

English edition

Legislation

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**DECISION No 280/2004/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 11 February 2004
concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Council Decision 93/389/EEC of 24 June 1993 for a monitoring mechanism of Community CO₂ and other greenhouse gas emissions ⁽³⁾ established a mechanism for monitoring anthropogenic greenhouse gas emissions and evaluating progress towards meeting commitments in respect of these emissions. In order to take into account developments on the international level and on the grounds of clarity, it is appropriate for that Decision to be replaced.
- (2) The ultimate objective of the United Nations Framework Convention on Climate Change (UNFCCC), which was approved by Council Decision 94/69/EC ⁽⁴⁾, is to achieve stabilisation of greenhouse gas concentrations in the atmosphere at a level which prevents dangerous anthropogenic interference with the climate system.

- (3) The UNFCCC commits the Community and its Member States to develop, periodically update, publish and report to the Conference of the Parties national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol on substances that deplete the ozone layer (hereinafter greenhouse gases), using comparable methodologies agreed upon by the Conference of the Parties.

- (4) There is a need for thorough monitoring and regular assessment of Community greenhouse gas emissions. The measures taken by the Community and its Member States in the field of climate change policy also need to be analysed in good time.

- (5) Accurate reporting under this Decision at an early stage would allow early determination of emissions levels pursuant to Council Decision 2002/358/EC of 25 April 2002 concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder ⁽⁵⁾, and thereby enable early establishment of eligibility to participate in the Kyoto Protocol's flexible mechanisms.

- (6) The UNFCCC commits all Parties to formulate, implement, publish and regularly update national, and where appropriate, regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases.

- (7) The Kyoto Protocol to the UNFCCC was approved by Decision 2002/358/EC. Article 3(2) of the Kyoto Protocol requires Parties to the Protocol included in Annex I to the UNFCCC to have made demonstrable progress in achieving their commitments under the Protocol by 2005.

⁽¹⁾ OJ C 234, 30.9.2003, p. 51.

⁽²⁾ Opinion of the European Parliament of 21 October 2003 (not yet published in the Official Journal) and Council Decision of 26 January 2004.

⁽³⁾ OJ L 167, 9.7.1993, p. 31. Decision as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁴⁾ OJ L 33, 7.2.1994, p. 11.

⁽⁵⁾ OJ L 130, 15.5.2002, p. 1.

- (8) In accordance with part II, section A, of the Annex to Decision 19/CP.7 of the Conference of the Parties, each Party to the Kyoto Protocol included in Annex I to the UNFCCC is required to establish and maintain a national registry in order to ensure the accurate accounting of the issue, holding, transfer, cancellation and withdrawal of emission reduction units, certified emission reductions, assigned amount units and removal units.
- (9) In accordance with Decision 19/CP.7, each emission reduction unit, certified emission reduction, assigned amount unit and removal unit should be held only in one account at any given time.
- (10) The Community's registry may be used to hold emission reduction units and certified emission reductions generated by projects funded by the Community, thereby providing a stimulus for Community action in third countries to address climate change more widely, and may be maintained in a consolidated system together with Member States' registries.
- (11) The purchase and use of emission reduction units and certified emission reductions by the Community should be subject to further provisions to be adopted by the European Parliament and by the Council on a proposal from the Commission.
- (12) The Community and the Member States have the obligation, under Decision 2002/358/EC, to take the necessary measures to comply with their emission levels determined pursuant to that Decision. Provisions laid down on the use of emission reduction units and certified emission reductions held in the Community's registry should take into account Member States' responsibilities to fulfil their own commitments in accordance with Decision 2002/358/EC.
- (13) The Community and its Member States have made use of Article 4 of the Kyoto Protocol, which allows Parties to the Protocol to meet their emission limitation and reduction commitments jointly. Therefore, it is appropriate to provide for effective cooperation and coordination in relation to obligations under this Decision, including the compilation of the Community greenhouse gas inventory, the evaluation of progress, the preparation of reports, as well as review and compliance procedures enabling the Community to comply with its reporting obligations under the Kyoto Protocol, as laid down in the political agreements and legal decisions taken at the seventh Conference of the Parties to the UNFCCC in Marrakech (hereinafter the Marrakech Accords).
- (14) The Community and the Member States are all Parties to the UNFCCC and the Kyoto Protocol, and are each responsible thereunder for reporting, establishing and accounting for their assigned amounts and establishing and maintaining their eligibility to participate in the Kyoto Protocol's mechanisms.
- (15) In accordance with Decision 19/CP.7, each Party included in Annex I to the UNFCCC should issue a quantity of assigned amount units equivalent to its assigned amount in its national registry, corresponding to its emission levels determined pursuant to Decision 2002/358/EC and the Kyoto Protocol.
- (16) Pursuant to Decision 2002/358/EC, the Community is not to issue assigned amount units.
- (17) The European Environment Agency assists the Commission, as appropriate, with monitoring activities, especially in the ambit of the Community inventory system, and in the analysis by the Commission of progress towards the fulfilment of the commitments under the UNFCCC and the Kyoto Protocol.
- (18) In the light of the role played by the European Environment Agency in compiling the annual Community inventory, it would be appropriate for Member States to design their own national systems in a manner that facilitates the work of the Agency.
- (19) Since the objectives of the proposed action, namely to comply with the Community's commitments under the Kyoto Protocol, in particular the monitoring and reporting requirements laid down therein, cannot, by their very nature, be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (20) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾,

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

HAVE ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision establishes a mechanism for:

- (a) monitoring all anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol on substances that deplete the ozone layer in the Member States;
- (b) evaluating progress towards meeting commitments in respect of these emissions by sources and removals by sinks;
- (c) implementing the UNFCCC and the Kyoto Protocol, as regards national programmes, greenhouse gas inventories, national systems and registries of the Community and its Member States, and the relevant procedures under the Kyoto Protocol; and
- (d) ensuring the timeliness, completeness, accuracy, consistency, comparability and transparency of reporting by the Community and its Member States to the UNFCCC Secretariat.

Article 2

National and Community programmes

1. Member States and the Commission shall devise and implement national programmes and a Community programme respectively, in order to contribute to:

- (a) the fulfilment of the Community's and its Member States' commitments relating to the limitation and/or reduction of all greenhouse gas emissions under the UNFCCC and the Kyoto Protocol; and
- (b) transparent and accurate monitoring of the actual and projected progress made by Member States, including the contribution made by Community measures, in meeting the Community's and its Member States' commitments relating to the limitation and/or reduction of all greenhouse gas emissions under the UNFCCC and the Kyoto Protocol.

These programmes shall include the information referred to in Article 3(2) and shall be updated accordingly.

2. To this effect, the use of joint implementation, the clean development mechanism and international emissions trading shall be supplemental to domestic action, in accordance with the relevant provisions of the Kyoto Protocol and the Marrakech Accords.

3. Member States shall make national programmes and updates thereof available to the public, and within three months of their adoption shall inform the Commission.

At subsequent meetings of the committee referred to in Article 9(1), the Commission shall inform the Member States of any such national programmes and updates thereof that it has received.

Article 3

Reporting by Member States

1. Member States shall, for the assessment of actual progress and to enable the preparation of annual reports by the Community, in accordance with obligations under the UNFCCC and the Kyoto Protocol, determine and report to the Commission by 15 January each year (year X):

- (a) their anthropogenic emissions of greenhouse gases listed in Annex A to the Kyoto Protocol (carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF₆)) during the year before last (year X-2);
- (b) provisional data on their emissions of carbon monoxide (CO), sulphur dioxide (SO₂), nitrogen oxides (NO_x) and volatile organic compounds (VOC) during the year before last (year X-2), together with final data for the year three-years previous (year X-3);
- (c) their anthropogenic greenhouse gas emissions by sources and removals of carbon dioxide by sinks resulting from land-use, land-use change and forestry during the year before last (year X-2);
- (d) information with regard to the accounting of emissions and removals from land-use, land-use change and forestry, in accordance with Article 3(3) and, where a Member State decides to make use of it, Article 3(4) of the Kyoto Protocol, and the relevant decisions thereunder, for the years between 1990 and the year before last (year X-2);
- (e) any changes to the information referred to in points (a) to (d) relating to the years between 1990 and the year three-years previous (year X-3);
- (f) the elements of the national inventory report necessary for the preparation of the Community greenhouse gas inventory report, such as information on the Member State's quality assurance/quality control plan, a general uncertainty evaluation, a general assessment of completeness, and information on recalculations performed;

- (g) information from the national registry, once established, on the issue, acquisition, holding, transfer, cancellation, withdrawal and carryover of assigned amount units, removal units, emission reduction units and certified emission reductions during the previous year (year X-1);
- (h) information on legal entities authorised to participate in mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol, in compliance with relevant national or Community provisions;
- (i) steps taken to improve estimates, for example where areas of the inventory have been subject to adjustments;
- (j) information on indicators for the year before last (year X-2); and
- (k) any changes to the national inventory system.

Member States shall communicate to the Commission, by 15 March each year (year X), their complete national inventory report.

2. Member States shall, for the assessment of projected progress, report to the Commission, by 15 March 2005 and every two years thereafter:

- (a) information on national policies and measures which limit and/or reduce greenhouse gas emissions by sources or enhance removals by sinks, presented on a sectoral basis for each greenhouse gas, including:
 - (i) the objective of policies and measure;
 - (ii) the type of policy instrument;
 - (iii) the status of implementation of the policy or measure;
 - (iv) indicators to monitor and evaluate progress with policies and measures over time, including, *inter alia*, those indicators specified in the implementing provisions adopted pursuant to paragraph 3;
 - (v) quantitative estimates of the effect of policies and measures on emissions by sources and removals by sinks of greenhouse gases between the base year and subsequent years, including 2005, 2010 and 2015, including their economic impacts to the extent feasible; and
 - (vi) the extent to which domestic action actually constitutes a significant element of the efforts undertaken at national level as well as the extent to which the use of joint implementation and the clean development mechanism and international emissions trading, pursuant to Articles 6, 12 and 17 of the Kyoto Protocol, is actually supplemental to domestic actions, in accordance with the relevant provisions of the Kyoto Protocol and the Marrakech Accords;

- (b) national projections of greenhouse gas emissions by sources and their removal by sinks as a minimum for the years 2005, 2010, 2015 and 2020, organised by gas and by sector, including:
 - (i) 'with measures' and 'with additional measures' projections such as mentioned in the guidelines of the UNFCCC and further specified in the implementing provisions adopted pursuant to paragraph 3;
 - (ii) clear identification of the policies and measures included in the projections;
 - (iii) results of sensitivity analysis performed for the projections; and
 - (iv) descriptions of methodologies, models, underlying assumptions and key input and output parameters.
- (c) information on measures being taken or planned for the implementation of relevant Community legislation and policies, and information on legal and institutional steps to prepare to implement commitments under the Kyoto Protocol and information on arrangements for, and national implementation of, compliance and enforcement procedures;
- (d) information on institutional and financial arrangements and decision making procedures to coordinate and support activities related to participation in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol, including the participation of legal entities.

3. Implementing provisions for the reporting of the information referred to in paragraphs 1 and 2 shall be adopted in accordance with the procedure referred to in Article 9(2).

These implementing provisions may be revised, as appropriate, taking into account decisions taken under the UNFCCC and the Kyoto Protocol.

Article 4

Community inventory system

1. The Commission shall, in cooperation with the Member States, annually compile a Community greenhouse gas inventory and a Community greenhouse gas inventory report, circulate these in draft to the Member States by 28 February, and publish and submit them to the UNFCCC Secretariat by 15 April each year. Estimates for data missing from a national inventory shall be included in accordance with implementing provisions adopted pursuant to paragraph 2(b), unless updated data are received from Member States by 15 March of that year at the latest.

2. The Commission shall, in accordance with the procedure referred to in Article 9(2), and taking into account the national systems of the Member States, adopt by 30 June 2006 at the latest, a Community inventory system for ensuring the accuracy, comparability, consistency, completeness and timeliness of national inventories with regard to the Community greenhouse gas inventory.

This system shall provide for:

(a) a quality assurance/quality control programme including the establishment of quality objectives and an inventory quality assurance and quality control plan. The Commission shall provide assistance to Member States for the implementation of quality assurance/quality control programmes; and

(b) a procedure for the estimation of data missing from a national inventory, including consultation with the Member State concerned.

3. The European Environment Agency shall provide assistance to the Commission for the implementation of paragraphs 1 and 2 as appropriate, *inter alia*, by conducting studies and compiling data, in accordance with its annual work programme.

4. Member States shall, as early as possible and in any case by 31 December 2005 at the latest, establish national inventory systems under the Kyoto Protocol for the estimation of anthropogenic emissions of greenhouse gases by sources and removals of carbon dioxide by sinks.

Article 5

Evaluation of progress and reporting

1. The Commission shall assess annually, in consultation with Member States, the progress of the Community and its Member States towards fulfilling their commitments under the UNFCCC and the Kyoto Protocol as set out in Decision 2002/358/EC, in order to evaluate whether progress is sufficient to fulfil these commitments.

This assessment shall take into account progress in Community policies and measures and information submitted by Member States in accordance with Article 3 and Article 6(2) of this Decision and with Article 21 of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community⁽¹⁾.

Every two years, the assessment shall also include the projected progress of the Community and its Member States towards fulfilling their commitments under the UNFCCC and the Kyoto Protocol.

2. On the basis of the assessment referred to in paragraph 1, the Commission shall submit annually a report to the European Parliament and the Council.

This report shall contain sections on actual and projected emissions by sources and removals by sinks, policies and measures and on the use of mechanisms pursuant to Articles 6, 12 and 17 of the Kyoto Protocol.

3. The Commission shall prepare a report on the demonstration of progress achieved by 2005 by the Community, taking into account updated information on emission projections submitted by Member States not later than 15 June 2005, in accordance with the implementing provisions adopted pursuant to Article 3(3), and submit this to the UNFCCC Secretariat by 1 January 2006 at the latest.

4. Each Member State shall prepare a report on the demonstration of progress achieved by 2005 by that Member State, taking into account information submitted in accordance with the implementing provisions adopted pursuant to Article 3(3), and submit this to the UNFCCC Secretariat by 1 January 2006 at the latest.

5. The Community and each Member State shall submit a report to the UNFCCC Secretariat on the additional period set in the Marrakech Accords for fulfilling commitments upon the expiry of that period.

6. In accordance with the procedure referred to in Article 9(2), the Commission may adopt provisions containing requirements for reporting on the demonstration of progress as required by Article 3(2) of the Kyoto Protocol and for reporting in relation to the additional period set in the Marrakech Accords for fulfilling commitments.

7. The European Environment Agency shall provide assistance to the Commission for the implementation of paragraphs 1, 2 and 3 as appropriate, in accordance with its annual work programme.

Article 6

National registries

1. The Community and its Member States shall establish and maintain registries in order to ensure the accurate accounting of the issue, holding, transfer, acquisition, cancellation and withdrawal of assigned amount units, removal units, emission reduction units and certified emission reductions and the carry-over of assigned amount units, emission reduction units and certified emission reductions. These registries shall incorporate registries established pursuant to Article 19 of Directive 2003/87/EC, in accordance with provisions adopted in accordance with the procedure referred to in Article 9(2) of this Decision.

The Community and Member States may maintain their registries in a consolidated system, together with one or more other Member States.

2. The elements referred to in the first sentence of paragraph 1 shall be made available to the central administrator designated under Article 20 of Directive 2003/87/EC.

⁽¹⁾ OJ L 275, 25.10.2003, p. 32.

*Article 7***Assigned amount**

1. The Community and each Member State shall, by 31 December 2006 at the latest, each submit a report to the UNFCCC Secretariat determining their assigned amount as equal to their respective emission levels determined pursuant to the first paragraph of Article 3 of Decision 2002/358/EC and the Kyoto Protocol. Member States and the Community shall endeavour to submit their reports simultaneously.

2. Member States shall, following the completion of the review of their national inventories under the Kyoto Protocol for each year of the Kyoto Protocol's first commitment period, including the resolution of any questions of implementation, forthwith withdraw assigned amount units, removal units, emission reduction units and certified emission reductions equivalent to their net emissions during that year.

In respect of the last year of the commitment period, retirement shall take place prior to the end of the additional period set in the Marrakech Accords for fulfilling commitments.

3. Member States shall issue assigned amount units in their national registries corresponding to their emission levels determined pursuant to Decision 2002/358/EC and the Kyoto Protocol.

*Article 8***Procedures under the Kyoto Protocol**

1. Member States and the Community shall ensure full and effective cooperation and coordination with each other in relation to obligations under this Decision concerning:

- (a) the compilation of the Community greenhouse gas inventory and the Community greenhouse gas inventory report, pursuant to Article 4(1);
- (b) the review and compliance procedures under the Kyoto Protocol in accordance with the relevant decisions thereunder;
- (c) any adjustments under the UNFCCC review process or other changes to inventories and inventory reports submitted, or to be submitted, to the UNFCCC Secretariat;
- (d) the preparation of the Community's report and the Member States' reports on the demonstration of progress by 2005 pursuant to Article 5(3) and (4);
- (e) the preparation and submission of the report referred to in Article 7(1); and
- (f) reporting in relation to the additional period set in the Marrakech Accords for fulfilling commitments pursuant to Article 5(5) and (6).

2. Member States shall submit national inventories to the UNFCCC Secretariat by 15 April each year containing information identical to that submitted in accordance with Article 3(1), unless information removing any inconsistencies or gaps has been provided to the Commission by 15 March of that year at the latest.

3. The Commission may, in accordance with the procedure referred to in Article 9(2), lay down procedures and time scales for such cooperation and coordination.

*Article 9***Committee**

1. The Commission shall be assisted by a 'Climate Change Committee'.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Climate Change Committee shall adopt its Rules of Procedure.

*Article 10***Further measures**

Following the submission of the report on the demonstration of progress by 2005, in accordance with Article 5(3), the Commission shall forthwith review the extent to which the Community and its Member States are making progress towards their emission levels, determined in accordance with Decision 2002/358/EC and the Kyoto Protocol, and the extent to which they are meeting their commitments under the Kyoto Protocol. In the light of this assessment, the Commission may make proposals, as appropriate, to the European Parliament and the Council to ensure that the Community and its Member States comply with their emission levels and that all their commitments under the Kyoto Protocol are met.

*Article 11***Repeal**

Decision 93/389/EEC is hereby repealed.

Any references made to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in the Annex.

*Article 12***Addressees**

This Decision is addressed to the Member States.

Done at Strasbourg, 11 February 2004.

For the European Parliament

The President

P. COX

For the Council

The President

M. McDOWELL

ANNEX

Correlation table

Decision 93/389/EEC	This Decision
Article 1	Article 1
Article 2(1) Article 2(2)	Article 2(1) Article 2(1) and Article 3(2)
Article 3(1) Article 3(2) Article 3(3)	Article 3(1) and Article 3(3) Article 3(1) and Article 4(2) Article 4(1)
Article 4	Article 3(2), Article 3(3), Article 5(1)
—	Article 4(3)
Article 5(1) and (2) Article 5(3) Article 5(4)	Article 2(3) Article 5(1) Article 5(2)
—	Article 5(3)
Article 6	Article 5(1)
Article 7	—
—	Article 6
—	Article 7
—	Article 8
Article 8	Article 9
—	Article 10
—	Article 11
Article 9	Article 12

COMMISSION REGULATION (EC) No 281/2004
of 18 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 19 February 2004.

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

Done at Brussels, 18 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 18 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	89,9	
	204	35,8	
	212	114,0	
	624	109,5	
	999	87,3	
0707 00 05	052	147,6	
	204	35,4	
	999	91,5	
0709 90 70	052	90,2	
	204	74,0	
	999	82,1	
0805 10 10, 0805 10 30, 0805 10 50	052	45,4	
	204	45,7	
	212	53,7	
	220	40,8	
	600	41,4	
	624	55,7	
	999	47,1	
0805 20 10	204	99,8	
	999	99,8	
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,1	
	204	108,8	
	220	74,5	
	400	58,9	
	464	78,4	
	600	67,6	
	624	77,3	
	999	76,7	
	0805 50 10	600	65,3
999		65,3	
0808 10 20, 0808 10 50, 0808 10 90	052	65,0	
	060	43,1	
	400	91,7	
	404	90,1	
	512	86,0	
	524	85,9	
	528	95,8	
	720	83,2	
	999	80,1	
	0808 20 50	060	63,8
		388	82,7
400		88,5	
512		67,1	
528		83,8	
720		45,5	
800		77,5	
999	72,7		

⁽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 282/2004

of 18 February 2004

introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 3(2) and Article 7(2) thereof,

Whereas:

- (1) The prior notification of the arrival of animals from third countries requires, in the interests of smooth operations at the border inspection posts, the adoption of a formal document containing the information relevant to the customs declaration.
- (2) The procedures for the declaration of, and veterinary checks on, animals at the border must be harmonised with the procedures applicable to products of animal origin.
- (3) As part of this harmonisation the definition of the person responsible for the load as laid down in Article 2(2)(e) of Council Directive 97/78/EC ⁽²⁾ should be used.
- (4) The development of the integrated computerised veterinary system Traces, provided for by Commission Decision 2003/623/EC ⁽³⁾, involves the standardisation of documents relating to the declaration and checks so that the data gathered can be properly managed and processed in order to improve health safety in the Community.
- (5) The provisions of Commission Decision 92/527/EEC of 4 November 1992 laying down the model for the certificate referred to in Article 7(1) of Directive 91/496/EEC ⁽⁴⁾ should accordingly be updated and Decision 92/527/EEC repealed.
- (6) Since the border inspection posts between the existing Member States and the new Member States are to be abolished upon accession, a transitional measure should be adopted to save them having to introduce new administrative procedures for one month.

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

HAS ADOPTED THIS REGULATION:

Article 1

Notification of arrival of animals by means of the common veterinary entry document

1. Where any animal referred to in Directive 91/496/EEC enters the Community from a third country, the person responsible for the load within the meaning of Article 2(2)(e) of Directive 97/78/EC shall give notice of such entry at least one working day before the expected arrival of the animal(s) on Community territory. Such notification shall be made to the inspection staff of the border inspection post using a document drawn up in accordance with the model common veterinary entry document (CVED) set out in Annex I.
2. The CVED shall be issued in accordance with the general rules of certification laid down in relevant Community legislation.
3. The CVED shall consist of an original and as many copies as required by the competent authority to comply with this Regulation. The person responsible for the load shall complete part 1 of the requisite number of copies of the CVED and transmit them to the official veterinarian responsible for the border inspection post.
4. Without prejudice to paragraphs 1 and 3, the information contained in the document may, with the agreement of the competent authorities of the Member State concerned by the consignment, be the subject of prior notification via a telecommunications system or other data transmission system. Where this is the case, the information transmitted in electronic form must be exactly the same as required in part 1 of the model CVED.

Article 2

Veterinary checks

Veterinary checks and laboratory analyses shall be carried out in accordance with Commission Decision 97/794/EC ⁽⁵⁾.

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 96/43/EC (OJ L 162, 1.7.1996, p. 1).

⁽²⁾ OJ L 24, 30.1.1998, p. 9.

⁽³⁾ OJ L 216, 28.8.2003, p. 58.

⁽⁴⁾ OJ L 332, 18.11.1992, p. 22.

⁽⁵⁾ OJ L 323, 26.11.1997, p. 31.

*Article 3***Procedures to be followed after veterinary checks have been completed**

1. After completion of the veterinary checks specified in Article 4 of Directive 91/496/EEC, part 2 of the CVED shall be completed under the responsibility of the official veterinarian responsible for the border inspection post and shall be signed by him/her or by another official veterinarian operating under his/her authority.

Where importation is refused, the box 'details of reconsignment' in part 3 of the CVED shall be completed as soon as the relevant information is known. That information shall be entered in the information exchange system referred to in Article 20 of Council Directive 90/425/EEC ⁽¹⁾.

2. The original of the CVED shall consist of parts 1 and 2, duly completed and signed.

3. The official veterinarian, the importer or the person responsible for the load shall then notify the customs authorities for the border inspection post of the veterinary decision taken on the consignment, by presenting the original of the CVED, or by sending it electronically.

4. Where the veterinary decision is favourable and the customs authorities have agreed, the original of the CVED shall accompany the animals to the destination specified on the document.

5. A copy of the CVED shall be kept by the official veterinarian at the border inspection post.

6. A copy of the CVED and, where appropriate, in accordance with Article 7 of Directive 91/496/EEC, a copy of the veterinary import certification, shall be given to the importer or the person responsible for the load.

7. The official veterinarian shall keep the original of the veterinary certification or documentation accompanying the animals, as well as a copy of the CVED, for at least three years. However, for animals in transit or being transhipped, whose final destination is outside the Community, the original veterinary document accompanying the animals on arrival shall travel onwards with them and copies only shall be kept at the border inspection post.

*Article 4***Procedures to be followed for animals under customs control or subject to special monitoring**

For animals entering the Community which are exempt from the obligation to undergo identity and/or physical checks pursuant to Article 4(3) or Article 8(A)(I)(b)(ii) of Directive 91/

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

496/EEC, where the documentary check is satisfactory, the official veterinarian at the border inspection post of entry into the Community shall notify the official veterinarian at the border inspection post of the place of destination. Such notification shall be made by means of the information exchange system referred to in Article 20 of Directive 90/425/EEC. The official veterinarian at the border inspection post of destination shall issue a CVED including the final veterinary decision on acceptance of the animals. Where consignments fail to arrive or there is a quantitative or qualitative mismatch, the competent authority responsible for the border inspection post of destination shall complete part 3 of the CVED.

In the case of transit the person responsible for the load shall present the consignment to the official veterinarian at the border inspection post of exit. Official veterinarians at border inspection posts notified of transiting animals travelling to destinations in a third country on exit from the Community shall complete part 3 of the CVED. They shall inform the official veterinarian at the border inspection post at which the animals in transit entered the Community by means of the CVED.

Official veterinarians of the competent authority at the place of destination notified of the arrival of animals destined for a slaughterhouse, an approved quarantine station within the meaning of Commission Decision 2000/666/EC ⁽²⁾ or an officially approved body, institute or centre within the meaning of Council Directive 92/65/EEC ⁽³⁾ located in their area of responsibility shall complete part 3 of the CVED in cases where the consignment fails to arrive or there is a quantitative or qualitative mismatch.

*Article 5***Coordination between competent authorities responsible for checks**

To ensure that all animals entering the Community are subjected to veterinary checks, the competent authority and the official veterinarians of each Member State shall work in coordination with the other inspection services to gather together all information relevant to imports of animals. This shall include in particular the following information:

- (a) information available to the customs services;
- (b) information in the manifests of ships, trains or aeroplanes;
- (c) other information sources accessible to road, rail, port or airport operators.

⁽²⁾ OJ L 278, 31.10.2000, p. 26.

⁽³⁾ OJ L 268, 14.9.1992, p. 54.

*Article 6***Access to databases and participation in information systems**

To achieve the objective laid down in Article 5, the Member States' competent authorities and customs services shall organise the mutual exchange of data contained in their respective data bases. The information technology systems used by the competent authority shall, as far as possible and subject to appropriate data security, be coordinated with those of the customs services, and with those of commercial operators, so as to speed up the transfer of information.

*Article 7***Use of electronic certification**

The production, use, transmission, and storage of CVEDs may be done by electronic means in agreement with the competent authority.

Information shall be transmitted between competent authorities by means of the information exchange system referred to in Article 20 of Directive 90/425/EEC.

*Article 8***Transitional measures**

This Regulation shall apply only until 1 May 2004 to the border inspection posts listed in Annex II which are due to be abolished upon the accession of Hungary, Poland, the Czech Republic, Slovakia and Slovenia.

*Article 9***Repeal**

Decision 92/527/EEC is hereby repealed.

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

*Article 10***Entry into force**

This Regulation shall enter into force on 31 March 2004.

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

Done at Brussels, 18 February 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Part 1: Details of consignment presented	1. Consignor / Exporter <input type="checkbox"/> Name Address Country + ISO code		2. CVED reference number	
			Border Inspection Post	
			Unit number	
	3. Consignee Name Address Postal code Country + ISO code		4. Person responsible for the consignment Name Address	
			5. Country of origin + ISO code	6. Region of origin Code
	7. Importer Name Address Postal code Country + ISO code		8. Place of destination Name Approval number Address Postal code Country + ISO code	
	9. Arrival at BIP (estimated date and time) Date Time		10. Veterinary documents Number Date of issue Accompanying document(s) Number(s)	
	11. Means of transport: Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification: Documentary references:			
	12. Animal species, breed		13. Commodity code (CN code)	
			14. Number of animals	
		15. Number of packages		
16. Animals certified as: Breeding/production <input type="checkbox"/> Fattening <input type="checkbox"/> Slaughter <input type="checkbox"/> Approved bodies <input type="checkbox"/> Pets <input type="checkbox"/> Other <input type="checkbox"/> Quarantine <input type="checkbox"/> Registered equidae <input type="checkbox"/> Relaying <input type="checkbox"/> Circus/exhibition <input type="checkbox"/>				
17. Seal number and container numbers				
18. For transhipment to <input type="text"/> BIP BIP unit no: 3rd country 3rd country ISO code:		19. For transit to 3rd country <input type="text"/> To 3rd country + ISO code Exit BIP: BIP unit no:		
20. For import or admission Definitive import <input type="text"/> Horses re-entry <input type="text"/> Temporary admission horses <input type="text"/> Exit date Exit point		21. Transiting Member States <input type="text"/> Member State + ISO code Member State + ISO code Member State + ISO code		
22. Means of transport after border inspection post Railway wagon <input type="text"/> Registered No Aeroplane <input type="text"/> Flight No Ship <input type="text"/> Name Road vehicle <input type="text"/> Plate No Other <input type="text"/>		23. Transporter Name Approval number Address Postal code Country		
25. Declaration I, the undersigned person responsible for the load detailed above, certify that to the best of my knowledge and belief the statements made in Part 1 of this document are true and complete and I agree to comply with the legal requirements		24. Route plan Yes <input type="text"/> No <input type="text"/>		
		Place and date of declaration Name of signatory Signature		

Part 2: Decision on consignment	26. Documentary check: <input type="checkbox"/> EU standard Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/> Additional guarantees Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/> National requirements Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>	27. CVED Reference Number: _____ 28. Identity check: Derogation <input type="checkbox"/> Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>
	29. Physical check: Derogation <input type="checkbox"/> Total animals checked <input type="checkbox"/> Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>	30. Laboratory tests: No <input type="checkbox"/> Yes <input type="checkbox"/> Tested for: Random <input type="checkbox"/> Suspicion <input type="checkbox"/> Results: Pending <input type="checkbox"/> Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>
	31. Welfare check: Derogation <input type="checkbox"/> upon arrival Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>	32. Impact of the transport on animals Number of dead animals <input type="checkbox"/> Estimation <input type="checkbox"/> Number of unfit animals <input type="checkbox"/> Estimation <input type="checkbox"/> Number of birth or abortion <input type="checkbox"/>
	33. ACCEPTABLE for Transhipment: <input type="checkbox"/> BIP <input type="checkbox"/> BIP unit no: _____ 3rd country <input type="checkbox"/> 3rd country ISO code: _____	34. ACCEPTABLE for Transit Procedure <input type="checkbox"/> To 3rd country + ISO code Exit BIP: BIP unit no: _____
	35. ACCEPTABLE for definitive import <input type="checkbox"/> For controlled destination Slaughter <input type="checkbox"/> Approved bodies <input type="checkbox"/> Quarantine <input type="checkbox"/>	36. ACCEPTABLE for temporary admission <input type="checkbox"/> Deadline _____
	38. NOT ACCEPTABLE <input type="checkbox"/> 1. Re-dispatching <input type="checkbox"/> 2. Slaughter <input type="checkbox"/> 3. Euthanasia <input type="checkbox"/>	37. Reason for refusal 1. Absence/Invalid certificate <input type="checkbox"/> 2. Mismatch with documents <input type="checkbox"/> 3. Non-approved country <input type="checkbox"/> 4. Non-approved region <input type="checkbox"/> 5. Prohibited species <input type="checkbox"/> 6. Absence of additional guarantees <input type="checkbox"/> 7. Safeguard clause <input type="checkbox"/> 8. Diseased or suspect animals <input type="checkbox"/> 9. Non-satisfactory tests <input type="checkbox"/> 10. Unfit to travel <input type="checkbox"/> 11. Absence of national requirements <input type="checkbox"/> 12. Infringement of international transportation regulation <input type="checkbox"/> 13. Absence or non-legal identification <input type="checkbox"/> 14. Other <input type="checkbox"/>
	39. Details of Controlled Destinations (35,36,38) Approval no (where relevant): _____ Address: _____ Postal code: _____	
	40. Consignment resealed New seal no: _____	
	41. Full identification of border inspection post and official stamp BIP _____ Stamp _____ BIP unit no: _____	42. Official Veterinarian I the undersigned official veterinarian for the BIP, certify that the veterinary checks on the consignment have been carried out in accordance with EU requirements and if needed in accordance with the national requirements of the Member States of destination Name (in capitals): _____ Date: _____ Signature: _____
	43. Customs Document Reference: _____	

Part 3: Control	44. Details on re-dispatching: Means of transport no: Railway wagon <input type="checkbox"/> Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Road vehicle <input type="checkbox"/> Country of destination: _____ + ISO code Date: _____
	45. Follow-up Exit BIP: <input type="checkbox"/> Final destination BIP <input type="checkbox"/> Local Veterinary Unit <input type="checkbox"/> Arrival of the consignment Yes <input type="checkbox"/> No <input type="checkbox"/> Correspondence of the consignment Yes <input type="checkbox"/> No <input type="checkbox"/>
	46. Official veterinarian Name (in capitals): _____ Address: _____ Unit number _____ Date: _____ Stamp _____ Signature: _____

Notes for guidance on the common veterinary entry document (CVED ⁽¹⁾) for live animals from third countries entering the European Union or the European Economic Area

General: Please complete the certificate in capitals. To confirm an option, tick the box or mark with a cross (X).

A separate document must be completed for each consignment presented at a border inspection post, whether the consignment is presented as meeting EU requirements and intended for free circulation, a consignment that is to go to a controlled destination or a consignment for transshipment or transit.

'ISO codes' means the international standard two-letter code for a country.

Part 1

This part must be completed by the importer or the person responsible for the load. Prior notification must be given at least one working day before the arrival of the animals on Community territory in accordance with Article 3(1)(a) of Directive 91/496/EEC. For this purpose boxes 5, 9, 11, 12, 13, 14, 16 and one or other of boxes 18, 19 or 20 must be completed.

- Box 1. Consignor/exporter: Give the name of the commercial organisation dispatching the consignment (in the third country).
- Box 2. Border inspection post. If this information is not pre-printed on the document, please complete. The CVED reference number is the unique reference number entered by the border inspection post issuing the certificate (also appears in box 27). The unit number is unique to the border inspection post and is listed against its name on the list of approved border inspection posts published in the Official Journal.
- Box 3. Consignee: Indicate the address of the person or commercial organisation given on the third-country certificate. All these details are compulsory.
- Box 4. Person responsible for the load (including their agent or declarant): This is the person who is in charge of the consignment when presented at the border inspection post and who makes the necessary declarations to the competent authorities on behalf of the importer: give the name and address. This person is required to notify the border inspection post in accordance with Article 3(1)(a) of Directive 91/496/EEC. If the person responsible for the load and the consignee are the same person, indicate 'see box 3'.
- Box 5. Country of origin: This means the country in which the animals spent the requisite period (three months in the case of cattle, pigs, sheep, goats and equidae intended for slaughter; breeding, store or registered equidae, and poultry; six months in the case of breeding and store cattle and pigs; sheep and goats for breeding, store or fattening).
- For horses re-entering, 'country of origin' means the country from which they were last consigned.
- Box 6. Region in which the animals spent the same period as specified for the country: this is a requirement only for those countries which are divided into regions and for which imports are authorised only from one or more parts of the country concerned. The regional codes are given in the relevant rules.
- Box 7. Importer: The importer may be remote from the border inspection post: give the name and address. If the importer and person responsible for the load are the same, indicate 'see box 4'.
- Box 8. Place of destination: place to where the animals are being taken for final unloading (i.e. not counting staging points) and kept in accordance with the current rules. Give the name, country, address and post code. If the place of destination is the same as the location of the consignee, indicate as the name and address 'see box 3'.
- Box 9. Give the date and time when consignments are expected to arrive at the border inspection post. Importers or their representatives are required (pursuant to Article 3(1)(a) of Directive 91/496/EEC) to give one working day's notice to the veterinary staff of the border inspection post where the animals are to be presented, specifying the number, nature and expected time of arrival of the animals.
- Box 10. Veterinary certificate/document: Date of issue: The date that the certificate/document was signed by the official veterinarian or the competent authority. Number: give the unique official number of the certificate. Accompanying documents: this mainly concerns certain types of horses (horse passport), zootechnical documents or CITES permits.

⁽¹⁾ The notes for guidance may be printed and distributed separately from the certificate itself.

- Box 11. Give details of the means of transport upon arrival:
The mode of transport (air, maritime, rail, road).
Identification of the means of transport: for transport by air, the flight number; for maritime transport, the name of the vessel; for rail transport, the number of the train and the wagon and for road transport, the registration number of the road vehicle and the number of the trailer where used.
Commercial document reference: the airway bill number, the bill of lading number or the commercial number of the train or road vehicle.
- Box 12. Species: state the species of animal by giving the common name and breed where appropriate. For non-domestic animals (in particular those destined for zoos, exhibitions or research institutes) give the scientific name.
- Box 13. CN code: Give as a minimum the first four digits of the relevant Combined Nomenclature (CN) code, established by Council Regulation (EEC) No 2658/87 ⁽¹⁾, as last amended.
- Box 14. Number of animals: the number or weight in kg as stated on the veterinary certificate or other documents.
- Box 15. Number of packages: give the number of boxes, cages or stalls in which the animals are being transported.
- Box 16. Animals certified as: as indicated on the certificate in accordance with the rules laid down.
'Body approved pursuant to Directive 92/65/EEC' means an officially recognised body, institute or centre. 'Quarantine' refers to Decision 2000/666/EC for birds and Directive 92/65/EC for birds and cats and dogs. 'Relaying' applies to molluscs. 'Other' means for purposes not listed elsewhere in this classification.
- Box 17. Give all seal and container identification numbers where relevant.
- Box 18. For transshipment:
Use this box, in accordance with Article 4(3) of Directive 91/496/EEC, where a consignment is not to be imported at this border inspection post and the animals are continuing their journey by sea or by air on the same vessel or the same aircraft, to another border inspection post for import into the European Union or the European Economic Area. Unit number — see Box 2.
This box may also be used where animals arrive in the European Union or the European Economic Area from a third country on their way to another third country on board the same aircraft or maritime vessel.
- Box 19. For transit: this means transit through the EU/EEA of animals from a third country and destined for another third country in accordance with Article 9 of Directive 91/496/EEC. Give the ISO code of the third country of destination.
Exit BIP: Name of the border inspection post where the animals are to leave the EU.
- Box 20. For import or temporary admission
Re-entry applies only to registered horses for racing, competition and cultural events after temporary export (Commission Decision 93/195/EEC ⁽²⁾).
Temporary admission applies only to registered horses, for a maximum period of 90 days. Indicate the point and date of exit.
- Box 21. Transit Member States: Additional information: give the name(s) of the Member State(s) of the EU or the EEA irrespective of destination: import into or transit to a third country.
- Box 22. Means of transport: state the mode of transport to be used after the consignment has passed through the BIP and give details.
'Other' means modes of transport not covered by Directive 91/628/EEC which deals with the welfare of animals during transport.
- Box 23. Transporter: in accordance with animal welfare rules, give the transporter's approval number and in the case of air transport please ensure that the company is a member of IATA.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 86, 6.4.1993, p. 1.

- Box 24. Route plan: state whether a route plan is presented to accompany the animals in accordance with the requirements of Directive 91/628/EEC.
- Box 25. Signature: This commits the signatory also to accepting back consignments in transit that are refused entry by a third country.

Part 2

This section must be completed only by the official veterinarian of the border inspection post.

- Box 26. Documentary check. To be completed for all consignments. This also includes checking compliance with the additional guarantees (which will be listed) for some Member States and, as regards species not listed in Annex A to Directive 90/425/EEC, this includes compliance with national requirements regardless of the final destination. The documentation required for this check will be provided by the importer or the importer's representative. Non-compliance with an additional guarantee requirement or with a national requirement means that the consignment is not satisfactory.
- Box 27. This refers to the unique reference number of the border inspection post issuing the certificate, see Box 2).
- Box 28. Identity check: compare with the original certificates and documents.
- Derogation: tick box where animals are being transhipped from one BIP to another and will not have undergone an identity check pursuant to Article 4(3) of Directive 91/496/EEC.
- Box 29. Physical checks: these refer to the results of the clinical examination undertaken, mortality and morbidity in the consignment.
- Derogation: tick this box where animals are being transhipped from one BIP to another and will not have undergone a physical check pursuant to Article 4(3) of Directive 91/496/EEC. This box must also be used for species of animal not listed in Annex A to Directive 90/425/EEC imported at a BIP of a Member State which is not the final destination and for which the physical checks must be carried out at the place of final destination in accordance with Article 8(A)(1)(b)(ii) of Directive 91/496/EEC.
- Box 30. Laboratory testing:
- Tested for: State the category of substance or pathogen for which an investigation procedure is undertaken.
- 'On a random basis' indicates monthly sampling pursuant to Decision 97/794/EC.
- 'Based on suspicions' includes cases where animals are suspected of having a disease or show signs of disease or are tested under safeguard clauses in force.
- Pending: tick if the animals have not been dispatched pending results.
- Box 31. Welfare check: describe the transport conditions and the welfare status of the animals on arrival.
- Derogation: tick this box where animals are being transhipped from one BIP to another and will not have undergone a welfare check.
- Box 32. Impact of transport on the animals: state how many animals have died, how many are unfit to travel and how many females gave birth or miscarried during transport. In the case of animals consigned in large numbers (day-old chicks, fish, molluscs, etc.) give an estimate of the number of dead or unfit animals as appropriate.
- Box 33. Acceptable for transhipment: Complete where relevant to indicate acceptability for transhipment as defined in box 18.
- Box 34. Acceptable for transit procedure: complete by indicating transit Member States in accordance with the route plan where appropriate.
- Box 35. Acceptable for internal market: complete as appropriate if the animals are being sent to a controlled destination (slaughterhouse, officially approved body or quarantine as defined in Box 16) authorised for import on special conditions.

- Box 36. Acceptable for temporary admission: this box applies only to registered horses. They are authorised to remain on EU/EEA territory only until the date specified in Box 20, which may not be more than 90 days.
- Box 37. Reasons for refusal: complete as appropriate to add relevant information. Tick the appropriate box.

'Absence of/invalid certificate' refers to import licences or transit documents required by third countries or Member States.
- Box 38. Not acceptable: use this box for consignments which do not meet EU requirements or which are suspect.

Where import is refused, indicate clearly the procedure to be followed. 'Slaughter' means that the meat from the animals could go for human consumption if passed on inspection. 'Euthanasia' means destruction or elimination of the animals and their meat cannot be allowed to go for human consumption.
- Box 39. Details of controlled destinations: Give the approval number and address including postcode for all destinations where an additional veterinary check is required. This applies to Boxes 35, 36 and 38. For Box 36 only give the address of the first establishment. For sensitive bodies which must remain anonymous give the number assigned to them but no address.
- Box 40. Consignment resealed: Use this box when the original seal recorded on a consignment is destroyed on opening the container. A consolidated list of all seals that have been used for this purpose should be kept.
- Box 41. Official stamp of the border inspection post or competent authority.
- Box 42. Signature of official veterinarian.
- Box 43. For use by customs services to add relevant information (e.g. the number of the T1 or T5 customs certificate) where consignments remain under customs control for a period. This information is normally added after signature by the veterinarian.

Part 3

Control: this part must be completed by an official veterinarian responsible for reconsignment or supervision of a controlled destination (BIP, approved body, local veterinary unit).

- Box 44. Details of reconsignment: the BIP of entry must indicate the mode of transport used, its identification and the country and date of reconsignment as soon as this information is known.
- Box 45. Follow-up: this part and the relevant parts of the document are also to be completed where animals of species not listed in Annex A to Directive 90/425/EEC are transhipped or imported, for which the physical check has not been carried out at the BIP of entry. This part also has to be completed by the BIP of exit in the case of animals in transit from one third country to another and by the competent local veterinary units in the event of non-arrival of the animals expected or if the consignment does not match the documentation in terms of quantity or quality.
- Box 46. See Box 42.
-

ANNEX II

País: Alemania — Land: Tyskland — Land: Deutschland — Χώρα: Γερμανία — Country: Germany — Pays: Allemagne — Paese: Germania — Land: Duitsland — País: Alemanha — Maa: Saksa — Land: Tyskland

1	2	3	4	5	6
Dresden Friedrichstadt	0153499	F		HC, NHC	
Forst	0150399	R		HC, NHC-NT	U, E, O
Frankfurt/Oder	0150499	F		HC, NHC	
Frankfurt/Oder	0150499	R		HC, NHC	U, E, O
Furth im Wald-Schafberg	0149399	R		HC, NHC	U, E, O
Ludwigsdorf Autobahn	0152399	R		HC, NHC	U, E, O
Pomellen	0151299	R		HC, NHC-T(FR), NHC-NT	U, E, O
Schirnding-Landstraße	0149799	R		HC, NHC	O
Waidhaus	0150099	R		HC, NHC	U, E, O
Zinnwald	0152599	R		HC, NHC	U, E, O

País: Italia — Land: Italien — Land: Italien — Χώρα: Ιταλία — Country: Italy — Pays: Italie — Paese: Italia — Land: Italië — País: Itália — Maa: Italia — Land: Italien

1	2	3	4	5	6
Gorizia	0301199	R		HC, NHC	U, E, O
Prosecco-Fernetti	0302399	R	Prodotti HC	HC	
			Prodotti NHC	NHC	
			Altri Animali		O
			Tomaso Prioglio Spa		U, E

País: Austria — Land: Østrig — Land: Österreich — Χώρα: Αυστρία — Country: Austria — Pays: Autriche — Paese: Austria — Land: Oostenrijk — País: Austria — Maa: Itävalta — Land: Österrike

1	2	3	4	5	6
Berg	1300199	R		HC, NHC	U, E, O
Deutschkreutz	1300399	R		HC(2), NHC-NT	E, O, U(13)
Drasenhofen	1300499	R		HC, NHC	U, E, O
Heiligenkreuz	1300299	R		HC(2), NHC, (18)	
Hohenau	1300799	F			U
Karawankentunnel	1300899	R		HC(2), NHC-NT	E, O, U(13)
Nickelsdorf	1301099	R		HC, NHC	U, E, O
Sopron	1301199	F		HC(2), NHC-NT	
Spielfeld	1301299	R		HC, NHC	U, E, O

1	2	3	4	5	6
Villach-Süd	1301499	F		HC-NT, NHC-NT	
Wien-ZB-Kledering	1300599	F		HC(2), NHC-NT	
Wulowitz	1301699	F		NHC-NT(6)	
Wulowitz	1301699	R		HC, NHC-NT	E, O, U(13)
Berg	1300199	R		HC, NHC	U, E, O

COMMISSION REGULATION (EC) No 283/2004
of 18 February 2004

initiating an investigation concerning the possible circumvention of countervailing measures imposed by Council Regulation (EC) No 2597/1999 on imports of polyethylene terephthalate (PET) film originating in India by imports of polyethylene terephthalate (PET) film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

D. GROUNDS

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 1973/2002⁽²⁾, (the basic Regulation), and in particular Article 23(2) and Article 24(3) and (5) thereof,

After having consulted the Advisory Committee,

Whereas:

A. REQUEST

- (1) The Commission has received a request pursuant to Article 23(2) of the basic Regulation to investigate the possible circumvention of the countervailing measures imposed on imports of polyethylene terephthalate (PET) film (PET film) originating in India.
- (2) The request was lodged on 6 January 2004 by the following Community producers: DuPont Teijin Films, Mitsubishi Polyester Film GmbH and Nuroll SpA.

B. PRODUCT

- (3) The product concerned by the possible circumvention is PET film originating in India, normally declared under CN codes ex 3920 62 19 and ex 3920 62 90 (the product concerned). These codes are given for information only.
- (4) The product under investigation is polyethylene terephthalate (PET) film consigned from Brazil and from Israel (the product under investigation) normally declared under the same codes as the product concerned.

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are countervailing measures imposed by Council Regulation (EC) No 2597/1999⁽³⁾.

(6) The request contains sufficient prima facie evidence that the countervailing measures on imports of PET film originating in India are being circumvented by means of transshipment via Brazil and via Israel.

(7) The evidence submitted is as follows:

The request shows that a significant change in the pattern of trade involving exports from India, Brazil and Israel to the Community has taken place following the imposition of measures on the product concerned, and that there appears to be insufficient due cause or justification other than the imposition of the duty for such a change. This change in the pattern of trade appears to stem from the transshipment of PET film originating in India via Brazil and via Israel.

(8) Furthermore, the request contains sufficient prima facie evidence that the remedial effects of the existing countervailing measures on the product concerned are being undermined in terms of quantities. Significant volumes of imports of PET film from Brazil and from Israel appear to have replaced imports of the product concerned originating in India.

(9) Finally, the request contains sufficient prima facie evidence that the imported PET film still benefits from the subsidies as established in the original investigation.

(10) Should circumvention practices covered by Article 23 of the basic Regulation, other than transshipment, be identified in the course of the investigation, the investigation may cover these practices also.

E. PROCEDURE

(11) In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 23 of the basic Regulation and to make imports of PET film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not, subject to registration, in accordance with Article 24(5) of the basic Regulation.

⁽¹⁾ OJ L 288, 21.10.1997, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 4.

⁽³⁾ OJ L 316, 10.12.1999, p. 1.

(a) Questionnaires

- (12) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers and to the associations of exporters/producers in Brazil and Israel, to the exporters/producers and to the associations of exporters/producers in India, to the importers and to the associations of importers in the Community which cooperated in the investigation that led to the existing measures or which are listed in the request, and to the authorities of India, Brazil and Israel. Information, as appropriate, may also be sought from the Community industry.
- (13) In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation in order to find out whether they are listed in the request and, if necessary, request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (14) The authorities of India, Brazil and Israel will be notified of the initiation of the investigation and provided with a copy of the request.

(b) Collection of information and holding of hearings

- (15) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption from registration of imports or measures

- (16) In accordance with Article 23(3) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.
- (17) The possible circumvention takes place outside the Community. Article 23 of the basic Regulation is aiming at countering circumvention practices without affecting operators which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of producers in the countries concerned which could establish that they are not involved in circumvention practices. Therefore, it appears necessary to introduce a possibility for producers concerned to request an exemption from the registration of imports of their exported products or from measures on these imports.

- (18) Producers wishing to obtain an exemption should apply for it and submit any requested questionnaire reply within the appropriate time limits, in order for it to be established that they are not circumventing the countervailing duties within the meaning of Article 23(1) of the basic Regulation. Importers could still benefit from exemption from registration or measures to the extent that their imports are from producers which are granted such an exemption, and in accordance with Article 23(3) of the basic Regulation.

F. REGISTRATION

- (19) Pursuant to Article 24(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, countervailing duties of an appropriate amount can be levied retroactively from the date of registration of such imports consigned from Brazil and from Israel.

G. TIME LIMITS

- (20) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.
- (21) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

H. NON-COOPERATION

- (22) In cases in which any interested party refuses access to or otherwise does not provide necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 28 of the basic Regulation, on the basis of the facts available.
- (23) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 28 of the basic Regulation, of the facts available. If an interested party does not cooperate, or cooperates only partially, and use of the facts available is made, the result may be less favourable than if it had cooperated,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 23(2) of Regulation (EC) No 2026/97, in order to determine if imports into the Community of polyethylene terephthalate (PET) film, falling within CN codes ex 3920 62 19 and ex 3920 62 90 (TARIC codes 3920 62 19 01, 3920 62 19 04, 3920 62 19 07, 3920 62 19 11, 3920 62 19 14, 3920 62 19 17, 3920 62 19 21, 3920 62 19 24, 3920 62 19 27, 3920 62 19 31, 3920 62 19 34, 3920 62 19 37, 3920 62 19 41, 3920 62 19 44, 3920 62 19 47, 3920 62 19 51, 3920 62 19 54, 3920 62 19 57, 3920 62 19 61, 3920 62 19 67, 3920 62 19 74, 3920 62 19 92, 3920 62 90 31, 3920 62 90 92), consigned from Brazil and from Israel, whether originating in Brazil or Israel or not, are circumventing the measures imposed by Council Regulation (EC) No 2597/1999 on imports of polyethylene terephthalate (PET) film, originating in India.

Article 2

The Customs authorities are hereby directed, pursuant to Article 23(2) and Article 24(5) of Regulation (EC) No 2026/97, to take the appropriate steps to register the imports into the Community identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by regulation, may direct Customs authorities to cease registration in respect of imports into the Community of products manufactured by producers having applied for an exemption of registration and having been found not to be circumventing the countervailing duties.

Article 3

1. Questionnaires should be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

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

Done at Brussels, 18 February 2004.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 40 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Interested parties may also apply to be heard by the Commission within the same 40-day time limit.

4. Any information relating to the matter, any request for a hearing or for a questionnaire as well as any request for authorisation of certificates of non-circumvention must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone, fax and/or telex numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 29(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

Commission address for correspondence:

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Directorate General for Trade
Directorate B
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B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEU B 21877

Article 4

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

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 29 of Council Regulation (EC) No 2026/97 (OJ L 288, 21.10.1997, p. 1) and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures.

**COMMISSION REGULATION (EC) No 284/2004
of 18 February 2004**

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1676/2001 on imports of polyethylene terephthalate (PET) film originating, *inter alia*, in India by imports of polyethylene terephthalate (PET) film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

D. GROUNDS

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 1972/2002 ⁽²⁾, (the basic Regulation), and in particular Article 13(3) and Article 14(3) and (5) thereof,

After having consulted the Advisory Committee,

Whereas:

A. REQUEST

- (1) The Commission has received a request pursuant to Article 13(3) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of polyethylene terephthalate (PET) film (PET film) originating, *inter alia*, in India.
- (2) The request was lodged on 6 January 2004 by the following Community producers: DuPont Teijin Films, Mitsubishi Polyester Film GmbH and Nuroll SpA.

B. PRODUCT

- (3) The product concerned by the possible circumvention is PET film originating in India, normally declared under CN codes ex 3920 62 19 and ex 3920 62 90 (the product concerned). These codes are given for information only.
- (4) The product under investigation is PET film consigned from Brazil and from Israel (the product under investigation) normally declared under the same codes as the product concerned.

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 1676/2001 ⁽³⁾.

- (6) The request contains sufficient prima facie evidence that the anti-dumping measures on imports of PET film originating in India are being circumvented by means of transshipment via Brazil and via Israel.

- (7) The evidence submitted is as follows:

The request shows that a significant change in the pattern of trade involving exports from India, Brazil and Israel to the Community has taken place following the imposition of measures on the product concerned, and that there appears to be insufficient due cause or justification other than the imposition of the duty for such a change. This change in the pattern of trade appears to stem from the transshipment of polyethylene terephthalate (PET) film originating in India via Brazil and via Israel.

- (8) Furthermore, the request contains sufficient prima facie evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined in terms of quantities and prices. Significant volumes of imports of PET film from Brazil and Israel appear to have replaced imports of the product concerned originating in India.

- (9) Finally, the request contains sufficient prima facie evidence that the prices of PET film are dumped in relation to the normal value previously established for the product concerned.

- (10) Should circumvention practices covered by Article 13 of the basic Regulation, other than transshipment, be identified in the course of the investigation, the investigation may cover these practices also.

E. PROCEDURE

- (11) In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of PET film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 227, 23.8.2001, p. 1.

(a) Questionnaires

- (12) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers and to the associations of exporters/producers in Brazil and Israel, to the exporters/producers and to the associations of exporters/producers in India, to the importers and to the associations of importers in the Community which cooperated in the investigation that led to the existing measures or which are listed in the request, and to the authorities of India, Brazil and Israel. Information, as appropriate, may also be sought from the Community industry.
- (13) In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation in order to find out whether they are listed in the request and, if necessary, request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (14) The authorities of India, Brazil and Israel will be notified of the initiation of the investigation and provided with a copy of the request.

(b) Collection of information and holding of hearings

- (15) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption from registration of imports or measures

- (16) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.
- (17) The possible circumvention takes place outside the Community. Article 13 of the basic Regulation is aiming at countering circumvention practices without affecting operators which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of producers in the countries concerned which could establish that they are not involved in circumvention practices. Therefore, it appears necessary to introduce a possibility for producers concerned to request an exemption from the registration of imports of their exported products or from measures on these imports.
- (18) Producers wishing to obtain an exemption should apply for it and submit any requested questionnaire reply within the appropriate time limits, in order for it to be established that they are not circumventing the anti-dumping duties within the meaning of Article 13(1) of the basic Regulation. Importers could still benefit from exemption from registration or measures to the extent that their imports are from producers which are granted such an exemption, and in accordance with Article 13(4) of the basic Regulation.

F. REGISTRATION

- (19) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied retroactively from the date of registration of such imports consigned from Brazil and Israel.

G. TIME LIMITS

- (20) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.
- (21) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

H. NON-COOPERATION

- (22) In cases in which any interested party refuses access to or otherwise does not provide necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (23) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate, or cooperates only partially, and use of the facts available is made, the result may be less favourable than if it had cooperated,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 384/96, in order to determine if imports into the Community of polyethylene terephthalate (PET) film, falling within CN codes ex 3920 62 19 and ex 3920 62 90 (TARIC codes 3920 62 19 01, 3920 62 19 04, 3920 62 19 07, 3920 62 19 11, 3920 62 19 14, 3920 62 19 17, 3920 62 19 21, 3920 62 19 24, 3920 62 19 27, 3920 62 19 31, 3920 62 19 34, 3920 62 19 37, 3920 62 19 41, 3920 62 19 44, 3920 62 19 47, 3920 62 19 51, 3920 62 19 54, 3920 62 19 57, 3920 62 19 61, 3920 62 19 67, 3920 62 19 74, 3920 62 19 92, 3920 62 90 31, 3920 62 90 92), consigned from Brazil and from Israel, whether originating in Brazil or Israel or not, are circumventing the measures imposed by Council Regulation (EC) No 1676/2001 on imports of polyethylene terephthalate (PET) film, originating in India.

Article 2

The Customs authorities are hereby directed, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports into the Community identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by Regulation, may direct Customs authorities to cease registration in respect of imports into the Community of products manufactured by producers having applied for an exemption of registration and having been found not to be circumventing the anti-dumping duties.

Article 3

1. Questionnaires should be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 40 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Interested parties may also apply to be heard by the Commission within the same 40-day time limit.

4. Any information relating to the matter, any request for a hearing or for a questionnaire as well as any request for authorisation of certificates of non-circumvention must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone, fax and/or telex numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labeled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labeled 'For inspection by interested parties'.

Commission address for correspondence:

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Article 4

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, 18 February 2004.

For the Commission
Pascal LAMY
Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

COMMISSION REGULATION (EC) No 285/2004
of 18 February 2004
amending Regulation (EC) No 1306/2003 as regards the time limit for the removal of alcohol

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 Article 33(1)(f) thereof,

Whereas:

(1) Commission Regulation (EC) No 1306/2003 of 23 July 2003 opening public sales of wine alcohol for use as bioethanol in the European Community ⁽²⁾ has opened a public sale of wine alcohol for use as bioethanol in the Community. As a result, lots 22/2003 EC, 23/2003 EC, 24/2003 EC and 25/2003 EC, respectively comprising 260 000 hectolitres, 350 000 hectolitres, 50 000 hectolitres and 29 000 hectolitres of alcohol at 100 % vol., were respectively put up for sale to the following approved firms: Ecocarburantes españoles SA, Bioethanol Galicia SA, Sekab and Altia Corporation. On 5 September 2003 the Commission notified the competent authorities and firms concerned of the decisions regarding the award of these lots.

(2) Article 6 of Regulation (EC) No 1306/2003 stipulates that the alcohol must be removed no more than eight months after the date of notification of the Commission's decision to award the sale.

(3) Because of the technical difficulties involved in moving alcohol and the very large volumes in lots 22/2003 EC and 23/2003 EC, awarded to the two Spanish firms, the time limit for removing the alcohol is not long enough for those firms.

(4) In order to allow the firms concerned to remove the alcohol within a reasonable time frame and to avoid discriminating between these various firms, the time limit for removing the alcohol should be extended by two months.

(5) Regulation (EC) No 1306/2003 should therefore be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 6 of Regulation (EC) No 1306/2003 is hereby replaced by the following:

'Article 6

The alcohol must be removed no more than 10 months after the date of notification of the Commission's decision to award the sale.'

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, 18 February 2004.

For the Commission
Franz FISCHLER
Member of the Commission

⁽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 185, 24.7.2003, p. 12.

COMMISSION REGULATION (EC) No 286/2004
of 18 February 2004
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.
- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of the second subparagraph of Article 4(1) of Regulation (EC) No 1503/96 results in an adjustment of the import duties that have been fixed as from 15 May 2003 by Commission Regulation (EC) No 832/2003 ⁽³⁾ as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be adjusted in compliance with Article 4 of Regulation (EC) No 1503/96 and fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 19 February 2004.

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

Done at Brussels, 18 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽²⁾ OJ L 189, 30.7.1996, p. 71. Regulation as last amended by Regulation (EC) No 2294/2003 (OJ L 340, 24.12.2003, p. 12).

⁽³⁾ OJ L 120, 15.5.2003, p. 15.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽⁵⁾				
	Third countries (except ACP and Bangla- desh) ⁽⁷⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	207,03	68,12	99,18		155,27
1006 20 13	207,03	68,12	99,18		155,27
1006 20 15	207,03	68,12	99,18		155,27
1006 20 17	254,85	84,86	123,09	4,85	191,14
1006 20 92	207,03	68,12	99,18		155,27
1006 20 94	207,03	68,12	99,18		155,27
1006 20 96	207,03	68,12	99,18		155,27
1006 20 98	254,85	84,86	123,09	4,85	191,14
1006 30 21	376,62	119,42	173,40		282,47
1006 30 23	376,62	119,42	173,40		282,47
1006 30 25	376,62	119,42	173,40		282,47
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	376,62	119,42	173,40		282,47
1006 30 44	376,62	119,42	173,40		282,47
1006 30 46	376,62	119,42	173,40		282,47
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	376,62	119,42	173,40		282,47
1006 30 63	376,62	119,42	173,40		282,47
1006 30 65	376,62	119,42	173,40		282,47
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	376,62	119,42	173,40		282,47
1006 30 94	376,62	119,42	173,40		282,47
1006 30 96	376,62	119,42	173,40		282,47
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 2286/2002 (OJ L 348, 21.12.2002, p. 5) and amended Commission Regulation (EC) No 638/2003 (OJ L 93, 10.4.2003, p. 3).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	254,85	416,00	207,03	376,62	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	282,18	199,81	353,87	419,97	—
(b) fob price (EUR/tonne)	—	—	—	330,54	396,64	—
(c) Sea freight (EUR/tonne)	—	—	—	23,33	23,33	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 287/2004
of 18 February 2004
concerning applications for export licences for rice and broken rice with advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1342/2003 of 28 July 2003, laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾, and in particular the second subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8(3) of Regulation (EC) No 1342/2003 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported. Commission Regulation (EC) No 163/2004 ⁽³⁾ fixes refunds under the procedure provided for in the abovementioned paragraph for 4 000 tonnes for the destination R01 defined in the Annex to that Regulation.

- (2) For the destination R01, quantities applied for on 17 February 2004 are in excess of the available quantity. A percentage reduction should therefore be fixed for export licence applications submitted on 17 February 2004.
- (3) In view of its purpose, this Regulation should take effect from the day of its publication in the Official Journal,

HAS ADOPTED THIS REGULATION:

Article 1

For the destination R01 defined in the Annex to Regulation (EC) No 163/2004, applications for export licences for rice and broken rice with advance fixing of the refund submitted pursuant to that Regulation on 17 February 2004 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 35,01 % has been applied.

Article 2

For the destination R01 defined in the Annex to Regulation (EC) No 163/2004, applications for export licences for rice and broken rice submitted from 18 February 2004 shall not give rise to the issue of export licences pursuant to that Regulation.

Article 3

This Regulation shall enter into force on 19 February 2004.

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

Done at Brussels, 18 February 2004.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽²⁾ OJ L 189, 29.7.2003, p. 12.

⁽³⁾ OJ L 27, 30.1.2004, p. 30.

DIRECTIVE 2004/3/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 11 February 2004
amending Council Directives 70/156/EEC and 80/1268/EEC as regards the measurement of carbon
dioxide emissions and fuel consumption of N₁ vehicles
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Council Directive 80/1268/EEC of 16 December 1980 relating to the carbon dioxide emissions and fuel consumption of motor vehicles ⁽⁴⁾ is one of the separate directives under the type-approval procedure laid down by Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽⁵⁾.
- (2) The communication from the Commission to the European Parliament and to the Council on 'EU policies and measures to reduce greenhouse gas emissions: towards a European Climate Change Programme (ECCP)', proposes an implementation strategy to reduce the emission of greenhouse gases, including measures in the transport sector. The Green Paper 'Towards a European strategy for the security of energy supply' likewise calls for efforts to improve fuel economy of motor vehicles.
- (3) Under the Community strategy to reduce carbon dioxide (CO₂) emissions from passenger cars, as outlined in the communication from the Commission to the European Parliament and to the Council entitled 'A Community strategy to reduce CO₂ emissions from passenger cars

and improve fuel economy', the harmonised measurement methodology, as laid down in Directive 80/1268/EEC, has been used as a basic instrument. With a view to permitting subsequent measures to reduce fuel consumption and CO₂ emissions in the sector of light commercial vehicles, it is necessary to extend the scope of that Directive to include vehicles of category N₁ as well.

- (4) As referred to in Decision No 1753/2000/EC of the European Parliament and of the Council of 22 June 2000 establishing a scheme to monitor the average specific emissions of CO₂ from new passenger cars ⁽⁶⁾, the Commission has carried out a study to investigate the possibilities and implications of a harmonised procedure for measuring the specific CO₂ emissions from vehicles of category N₁. In this respect, it is considered technically acceptable and most cost-effective to apply the existing emissions test of Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles ⁽⁷⁾ also for the measurement of fuel consumption and CO₂ emissions for that category of vehicles.
- (5) Many small-volume manufacturers buy from suppliers engines which are type-approved with respect to emissions according to Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emissions of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles ⁽⁸⁾. A considerable number of those manufacturers do not have the necessary infrastructure or expertise to perform the exhaust or CO₂ emissions testing. It is therefore necessary to grant an exemption for small-volume manufacturers, since the additional costs they would incur in order to comply with this Directive would be disproportionately high.
- (6) Those measures also have an impact on the Annexes to Directive 70/156/EEC.
- (7) Directives 70/156/EEC and 80/1268/EEC should therefore be amended accordingly,

⁽¹⁾ OJ C 51 E, 26.2.2002, p. 317.

⁽²⁾ OJ C 125, 27.5.2002, p. 6.

⁽³⁾ Opinion of the European Parliament of 24 September 2002 (OJ C 273 E, 14.11.2003, p. 22), Council common position of 9 October 2003 (OJ C 305 E, 16.12.2003, p. 1) and position of the European Parliament of 16 December 2003 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 375, 31.12.1980, p. 36. Directive as last amended by Commission Directive 1999/100/EC (OJ L 334, 28.12.1999, p. 36).

⁽⁵⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽⁶⁾ OJ L 202, 10.8.2000, p. 1.

⁽⁷⁾ OJ L 76, 6.4.1970, p. 1. Directive as last amended by Commission Directive 2003/76/EC (OJ L 206, 15.8.2003, p. 29).

⁽⁸⁾ OJ L 36, 9.2.1988, p. 33. Directive as last amended by Commission Directive 2001/27/EC (OJ L 107, 18.4.2001, p. 10).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 70/156/EEC is hereby amended as follows:

(a) row 39 of Annex IV, part I, is replaced by the following:

Subject	Directive number	Official Journal reference	M ₁	M ₂	M ₃	N ₁	N ₂	N ₃	O ₁	O ₂	O ₃	O ₄
'39. CO ₂ emissions fuel consumption	80/1268/EEC	L 375, 31.12.1980, p. 36	X			X'						

(b) in the Community certificate of conformity for complete or completed vehicles of categories N₁, N₂ and N₃ in Annex IX, part I, page 2, the following point shall be added:

'46.2. CO₂-emissions/ fuel consumption ⁽¹⁾ (N₁ only):

Number of the base Directive and latest amending Directive applicable to the EC type-approval:

.....

	CO ₂ -emissions	Fuel consumption
Urban conditions: g/km l/100 km or for gaseous fuels m ³ /100 km ⁽¹⁾
Extra-urban conditions: g/km l/100 km or for gaseous fuels m ³ /100 km ⁽¹⁾
Combined: g/km l/100 km or for gaseous fuels m ³ /100 km ⁽¹⁾

⁽¹⁾ In the case of a vehicle that can run either on petrol or on a gaseous fuel, repeat for petrol and gaseous fuel. Vehicles where the petrol system is fitted for emergency purposes or starting only, and of which the petrol tank cannot contain more than 15 litres of petrol, will be regarded for the test as vehicles which can only run on a gaseous fuel.'

Article 2

Annexes I and II to Directive 80/1268/EEC shall be amended as set out in the Annex to this Directive.

Article 3

No later than 19 February 2006, the Commission shall:

- present a study on the possibilities of obtaining representative CO₂ emission and fuel consumption data for completed multistage vehicles and vehicles whose emissions are measured according to Directive 88/77/EEC in order to take into account the 'cost-efficiency' aspects of these measurements;
- present an evaluation of the vehicle family concept introduced in this Directive;
- if appropriate, present draft measures on the adaptation of this Directive to technical progress to the Committee established by Article 13 of Directive 70/156/EEC.

Article 4

Where a vehicle produced by a specialist coach builder falls within the criteria of one of the families of vehicles of the manufacturer of the base vehicle, the coach builder may use the data on fuel efficiency and CO₂ production supplied by that manufacturer.

Article 5

1. With effect from 19 February 2005 for vehicles of category N₁, Member States may not, on grounds relating to CO₂ emission or to fuel consumption:

- (a) refuse, in respect of any given type of motor vehicle, to grant EC type-approval or national type-approval;
- (b) prohibit the registration, sale or entry into service of vehicles pursuant to Article 7 of Directive 70/156/EEC,

if the CO₂ emission and fuel consumption figures have been determined in accordance with the requirements of Directive 80/1268/EEC, as amended by this Directive.

2. With effect from 1 January 2005 for vehicles of category N₁, Class I, and with effect from 1 January 2007 for vehicles of category N₁, Classes II and III, Member States:

- (a) shall no longer grant EC type-approval pursuant to Article 4(1) of Directive 70/156/EEC;
- (b) shall refuse to grant national type-approval, except where the provisions of Article 8(2) of Directive 70/156/EEC are invoked,

if the CO₂ emission and fuel consumption figures have not been determined in accordance with the requirements of Directive 80/1268/EEC, as amended by this Directive.

3. With effect from 1 January 2006 for vehicles of category N₁, Class I, and with effect from 1 January 2008 for vehicles of category N₁, Classes II and III, Member States shall:

- (a) consider certificates of conformity which accompany new vehicles pursuant to Directive 70/156/EEC to be no longer valid for the purpose of Article 7(1) of that Directive;
- (b) refuse the registration, sale or entry into service of new vehicles which are not accompanied by a valid certificate of conformity pursuant to Directive 70/156/EEC, except where the provisions of Article 8(2) of that Directive are invoked;

if the CO₂ emission and fuel consumption figures have not been determined in accordance with the requirements of Directive 80/1268/EEC, as amended by this Directive.

4. For multistage vehicles of category N₁, the dates mentioned in paragraphs 2 and 3 shall be postponed by 12 months.

5. For the purposes of this Article:

- a vehicle of category N₁, Class I, means an N₁ vehicle with a reference mass not exceeding 1 305 kg,
- a vehicle of category N₁, Class II, means an N₁ vehicle with a reference mass greater than 1 305 kg, but not exceeding 1 760 kg,
- a vehicle of category N₁, Class III, means an N₁ vehicle with a reference mass in excess of 1 760 kg.

Article 6

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 19 February 2005. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

Article 7

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

Article 8

This Directive is addressed to the Member States.

Done at Strasbourg, 11 February 2004.

For the European Parliament
The President
P. COX

For the Council
The President
M. McDOWELL

ANNEX

I. Annex I to Directive 80/1268/EEC is hereby amended as follows:

1. Point 1 is replaced by the following:

'1. SCOPE

This Directive applies to the measurement of carbon dioxide (CO₂) emissions and fuel consumption of motor vehicles of categories M₁ and N₁.

It does not apply to a type of N₁ vehicle if both:

- the engine type fitted to that type of vehicle has received type-approval pursuant to Directive 88/77/EEC, and
- the total annual worldwide production of N₁ vehicles of the manufacturer is less than 2 000 units.'

2. Point 2.3 is replaced by the following:

'2.3. For the test described in point 6, a vehicle representative of the vehicle type to be approved will be submitted when the technical service responsible for the type-approval tests carries out the tests itself. For M₁ and N₁ vehicles, type-approved with respect to their emissions according to Directive 70/220/EEC, the technical service will check during the test that this vehicle conforms to the limit values applicable to that type, as described in Directive 70/220/EEC.'

3. In point 6.1, the following paragraph is added:

'Vehicles which do not attain the acceleration and maximum speed values required in the test cycle must be operated with the accelerator control fully depressed until they once again reach the required operating curve. Deviations from the test cycle must be recorded in the test report.'

4. Point 11 is replaced by the following:

'11. EXTENSION OF APPROVAL

11.1. The type-approval can be extended to vehicles from the same type or from a different type differing with regard to the following characteristics of Annex II, if the CO₂ emissions measured by the technical service do not exceed the type-approval value by more than 4 % for vehicles of category M₁ and 6 % for vehicles of category N₁:

- reference mass,
- maximum authorised mass,
- type of bodywork:
 - for M₁: saloon, hatchback, station wagon, coupé, convertible, multipurpose vehicle
 - for N₁: lorry, van,
- overall gear ratios,
- engine equipment and accessories.

11.2. Extension of approval of vehicles of category N₁ within a family:

11.2.1. For vehicles of category N₁ that are approved as members of a vehicle family using the procedure in Annex I, point 12.2, the type-approval can be extended to vehicles from within the same family only if the technical service estimates that the fuel consumption of the new vehicle does not exceed the fuel consumption of the vehicle on which the family's fuel consumption is based.

Approvals may also be extended to vehicles which:

- are up to 110 kg heavier than the family member tested, provided that they are within 220 kg of the lightest member of the family,
- have a lower overall transmission ratio than the family member tested due solely to a change in tyre sizes and
- conform with the family in all other respects.

11.2.2. For vehicles of category N₁ that are approved as members of a vehicle family using the procedure in Annex I, point 12.3, the type-approval can be extended to vehicles from within the same family without additional testing only if the technical service estimates that the fuel consumption of the new vehicle falls within the limits made up of those two vehicles in the family that have the lowest and the highest fuel consumption, respectively.'

5. The following point shall be added:

‘12. APPROVAL OF VEHICLES OF CATEGORY N₁ WITHIN A FAMILY

Vehicles of category N₁ can be approved within a family as defined in 12.1 using one of the two alternative methods described in 12.2 and 12.3.

12.1. N₁ vehicles may be grouped together into a family for the purposes of this Directive if the following parameters are identical or within the specified limits:

12.1.1. Identical parameters are:

- manufacturer and type as defined in Annex II, section I, point 0.2,
- engine capacity,
- emission control system type,
- fuel system type as defined in Annex II, point 1.5.2.

12.1.2. The following parameters have to be within the following limits:

- transmission overall ratios (no more than 8 % higher than the lowest) as defined in Annex II, point 1.6.3,
- reference mass (no more than 220 kg lighter than the heaviest),
- frontal area (no more than 15 % smaller than the largest),
- engine power (no more than 10 % less than the highest value).

12.2. A vehicle family, as defined in 12.1, can be approved with CO₂ emission and fuel consumption data that are common to all members of the family. The technical service must select for testing the member of the family which the service considers to have the highest CO₂ emission. The measurements are performed as described in point 6, and the results according to the method described in 6.5 are used as type-approval values that are common to all members of the family.

12.3. Vehicles that are grouped in a family as defined in 12.1 can be approved with individual CO₂ emission and fuel consumption data for each of the family members. The technical service selects for testing the two vehicles, which the service considers to have the highest and the lowest CO₂ emissions respectively. The measurements are performed as described in point 6. If the manufacturer's data for these two vehicles falls within the tolerance limits described in 6.5, the CO₂ emissions declared by the manufacturer for all members of the vehicle family can be used as type-approval values. If the manufacturer's data do not fall within the tolerance limits, the results according to the method described in 6.5 are used as type-approval values and the technical service shall select an appropriate number of other family members for additional tests.’

II. Annex II to Directive 80/1268/EEC is amended as follows:

1. The text at the top of the page is amended as follows:

‘Addendum to EC type-approval certificate No:

concerning the type-approval of a vehicle ⁽⁶⁾ with regard to Directive 80/1268/EEC (CO₂ emissions and fuel consumption) as last amended by Directive 2004/3/EC.’

2. The following footnote is added to the Addendum:

‘⁽⁶⁾ For vehicles that are approved within a family according to Annex I, point 12, this Addendum must be supplied for each individual member of the vehicle family.’

3. The Addendum is further amended as follows:

(a) point 1.3 reads as follows:

‘1.3. Type of bodywork:

1.3.1. for M₁: saloon, hatchback, station wagon, coupé, convertible, multipurpose vehicle ⁽¹⁾

1.3.2. for N₁: lorry, van’

(b) point 1.7 shall read as follows:

‘1.7. Type-approval values’

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 February 2004

amending Decision 2003/135/EC as regards the extension of the eradication and vaccination plans in the Bad Kreuznach district (Germany) and the termination of the vaccination plans in the Federal State of Saarland (Germany)

(notified under document number C(2004) 337)

(Only the German and French texts are authentic)

(Text with EEA relevance)

(2004/146/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽¹⁾, and in particular Article 16(1) and Article 20(2) thereof,

Whereas:

(1) The Commission adopted Commission Decision 2003/135/EC of 27 February 2003 on the approval of the plans for the eradication of classical swine fever and the emergency vaccination of feral pigs against classical swine fever in Germany, in the Federal States of Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate and Saarland ⁽²⁾ as one of a number of measures to combat classical swine fever.

(2) The German authorities have informed the Commission about the recent evolution of the disease in feral pigs in Saarland and in Rhineland-Palatinate. This information suggests that in Saarland the situation has improved and vaccination is no longer considered appropriate. However, in the Bad Kreuznach district in Rhineland-Palatinate, the area where the eradication and the vaccination plan are to be applied should be extended.

(3) Decision 2003/135/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2003/135/EC is amended as follows:

1. Paragraph 9 of point 1(C) of the Annex to Decision 2003/135/EC concerning Bad Kreuznach is replaced by the following:

'In the Bad Kreuznach district: the municipalities Becherbach, Reiffelbach, Schmittweiler, Callbach, Meisenheim, Breitenheim, Rehborn, Lettweiler, Odernheim a. Glan, Oberhausen a. d. Nahe, Duchroth, Hallgarten, Feilbingert, Hochstätten, Niederhausen, Norheim, Bad Münster a. Stein-Ebernburg, Altenbamberg, Fürfeld, Tiefenthal, Neu-Bamberg, Frei-Laubersheim, Boos, Hackenheim, Hüffelsheim, Oberstreit, Rüdesheim, Schloßböckelheim, Staudernheim, Traisen, Volxheim, Abtweiler, Bad Kreuznach, Bad Sobernheim, Biebelsheim, Bretzenheim, Dorsheim, Eckenroth, Guldental, Gutenberg, Hargesheim, Langenlonsheim, Laubenheim, Mandel, Pfaffen-Schwabenheim, Pleitersheim, Raumbach, Roth, Roxheim, Rummelsheim, Schweppenhausen, Stromberg, Waldböckelheim, Waldlaubersheim, Warmsroth, Weinsheim and Windesheim;'

⁽¹⁾ OJ L 316, 1.12.2001, p. 5.

⁽²⁾ OJ L 53, 28.2.2003, p. 47.

2. Paragraph 9 of point 2(C) of the Annex to Decision 2003/135/EC concerning Bad Kreuznach is replaced by the following:

'In the Bad Kreuznach district: the municipalities Becherbach, Reiffelbach, Schmittweiler, Callbach, Meisenheim, Breitenheim, Rehborn, Lettweiler, Odernheim a.Glan, Oberhausen a.d. Nahe, Duchroth, Hallgarten, Feilbingert, Hochstaetten, Niederhausen, Norheim, Bad Muenster a. Stein-Ebernburg, Altenbamberg, Fuerfeld, Tiefenthal, Neubamberg, Frei-Laubersheim, Boos, Hackenheim, Hüffelshheim, Oberstreit, Rüdesheim, Schloßböckelheim, Staudernheim, Traisen, Volxheim, Abtweiler, Bad Kreuznach, Bad Sobernheim, Biebelsheim, Bretzenheim, Dorsheim, Eckenroth, Guldental, Gutenberg, Hargesheim, Langenlonsheim, Laubenheim, Mandel, Pfaffen-Schwabenheim, Pleitersheim, Raumbach, Roth, Roxheim, Rummelsheim, Schweppenhhausen, Stromberg, Waldböckelheim, Waldlaubersheim, Warmsroth, Weinsheim and Windesheim;'

3. Point 2(D) of the Annex to Decision 2003/135/EC is deleted.

Article 2

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

Done at Brussels, 12 February 2004.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 12 February 2004

on financial aid from the Community for the operation of certain Community reference laboratories in the field of animal health and live animals in 2004

(notified under document number C(2004) 343)

(Only the Danish, English, French, German, Spanish and Swedish texts are authentic)

(2004/147/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

(1) Community financial aid should be granted to the Community reference laboratories designated by the Community to assist them in carrying out the functions and duties laid down in the following Directives and Decisions:

- Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽³⁾,
- Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease ⁽⁴⁾,
- Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽⁵⁾,
- Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animals diseases and specific measures relating swine vesicular disease ⁽⁶⁾,
- Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases ⁽⁷⁾,
- Council Directive 95/70/EC of 22 December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs ⁽⁸⁾,

— Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness ⁽⁹⁾,

— Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁰⁾,

— Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines ⁽¹¹⁾,

— Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever ⁽¹²⁾,

— Council Decision 96/463/EC of 23 July 1996 designating the reference body responsible for collaborating in rendering uniform the testing methods and the assessment of the results for pure-bred breeding animals of the bovine species ⁽¹³⁾.

(2) The financial contribution from the Community should be granted provided that the actions planned are efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.

(3) For budgetary reasons, Community assistance should be granted for a period of one year.

(4) Additional financial assistance for the organisation of a yearly workshop in the area of responsibility of the Community reference laboratories should be granted during the same period in one case.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 316, 1.12.2001, p. 5.

⁽⁴⁾ OJ L 260, 5.9.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003.

⁽⁵⁾ OJ L 167, 22.6.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003.

⁽⁶⁾ OJ L 62, 15.3.1993, p. 69. Directive as last amended by Regulation (EC) No 806/2003.

⁽⁷⁾ OJ L 175, 19.7.1993, p. 23. Directive as last amended by Regulation (EC) No 806/2003.

⁽⁸⁾ OJ L 332, 30.12.1995, p. 33. Directive as last amended by Regulation (EC) No 806/2003.

⁽⁹⁾ OJ L 157, 10.6.1992, p. 19. Directive as last amended by Regulation (EC) No 806/2003.

⁽¹⁰⁾ OJ L 327, 22.12.2000, p. 74.

⁽¹¹⁾ OJ L 79, 30.3.2000, p. 40. Decision as amended by Commission Decision 2003/60/EC (OJ L 23, 28.1.2003, p. 30).

⁽¹²⁾ OJ L 192, 20.7.2002, p. 27.

⁽¹³⁾ OJ L 192, 2.8.1996, p. 19.

- (5) The work programmes and corresponding budget estimates submitted by the Community reference laboratories for 2004 have been assessed by the Commission.
- (6) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽¹⁾, veterinary and plant health measures undertaken in accordance with Community rules shall be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund; for financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply.
- (7) Commission Regulation (EC) No 156/2004 ⁽²⁾ establishes the eligible expenditures of the Community reference laboratories receiving financial assistance pursuant to Article 28 of Decision 90/424/EEC and the procedures for the submission of expenditures and audits.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

For classical swine fever, the Community grants financial assistance to Germany for the functions and duties referred to in Annex IV to Directive 2001/89/EC, to be carried out by the Institut für Virologie der Tierärztlichen Hochschule, Hanover, Germany.

The Community's financial assistance shall amount to a maximum of EUR 210 000 for the period from 1 January to 31 December 2004.

The Community's financial assistance for organisation of a technical workshop on classical swine fever diagnostic techniques shall amount to a maximum of EUR 30 000.

Article 2

For Newcastle disease, the Community grants financial assistance to the United Kingdom for the functions and duties referred to in Annex V to Directive 92/66/EEC, to be carried out by the Central Veterinary Laboratory, Addlestone, United Kingdom.

The Community's financial assistance shall amount to a maximum of EUR 65 000 for the period from 1 January to 31 December 2004.

Article 3

For avian influenza, the Community grants financial assistance to the United Kingdom for the functions and duties referred to in Annex V to Directive 92/40/EEC, to be carried out by the Central Veterinary Laboratory, Addlestone, United Kingdom.

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 27, 30.1.2004, p. 5.

The Community's financial assistance shall amount to a maximum of EUR 135 000 for the period from 1 January to 31 December 2004.

Article 4

For swine vesicular disease, the Community grants financial assistance to the United Kingdom for the functions and duties referred to in Annex III to Directive 92/119/EEC to be carried out by the Pirbright Laboratory, United Kingdom.

The Community's financial assistance shall amount to a maximum of EUR 95 000 for the period from 1 January to 31 December 2004.

Article 5

For fish diseases, the Community grants financial assistance to Denmark for the functions and duties referred to in Annex C to Directive 93/53/EEC, to be carried out by the Danish Veterinary Institute, Aarhus, Denmark.

The Community's financial assistance shall amount to a maximum of EUR 140 000 for the period from 1 January to 31 December 2004.

Article 6

For diseases of bivalve molluscs, the Community grants financial assistance to France for the functions and duties referred to in Annex B to Directive 95/70/EC, to be carried out by the Ifremer, La Tremblade, France.

The Community's financial assistance shall amount to a maximum of EUR 90 000 for the period from 1 January to 31 December 2004.

Article 7

For African horse sickness, the Community grants financial assistance to Spain for the functions and duties referred to in Annex I to Directive 92/35/EEC, to be carried out by the Laboratorio de sanidad y producción animal, Algete, Spain.

The Community's financial assistance shall amount to a maximum of EUR 50 000 for the period from 1 January to 31 December 2004.

Article 8

For bluetongue, the Community grants financial assistance to the United Kingdom for the functions and duties referred to in Annex II to Directive 2000/75/EC, to be carried out by the Pirbright Laboratory, United Kingdom.

The Community's financial assistance shall amount to a maximum of EUR 125 000 for the period from 1 January to 31 December 2004.

Article 9

For rabies serology, the Community grants financial assistance to France for the functions and duties referred to in Annex II to Council Decision 2000/258/EC, to be carried out by the laboratory of the AFSSA, Nancy, France.

The Community's financial assistance shall amount to a maximum of EUR 150 000 for the period from 1 January to 31 December 2004.

Article 10

For African swine fever, the Community grants financial assistance to Spain for the functions and duties referred to in Annex V to Directive 2002/60/EC, to be carried out by the Centro de investigación en sanidad animal, Valdeolmos, Madrid, Spain.

The Community's financial assistance shall amount to a maximum of EUR 105 000 for the period from 1 January to 31 December 2004.

Article 11

For the assessment of the results of the methods of testing pure-bred breeding animals of the bovine species, and the harmonisation of the various methods of testing, the Com-

munity grants financial assistance to Sweden for the functions and duties referred to in Annex II to Decision 96/463/EC to be carried out by the Interbull Centre, Uppsala, Sweden.

The Community's financial assistance shall amount to a maximum of EUR 65 000 for the period from 1 January to 31 December 2004.

Article 12

This Decision is addressed to the Kingdom of Denmark, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 12 February 2004.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION**of 18 February 2004****fixing for the year 2004 an indicative allocation between the Member States of the financing under the Community Tobacco Fund of the measures referred to in Articles 13 and 14 of Regulation (EC) No 2182/2002***(notified under document number C(2004) 493)*

(2004/148/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ⁽¹⁾, and in particular Article 14(a) thereof,

Whereas:

- (1) Articles 13 and 14 of Commission Regulation (EC) No 2182/2002 of 6 December 2002 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 with regard to the Community Tobacco Fund ⁽²⁾, provide for measures to promote a switch of tobacco production. Those measures are to be financed by the Community Tobacco Fund set up by Article 13 of Regulation (EEC) No 2075/92.
- (2) The total amount available to the Community Tobacco Fund for 2004 is EUR 28,8 million, 50 % of which should be used to finance specific measures to help tobacco growers to switch to other crops or to other economic activities that create employment, and to fund related studies.
- (3) It is therefore necessary to fix an indicative allocation of the available amount between the Member States concerned in accordance with Article 17(2) of Regulation (EC) No 2182/2002.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Tobacco,

HAS ADOPTED THIS DECISION:

Article 1

For the year 2004, the indicative allocation between the Member States of the financing under the Community Tobacco Fund of the measures referred to in Articles 13 and 14 of Regulation (EC) No 2182/2002 shall be as set out in the Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 215, 30.7.1992, p. 70. Regulation as last amended by Regulation (EC) No 2319/2003 (OJ L 345, 31.12.2003, p. 17).

⁽²⁾ OJ L 331, 7.12.2002, p. 16.

ANNEX

The indicative allocations to Member States of the financing under the Community Tobacco Fund of the measures referred to in Articles 13 and 14 of Regulation (EC) No 2182/2002 for the year 2004

(EUR)

Member State	Indicative allocation	
Basis	90 % on the quantities irrevocably bought back under the quotas	10 % of the national guarantee threshold
	Value	Value
Italy	11 362 565	538 446
Greece	748 442	529 755
Spain	0	180 009
Portugal	263 284	25 481
France	0	109 443
Germany	0	48 512
Belgium	324 762	6 346
Austria	260 947	2 008
Total	12 960 000	1 440 000