that purpose.
20. Acoustic devices represented by the manufacturer or supplier as suitable for riot-control purposes, and specially designed components therefor.
21. Leg-irons, gang-chains, shackles and electric-shock belts, specially designed for restraining human beings; except:
 - handcuffs for which the maximum overall dimension including chain does not exceed 240 mm when locked.
22. Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an incapacitating substance (such as tear gas or pepper sprays), and specially designed components therefor.
23. Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (including electric-shock batons, electric-shock shields, stun guns and electric-shock dart guns (tasers)) and components therefor specially designed or modified for that purpose.
24. Electronic equipment capable of detecting concealed explosives and specially designed components therefor; except:
 - TV or X-ray inspection equipment.
25. Electronic jamming equipment specially designed to prevent the detonation by radio remote control of improvised devices and specially designed components therefor.

26. Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor; except:
 - those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g., car air-bag inflaters, electric-surge arresters of fire sprinkler actuators).
 27. Equipment and devices designed for explosive ordnance disposal; except:
 - bomb blankets,
 - containers designed for folding objects known to be, or suspected of being improvised explosive devices.
 28. Night vision and thermal-imaging equipment and image intensifier tubes or solid state sensors therefor.
 29. Software specially designed and technology required for all listed items.
 30. Linear cutting explosive charges.
 31. Explosives and related substances as follows:
 - amatol,
 - nitrocellulose (containing more than 12,5 % nitrogen),
 - nitroglycol,
 - pentaerythritol tetranitrate (PETN),
 - picryl chloride,
 - tinitorphenylmethylnitramine (tetryl),
 - 2,4,6-trinitrotoluene (TNT).
 32. Software specially designed and technology required for all listed items.
-

ANNEX II

List of competent authorities referred to in Article 4, 7 and 8

BELGIUM

Service public fédéral des affaires étrangères, commerce extérieur et coopération au développement
Egmont 1
Rue des Petits Carmes 19
B-1000 Bruxelles

Direction générale des affaires bilatérales
Service 'Afrique du sud du Sahara'
Téléphone (32-2) 501 85 77

Service des transports
Téléphone (32-2) 501 37 62
Télécopieur (32-2) 501 88 27

Direction générale de la coordination et des affaires européennes
Coordination de la politique commerciale
Téléphone (32-2) 501 83 20

Service public fédéral de l'économie, des petites et moyennes entreprises, des classes moyennes et de l'énergie
Direction générale du potentiel économique, service 'Licences'
Avenue du Général Leman 60
B-1040 Bruxelles
Téléphone (32-2) 206 58 16/27
Télécopieur (32-2) 230 83 22

Service public fédéral des finances
Administration de la Trésorerie
Avenue des Arts 30
B-1040 Bruxelles
Télécopieur (32-2) 233 74 65
Courriel: Quesfinvragen.tf@minfin.fed.be

Brussels Hoofdstedelijk Gewest — Région de Bruxelles-Capitale
Kabinet van de minister van Financiën, Begroting, Openbaar Ambt en Externe Betrekkingen van de Brusselse Hoofdstedelijke regering
Kunstlaan 9
B-1210 Brussel
Telefoon: (32-2) 209 28 25
Fax: (32-2) 209 28 12

Cabinet du ministre des finances, du budget, de la fonction publique et des relations extérieures du gouvernement de la Région de Bruxelles-Capitale
Avenue des Arts 9
B-1210 Bruxelles
Téléphone (32-2) 209 28 25
Télécopieur (32-2) 209 28 12

Région wallonne:

Cabinet du ministre-président du gouvernement wallon
Rue Mazy 25-27
B-5100 Jambes-Namur
Téléphone (32-81) 33 12 11
Télécopieur (32-81) 33 13 13

Vlaams Gewest:

Administratie Buitenlands Beleid
Boudewijnlaan 30
B-1000 Brussel
Tel. (32-2) 553 59 28
Fax (32-2) 553 60 37

DENMARK

Erhvervs- og Boligstyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tlf. (45) 35 46 60 00
Fax (45) 35 46 60 01

Udenrigsministeriet
Asiatisk Plads 2
DK-1448 København K
Tlf. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK-1216 København K
Tlf. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY

Concerning financing and financial assistance:

Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D-80281 München
Tel. (49-89) 28 89 38 00
Fax (49-89) 35 01 63 38 00

Concerning goods, technical assistance and other services:

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29-35
D-65760 Eschborn
Tel. (49-61) 969 08-0
Fax (49-61) 969 08-800

GREECE

Υπουργείο Εθνικής Οικονομίας
Γενική Διεύθυνση Οικονομικής Πολιτικής
Νίκης 5-7
GR-101 80 Αθήνα
Τηλ.: (0030-210) 333 27 81-2
Φαξ: (0030-210) 333 28 10, 333 27 93

Ministry of National Economy
General Directorate of Economic Policy
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SPAIN

Ministerio de Economía
Dirección General de Comercio e Inversiones
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 38 60
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Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de Movimientos de Capitales
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Direction générale des douanes et des droits indirects
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Ministère de l'économie, des finances et de l'industrie
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F-75572 Paris Cedex 12
Téléphone (33) 144 87 17 17
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Ministère des affaires étrangères
Direction de la coopération européenne
Sous-direction des relations extérieures de la Communauté
Téléphone (33) 143 17 44 52
Télécopieur (33) 143 17 56 95

Direction générale des affaires politiques et de sécurité
Service de la politique étrangère et de sécurité commune
Téléphone (33) 143 17 45 16
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IRELAND

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76-78 Harcourt Street
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Department of Enterprise, Trade and Employment
Licensing Unit
Earlsfort Centre
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Dublin 2
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Tel. (353-1) 631 21 21
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ITALY

Ministero degli Affari esteri
DGAS — Uff. II
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Tel. (39) 06 36 91 24 35
Fax (39) 06 36 91 45 34

Ministero delle Attività produttive
Gabinetto del vice ministro per il Commercio estero
Roma
Tel. (39) 06 59 64 75 47
Fax (39) 06 59 64 74 94

Ministero delle Infrastrutture e dei trasporti
Gabinetto del ministro
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Ministerie van Buitenlandse Zaken
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Tel. (31-70) 348 42 06
Fax (31-70) 348 67 49

Ministerie van Financiën
Directie Financiële Markten, afdeling Integriteit
Postbus 20201
2500 EE Den Haag
Nederland
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Fax (31-70) 342 79 18

AUSTRIA

Bundesministerium für Wirtschaft und Arbeit
Abteilung C/2/2
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A-1010 Wien
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Fax (43-1) 711 00-8386

Österreichische Nationalbank
Otto-Wagner-Platz 3
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Bundesministerium für Inneres
Bundeskriminalamt
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A-1090 Wien
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PORTUGAL

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PL/PB 176
FI-00161 Helsinki/Helsingfors
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Puolustusministeriö/Försvarsministeriet
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SWEDEN

Inspektionen för strategiska produkter (ISP)
Box 70 252
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Regeringskansliet
Utrikesdepartementet
Rättsssekretariatet för EU-frågor
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Fax (46-8) 723 11 76

Finansinspektionen
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S-103 98 Stockholm
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UNITED KINGDOM

Sanctions Licensing Unit
Export Control Organisation
Department of Trade and Industry
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HM Treasury
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1 Horse Guards Road
London SW1A 2HQ
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Tel. (44-207) 270 59 77
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ANNEX III

List of persons referred to in Article 6

1. Mugabe, Robert Gabriel	President, born 21.2.1924
2. Buka (a.k.a. Bhuka), Flora	Minister of State in Vice-President's Office (former Minister of State for the Land Reform Programme in the President's Office), born 25.2.1968
3. Bonyongwe, Happyton	Director-General Central Intelligence Organisation, born 6.11.1960
4. Chapfika, David	Deputy Minister of Finance and Economic Development
5. Charamba, George	Permanent Secretary Department for Information and Publicity, born 4.4.1963
6. Charumbira, Fortune Zefanaya	Deputy Minister for Local Government, Public Works and National Housing, born 10.6.1962
7. Chigwedere, Aeneas Soko	Minister of Education, Sports and Culture, born 25.11.1939
8. Chihuri, Augustine	Police Commissioner, born 10.3.1953
9. Chikowore, Enos C.	ZANU (PF) Politburo Secretary for Land and Resettlement, born 1936
10. Chinamasa, Patrick Anthony	Minister of Justice, Legal and Parliamentary Affairs, born 25.1.1947
11. Chindori-Chininga, Edward Takaruza	former Minister of Mines and Mining Development, born 14.3.1955
12. Chipanga, Tongesai Shadreck	Deputy Minister of Home Affairs
13. Chiwenga, Constantine	Commander Zimbabwe Defence Forces, General (former Army Commander, Lieutenant General), born 25.8.1956
14. Chiwewe, Willard	Senior Secretary responsible for Special Affairs in the President's Office (former Senior Secretary, Ministry of Foreign Affairs), born 19.3.1949
15. Chombo, Ignatius Morgan Chiminya	Minister of Local Government, Public Works and National Housing, born 1.8.1952
16. Dabengwa, Dumiso	ZANU (PF) Politburo Senior Committee Member, born 1939
17. Goche, Nicholas Tasunungurwa	Minister of State for National Security in the President's Office (former Security Minister), born 1.8.1946
18. Gula-Ndebele, Sobuza	Chairman of Electoral Supervisory Commission
19. Gumbo, Rugare Eleck Ngidi	Minister of State for State Enterprises and Parastatals in the President's Office (former Deputy Minister of Home Affairs, born 8.3.1940)
20. Hove, Richard	ZANU (PF) Politburo Secretary for Economic Affairs, born 1935
21. Hungwe, Josaya (a.k.a. Josiah) Dunira	Provincial Governor: Masvingo, born 7.11.1935
22. Kangai, Kumbirai	ZANU (PF) Politburo Committee Member, born 17.2.1938
23. Karimanzira, David Ishemunyororo Godi	ZANU (PF) Politburo Secretary for Finance, born 25.5.1947
24. Kasukuwere, Saviour	ZANU (PF) Politburo Deputy-Secretary for Youth Affairs, born 23.10.1970

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| 25. Kuruneri, Christopher Tichaona | Minister of Finance and Economic Development (former Deputy Minister of Finance and Economic Development), born 4.4.1949 |
| 26. Langa, Andrew | Deputy Minister of Transport and Communications |
| 27. Lesabe, Thenjiwe V. | ZANU (PF) Politburo Secretary for Women's Affairs, born 1933 |
| 28. Machaya, Jason (a.k.a. Jaison) Max Kokera | Deputy Minister of Mines and Mining Development, born 13.6.1952 |
| 29. Made, Joseph Mtakwese | Minister of Agriculture and Rural Development (former Minister of Lands, Agricultural and Rural Resettlement), born 21.11.1954 |
| 30. Madzongwe, Edna (a.k.a. Edina) | ZANU (PF) Politburo Deputy Secretary for Production and Labour, born 11.7.1943 |
| 31. Mahofa, Shuvai Ben | Deputy Minister for Youth Development, Gender and Employment Creation, born 4.4.1941 |
| 32. Mahoso, Tafataona | Chair, Media Information Commission |
| 33. Makoni, Simbarashe | ZANU (PF) Politburo Deputy Secretary General for Economic Affairs (former Minister of Finance), born 22.3.1950 |
| 34. Malinga, Joshua | ZANU (PF) Politburo Deputy Secretary for Disabled and Disadvantaged, born 28.4.1944 |
| 35. Mangwana, Paul Munyaradzi | Minister of Public Service, Labour and Social Welfare (former Minister of State for State Enterprises and Parastatals in the President's Office), born 10.8.1961 |
| 36. Mangwende, Witness Pasichigare Madunda | Provincial Governor: Harare (former Minister for Transport and Communications), born 15.10.1946 |
| 37. Manyika, Elliot Tapfumanei | Minister without Portfolio (former Minister of Youth Development, Gender and Employment Creation), born 30.7.1955 |
| 38. Manyonda, Kenneth Vhundukai | Deputy Minister of Industry and International Trade, born 10.8.1934 |
| 39. Marumahoko, Rueben | Deputy Minister of Energy and Power Development, born 4.4.1948 |
| 40. Masawi, Ephraim Sango | Provincial Governor: Mashonaland Central |
| 41. Masuku, Angeline | Provincial Governor: Matabeleland South (ZANU (PF) Politburo Secretary for Disabled and Disadvantaged), born 14.10.1936 |
| 42. Mathema, Cain | Provincial Governor: Bulawayo |
| 43. Mathuthu, T. | ZANU (PF) Politburo Deputy Secretary for Transport and Social Welfare |
| 44. Midzi, Amos Bernard (Mugenva) | Minister of Mines and Mining Development (former Minister of Energy and Power Development), born 4.7.1952 |
| 45. Mnangagwa, Emmerson Dambudzo | Speaker of Parliament, born 15.9.1946 |
| 46. Mohadi, Kembo Campbell Dugishi | Minister of Home Affairs (former Deputy Minister of Local Government, Public Works and National Housing), born 15.11.1949 |
| 47. Moyo, Jonathan | Minister of State for Information and Publicity in the President's Office, born 12.1.1957 |
| 48. Moyo, July Gabarari | Minister of Energy and Power Development (former Minister of Public Service, Labour and Social Welfare), born 7.5.1950 |
| 49. Moyo, Simon Khaya | ZANU (PF) Politburo Deputy Secretary for Legal Affairs, born 1945 |

50. Mpofo, Obert Moses
Provincial Governor: Matabeleland North (ZANU (PF) Politburo Deputy Secretary for National Security), born 12.10.1951
51. Msika, Joseph W.
Vice-President, born 6.12.1923
52. Msipa, Cephas George
Provincial Governor: Midlands, born 7.7.1931
53. Muchena, Olivia Nyembesi (a.k.a. Nyembezi)
Minister of State for Science and Technology in the President's Office (former Minister of State in Vice-President Msika's Office), born 18.8.1946
54. Muchinguri, Oppah Chamu Zvipange
ZANU (PF) Politburo Secretary for Gender and Culture, born 14.12.1958
55. Mudede, Tobaiwa (Tonnetth)
Registrar General, born 22.12.1942
56. Mudenge, Isack Stanilaus Goreraivo
Minister of Foreign Affairs, born 17.12.1941
57. Mugabe, Grace
Spouse of Robert Gabriel Mugabe, born 23.7.1965
58. Mugabe, Sabina
ZANU (PF) Politburo Senior Committee Member, born 14.10.1934
59. Mujuru, Joyce Teurai Ropa
Minister of Water Resources and Infrastructural Development (former Minister of Rural Resources and Water Development), born 15.4.1955
60. Mujuru, Solomon T.R.
ZANU (PF) Politburo Senior Committee Member, born 1.5.1949
61. Mumbengegwi, Samuel Creighton
Minister of Industry and International Trade (former Minister of Higher Education and Technology), born 23.10.1942
62. Murerwa, Herbert Muchemwa
Minister of Higher and Tertiary Education (former Minister of Finance and Economic Development), born 31.7.1941
63. Mushohwe, Christopher Chindoti
Minister of Transport and Communications (former Deputy Minister of Transport and Communications, born 6.2.1954
64. Mutasa, Didymus Noel Edwin
Minister of Special Affairs in the President's Office in charge of the Anti-Corruption and Anti-Monopolies Programme (former ZANU (PF) Politburo Secretary for External Relations), born 27.7.1935
65. Mutinhiri, Ambros (a.k.a. Ambrose)
Minister of Youth Development, Gender and Employment Creation, Retired Brigadier
66. Mutiwekuziva, Kenneth Kaparadza
Deputy Minister of Small and Medium Enterprises Development, born 27.5.1948
67. Muzenda, Tsitsi V.
ZANU (PF) Politburo Senior Committee Member, born 28.10.1922
68. Muzonzini, Elisha
Brigadier (former Director-General Central Intelligence Organisation), born 24.6.1957
69. Ncube, Abedinico
Deputy Minister of Foreign Affairs, born 13.10.1954
70. Ndlovu, Naison K.
ZANU (PF) Politburo Secretary for Production and Labour, born 22.10.1930
71. Ndlovu, Sikhanyiso
ZANU (PF) Politburo Deputy Secretary for Commissariat, born 20.9.1949
72. Nhema, Francis
Minister of Environment and Tourism, born 17.4.1959
73. Nkomo, John Landa
Minister of Special Affairs in the President's Office
74. Nyambuya, Michael Reuben
Lieutenant General, Provincial Governor: Manicaland
75. Nyoni, Sithembiso Gile Glad
Minister of Small and Medium Enterprises Development (former Minister of State for the Informal Sector), born 20.9.1949

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| 76. Parirenyatwa, David Pagwese | Minister of Health and Child Welfare (former Deputy Minister), born 2.8.1950 |
| 77. Pote, Selina M. | ZANU (PF) Politburo Deputy Secretary for Gender and Culture |
| 78. Rusere, Tinos | Deputy Minister for Water Resources and Infrastructural Development (former Deputy Minister of Rural Resources and Water Development), born 10.5.1945 |
| 79. Sakupwanya, Stanley | ZANU (PF) Politburo Deputy Secretary for Health and Child Welfare |
| 80. Samkange, Nelson Tapera Crispin | Provincial Governor: Mashonaland West |
| 81. Sekeramayi, Sydney (a.k.a. Sidney) Tigere | Minister of Defence, born 30.3.1944 |
| 82. Shamu, Webster | Minister of State for Policy Implementation in the President's Office, born 6.6.1945 |
| 83. Shamuyarira, Nathan Marwirakuwa | ZANU (PF) Politburo Secretary for Information and Publicity, born 29.9.1928 |
| 84. Shiri, Perence | Air Marshal (Air Force), born 1.11.1955 |
| 85. Shumba, Isaiah Masvayamwando | Deputy Minister of Education, Sports and Culture, born 3.1.1949 |
| 86. Sibanda, Jabulani | Chair, National War Veterans Association, born 31.12.1970 |
| 87. Sibanda, Misheck Julius Mpande | Cabinet Secretary (successor to No. 93 Charles Utete), born 3.5.1949 |
| 88. Sibanda, Phillip Valerio (a.k.a. Valentine) | Commander Zimbabwe National Army, Lieutenant General, born 25.8.1956 |
| 89. Sikosana, Absolom | ZANU (PF) Politburo Secretary for Youth Affairs |
| 90. Stamps, Timothy | Health Advisor in the Office of the President, born 15.10.1936 |
| 91. Tawengwa, Solomon Chirume | ZANU (PF) Politburo Deputy Secretary for Finance, born 15.6.1940 |
| 92. Tungamirai, Josiah T. | Minister of State for Indigenisation and Empowerment, Retired Air Marshall (former ZANU (PF) Politburo Secretary for Empowerment and Indigenisation), born 8.10.1948 |
| 93. Utete, Charles | Chairman of the Presidential Land Review Committee (former Cabinet Secretary), born 30.10.1938 |
| 94. Zimonte, Paradzai | Prisons Director, born 4.3.1947 |
| 95. Zvinavashe, Vitalis | Retired General (former Chief of Defense Staff), born 27.9.1943 |
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COMMISSION REGULATION (EC) No 315/2004
of 23 February 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 February 2004.

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

Done at Brussels, 23 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

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

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	87,8
	204	36,0
	212	114,0
	999	79,3
0707 00 05	052	161,8
	068	88,3
	204	32,1
	999	94,1
0709 90 70	052	113,3
	204	63,5
	999	88,4
0805 10 10, 0805 10 30, 0805 10 50	052	47,1
	204	48,0
	212	48,5
	220	46,2
	600	41,8
	624	60,1
	999	48,6
0805 20 10	204	76,6
	999	76,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	65,1
	204	102,1
	220	74,5
	400	58,9
	464	75,0
	600	71,8
	624	76,2
	999	74,8
0805 50 10	600	65,3
	999	65,3
0808 10 20, 0808 10 50, 0808 10 90	060	36,8
	400	87,9
	404	96,1
	512	97,6
	524	85,9
	528	94,2
	720	69,5
	999	81,1
0808 20 50	060	55,2
	388	82,4
	400	88,5
	512	104,6
	528	86,9
	720	152,2
	999	95,0

⁽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 316/2004
of 20 February 2004**

amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Articles 53 and 80(b) thereof,

Whereas:

- (1) After Commission Regulation (EC) No 753/2002 ⁽²⁾ had been adopted it was found to contain some technical errors, which should be corrected. For the sake of clarity and consistency, some provisions of the Regulation should also be rearranged.
- (2) Regulation (EC) No 753/2002 was notified to the World Trade Organisation. A number of wine-producing third countries entered reservations about the text. In the light of those comments, two consultations have been held in Geneva to explain the new rules on labelling and to listen to third countries' concerns.
- (3) Having regard to the claims by third countries, some changes should be made to Regulation (EC) No 753/2002. These involve opening the use of certain traditional terms to third countries provided that they fulfil equivalent conditions to those required from Member States. Furthermore, given that several third countries do not have the same level of centralised regulation as the Community, some requirements should be amended while at the same time ensuring the same guarantees as to the binding nature of those rules.
- (4) Given the impossibility of finalising the adoption procedure for this measure before 1 February 2004, the time limit laid down in Article 47 should be extended to 15 March 2004.
- (5) Regulation (EC) No 753/2002 should be amended accordingly.
- (6) The Management Committee for Wine has not delivered an opinion within the time limit set by its chairman,

Article 1

Regulation (EC) No 753/2002 is hereby amended as follows:

1. in Article 5(1) the second subparagraph is replaced by the following:

'Furthermore, the Member State concerned may provide for ad hoc derogations for certain quality wines psr and quality sparkling wines psr as referred to in Article 29 aged in bottles for a long period before sale, provided that they lay down control requirements and rules for circulation for those products.

Member States shall notify the Commission of the control requirements which they have laid down.;

2. in Article 9, paragraphs 4 and 5 are deleted;

3. Article 12(1)(b) is replaced by the following:

'(b) Terms that are not defined in the Community rules but use of which is regulated in the Member State or conforms to the rules applicable to wine producers in the third country concerned, including those emanating from representative trade organisations, provided that they notify them to the Commission, which shall take all appropriate steps to ensure that those terms are publicised.;

4. Article 24 is amended as follows:

- (a) in paragraph 5, the introductory phrase is replaced by the following:

'To qualify for inclusion in Annex III, a traditional term must.;

- (b) paragraph 6 is deleted;

- (c) paragraph 8 is deleted;

5. the third paragraph of Article 28 is replaced by the following:

'The rules referred to in the second paragraph may, however, allow the term "... (traditional designation) to be used in conjunction with "... (retsina) without necessarily being linked to a specified geographical indication.;

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

⁽²⁾ OJ L 118, 4.5.2002, p. 1. Regulation as last amended by Regulation (EC) No 1205/2003 (OJ L 168 5.7.2003, p. 13).

6. Article 29 is amended as follows:

(a) paragraph 1(d) is replaced by the following:

‘(d) Spain:

- “Denominación de origen”, “Denominación de origen calificada”, “D.O.”, “D.O.Ca”, “vino de calidad con indicación geográfica”, “vino de pago” and “vino de pago calificado”;

These terms, however, must appear on the label immediately below the name of the specified region;

- “vino generoso”, “vino generoso de licor”, “vino dulce natural”;

(b) the last indent of paragraph 1(h) is replaced by the following:

‘— “Districtus Austriae Controllatus” or “DAC”;

(c) paragraph 2(c) is replaced by the following:

‘(c) Spain:

- “Denominación de origen” and “Denominación de origen calificada”; “D.O.”, “D.O.Ca”, “vino de calidad con indicación geográfica”, “vino de pago” and “vino de pago calificado”;

These terms, however, must appear on the label immediately below the name of the specified region;

7. Article 31 is amended as follows:

(a) in point (b) of the second subparagraph of paragraph 3 ‘31 August 2003’ is replaced by ‘31 August 2005’;

(b) in the third subparagraph of paragraph 3 ‘31 August 2003’ is replaced by ‘31 August 2005’;

8. Article 34 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) in the first subparagraph, point (a) is replaced by the following:

- ‘(a) the name, address and occupation of one or more of the persons involved in marketing, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from representative trade organisations’;

(ii) in the first subparagraph, point (c) is replaced by the following:

- ‘(c) a specific colour, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from representative trade organisations.’;

(iii) the second subparagraph is replaced by the following:

‘In the case of liqueur wine, semi-sparkling wine, aerated semi-sparkling wine and title II products made in third countries, the indication referred to in point (b) of the first subparagraph may be used provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from representative trade organisations.’;

(b) the following paragraph 3 is added:

‘3. By way of derogation from paragraphs 1 to 3 of Article 9, certain types of bottle listed in Annex I may be used for the presentation of wines originating in third countries, provided that:

(a) those countries have submitted a reasoned request to the Commission, and

(b) requirements deemed equivalent to those set out in paragraphs 2 and 3 of Article 9 have been met.

The third countries authorised to use each type of bottle are listed in Annex I, together with the rules on their use.

Some bottle types traditionally used in third countries but not included in Annex I may qualify for the protection referred to in this Article for that bottle type with a view to their marketing in the Community, if reciprocal arrangements apply.

The first subparagraph shall be implemented through agreements with the third countries concerned, concluded under the procedure laid down in Article 133 of the Treaty.’;

(c) the following paragraph 4 is added:

‘4. Article 37(1) shall apply *mutatis mutandis* to grape must in fermentation intended for direct human consumption with a geographical indication and wine of over-ripe grapes with a geographical indication.’;

(d) the following paragraph 5 is added:

‘5. Articles 2, 3, 4, 6, 7(c), 8, 12 and 14(1)(a), (b) and (c) shall apply *mutatis mutandis*.’;

9. Article 36 is amended as follows:

(a) in paragraph 3, the third subparagraph is deleted;

(b) paragraphs 4 and 5 are replaced by the following:

‘4. The geographical indications referred to in paragraphs 1, 2 and 3 may not be used if, although literally true as to the territory, region or locality in which the goods originate, they falsely represent to the public that the goods originate in another territory.

5. A geographical indication of a third country, as referred to in paragraphs 1 and 2, may be used on the labelling of an imported wine even where only 85 % of the wine in question was obtained from grapes harvested in the production area whose name it bears;'

concerned, including those emanating from representative trade organisations; and

10. Article 37 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the introductory phrase is replaced by the following:

'1. For the purposes of Annex VII(B)(2) to Regulation (EC) No 1493/1999, the labelling of wine originating in third countries (excluding sparkling wines, aerated sparkling wines and aerated semi-sparkling wines but including wines of over-ripe grapes) and grape musts in fermentation made in third countries for direct human consumption bearing a geographical indication in accordance with Article 36 may be supplemented by the following;'

(ii) point (a) is replaced by the following:

'(a) the vintage year; this may be used provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from representative trade organisations, and where at least 85 % of the grapes used to make the wine have been harvested in the year concerned, not including the quantity of products used in any sweetening.

For wines traditionally obtained from grapes harvested in winter, the year of the beginning of the current marketing year shall be shown rather than the vintage year;'

(iii) point (b)(i) is replaced by the following:

'(i) the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from representative trade organisations;'

(iv) points (d), (e) and (f) are replaced by the following:

'(d) particulars concerning the production method, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from representative trade organisations;

(e) in the case of wines of third countries and grape musts in fermentation for direct consumption from third countries, additional traditional indications:

(i) other than those listed in Annex III, in accordance with the rules applicable to wine producers in the third country

(ii) listed in Annex III, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from representative trade organisations, and meet the following requirements:

— these countries have made a substantiated request to the Commission and forwarded the relevant rules justifying recognition of the traditional indications,

— they are specific in themselves,

— they are sufficiently distinctive and/or enjoy an established reputation in the third country concerned,

— they have been traditionally used for at least 10 years in the third country in question,

— they are used for one or more categories of wine of the third country in question,

— the rules laid down by the third country are not such as to mislead consumers about the indication concerned.

In addition, some traditional indications listed in Annex III can be used on the labelling of wines carrying a geographical indication and originating in third countries in the language of the third country of origin or in another language, where use of a language other than the official language of the country is regarded as traditional in connection with a traditional indication if the use of that language is provided for in the legislation of the country concerned and if that language has been used continuously for the traditional indication for at least 25 years.

Article 23 and paragraph 2, paragraph 3, the second subparagraph of paragraph 4 and paragraph 6(c) of Article 24 shall apply *mutatis mutandis*.

For each traditional indication referred to in point (ii) the countries concerned are indicated in Annex III.

(f) the name of an undertaking, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from representative trade organisations. Article 25(1) shall apply *mutatis mutandis*;

(v) in point (g), the introductory phrase is replaced by the following:

‘information about bottling, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from representative trade organisations;’

(b) paragraph 3 is deleted;

11. in Title V, the following Articles 37a and 37b are added:

‘Article 37a

“Representative trade organisation” means any producer organisation or association of producer organisations having adopted the same rules, operating in a given wine-growing area where it includes in its membership at least two thirds of the producers in the specified region in which it operates and accounts for at least two thirds of that region's production.

The third countries concerned shall give the Commission prior notification of the rules referred to in Articles 12(1), 34(1) and 37(1). Third countries shall also communicate a list of the representative trade organisations, with details of their members, as set out in Annex IX.

The Commission shall take all appropriate steps to ensure that these measures are publicised.’;

‘Article 37b

Liqueur wine, semi-sparkling wine, aerated semi-sparkling wine, sparkling wine

1. For the purposes of Annex VII(A)(4) to Regulation (EC) No 1493/1999, the labelling of liqueur wines, semi-sparkling wines and aerated semi-sparkling wines shall include, in addition to the compulsory particulars referred to in A(1) of that Annex, the importer or, where the wine has been bottled in the Community, the bottler.

In the case of the particulars referred to in the first subparagraph, Article 34(1)(a) shall apply *mutatis mutandis* to products made in third countries.

Article 38(2) shall apply *mutatis mutandis*.

2. By way of derogation from Annex VII(C)(3) to Regulation (EC) No 1493/1999, third country wines may bear the terms “liqueur wine”, “semi-sparkling wine” or “aerated

semi-sparkling wine” if they meet the requirements laid down in points (d), (g) and (h) respectively of Annex XI to Commission Regulation (EC) No 883/2001 (*).

3. Sparkling wines originating in a third country, as referred to in the third indent of Annex VIII(E)(1) to Regulation (EEC) No 1493/1999, shall be as listed in Annex VIII to this Regulation.

(*) OJ L 128, 10.5.2001, p. 1.’;

12. Article 38(1) is replaced by the following:

‘1. For the purposes of Annex VII(A)(4) to Regulation (EC) No 1493/1999, the labelling of liqueur wines, semi-sparkling wines and aerated semi-sparkling wines shall include, in addition to the compulsory particulars referred to in A(1) of that Annex, the name or business name and the local administrative district of the Member State of the bottler or, for containers with a nominal volume of more than 60 litres, the consignor. In the case of semi-sparkling wines the bottler's name may be replaced by that of the winemaker.

In the case of the particulars referred to in the first subparagraph, Article 15 shall apply *mutatis mutandis* to products made in the Community.’;

13. Article 40 is deleted;

14. Article 44 is deleted;

15. Article 46 is replaced by the following:

‘Article 46

“Pinot” vine varieties

In the case of sparkling wines, quality sparkling wines or quality sparkling wines psr, the variety names used to supplement the description of the product, namely “Pinot blanc”, “Pinot noir” or “Pinot gris” and the equivalent names in the other Community languages, may be replaced by the synonym “Pinot”.’;

16. the second subparagraph of Article 47(1) is replaced by the following:

‘Labels and pre-packaging material bearing particulars which were printed in conformity with the provisions applicable up to the entry into force of this Regulation may continue to be used until 15 March 2004.’;

17. Annex II is replaced by Annex I to this Regulation;

18. Annex III is replaced by Annex II to this Regulation;

19. Annex III to this Regulation is added as Annex IX.

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*.

It shall apply from 1 February 2004.

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

Done at Brussels, 20 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

‘ANNEX II

List of vine varieties and their synonyms that include a geographical indication ⁽¹⁾ and that may appear on the labelling of wines in accordance with Article 19(2) ^(*)

	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms ⁽²⁾
1	Agiorgitiko	Greece°
2	Aglianico	Italy°, Greece°
3	Aglianicone	Italy°
4	Alicante Bouschet	Greece°, Italy*°, Portugal°, Algeria°, Tunisia°, United States° N.B.: The name “Alicante” may not be used on its own to designate wine
5	Alicante Branco	Portugal°
6	Alicante Henri Bouschet	France°, Serbia and Montenegro (8)
7	Alicante	Italy°
8	Alikant Buse	Serbia and Montenegro (6)
9	Auxerrois	South Africa°, Australia°, Canada°, Switzerland°, Belgium°, Germany°, France°, Luxembourg°, Netherlands°, United Kingdom°
10	Banatski rizling	Serbia and Montenegro (Kreaca)°
11	Barbera Bianca	Italy°
12	Barbera	South Africa°, Argentina°, Australia°, Croatia°, Mexico°, Slovenia°, Uruguay°, United States°, Greece°, Italy°
13	Barbera Sarda	Italy°
14	Blauburgunder	Former Yugoslav Republic of Macedonia (18-28-97), Austria (15-18), Canada (18-97) (Pinot noir), Chile (18-97) (Pinot noir), Italy (Pinot nero — 18-97)
15	Blauer Burgunder	Austria (14-18), Serbia and Montenegro (25-97), Switzerland (Pinot noir)
16	Blauer Frühburgunder	Germany (51)
17	Blauer Limberger	Germany (Lemberger) (19), Romania (56)(64) (Kekfrankos)
18	Blauer Spätburgunder	Germany (97), Former Yugoslav Republic of Macedonia (14-28-97), Austria (14-15), Bulgaria (96) (Pinot noir), Canada (14-97) (Pinot noir), Chile (14-97) (Pinot noir), Romania (97) (Pinot noir , Modri pinot), Italy (14-97) (Pinot nero)
19	Blaufränkisch	Czech Republic° (50), Austria° , Germany , Slovenia (Modra frankinja , Frankinja)
20	Borba	Spain°
21	Bosco	Italy°
22	Bragão	Portugal°
23	Burgundac beli	Serbia and Montenegro (121)
24	Burgundac Crni	Croatia° (Pinot Crni)

	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms ⁽²⁾
25	Burgundac crni	Serbia and Montenegro (15-99)
26	Burgundac sivi	Croatia ^o (Pinot sivi), Serbia and Montenegro ^o
27	Burgundec bel	Former Yugoslav Republic of Macedonia ^o
28	Burgundec crn	Former Yugoslav Republic of Macedonia (14-18-97)
29	Burgundec siv	Former Yugoslav Republic of Macedonia ^o
30	Calabrese	Italy (75)
31	Campanário	Portugal ^o
32	Canari	Argentina ^o
33	Carignan Blanc	France ^o
34	Carignan	South Africa ^o , Argentina ^o , Australia (36), Chile (36), Croatia ^o , Israel ^o , Morocco ^o , New Zealand ^o , Tunisia ^o , Greece ^o , France ^o , Portugal ^o
35	Carignan Noir	Cyprus ^o
36	Carignane	Australia (34), Chile (34), Mexico , Turkey , United States
37	Carignano	Italy ^o
38	Chardonnay	South Africa ^o , Argentina (79), Australia (79), Bulgaria ^o , Canada (79), Switzerland ^o , Chile (79), Czech Republic ^o , Croatia ^o , Hungary (39), India , Israel ^o , Moldavia ^o , Mexico (79), New Zealand (79), Romania ^o , Russia ^o , San Marino ^o , Slovakia ^o , Slovenia ^o , Tunisia ^o , United States (79), Uruguay ^o , Serbia and Montenegro (Sardone), Zimbabwe ^o , Germany , France , Greece (79), Italy (79), Luxembourg (79), Netherlands (79), United Kingdom , Spain , Portugal , Austria ^o , Belgium (79)
39	Chardonnay Blanc	Former Yugoslav Republic of Macedonia (Sardone), Hungary (38)
40	Chardonnay Musqué	Canada ^o
41	Chelva	Spain ^o
42	Corinto Nero	Italy ^o
43	Cserszegi fűszeres	Hungary ^o
44	Děvín	Czech Republic ^o
45	Dornfelder	Canada ^o , Germany ^o , Netherlands ^o , United Kingdom ^o , Belgium ^o
46	Durasa	Italy ^o
47	Early Burgundy	United States ^o
48	Fehér Burgundi, Burgundi	Hungary (118) (Pinot blanc)
49	Findling	Germany ^o , United Kingdom ^o

	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms ⁽²⁾
50	Frankovka	Czech Republic ^o (19)
51	Frühburgunder	Germany (16) Netherlands ^o
52	Graciosa	Portugal ^o
53	Grauburgunder	Germany (Ruländer -54), Bulgaria (Pinot gris), Hungary (Szürkebarát) ^o , Romania (54) (Pinot gris)
54	Grauer Burgunder	Canada, Romania (53) (Pinot gris), Germany (Ruländer -53), Austria (Pinot gris)
55	Grossburgunder	Romania (17) (63) (Kekfrankos)
56	Iona	United States ^o
57	Izsáki	Hungary ^o
58	Kanzler	United Kingdom ^o
59	Kardinal	Germany ^o , Bulgaria ^o
60	Kisburgundi kék	Hungary (97) (Pinot noir)
61	Korinthiaki	Greece ^o
62	Leira	Portugal ^o
63	Limberger	Canada (Lemberger), New Zealand ^o , Romania (17) (55) (Kekfrankos), Belgium ^o
64	Limnio	Greece ^o
65	Maceratino	Italy ^o
66	Monemvasia	Greece (Monovasia)
67	Montepulciano	Italy ^o
68	Moslavac	Former Yugoslav Republic of Macedonia (70) (Sipon), Serbia and Montenegro ^o
69	Mosler	Slovenia (Šipon)
70	Mozler	Former Yugoslav Republic of Macedonia (68) (Sipon)
71	Mouratón	Spain ^o
72	Müller-Thurgau	South Africa ^o , Austria ^o , Germany (Rivaner), Canada , Croatia ^o (Rizvanac), Hungary ^o , Serbia and Montenegro ^o (Rizvanac), Czech Republic ^o , Slovakia ^o , Slovenia ^o (Rizvanac), Switzerland ^o , Luxembourg ^o (Rivaner), Netherlands ^o , Italy ^o , Belgium ^o , France ^o , United Kingdom (Rivaner), Australia ^o , Bulgaria ^o , United States ^o , New Zealand ^o , Portugal

	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms ⁽²⁾
73	Muškát moravský	Czech Republic^o, Slovakia
74	Nagyburgundi	Hungary (Kekfrankos) ^o
75	Nero d'Avola	Italy (30)
76	Olivella nera	Italy^o
77	Orange Muscat	Australia^o, United States^o
78	Pau Ferro	Portugal^o
79	Pinot Chardonnay	Argentina (38), Australia (38), Canada (38), Chile (38), Mexico (38), New Zealand (38), United States (38), Turkey^o , Belgium (38), Greece (38), Pays Bas , Italy (38)
80	Portoghese	Italy^o
81	Pozsonyi	Hungary (82)
82	Pozsonyi Fehér	Hungary (81)
83	Rajnai rizling	Hungary (86)
84	Rajnski rizling	Serbia and Montenegro (85-88- 91)
85	Renski rizling	Serbia and Montenegro (84-89-92), Slovenia^o
86	Rheinriesling	Bulgaria (Nemkti riesling) ^o , Austria (Weißer Riesling , Riesling), Germany (88) (Weißer Riesling), Hungary (83), Czech Republic (94), Italy (88), Greece (Riesling), Portugal
87	Rhine Riesling	South Africa (Weißer riesling) ^o , Australia (Riesling) ^o , Chile (89) (Riesling), Moldavia ^o (White riesling), New Zealand ^o (Riesling)
88	Riesling renano	Germany (86) (Weißer Riesling), Serbia and Montenegro (84-86- 91), Italy (86)
89	Riesling Renano	Chile (87) (Riesling)
90	Riminèse	France^o
91	Rizling rajnski	Serbia and Montenegro (84-85-88)
92	Rizling Rajnski	Former Yugoslav Republic of Macedonia^o, Croatia^o
93	Ryzling rýnsky	Slovakia^o
94	Ryzlink rýnský	Czech Republic (86)
95	Santareno	Portugal^o
96	Sciaccarello	France^o
97	Spätburgunder	Former Yugoslav Republic of Macedonia (14-18- 28), Serbia and Montenegro (16- 25), Bulgaria (19) (Pinot noir), Canada (14-18) (Pinot noir), Chile (Pinot noir -14-18), Hungary (60) (Pinot noir), Moldavia (Pinot noir) ^o , Romania (18) (Pinot noir), Italy (Pinot nero -14-18), United Kingdom, Germany (18)

	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms (?)
98	Štajerska Belina	Croatia° (Ranfol), Slovenia (Ranfol)°
99	Subirat	Spain° (Malvasía Riojana)
100	Terrantez do Pico	Portugal°
101	Tintilla de Rota	Spain°
102	Tinto de Pegões	Portugal°
103	Tocai friulano	Italy (104) NB: The name "Tocai friulano" may be used exclusively for quality wines psr originating in the regions of Veneto and Friuli during a transitional period until 31 March 2007.
104	Tocai Italico	Italy (103) NB: The synonym "Tocai italico" may be used exclusively for quality wines psr originating in the regions of Veneto and Friuli during a transitional period until 31 March 2007.
105	Tokay Pinot gris	France (Pinot gris) NB: The synonym "Tokay Pinot gris" may be used exclusively for quality wines psr originating in the departments of Bas-Rhin and Haut-Rhin during a transitional period until 31 March 2007.
106	Torrontés riojano	Argentina °
107	Trebbiano	South Africa (Ugni blanc)°, Argentina (Ugni blanc)°, Australia °, Canada °, Cyprus (Ugni blanc)°, Croatia °, Uruguay °, United States , Israel (Ugni blanc), Italy
108	Trebbiano Giallo	Italy °
109	Trigueira	Portugal
110	Verdea	Italy °
111	Verdeca	Italy
112	Verdelho	South Africa °, Argentina , Australia , New Zealand , United States , Portugal .
113	Verdelho Roxo	Portugal °
114	Verdelho Tinto	Portugal °
115	Verdello	Italy °
116	Verdese	Italy °
117	Verdejo	Spain

	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms ⁽²⁾
118	Weißburgunder	South Africa (120) (Pinot blanc) ^o , Canada (Pinot blanc), Chile (119) (Pinot blanca), Hungary (48) (Pinot blanc), Germany (119 , 120), Austria (119), United Kingdom ^o , Slovenia (119) (Beli pinot), Italy
119	Weißer Burgunder	Germany (118, 120), Austria (118) (Pinot blanc), Chile (118) (Pinot blanca), Switzerland (Pinot blanc) ^o , Slovenia (118) (Beli pinot), Italy
120	Weissburgunder	South Africa (118), Germany (118, 119), United Kingdom, Italy
121	Weisser Burgunder	Serbia and Montenegro (23)

(*) Legend:

- terms in brackets: reference to the synonym for the variety
- “^o”: no synonym
- terms in bold: column 2: name of vine variety
column 3: country where the name corresponds to a variety and reference to the variety.
- terms not in bold: column 2: name of the synonym of a vine variety
column 3: name of country using the synonym of a vine variety.

(¹) These variety names and their synonyms correspond, in full or in part, either in translation or in the form of an adjective, to geographical indications used to describe a wine.

(²) For the states concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a geographical indication produced in the administrative units in which the production of the varieties concerned is authorised at the time this Regulation enters into force and in accordance with the conditions laid down by the states concerned for the production and presentation of those wines.’

ANNEX II

‘ANNEX III

List of traditional terms referred to in Article 24

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
GERMANY					
Specific traditional terms referred to in Article 29					
Qualitätswein	All	Quality wine psr	German		
Qualitätswein garantierten Ursprungs/ Q.g.U	All	Quality wine psr	German		
Qualitätswein mit Prädikat/Q.b.A.m.Pr ou Prädikatswein	All	Quality wine psr	German		
Qualitätsschaumwein garantierten Ursprungs/Q.g.U	All	Quality sparkling wine psr	German		
Auslese	All	Quality wine psr	German		Switzerland
Beerenauslese	All	Quality wine psr	German		
Eiswein	All	Quality wine psr	German		
Kabinett	All	Quality wine psr	German		
Spätlese	All	Quality wine psr	German		Switzerland
Trockenbeerenauslese	All	Quality wine psr	German		
Terms referred to in Article 28					
Landwein	All	Table wine with GI			
Additional traditional terms					
Affentaler	Altschweier, Bühl, Eisental, Neusatz/Bühl, Bühlertal, Neuweier/Baden-Baden	Quality wine psr	German		
Badisch Rotgold	Baden	Quality wine psr	German		
Ehrentrudis	Baden	Quality wine psr	German		
Hock	Rhein, Ahr, Hessische Bergstraße, Mittelrhein, Nahe, Rheinhessen, Pfalz, Rheingau	Table wine with GI Quality wine psr	German		
Klassik or Classic	All	Quality wine psr	German		
Liebfrau(en)milch	Nahe, Rheinhessen, Pfalz, Rheingau	Quality wine psr	German		
Moseltaler	Mosel-Saar-Ruwer	Quality wine psr	German		
Riesling-Hochgewächs	All	Quality wine psr	German		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Schillerwein	Württemberg	Quality wine psr	German		
Weißherbst	All	Quality wine psr	German		
Winzersekt	All	Quality sparkling wine psr	German		
AUSTRIA					
Traditional specific terms referred to in Article 29					
Qualitätswein	All	Quality wine psr	German		
Qualitätswein besonderer Reife und Leseart ou Prädikatswein	All	Quality wine psr	German		
Qualitätswein mit staatlicher Prüfnummer	All	Quality wine psr	German		
Ausbruch or Ausbruchwein	All	Quality wine psr	German		
Auslese or Auslesewein	All	Quality wine psr	German		Switzerland
Beerenauslese (wein)	All	Quality wine psr	German		
Eiswein	All	Quality wine psr	German		
Kabinett or Kabinettwein	All	Quality wine psr	German		
Schilfwein	All	Quality wine psr	German		
Spätlese or Spätlesewein	All	Quality wine psr	German		Switzerland
Strohwein	All	Quality wine psr	German		
Trockenbeerenauslese	All	Quality wine psr	German		
Terms referred to in Article 28					
Landwein	All	Table wine with GI			
Additional traditional terms					
Ausstich	All	Quality wine psr and table wine with GI	German		
Auswahl	All	Quality wine psr and table wine with GI	German		
Bergwein	All	Quality wine psr and table wine with GI	German		
Klassik ou Classic	All	Quality wine psr	German		
Erste Wahl	All	Quality wine psr and table wine with GI	German		
Hausmarke	All	Quality wine psr and table wine with GI	German		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Heuriger	All	Quality wine psr and table wine with GI	German		
Jubiläumswein	All	Quality wine psr and table wine with GI	German		
Schilcher	Steiermark	Quality wine psr and table wine with GI	German		
Sturm	All	Grape must in fermentation with GI	German		
SPAIN					
Traditional specific terms referred to in Article 29					
Denominacion de origen (DO)	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr and quality liqueur wine psr	Spanish		Chile
Denominacion de origen calificada (DOCa)	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr and quality liqueur wine psr	Spanish		
Vino dulce natural	All	Quality liqueur wine psr	Spanish		
Vino generoso	⁽²⁾	Quality liqueur wine psr	Spanish		Chile
Vino generoso de licor	⁽³⁾	Quality liqueur wine psr	Spanish		
Terms referred to in Article 28					
Vino de la Tierra	All	Table wine with GI			
Additional traditional terms					
Aloque	DO Valdepeñas	Quality wine psr	Spanish		
Amontillado	DDOO Jerez-Xérès-Sherry y Manzanilla Sanlúcar de Barrameda DO Montilla Moriles	Quality liqueur wine psr	Spanish		
Añejo	All	Quality wine psr Table wine with GI	Spanish		
Añejo	DO Malaga	Quality liqueur wine psr	Spanish		
Chacoli/Txakolina	DO Chacoli de Bizkaia DO Chacoli de Getaria DO Chacoli de Alava	Quality wine psr	Spanish		
Clásico	DO Abona DO El Hierro DO Lanzarote DO La Palma DO Tacoronte-Acentejo DO Tarragona DO Valle de Güimar DO Valle de la Orotava DO Ycoden-Daute-Isora	Quality wine psr	Spanish		Chile

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Cream	DDOO Jerez-Xerès-Sherry y Manzanilla Sanlúcar de Barrameda DO Montilla Moriles DO Málaga DO Condado de Huelva	Quality liqueur wine psr	English		
Criadera	DDOO Jerez-Xerès-Sherry y Manzanilla Sanlúcar de Barrameda DO Montilla Moriles DO Málaga DO Condado de Huelva	Quality liqueur wine psr	Spanish		
Criaderas y Soleras	DDOO Jerez-Xerès-Sherry y Manzanilla Sanlúcar de Barrameda DO Montilla Moriles DO Málaga DO Condado de Huelva	Quality liqueur wine psr	Spanish		
Crianza	All	Quality wine psr	Spanish		
Dorado	DO Rueda DO Malaga	Quality liqueur wine psr	Spanish		
Fino	DO Montilla Moriles DDOO Jerez-Xerès-Sherry y Manzanilla Sanlúcar de Barrameda	Quality liqueur wine psr	Spanish		
Fondillon	DO Alicante	Quality wine psr	Spanish		
Gran Reserva	All quality wine psr Cava	Quality wine psr Quality sparkling wine psr	Spanish Spanish		
Lágrima	DO Málaga	Quality liqueur wine psr	Spanish		
Noble	All	Quality wine psr Table wine with GI	Spanish		
Noble	DO Malaga	Quality liqueur wine psr	Spanish		
Oloroso	DDOO Jerez-Xerès-Sherry y Manzanilla Sanlúcar de Barrameda DO Montilla- Moriles	Quality liqueur wine psr	Spanish		
Pajarete	DO Málaga	Quality liqueur wine psr	Spanish		
Pálido	DO Condado de Huelva DO Rueda DO Málaga	Quality liqueur wine psr	Spanish		
Palo Cortado	DDOO Jerez-Xerès-Sherry y Manzanilla Sanlúcar de Barrameda DO Montilla- Moriles	Quality liqueur wine psr	Spanish		
Primero de cosecha	DO Valencia	Quality wine psr	Spanish		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Rancio	All	Quality liqueur wine psr Quality wine psr	Spanish		
Raya	DO Montilla-Moriles	Quality liqueur wine psr	Spanish		
Reserva	All	Quality wine psr	Spanish		Chile
Sobremadre	DO vinos de Madrid	Quality wine psr	Spanish		
Solera	DDOO Jerez-Xerès-Sherry y Manzanilla Sanlúcar de Barrameda DO Montilla Moriles DO Málaga DO Condado de Huelva	Quality liqueur wine psr	Spanish		
Superior	All	Quality wine psr	Spanish		South Africa Chile
Trasañejo	DO Málaga	Quality liqueur wine psr	Spanish		
Vino Maestro	DO Málaga	Quality liqueur wine psr	Spanish		
Vendimia inicial	DO Utiel-Requena	Quality wine psr	Spanish		
Viejo	All	Quality wine psr and table wine with GI Quality liqueur wine psr	Spanish		
Vino de tea	DO La Palma	Quality wine psr	Spanish		
FRANCE					
Traditional specific terms referred to in Article 29					
Appellation d'origine contrôlée	All	Quality wine psr, quality semi-sparkling wine psr, quality sparkling wine psr and quality liqueur wine psr	French		Algeria Switzerland Tunisia
Appellation contrôlée	All	Quality wine psr, quality semi-sparkling wine psr, quality sparkling wine psr and quality liqueur wine psr			
Appellation d'origine Vin Délimité de qualité supérieure	All	Quality wine psr, quality semi-sparkling wine psr, quality sparkling wine psr and quality liqueur wine psr	French		
Vin doux naturel	AOC Banyuls, Banyuls Grand Cru, Muscat de Frontignan, Grand Roussillon, Maury, Muscat de Beaume de Venise, Muscat du Cap Corse, Muscat de Lunel, Muscat de Mireval, Muscat de Rivesaltes, Muscat de St Jean de Minervois, Rasteau, Rivesaltes	Quality liqueur wine psr	French		
Terms referred to in Article 28					
Vin de pays	All	Table wine with GI	French		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Additional traditional terms					
Ambré	All All	Quality liqueur wine psr Table wine with GI	French		
Château	All	Quality wine psr, quality sparkling wine psr and quality liqueur wine psr	French		Chile
Clairet	AOC Bourgogne AOC Bordeaux	Quality wine psr	French		
Claret	AOC Bordeaux	Quality wine psr	French		
Clos	All	Quality wine psr, quality sparkling wine psr, quality liqueur wine psr	French		Chile
Cru Artisan	AOC Médoc, Haut-Médoc, Margaux, Moulis, Listrac, St Julien, Pauillac, St Estèphe	Quality wine psr	French		
Cru Bourgeois	AOC Médoc, Haut-Médoc, Margaux, Moulis, Listrac, St Julien, Pauillac, St Estèphe	Quality wine psr	French		Chile
Cru Classé, éventuellement précédé de: Grand, Premier Grand, Deuxième, Troisième, Quatrième, Cinquième.	AOC Côtes de Provence, Graves, St Emilion Grand Cru, Haut-Médoc, Margaux, St Julien, Pauillac, St Estèphe, Sauternes, Pessac Léognan, Barsac	Quality wine psr	French		
Edelzwicker	AOC Alsace	Quality wine psr	German		
Grand Cru	AOC Alsace, Banyuls, Bonnes Mares, Chablis, Chambertin, Chapelle Chambertin, Chambertin Clos-de-Bèze, Mazoyeres ou Charmes Chambertin, Latricières-Chambertin, Mazis Chambertin, Ruchottes Chambertin, Griottes-Chambertin,, Clos de la Roche, Clos Saint Denis, Clos de Tart, Clos de Vougeot, Clos des Lambray, Corton, Corton Charlemagne, Charlemagne, Echézeaux, Grand Echézeaux, La Grande Rue, Montrachet, Chevalier-Montrachet, Bâtard-Montrachet, Bienvenues-Bâtard-Montrachet, Criots-Bâtard-Montrachet, Musigny, Romanée St Vivant, Richebourg, Romanée-Conti, La Romanée, La Tâche, St Emilion	Quality wine psr	French		Switzerland Tunisia Chile

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Grand Cru	Champagne	Quality sparkling wine psr	French		Switzerland Tunisia Chile
Hors d'âge	AOC Rivesaltes	Quality liqueur wine psr	French		
Passe-tout-grains	AOC Bourgogne	Quality wine psr	French		
Premier Cru	AOC Aloxe Corton, Auxey Duresses, Beaune, Blagny, Chablis, Chambolle Musigny, Chassagne Montrachet, Champagne,, Côtes de Brouilly,, Fixin, Gevrey Chambertin, Givry, Ladoix, Maranges, Mercurey, Meursault, Monthélie, Montagny, Morey St Denis, Musigny, Nuits, Nuits-Saint-Georges, Pernand-Vergelesses, Pommard, Puligny-Montrachet,, Rully, Santenay, Savigny-les-Beaune, St Aubin, Volnay, Vougeot, Vosne-Romanée	Quality wine psr, quality sparkling wine psr	French		Tunisia
Primeur	All	Quality wine psr and table wine with GI	French		
Rancio	AOC Grand Roussillon, Rivesaltes, Banyuls, Banyuls grand cru, Maury, Clairette du Languedoc, Rasteau	Quality liqueur wine psr	French		
Sélection de grains nobles	AOC Alsace, Alsace Grand cru, Monbazillac, Graves supérieures, Bonnezeaux, Jurançon, Cérons, Quarts de Chaume, Sauternes, Loupiac, Côteaux du Layon, Barsac, Ste Croix du Mont, Coteaux de l'Aubance, Cadillac	Quality wine psr	French		
Sur Lie	AOC Muscadet, Muscadet –Coteaux de la Loire, Muscadet-Côtes de Grand-lieu, Muscadet- Sèvres et Maine, AOVDQS Gros Plant du Pays Nantais, Table wine with GI Vin de pays d'Oc and Vin de pays des Sables du Golfe du Lion	Quality wine psr and table wine with GI	French		
Tuilé	AOC Rivesaltes	Quality liqueur wine psr	French		
Vendanges tardives	AOC Alsace, Jurançon	Quality wine psr	French		
Villages	AOC Anjou, Beaujolais, Côte de Beaune, Côte de Nuits, Côtes du Rhône, Côtes du Roussillon, Mâcon	Quality wine psr	French		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Vin de paille	AOC Côtes du Jura, Arbois, L'Etoile, Hermitage	Quality wine psr	French		
Vin jaune	AOC du Jura (Côtes du Jura, Arbois, L'Etoile, Château-Châlon)	Quality wine psr	French		
GREECE					
Traditional specific terms referred to in Article 29					
Ονομασία Προελεύσεως Ελεγχόμενη (ΟΠΕ) (Appellation d'origine contrôlée)	All	Quality wine psr	Greek		
Ονομασία Προελεύσεως Ανωτέρας Ποιότητας (ΟΠΑΠ) (Appellation d'origine de qualité supérieure)	All	Quality wine psr	Greek		
Οίνος γλυκός φυσικός (Vin doux naturel)	Μοσχάτος Κεφαλληνίας (Muscat de Céphalonie), Μοσχάτος Πατρών (Muscat de Patras), Μοσχάτος Ρίου-Πατρών (Muscat Rion de Patras), Μοσχάτος Λήμνου (Muscat de Lemnos), Μοσχάτος Ρόδου (Muscat de Rhodos), Μαυροδάφνη Πατρών (Mavrodaphne de Patras), Μαυροδάφνη Κεφαλληνίας (Mavrodaphne de Céphalonie), Σάμος (Samos), Σητεία (Sitia), Δαφνες (Dafnès), Σαντορίνη (Santorini)	Quality liqueur wine psr	Greek		
Οίνος φυσικώς γλυκός (Vin naturellement doux)	Vins de paille: Κεφαλληνίας (de Céphalonie), Δαφνες (de Dafnès), Λήμνου (de Lemnos), Πατρών (de Patras), Ρίου-Πατρών (de Rion de Patras), Ρόδου (de Rhodos), Σάμος (de Samos), Σητεία (de Sitia), Σαντορίνη (Santorini)	Quality wine psr	Greek		
Terms referred to in Article 28					
Ονομασία κατά παράδοση (Onomasia kata paradosi)	All	Table wine with GI	Greek		
Τοπικός Οίνος (vins de pays)	All	Table wine with GI	Greek		
Additional traditional terms					
Αγρέπavλη (Agrepavlis)	All	Quality wine psr and table wine with GI	Greek		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Αμπέλι (Ampeli)	All	Quality wine psr and table wine with GI	Greek		
Αμπελώνας (ες) (Ampelonas ès)	All	Quality wine psr and table wine with GI	Greek		
Αρχοντικό (Archontiko)	All	Quality wine psr and table wine with GI	Greek		
Κάβα (*) (Cava)	All	Table wine with GI	Greek		
Από διαλεκτούς αμπελώνες (Grand Cru)	Μοσχάτος Κεφαλληνίας (Muscat de Céphalonie), Μοσχάτος Πατρών (Muscat de Patras), Μοσχάτος Ρίου-Πατρών (Muscat Rion de Patras), Μοσχάτος Λήμνου (Muscat de Lemnos), Μοσχάτος Ρόδου (Muscat de Rhodos), Σάμος (Samos)	Quality liqueur wine psr	Greek		
Ειδικά Επιλεγμένος (Grand réserve)	All	Quality wine psr and quality liqueur wine psr	Greek		
Κάστρο (Kastro)	All	Quality wine psr and table wine with GI	Greek		
Κτήμα (Ktima)	All	Quality wine psr and table wine with GI	Greek		
Λιαστός (Liaustos)	All	Quality wine psr and table wine with GI	Greek		
Μετόχι (Metochi)	All	Quality wine psr and table wine with GI	Greek		
Μοναστήρι (Monastiri)	All	Quality wine psr and table wine with GI	Greek		
Νάμα (Nama)	All	Quality wine psr and table wine with GI	Greek		
Νυχτέρι (Nychteri)	ΟΠΑΠ Santorini	Quality wine psr	Greek		
Ορεινό κτήμα (Orino Ktima)	All	Quality wine psr and table wine with GI	Greek		
Ορεινός αμπελώνας (Orinos Ampelonas)	All	Quality wine psr and table wine with GI	Greek		
Πύργος (Pyrgos)	All	Quality wine psr and table wine with GI	Greek		
Επιλογή ή Επιλεγμένος (Réserve)	All	Quality wine psr and quality liqueur wine psr	Greek		
Παλαιωθείς επιλεγμένος (Vieille réserve)	All	Quality liqueur wine psr	Greek		
Βερντέα (Verntea)	Zakynthos	Table wine with GI	Greek		
Vinsanto	ΟΠΑΠ Santorini	Quality liqueur wine psr and quality wine psr	Greek ⁽⁵⁾		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
ITALY					
Traditional specific terms referred to in Article 29					
Denominazione di Origine Controllata	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr, quality liqueur wine psr and grape must in fermentation with GI	Italian		
Denominazione di Origine Controllata e Garantita	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr, quality liqueur wine psr and grape must in fermentation with GI	Italian		
Vino Dolce Naturale	All	Quality wine psr and quality liqueur wine psr	Italian		
Terms referred to in Article 28					
Inticazione geografica tipica (IGT)	All	Table wine, "vin de pays", wine of over-ripe grapes and grape must in fermentation with GI	Italian		
Landwein	Wines with GI autonomous province of Bolzano	Table wine, "vin de pays", wine of over-ripe grapes and grape must in fermentation with GI	German		
Vin de pays	Wines with GI region of Aosta	Table wine, "vin de pays", wine of over-ripe grapes and grape must in fermentation with GI	French		
Additional traditional terms					
Alberata o vigneti ad alberata	DOC Aversa	Quality wine psr and quality sparkling wine psr	Italian		
Amarone	DOC Valpolicella	Quality wine psr	Italian		
Ambra	DOC Marsala	Quality liqueur wine psr	Italian		
Ambrato	DOC Malvasia delle Lipari DOC Vernaccia di Oristano	Quality wine psr and quality liqueur wine psr	Italian		
Annoso	DOC Controguerra	Quality wine psr	Italian		
Apianum	DOC Fiano di Avellino	Quality wine psr	Latin		
Auslese	DOC Caldaro e Caldaro classico- Alto Adige	Quality wine psr	German		Switzerland
Barco Reale	DOC Barco Reale di Carmignano	Quality wine psr	Italian		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Brunello	DOC Brunello di Montalcino	Quality wine psr	Italian		
Buttafuoco	DOC Oltrepò Pavese	Quality wine psr and quality semi-sparkling wine psr	Italian		
Cacc'e mitte	DOC Cacc'e Mitte di Lucera	Quality wine psr	Italian		
Cagnina	DOC Cagnina di Romagna	Quality wine psr	Italian		
Cannellino	DOC Frascati	Quality wine psr	Italian		
Cerasuolo	DOC Cerasuolo di Vittoria DOC Montepulciano d'Abbruzzo	Quality wine psr	Italian		
Chiaretto	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr and table wine with GI	Italian		
Ciaret	DOC Monferrato	Quality wine psr	Italian		
Château	DOC de la région Valle d'Aosta	Quality wine psr, quality liqueur wine psr, quality sparkling wine psr and quality semi-sparkling wine psr	French		Chile
Classico	All	Quality wine psr and quality liqueur wine psr and quality semi-sparkling wine psr	Italian		Chile
Dunkel	DOC Alto Adige DOC Trentino	Quality wine psr	German		
Est!Est!Est!!!	DOC Est!Est!Est!!! di Montefiascone	Quality wine psr and quality sparkling wine psr	Latin		
Falerno	DOC Falerno del Massico	Quality wine psr	Italian		
Fine	DOC Marsala	Quality liqueur wine psr	Italian		
Fior d'Arancio	DOC Colli Euganei	Quality wine psr, quality sparkling wine psr and table wine with GI	Italian		
Falerio	DOC Falerio dei colli Ascolani	Quality wine psr	Italian		
Flétri	DOC Valle d'Aosta o Vallée d'Aoste	Quality wine psr	Italian		
Garibaldi Dolce (ou GD)	DOC Marsala	Quality liqueur wine psr	Italian		
Governo all'uso toscano	DOCG Chianti and Chianti Classico IGT Colli della Toscana Centrale	Quality wine psr Table wine with GI	Italian		
Gutturnio	DOC Colli Piacentini	Quality wine psr and quality semi-sparkling wine psr	Italian		
Italia Particolare (ou IP)	DOC Marsala	Quality liqueur wine psr	Italian		
Klassisch ou Klassisches Ursprungsgebiet	DOC Caldaro DOC Alto Adige (avec la dénomination Santa Maddalena e Terlano)	Quality wine psr	German		
Kretzer	DOC Alto Adige DOC Trentino DOC Teroldego Rotaliano	Quality wine psr	German		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Lacrima	DOC Lacrima di Morro d'Alba	Quality wine psr	Italian		
Lacryma Christi	DOC Vesuvio	Quality wine psr and quality liqueur wine psr	Italian		
Lambiccato	DOC Castel San Lorenzo	Quality wine psr	Italian		
London Particular (ou LP ou Inghilterra)	DOC Marsala	Quality liqueur wine psr	Italian		
Morellino	DOC Morellino di Scansano	Quality wine psr	Italian		
Occhio di Pernice	DOC Bolgheri, Vin Santo Di Carmignano, Colli dell'Etruria Centrale, Colline Lucchesi, Cortona, Elba, Montecarlo, Monteregio di Massa Maritima, San Gimignano, Sant'Antimo, Vin Santo del Chianti, Vin Santo del Chianti Classico, Vin Santo di Montepulciano	Quality wine psr	Italian		
Oro	DOC Marsala	Quality liqueur wine psr	Italian		
Pagadebit	DOC pagadebit di Romagna	Quality wine psr and quality semi-sparkling wine psr	Italian		
Passito	All	Quality liqueur wine psr, quality wine psr and table wine with GI	Italian		
Ramie	DOC Pinerolese	Quality wine psr	Italian		
Rebola	DOC Colli di Rimini	Quality wine psr	Italian		
Recioto	DOC Valpolicella DOC Gambellara DOCG Recioto di Soave	Quality wine psr Quality sparkling wine psr	Italian		
Riserva	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr and quality liqueur wine psr	Italian		
Rubino	DOC Garda Colli Mantovani DOC Rubino di Cantavenna DOC Teroldego Rotaliano DOC Trentino	Quality wine psr	Italian		
Rubino	DOC Marsala	Quality liqueur wine psr	Italian		
Sangue di Giuda	DOC Oltrepò Pavese	Quality wine psr and quality semi-sparkling wine psr	Italian		
Scelto	All	Quality wine psr	Italian		
Sciacchetrà	DOC Cinque Terre	Quality wine psr	Italian		
Sciac-trà	DOC Pornassio o Ormeasco di Pornassio	Quality wine psr	Italian		
Sforzato, Sfursat	DO Valtellina	Quality wine psr	Italian		
Spätlese	DOC and IGT de Bolzano	Quality wine psr and table wine with GI	German		Switzerland

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Soleras	DOC Marsala	Quality liqueur wine psr	Italian		
Stravecchio	DOC Marsala	Quality liqueur wine psr	Italian		
Strohwein	DOC and IGT de Bolzano	Quality wine psr and table wine with GI	German		
Superiore	All	Quality wine psr Quality sparkling wine psr, quality semi-sparkling wine psr and quality liqueur wine psr	Italian		San Marino
Superiore Old Marsala (ou SOM)	DOC Marsala	Quality liqueur wine psr	Italian		
Torchiato	DOC Colli di Conegliano	Quality wine psr	Italian		
Torcolato	DOC Breganze	Quality wine psr	Italian		
Vecchio	DOC Rosso Barletta, Aglianico del Vulture, Marsala, Falerno del Massico	Quality wine psr and quality liqueur wine psr	Italian		
Vendemmia Tardiva	All	Quality wine psr, quality semi-sparkling wine psr and table wine with GI	Italian		
Verdolino	All	Quality wine psr and table wine with GI	Italian		
Vergine	DOC Marsala DOC Val di Chiana	Quality wine psr and quality liqueur wine psr	Italian		
Vermiglio	DOC Colli dell'Etruria Centrale	Quality liqueur wine psr	Italian		
Vino Fiore	All	Quality wine psr	Italian		
Vino Nobile	Vino Nobile di Montepulciano	Quality wine psr	Italian		
Vino Novello o Novello	All	Quality wine psr and table wine with GI	Italian		
Vin santo o Vino Santo o Vinsanto	DOC and DOCG Bianco dell'Empolese, Bianco della Valdinievole, Bianco Pisano di San Torpé, Bolgheri, Candia dei Colli Apuani, Capalbio, Carmignano, Colli dell'Etruria Centrale, Colline Lucchesi, Colli del Trasimeno, Colli Perugini, Colli Piacentini, Cortona, Elba, Gambellera, Montecarlo, Monteregio di Massa Maritima, Montescudaio, Offida, Orcia, Pomino, San Gimignano, San'Antimo, Val d'Arbia, Val di Chiana, Vin Santo del Chianti, Vin Santo del Chianti Classico, Vin Santo di Montepulciano, Trentino	Quality wine psr	Italian		
Vivace	All	Quality wine psr, quality semi-sparkling wine psr and table wine with GI	Italian		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
LUXEMBOURG					
Traditional specific terms referred to in Article 29					
Marque nationale	All	Quality wine psr and quality sparkling wine psr	French		
Appellation contrôlée	All	Quality wine psr and quality sparkling wine psr	French		
Appellation d'origine contrôlée	All	Quality wine psr and quality sparkling wine psr	French		Algeria Switzerland Tunisia
Terms referred to in Article 28					
Vin de pays	All	Table wine with GI	French		
Additional traditional terms					
Grand premier cru	All	Quality wine psr	French		
Premier cru	All	Quality wine psr	French		Tunisia
Vin classé	All	Quality wine psr	French		
Château	All	Quality wine psr and quality sparkling wine psr	French		Chile
PORTUGAL					
Traditional specific terms referred to in Article 29					
Denominação de origem (DO)	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr and quality liqueur wine psr	Portuguese		
Denominação de origem controlada (DOC)	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr and quality liqueur wine psr	Portuguese		
Indicação de proveniência regulamentada (IPR)	All	Quality wine psr, quality sparkling wine psr, quality semi-sparkling wine psr and quality liqueur wine psr	Portuguese		
Vinho doce natural	All	Quality liqueur wine psr	Portuguese		
Vinho generoso	DO Porto, Madeira, Moscatel de Setúbal, Carcavelos	Quality liqueur wine psr	Portuguese		
Terms referred to in Article 28					
Vinho regional	All	Table wine with GI	Portuguese		
Additional traditional terms					
Canteiro	DO Madeira	Quality liqueur wine psr	Portuguese		
Colheita Seleccionada	All	Quality wine psr and table wine with GI	Portuguese		

Traditional term	Wines concerned	Product categories	Language	Date added to Annex III ⁽¹⁾	Third country concerned
Crusted/Crusting	DO Porto	Quality liqueur wine psr	English		
Escolha	All	Quality wine psr and table wine with GI	Portuguese		
Escuro	DO Madeira	Quality liqueur wine psr	Portuguese		
Fino	DO Porto DO Madeira	Quality liqueur wine psr	Portuguese/		
Frasqueira	DO Madeira	Quality liqueur wine psr	Portuguese		
Garrafeira	All	Quality wine psr and table wine with GI Quality liqueur wine psr	Portuguese		
Lágrima	DO Porto	Quality liqueur wine psr	Portuguese		
Leve	Vin Pays Estremadura and Ribatejano DO Madeira, DO Porto	Table wine with GI Quality liqueur wine psr	Portuguese		
Nobre	DO Dão	Quality wine psr	Portuguese		
Reserva	All	Quality wine psr, quality sparkling wine psr, quality liqueur wine psr, Table wine with GI	Portuguese		Chile
Reserva velha (or grande reserva)	DO Madeira	Quality sparkling wine psr Quality liqueur wine psr	Portuguese		
Ruby	DO Porto	Quality liqueur wine psr	English		
Solera	DO Madeira	Quality liqueur wine psr	Portuguese		
Super reserva	All	Quality sparkling wine psr	Portuguese		
Superior	All	Quality wine psr, quality liqueur wine psr and table wine with GI	Portuguese		South Africa Chile
Tawny	DO Porto	Quality liqueur wine psr	English		
Vintage whether or not supplemented by Late Bottle (LBV) or Character	DO Porto	Quality liqueur wine psr	English		

⁽¹⁾ Other than the date of adoption of this Regulation.

⁽²⁾ The wines concerned are the liqueur wines psr referred to in Annex VI(L)(8) to Regulation (EC) No 1493/1999.

⁽³⁾ The wines concerned are the liqueur wines psr referred to in Annex VI(L)(11) to Regulation (EC) No 1493/1999.

⁽⁴⁾ The protection of "cava" provided for in this Regulation is without prejudice to the protection of the geographical indications applicable to "Cava" quality sparkling wines psr.

⁽⁵⁾ The term "vinsanto" is protected in Latin characters.'

ANNEX III

‘ANNEX IX

List of representative trade organisations referred to in Article 37a and their members

Third country	Name of representative professional organisation	Members of representative professional organisation

**COMMISSION REGULATION (EC) No 317/2004
of 23 February 2004**

on adopting derogations from the provisions of Regulation (EC) No 2150/2002 of the European Parliament and of the Council on waste statistics as regards Austria, France and Luxembourg

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics ⁽¹⁾, and in particular Article 4(1) thereof,

Having regard to the request made by Austria on 30 June 2003,

Having regard to the request made by France on 12 June 2003,

Having regard to the request made by Luxembourg on 25 June 2003,

Whereas:

- (1) In accordance with Article 4(1) of Regulation (EC) No 2150/2002, derogations from certain provisions of Annexes to that Regulation may be granted by the Commission during a transitional period.
- (2) Such derogations should be granted, at their request, to Austria, France and Luxembourg.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following derogations from the provisions of Regulation (EC) No 2150/2002 are hereby granted:

- (a) Austria is granted derogations for the production of results relating to Section 8(1.1), item 1 (agriculture, hunting and forestry) of Annex I.
- (b) France is granted derogations for the production of results relating to Section 8(1.1), items 1 (agriculture, hunting and forestry), 2 (fisheries) and 16 (services activities) of Annex I and those relating to Section 8(2) of Annex II.
- (c) Luxembourg is granted derogations for the production of results relating to Section 8(1.1), items 1 (agriculture, hunting and forestry) and 2 (fisheries) of Annex I.

2. The derogations provided for in paragraph 1 are granted only in respect of data from the first reference year, namely 2004.

After expiry of the transitional period, Austria, France and Luxembourg shall transmit data from the 2006 reference year.

Article 2

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

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

Done at Brussels, 23 February 2004.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

⁽¹⁾ OJ L 332, 9.12.2002, p. 1.

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

COMMISSION REGULATION (EC) No 318/2004**of 23 February 2004****amending Regulation (EC) No 2771/1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream**

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 10 thereof,

Whereas:

(1) Articles 4(1) and 6(1) of Regulation (EC) No 1255/1999, as amended by Regulation (EC) No 1787/2003, provide for reductions of the intervention prices and the intervention system for butter. It is therefore necessary to lay down in Commission Regulation (EC) No 2771/1999 ⁽²⁾ detailed rules with regard to an intervention system for the buying-in of butter at fixed prices.

(2) Moreover, in accordance with Article 6(1) of Regulation (EC) No 1255/1999, the Commission may decide to suspend intervention buying-in once certain quantities offered for intervention have been reached. In order to put the Commission into the position to take such a decision, provisions should be adopted for the Commission to follow the quantities of butter offered for public intervention.

(3) Once these quantities have been reached, the Commission may also decide to carry on buying-in by way of a standing tendering procedure. Relevant detailed rules should be determined.

(4) Proper management of intervention stock requires the butter to be resold as soon as outlets become available. In the light of experience gained concerning the sale of butter from intervention stocks, in particular with regard to quantitative requirements and pricing, it is appropriate to introduce a tendering procedure for the sale of butter from public intervention.

(5) The intervention agency shall sell the intervention butter according to the date when it was placed in storage. In order to meet demand, the tenderers should have the possibility to distinguish between sweet cream and sour cream butter in their offer and the selling price fixed may vary according to the location of the butter offered for sale.

(6) Regulation (EC) No 2771/1999 should therefore be amended accordingly.

(7) The detailed rules provided for in this Regulation should be applicable as of 1 March 2004, date on which Article 6(1) of Regulation (EC) No 1255/1999, as amended by Regulation (EC) No 1787/2003, applies.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2771/1999 is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. Once the Commission has observed, in accordance with Article 8(4), that the market price in one or more Member States is lower than 92 % of the intervention price, for two weeks in succession, it shall commence buying in butter offered for intervention in the Member State(s) concerned in the period from 1 March to 31 August, at 90 % of the intervention price, in accordance with the first subparagraph of Article 6(1) of Regulation (EC) No 1255/1999.

2. Once the Commission has observed, in accordance with Article 8(4), that the market price in the Member State(s) concerned is equal to or higher than 92 % of the intervention price, for two weeks in succession, it shall suspend buying in.'

2. Article 4(3) is replaced by the following:

'3. The butter shall have been made during the 23 days preceding the day on which the intervention agency received the offer to sell.'

3. In Article 6(1), the first subparagraph is replaced by the following:

'Where the butter is offered to intervention in a Member State other than that in which it was produced, buying-in shall be subject to the presentation of a certificate supplied, not later than 45 days after the day on which the offer was received, by the competent agency of the Member State of production.'

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

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 359/2003 (OJ L 53, 28.2.2003, p. 17).

4. In Article 8(2), the following subparagraph is added:

'If the prices recorded are unchanged for a period of five or more consecutive weeks, Member States shall provide the Commission with their evaluation of the reasons why prices have remained unchanged during the period in question.'

5. In Chapter II, Section 3 is replaced by the following:

SECTION 3

Procedure for buying-in of butter at 90 % of the intervention price

Article 9

Once the Commission has decided to commence buying in butter pursuant to Article 2(1), the intervention agency concerned shall proceed in accordance with this Section.

Article 10

1. Sellers shall submit a written offer against issuance of a receipt, or by any written means of telecommunication with proof of receipt.

2. Offers shall contain:

- (a) the name and address of the seller;
- (b) the quantity offered;
- (c) the place where the butter is held.

3. Offers shall be valid only if:

- (a) they relate to a quantity of butter meeting the requirements of Article 4(4);
- (b) they are accompanied by a written undertaking by the seller to comply with Articles 4(3) and 14(2);
- (c) proof is furnished that the seller has lodged a security of EUR 5 per 100 kg in the Member State in which the offer was submitted no later than the day on which the offer is received.

4. The undertaking provided for in paragraph 3(b), if forwarded initially to the intervention agency, shall be deemed to be tacitly renewed for subsequent offers until explicitly cancelled by the seller or by the intervention agency, provided that:

- (a) the original offer stipulates that the seller intends to avail himself/herself of the provisions of this paragraph;
- (b) subsequent offers refer to the provisions of this paragraph and to the date of the original offer.

5. The intervention agency shall record the day on which the offer was received, the quantities involved and their respective dates of manufacture and the place where the butter offered is stored.

6. Offers may not be withdrawn after they have been received by the intervention agency.

Article 11

Maintenance of the offer and delivery of the butter to the depot designated by the intervention agency within the time limit laid down in Article 12(2) shall constitute primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 (*).

Article 12

1. After checking the offer, and within five working days following the day of receipt, the intervention agency shall issue a dated and numbered delivery order showing:

- (a) the quantity to be delivered;
- (b) the final date for delivery of the butter;
- (c) the cold storage depot to which it must be delivered.

2. Within 21 days of the day of receipt of the offer to sell, the seller shall deliver the butter to the loading bay of the cold store. Delivery may be in several consignments.

Any costs incurred in unloading the butter at the loading bay of the cold store shall be borne by the seller.

3. The security referred to in Article 10(3)(c) shall be released as soon as the seller has delivered all the quantity indicated on the delivery order within the time limit laid down therein.

Where the checks referred to in Article 4(1) show that the butter does not conform to the requirements laid down in that Article, the security shall be forfeit in respect of the quantity delivered. As regards the remaining quantities, buying-in shall be cancelled and the security be released.

4. Except in cases of force majeure, where the seller fails to deliver the butter within the time limit laid down in the delivery order, the security provided for in Article 10(3)(c) shall be forfeit in proportion to the quantities not delivered and buying-in shall be cancelled in respect of these quantities not yet delivered.

5. For the purpose of this Article, the butter shall be deemed to be delivered to the intervention agency on the day when the full quantity of butter covered by the offer enters the storage depot designated by the intervention agency, but no earlier than the day following that on which the delivery order was issued.

6. The rights and obligations resulting from the sale shall not be transferable.

Article 13

1. The intervention agency shall pay the seller for each quantity of butter taken over, between the 45th and 65th days after the day of the taking over, provided that compliance with Articles 3 and 4 has been confirmed.

2. For the purpose of this Article, the day of the taking over shall mean the day on which the butter enters the cold store designated by the intervention agency, but no earlier than the day following that on which the delivery order referred to in Article 12(1) was issued.

Article 14

1. The butter shall be put through a trial storage period. This period shall be fixed at 30 days starting from the day of taking over.

2. By their offers, sellers shall undertake that, where the inspection on entry into the store designated by the intervention agency shows that the butter does not meet the requirements of Articles 3 and 4, or where, at the end of the trial storage period, the minimum organoleptic quality of the butter proves to be below that set in Annex I:

- (a) they will take back the butter in question and
- (b) they will pay the storage costs of the butter concerned from the day on which it was taken over until the date of its removal from storage.

The storage costs to be paid shall be determined on the basis of the standard amounts for entry, removal and storage costs laid down pursuant to Article 6 of Council Regulation (EEC) No 1883/78 (**).

Article 15

1. Not later than 12 noon (Brussels time) of each Tuesday, the Member States shall inform the Commission of the quantities of butter which, during the preceding week, have been the subject of an offer to sell in accordance with Article 10.

2. Once it is observed that the offers reach 75 % of the quantities referred to in the second subparagraph of Article 6(1) of Regulation (EC) No 1255/1999 for the respective year, the information referred to in paragraph 1 of this Article shall be communicated each day before 12 noon (Brussels time) for the quantities of butter offered the preceding day.

Once it is observed that the offers reach the quantities referred to in the second subparagraph of Article 6(1) of Regulation (EC) No 1255/1999 for the respective year buying-in may be suspended in accordance with the procedure referred to in Article 42(2) of that Regulation.

Article 15a

In the case of suspension of buying-in in accordance with Articles 2(2) or the second subparagraph of Article 15(2), no new offers shall be accepted as of the day following the day of the entry into force of the decision suspending buying-in.

(*) OJ L 205, 3.8.1985, p. 5.

(**) OJ L 216, 5.8.1978, p. 1. Regulation as last amended by Regulation (EC) No 1259/96 (OJ L 163, 2.7.1996, p. 10).

6. After Article 15a, the following Section 3a is inserted:

SECTION 3a

Procedure for buying-in of butter by tendering

Article 16

1. Where the Commission decides to commence buying-in butter through an open standing invitation to tender pursuant to the second subparagraph of Article 6(1) of Regulation (EC) No 1255/1999 and in accordance with the procedure referred to in Article 42(2) thereof, Articles 3, 4, 5, 6, 12, 13 and 14 of this Regulation shall apply unless otherwise provided in this Section.

2. A notice of invitation to tender shall be published in the *Official Journal of the European Union*.

3. The closing date for submission of tenders for each individual invitation to tender shall fall on every second and fourth Tuesday of the month at noon (Brussels time), except the second Tuesday in August. If Tuesday is a public holiday, the closing date shall be the last preceding working day at noon (Brussels time).

Article 17

1. Interested parties shall participate in the tendering procedure announced by the intervention agency of a Member State either by submitting a written tender against issuance of a receipt, or by any written means of telecommunication with proof of receipt.

2. Tenders shall contain:

- (a) the name and address of the tenderer;
- (b) the quantity offered;
- (c) the proposed price per 100 kilograms of butter, exclusive of national taxes and charges, delivered to the loading bay of the cold store, expressed in euro to no more than two decimal places;
- (d) the place where the butter is held.

3. Tenders shall be valid only if:

- (a) they relate to a quantity of butter meeting the requirements of Article 4(4);
- (b) they are accompanied by the written undertaking by the tenderer to comply with Articles 4(3) and 14(2);
- (c) proof is furnished that the tenderer has lodged a security of EUR 5 per 100 kg for the invitation to tender concerned, in the Member State in which the tender was submitted, before the closing date for submission of tenders.

4. The undertaking provided for in paragraph 3(b), if forwarded initially to the intervention agency, shall be deemed to be tacitly renewed for subsequent tenders until explicitly cancelled by the tenderer or by the intervention agency, provided that:

- (a) the original tender stipulates that the tenderer intends to avail himself of the provisions of this paragraph;
- (b) subsequent tenders refer to the provisions of this paragraph and to the date of the original tender.

5. The intervention agency shall record the day on which the tender was received, the quantities involved and their respective dates of manufacture and the place where the butter offered is stored.

6. Tenders may not be withdrawn after the closing date referred to in Article 16(3) for the submission of tenders relating to the invitation to tender concerned.

Article 17a

Maintenance of the tender after the closing date for submission of tenders, and delivery of the butter to the depot designated by the intervention agency within the time limit laid down in Article 17d(3), shall constitute primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85.

Article 17b

1. The Member States shall inform the Commission of the quantities and prices offered by tenderers, no later than 9 a.m. (Brussels time) on the day following the closing date referred to in Article 16(3).

2. In the light of the tenders received for each invitation to tender, the Commission shall fix a maximum buying-in price, by reference to the intervention prices applicable, in accordance with the procedure referred to in Article 42(2) of Regulation (EC) No 1255/1999.

3. A decision may be taken not to proceed with the invitation to tender.

Article 17c

Tenders shall be refused if the price proposed is higher than the maximum price referred to in Article 17b(2), applying to the tendering procedure concerned.

Article 17d

1. Tenderers shall be informed immediately by the intervention agency of the outcome of their participation in the tendering procedure.

Where tenders have been unsuccessful, the securities provided for in Article 17(3)(c) shall be released immediately.

The rights and obligations resulting from the tendering procedure shall not be transferable.

2. The intervention agency shall immediately issue to the successful tenderer a dated and numbered delivery order indicating:

- (a) the quantity to be delivered;
- (b) the final date for delivery of the butter;
- (c) the cold storage depot to which it must be delivered.

3. Within 21 days of the closing date for submission of tenders, the successful tenderer shall deliver the butter to the loading bay of the cold store. Delivery may be in several consignments.

Any costs incurred in unloading the butter at the loading bay of the cold store shall be borne by the successful tenderer.

4. The security provided for in Article 17(3)(c) shall be released as soon as the successful tenderer has delivered all the quantity indicated on the delivery order within the time limit laid down therein.

Where the checks referred to in Article 4(1) show that the butter does not conform to the requirements laid down in that Article, the security shall be forfeit in respect of the quantity delivered. As regards the remaining quantities, buying-in shall be cancelled and the security be released.

5. Except in cases of force majeure, where the successful tenderer fails to deliver the butter within the time limit laid down in the delivery order, the security provided for in Article 17(3)(c) shall be forfeit in proportion to the quantities not delivered, and buying-in shall be cancelled in respect of the quantities not yet delivered.

6. For the purpose of this Article, the butter shall be deemed to be delivered to the intervention agency on the day when the full quantity of butter covered by the delivery order enters the storage depot designated by the intervention agency, but no earlier than the day following that on which the delivery order was issued.

7. In Chapter II, Section 5 is replaced by the following:

'SECTION 5

Procedure for sales of butter by tendering

Article 21

1. Butter shall be sold by means of a standing invitation to tender organised by each intervention agency.

2. Sales shall concern butter taken into storage before 1 September 1999.

3. A standing invitation to tender shall be published in the *Official Journal of the European Union* at least eight days before the first closing date laid down for the submission of tenders.

4. The intervention agencies shall draw up a notice of standing invitation to tender indicating in particular the closing date and address for submission of tenders.

They shall also indicate, for the butter they hold:

- (a) the locations of the cold store where the butter to be sold is in store,
- (b) the quantity for sale in each cold store.

5. Intervention agencies shall keep an up-to-date list of the information referred to in paragraph 4, which they shall make available to interested parties on request. They shall also publish regular updates of the list in an appropriate form, to be indicated in the notice of standing invitation to tender.

6. Intervention agencies shall make the necessary arrangements to enable interested parties:

- (a) to examine samples of the butter put up for sale at their own expense before submitting a tender;
- (b) to verify the results of the analyses referred to in Article 8 of Commission Regulation (EC) No 213/2001 (*).

Article 22

1. Intervention agencies shall organise individual tendering rounds during the term of validity of the standing invitation to tender.

2. The closing date for submission of tenders for each individual round shall be 12 noon (Brussels time) on the second and fourth Tuesdays of the month, except for the second Tuesday of August and the fourth Tuesday of December. If Tuesday is a public holiday the time limit shall be 12 noon (Brussels time) on the previous working day.

Article 23

1. Tenders under each individual round shall be submitted by written offer against issuance of a receipt, or by any written means of telecommunication with proof of receipt.

Tenders shall be submitted to the intervention agency holding the butter for which an offer is made.

2. Offers shall contain:

- (a) the name and address of the tenderer;
- (b) the quantity desired;
- (c) the price in euro tendered per 100 kilograms, not including national taxes and charges, delivered to the loading-bay of the cold store;
- (d) if appropriate, the cold store where the butter is held and, if desired, a substitute cold store;

- (e) if appropriate, an indication of the kind of butter referred to in Article 4(6)(e) for which the offer is being submitted.

3. Offers shall not be valid unless:

- (a) they relate to at least five tonnes or, if the quantity available in a cold store is less than five tonnes, to the actual quantity available;
- (b) proof is provided that the tenderer has lodged a tendering security of EUR 70 per tonne, in the Member State where the tender is submitted, for the tendering round in question before the closing date for submission of tenders.

4. Tenders may not be withdrawn after the closing date provided for in Article 22(2).

Article 24

For the purposes of the tendering security provided for in Article 23(3), the primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 are fulfilled as regards the taking-over of the butter within the time limit laid down in Article 24f(2) of this Regulation.

Article 24a

1. The Member States shall inform the Commission of the quantities and prices offered by tenderers and the quantity of butter offered for sale, no later than 9 a.m. (Brussels time) on the day following the closing date referred to in Article 22(2).

2. A minimum selling price for the butter on the basis of the offers received under each round shall be fixed in accordance with the procedure referred to in Article 42(2) of Regulation (EC) No 1255/1999. This price may vary according to the location of the quantities of butter offered for sale.

It may be decided to make no award under the round.

Article 24b

Offers shall be rejected if the price offered is lower than the established minimum price.

Article 24c

1. The intervention agency shall make the award in accordance with paragraphs 2 to 5.

2. The butter shall be allocated on the basis of its date of entry into storage, starting with the oldest product of the total quantity or, as the case may be, the oldest of the quantity of sweet or sour cream butter available in the cold store designated by the tenderer.

3. Without prejudice to Article 24b, the successful tenderer shall be the tenderer offering the highest price. If the full quantity available is not allocated, the remainder shall be awarded to the other tenderers on the basis of the prices tendered, starting with the highest price.

4. Where acceptance of a tender would result in contracts being awarded in excess of the quantity of butter available in a particular cold store, only the quantity available shall be awarded to the tenderer in question.

However, the intervention agency may designate other cold stores to make up the quantity set out in the tender, provided the tenderer agrees.

5. Where acceptance of two or more tenders offering the same price for butter in a particular cold store would lead to contracts being awarded in excess of the quantity available, the award shall be made by allocating the quantity available in proportion to the quantities tendered for.

However, should such allocation lead to the award of quantities of less than five tonnes, the award shall be made by drawing lots.

Article 24d

The rights and obligations resulting from the tendering procedure shall not be transferable.

Article 24e

1. The intervention agency shall immediately inform tenderers of the outcome of their participation in the invitation to tender.

Securities provided for in Article 23(3)(b) lodged for unsuccessful tenders shall be released immediately.

2. Before removing the butter and within the period specified in Article 24f(2), successful tenderers shall pay the intervention agency the amount corresponding to their tender for each quantity that they wish to withdraw.

Article 24f

1. Once the amount referred to in Article 24e(2) has been paid the intervention agency shall issue a removal order indicating:

- (a) the quantity in respect of which the corresponding amount has been paid;
- (b) the cold store in which the butter is in store;
- (c) the final date for removal of the butter.

2. Successful tenderers shall remove the butter awarded to them within 30 days of the closing date for the submission of tenders. Removal may be effected by instalments of not less than five tonnes each. However, where the quantity remaining in a cold store is less than five tonnes, that smaller quantity may be delivered.

Except in cases of force majeure, if the butter has not been removed within the period laid down in the first subparagraph, the cost of storing shall be borne by the successful tenderer from the day following that on which the period expired. Moreover, storage shall be at his/her own risk.

3. The security lodged in accordance with Article 23(3)(b) shall be released immediately in respect of quantities removed within the period provided for in the first subparagraph of paragraph 2 of this Article.

It shall be forfeit in the case of the second subparagraph of paragraph 2.

In the event of force majeure referred to in the second subparagraph of paragraph 2, the intervention agency shall take such action as it considers necessary having regard to the circumstances invoked.

Article 24g

Member States shall inform the Commission not later than Tuesday of each week of the quantities of butter which, during the preceding week:

- (a) have been the subject of a sale contract;
- (b) have been taken over.

(*) OJ L 37, 7.2.2001, p. 1.'

Article 2

The purchase of butter suspended in certain Member States at the time of the entry into force of this Regulation shall continue to be suspended until a new decision in that respect is taken by the Commission and published in the *Official Journal of the European Union*.

Article 3

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

It shall apply as of 1 March 2004.

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

Done at Brussels, 23 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 319/2004
of 23 February 2004
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Commission Regulation (EC) No 39/2004 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1166/2003 ⁽⁵⁾, as last amended by Regulation (EC) No 2280/2003 ⁽⁶⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 February 2004.

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

Done at Brussels, 23 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 6, 10.1.2004, p. 16.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 162, 1.7.2003, p. 57.

⁽⁶⁾ OJ L 336, 23.12.2003, p. 91.

ANNEX

to the Commission Regulation of 23 February 2004 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)		
CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	15,17	9,03
1701 11 90 ⁽¹⁾	15,17	15,33
1701 12 10 ⁽¹⁾	15,17	8,79
1701 12 90 ⁽¹⁾	15,17	14,81
1701 91 00 ⁽²⁾	17,36	18,25
1701 99 10 ⁽²⁾	17,36	12,81
1701 99 90 ⁽²⁾	17,36	12,81
1702 90 99 ⁽³⁾	0,17	0,47

⁽¹⁾ For the standard quality as defined in Annex I, point II, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ For the standard quality as defined in Annex I, point I, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

**COUNCIL DECISION
of 10 February 2004
appointing a Spanish member of the Committee of the Regions**

(2004/171/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of a member of the Committee of the Regions has fallen vacant following the expiry of the mandate of Mr José María ALVAREZ DEL MANZANO y LOPEZ DEL HIERRO, of which the Council was notified on 22 January 2004,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Alberto RUIZ-GALLARDON JIMENEZ, Alcalde de Madrid, is hereby appointed a member of the Committee of the Regions in place of Mr José María ALVAREZ DEL MANZANO y LOPEZ DEL HIERRO for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 10 February 2004.

For the Council

The President

C. MCCREEVY

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 10 February 2004
appointing an alternate member of the Committee of the Regions

(2004/172/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of an alternate member of the Committee of the Regions has become vacant following the expiry of the mandate of Mr Juan GONZALEZ BLASCO, of which the Council was notified on 23 January 2004,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms Laura DE ESTEBAN, Directora-General — Gobierno de la Comunidad Autónoma de Madrid, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Juan GONZALEZ BLASCO for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 10 February 2004.

For the Council
The President
C. MCCREEVY

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 10 February 2004
appointing an alternate member of the Committee of the Regions

(2004/173/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Eduardo BANDRES MOLINE, of which the Council was notified on 23 January 2004,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Alain CUENCA GARCIA, Director General de Asuntos Europeos y Acción Exterior — Diputación General de Aragón, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Eduardo BANDRES MOLINE for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 10 February 2004.

For the Council
The President
C. McCREEVY

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 10 February 2004
appointing a member of the Committee of the Regions

(2004/174/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of a member of the Committee of the Regions has become vacant following the expiry of the mandate of Mr Carlos MAYOR OREJA, of which the Council was notified on 22 January 2004,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms Esperanza AGUIRRE GIL DE BIEDMA, Presidenta — Gobierno de la Comunidad Autónoma de Madrid, is hereby appointed a member of the Committee of the Regions in place of Mr Carlos MAYOR OREJA for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 10 February 2004.

For the Council
The President
C. McCREEVY

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 10 February 2004
appointing an alternate member of the Committee of the Regions

(2004/175/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Austrian Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of an alternate member of the Committee of the Regions has become vacant following the expiry of the mandate of Mr Josef FILL, of which the Council was notified on 19 December 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Viktor SIGL, Landesrat, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Josef FILL for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 10 February 2004.

For the Council

The President

C. MCCREEVY

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COMMISSION

COMMISSION DECISION

of 20 January 2004

on the allocation of import quotas for controlled substances for the period 1 January to 31 December 2004 pursuant to Regulation (EC) No 2037/2000 of the European Parliament and of the Council

(notified under document number C(2004) 64)

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

(2004/176/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer ⁽¹⁾, and in particular to Article 7 thereof,

Whereas:

- (1) The quantitative limits for the placing on the market in the Community of controlled substances are set out in Article 4 of Regulation (EC) No 2037/2000 and Annex III thereto.
- (2) Article 4(2)(c) of Regulation (EC) No 2037/2000 sets out the total calculated level of methyl bromide which producers and importers may place on the market or use for their own account in the period 1 January to 31 December 2004, and in each 12-month period thereafter.
- (3) Article 4(3)(d) of Regulation (EC) No 2037/2000 sets out the total calculated level of hydrochlorofluorocarbons which producers and importers may place on the market or use for their own account in the period 1 January to 31 December 2004.
- (4) The Commission has published a notice to importers in the Community of controlled substances that deplete the ozone layer ⁽²⁾ and has thereby received declarations on intended imports in 2004.
- (5) For hydrochlorofluorocarbons, the allocation of quotas to producers and importers is in accordance with the provisions of Commission Decision No 654/2002/EC of 12 August 2002 determining a mechanism for the allocation of quotas to producers and importers for

hydrochlorofluorocarbons for the years 2003 to 2009 pursuant to Regulation (EC) No 2037/2000 of the European Parliament and of the Council ⁽³⁾.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18(2) of Regulation (EC) No 2037/2000,

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of controlled substances of group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and group II (other fully halogenated chlorofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the Community in 2004 from sources outside the Community shall be 4 860 000,000 ozone depleting potential (ODP) kilograms.
2. The quantity of controlled substances of group III (halons) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2004 from sources outside the Community shall be 54 350 000,000 ODP kilograms.
3. The quantity of controlled substances of group IV (carbon tetrachloride) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2004 from sources outside the Community shall be 9 621 150,000 ODP kilograms.
4. The quantity of controlled substances of group V (1,1,1-trichloroethane) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2004 from sources outside the Community shall be 550 060,000 ODP kilograms.

⁽¹⁾ OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Regulation (EC) No 1804/2003 (OJ L 265, 16.10.2003, p. 1).

⁽²⁾ OJ C 162, 11.7.2003, p. 10.

⁽³⁾ OJ L 220, 15.8.2002, p. 59.

5. The quantity of controlled substances of group VI (methyl bromide) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the Community in 2004 from sources outside the Community shall be 4 580 980,000 ODP kilograms.

6. The quantity of controlled substances of group VIII (hydrochlorofluorocarbons) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2004 from sources outside the Community shall be 2 432 423,841 ODP kilograms.

7. The quantity of controlled substances of group IX (bromochloromethane) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2004 from sources outside the Community shall be 114 612,000 ODP kilograms.

Article 2

1. The allocation of import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex I hereto.

2. The allocation of import quotas for halons during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex II hereto.

3. The allocation of import quotas for carbon tetrachloride during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex III hereto.

4. The allocation of import quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex IV hereto.

5. The allocation of import quotas for methyl bromide during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex V hereto.

6. The allocation of import quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex VI hereto.

7. The allocation of import quotas for bromochloromethane during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex VII hereto.

8. The import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide, hydrobromofluorocarbons, hydrochlorofluorocarbons and bromochloromethane during the period 1 January to 31 December 2004 shall be as set out in Annex VIII hereto.

Article 3

This Decision is addressed to the following undertakings:

Agroquímicos de Levante SA
Polígono Industrial Castilla
Calle Vial nº 5 S/N
E-46380 CHESTE (Valencia)

Alcobre SA
C/Luís I, Nave 6-B
Polígono Industrial Vallecás
E-28031 Madrid

Arch Chemicals NV
Keetberglaan 1A
Haven 1061
B-2070 Zwijndrecht

Atofina SA
Cours Michelet — La Défense 10
F-92091 Paris La Défense

Betapur
C/Pau Clarís 196
E-08037 Barcelona

Calorie SA
503 Rue Hélène-Boucher
ZI Buc
BP 33
F-78534 Buc Cedex

Cleanaway Ltd
Airborne Close
Leigh-on-Sea
Essex SS9 4EL
United Kingdom

DuPont de Nemours (Nederland) BV
Baanhoekweg 22
3313 LA Dordrecht
Nederland

Fenner-Dunlop BV
Oliemolenstraat 2
9203 ZN Drachten
Nederland

Galex SA
BP 128
F-13321 Marseille Cedex 16

Guido Tazzetti & Co. SpA
Strada Settimo 266
I-10156 Torino

Honeywell Fluorine Products Europe BV
Kempenweg 90
Postbus 264
6000 AG Weert
Nederland

Ineos Fluor Ltd
PO Box 13, The Heath
Runcorn, Cheshire WA7 4QF
United Kingdom

Mebrom NV
Assenedestraat 4
B-9940 Rieme Ertvelde

Refrigerant Products Ltd
N9 Central Park Estate
Westinghouse Road
Trafford Park
Manchester M17 1PG
United Kingdom

Sigma Aldrich Chemie GmbH
Riedstraße 2
D-89555 Steinheim

Sigma Aldrich Empresa Ltd
The Old Brickyard
New Road
Gillingham SP8 4XT
United Kingdom

Solvay Fluor und Derivate GmbH
Hans-Böckler-Allee 20
D-30173 Hannover

Solquimia Iberia, SL
c/Duque de Alba 3, 1º
E-28012 Madrid

Synthesia Española SA
c/Conde de Borrell 62
E-08015 Barcelona

Universal Chemistry & Technology SpA
Viale A. Filippetti 20
I-20122 Milano

Albemarle Europe SPRL
Parc scientifique Einstein
Rue du Bosquet 9
B-1348 Louvain-la-Neuve

Alfa Agricultural Supplies SA
15, Tim. Filimonos str.
GR-11521 Atenas

Asahi Glass Europe BV
World Trade Center
Strawinskylaan 1525
1077 XX Amsterdam
Nederland

Avantec SA
Bld Henri-Cahn, BP 27
F-94363 Bry-sur-Marne Cedex

Biochem Iberica
Químicos Agrícolas e Industriais, LDA
Estrada M. 502 — Apartado 250
Atalaia
P-2870-901 Montijo

Caraïbes Froid SARL
BP 6033
Ste Thérèse, Route du Lamentin
F-97219 Fort-de-France, Martinique

Desautel SAS (F)
Parc d'Entreprises, BP 9
F-01121 Montluel (Cedex)

Eurobrom BV
Postbus 158
2280 AD Rijswijk
Nederland

Galco SA
Avenue Carton de Wiart 79
B-1090 Bruxelles

Great Lakes Chemical (Europe) Ltd
Halebank, Widnes
Cheshire WA8 8NS
United Kingdom

Harp International Ltd
Gellihirion Industrial Estate
Rhondda Cynon Taff
Pontypridd CF37 5SX
United Kingdom

HUNC — Halon Users National Consortium
PO Box 111
Petersfields Hants GU31 4PL
United Kingdom

Laboratorios Miret SA (LAMIRSA)
Géminis 4, Pol. Ind. Can Parellada
E-08228 Les Fonts de Terrassa (Barcelona)

Phosphoric Fertilizers Industry SA
Thessaloniki Plant
PO Box 10183
GR-54110 Thessaloniki

Rhodia Organique Fine Ltd
PO Box 46 - St Andrews Road
Avonmouth
Bristol BS11 9YF
United Kingdom

Sigma Aldrich Chimie SARL
80, rue de Luzais, L'Isle d'Abeau Chesnes
F-38297 St-Quentin-Fallavier

SJB Chemical Products BV
Wellerondom 11
3230 AG Brielle
Nederland

Solvay Solexis SpA
Viale Lombardia 20
I-20021 Bollate (MI)

Syngenta Crop Protection
Surrey Research Park
Guildford
Surrey GU2 7YH
United Kingdom

Synthomer Ltd
Templefields, Central Road
Harlow
Essex CM20 2BH
United Kingdom

Done at Brussels, 20 January 2004.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX I

GROUPS I AND II

Import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses and for destruction during the period 1 January to 31 December 2004.

Company

Cleanaway Ltd (UK)
Honeywell Fluorine Products (NL)
Solvay Fluor und Derivate (DE)
Syngenta Crop Protection (UK)

ANNEX II

GROUP III

Import quotas for halons allocated to importers in accordance with Regulation (EC) No 2037/2000 for destruction during the period 1 January to 31 December 2004.

Company

Cleanaway Ltd (UK)
Desautel SAS (FR)
HUNC — Halon Users National Consortium (UK)

ANNEX III

GROUP IV

Import quotas for carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses and for destruction for the period 1 January to 31 December 2004.

Company

Cleanaway Ltd (UK)
Fenner-Dunlop BV (NL)
Honeywell Fluorine Products (NL)
Ineos Fluor Ltd (UK)
Phosphoric Fertilisers Industry (EL)
Synthomer (UK)

ANNEX IV

GROUP V

Import quotas for 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses and for destruction for the period 1 January to 31 December 2004.

Company

Arch Chemicals (BE)

Atofina (FR)

Cleanaway Ltd (UK)

ANNEX V

GROUP VI

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 2037/2000 for non-quarantine and pre-shipment uses, for quarantine and pre-shipment applications, for feedstock uses and for destruction for the period 1 January to 31 December 2004.

Company

Agroquimicos de Levante (ES)

Albemarle Europe (BE)

Alfa Agricultural Supplies (EL)

Atofina (FR)

Biochem Iberica (PT)

Cleanaway Ltd (UK)

Eurobrom BV (NL)

Great Lakes Chemicals (UK)

Mebrom NV (BE)

Sigma Aldrich Chemie (DE)

ANNEX VI

GROUP VIII

Import quotas for hydrochlorofluorocarbons allocated to producers and importers in accordance with Regulation (EC) No 2037/2000 and in accordance with the provisions of Decision No 654/2002/EC for feedstock uses, process agents, for reclamation, for destruction and other applications allowed pursuant to Article 5 of Regulation (EC) No 2037/2000 for the period 1 January to 31 December 2004.

Producer

Atofina (FR)
DuPont de Nemours (NL)
Honeywell Fluorine Products (NL)
Ineos Fluor Ltd (UK)
Rhodia Organique (UK)
Solvay Fluor und Derivate (DE)
Solvay Solexis SpA (IT)

Importer

Alcobre (ES)
Asahi Glass (NL)
Avantec SA (FR)
Betapur (ES)
Calorie SA (FR)
Caraïbes Froid SARL (FR)
Galco SA (BE)
Galex SA (FR)
Guido Tazzetti (IT)
HARP International (UK)
Mebrom (BE)
Refrigerant Products (UK)
Sigma Aldrich Chimie (FR)
Sigma Aldrich Company (UK)
SJB Chemical Products (NL)
Solquimia Iberia, SL (ES)
Synthesia Española (ES)
Universal Chemistry & Technology (IT)

*ANNEX VII***GROUP IX**

Import quotas for bromochloromethane allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses during the period 1 January to 31 December 2004.

Company

Eurobrom BV (NL)

Laboratorios Miret SA (LAMIRSA) (ES)

Sigma Aldrich Chemie (DE)

ANNEX VIII

(This Annex is not published because it contains confidential commercial information).

COMMISSION DECISION
of 20 February 2004
on the temporary introduction of registered horses participating in the Olympic Games or the
Paralympic Games in Greece in 2004

(notified under document number C(2004) 499)

(Text with EEA relevance)

(2004/177/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae ⁽¹⁾, and in particular Article 19(ii) thereof,

Whereas:

- (1) In accordance with Commission Decision 92/260/EEC of 10 April 1992 on animal health conditions and veterinary certification for temporary admission of registered horses ⁽²⁾ and with Commission Decision 93/197/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production ⁽³⁾, guarantees must be provided to ensure that uncastrated male horses older than 180 days do not pose a risk as regards the spreading of equine viral arteritis.
- (2) Registered horses participating in the Olympic Games in Athens, Greece, in August 2004 will be under the veterinary supervision of the competent authorities of Greece and the organising Fédération Equestre Internationale (FEI).
- (3) Registered horses participating in the XII Paralympic Games in Athens, Greece, in September 2004, will be under the veterinary supervision of the competent authorities of Greece.
- (4) Certain male horses qualified for the participation in these high level equestrian events may not comply with the requirements laid down in Decisions 92/260/EEC or 93/197/EEC respectively as regards equine viral arteritis.
- (5) A derogation from those requirements should therefore be provided for horses temporarily admitted or imported for these sporting events. That derogation should set out conditions excluding any risk of spreading equine viral arteritis.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

Article 1

1. By way of derogation from Decision 92/260/EEC, Member States shall authorise the temporary admission of uncastrated male registered horses for the purpose of participation in the equestrian events of the Olympic Games or the Paralympic Games in Athens, Greece, in August and September 2004 respectively, without requiring the guarantees provided for in that Decision as regards equine viral arteritis provided that the requirements set out in paragraph 2 are fulfilled.

2. The animal health certificate established in accordance with Annex II to Decision 92/260/EEC shall comply with the following requirements:

(a) section III point (e)(v) of certificate A, B, C, D and E, and section III point (f)(v) of certificate F relating to equine viral arteritis, shall be deleted by the official veterinarian who signs the certificate;

(b) the following shall be added to the certificates:

‘Registered horse admitted in accordance with Commission Decision 2004/177/EC (*).’

(*) OJ L 55, 24.2.2004, p. 64.’

(c) the following shall be added to the declaration which is attached to the certificates:

‘The horse covered by this certificate is intended to participate in the equestrian events of the Olympic Games/Paralympic Games (*delete as appropriate*) and will not be used for breeding or for the collection of semen during its residence in a Member State of the European Union.

Arrangements have been made to transport the horse out of the European Union without delay after the equestrian events of the Olympic Games/Paralympic Games (*delete as appropriate*) have ended.

Date and place of scheduled export from the European Union: ...’

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

⁽²⁾ OJ L 130, 15.5.1992, p. 67. Decision as last amended by Decision 2004/117/EC (OJ L 36, 7.2.2004, p. 20).

⁽³⁾ OJ L 86, 6.4.1993, p. 16. Decision as last amended by Decision 2004/117/EC.

Article 2

1. By way of derogation from Decision 93/197/EEC, Member States shall authorise the temporary introduction of uncastrated male registered horses from the Falkland Islands, Kyrgyzstan and Saint Pierre and Miquelon for the purpose of participation in the equestrian events of the Olympic Games or the Paralympic Games in Athens, Greece, in August and September 2004 respectively, without requiring the guarantees provided for in that Decision as regards equine viral arteritis provided that the requirements set out in paragraphs 2 are fulfilled.

2. The animal health certificate established in accordance with Annex II to Decision 93/197/EEC shall comply with the following requirements:

(a) section III point (e)(v) of certificate A, B and G relating to equine viral arteritis, shall be deleted by the official veterinarian who signs the certificate;

(b) the following shall be added to the certificates:

'Registered horse admitted in accordance with Commission Decision 2004/177/EC (*).

(*) OJ L 55, 24.2.2004, p. 64.'

(c) the following shall be added to the declaration which is attached to the certificates:

'The horse covered by this certificate is intended to participate in the equestrian events of the Olympic Games/Paralympic Games (*delete as appropriate*) and will not be used for breeding or for the collection of semen during its residence in a Member State of the European Union.

Arrangements have been made to transport the horse out of the European Union without delay after the equestrian events of the Olympic Games/Paralympic Games (*delete as appropriate*) have ended.

Date and place of scheduled export from the European Union: ...'

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 February 2004.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 20 February 2004

amending Decision 1999/815/EC concerning measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing certain phthalates

*(notified under document number C(2004) 524)***(Text with EEA relevance)**

(2004/178/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹⁾ and in particular Article 13(2) thereof,

Whereas:

(1) On 7 December 1999, the Commission adopted Decision 1999/815/EC ⁽²⁾ based on Article 9 of Directive 92/59/EEC ⁽³⁾, requiring the Member States to prohibit the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age, made of soft PVC containing one or more of the substances di-iso-nonyl phthalate (DINP), di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), di-iso-decyl phthalate (DIDP), di-n-octyl phthalate (DNOP), and butylbenzyl phthalate (BBP).

(2) The validity of Decision 1999/815/EC was limited to three months, in accordance with the provision of Article 11(2) of Directive 92/59/EEC. Therefore, the validity of the Decision was to expire on 8 March 2000.

(3) When adopting Decision 1999/815/EC it was provided for to prolong its validity if necessary. The validity of the measures adopted under Decision 1999/815/EC was prolonged under several decisions for an additional period of three months each time, and is now to expire on 20 February 2004.

(4) Some relevant developments have taken place concerning the validation of phthalates migration test methods and the comprehensive risk assessment of these phthalates under Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances ⁽⁴⁾. The Parliament and the Council are considering permanent measures to deal

with the risks posed by the products in question, but more time is needed to complete deliberations on the subject, in particular in order to take into account all the new scientific developments.

(5) Pending resolution of the outstanding issues, and in order to guarantee the objectives of Decision 1999/815/EC and its prolongations, it is necessary to maintain the prohibition of the placing on the market of the products considered.

(6) Certain Member States have implemented Decision 1999/815/EC by measures applicable until 20 February 2004. Therefore it is necessary to ensure that the validity of these measures is prolonged.

(7) It is therefore necessary to prolong the validity of Decision 1999/815/EC in order to ensure that all the Member States maintain the prohibition provided for by that Decision.

(8) Directive 92/59/EEC has been repealed from 15 January 2004 and replaced on the same date by Directive 2001/95/EC. Article 13(2) of Directive 2001/95/EC states that Commission decisions requiring Member States to take measures to prevent serious risks posed by certain products shall be valid for periods not exceeding one year and may be confirmed for additional periods none of which shall exceed one year. It is appropriate to prolong the validity of Decision 1999/815/EC for a period of six months, in order to allow sufficient time to make progress with the permanent measures referred to in recital 4, while ensuring the possibility of re-examining, in due time, the duration of the validity of the Decision.

(9) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 15 of Directive 2001/95/EC,

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.

⁽²⁾ OJ L 315, 9.12.1999, p. 46. Decision as last amended by Decision 2003/819/EC (OJ L 308, 25.11.2003, p. 23).

⁽³⁾ OJ L 228, 11.8.1992, p. 24. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁴⁾ OJ L 84, 5.4.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003.

HAS ADOPTED THIS DECISION:

Article 3

This Decision is addressed to the Member States.

Article 1

In Article 5 of Decision 1999/815/EC '20 February 2004' is replaced by '20 August 2004'.

Done at Brussels, 20 February 2004.

Article 2

Member States shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

For the Commission

David BYRNE

Member of the Commission

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

COUNCIL COMMON POSITION 2004/179/CFSP
of 23 February 2004
concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 27 February 2003, the Council adopted Common Position 2003/139/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic ⁽¹⁾.
- (2) Although negotiations on constitutional changes have started, there has been no substantial progress in the situation regarding the Transnistrian conflict in Moldova.
- (3) The EU remains committed to contributing to the objective of reaching a peaceful solution to the conflict, in full respect of Moldova's territorial integrity and within the framework of the Organisation for Security and Cooperation in Europe (OSCE).
- (4) The EU considers unacceptable the continued position of the leadership of the Transnistrian region of the Moldovan Republic and its unwillingness to engage fully in efforts to reach a peaceful and comprehensive solution to the Transnistrian conflict.
- (5) The travel ban imposed by Common Position 2003/139/CFSP expires on 26 February 2004 and should be renewed,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who are responsible for preventing progress in arriving at a political settlement of the conflict.

2. Paragraph 1 will not oblige a Member State to refuse its own nationals entry into its territory.

⁽¹⁾ OJ L 53, 28.2.2003, p. 60.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country of an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the United Nations; or
- (c) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the European Union, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Moldova.

6. A Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council Members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. In the event that one or more of the Council members raises an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

7. In cases where, pursuant to paragraphs 3, 4, 5 and 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 2

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications of the list contained in the Annex as required by political developments in Moldova.

Article 3

In order to maximise the impact of the abovementioned measures, the European Union shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

Article 5

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

Article 4

This Common Position shall take effect on 27 February 2004 and be applicable until 27 February 2005. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Done at Brussels, 23 February 2004.

For the Council
The President
B. COWEN

ANNEX**List of persons referred to in Article 1**

1. SMIRNOV, IGOR, 'President', born on 29.10.1941 in Chabarovsk. Russian passport No 50 NO. 0337530.
 2. SMIRNOV, VLADIMIR, son of No 1 and Chairman of State Customs Committee, born on 3.4.1961 in Vupiansk Charkov. Russian passport No 50 NO. 00337016.
 3. SMIRNOV, OLEG, son of No 1 and Adviser to the State Customs Committee, born on 8.8.1967 in Novaja Kachovka, Cherson. Russian passport No 60 NO. 1907537.
 4. LEONTYEV, SERGEY, 'Vice-president', born on 9.2.1944 in Odessa Leontovka. Russian passport No 50 NO. 0065438.
 5. MARACUTSA, GRIGORY, 'Chairman of the Supreme Soviet', born on 15.10.1942 in Teia, Grigoriopol. Old Soviet passport No 8BM724835.
 6. KAMINSKY, ANATOLY, 'Vice-chairman of the Supreme Soviet', born on 15.3.1950 in Cita. Old Soviet passport No A25056238.
 7. SHEVCHUK, EVGENY, 'Vice-chairman of the Supreme Soviet', born on 21.6.1946 in Novosibirsk. Old Soviet passport No A25004230.
 8. LITSKAI, VALERY, 'Minister of Foreign Affairs', born on 13.2.1949 in Tver. Russian passport.
 9. KHAJEEV, STANISLAV, 'Minister of Defence', born on 28.12.1941 in Celabinsk.
 10. ANTIUFEEV (SEVTOV), VADIM, 'Minister of State Security', born in 1951 in Novosibirsk. Russian passport.
 11. KOROLYOV, ALEXANDER, 'Minister of Internal Affairs', born in 1951 in Briansk. Russian passport.
 12. BALALA, VIKTOR, 'Minister of Justice', born in 1961 in Vinita.
 13. AKULOV, BORIS, 'Representative of Transdnistria in Ukraine'.
 14. ZAKHAROV, VIKTOR, 'Prosecutor's office', born in 1948 in Camenca.
 15. LIPOVTSEV, ALEXEY, 'Deputy Chairman of the Custom's Committee'.
 16. GUDYMO, OLEG, 'Deputy Minister of Security', born on 11.9.1944 in Alma-Ata. Russian passport No 51 NO. 0592094.
 17. KOSOVSKI, EDUARD, 'Chairman of the Transnistrian Republican Bank', born on 7.10.1958 in Floresti.
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