

English edition

Legislation

Contents

I	<i>Acts whose publication is obligatory</i>	
★	Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network	1
★	Council Regulation (EC) No 378/2004 of 19 February 2004 on procedures for amending the Sirene Manual	5
★	Council Regulation (EC) No 379/2004 of 24 February 2004 opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2004 to 2006	7
	Commission Regulation (EC) No 380/2004 of 1 March 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables	11
	Commission Regulation (EC) No 381/2004 of 1 March 2004 fixing the minimum selling prices for beef put up for sale under the first invitation to tender referred to in Regulation (EC) No 276/2004	13
★	Commission Regulation (EC) No 382/2004 of 1 March 2004 derogating from Regulation (EC) No 1535/2003 as regards the delivery periods for prunes obtained from d'Ente plums for the 2003/04 marketing year	15
★	Commission Regulation (EC) No 383/2004 of 1 March 2004 laying down detailed rules for applying Council Regulation (EEC) No 2081/92 as regards the summary of the main points of the product specifications	16
★	Commission Regulation (EC) No 384/2004 of 1 March 2004 concerning the classification of certain goods in the Combined Nomenclature	21
★	Commission Regulation (EC) No 385/2004 of 1 March 2004 amending Regulation (EC) No 2341/2003 derogating from Regulation (EC) No 780/2003 as regards a tariff subquota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91	24
★	Commission Regulation (EC) No 386/2004 of 1 March 2004 amending Council Regulation (EC) No 2201/96 and Regulation (EC) No 1535/2003 as regards the combined nomenclature codes for certain products processed from fruit and vegetables	25

★ Commission Regulation (EC) No 387/2004 of 1 March 2004 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' (Arbroath Smokies)	27
Commission Regulation (EC) No 388/2004 of 1 March 2004 amending the import duties in the cereals sector	29
Commission Regulation (EC) No 389/2004 of 1 March 2004 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip	32
Commission Regulation (EC) No 390/2004 of 1 March 2004 re-establishing the preferential customs duty on imports of uniflorous (bloom) carnations originating in the West Bank and the Gaza Strip	34
★ Commission Regulation (EC) No 391/2004 of 1 March 2004 amending for the 30th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Regulation (EC) No 467/2001	36

II Acts whose publication is not obligatory

Council

★ Information on the entry into force of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation	38
---	----

Commission

2004/198/EC:

★ Commission Decision of 27 February 2004 amending Decision 2002/794/EC concerning certain protective measures with regard to poultrymeat, poultrymeat products and poultrymeat preparations intended for human consumption and imported from Brazil ⁽¹⁾ (notified under document number C(2004) 557)	39
---	----

2004/199/EC:

★ Commission Decision of 27 February 2004 amending Decision 93/52/EEC as regards the recognition of certain provinces in Italy as officially free of brucellosis ⁽¹⁾ (notified under document number C(2004) 558)	41
---	----

2004/200/EC:

★ Commission Decision of 27 February 2004 on measures to prevent the introduction into and the spread within the Community of Pepino mosaic virus (notified under document number C(2004) 581)	43
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Acts adopted pursuant to Title VI of the Treaty on European Union

★ Council Decision 2004/201/JHA of 19 February 2004 on procedures for amending the Sirene Manual	45
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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 377/2004
of 19 February 2004
on the creation of an immigration liaison officers network**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(3)(b) and Article 66 thereof,

Having regard to the initiative of the Hellenic Republic ⁽¹⁾,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The plan for the management of the external borders of the Member States of the European Union, agreed by the Council at its meeting of 13 June 2002 envisages the setting up of networks of immigration liaison officers posted in third countries.
- (2) In the conclusions of its meeting of 21 and 22 June 2002 the Seville European Council called for the creation of a network of immigration liaison officers of the Member States before the end of 2002.
- (3) At its meeting of 28 and 29 November 2002 the Council adopted conclusions on the improvement of the Immigration Liaison Officers Network, taking note of the report of the Presidency, showing that a network of liaison officers is in place in most of the countries surveyed in the report, but noting also that there was a need to further strengthen this network.
- (4) The Thessaloniki European Council of 19 and 20 June 2003 emphasised the need for acceleration of work on adopting the appropriate legal instrument formally establishing the Immigration Liaison Officers (ILO's) network in third countries, at the earliest possible date and before the end of 2003. The European Council also referred to the importance of the information to be provided by the ILO's network in developing an evaluation mechanism to monitor relations with third countries which do not cooperate with the European Union in combating illegal immigration.
- (5) Following the Thessaloniki European Council, it is necessary to formalise the existence and functioning of such a network — drawing on experiences gained in the operation of running projects, including the Belgian-led

Western Balkans ILO network — through a legally binding act, setting out the obligation to establish forms of cooperation among immigration liaison officers of the Member States, the objectives of such cooperation, the functions and appropriate qualifications of such liaison officers, as well as their responsibilities vis-à-vis the host country and the sending Member State.

- (6) It is also desirable to formalise the way in which the relevant institutions of the Community are informed of the activities of the immigration officers liaison network so as to allow them to take or propose such measures as may be necessary to improve further the overall management of the controls on persons at the external borders of the Member States.
- (7) Taking into account Council Decision 2003/170/JHA of 27 February 2003 on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States ⁽²⁾.
- (8) As regards Iceland and Norway, this Regulation constitutes a development of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those States with the implementation, application and development of the Schengen *acquis* ⁽³⁾, which fall within the area referred to in Article 1, points A and E of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽⁴⁾.
- (9) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Regulation whether it will implement it in its national law.

⁽¹⁾ OJ C 140, 14.6.2003, p. 12.

⁽²⁾ OJ L 67, 12.3.2003, p. 27.

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

- (10) The United Kingdom is taking part in this Regulation, in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community, and Article 8(2) of Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾.
- (11) Ireland is taking part in this Regulation, in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community, and Article 6(2) of Council Decision 2002/192/EC of 28 February 2002 concerning the request of Ireland to take part in some of the provisions of the Schengen *acquis* ⁽²⁾.
- (12) The participation of the United Kingdom and Ireland in this Regulation in accordance with Article 8(2) of Council Decision 2000/365/EC of 29 May 2000 and Article 6(2) of Council Decision 2002/192/EC of 28 February 2002 relates to the responsibilities of the Community for taking measures developing the provisions of the Schengen *acquis* against the organisation of illegal immigration in which the United Kingdom and Ireland participate.
- (13) This Regulation constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(1) of the 2003 Act of Accession,

HAS ADOPTED THIS REGULATION:

Article 1

1. In this Regulation 'immigration liaison officer' means a representative of one of the Member States, posted abroad by the immigration service or other competent authorities in order to establish and maintain contacts with the authorities of the host country with a view to contributing to the prevention and combating of illegal immigration, the return of illegal immigrants and the management of legal migration.
2. For the purpose of this Regulation, as immigration liaison officers shall also be considered the liaison officers who are dealing with immigration issues as part of their duties.
3. The immigration liaison officers could be posted to the national consular authorities of Member States in third countries or to the relevant authorities of other Member States, but

also to the competent authorities of the third countries, as well as to international organisations for a reasonable time period to be determined by the posting Member State.

4. This Regulation is without prejudice to the tasks of immigration liaison officers within the framework of their responsibilities under national law, policies or procedures or under special agreements concluded with the host country or international organisations.

Article 2

1. Each Member State shall ensure that its immigration liaison officers establish and maintain direct contacts with the competent authorities in the host country and any appropriate organisation within the host country, with a view to facilitating and expediting the collection and exchange of information.
2. Immigration liaison officers shall collect information for use either at the operational level, or at a strategic level, or both. Such information shall in particular concern issues such as:
- flows of illegal immigrants originating from or transiting through the host country,
 - routes followed by those flows of illegal immigrants in order to reach the territories of the Member States,
 - their *modus operandi*, including the means of transport used, the involvement of intermediaries, etc.,
 - the existence and activities of criminal organisations involved in the smuggling of immigrants,
 - incidents and events that may be or become the cause for new developments with respect to flows of illegal immigrants,
 - methods used for counterfeiting or falsifying identity documents and travel documents,
 - ways and means to assist the authorities in host countries in preventing illegal immigration flows originating from or transiting through their territories,
 - ways and means to facilitate the return and repatriation of illegal immigrants to their countries of origin,
 - legislation and legal practices relevant to the issues referred to above,
 - information transmitted via the early warning system.

3. Immigration liaison officers shall also be entitled to render assistance in establishing the identity of third country nationals and in facilitating their return to their country of origin.

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 64, 7.3.2002, p. 20.

4. Member States shall ensure that their immigration liaison officers carry out their tasks within the framework of their responsibilities and in compliance with the provisions, including those on the protection of personal data, laid down in their national laws and in any agreements or arrangements concluded with host countries or international organisations.

Article 3

1. Member States shall systematically and without delay inform one another, the Council and the Commission of their secondments of immigration liaison officers, including a description of their duties. The Commission shall provide a collection of this information to the Council and Member States.

2. Each Member State shall also inform the others of its intentions as regards the secondment of immigration liaison officers to third countries, so as to allow the other Member States to express an interest in concluding a cooperative agreement with the Member State concerned on such secondment, as referred to in Article 5.

Article 4

1. Member States shall ensure that their immigration liaison officers posted to the same third countries or regions constitute local or regional cooperation networks among each other. Within the framework of such networks immigration liaison officers shall, in particular:

- meet regularly and whenever necessary,
- exchange information and practical experience,
- coordinate positions to be adopted in contacts with commercial carriers, when appropriate,
- attend joint specialised training courses, when appropriate,
- organise information sessions and training courses for members of the diplomatic and consular staff of the missions of the Member States in the host country, when appropriate,
- adopt common approaches as to methods of collecting and reporting strategically relevant information, including risk analyses, to the competent authorities of the sending Member States,
- contribute to the biannual reports of their common activities, which are drafted in accordance with Article 6(1),
- set up regular contacts with similar networks in the host country and in neighbouring third countries, as appropriate.

2. Representatives of the European Commission shall be entitled to participate in the meetings organised within the framework of immigration liaison officers network, although if operational considerations so require, meetings may be held in the absence of a representative of the European Commission. Other bodies and authorities may also be invited, as appropriate.

3. The Member State holding the Presidency of the Council of the European Union shall take the initiative to hold such meetings. If the Member State holding the Presidency is not represented in the country or region, it is up to the Member State serving as acting Presidency to take the initiative to hold the meeting.

Article 5

1. Member States may bilaterally or multilaterally agree that immigration liaison officers who are posted to a third country or international organisation by a Member State shall also look after the interests of one or more other Member States.

2. Member States may also agree that their immigration liaison officers shall share certain tasks among each other.

Article 6

1. The Member State holding the Presidency of the Council of the European Union or, if this Member State is not represented in the country or region, the Member State serving as acting Presidency shall draw up by the end of each semester a report on the activities of immigration liaison officers networks in which it has a representative, as well as on the situation in the host country, in matters relating to illegal immigration to the Council and the Commission.

2. Such reports shall be drawn up in accordance with a model and a format established by the Commission.

3. These reports will constitute an essential form of information for the preparation, at the end of each Presidency, of an evaluation report to be submitted to the Council, and drafted by the Commission, on the existing situation in every third country, where Member States' immigration liaison officers are posted.

4. The Commission shall, on the basis of the abovementioned reports include a factual summary in its annual report on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents. When presenting its evaluation to the Council, the Commission may make such proposals or recommendations as it deems appropriate.

Article 7

This Regulation is without prejudice to the provisions on Consular cooperation at a local level contained in the Common Consular Instructions on visas for the diplomatic missions and consular posts ⁽¹⁾.

Article 8

This Regulation shall enter into force on 5 January 2004.

⁽¹⁾ OJ C 313, 16.12.2002, p. 1.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 19 February 2004.

For the Council
The President
M. McDOWELL

COUNCIL REGULATION (EC) No 378/2004
of 19 February 2004
on procedures for amending the Sirene Manual

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 66 thereof,

Having regard to the initiative of the Hellenic Republic ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The Schengen Information System, (hereinafter referred to as the 'SIS') set up pursuant to the provisions of Title IV of the Convention of 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (hereinafter referred to as the 'Schengen Convention') ⁽³⁾, constitutes an essential tool for the application of the provisions of the Schengen *acquis* as integrated into the framework of the European Union.
- (2) Pursuant to the provisions of Article 92 of the Schengen Convention, the national sections of the Member States cannot exchange SIS data directly between themselves; they may only exchange data via the technical support function in Strasbourg. However, it is appropriate for certain supplementary information required for implementing certain provisions of the Schengen Convention correctly to be exchanged bilaterally or multilaterally. Such supplementary information is needed in particular in relation to the action required pursuant to Articles 25, 39, 46, 95 to 100, 102(3), 104(3), 106, 107, 109 and 110 of the Schengen Convention. The exchange of this supplementary information is carried out by the Sirene offices of each Member State.
- (3) The Sirene Manual is a set of instructions to operators in the Sirene offices of each of the Member States which describes in detail the rules and procedures governing the bilateral or multilateral exchange of such supplementary information.
- (4) Uniformity of the Sirene Manual should be ensured. The Schengen technical *acquis* should be applicable here.
- (5) Amendments to Part 1 of the Sirene Manual pursuant to this Regulation should be confined to reflecting the applicable version of the provisions of the Schengen Convention.
- (6) It is necessary to establish a procedure for amending the Sirene Manual in accordance with the relevant provisions of the various Treaties.
- (7) The legislative basis required for allowing future amendments to the Sirene Manual consists of two separate instruments: this Regulation based on Article 66 of the Treaty establishing the European Community and Council Decision 2004/201/JHA of 19 February 2004 on procedures for amending the Sirene Manual ⁽⁴⁾ based on Articles 30(1)(a) and (b), 31(a) and (b) and 34(2)(c) of the Treaty on European Union. The reason for this is that, as set out in Article 92 of the Schengen Convention, the SIS is to enable the authorities designated by the Member States, by means of an automated search procedure, to have access to alerts on persons and property for the purposes of border checks and other police and customs checks carried out within the country in accordance with national law, as well as for the purposes of issuing visas, residence permits and the administration of legislation on aliens in the context of the application of the provisions of the Schengen *acquis* relating to the movement of persons. The exchange of the supplementary information required for implementing the provisions of the Schengen Convention referred to in recital 2, carried out by the Sirene offices of each Member State, also serves these purposes, as well as assisting with police cooperation generally.
- (8) The fact that the legislative basis required consists of two separate instruments does not affect the principle that the SIS itself constitutes, and should continue to constitute, one single, integrated, information system, and that the Sirene offices should continue to carry out their tasks in an integrated manner.
- (9) An arrangement should be made to allow representatives of Iceland and Norway to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchange of Letters between the Community and Iceland and Norway ⁽⁵⁾, annexed to the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽⁶⁾.

⁽¹⁾ OJ C 82, 5.4.2003, p. 21.

⁽²⁾ Opinion delivered on 23 September 2003 (not yet published in the Official Journal).

⁽³⁾ OJ L 239, 22.9.2000, p. 19.

⁽⁴⁾ See page 45 of this Official Journal.

⁽⁵⁾ OJ L 176, 10.7.1999, p. 53.

⁽⁶⁾ OJ L 176, 10.7.1999, p. 36.

- (10) This Regulation and the United Kingdom's and Ireland's participation in its adoption and application are without prejudice to the arrangements for the United Kingdom's and Ireland's partial participation in the Schengen *acquis* defined by the Council in Decisions 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾ and Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽²⁾ respectively.
- (11) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol decide within a period of six months after the Council has adopted this Regulation whether it will implement it in its national law.
- (12) This Regulation constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(1) of the Act of Accession,
- (13) The measures necessary for the implementation of this Regulation 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 ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The Sirene Manual shall constitute a set of instructions to operators in the Sirene offices of each Member State which establishes the rules and procedures governing the bilateral or

multilateral exchange of supplementary information which is required in order to implement correctly certain provisions of the Schengen Convention, as integrated into the framework of the European Union.

Article 2

1. The Introduction, Part 1 and Part 2, the Introduction to Part 3 and points 3.1.3, 3.1.5, 3.1.6, 3.1.8, 3.1.9 and 3.1.10 of Part 3, the Introduction to Part 4 and points 4.3, 4.3.1, 4.3.3, 4.5.1, 4.6, 4.8, 4.9 and 4.10 of Part 4, the Introduction to Part 5 and points 5.1.1, 5.1.2.2, 5.2 and 5.3 of Part 5, and Annexes 1, 2 and 3, tables 3 and 4 in Annex 4, the Introduction and forms C, E, G, I, J, K, L, M, N and O in Annex 5 and Annex 6 to the Sirene Manual shall be amended by the Commission in accordance with the regulatory procedure referred to in Article 3(2).
2. Additional instructions, including other Annexes, may also be introduced into the Sirene Manual in accordance with the regulatory procedure referred to in Article 3(2). In the case of Annex 5, such changes may in particular include the creation of additional forms where these prove necessary.

Article 3

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

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

3. The Committee shall adopt its Rules of Procedure.

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 the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 19 February 2004.

For the Council
The President
M. McDOWELL

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 64, 7.3.2002, p. 20.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

COUNCIL REGULATION (EC) No 379/2004
of 24 February 2004
opening and providing for the management of autonomous Community tariff quotas for certain
fishery products for the period 2004 to 2006

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Community supplies of certain fishery products currently depend on imports from third countries. It is in the Community's interest to suspend in part or in whole the customs duties for those products, within Community tariff quotas of an appropriate volume. In order not to jeopardise the development prospects of those products in the Community and to ensure an adequate supply to satisfy user industries, such quotas should be opened, applying variable customs duties in accordance with the sensitivity of the product in question on the Community market.

(2) Equal and uninterrupted access to those quotas should be ensured for all Community importers and the rates laid down for the quotas should be applied without interruption to all imports of the products concerned into all Member States until the quotas have been used up.

(3) To ensure the efficiency of a common management of the quotas, Member States should be permitted to draw from the quota amount the necessary quantities corresponding to their actual imports. Since that method of management requires close cooperation between the Member States and the Commission, the latter should in particular be able to monitor the rate at which the quotas are used up and should inform the Member States accordingly.

(4) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽¹⁾ provides for a system of tariff quota management which follows the chronolo-

gical order of the dates of acceptance of the declarations of release for free circulation. The tariff quotas opened by this Regulation should be managed by the Community authorities and the Member States in accordance with that system,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import duties on the products listed in the Annex shall be suspended, within tariff quotas, at the rates for the periods, and up to the amounts, indicated therein.

2. Imports of the products listed in the Annex shall be covered by the quotas referred to in paragraph 1 only if the declared customs value is at least equal to the reference price fixed, or to be fixed, in accordance with Article 29 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽²⁾.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 4

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

It shall apply from 1 January 2004.

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

⁽²⁾ OJ L 17, 21.1.2000, p. 22.

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

Done at Brussels, 24 February 2004.

For the Council
The President
J. WALSH

ANNEX

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes)	Quota duty (%)	Quota period
09.2758	ex 0302 70 00	20	Cod livers (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish liver of the species <i>Boreogadus saida</i> , fresh or chilled, for processing ^(a) ^(b)	300	0	1.1.2004-31.12.2006
09.2765	ex 0305 62 00 ex 0305 69 10	20 25 29 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked, for processing ^(a) ^(b)	10 000	0	1.1.2004-31.12.2006
09.2785	ex 0307 49 59 ex 0307 99 11	10 10	Tubes of squid (<i>Ommastrephes</i> spp. — excluding <i>Ommastrephes sagittatus</i> —, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, with skin and fins, for processing ^(a) ^(b)	30 000	3.5	1.1.2004-31.12.2006
09.2786	ex 0307 49 59 ex 0307 99 11	20 20	Squid (<i>Ommastrephes</i> spp. — excluding <i>Ommastrephes sagittatus</i> —, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen whole, tentacles and fins, for processing ^(a) ^(b)	1 500	3	1.1.2004-31.12.2006
09.2788	ex 0302 40 00 ex 0303 50 00 ex 0304 10 97 ex 0304 90 22	10 10 20 10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), of a weight exceeding 140 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing ^(a) ^(b)	20 000	0	1.10.2004-31.12.2004 1.10.2005-31.12.2005 1.10.2006-31.12.2006
09.2790	ex 1604 14 16	20 30 95	Fillets known as 'loins' of tunas and skipjack, for processing ^(a) ^(b)	4 000	6	1.1.2004-31.12.2006
09.2792	ex 1604 12 99	10	Herrings, spiced and/or vinegar-cured, in brine, preserved in barrels of at least 70 kg net drained weight, for processing ^(a) ^(b)	6 000	6	1.1.2004-31.12.2006
09.2794	ex 1605 20 99	45	Shrimps and prawns of the species <i>Pandalus borealis</i> , cooked and peeled, for processing ^(a) ^(b)	7 000	6	1.1.2004-31.12.2006
09.2759	ex 0302 50 10 ex 0302 50 90 ex 0303 60 11 ex 0303 60 19 ex 0303 60 90	20 10 10 10 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), excluding livers and roes, fresh, chilled or frozen, for processing ^(a) ^(b)	50 000	0	1.1.2004-31.12.2006

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes)	Quota duty (%)	Quota period
09.2760	ex 0303 78 11 ex 0303 78 12 ex 0303 78 13 ex 0303 78 19 ex 0303 78 90	10 10 10 11 81 10	Hake (<i>Merluccius</i> spp. excluding <i>Merluccius merluccius</i> , <i>Urophycis</i> spp.), frozen, for processing ^(a) ^(b)	20 000	0	1.1.2004-31.12.2006
09.2761	ex 0304 20 91 ex 0304 20 94 ex 0304 90 97	10 41 81 60 86	Blue grenadier (<i>Macruronus</i> spp.), frozen fillets and other meat, for processing ^(a) ^(b)	15 000	0	1.1.2004-31.12.2006
09.2762	ex 0306 11 10 ex 0306 11 90	10 10	Rock lobster (<i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.), frozen, for processing ^(a) ^(b)	1 500	6	1.1.2004-31.12.2006
09.2766	ex 0304 20 94 ex 0304 90 97	70 88	Southern blue whiting (<i>Micromesistius australis</i>), frozen fillets and other meat, for processing ^(a) ^(b)	2 000	0	1.1.2004-31.12.2006
09.2768	ex 0303 79 55	31	Alaska pollack (<i>Theragra chalcogramma</i>), frozen, for processing ^(a) ^(b)	10 000	0	1.1.2004-31.12.2006
09.2770	ex 0305 63 00	10	Anchovies (<i>Engraulis anchoita</i>), salted or in brine, but not dried or smoked, for processing ^(a) ^(b)	2 000	0	1.1.2004-31.12.2006
09.2772	0304 90 05	10	Surimi, frozen, for processing ^(a) ^(b)	30 000	0	1.1.2004-31.12.2006

^(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

^(b) This quota is available for products intended to undergo any operation, unless it is solely for one or more of the following operations:

- cleaning, gutting, tailing, heading,
- cutting (excluding dicing, filleting, production of flaps or cutting of frozen blocks or splitting of frozen interleaved fillet blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

The quota is not available for products intended, in addition, to undergo treatment (or operations) which gives quota entitlement, where such treatment (or operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

COMMISSION REGULATION (EC) No 380/2004
of 1 March 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 2 March 2004.

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

Done at Brussels, 1 March 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 1 March 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	85,0
	204	48,2
	212	108,5
	999	80,6
0707 00 05	052	145,5
	068	143,9
	204	43,6
	999	111,0
0709 10 00	220	68,9
	999	68,9
0709 90 70	052	93,2
	204	59,3
	999	76,3
0805 10 10, 0805 10 30, 0805 10 50	052	39,0
	204	47,5
	212	52,9
	220	40,5
	624	63,6
	999	48,7
0805 50 10	052	56,0
	400	36,4
	999	46,2
0808 10 20, 0808 10 50, 0808 10 90	060	35,6
	388	143,9
	400	112,9
	404	107,9
	508	67,7
	512	113,4
	524	79,2
	528	96,0
	720	86,9
	999	93,7
	0808 20 50	060
388		72,9
508		69,3
512		75,3
528		79,9
720		149,5
999		85,4

⁽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 381/2004**of 1 March 2004****fixing the minimum selling prices for beef put up for sale under the first invitation to tender referred to in Regulation (EC) No 276/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 276/2004 on periodical sales by tender of beef ⁽²⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽³⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the first invitation to tender held in accordance with Regulation (EC) No 276/2004 for which the time limit for the submission of tenders was 23 February 2004 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 March 2004.

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

Done at Brussels, 1 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 47, 18.2.2004, p. 16.

⁽³⁾ OJ L 251, 5.10.1979, p. 12. Regulation as last amended by Regulation (EC) No 2417/95 (OJ L 248, 14.10.1995, p. 39).

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO —
LIITE — BILAGA

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/t
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef —
Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött
med ben**

FRANCE	— Quartiers arrière/Quartiers avant	1 011
ITALIA	— Quarti posteriori/Quarti anteriori	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef —
Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha —
Benfritt kött**

FRANCE	— Jarret arrière d'intervention (INT 11)/Tranche grasse d'intervention (INT 12)/Tranche d'interven- tion (INT 13)/Semelle d'intervention (INT 14)/ Rumsteak d'intervention (INT 16)/Faux-filet d'in- tervention (INT 17)/Flanchet d'intervention (INT 18)/Jarret avant d'intervention (INT 21)/Épaule d'intervention (INT 22)/Poitrine d'intervention (INT 23)	2 291
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COMMISSION REGULATION (EC) No 382/2004**of 1 March 2004****derogating from Regulation (EC) No 1535/2003 as regards the delivery periods for prunes obtained from d'Ente plums for the 2003/04 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, and in particular Article 6c(7) thereof,

Whereas:

(1) Article 3(2) of Commission Regulation (EC) No 1535/2003 of 29 August 2003 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables ⁽²⁾ provides that aid is to be granted solely on prunes obtained from d'Ente plums delivered to the processing industry between 15 August and 15 January.

(2) Exceptional weather conditions affected the French production regions in the summer of 2003. As a result, sorting the lots by producers required more time, leading to delays in delivery.

(3) To prevent producers from being penalised by these circumstances, exceptionally and for the 2003/04 marketing year only, a derogation should be made from the dates laid down in Article 3(2) of Regulation (EC) No 1535/2003.

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 3(2) of Regulation (EC) No 1535/2003, and for the 2003/04 marketing year only, aid shall hereby be granted for prunes obtained from dried d'Ente plums delivered to the processing industry between 15 August 2003 and 31 January 2004.

Article 2

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

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

Done at Brussels, 1 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 453/2002 (OJ L 72, 14.3.2002, p. 9).

⁽²⁾ OJ L 218, 29.8.2003, p. 14.

COMMISSION REGULATION (EC) No 383/2004

of 1 March 2004

laying down detailed rules for applying Council Regulation (EEC) No 2081/92 as regards the summary of the main points of the product specifications

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, and in particular Article 16 thereof,

Whereas:

- (1) According to Article 4 of Regulation (EEC) No 2081/92, a product or foodstuff must comply with a specification in order to be eligible to use a protected designation of origin (PDO) or a protected geographical indication (PGI). The specification is submitted to the Commission.
- (2) Article 6(2) of Regulation (EEC) No 2081/92 requires the Commission, if it concludes that the name qualifies for protection, to publish in the *Official Journal of the European Union* the name and address of the applicant, the name of the product, the main points of the application, the references to national provisions governing the preparation, production or manufacture of the product and, if necessary, the grounds for its conclusions, to enable any objections to be raised.
- (3) That procedure also applies to requests for the amendment of a specification pursuant to Article 9 of Regulation (EEC) No 2081/92.
- (4) To ensure the transparency of the requirements in the specifications for names listed in the Register of protected designations of origin and protected geographical indications set up in accordance with Article 6(3) of Regulation (EEC) No 2081/92, a summary of the main points of each specification as provided for in Article 4(2) of that Regulation should be published in the *Official Journal of the European Union*.
- (5) The summary is to be used for applications for registration pursuant to Article 5 of Regulation (EEC) No 2081/92.
- (6) The summary should be updated each time an amendment of a specification is adopted pursuant to Article 9 of the Regulation and each update should be published in the *Official Journal of the European Union*.
- (7) Applications for registration pursuant to Article 17 of Regulation (EEC) No 2081/92 are examined by the Committee provided for in Article 15 of that Regulation on the basis of these same data. These summaries should be published by stages in the *Official Journal of the European Union*. To that end, the Member States should ensure that they comply with the specimen summary and, where necessary, transmit duly drawn up summaries to the Commission.
- (8) A single standard form should be laid down for the presentation of summaries of specifications for designations of origin and geographical indications for publication in the *Official Journal of the European Union*.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee on the Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs,

HAS ADOPTED THIS REGULATION:

Article 1

For each designation of origin and geographical indication within the meaning of Regulation (EEC) No 2081/92, a summary shall be drawn up in accordance with the form in Annex I to this Regulation.

The summary shall include the main points of the specification in accordance with Article 4(2) of that Regulation.

Point 3 of the summary shall indicate the type of product in accordance with the classification in Annex II.

All the main requirements for production and marketing, including operations that are required to take place in the geographical area concerned, shall be clearly indicated, preferably in point 4.5 of the summary (Method of production),

Article 2

The Member States shall ensure that a summary as provided for in Article 1 is duly drawn up and transmitted to the Commission

- with each application for registration of a protected designation of origin or a protected geographical indication,
- with each request for amendment of the specification for an already registered designation of origin or geographical indication, where the proposed amendment would involve amending the summary,

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

— by stages, for each designation of origin and geographical indication registered pursuant to Regulation (EEC) No 2081/92.

Article 3

The Member States shall ensure that their competent authorities transmit all requests for the amendment of a specification to the Commission together with the form in Annex III, including the updated summary where applicable.

Article 4

The Commission shall publish the summary and any amendment thereof in the *Official Journal of the European Union*.

Article 5

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

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

Done at Brussels, 1 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Standard summary

COUNCIL REGULATION (EEC) No 2081/92

'NAME OF PRODUCT'

(EC No: ...)

PDO () PGI ()

This summary has been drawn up for information purposes only. For full details, in particular the producers of products covered by the PDO or PGI concerned, please consult the complete version of the product specification obtainable at national level or from the European Commission ⁽¹⁾.

1. Responsible department in the Member State

Name:
Address:
Tel.
Fax
[E-mail]

2. Group

2.1. Name:
2.2. Address:
[Tel.]
[Fax]
[E-mail]

2.3. Composition: producers/processors () other ()

3. Type of product (in accordance with the classification in Annex II to this Regulation):**4. Specification** (summary of requirements under Article 4(2))

4.1. *Name*:
4.2. *Description*:
4.3. *Geographical area*:
4.4. *Proof of origin*:
4.5. *Method of production* ⁽²⁾:
4.6. *Link*:
4.7. *Inspection body*:
Name:
Address:
[Tel.]
[Fax]
[E-mail]
4.8. *Labelling*:
4.9. *National requirements*:

⁽¹⁾ European Commission, Directorate-General for Agriculture, Agricultural product quality policy, B-1049 Brussels.

⁽²⁾ All the main production and marketing requirements must be clearly indicated. In particular, in the case of a PGI, all the stages that are required to take place in the geographical area concerned (production of raw materials, the stages of production and other operations) must be given. In all cases, for both PDOs and PGIs, any other operations such as cutting into portions or slices, grating, packaging or bottling, etc., that are required to take place in the geographical area concerned must be indicated.

ANNEX II

Classification of agricultural products and foodstuffs referred to in Article 1(1) of Council Regulation (EEC) No 2081/92

- I. Products listed in Annex I to the EC Treaty, intended for human consumption:
 - Group 1.1.: Fresh meat (and offal)
 - Group 1.2.: Meat products (cooked, salted, smoked, etc.)
 - Group 1.3.: Cheese
 - Group 1.4.: Other products of animal origin (eggs, honey, various milk products, not including butter)
 - Group 1.5.: Oils and fats (butter, margarine, oil, etc.)
 - Group 1.6.: Fruit, vegetables and cereals, fresh or processed
 - Group 1.7.: Fresh fish, molluscs and crustaceans and products derived therefrom
 - Group 1.8.: Other Annex I products (spices, etc.)
 - II. Foodstuffs referred to in Annex I to Regulation (EEC) No 2081/92:
 - Group 2.1.: Beer
 - Group 2.2.: Natural mineral waters and spring waters
 - Group 2.3.: Beverages made from plant extracts
 - Group 2.4.: Bread, pastry, cakes, confectionery, biscuits and other baker's wares
 - Group 2.5.: Natural gums and resins
 - Group 2.6.: Mustard paste
 - Group 2.7.: Pasta
 - III. Agricultural products referred to in Annex II to Regulation (EEC) No 2081/92:
 - Group 3.1.: Hay
 - Group 3.2.: Essential oils
 - Group 3.3.: Cork
 - Group 3.4.: Cochineal (raw product of animal origin)
 - Group 3.5.: Flowers and ornamental plants
 - Group 3.6.: Wool
 - Group 3.7.: Osier
-

ANNEX III

Standard form for requests for the amendment of a specification

COUNCIL REGULATION (EEC) No 2081/92

'NAME OF PRODUCT'**(EC No: ...)****Amendments(s) requested**

— Heading(s) in the specification:

- Name
- Description
- Geographical area
- Proof of origin
- Method of production
- Link
- Labelling
- National requirements

— Amendment(s):

(indicate headings)**Short explanation of amendments affecting the main points of the product specifications.****Insert the updated summary**

COMMISSION REGULATION (EC) No 384/2004
of 1 March 2004
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in

the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the twentieth 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, 1 March 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1, Regulation as last amended by Commission Regulation (EC) No 2344/2003 (OJ L 346, 31.12.2003, p. 38).

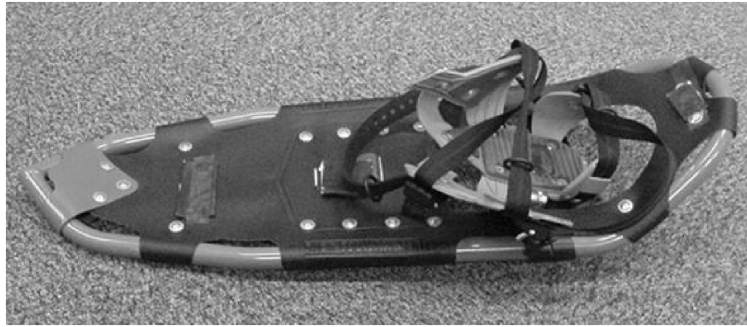
⁽²⁾ OJ L 302, 19.10.1992, p. 1, Regulation as last amended by the Act of Accession of 2003.

ANNEX

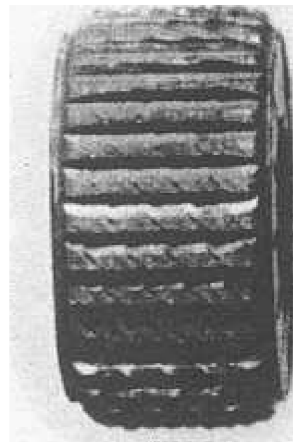
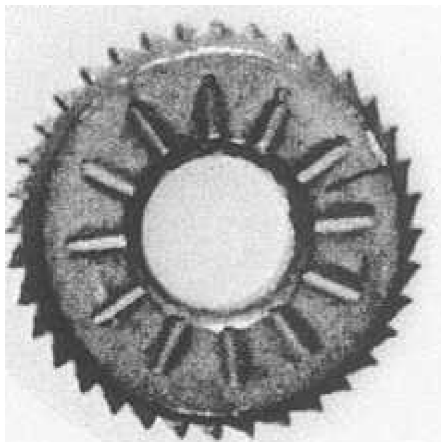
Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>1. A connector for an optical fibre cable, unassembled, consisting of the following components:</p> <ul style="list-style-type: none"> — one connector part of base metal with a plastic interior and a ceramic ferrule, provided with a steel spring; — one tube of base metal with a shaped edge; — one plastic cylinder with a crimp-sleeve of aluminium; — two plastic holders. <p>The connector part can be assembled with the other parts and one of the holders to form a connector.</p> <p>One individually sheathed optical fibre is passed through the ferrule and secured to it.</p> <p>The connector will be used as a connecting element for optical fibre cables.</p>	6909 19 00	<p>Classification is determined by General Rules 1, 2(a), 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 6909 and 6909 19 00.</p> <p>The connector is not considered to be a part or an accessory of an optical fibre cable.</p> <p>The connector is to be classified according to the constituent material. Its essential character is conferred by the ferrule.</p>
<p>2. Apparatus consisting of:</p> <ul style="list-style-type: none"> — an axial fan with an electrical motor and an electronic assembly for adjusting the speed of the fan; and — an aluminium heat sink. <p>The function of the apparatus is to remove the excess heat of a central processing unit of an automatic data processing machine.</p>	8414 59 30	<p>Classification is determined by the provisions of General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8414, 8414 59 and 8414 59 30.</p> <p>The fan gives the product its essential character. It is the primary component for removing excess heat.</p>
<p>3. An article (snowshoe) measuring 65 cm in length and 23 cm at its widest consisting of an aluminium frame with a plastic covering, tapered at one end and rounded at the other. This frame has a plastic attachment 1 mm thick which has cutouts for metal blades on the underside to ensure better footing in the snow. A rigid metal plate is secured to the frame on the upper side by a plastic strap. Rubber pieces are attached to the plate to go round a shoe when worn and these in turn have rubber/fabric straps to attach the article to the shoe.</p> <p>The article is used to assist walking on the snow.</p> <p>See photograph A (*)</p>	9506 99 90	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 9506, 9506 99 and 9506 99 90.</p> <p>It is not snow-ski equipment as it is not used for skiing.</p> <p>It is not equipment for general physical exercise.</p> <p>The product is considered to be an article for outdoor sport.</p>
<p>4. A base metal wheel, with a diameter of 6,74 mm, a centre hole size of 3 mm and a thickness of 3,54 mm, provided with teeth.</p> <p>The product is a component for incorporating into the ignition mechanism of a cigarette lighter.</p> <p>See photographs B (*)</p>	9613 90 00	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 9613 and 9613 90 00.</p> <p>The wheel is suitable for use principally in the manufacture of spark devices for cigarette lighters of heading 9613.</p>

(*) The photographs are purely for information.

A



B



COMMISSION REGULATION (EC) No 385/2004
of 1 March 2004

amending Regulation (EC) No 2341/2003 derogating from Regulation (EC) No 780/2003 as regards a tariff subquota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal⁽¹⁾, and in particular the first subparagraph of Article 32(1) thereof,

Whereas:

- (1) Following a successful appeal of an operator to an independent body under Dutch jurisdiction against the decision of the Dutch authorities not to approve that operator in accordance with Articles 8 and 9 of Commission Regulation (EC) No 780/2003 of 7 May 2003 opening and providing for the administration of a tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (1 July 2003 to 30 June 2004)⁽²⁾ and, consequently, to reject his application for an import licence lodged during the first period (1 to 4 July 2003) in accordance with the first indent of Article 12(2) of that Regulation, the Dutch authorities were bound to approve this operator retrospectively and to issue an import licence in respect of 33,34071 tonnes of frozen meat of bovine animals for that period.

- (2) As a consequence, the quantities available for the period 3 to 7 May 2004 in accordance with Article 1(2)(a)(ii) of Commission Regulation (EC) No 2341/2003⁽³⁾ should be adapted in order to guarantee that the quantity of 34 450 tonnes overall available for the year 2003/2004 as stipulated in the second subparagraph of Article 12(2) of Regulation (EC) No 780/2003 is not exceeded.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1(2)(a) of Regulation (EC) No 2341/2003, point (ii) is replaced by the following:

- '(ii) 5 708,65929 tonnes for the period from 3 to 7 May 2004';

Article 2

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

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

Done at Brussels, 1 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 114, 8.5.2003, p. 8.

⁽³⁾ OJ L 346, 31.12.2003, p. 33.

COMMISSION REGULATION (EC) No 386/2004

of 1 March 2004

amending Council Regulation (EC) No 2201/96 and Regulation (EC) No 1535/2003 as regards the combined nomenclature codes for certain products processed from fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(6) These amendments should apply at the same time as Regulation (EC) No 1789/2003.

Having regard to the Treaty establishing the European Community,

(7) Regulation (EC) No 2201/96 and Regulation (EC) No 1535/2003 must therefore be amended.

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the common customs tariff nomenclature used for agricultural products ⁽¹⁾, and in particular Article 2(1) thereof,

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for products processed from fruit and vegetables,

Whereas:

HAS ADOPTED THIS REGULATION:

(1) Article 1(2) of Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽²⁾ fixes the products governed by that common market organisation.*Article 1*

(2) Annex I to Regulation (EC) No 2201/96 establishes the products referred to in Article 2 of that Regulation.

Regulation (EC) No 2201/96 is hereby amended as follows:

(3) Article 2 of Commission Regulation (EC) No 1535/2003 of 29 August 2003 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables ⁽³⁾ defines the products referred to in Article 6a(1) of Regulation (EC) No 2201/96 and also in Annex I thereto.

1. In Article 1(2), point (b) of the Table is amended as follows:

- (a) under code 'ex 2001', sixth indent, the code 'ex 2001 90 96' is replaced by 'ex 2001 90 99';
- (b) under code 'ex 2007', second indent, the code 'ex 2007 99 58' is replaced by 'ex 2007 99 57';
- (c) under code 'ex 2008', seventh indent, the code 'ex 2008 99 68' is replaced by 'ex 2008 99 67';

(4) Commission Regulation (EC) No 1789/2003 of 11 September 2003 amending Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁴⁾ provides for amendments to the combined nomenclature for certain products processed from fruit and vegetables.

2. Annex I is amended as follows:

- (a) the codes 'ex 2008 40 91' and 'ex 2008 40 99' are replaced by 'ex 2008 40 90';
- (b) the codes 'ex 2008 70 94' and 'ex 2008 70 99' are replaced by 'ex 2008 70 98'.

Article 2

(5) Article 1(2) of Regulation (EC) No 2201/96 and Annex I thereto must therefore be amended, as must Article 2 of Regulation (EC) No 1535/2003.

Article 2 of Regulation (EC) No 1535/2003 is amended as follows:

- 1. in point (1), the terms 'ex 2008 70 94 and ex 2008 70 99' are replaced by 'and ex 2008 70 98';
- 2. in point (2), the terms 'ex 2008 40 91 and ex 2008 40 99' are replaced by 'and ex 2008 40 90'.

⁽¹⁾ OJ L 34, 9.2.1979, p. 2. Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31.12.1994, p. 105).⁽²⁾ OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Regulation (EC) No 453/2002 (OJ L 72, 14.3.2002, p. 9).⁽³⁾ OJ L 218, 30.8.2003, p. 14.⁽⁴⁾ OJ L 281, 30.10.2003, p. 1.

Article 3

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

It shall apply from 1 January 2004.

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

Done at Brussels, 1 March 2004.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 387/2004

of 1 March 2004

supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' (Arbroath Smokies)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Under Article 5 of Regulation (EEC) No 2081/92 the United Kingdom forwarded to the Commission an application for registration of the name Arbroath Smokies as a geographical indication.
- (2) An investigation as required by Article 6(1) of the above Regulation was carried out and it was found that that Regulation's requirements were met, notably that all the particulars required under Article 4 were provided.
- (3) Following publication in the *Official Journal of the European Union*⁽²⁾ of the application in respect of the name indicated in the Annex hereto, the Commission has received no objection under Article 7 of the said Regulation.

(4) The name in question should therefore be entered in the 'Register of protected designations of origin and protected geographical indications' and accordingly enjoy protected geographical indication status at Community level.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 1 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 22, 16.5.2003, p. 1).

⁽²⁾ OJ C 141, 17.6.2003, p. 10 (Arbroath Smokies).

⁽³⁾ OJ L 327, 18.12.1996, p. 11. Regulation as last amended by Regulation (EC) No 297/2004 (OJ L 50, 20.2.2004, p. 18).

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE TREATY INTENDED FOR HUMAN CONSUMPTION

Fresh fish, molluscs and crustaceans

UNITED KINGDOM

Arbroath Smokies (PGI)

COMMISSION REGULATION (EC) No 388/2004
of 1 March 2004
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

(1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 375/2004 ⁽³⁾.

(2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 375/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 375/2004 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 2 March 2004.

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

Done at Brussels, 1 March 2004.

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

⁽³⁾ OJ L 63, 28.2.2004, p. 44.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	29,65
1005 10 90	Maize seed other than hybrid	25,99
1005 90 00	Maize other than seed ⁽²⁾	25,99
1007 00 90	Grain sorghum other than hybrids for sowing	29,65

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(for 27 February 2004)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	137,48 (***)	96,06	167,04	157,04	137,04	102,40
Gulf premium (EUR/t)	28,12	8,17	—	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the two-week period preceding the day of fixing:

Freight/cost: Gulf of Mexico — Rotterdam: 34,02 EUR/t; Great Lakes — Rotterdam: 0,00 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 389/2004
of 1 March 2004

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip ⁽²⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 2 March 2004.

It shall apply from 3 to 16 March 2004.

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

Done at Brussels, 1 March 2004.

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

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

ANNEX

to the Commission Regulation of 1 March 2004 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 3 to 16 March 2004

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	12,43	11,99	42,62	16,52
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	—	—
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	13,48	—	—	—

**COMMISSION REGULATION (EC) No 390/2004
of 1 March 2004**

re-establishing the preferential customs duty on imports of uniflorous (bloom) carnations originating in the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco and the West Bank and the Gaza Strip ⁽¹⁾, and in particular Article 5(2)(b) thereof,

Whereas:

(1) Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community.

(2) Council Regulation (EC) No 747/2001 ⁽²⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Egypt, Israel, Malta, Morocco and the West Bank and the Gaza Strip respectively.

(3) Commission Regulation (EC) No 389/2004 ⁽³⁾ fixed Community producer and import prices for carnations and roses for application of the arrangements for importation from the countries in question.

(4) Commission Regulation (EEC) No 700/88 ⁽⁴⁾ laid down detailed rules for the application of these arrangements.

(5) The preferential customs duty fixed for uniflorous (bloom) carnations originating in Israel by Regulation (EC) No 747/2001 was suspended by Commission Regulation (EC) No 11/2004 ⁽⁵⁾.

(6) On the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in Article 2(4) of Regulation (EEC) No 4088/87 is met for uniflorous (bloom) carnations originating in the West Bank and the Gaza Strip. The preferential customs duty should be reintroduced.

(7) In between meetings of the Management Committee for Live Plants and Floriculture Products, the Commission must adopt such measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. For imports of uniflorous (bloom) carnations (CN code ex 0603 10 20) originating in the West Bank and the Gaza Strip the preferential customs duty set by Regulation (EC) No 747/2001 is reintroduced.

2. Regulation (EC) No 11/2004 is hereby repealed.

Article 2

This Regulation shall enter into force on 2 March 2004.

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 109, 19.4.2001, p. 2. Regulation as last amended by Commission Regulation (EC) No 54/2004 (OJ L 7, 13.1.2004, p. 30).

⁽³⁾ See page 32 of this Official Journal.

⁽⁴⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 16).

⁽⁵⁾ OJ L 2, 6.1.2004, p. 34.

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

Done at Brussels, 1 March 2004.

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

COMMISSION REGULATION (EC) No 391/2004
of 1 March 2004

amending for the 30th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Regulation (EC) No 467/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freezing of funds and other financial resources in respect of the Taliban of Afghanistan⁽¹⁾, as last amended by Commission Regulation (EC) No 180/2004⁽²⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

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

- (2) On 27 February 2004, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.
- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 1 March 2004.

For the Commission
Christopher PATTEN
Member of the Commission

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ OJ L 28, 31.1.2004, p. 15.

ANNEX

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

The following entry shall be added under the heading 'Natural persons':

'Shaykh Abd-al-Majid AL-ZINDANI (alias (a) Abdelmajid AL-ZINDANI; (b) Shaykh Abd Al-Majid AL-ZINDANI). Date of birth: 1950. Place of birth: Yemen. Nationality: Yemeni. Passport No: A005487 (Yemen) issued 13 August 1995.'

II

(Acts whose publication is not obligatory)

COUNCIL

Information on the entry into force of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation

The Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation, which the Council decided to conclude on 17 December 2003 ⁽¹⁾, came into force on 1 March 2004, the process of notifications of completion of the procedures, referred to in Article 20 of the Agreement having ended on 30 January 2004.

⁽¹⁾ OJ L 17, 24.1.2004, p. 25.

COMMISSION

COMMISSION DECISION

of 27 February 2004

amending Decision 2002/794/EC concerning certain protective measures with regard to poultrymeat, poultrymeat products and poultrymeat preparations intended for human consumption and imported from Brazil

(notified under document number C(2004) 557)

(Text with EEA relevance)

(2004/198/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, as amended by Regulation (EC) No 1642/2003⁽²⁾, and in particular Article 53(1) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽³⁾, and in particular Article 22(1) thereof,

Whereas:

(1) In accordance with Commission Decision 2002/794/EC⁽⁴⁾ all consignments of poultrymeat, poultrymeat products and poultrymeat preparations imported from Brazil must be sampled in order to demonstrate the absence of nitrofurans.

(2) Decision 2002/794/EC should be reviewed, according to Article 6 thereof, in the light of the guarantees offered by the competent authorities of Brazil and on the basis of the results of the test carried out by the Member States.

(3) The competent authorities of Brazil have submitted to the Commission on 27 May 2003 an action plan, which was considered satisfactory by the Commission.

(4) The Food and Veterinary Office concluded in its mission report⁽⁵⁾ that the implementation and enforcement of this action plan were carried without important deficiencies.

(5) Since 12 August 2003, the Commission, through the RASFF system, did not receive any relevant notification of nitrofurans in poultrymeat, poultrymeat products or poultrymeat preparations from Brazil.

(6) The frequency of sampling and testing shall therefore be reduced.

(7) Decision 2002/794/EC should be amended accordingly.

(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

In Article 2 of Decision 2002/794/EC, the text of paragraph 1 is replaced by the following text:

'1. Member States shall, using appropriate sampling plans and detection methods, subject 20 % of the consignments of poultrymeat, poultrymeat products and poultrymeat preparations imported from Brazil to a chemical test in order to ensure that the products concerned do not present a hazard to human health. This test must be carried out, in particular, with a view to detecting the presence of nitrofurans and their metabolites.'

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 245, 29.9.2003, p. 4.

⁽³⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁴⁾ OJ L 276, 12.10.2002, p. 66.

⁽⁵⁾ DG SANCO/9047/2003 — Final.

Article 2

This Decision shall apply from 9 March 2004.

Member States shall amend the measures they apply to imports in order to bring them into line with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 27 February 2004.

For the Commission
David BYRNE
Member of the Commission

COMMISSION DECISION
of 27 February 2004
amending Decision 93/52/EEC as regards the recognition of certain provinces in Italy as officially free of brucellosis

(notified under document number C(2004) 558)

(Text with EEA relevance)

(2004/199/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals ⁽¹⁾, and in particular Annex A, Chapter 1, point II thereto,

Whereas:

- (1) In Italy, in the Provinces of Rieti and Viterbo (Region of Lazio) brucellosis (*Brucella melitensis*) has been a notifiable disease for at least five years.
- (2) In the Provinces of Rieti and Viterbo, at least 99,8 % of the ovine or caprine holdings are officially brucellosis-free holdings. These Provinces undertake, furthermore, to comply with Annex A, Chapter 1, point II(2), to Directive 91/68/EEC.
- (3) The Provinces of Rieti and Viterbo should consequently be recognised as officially free of brucellosis (*Brucella melitensis*).
- (4) Commission Decision 93/52/EEC of 21 December 1992 recording the compliance by certain Member States or regions with the requirements relating to brucellosis (*B. melitensis*) and according them the status of a Member State or region officially free of the disease ⁽²⁾ should therefore be amended accordingly.

- (5) 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

Annex II to Decision 93/52/EEC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 February 2004.

For the Commission
David BYRNE
Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 19. Directive as last amended by Commission Decision 2003/708/EC (OJ L 258, 10.10.2003, p. 11).

⁽²⁾ OJ L 13, 21.1.1993, p. 14. Decision as last amended by Decision 2003/732/EC (OJ L 264, 15.10.2003, p. 30).

ANNEX

'ANNEX II

In France:

Départements:

Ain, Aisne, Allier, Ardèche, Ardennes, Aube, Aveyron, Cantal, Charente, Charente-Maritime, Cher, Corrèze, Côte-d'Or, Côtes-d'Armor, Creuse, Deux-Sèvres, Dordogne, Doubs, Essonne, Eure, Eure-Loire, Finistère, Gers, Gironde, Hauts-de-Seine, Haute-Loire, Haute-Vienne, Ille-et-Vilaine, Indre, Indre-et-Loire, Jura, Loir-et-Cher, Loire, Loire-Atlantique, Loiret, Lot et Garonne, Lot, Lozère, Maine-et-Loire, Manche, Marne, Mayenne, Morbihan, Nièvre, Nord, Oise, Orne, Pas-de-Calais, Puy-de-Dôme, Rhône, Haute-Saône, Saône-et-Loire, Sarthe, Seine-Maritime, Seine-Saint-Denis, Territoire de Belfort, Val-de-Marne, Val-d'Oise, Vendée, Vienne, Yonne, Yvelines, Ville de Paris, Vosges.

In Italy:

- Region Lazio: Provinces of Rieti and Viterbo.
- Region Lombardia: Provinces of Bergamo, Brescia, Como, Cremona, Lecco, Lodi, Mantova, Milano, Pavia, Sondrio, Varese.
- Region Sardinia: Provinces of Cagliari, Nuoro, Oristano and Sassari.
- Region Trentino-Alto Adige: Provinces of Bolzano and Trento.
- Region Tuscany: Province of Arezzo.

In Portugal:

Autonomous Region of the Azores.

In Spain:

Autonomous Region of Canary Islands: Provinces of Santa Cruz de Tenerife and Las Palmas.'

COMMISSION DECISION

of 27 February 2004

on measures to prevent the introduction into and the spread within the Community of Pepino mosaic virus

(notified under document number C(2004) 581)

(2004/200/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular the third sentence of Article 16(3) thereof,

Whereas:

- (1) In late 1999 and early 2000, Germany, France, the Netherlands and the United Kingdom, informed the other Member States and the Commission of outbreaks of Pepino mosaic virus on tomato crops in their countries and of the measures taken to control it.
- (2) By Commission Decision 2003/64/EC⁽²⁾, the Member States were provisionally required to take measures against the introduction into and the spread within the Community of Pepino mosaic virus. That Decision has ceased to apply on 31 January 2004.
- (3) Pepino mosaic virus is currently not listed in Annex I or Annex II to Directive 2000/29/EC. However, a preliminary pest risk analysis carried out by several Member States based on available scientific information has demonstrated that Pepino mosaic virus and its damaging effects could be of significant plant health concern to the Community, in particular for protected tomato production. The scientific work performed on the Pepino mosaic virus has still not yet provided sufficient clarification to revise that preliminary pest risk analysis, although more information has become available in particular as regards the damage by Pepino mosaic virus on tomato plants intended for planting.
- (4) Accordingly, as Decision 2003/64/EC has expired, it is necessary to provide for provisional measures against Pepino mosaic virus.
- (5) As a result of official surveys carried out under Decision 2003/64/EC, and based on recent information on the damage caused by Pepino mosaic virus, the role of tomato seed as a significant source of infection is now ascertained.

- (6) The measures set out in this Decision should apply to the introduction or the spread within the Community of Pepino mosaic virus, the inspection of seeds of tomato originating in third countries and the movement of seeds of tomato. They should also include more general monitoring for the presence of Pepino mosaic virus in the Member States.
- (7) It is appropriate that the results of such measures be continually assessed, and possible subsequent measures be considered in the light of the results of that assessment. The subsequent measures should also take into account the information to be provided and the scientific opinion to be delivered by the Member States.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

The introduction into and movement within the Community of seeds of tomato, *Lycopersicon lycopersicum* (L.) Karsten ex Farw., contaminated by Pepino mosaic virus shall be prohibited.

Article 2

Seeds of tomato originating in third countries may only be imported into the Community if they meet the conditions laid down in point 1 of the Annex. They shall be inspected, and tested when appropriate, on entry into the Community for the presence of Pepino mosaic virus, in accordance with Article 13(1)(i) of Directive 2000/29/EC, *mutatis mutandis*.

Article 3

1. Seeds of tomato, originating in the Community, may only be moved within the Community if they meet the conditions laid down in point 2 of the Annex.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2003/116/EC (OJ L 321, 6.12.2003, p. 36).

⁽²⁾ OJ L 24, 29.1.2003, p. 15.

2. Paragraph 1 shall not apply to movement of seeds intended for sale to final consumers not involved in professional plant production, provided that the packaging of the seeds or other indications clearly show that they are intended for sale to such consumer.

Article 4

Member States shall conduct official surveys on premises involved in the production of tomato plants and tomato fruits, for the presence of Pepino mosaic virus.

Without prejudice to respectively Article 16(2) and 13c(8) of Directive 2000/29/EC, the results of the surveys provided for in the first paragraph and the results of the inspections and tests provided for in Article 2 shall be notified to the Commission and to the other Member States by 30 November 2004.

Article 5

The Commission shall review the operation of this Decision by 31 December 2004 at the latest.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 27 February 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Conditions laid down in Articles 2 and 3

1. Seeds of tomato, originating in third countries, shall be accompanied by a phytosanitary certificate as referred to in Article 13(1)(ii) of Directive 2000/29/EC, stating that they have been obtained by means of an appropriate acid extraction method, and:
 - (a) that they originate in areas in which Pepino mosaic virus is known not to occur; or
 - (b) that no symptoms of Pepino mosaic virus have been observed on the plants at the place of production during their complete cycle of vegetation; or
 - (c) that they have undergone official testing for Pepino mosaic virus, on a representative sample and using appropriate methods, and have been found, in these tests, free from Pepino mosaic virus.
 2. Seeds of tomato, originating in the Community, may only be moved within the Community if they have been obtained by means of an appropriate acid extraction method, and:
 - (a) that they originate in areas in which Pepino mosaic virus is known not to occur; or
 - (b) that no symptoms of Pepino mosaic virus have been observed on the plants at the place of production during their complete cycle of vegetation; or
 - (c) that they have undergone official testing for Pepino mosaic virus, on a representative sample and using appropriate methods, and have been found, in these tests, free from Pepino mosaic virus.
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(Acts adopted pursuant to Title VI of the Treaty on European Union)

COUNCIL DECISION 2004/201/JHA
of 19 February 2004
on procedures for amending the Sirene Manual

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(1)(a) and (b), Article 31(a) and (b) and Article 34(2)(c) thereof,

Having regard to the initiative of the Hellenic Republic ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

(1) The Schengen Information System (hereinafter referred to as the 'SIS') set up pursuant to the provisions of Title IV of the Convention of 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (hereinafter referred to as the 'Schengen Convention') ⁽³⁾ constitutes an essential tool for the application of the provisions of the Schengen *acquis* as integrated into the framework of the European Union.

(2) Pursuant to the provisions of Article 92 of the Schengen Convention, the national sections of the Member States cannot exchange SIS data directly between themselves; they may only exchange data via the technical support function in Strasbourg. However, it is appropriate for certain supplementary information required for implementing certain provisions of the Schengen Convention correctly to be exchanged bilaterally or multilaterally. Such supplementary information is needed in particular in relation to the action required pursuant to Articles 25, 39, 46, 95 to 100, 102(3), 104(3), 106, 107, 109 and 110 of the Schengen Convention. The exchange of this supplementary information is carried out by the Sirene offices of each Member State.

(3) The Sirene Manual is a set of instructions to operators in the Sirene offices of each of the Member States which describes in detail the rules and procedures governing the bilateral or multilateral exchange of such supplementary information.

(4) Uniformity of the Sirene Manual should be ensured. The Schengen technical *acquis* should be applicable here.

(5) Amendments to Part 1 of the Sirene Manual pursuant to this Decision should be confined to reflecting the applicable version of the provisions of the Schengen Convention.

(6) It is necessary to establish a procedure for amending the Sirene Manual in accordance with the relevant provisions of the various Treaties.

(7) The legislative basis required for allowing future amendments to the Sirene Manual consists of two separate instruments: this Decision based on Articles 30(1)(a) and (b), 31(a) and (b) and 34(2)(c) of the Treaty on European Union and Council Regulation (EC) No 378/2004 of 19 February 2004 on procedures for amending the Sirene Manual ⁽⁴⁾ based on Article 66 of the Treaty establishing the European Community. The reason for this is that, as set out in Article 92 of the Schengen Convention, the SIS is to enable the authorities designated by the Member States, by means of an automated search procedure, to have access to alerts on persons and property for the purposes of border checks and other police and customs checks carried out within the country in accordance with national law, as well as for the purposes of issuing visas, residence permits and the administration of legislation on aliens in the context of the application of the provisions of the Schengen *acquis* relating to the movement of persons. The exchange of the supplementary information required for implementing the provisions of the Schengen Convention referred to in recital 2, carried out by the Sirene offices of each Member State, also serves these purposes, as well as assisting with police cooperation generally.

(8) The fact that the legislative basis required consists of two separate instruments does not affect the principle that the SIS constitutes, and should continue to constitute, one single, integrated, information system and that the Sirene offices should continue to carry out their tasks in an integrated manner.

⁽¹⁾ OJ C 82, 5.4.2003, p. 25.

⁽²⁾ Opinion delivered on 23 September 2003 (not yet published in the Official Journal).

⁽³⁾ OJ L 239, 22.9.2000, p. 19.

⁽⁴⁾ See page 5 of this Official Journal.

- (9) This Decision sets out procedures for the taking of measures necessary for its implementation which mirror the relevant provisions of Regulation (EC) No 378/2004, so as to ensure that there will be one single implementing process for the amendment of the Sirene Manual as a whole.
- (10) An arrangement should be made to allow representatives of Iceland and Norway to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchange of Letters between the Community and Iceland and Norway⁽¹⁾, annexed to the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*⁽²⁾.
- (11) This Decision and the United Kingdom's and Ireland's participation in its adoption and application are without prejudice to the arrangements for the United Kingdom's and Ireland's partial participation in the Schengen *acquis* defined by the Council in Decisions 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽³⁾ and 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*⁽⁴⁾, respectively.
- (12) This Decision constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(1) of the Act of Accession,

HAS DECIDED AS FOLLOWS:

Article 1

The Sirene Manual shall constitute a set of instructions to operators in the Sirene offices of each Member State which establishes the rules and procedures governing the bilateral or multilateral exchange of supplementary information which is required in order to implement correctly certain provisions of the Schengen Convention, as integrated into the framework of the European Union.

Article 2

1. The Introduction, Part 1 and Part 2, the introduction of Part 3 and points 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.1.7, 3.1.8, 3.1.9, 3.1.10 and 3.2 of Part 3, the introduction of Part 4 and points 4.1.1, 4.1.2, 4.2, 4.3, 4.3.1, 4.3.2, 4.3.3, 4.4, 4.4.1, 4.4.2, 4.4.3, 4.5.1, 4.5.2, 4.7, 4.8, 4.9 and 4.10 of Part 4, the introduction of Part 5 and points 5.1.1, 5.1.2.1, 5.1.2.3, 5.1.2.4, 5.1.2.5, 5.1.2.6, 5.1.2.7, 5.2 and 5.3 of Part 5,

Annexes 1, 2, 3 and 4, the introduction and forms A, B, C, D, E, F, G, H, I, J, K, L, M and P in Annex 5 and Annex 6 of the Sirene Manual shall be amended by the Commission in accordance with the regulatory procedure referred to in Article 3.

2. Additional instructions, including other Annexes, may also be introduced into the Sirene Manual in accordance with the regulatory procedure referred to in Article 3. In the case of Annex 5, such changes may in particular include the creation of additional forms where these prove necessary.

Article 3

1. Where reference is made to this Article, the Commission shall be assisted by a Regulatory Committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The committee shall adopt its rules of procedure on a proposal by the chair on the basis of standard rules of procedure which have been published in the *Official Journal of the European Union*.

3. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty establishing the European Community, in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

4. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

5. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken and shall inform the European Parliament.

6. The Council may act by qualified majority on the proposal, within two months from the date of referral to the Council.

If within that period the Council has indicated by qualified majority that it opposes the proposal, the Commission shall re-examine it. It may submit an amended proposal to the Council, resubmit its proposal or present a legislative proposal.

If on the expiry of that period the Council has neither adopted the proposed implementing act nor indicated its opposition to the proposal for implementing measures, the proposed implementing act shall be adopted by the Commission.

⁽¹⁾ OJ L 176, 10.7.1999, p. 53.

⁽²⁾ OJ L 176, 10.7.1999, p. 36.

⁽³⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁴⁾ OJ L 64, 7.3.2002, p. 20.

Article 4

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 19 February 2004.

For the Council

The President

M. McDOWELL
