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Contents

I Acts whose publication is obligatory

- Commission Regulation (EC) No 1837/2004 of 22 October 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 1
- ★ **Commission Regulation (EC) No 1838/2004 of 22 October 2004 amending Regulation (EC) No 214/2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed-milk powder 3**
- ★ **Commission Regulation (EC) No 1839/2004 of 22 October 2004 amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder 4**
- ★ **Commission Regulation (EC) No 1840/2004 of 21 October 2004 amending for the 39th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 5**
- ★ **Commission Regulation (Euratom) No 1841/2004 of 22 October 2004 repealing Regulation (Euratom) No 2014/76 on the support of projects concerning uranium-prospecting programmes within the territories of the Member States 7**
- ★ **Commission Regulation (EC) No 1842/2004 of 22 October 2004 allowing the coexistence of the name 'Munster or Munster-Géromé' registered as a Protected Designation of Origin under Council Regulation (EEC) No 2081/92 and the unregistered name 'Münster Käse' designating a place in Germany 8**
- ★ **Commission Regulation (EC) No 1843/2004 of 22 October 2004 amending Regulation (EC) No 751/2004 setting certain operative events for the exchange rate for 2004 for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to take account of their accession to the European Union 10**
- ★ **Commission Regulation (EC) No 1844/2004 of 22 October 2004 amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on cucumbers, artichokes, clementines, mandarins and oranges 12**

1

(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.

★ Commission Regulation (EC) No 1845/2004 of 22 October 2004 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' (Tergeste, Lucca, Miele della Lunigiana and Άγιος Ματθαίος Κέρκυρας (Agios Mathaios Kerkyras))	14
★ Commission Regulation (EC) No 1846/2004 of 22 October 2004 amending Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products	16
★ Commission Regulation (EC) No 1847/2004 of 22 October 2004 opening the procedure for the allocation of export licences for cheese to be exported to the United States of America in 2005 under certain GATT quotas	19

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1837/2004**of 22 October 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 23 October 2004.

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

Done at Brussels, 22 October 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

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

ANNEX

to Commission Regulation of 22 October 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	59,5
	204	44,6
	624	74,2
	999	59,4
0707 00 05	052	86,8
	999	86,8
0709 90 70	052	92,6
	204	41,2
	628	48,8
	999	60,9
0805 50 10	052	63,4
	388	45,9
	524	66,0
	528	50,9
	999	56,6
0806 10 10	052	97,1
	400	178,4
	999	137,8
0808 10 20, 0808 10 50, 0808 10 90	388	64,1
	400	95,6
	404	80,2
	512	107,5
	720	100,8
	800	145,3
	804	76,9
	999	95,8
0808 20 50	052	98,3
	388	105,3
	720	74,7
	999	92,8

⁽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 1838/2004**of 22 October 2004****amending Regulation (EC) No 214/2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed-milk powder**

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) Article 21 of Commission Regulation (EC) No 214/2001⁽²⁾ limited the quantity of skimmed-milk powder put up for sale by the Member States' intervention agencies to that taken into storage before 1 July 2003.

- (2) In view of the quantity still available and the market situation, that date should be amended to 1 September 2004.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 21 of Regulation (EC) No 214/2001, '1 July 2003' is replaced by '1 September 2004'.

Article 2

This Regulation shall enter into force on the day 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, 22 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 37, 7.2.2001, p. 100. Regulation as last amended by Regulation (EC) No 1675/2004 (OJ L 300, 25.9.2004, p. 12).

COMMISSION REGULATION (EC) No 1839/2004**of 22 October 2004****amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder**

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) In accordance with Article 26 of Commission Regulation (EC) No 2799/1999⁽²⁾, intervention agencies have organised a standing invitation to tender for skimmed-milk powder taken into storage before 1 July 2003.
- (2) In view of the quantity still available and the market situation, that date should be amended to 1 September 2004.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 26(2) of Regulation (EC) No 2799/1999, the date '1 July 2003' is replaced by the date '1 September 2004'.

*Article 2*This Regulation shall enter into force on the day 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, 22 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 340, 31.12.1999, p. 3. Regulation as last amended by Regulation (EC) No 1674/2004 (OJ L 300, 25.9.2004, p. 11).

COMMISSION REGULATION (EC) No 1840/2004**of 21 October 2004****amending for the 39th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freezing of funds and other financial resources in respect of the Taliban of Afghanistan⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 18 October 2004, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to which the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day 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, 21 October 2004.

For the Commission
Christopher PATTEN
Member of the Commission

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Regulation (EC) No 1728/2004 (OJ L 306, 2.10.2004, p. 13).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entry shall be added under the heading 'Legal persons, groups and entities':

Jama'at al-Tawhid Wa'al-Jihad (*alias*: (a) JTJ; (b) al-Zarqawi network; (c) al-Tawhid; (d) the Monotheism and Jihad Group).

COMMISSION REGULATION (EURATOM) No 1841/2004**of 22 October 2004****repealing Regulation (Euratom) No 2014/76 on the support of projects concerning uranium-prospecting programmes within the territories of the Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 70 thereof,

Whereas:

- (1) Commission Regulation (Euratom) 2014/76⁽¹⁾ is no longer applied as uranium-prospecting activities within the territories of the Member States have ceased.
- (2) For reasons of clarity and legal certainty, the said Regulation should be expressly repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (Euratom) No 2014/76 is hereby repealed.

*Article 2*This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 22 October 2004.

For the Commission
Loyola DE PALACIO
Vice-President

⁽¹⁾ OJ L 221, 14.8.1976, p. 17.

COMMISSION REGULATION (EC) No 1842/2004

of 22 October 2004

allowing the coexistence of the name 'Munster or Munster-Géromé' registered as a Protected Designation of Origin under Council Regulation (EEC) No 2081/92 and the unregistered name 'Münster Käse' designating a place in Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾ and in particular Articles 13(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92⁽²⁾ registered as a Protected Designation of Origin for France the name 'Munster or Munster-Géromé'. Following Article 13(2) of Regulation (EEC) No 2081/92 Germany had to discontinue the use of the unregistered name 'Münster Käse' at the latest on 21 June 2001.
- (2) Article 13(5) of Council Regulation (EEC) No 2081/92, as added by Council Regulation (EC) No 692/2003⁽³⁾, provides for the coexistence of a registered and an unregistered name under very strict conditions and for a limited time period.
- (3) On 1 October 2003 the Commission received a request of the German administration to allow coexistence for fifteen years of the registered name 'Munster or Munster-Géromé' (PDO) and the unregistered name 'Münster Käse'.
- (4) Münster is a town in Germany and the name 'Münster Käse' has been subject to national legislation in Germany since 1934 and no information has been found that the name has not been in legal use consistently and equitably for at least 25 years prior to the entry into force of Regulation (EEC) No 2081/92 on 26 July 1993.
- (5) Cheese with the name 'Münster Käse' has been marketed since 1951 in conformity with German national legislation on cheese qualities. Therefore, the unregistered name 'Münster Käse' could not profit from the reputation of the designation of origin 'Munster or Munster-Géromé' which was registered in France in 1969 and under Regulation (EEC) No 2081/92 in 1996.
- (6) In order to prevent the public from being misled as to the true origin, the label of the cheese 'Münster Käse' indicates Germany as the country of origin, as agreed in 1973 between Germany and France. The labelling obligation continued under Article 13(2) of Regulation (EEC) No 2081/92. No information is found that the public has been or could be misled as to the true origin of the cheese Münster Käse.
- (7) The German authorities raised the problem resulting from the inclusion of identical names by letter of 6 March 1996 to the Commission and, therefore, before the registration of the name 'Munster or Munster-Géromé' (PDO) by Regulation (EC) No 1107/96 on 21 June 1996.
- (8) Therefore, the coexistence of the registered French name 'Munster or Munster-Géromé' (PDO) and the unregistered name Münster Käse designating a place in Germany meets the conditions set in Article 13(5) of Regulation (EEC) No 2081/92.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Designations of Origin and Geographical Indications,

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 1215/2004 (OJ L 232, 1.7.2004, p. 21).

⁽²⁾ OJ L 148, 21.06.1996, p. 1. Regulation as last amended by Regulation (EC) No 1345/2004 (OJ L 249, 23.7.2004, p. 14).

⁽³⁾ OJ L 99, 17.4.2003, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. The name 'Münster Käse' shall be allowed to coexist with the name 'Munster or Munster-Géromé' registered as a Protected Designation of Origin under Regulation (EEC) No 2081/92.

2. The period of coexistence shall expire fifteen years from the date of entry into force of this Regulation, after which the unregistered name shall cease to be used.

3. Germany as the country of origin shall be clearly and visibly indicated on the label of cheese bearing the name 'Münster Käse'.

Article 2

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

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

Done at Brussels, 22 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1843/2004

of 22 October 2004

amending Regulation (EC) No 751/2004 setting certain operative events for the exchange rate for 2004 for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to take account of their accession to the European Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

Whereas:

(1) Pursuant to the first subparagraph of Article 4(1) of Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture⁽¹⁾, the operative event for the area payment for nuts provided for in Chapter 4 of Title IV of Council Regulation (EC) No 1782/2003⁽²⁾ which establishes common rules for direct support schemes under the common agricultural policy and certain support schemes for farmers, and amends certain regulations, is the date of commencement of the marketing year concerned.

(2) Pursuant to the second paragraph of Article 4 of Commission Regulation (EC) No 659/97 of 16 April 1997 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards intervention arrangements in the fruit and vegetables sector⁽³⁾, the marketing year for nuts commences on 1 January.

(3) Pursuant to Article 1 of Commission Regulation (EC) No 751/2004⁽⁴⁾, the operative event for the exchange rate in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter called 'the new Member States') for the support schemes for which the operative event is 1 January is set, for 2004, as the date of entry into force of the 2003 Treaty of Accession.

(4) Regulation (EC) No 751/2004 does not refer to the area payment for nuts provided for in Chapter 4 of Title IV of Council Regulation (EC) No 1782/2003. The operative event for the exchange rate to be used in the new Member States for that payment should, however, also be set as the date of entry into force of the 2003 Treaty of Accession.

(5) Regulation (EC) No 751/2004 should be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the relevant Management Committees,

HAS ADOPTED THIS REGULATION:

Article 1

The following point (e) is added to the first subparagraph of Article 1 of Regulation (EC) No 751/2004:

'(e) the area payment for nuts provided for in Chapter 4 of Title IV of Council Regulation (EC) No 1782/2003.'

Article 2

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

It shall apply from 1 May 2004.

⁽¹⁾ OJ L 349, 24.12.1998, p. 36. Regulation as last amended by Regulation (EC) No 1250/2004 (OJ L 237, 8.7.2004, p. 13)

⁽²⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 864/2004 (OJ L 161, 30.4.2004, p. 48).

⁽³⁾ OJ L 100, 17.4.1997, p. 2. Regulation as last amended by Regulation (EC) No 1135/2001 (OJ L 154, 9.6.2001, p. 9).

⁽⁴⁾ OJ L 118, 23.4.2004, p. 19.

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

Done at Brussels, 22 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1844/2004**of 22 October 2004****amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on cucumbers, artichokes, clementines, mandarins and oranges**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, and in particular Article 33(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables⁽²⁾ provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽³⁾.

(2) For the purposes of Article 5(4) of the Agreement on Agriculture⁽⁴⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 2001, 2002 and 2003, the trigger levels for additional duties on cucumbers, artichokes, clementines, mandarins and oranges should be adjusted.

(3) Regulation (EC) No 1555/96 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

Article 2

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 from 1 November 2004.

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

Done at Brussels, 22 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 193, 3.8.1996, p. 1. Regulation as last amended by Regulation (EC) No 1721/2004 (OJ L 306, 2.10.2004, p. 3).

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

'ANNEX

Without prejudice to the rules governing the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where "ex" appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and by the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 May	596 477
78.0020			— 1 June to 30 September	552 167
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	39 640
78.0075			— 1 November to 30 April	30 932
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	2 071
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	18 056
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	620 166
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	88 174
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	94 302
78.0155	ex 0805 50 10	Lemons	— 1 June to 31 December	342 761
78.0160			— 1 January to 31 May	12 938
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	227 815
78.0175	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August	730 623
78.0180			— 1 September to 31 December	32 246
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	257 158
78.0235			— 1 July to 31 December	27 497
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	4 123
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	32 863
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	6 808
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	51 276'

COMMISSION REGULATION (EC) No 1845/2004

of 22 October 2004

supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' (Tergeste, Lucca, Miele della Lunigiana and Άγιος Ματθαίος Κέρκυρας (Agios Mathaios Kerkyras))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) Pursuant to Article 5 of Regulation (EEC) No 2081/92, Italy has sent the Commission applications for the registration of the names 'Tergeste', 'Miele della Lunigiana' and 'Lucca' as designations of origin; Greece has sent the Commission an application for the registration of the name 'Άγιος Ματθαίος Κέρκυρας' (Agios Mathaios Kerkyras) as a geographical indication.
- (2) In accordance with Article 6(1) of that Regulation, the applications have been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (3) No statement of objection, within the meaning of Article 7 of Regulation (EEC) No 2081/92, has been sent to the Commission following the publication in the *Official Journal of the European Union*⁽²⁾ of the names listed in the Annex to this Regulation.

(4) The names consequently qualify for inclusion in the 'Register of protected designations of origin and protected geographical indications' and for protection at Community level as a protected designation of origin or protected geographical indication.

(5) The Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The names listed in the Annex to this Regulation are hereby added to the Annex to Regulation (EC) No 2400/96 and entered as protected designations of origin (PDO) and a protected geographical indication (PGI) in the 'Register of protected designations of origin and protected geographical indications' provided for in Article 6(3) of Regulation (EEC) No 2081/92.

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, 22 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 1215/2004 (OJ L 232, 1.7.2004, p. 21).

⁽²⁾ OJ C 303, 13.12.2003 (Tergeste).
OJ C 321, 31.12.2003, p. 39 (Miele della Lunigiana).
OJ C 321, 31.12.2003, p. 45 (Lucca).
OJ C 321, 31.12.2003, p. 43 (Agios Mathaios Kerkyras).

⁽³⁾ OJ L 327, 18.12.1996, p. 11. Regulation as last amended by Regulation (EC) No 1486/2004 (OJ L 273, 21.8.2004, p. 9).

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE TREATY, INTENDED FOR HUMAN CONSUMPTION**Fats and oils (butter, margarine, oils, etc.)**

ITALY

Tergeste (PDO)

Lucca (PDO)

GREECE

Agios Mathaios Kerkyras (PGI)

Other products of animal origin (eggs, honey, various milk products excluding butter, etc.)

ITALY

Miele della Lunigiana (PDO)

COMMISSION REGULATION (EC) No 1846/2004**of 22 October 2004****amending Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products**

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 30 thereof,

Whereas:

- (1) Article 20 of Commission Regulation (EC) No 174/1999 ⁽²⁾ provides that export licences for cheese exported to the United States of America as part of the quotas under the agreements concluded during multi-lateral trade negotiations may be allocated according to a special procedure by which preferred importers in the USA may be designated.
- (2) Following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (new Member States) to the Community on 1 May 2004, the tariff quotas for certain cheeses originally resulting from the Uruguay Round and granted to the Czech Republic, Hungary, Poland and Slovakia by the United States of America in Uruguay Round list XX are to be amalgamated into an EU-25 quota and administered as from 2005 onwards in the same way as the EU-15 quota has been under the abovementioned agreements.
- (3) In order to allow operators in the new Member States to adapt to the system applied in the Community, transitional measures should be introduced for the 2005 quota year in respect of the application of the allocation criteria in Article 20(3) of Regulation (EC) No 174/1999 to requests for export licenses lodged in the new Member States.
- (4) A transitional arrangement as regards the application of the historic export criterion should relate to all applications by applicants established in and applying in the new Member States for quotas for which no country-specific quota has been fixed for 2003.
- (5) Another transitional arrangement as regards the application of the preference for subsidiaries criterion should apply to applications by applicants established in and applying in the Czech Republic, Hungary, Poland and Slovakia for provisional licences to export cheese intended to enter the USA under quotas for which a country-specific quota has been fixed for 2003.
- (6) In order to give some flexibility to EU exporters to export products under quotas described in the Harmonised Tariff Schedule of the United States of America, the application for an export licence should contain the eight-digit product code of the Combined Nomenclature.
- (7) As no export refund is applied for the products falling under CN code 0406 destined to the United States of America the proof of arrival should not be required in order to have the licence security released.
- (8) Regulation (EC) No 174/1999 should therefore be amended accordingly.
- (9) Given the time limit for the implementation of the procedure for 2005, this Regulation should apply as soon as possible.
- (10) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

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

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 810/2004 (OJ L 149, 30.4.2004, p. 138).

HAS ADOPTED THIS REGULATION:

Article 1

Article 20 of Regulation (EC) No 174/1999 is amended as follows:

1. Paragraph 1 is replaced by the following:

'1. In accordance with the procedure referred to in Article 42 of Regulation (EC) No 1255/1999, the Commission may decide that export licences shall be issued, in accordance with paragraphs 2 to 11 of this Article, for products falling within CN code 0406 for export to the United States of America as part of the following quotas:

- (a) the additional quota under the Agriculture Agreement,
- (b) the tariff quotas originally resulting from the Tokyo Round and granted to Austria, Finland and Sweden by the United States of America in Uruguay Round list XX,
- (c) the tariff quotas originally resulting from the Uruguay Round and granted to the Czech Republic, Hungary, Poland and Slovakia by the United States of America in Uruguay Round list XX.'

2. In paragraph 2, in the first subparagraph, the following is added:

'By way of derogation from the first sentence of Article 5(1), Section 16 of licence applications and licences shall show the eight-digit product code of the Combined Nomenclature.'

3. In paragraph 3, the following subparagraph is added:

'However, in respect of applications for provisional licences to export cheese to the United States of America for the 2005 quota year by applicants established in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ('new Member States') and applying in their Member State of establishment, the following transitional measures shall apply:

- (a) the historic export performance provided for in point (a) of the first subparagraph is not required for applicants who submit with their application documentary proof that they have been established for at least three years in the new Member States and have exported cheese during each of those years, except in the case of applications for provisional licenses submitted:

- (i) in the Czech Republic for the purpose of exporting cheese to the United States of America under the quotas described in additional notes 16, 17, 18, 20 and 25 to Chapter 4 of the Harmonised Tariff Schedule (HTS) for which country-specific quotas have been fixed for 2003,

- (ii) in Hungary for the purpose of exporting cheese to the United States of America under the quota described in additional note 25 to Chapter 4 of the HTS for which a country-specific quota has been fixed for 2003,

- (iii) in Poland for the purpose of exporting cheese to the United States of America under the quotas described in additional notes 16 and 21 to Chapter 4 of the HTS for which country-specific quota have been fixed for 2003,

- (iv) in Slovakia for the purpose of exporting cheese to the United States of America under the quota described in additional note 16 to Chapter 4 of the HTS for which a country-specific quota has been fixed for 2003;

- (b) for the purposes of point (b) of the first subparagraph, an applicant may have his or her designated preferred importer for 2005 deemed to be a subsidiary provided that:

- (i) its application was lodged in

- the Czech Republic for a provisional licence for the purpose of exporting cheese to the United States of America under the quotas described in additional notes 16, 17, 18, 20 and 25 to Chapter 4 of the HTS,

- in Hungary for a provisional licence for the purpose of exporting cheese to the United States of America under the quota described in additional note 25 to Chapter 4 of the HTS,

- in Poland for a provisional licence for the purpose of exporting cheese to the United States of America under the quotas described in additional notes 16 and 21 to Chapter 4 of the HTS,

- in Slovakia for a provisional licence for the purpose of exporting cheese to the United States of America under the quotas described in additional note 16 to Chapter 4 of the HTS,
- (ii) the applicant submits to the competent authority of the Member State in which the application is lodged documentary evidence that he has been established for at least three years in the new Member States and has exported the cheese in question to the USA during each of the three calendar years prior to lodging the application,
- (iii) the applicant gives to the competent authority of the Member State in which the application is lodged a written undertaking to initiate the procedure to establish a subsidiary in the United States of America,
- (iv) the applicant submits to the competent authority of the Member State in which the application is lodged evidence of exports to preferred importers in the 12 months prior to lodging the application.'
4. In paragraph 10, the third subparagraph is replaced by the following:
- 'The security for the full licence shall be released only on presentation of the export declaration duly endorsed by the competent customs authority'.

Article 2

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

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

Done at Brussels, 22 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1847/2004**of 22 October 2004****opening the procedure for the allocation of export licences for cheese to be exported to the United States of America in 2005 under certain GATT quotas**

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 30 thereof,

Whereas:

- (1) Article 20 of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products⁽²⁾, provides that export licences for cheese exported to the United States of America as part of the quotas under the agreements concluded during multilateral trade negotiations may be allocated in accordance with a special procedure provided for therein.
- (2) That procedure should be opened for exports during 2005 and the additional rules relating to it should be determined.
- (3) In administering imports the competent authorities in the USA make a distinction between the additional quota granted to the European Community under the Uruguay Round and the quotas resulting from the Tokyo Round. Export licences should be allocated taking into account the eligibility of those products for the US quota in question as described in the Harmonized Tariff Schedule of the United States of America.
- (4) In order to provide stability and security for operators lodging applications under this special regime, it is appropriate to fix the day on which applications are deemed to have been lodged for the purposes of Article 1(1) of Regulation (EC) No 174/1999.

- (5) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences for products falling within CN code 0406 and listed in Annex I to this Regulation to be exported to the United States of America in 2005 under the quotas referred to in Article 20(1) of Regulation (EC) No 174/1999 shall be issued in accordance with Article 20 of Regulation (EC) No 174/1999 and this Regulation.

Article 2

1. Applications for provisional licences referred to in Article 20(2) of Regulation (EC) No 174/1999 (hereinafter 'applications') shall be lodged with the competent authorities from 26 to 29 October 2004 at the latest.
2. Applications shall be admissible only if they contain all the information referred to in Article 20(2) and (3) of Regulation (EC) No 174/1999 and if they are accompanied by the documents referred to therein.

Where, for the same group of products referred to in column 2 of Annex I to this Regulation the available quantity is divided between the Uruguay Round quota and the Tokyo Round quota, licence applications may cover only one of those quotas and shall indicate the quota concerned, specifying the identification of the group and of the quota indicated in column 3 of Annex I.

Applications shall be drawn up in accordance with the model set out in Annex II.

3. Applications shall cover no more than 40% of the quantity available for the group of products indicated in column 4 of Annex I, and for the quota concerned.

4. Applications shall be admissible only if applicants declare in writing that they have not lodged other applications for the same group of products and the same quota and undertake not to do so.

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

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1846/2004 (see p. 16 of this Official Journal).

If an applicant lodges several applications for the same group of products and the same quota in one or more Member States, all his/her applications shall be deemed inadmissible.

5. For the purposes of Article 1(1) of Regulation (EC) No 174/1999, all applications lodged within the time limit referred to in paragraph 1 of this Article shall be deemed to have been lodged on 26 October 2004.

Article 3

1. Member States shall notify the Commission, within three working days after the end of the period for lodging applications, of the applications lodged for each of the groups of products and, where applicable, the quotas indicated in Annex I.

All notifications, including 'nil' notifications, shall be made by telex or fax on the model form set out in Annex III.

2. Notification shall comprise for each group and, where applicable, for each quota:

- (a) a list of applicants;
- (b) the quantities applied for by each applicant broken down by the product code of the Combined Nomenclature and by their code in accordance with the Harmonized Tariff Schedule of the United States of America (2004);

(c) the quantities of the products concerned which were exported by the applicant during the previous three years;

(d) the name and address of the importer designated by the applicant and the indication whether the importer is a subsidiary of the applicant.

Article 4

The Commission shall, pursuant to Article 20(3), (4) and (5) of Regulation (EC) No 174/1999, determine the allocation of licences without delay and shall notify the Member States thereof by 30 November 2004 at the latest.

Article 5

The information notified pursuant to Article 3 of this Regulation and in Article 20(2) and (3) of Regulation (EC) No 174/1999 shall be verified by the Member States before the full licences are issued and by 31 December 2004 at the latest.

Where it is found that incorrect information has been supplied by an operator to whom a provisional licence has been issued, the licence shall be cancelled and the security forfeited. The Member States shall communicate it to the Commission without any delay.

Article 6

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

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

Done at Brussels, 22 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Cheese to be exported to the United States of America in 2005 under certain quotas resulting from the GATT Agreements

(Article 20 of Regulation (EC) No 174/1999 and Regulation (EC) No 1847/2004)

Note to	Identification of group in accordance with additional notes in Chapter 4 of the Harmonized Tariff Schedule of the United States of America		Identification of group and quota	Quantity available for 2005 (t)	Maximum quantity per application (t)
	Group (2)	(3)			
(1)				(4)	(5)
16	Not specifically provided for (NSPF)	16 — Tokyo		908,877	363,550
17	Blue Mould	16 — Uruguay		3 446,000	1 378,400
18	Cheddar	17		350,000	140,000
20	Edam/Gouda	18		1 050,000	420,000
21	Italian type	20		1 100,000	440,000
22	Swiss or Emmenthaler cheese other than with eye formation	21		2 025,000	810,000
25	Swiss or Emmenthaler cheese with eye formation	22 — Tokyo		393,006	157,202
		22 — Uruguay		380,000	152,000
		25 — Tokyo		4 003,172	1 601,268
		25 — Uruguay		2 420,000	968,000

ANNEX II

Presentation of information required pursuant to Article 20(2) and (3) of Regulation (EC) No 174/1999

Identification of the United States of America quota group applied for

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1847/2004
 Name of group indicated in column 2 of Annex I to Regulation (EC) No 1847/2004
 Origin of quota: Uruguay Round/Tokyo Round (1)

Identification of the United States of America quota group applied for

Name/address of applicant	Product code of the Combined Nomenclature	Quantity applied for	Is required (2)		Export to the United States of America				Harmonized Tariff Schedule of the USA code	Name/address of designated importer	Importer is subsidiary (3)	
			Yes	No	2001	2002	2003	Average 2001 to 2003			Yes	No
	Total											

(1) Delete where applicable.

(2) In accordance with Article 20(3)(a), second subparagraph, of Regulation (EC) No 174/1999.

(3) Or deemed to be a subsidiary according to Article 20(3) of Regulation (EC) No 174/1999.

ANNEX III

Notification by Member State in accordance with Article 3 of Regulation (EC) No 1847/2004

Identification of the United States of America quota group applied for

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1847/2004
 Name of group indicated in column 2 of Annex I to Regulation (EC) No 1847/2004
 Origin of quota: Uruguay Round/Tokyo Round (1)

No	Name/address of applicant	Product code of the Combined Nomenclature	Quantity applied for	Is required (2)		Export to the United States of America				Harmonized Tariff Schedule of the USA code	Name/address of designated importer	Importer is subsidiary (3)	
				Yes	No	2001	2002	2003	Average 2001 to 2003			Yes	No
1													
		Total											
2													
		Total											
3													
		Total											
4													
		Total											

(1) Delete where applicable.

(2) In accordance to Article 20(3)(a), second subparagraph, of Regulation (EC) No 174/1999.

(3) Or deemed to be a subsidiary according to Article 20(3) of Regulation (EC) No 174/1999.