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⁽¹⁾ Text with EEA relevance

Price: EUR 18

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 797/2004**of 26 April 2004****on measures improving general conditions for the production and marketing of apiculture products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament, ⁽¹⁾

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

Whereas:

(1) Following the Communication from the Commission to the Council and the European Parliament on European apiculture in 1994, the Council concluded that proposals were required for a framework Regulation on beekeeping.

(2) Thus by Regulation (EC) No 1221/97 ⁽³⁾, the Council laid down general rules on measures to improve the production and marketing of honey.

(3) Since then, the Commission has sent the Council and the European Parliament reports on the implementation of Regulation (EC) No 1221/97 in February 2001 and January 2004. The conclusions drawn from these reports show that the measures provided for by Regulation (EC) No 1221/97 should be adapted to the current situation in the Community beekeeping sector. That Regulation should therefore be repealed and replaced by a new one.

(4) Beekeeping is a sector of agriculture, the main functions of which are economic activity and rural development, the production of honey and other products of the hive and the maintenance of ecological balance.

(5) The sector is characterised by diversity of production conditions and yields, and by the dispersion and variety of economic operators, both at the production and marketing stage.

(6) In view of the spread of varroasis in several Member States in recent years and the problems which this disease causes for honey production, action by the Community is necessary as varroasis cannot be completely eradicated and is to be treated with approved products.

(7) Given these circumstances and in order to improve the production and marketing of apiculture products in the Community, national programmes should be drawn up every three years comprising technical assistance, control of varroasis, rationalisation of transhumance, management of the restocking of hives in the Community, and cooperation on research programmes on beekeeping and apiculture products.

(8) In order to supplement the statistical data on beekeeping, Member States should carry out studies on the structure of the sector, covering production, marketing and price formation.

(9) Expenditure by the Member States in fulfilment of the obligations arising from this Regulation should be borne by the Community in accordance with Article 2(2) and (3) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽⁴⁾.

(10) The competition rules governing State aid in the field of beekeeping should apply. Nevertheless, an exemption from the rules on State aids should be made with regard to financial contributions provided by Member States for measures subject to Community support in accordance with this Regulation as well as with regard to specific national aids for the protection of apiaries disadvantaged by structural or natural conditions or under economic development programmes, except for those granted for production or trade; special rules should be established for such State aid.

⁽¹⁾ Opinion delivered on 22 April 2004 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 1 April 2004 (not yet published in the Official Journal).

⁽³⁾ Council Regulation (EC) No 1221/97 of 25 June 1997 laying down general rules for the application of measures to improve the production and marketing of honey (OJ L 173, 1.7.1997, p. 1). Regulation as last amended by Regulation (EC) No 2070/98 (OJ L 265, 30.9.1998, p. 1).

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

(11) 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 to the Commission ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down measures for improving general conditions for the production and marketing of apiculture products.

To this end, each Member State may draw up a national programme for a period of three years, hereinafter referred to as the 'apiculture programme'.

2. For the purpose of this Regulation:

- (a) 'honey' means the product which corresponds to the provisions of Annex I to Council Directive 2001/110/EC of 20 December relating to honey ⁽²⁾;
- (b) 'apiculture products' means the products defined in Annex I, point 1 of Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption ⁽³⁾.

3. Articles 87, 88 and 89 of the Treaty shall apply to aid granted in the honey and honey products sector. Nevertheless, Articles 87 to 89 of the Treaty shall not apply:

- (a) to the financial contribution provided by Member States for measures subject to Community support in accordance with this Regulation;
- (b) to specific national aids for the protection of apiaries disadvantaged by structural or natural conditions or under economic development programmes, except for those allocated for production or trade.

Aids referred to in (b) must be notified to the Commission by Member States at the same time as their apiculture programme provided for in Article 5.

Article 2

The measures which may be included in the apiculture programme shall be the following:

- (a) technical assistance to beekeepers and groupings of beekeepers;
- (b) control of varroasis;
- (c) rationalisation of transhumance;

- (d) measures to support laboratories carrying out analyses of the physico-chemical properties of honey;
- (e) measures to support the restocking of hives in the Community;
- (f) cooperation with specialised bodies for the implementation of applied research programmes in the field of beekeeping and apiculture products.

Measures financed under Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽⁴⁾ shall be excluded from the apiculture programme.

Article 3

To be eligible for the part-financing provided for in Article 4(2), Member States shall carry out a study of the production and marketing structure in the beekeeping sector in their territory. This study shall be communicated with the apiculture programme.

Article 4

1. Expenditure made in accordance with this Regulation shall be considered to be intervention within the meaning of Article 2(2) and (3) of Regulation (EC) No 1258/1999.
2. The Community shall provide part-financing for the apiculture programmes equivalent to 50 % of the expenditure borne by Member States.
3. Expenditure relating to the measures taken under the apiculture programmes must be made by the Member States by 15 October each year.

Article 5

The apiculture programme shall be drawn up in close collaboration with the representative organisations and beekeeping cooperatives. It shall be communicated to the Commission, which shall approve it in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽⁵⁾.

Article 6

1. The Commission shall be assisted by the Management Committee for Poultrymeat and Eggs (hereinafter referred to as 'the Committee'), set up by Article 16 of Regulation (EEC) No 2771/75.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 10, 12.1.2002, p. 47.

⁽³⁾ OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Regulation (EC) No 813/2003 (OJ L 117, 13.5.2003, p. 22).

⁽⁴⁾ OJ L 160, 26.6.1999, p. 80. Regulation as last amended by Regulation (EC) No 583/2004 (OJ L 91, 30.3.2004, p. 1).

⁽⁵⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

Article 8

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

Regulation (EC) No 1221/97 is hereby repealed.

3. The Committee shall adopt its Rules of Procedure.

Article 7

Article 9

The Commission shall present to the European Parliament and the Council every three years a report on the implementation of this Regulation.

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 Luxembourg, 26 April 2004.

For the Council

The President

J. WALSH

**COUNCIL REGULATION (EC) No 798/2004
of 26 April 2004**

renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 1081/2000

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Common Position 2004/423/CFSP of 26 April 2004 renewing restrictive measures in respect of Burma/Myanmar ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 28 October 1996, the Council, concerned at the absence of progress towards democratisation and at the continuing violation of human rights in Burma/Myanmar, imposed certain restrictive measures against Burma/Myanmar by Common Position 1996/653/CFSP ⁽²⁾. In view of continued severe and systematic violations of human rights by the Burmese authorities, and in particular continuing and intensified repression of civil and political rights, and the failure of those authorities to take steps towards democracy and reconciliation, the restrictive measures against Burma/Myanmar were subsequently extended several times, most recently by Common Position 2003/297/CFSP ⁽³⁾ on Burma/Myanmar, which is due to expire on 29 April 2004. Some of the restrictive measures imposed against Burma/Myanmar were implemented at Community level by Council Regulation (EC) No 1081/2000 ⁽⁴⁾.
- (2) In view of the current political situation in Burma/Myanmar, as witnessed by the failure of the military authorities to enter into substantive discussions with the democratic movement concerning a process leading to national reconciliation, respect for human rights and democracy, the continuing detention of Daw Aung San Suu Kyi and other members of the National League for Democracy and the continuing serious violations of human rights, including the failure to take action to eradicate the use of forced labour in accordance with the recommendations of the International Labour Organisation's High-Level Team report of 2001, Common Position 2004/423/CFSP stipulates that the restrictive measures against the military regime in Burma/Myanmar and those who benefit most from its misrule and those who actively frustrate the process of national reconciliation, respect for human rights and democracy should be maintained.

- (3) The restrictive measures provided for by Common Position 2004/423/CFSP include *inter alia* a ban on technical assistance, financing and financial assistance related to military activities, a ban on the export of equipment which might be used for internal repression, and the freezing of funds and economic resources of members of the Government of Burma/Myanmar and of any natural or legal persons, entities or bodies associated with them.
- (4) These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement them as far as the Community is concerned. For the purpose of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.
- (5) It is desirable to align with recent practice the provisions concerning the ban on technical assistance, financing and financial assistance related to military activities, and those concerning the freezing of funds and economic resources.
- (6) For the sake of clarity, a new text containing all the relevant provisions as amended should be adopted, replacing Regulation (EC) No 1081/2000, which should be repealed.
- (7) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

⁽¹⁾ OJ L 125, 28.4.2004, p. 61.

⁽²⁾ OJ L 287, 8.11.1996, p. 1.

⁽³⁾ OJ L 106, 29.4.2003, p. 36. Common position as last amended by Council Decision 2003/907/CFSP (OJ L 340, 24.12.2003, p. 81).

⁽⁴⁾ OJ L 122, 24.5.2000, p. 29. Regulation as last amended by Commission Regulation (EC) No 2297/2003 (OJ L 340, 24.12.2003, p. 37).

2. 'funds' means financial assets and benefits of every kind, including but not limited to:
- (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (d) interest, dividends or other income on or value accruing from or generated by assets;
 - (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (f) letters of credit, bills of lading, bills of sale;
 - (g) documents evidencing an interest in funds or financial resources;
 - (h) any other instrument of export-financing;
3. 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;
4. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;
5. 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them.

Article 2

It shall be prohibited:

- (a) to grant, sell, supply or transfer technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any person, entity or body in, or for use in Burma/Myanmar;

- (b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, directly or indirectly to any person, entity or body in, or for use in Burma/Myanmar;
- (c) to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to at points (a) or (b).

Article 3

It shall be prohibited:

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

Article 4

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

- (a) the provision of financing and financial assistance and technical assistance related to:
 - (i) non-lethal military equipment intended solely for humanitarian or protective use, or for institution-building programmes of the United Nations, the European Union and the Community;
 - (ii) materiel intended for European Union and United Nations crisis-management operations;

(b) the sale, supply, transfer or export of equipment listed in Annex I intended solely for humanitarian or protective use, and the provision of financial assistance, financing and technical assistance related to these transactions.

2. Authorisations referred to in paragraph 1 may only be granted prior to the activity for which they are requested.

Article 5

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

Article 6

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

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

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

Article 7

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

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

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

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

- (i) interest or other earnings on those accounts; or
- (ii) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to restrictive measures,

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

Article 8

Article 6(2) shall not prevent the crediting of the frozen accounts by financial institutions that receive funds transferred by third parties to the account of the listed person or entity, provided that any additions to such accounts will also be frozen. The financial institution shall inform the competent authorities about such transactions without delay.

Article 9

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

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

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

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

Article 10

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

Article 11

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

Article 12

The Commission shall be empowered to:

- (a) amend Annex II on the basis of information supplied by Member States,
- (b) amend Annex III on the basis of decisions taken in respect of the Annex to Common Position 2004/423/CFSP.

Article 13

The Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

The Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 14

This Regulation shall apply:

- (a) within the territory of the Community, including its airspace;

- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Community who is a national of a Member State;
- (d) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, group or entity doing business within the Community.

Article 15

Regulation (EC) No 1081/2000 is hereby repealed.

Article 16

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

It shall apply from 30 April 2004.

Done at Luxembourg, 26 April 2004.

For the Council
The President
B. COWEN

ANNEX I

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

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

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

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

ANNEX II

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

BELGIUM

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

Direction générale des affaires bilatérales
Service 'Asie du sud et de l'Est, Océanie'
Téléphone (32-2)501 82 74

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

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

Service public fédéral de l'économie, des PME, des classes moyennes et de l'énergie
ARE 4 e o division, service des licences
Avenue du Général Leman 60
B-1040 Bruxelles
Téléphone (32-2)206 58 16/27
Fax: (32-2)230 83 22

Service Public Fédéral des Finances
Administration de la Trésorerie
30 Avenue des Arts
B-1040 Bruxelles
Fax 00 32 2 233 74 65
E-mail: Quesfinvragen.tf@minfin.fed.be

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

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

Région wallonne:

Cabinet du ministre-président du gouvernement wallon
Rue May, 25-27
B-5100 Jambes-Namur
Téléphone (32-81)33 12 11
Fax: (32-81)33 13 13

Vlaams Gewest:

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

DENMARK

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

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

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

GERMANY

Concerning freezing of funds, financing and financial assistance:

Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D — 80281 München
Tel. (49-89) 2889 3800
Fax (49-89) 350163 3800

Concerning goods, technical assistance and other services:

Bundesamt für Wirtschafts- und Ausfuhrkontrolle (BAFA)
Frankfurter Strasse 29-35
D — 65760 Eschborn
Tel. (49) 61 96 908 — 0
Fax (49) 61 96 908 — 800

GREECE

A. Freezing of Assets

Ministry of Economy and Finance
General Directory of Economic Policy
Address: 5 Nikis Str., 101 80
Athens, Greece
Tel.: + 30 210 3332786
Fax: + 30 210 3332810

A. ΔΕΣΜΕΥΣΗ ΚΕΦΑΛΑΙΩΝ

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Οικονομικής Πολιτικής
Δ/ση: Νίκης 5, ΑΘΗΝΑ 101 80
Τηλ.: + 30 210 3332786
Φαξ: + 30 210 3332810

B. Import- Export restrictions

Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Address Kornaroy Str.,
GR- 105 63 Athens
Tel.: + 30 210 3286401-3
Fax.: + 30 210 3286404

B. ΠΕΡΙΟΡΙΣΜΟΙ ΕΙΣΑΓΩΓΩΝ — ΕΞΑΓΩΓΩΝ

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/ση Σχεδιασμού και Διαχείρισης Πολιτικής
Δ/ση: Κορνάρου 1, Τ.Κ. 105 63
Αθήνα — Ελλάδα
Τηλ.: + 30 210 3286401-3
Φαξ: + 30 210 3286404

Department of Enterprise, Trade and Employment
Export Licensing Unit
Block C
Earlsfort Centre
Lower Hatch St.
Dublin 2
Tel. (353) 1 631 25 34
Fax (353) 1 631 2562

SPAIN

Ministerio de Economía
Dirección General de Comercio e Inversiones
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 38 60
Fax (34) 914 57 28 63

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de Movimientos de Capitales
Ministerio de Economía
Paseo del Prado, 6
E — 28014 Madrid
Tel. (00-34) 91 209 95 11
Fax (00-34) 91 209 96 56

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale des douanes et des droits indirects
Cellule embargo — Bureau E2
Tél.: (33) 1 44 74 48 93
Télécopie: (33) 1 44 74 48 97

Ministère de l'économie, des finances et de l'industrie
Direction du Trésor
Service des affaires européennes et internationales
Sous-direction E
139, rue du Bercy
75572 Paris Cedex 12
Tel.: (33) 1 44 87 72 85
Télécopie: (33) 1 53 18 96 37

Ministère des Affaires étrangères
Direction de la coopération européenne
Sous-direction des relations extérieures de la Communauté
Tél.: (33) 1 43 17 44 52
Télécopie: (33) 1 43 17 56 95
Direction générale des affaires politiques et de sécurité
Service de la Politique Etrangère et de Sécurité Commune
Tél.: (33) 1 43 17 45 16
Télécopie: (33) 1 43 17 45 84

IRELAND

Central Bank of Ireland
Financial Markets Department
PO Box 559
Dame Street
Dublin 2
Tel. (353-1) 671 66 66
Fax. (353-1) 671 65 61

Department of Foreign Affairs
Bilateral Economic Relations Division
80 St. Stephen's Green
Dublin 2
Tel. (353) 1 408 21 53
Fax. (353) 1 408 20 03

ITALY

Ministero degli Affari Esteri
Piazzale della Farnesina, 1 — 00194 Roma
D.G.A.O. — Ufficio II
Tel. (39) 06 3691 3820
Fax. (39) 06 3691 5161
U.A.M.A.
Tel. (39) 06 3691 3605
Fax. (39) 06 3691 8815

Ministero dell'Economia e delle finanze
Dipartimento del Tesoro
Comitato di Sicurezza Finanziaria
Via XX Settembre, 97 — 00187 Roma
Tel. (39) 06 4761 3942
Fax. (39) 06 4761 3032

Ministero della attività produttive
Direzione Generale Politica Commerciale
Viale Boston, 35 — 00144 Roma
Tel. (39) 06 59931
Fax. (39) 06 5964 7531

LUXEMBOURG

Ministère des Affaires Étrangères
Direction des relations économiques internationales
6, rue de la Congrégation
L — 1352 Luxembourg
Tel. (352) 478 23 46
Fax (352) 22 20 48

Ministère des Finances
3, rue de la Congrégation
L — 1352 Luxembourg
Tel. (352) 478-2712
Fax (352) 47 52 41

NETHERLANDS

Centrale Dienst voor In- en Uitvoer
Postbus 30003
9700 RD Groningen
Tel (31-50) 523 91 83

AUSTRIA

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

Oesterreichische Nationalbank
Otto Wagner Platz 3,
A-1090 Wien
Tel. (01-4042043 1) 404 20-0
Fax (43 1) 404 20 — 73 99

Bundesministerium für Inneres
Bundeskriminalamt
Josef Holaubek Platz 1
A-1090 Wien
Tel (43 1) 313 45-0
Fax: (43 1) 313 45-85290

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo Rilvas
P — 1350-179 Lisboa
Tel. (351) 21 394 60 72
Fax (351) 21 394 60 73

Ministério das Finanças
Direcção Geral dos Assuntos Europeus e Relações Internacionais
Avenida Infante D. Henrique, n.o 1, C 2.o
P — 1100 Lisboa
Tel. (351) 21 882 32 40/47
Fax (351) 21 882 32 49

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
00161 Helsinki/Helsingfors
Tel. (358) 9 16 05 59 00
Fax (358) 9 16 05 57 07
Puolustusministeriö/Försvarsministeriet
Eteläinen Makasiinikatu 8
00131 Helsinki/Helsingfors
PL/PB 31
Tel. (358) 9 16 08 81 28
Fax (358) 9 16 08 81 11

SWEDEN

Inspektionen för strategiska produkter (ISP)
Box 70 252
107 22 Stockholm
Tel. (46) 8 406 31 00
Fax (46) 8 20 31 00

Regeringskansliet
Utrikesdepartementet
Rättssekretariatet för EU-frågor
103 39 Stockholm
Tel. (46) 8 405 10 00
Fax (46) 8 723 11 76

Finansinspektionen
Box 6750
S — 113 85 Stockholm
Tel. (46) 8 787 80 00
Fax (46) 8 24 13 35

UNITED KINGDOM

Sanctions Licensing Unit
Export Control Organisation
Department of Trade and Industry
4 Abbey Orchard Street
London SW1P 2HT
United Kingdom
Tel. (44) 20 7215 0594
Fax (44) 20 7215 0593

HM Treasury
Financial Systems and International Standards
1, Horse Guards Road
London SW1A 2HQ
United Kingdom
Tel. (44-207) 270 5977
Fax (44-207) 270 5430

Bank of England
Financial Sanctions Unit
Threadneedle Street
London EC2R 8AH
United Kingdom
Tel. (44-207) 601 4607
Fax (44-207) 601 4309

ANNEX III

List referred to in Article 6

STATE PEACE AND DEVELOPMENT COUNCIL (SPDC)

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Senior General Than Shwe	Chairman	02.02.1933	Kyaing Kyaing	Thandar Shwe, Khin Pyone Shwe, Aye Aye Thit Shwe	Thidar Htun, Nay Shwe Thway Aung (a) Pho La Pye, Pho La Lon
Vice-Senior General Maung Aye	Vice-Chairman	25.12.1937	Mya Mya San	Nandar Aye	
General Khin Nyunt	Prime Minister	11.10.1939	Khin Win Shwe (6.10.1940)	Ye Naing Win, Zaw Naing Oo, Thin Le Le Win	
Gen Thura Shwe Mann	Chief of Staff, Coordinator of Special Operations (Army, Navy and Air)		Khin Lay Thet	Toe Naing Mann (wife-Zay Zin Latt), Aung Thet Mann Ko Ko, Shwe Mann Ko Ko	
Lt-Gen Soe Win	Secretary 1		Than Than Nwe		
Lt-Gen Thein Sein	Secretary 2 Adjutant General		Khin Khin Win		
Lt-Gen Thiha Thura Tin Aung Myint Oo	Quartermaster-General		Khin Saw Hnin		
Lt-Gen Kyaw Win	Chief of Armed Forces Training		San San Yee		
Lt-Gen Tin Aye	Chief of Military Ordnance, Head of UMEH		Kyi Kyi Ohn		
Lt-Gen Ye Myint	Chief of Bureau of Special Operations 1 (Kachin, Chin, Sagaing, Magwe, Mandalay)		Tin Lin Myint (25.1.1947)	Theingi Ye Myint, Aung Zaw Ye Myint, Kay Khaing Ye Myint	
Lt-Gen Aung Htwe	Chief of Bureau of Special Operations 2 (Kayah, Shan)		Khin Hnin Wai		
Lt-Gen Khin Maung Than	Chief of Bureau of Special Operations 3 (Pegu, Rangoon, Irrawaddy, Arakan)		Marlar Tint		
Lt-Gen Maung Bo	Chief of Bureau of Special Operations 4 (Karen, Mon, Tenasserim)		Khin Lay Myint		

REGIONAL COMMANDERS

<i>Name</i>	<i>Command</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Maj-Gen Myint Swe	Rangoon		Khin Thet Htay		
Maj-Gen Ye Myint	Central-Mandalay Division		Myat Ngwe		
Maj-Gen Thar Aye	North Western-Sagaing Division		Wai Wai Khaing		
Maj-Gen Maung Maung Swe	North- Kachin State		Tin Tin Nwe	Ei Thet Thet Swe, Kaung Kyaw Swe	
Maj-Gen Myint Hlaing	North Eastern- Shan State (North)		Khin Thant Sin		
Maj-Gen Khin Zaw	Triangle- Shan State (East)		Khin Pyone Win	Kyi Tha Khin Zaw, Su Khin Zaw	
Maj-Gen Khin Maung Myint	Eastern- Shan State (South)		Win Win Nu		
Maj-Gen Thura Myint Aung	South Eastern- Mon State		Than Than Nwe		
Brig-Gen Ohn Myint	Coastal- Tenasserim Division		Nu Nu Swe		
Maj-Gen Ko Ko	South- Pegu Division		Sat Nwan Khun Sum		
Maj-Gen Soe Naing	South Western- Irrawaddy Division		Tin Tin Latt		
Maj-Gen Maung Oo	Western- Arakan State		Nyunt Nyunt Oo		

DEPUTY REGIONAL COMMANDERS

<i>Name</i>	<i>Command</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Col Wai Lwin	Rangoon		Swe Swe Oo	Wai Phyo, Lwin Yamin	
Brig-Gen Nay Win	Central		Nan Aye Mya		
Col Tin Maung Ohn	North-Western				
Brig-Gen San Tun	Northern		Tin Sein		
Brig-Gen Hla Myint	North-Eastern		Su Su Hlaing		
Brig-Gen Myint Swe	Triangle		Mya Mya Ohn	Khin Mya Mya, Wut Hmone Swe (husband-Soe Thu)	

<i>Name</i>	<i>Command</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Col. Win Myint	Eastern				
Brig-Gen Myo Hla	South-Eastern		Khin Hnin Aye		
Col Hone Ngaing	Coastal				
Brig-Gen Thura Maung Ni	Southern		Nan Myint Sein		
Brig-Gen Tint Swe	South-Western		Khin Thaug	Ye Min (a) Ye Kyaw Swar Swe (wife- Su Mon Swe)	
Col Tin Hlaing	Western				

MINISTERS

<i>Name</i>	<i>Ministry</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
U Than Shwe	PM's Office		Yin Yin Mya		
Maj-Gen Thein Swe	PM's Office		Mya Theingi		
Maj-Gen Nyunt Tin	Agriculture & Irrigation		Khin Myo Oo	Kyaw Myo Nyunt, Thu Thu Ei Han	
Brig-Gen Pyi Sone	Commerce		Aye Pyay Wai Khin	Kalyar Pyay Wai Shan, Pan Thara Pyay Shan	
Maj-Gen Saw Tun	Construction		Myint Myint Ko		
Maj-Gen Htay Oo	Cooperatives		Ni Ni Win		
Maj-Gen Kyi Aung	Culture		Khin Khin Lay		
U Than Aung	Education		Win Shwe		
Maj-Gen Tin Htut	Electric Power		Tin Tin Nyunt		
Brig-Gen Lun Thi	Energy		Khin Mar Aye	Mya Sein Aye, Zin Maung Lun (wife- Zar Chi Ko)	
Maj-Gen Hla Tun	Finance & Revenue		Khin Than Win		
U Win Aung	Foreign Affairs		San Yon	Su Nyein Aye, Thaug Su Nyein (wife- Su Su Soe Nyunt)	

<i>Name</i>	<i>Ministry</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Brig-Gen Thein Aung	Forestry		Khin Htay Myint		
Prof. Dr. Kyaw Myint	Health		Nilar Thaw		
Col Tin Hlaing	Home Affairs		Khin Hla Hla		
Maj-Gen Sein Htwa	Both the Ministry of Immigration & Population and the Ministry of Social Welfare, Relief & Resettlement		Khin Aye		
U Aung Thaung	Industry 1		Khin Khin Yi	Nay Aung, Pyi Aung	
Maj-Gen Saw Lwin	Industry 2		Moe Moe Myint		
Brig-Gen Kyaw Hsan	Information		Kyi Kyi Win		
U Tin Win	Labour		Khin Nu	May Khin Tin Win Nu	
Brig-Gen Maung Maung Thein	Livestock & Fisheries		Myint Myint Aye		
Brig-Gen Ohn Myint	Mines		San San	Maung Thet Naing Oo, Maung Min Thet Oo	
U Soe Tha	National Planning & Economic Development		Kyu Kyu Win	Kyaw Myat Soe (wife-Wei Wei Lay)	
Col Thein Nyunt	Progress of Border Areas & National Races & Development Affairs		Kyin Khaing		
Maj-Gen Aung Min	Rail Transportation		Wai Wai Thar		
Brig-Gen Thura Myint Maung	Religious Affairs			Aung Kyaw Soe (wife-Su Su Sandi), Zin Myint Maung	
U Thaung	Science & Technology		May Kyi Sein		
Brig-Gen Thura Aye Myint	Sports		Aye Aye	Nay Linn	

Name	Ministry	Date of birth	Spouse	Children	Grand-children
Brig-Gen Thein Zaw	Both the Ministry of Telecom-munications, Post & Telegraphs and the Ministry of Hotels & Tourism		Mu Mu Win		

Maj-Gen Hla Myint Swe	Transport		San San Myint		
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DEPUTY MINISTERS

Name	Ministry	Date of birth	Spouse	Children	Grand-children
Brig-Gen Khin Maung	Agriculture & Irrigation				
U Ohn Myint	Agriculture & Irrigation		Thet War		
Brig-Gen Aung Tun	Commerce				
Brig-Gen Myint Thein	Construction		Mya Than		
Brig-Gen Soe Win Maung	Culture		Myint Myint Wai		
Brig-Gen Khin Maung Win	Defence				
Maj-Gen Aung Hlaing	Defence			Soe San	
U Myo Nyunt	Education				
Col Aung Myo Min	Education				
U Myo Myint	Electric Power				
Brig-Gen Than Htay	Energy				
Col Hla Thein Swe	Finance & Revenue				
U Kyaw Thu	Foreign Affairs	15.08.1949	Lei Lei Kyi		
U Khin Maung Win	Foreign Affairs		Khin Swe Soe (Director General of Coop Dept.)	Khin Swe Win Ko, Myo Zin, Myo Htwe	
Brig-Gen Tin Naing Thein	Forestry				

Name	Ministry	Date of birth	Spouse	Children	Grand-children
Prof. Dr. Mya Oo	Health		Tin Tin Mya	Dr. Tun Tun Oo (26.7.1965), Dr. Mya Thuzar (23.9.1971), Mya Thidar (10.6.1973), Mya Nandar (29.5.1976)	
Brig-Gen Phone Swe	Home Affairs				
Brig-Gen Aye Myint Kyu	Hotels & Tourism		Khin Swe Myint		
U Maung Aung	Immigration & Population				
Brig-Gen Thein Tun	Industry 1				
Brig-Gen Kyaw Win	Industry 1				
Lt-Col Khin Maung Kyaw	Industry 2		Mi Mi Wai		
Brig-Gen Aung Thein	Information		Tin Tin Nwe		
U Thein Sein	Information		Khin Khin Wai	Thein Aung Thaw (wife- Su Su Cho)	
Brig-Gen Win Sein	Labour				
U Aung Thein	Livestock & Fisheries				
U Myint Thein	Mines		Khin May San		
Col Tin Ngwe	Progress of Border Areas & National Races & Development Affairs				
Brig-Gen Than Tun	Progress of Border Areas & National Races & Development Affairs			May Than Tun (25.06.1970) husband: Ye Htun Myat	
Thura U Thaung Lwin	Rail Transportation				
Brig-Gen Thura Aung Ko	Religious Affairs		Myint Myint Yee		
U Nyi Hla Nge	Science & Technology				

<i>Name</i>	<i>Ministry</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Dr. Chan Nyein	Science & Technology				
Brig-Gen Kyaw Myint	Social Welfare, Relief & Resettlement		Khin Aye		
Brig-Gen Maung Maung	Sports				
U Pe Than	Both the Ministry of Transport and the Ministry of Rail Transportation		Cho Cho Tun		
Col Nyan Tun Aung	Transport				

FORMER MEMBERS OF GOVERNMENT

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Vice Admiral Maung Maung Khin	Deputy Prime Minister	23.11.1929			
Lt-Gen Tin Tun	Deputy Prime Minister	28.03.1930			
Lt-Gen Tin Hla	Deputy Prime Minister and Minister for Military Affairs and Quartermaster General				
U Ko Lay	Minister at the PM's Office		Khin Khin	San Min, Than Han, Khin Thida (husband: Zaw Htun Oo 2nd Secretary, Son of late Sec 2 Lt-Gen Tin Oo)	
U Aung San	Minister for Cooperatives				
U Win Sein	Minister for Culture	10.10.1940	Kyaukkyi		

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
U Khin Maung Thein	Minister for Finance & Revenue		Su Su Thein	Daywar Thein (25.12.1960), Thawdar Thein (06.03.1958), Maung Maung Thein (23.10.1963), Khin Yadana Thein (06.05.1968), Marlar Thein (25.02.1965), Hnwe Thida Thein (28.07.1966)	
Maj-Gen Ket Sein	Minister for Health		Yin Yin Myint		
U Saw Tun	Minister for Immigration & Population				
Col Thaik Tun	Deputy Minister for Forestry		Nwe Nwe Kyi	Myo Win Thaik, Khin Sandar Tun, Khin Nge Nge Tun, Khin Aye Shwe Zin Tun	
Brig-Gen D O Abel	Minister at the SPDC Chairman's Office		Khin Thein Mu		
U Pan Aung	Minister at the PM's Office		Nyunt Nyunt Lwin		
Lt-Gen Tin Ngwe	Minister for Cooperatives		Khin Hla		
Lt-Gen Min Thein	Minister at the SPDC Chairman's Office		Khin Than Myint		
U Aung Khin	Minister for Religious Affairs		Yin Yin Nyunt		
U Hset Maung	Deputy Minister at the SPDC Chairman's Office		May Khin Kyi	Set Aung	
U Tin Tun	Deputy Minister for Energy				

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Brig-Gen Than Tun	Deputy Minister for Finance & Revenue				
U Soe Nyunt	Deputy Minister for Culture				
U Kyaw Tin	Deputy Minister for Development of Border Areas & National Races				
U Hlaing Win	Deputy Minister for Social Welfare, Relief & Resettlement				
U Aung Phone	Minister for Forestry	20.11.1939	Khin Sitt Aye (14.9.1943)	Sitt Thwe Aung (10.7.1977) wife- Thin Zar Tun, Sitt Thaing Aung (13.11.1971)	

OTHER TOURISM RELATED APPOINTMENTS

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Lt-Col (Retd.) Khin Maung Latt	Director General at Hotels & Tourism Directorate		Win Kyi	Tun Min Latt (06.02.1969)	Nyan Min Latt (29.4.1997), Shane Min Latt (10.5.2000)
Capt. (Retd.) Htay Aung	Managing Director at Myanmar Hotels and Tourism Services				

MINISTRY OF DEFENCE SENIOR OFFICERS

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Rear Admiral Soe Thein	Commander-in-Chief (Navy)		Khin Aye Kyi		
Lt-Gen Myat Hein	Commander-in-Chief (Air)		Htwe Htwe Nyunt		
Capt Nyan Tun	Chief of Staff (Navy)				
Brig-Gen Hla Shwe	Deputy Adjutant General				
Col Khin Soe	Deputy Adjutant General				

Name	Function	Date of birth	Spouse	Children	Grand-children
Maj-Gen Soe Maung	Judge Advocate General				
Brig-Gen Thein Htaik	Inspector General				
Maj-Gen Saw Hla	Provost Marshal				
Col Sein Lin	Director of Ordnance				
Brig-Gen Kyi Win	Director of Artillery & Armour				
Brig-Gen Than Sein	C.O. Defence Services Hospital		Rosy Mya Than		
Brig-Gen Win Hlaing	Director of Procurement				
Maj-Gen Khin Aung Myint	Director of Public Relations & Psychological Warfare				
Maj-Gen Moe Hein	Commandant, National Defence College				
Brig-Gen Than Maung	Director of Peoples' Militia & Frontier Forces				
Brig-Gen Aung Myint	Director of Signals				
Brig-Gen Than Htay	Director of Supply & Transport				
Brig-Gen Khin Maung Tint	Director of Security Printing Works				
Maj-Gen Hsan Hsint	Military Appointments General	1951	Khin Ma Lay	Okkar San Sint	
Maj-Gen Win Myint	Deputy Chief of Armed Forces Training				
Maj-Gen Aung Kyi	Deputy Chief of Armed Forces Training		Thet Thet Swe		
Brig-Gen Nyan Win	Deputy Chief of Armed Forces Training				

MEMBERS OF THE OFFICE OF THE CHIEF OF MILITARY INTELLIGENCE (OCMI)

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Maj-Gen Kyaw Win	Vice Chief of Military Intelligence				
Brig-Gen Myint Aung Zaw	Administration				
Brig-Gen Hla Aung	Training				
Brig-Gen Thein Swe	International Relations			Sonny Myat Swe (wife- Yamin Htin Aung)	
Brig-Gen Kyaw Han	Science & Technology				
Brig-Gen Than Tun	Politics & Counter Intelligence				
Col Hla Min	Deputy				
Col Tin Hla	Deputy				
Brig-Gen Myint Zaw	Border Security & Intelligence				
Brig-Gen Kyaw Thein	Ethnic Nationalities & Ceasefire Groups, Drugs Suppression and Naval and Air Intelligence				
Col San Pwint	Deputy Head of Department				

MILITARY OFFICERS RUNNING PRISONS AND POLICE

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Col Ba Myint	Director General of the Prisons Dept. (Ministry of Home Affairs)				

UNION SOLIDARITY AND DEVELOPMENT ASSOCIATION (USDA)

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Brig-Gen Aung Thein Lin	Mayor & Chairman of the Yangon City Development Committee (Secretary)		Khin San Nwe	Thidar Myo	

Name	Function	Date of birth	Spouse	Children	Grand-children
Col Maung Par	Vice Mayor of YCDC (CEC Member)		Khin Nyunt Myaing	Naing Win Par	

PERSONS WHO BENEFIT FROM GOVERNMENT ECONOMIC POLICIES

Name	Business	Date of birth	Spouse	Children	Grand-children
U Khin Shwe	Zaykabar Co.	21.01.1952	San San Kywe	Zay Zin Latt (24.03.1981) husband: Toe Naing Mann, Zay Thiha (01.01.1977)	
U Aung Ko Win (a) Saya Kyaung	Kanbawza Bank		Nan Than Htwe		
U Aik Tun	Asia Wealth Bank and Olympic Co.	21.10.1948	Than Win (03.12.1948)	Sandar Htun (23.08.1974), Aung Zaw Naing (01.09.1973), Mi Mi Khaing (17.06.1976)	
U Tun Myint Naing (a) Steven Law	Asia World Co.		Ng Seng Hong		
U Htay Myint	Yuzana Co.	06.02.1955	Aye Aye Maw (17.11.1957)	Eve Eve Htay Myint (12.06.1977), Zay Chi Htay (17.02.1981)	
U Tayza	Htoo Trading Co.	18.07.1964	Thidar Zaw (24.02.1964)	Pye Phyto Tayza (29.01.1987), Htoo Htet Tayza (24.01.1993), Htoo Htwe Tayza (14.09.1996)	
U Kyaw Win	Shwe Thanlwin Trading Co.				
U Win Aung	Dagon International	30.09.1953	Moe Mya Mya (28.08.1958), Yangon	Ei Hnin Pwint (a) Christabelle Aung (22.02.1981), Thurane Aung (a) Christopher Aung (23.07.1982), Ei Hnin Khin (a) Christina Aung (18.12.1983)	

STATE ECONOMIC ENTERPRISES

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Col Myint Aung	MD at Myawaddy Trading Co.				
Col Myo Myint	MD Bandoola Transportation Co.				
Col (Retd) Thant Zin	MD at Myanmar Land and Development				
Maj Hla Kyaw	Director at Myawaddy Advertising Enterprises				
Col Aung San	MD at Hsinmin Cement Plant Construction Project				
Col Ye Htut	Myanmar Economic Corporation				

COMMISSION REGULATION (EC) No 799/2004
of 27 April 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 28 April 2004.

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

Done at Brussels, 27 April 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 27 April 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	105,1
	204	60,6
	212	120,5
	999	95,4
0707 00 05	052	129,4
	096	84,2
	999	106,8
0709 90 70	052	97,5
	204	70,6
	999	84,1
0805 10 10, 0805 10 30, 0805 10 50	052	45,5
	204	40,3
	212	102,8
	220	40,4
	400	44,8
	600	30,7
	624	68,4
	999	53,3
0805 50 10	400	48,2
	999	48,2
0808 10 20, 0808 10 50, 0808 10 90	388	88,8
	400	137,0
	404	72,0
	508	60,7
	512	73,8
	524	67,5
	528	74,7
	720	96,9
	804	106,5
	999	86,4
0808 20 50	388	85,6
	512	69,0
	524	83,4
	528	73,2
	720	39,9
	804	119,3
	999	78,4

⁽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 800/2004

of 27 April 2004

opening a standing invitation to tender for the resale on the Community market of rice from the 1996, 1997 and 1998 harvests held by the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, and in particular Article 8(b) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 75/91 of 11 January 1991 laying down the procedures and conditions for the disposal of paddy rice held by intervention agencies ⁽²⁾ provides among other things that rice held by intervention agencies is to be sold by tendering procedure at prices avoiding market disturbance.
- (2) Greece still has intervention stocks of paddy rice from the 1996, 1997 and 1998 harvests, the quality of which is in danger of deteriorating if kept in prolonged storage.
- (3) In the present production situation and in view of the concessions for rice imports granted under international agreements and the restrictions on subsidised exports, disposing of this rice on traditional markets inside the Community would inevitably result in the placing of an equivalent quantity in intervention, which should be avoided.
- (4) This rice can be disposed of by processing it into either broken rice or products derived therefrom, or into some other form suitable for use in animal feed, on certain conditions.
- (5) In order to ensure that the rice really is processed, the procedure should be specially monitored and the successful tenderer should provide a security, to be released on conditions to be laid down.
- (6) The undertakings given by tenderers must be regarded as primary requirements within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽³⁾.
- (7) Commission Regulation (EEC) No 3002/92 ⁽⁴⁾ lays down common detailed rules for verifying the use of products from intervention. Procedures should also be laid down to ensure the traceability of the products used for animal feed.

- (8) So that the quantities awarded can be managed accurately, an allocation coefficient should be fixed for tenders offering the minimum selling price, while allowing tenderers to specify a minimum quantity awarded below which they do not wish their tender to stand.
- (9) When the Greek intervention agency notifies the Commission, the tenderers should remain anonymous.
- (10) While respecting the tenderers' anonymity, they should be identified by numbers so that it is evident which have submitted several tenders and what prices they have offered.
- (11) For control purposes, tenders must be traceable by their reference numbers, while safeguarding anonymity.
- (12) With a view to modernising management, the information required by the Commission should be sent by electronic mail.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The Greek intervention agency shall launch a standing invitation to tender for the sale on the internal market of the Community of quantities of rice from the 1996, 1997 and 1998 harvests held by it and previously notified to the Commission under Regulation (EEC) No 75/91, as set out in Annex I hereto, with a view to its processing into either broken rice within the meaning of Annex A.3 to Regulation (EC) No 3072/95 or products derived therefrom, or into some other form suitable for use in animal feed (CN code 2309).

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

⁽²⁾ OJ L 9, 12.1.1991, p. 15.

⁽³⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 1932/1999 (OJ L 240, 10.9.1999, p. 11).

⁽⁴⁾ OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.4.1996, p. 13).

Article 2

1. The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 75/91.

However, notwithstanding Article 5 of that Regulation:

- (a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;
- (b) the minimum sale price shall be set at a level which does not disturb the cereals or rice market.

2. Tenderers shall give the following undertakings:

- (a) where the rice is to be processed into broken rice or products derived therefrom:
 - (i) that they will carry out the treatment provided for in Annex II within three months of the date of the notice of award of contract referred to in the second paragraph of Article 8, under the supervision of the competent authorities and at a place determined in agreement with them;
 - (ii) that they will use the awarded products solely in the form of broken rice or products derived therefrom either without further processing or by incorporating them into another product or by processing them, within six months of the date of the notice of award of contract referred to in the second paragraph of Article 8, except in cases of *force majeure* or on the specific instructions of the intervention agency authorising a change in the deadline on account of exceptional circumstances;
 - (iii) if they sell the products on, that they will have the purchaser give the above undertaking;
- (b) where the rice is to be processed into a form suitable for use in animal feed,
 - (i) where they are feed manufacturers:
 - that they will carry out the treatments described in Annex III or IV within three months of the date of the notice of award of contract referred to in the second paragraph of Article 8, under the supervision of the competent authorities and at a place determined in agreement with them, with a view to verifying the use made of the rice and ensuring the traceability of the products;
 - that they will ensure that this product is incorporated in feed within four months of the date of the notice of award of contract referred to in the second paragraph of Article 8, except in cases of *force majeure* or on the specific instructions of the intervention agency authorising a change in the deadline on account of exceptional circumstances;

(ii) where they are rice mills:

- that they will carry out the treatments described in Annex IV within no more than three months of the date of the notice of award of contract referred to in the second paragraph of Article 8, under the supervision of the competent authorities and at a place determined in agreement with them, with a view to verifying the use made of the rice and ensuring the traceability of the products;
- that they will ensure that this product is incorporated in feed within four months of the date of the notice of award of contract referred to in the second paragraph of Article 8, except in cases of *force majeure* or on the specific instructions of the intervention agency authorising a change in the deadline on account of exceptional circumstances;

(c) that they will bear the costs of the processing and treatment of the products;

(d) that they will keep stock records demonstrating that they have respected their undertakings.

Article 3

1. The Greek intervention agency shall publish a notice of invitation to tender at least eight days before the final day of the first period for the submission of tenders.

The notice, and any changes to it, shall be forwarded to the Commission before publication.

2. The notice of invitation to tender shall contain:

- (a) the additional clauses and conditions of sale compatible with this Regulation;
- (b) the places of storage and the name and address of the storer;
- (c) the main physical and technological characteristics of the various lots established upon buying in by the intervention agency or during checks carried out subsequently;
- (d) the number of each lot;
- (e) particulars of the competent authorities responsible for monitoring the operation.

3. The Greek intervention agency shall take all additional steps necessary to enable the parties concerned to assess the quality of the rice put up for sale before submitting their tenders.

Article 4

1. Tenders shall indicate whether they relate to processing into broken rice or products derived therefrom or into a form suitable for animal feed.

Tenders shall be valid only if they are accompanied by:

- (a) evidence that the tenderer has lodged a security of EUR 15 per tonne;
- (b) evidence that the tenderer is an animal feed manufacturer or a rice mill;
- (c) a written undertaking by the tenderer to lodge a security, not later than two working days after the date of receipt of the notice of award of contract, for an amount equivalent to the difference between the intervention price for paddy rice applicable on the tender date plus EUR 15 and the price tendered per tonne of rice.

2. Once submitted, a tender may not be altered or withdrawn.

3. In case the Commission is required to fix an award coefficient for the quantities offered for sale as provided for in the second paragraph of Article 7, tenderers should indicate any minimum awarded quantity below which they do not wish their tender to stand.

Article 5

1. The period for the submission of tenders for the first partial invitation to tender shall commence on 19 May 2004 and end on 25 May 2004 at 12.00 (Brussels time).

2. The time limit for the submission of tenders under subsequent partial invitations to tender shall end at 12.00 (Brussels time) on the following Tuesdays: 8 June 2004 and 22 June 2004. The period for the submission of tenders shall commence on the Wednesday before the closing date in each case.

3. The period for the submission of tenders for the last partial invitation to tender shall commence on 30 June 2004 and end on 6 July 2004 at 12.00 (Brussels time).

Tenders must be lodged with the Greek intervention agency:

OPEKEPE
Acharnon Street 241
GR-10466 Athens
Tel.: (30-10) 212 47 87 and 212 47 89
Fax: (30-10) 862 93 73

Article 6

1. Not later than 09.00 (Brussels time) on the Thursday following the closing date for the submission of tenders, the Greek intervention agency shall notify the Commission of the information provided for in Annex V hereto, broken down by type of processing.

2. For each type of processing and for each partial tendering procedure, the Greek intervention agency shall identify the tenderers by an individual number, starting at 1.

To ensure anonymity, the numbers shall be allocated randomly and separately for each type of processing and each partial tendering procedure.

The Greek intervention agency shall give each tender a reference number in such a way as to ensure that the tenderers remain anonymous. For the entire standing tendering procedure, each tender shall be identified by its own reference number.

3. The notification referred to in paragraph 1 shall be made by electronic mail to the address given in Annex V using the form provided to the Greek intervention agency by the Commission for that purpose.

The notification must be made even if no tenders are submitted. In that case, it must state that no tenders have been received within the deadline laid down.

4. The Greek intervention agency shall also notify the Commission of the information specified in Annex V for rejected tenders, stating why they were rejected.

Article 7

For each type of processing, the Commission shall set the minimum sale price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

This decision shall be taken in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95.

Article 8

The intervention agency shall immediately notify all tenderers of the outcome of their participation in the tendering procedure.

Within three working days of the notification referred to in the first paragraph, it shall send notices of award of contract to successful tenderers by registered letter or written telecommunication.

Article 9

Successful tenderers shall pay for the rice before it is removed, and at the latest within one month of the date of the notice of award of contract referred to in the second paragraph of Article 8. The risks and costs of storing rice that is not removed within the payment period shall be borne by the successful tenderers.

Following the expiry of the payment period, rice for which a contract is awarded and which is not removed shall be regarded for all purposes as having been removed from storage.

Where a successful tenderer fails to pay for the rice within the period referred to in the first paragraph, the contract shall be terminated by the intervention agency, where appropriate in respect of the quantity not paid for.

Article 10

1. The security referred to in Article 4(1)(a) shall be released

(a) in full for the quantities for which:

- (i) no award is made;
- (ii) the tender does not stand, in accordance with Article 4(3);
- (iii) the sale price is paid within the period set and the security referred to in Article 4(1)(c) has been lodged;

(b) proportionately to the quantity not awarded where an award coefficient is set for the quantities offered in accordance with the second paragraph of Article 7.

2. The security referred to in Article 4(1)(c) shall be released in proportion to the quantities used only if the intervention agency has carried out all the checks necessary to ensure that the product is processed in accordance with this Regulation.

However, the security shall be released in full:

- (a) on presentation of proof that the treatment referred to in Annex II has been carried out and that the undertakings provided for in Article 2(2)(a)(ii) and (iii) have been made;
- (b) on presentation of proof that the treatment referred to in Annex III has been carried out, provided that not less than 95 % of the fine broken grains and/or fragments obtained has been used in compound feed;
- (c) on presentation of proof that the treatment referred to in Annex IV has been carried out, provided that not less than 95 % of the milled rice obtained has been used in compound feed.

3. Proof that the rice has been incorporated in animal feed as referred to in this Regulation shall be provided in accordance with Regulation (EEC) No 3002/92.

Article 11

The obligation set out in Article 2(2) shall be regarded as a primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85.

Article 12

In addition to the particulars provided for in Regulation (EEC) No 3002/92, box 104 of the control copy T5 shall contain the following entries.

(a) Where processing takes place in a Member State other than Greece, in accordance with Annex II to this Regulation, one or more of the following entries supplemented by reference to the undertaking provided for in Article 2(2)(a)(ii) and (iii):

— Destnados a la transformación prevista en el anexo II del Reglamento (CE) nº 800/2004 y a la utilización de conformidad con el compromiso previsto en los incisos ii) y iii) de la letra a) del apartado 2 del artículo 2 de dicho Reglamento.

— Til forarbejdning som fastsat i bilag II til forordning (EF) nr. 800/2004 og til anvendelse ifølge forpligtelsen i artikel 2, stk. 2, litra a), nr. ii) og iii), i nævnte forordning.

— Zur Verarbeitung gemäß Anhang II der Verordnung (EG) Nr. 800/2004 und zur Verwendung gemäß Artikel 2 Absatz 2 Buchstabe a) Ziffern ii) und iii) der genannten Verordnung bestimmt.

— Προορίζονται για τη μεταποίηση που προβλέπεται στο παράρτημα II του κανονισμού (ΕΚ) αριθ. 800/2004 και για χρήση σύμφωνα με τη δέσμευση που προβλέπεται στο άρθρο 2 παράγραφος 2 στοιχείο α) σημεία ii) και iii) του ίδιου κανονισμού.

— Intended for processing as provided for in Annex II to Regulation (EC) No 800/2004 and use in accordance with the undertaking provided for in Article 2(2)(a)(ii) and (iii) of that Regulation.

— Destinés à la transformation prévue à l'annexe II du règlement (CE) nº 800/2004 et à l'utilisation conformément à l'engagement prévu à l'article 2, paragraphe 2, points a) ii) et iii) dudit règlement.

— Destinati alla trasformazione prevista all'allegato II del regolamento (CE) n. 800/2004 e all'utilizzazione conformemente all'impegno di cui all'articolo 2, paragrafo 2, lettera a), punti ii) e iii) del suddetto regolamento.

- Bestemd om te worden verwerkt overeenkomstig bijlage II bij Verordening (EG) nr. 800/2004 en om te worden gebruikt met inachtneming van de in artikel 2, lid 2, onder a), ii) en iii), van die verordening vastgestelde verbintenis.
 - Para a transformação prevista no anexo II do Regulamento (CE) n.º 800/2004 e para utilização em conformidade com o compromisso previsto no n.º 2, subalíneas ii) e iii) da alínea a), do artigo 2.º do referido regulamento.
 - Tarkoitettu asetuksen (EY) N:o 800/2004 liitteessä II tarkoitettuun jalostukseen ja kyseisen asetuksen 2 artiklan 2 kohdan a alakohdan ii ja iii alakohdassa säädetyn sitoumuksen mukaiseen käyttöön.
 - Avsedda för bearbetning i enlighet med bilaga II till förordning (EG) nr 800/2004 och för användning i enlighet med det åtagande som föreskrivs i samma förordning i artikel 2.2 a ii och iii.
- (b) Where the rice is to be used as broken rice or derived products in a Member State other than that of processing, after processing in accordance with Annex II, one or more of the following entries:
- Arroz transformado en partidos de arroz o productos derivados de conformidad con las disposiciones del anexo II del Reglamento (CE) n.º 800/2004, destinado a ser utilizado exclusivamente en forma de partidos de arroz o productos derivados, de conformidad con el compromiso previsto en los incisos ii) y iii) de la letra a) del apartado 2 del artículo 2 del mismo Reglamento.
 - Ris forarbejdet til brudris eller afledte produkter efter bestemmelserne i bilag II i forordning (EF) nr. 800/2004, udelukkende bestemt til anvendelse i form af brudris eller afledte produkter ifølge forpligtelsen i artikel 2, stk. 2, litra a), nr. ii) og iii), i samme forordning.
 - Gemäß Anhang II der Verordnung (EG) Nr. 800/2004 zu Bruchreis oder Nebenerzeugnissen von Bruchreis verarbeiteter Reis, nach der Verpflichtung gemäß Artikel 2 Absatz 2 Buchstabe a) Ziffern ii) und iii) der genannten Verordnung ausschließlich zur Verwendung in Form von Bruchreis oder Nebenerzeugnissen von Bruchreis bestimmt;
 - Ρύζι που έχει μεταποιηθεί σε θραύσματα ή παράγωγα προϊόντα σύμφωνα με τις διατάξεις του παραρτήματος II του κανονισμού (ΕΚ) αριθ. 800/2004 και προορίζεται να χρησιμοποιηθεί αποκλειστικά με τη μορφή θραυσμάτων ή παράγωγων προϊόντων σύμφωνα με τη δέσμευση που προβλέπεται στο άρθρο 2 παράγραφος 2 στοιχείο α) σημεία ii) και iii) του ίδιου κανονισμού.
 - Rice processed into broken rice or derived products in accordance with Annex II to Regulation (EC) No 800/2004 for use solely in the form of broken rice or derived products in accordance with the undertaking provided for in Article 2(2)(a)(ii) and (iii) of that Regulation.
 - Riz transformé en brisures ou produits dérivés conformément aux dispositions de l'annexe II du règlement (CE) n.º 800/2004, destiné à être utilisé exclusivement sous forme de brisures ou produits dérivés, conformément à l'engagement prévu à l'article 2, paragraphe 2, points a) ii) et iii) du même règlement.
 - Riso trasformato in rotture di riso o prodotti derivati conformemente alle disposizioni dell'allegato II del regolamento (CE) n. 800/2004, destinato ad essere utilizzato esclusivamente sotto forma di rotture di riso o prodotti derivati, conformemente all'impegno di cui all'articolo 2, paragrafo 2, lettera a), punti ii) e iii) del suddetto regolamento.
 - Overeenkomstig bijlage II van Verordening (EG) nr. 800/2004 tot breukrijst of van breukrijst afgeleide producten verwerkte rijst, bestemd om uitsluitend als breukrijst of van breukrijst afgeleide producten te worden gebruikt met inachtneming van de in artikel 2, lid 2, onder a), ii) en iii), van die verordening vastgestelde verbintenis
 - Arroz transformado em trincas ou produtos derivados de acordo com as disposições do anexo II do Regulamento (CE) n.º 800/2004, destinado exclusivamente a utilização sob a forma de trincas ou de produtos derivados, em conformidade com o compromisso previsto no n.º 2, subalíneas ii) e iii) da alínea a), do artigo 2.º desse mesmo regulamento.
 - Asetuksen (EY) N:o 800/2004 liitteen II säännösten mukaisesti rikkoutuneiksi riisinjyviksi tai niistä johdetuiksi tuotteiksi jalostettu riisi, joka on tarkoitettu käytettäväksi yksinomaan rikkoutuneina riisinjyvinä tai niistä johdettuina tuotteina saman asetuksen 2 artiklan 2 kohdan a alakohdan ii ja iii alakohdassa säädetyn sitoumuksen mukaisesti
 - Ris bearbetat till brutet ris eller härledda produkter i enlighet med bestämmelserna i bilaga II till förordning (EG) nr 800/2004 och avsett att uteslutande användas i form av brutet ris eller härledda produkter därav i enlighet med det åtagande som föreskrivs i samma förordning i artikel 2.2 a ii och iii.
- (c) Where processing takes place in a Member State other than Greece, in accordance with Annex III or IV to this Regulation, one or more of the following entries, together with the number of the Annex to this Regulation corresponding to the treatment required
- Destinados a la transformación prevista en el anexo ... del Reglamento (CE) n.º 800/2004
 - Til forarbejdning som fastsat i bilag ... til forordning (EF) nr. 800/2004
 - Zur Verarbeitung gemäß Anhang ... der Verordnung (EG) Nr. 800/2004 bestimmt
 - Προορίζονται για μεταποίηση που προβλέπεται στο παράρτημα ... του κανονισμού (ΕΚ) αριθ. 800/2004

- For processing provided for in Annex ... to Regulation (EC) No 800/2004
- Destinés à la transformation prévue à l'annexe ... du règlement (CE) n° 800/2004
- Destinati alla trasformazione prevista all'allegato ... del regolamento (CE) n. 800/2004
- Bestemd om te worden verwerkt overeenkomstig bijlage ... van Verordening (EG) nr. 800/2004
- Para a transformação prevista no anexo ... do Regulamento (CE) n.º 800/2004
- Tarkoitettu asetuksen (EY) N:o 800/2004 liitteessä ... tarkoitettuun jalostukseen
- För bearbetning enligt bilaga ... till förordning (EG) nr 800/2004

Article 13

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, 27 April 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

(in tonnes)

Place of storage (address)	Place of storage (identification code) (*)	Available quantities
Mili Giannitson A.B.E.E., Giannitsa	EL 1465	1 615,102
Mili Giannitson A.B.E.E., Giannitsa	EL 1465	1 574,521
Mili Giannitson A.B.E.E., Giannitsa	EL 1465	1 623,218
Mili Giannitson A.B.E.E., Giannitsa	EL 1465	810,216
Mili Giannitson A.B.E.E., Giannitsa	EL 1465	1 094,483
Alexandros A.B.E.X.E., Giannitsa	EL 117552	1 046,663
Nutria A.E., Volos Industrial Zone	EL 47201	2 049,000
Nutria A.E., Volos Industrial Zone	EL 47201	2 068,360
Nutria A.E., Volos Industrial Zone	EL 47201	2 050,910
Nutria A.E., Volos Industrial Zone	EL 47201	2 073,740
Nutria A.E., Volos Industrial Zone	EL 47201	2 094,160
Nutria A.E., Volos Industrial Zone	EL 47201	2 056,340
Nutria A.E., Volos Industrial Zone	EL 47201	2 068,650
Total		22 225,363

(*) The national identification code shall be preceded by the ISO code for Greece.

ANNEX II

Treatment provided for in Article 2(2)(a)(i)

At the time of being taken over, the rice must undergo the following treatment:

1. The awarded paddy rice must be milled to give the overall minimum yield and whole grain yield previously determined by the laboratory on a sample removed when the rice for which the contract is awarded was taken over, with a tolerance of plus or minus 1 % applicable to the overall minimum yield and whole grain yield.
2. All the wholly milled rice obtained must be broken in such a way as to produce at least 95 % broken rice within the meaning of Annex A to Regulation (EC) No 3072/95. It may also be processed directly into products derived from broken rice.

ANNEX III

Treatment provided for in the first indent of Article 2(2)(b)(i)

At the time of being taken over, the rice must undergo the following treatment:

1. The awarded paddy rice must be husked and broken in such a way as to produce not less than 77 %, by weight of paddy rice, of fine broken grains and/or fragments of husked rice as defined in point C of the Annex to Regulation (EC) No 3073/95.
2. The product obtained after processing (not including the husk) must be marked using the colorant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

ANNEX IV

Treatment indicated in the first indent of Article 2(2)(b)(i) and in the first indent of Article 2(2)(b)(ii)

1. The awarded paddy rice must be milled to give the overall minimum yield and whole grain yield previously determined by the laboratory on a sample removed when the rice for which the contract is awarded was taken over, with a tolerance of plus or minus 1 % applicable to the overall minimum yield and whole grain yield.
2. The product obtained after processing must be marked using the colorant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

ANNEX V

Information referred to in Article 6

1	2	3	4	5	6	7	8
Type of processing	Tender's identification number	Tender price (EUR/t)	Quantity (t)	Minimum quantity (t)	Place of storage	Lot No	Reference number
(A) broken rice or products derived therefrom							
(B) form suitable for use in animal feed							

Address for electronic transmission of information in accordance with Article 6:

AGRI-C2-RICE-STOCKS@CEC.EU.INT

Explanatory Notes

- Column 1: Type of processing: (A): processing into broken rice within the meaning of Annex A to Regulation (EC) No 3072/95 or product derived therefrom or (B): processing into a form suitable for use in preparations of a kind used in animal feeding (CN code 2309).
- Column 2: tenderers shall be assigned an individual number, starting at 1. To ensure anonymity, the numbers shall be allocated randomly and separately for each type of processing and each partial tendering procedure.
- Column 3: purchase price offered, expressed in EUR per tonne.
- Column 4: quantity, expressed in tonnes.
- Column 5: minimum awarded quantity as referred to in Article 4(3), below which the tenderer does not wish the tender to stand.
- Column 6: place of storage, identified by the "identification code" indicated in Annex I.
- Column 7: lot number at the place of storage indicated in column 6.
- Column 8: reference number of the tender, unique to each tender for the entire standing tendering procedure.

COMMISSION REGULATION (EC) No 801/2004
of 27 April 2004
fixing the production refund for olive oil used in the manufacture of certain preserved foods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, and in particular Article 20a thereof,

Whereas:

- (1) Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry. Pursuant to paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months.
- (2) By virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN

subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the reference period. It is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund.

- (3) The application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of May and June 2004, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be EUR 44,00/100 kg.

Article 2

This Regulation shall enter into force on 1 May 2004.

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

Done at Brussels, 27 April 2004.

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

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1513/2001 (OJ L 201, 26.7.2001, p. 4).

COMMISSION DIRECTIVE 2004/62/EC
of 26 April 2004
amending Council Directive 91/414/EEC to include mepanipyrim as active substance
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC Italy received on 24 October 1997 an application from Kumiai Chemical Industry Co., Ltd for the inclusion of the active substance mepanipyrim (former name: KIF 3535) in Annex I to Directive 91/414/EEC. Commission Decision 98/676/EC ⁽²⁾ confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.
- (2) For this active substance, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicants. The designated rapporteur Member State submitted a draft assessment report concerning the substance to the Commission on 12 July 2000.
- (3) The draft assessment reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. The review was finalised on 30 March 2004 in the format of the Commission review report for mepanipyrim.
- (4) The dossier and the information from the review were also submitted to the Scientific Panel on Plant Health, Plant Protection Products and their Residues. The report of this Panel was formally adopted on 23 October 2003 ⁽³⁾.

The Panel was asked to comment on the liver tumors found in rats and mice exposed to mepanipyrim and to give its opinion on the question whether a threshold of tumor formation can be assumed.

In its opinion the Panel concluded that mepanipyrim induces tumors in rats and mice by a mechanism which is currently unknown but nevertheless involves a threshold below which tumors are not expected to develop and that therefore a safe level of human exposure can be assigned.

The recommendations of the Scientific Panel were taken into account during the further review and in this Directive and in the Review Report. The evaluation within the Standing Committee concluded that there would be no unacceptable human exposure under the proposed conditions of use.

- (5) It has appeared from the various examinations made that plant protection products containing the active substance concerned may be expected to satisfy, in general, the requirements laid down in Article 5(1) (a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include mepanipyrim in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance may be granted in accordance with the provisions of that Directive.
- (6) After inclusion, Member States should be allowed a reasonable period to implement the provisions of Directive 91/414/EEC as regards plant protection products containing mepanipyrim and in particular to review existing provisional authorisations and, by the end of this period at the latest, to transform those authorisations into full authorisations, to amend them or to withdraw them in accordance with the provisions of Directive 91/414/EEC.
- (7) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (8) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 230, 19.08.1991, p. 1. Directive as last amended by Commission Directive 2004/30/EC (OJ L 77, 13.3.2004, p. 50).

⁽²⁾ OJ L 317, 26.11.1998, p. 47.

⁽³⁾ Opinion of the Scientific Panel on Plant Health, Plant Protection Products and their Residues on a request from the European Commission related to the evaluation of mepanipyrim in the Context of Council Directive 91/414/EEC, The EFSA Journal (2003) 4, 1-14.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish by 31 March 2005 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 April 2005.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

1. Member States shall review the authorisation for each plant protection product containing mepanipyrim to ensure that the conditions relating to this active substance set out in Annex I to Directive 91/414/EEC are complied with. Where necessary, they shall amend or withdraw authorisations in accordance with Directive 91/414/EEC by 31 March 2005 at the latest.

2. For each authorised plant protection product containing mepanipyrim as either the only active substance or as one of several active substances all of which were listed in Annex I to

Directive 91/414/EEC by 30 September 2004 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing mepanipyrim as the only active substance, where necessary, amend or withdraw the authorisation by 31 March 2006 at the latest; or
- (b) in the case of a product containing mepanipyrim as one of several active substances, where necessary, amend or withdraw the authorisation by 31 March 2006 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 October 2004.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 26 April 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

In Annex I the following rows are added at the end of the table.

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'91	Mepanipyrim CAS No 110235-47-7 CIPAC No 611	N-(4-methyl-6-prop-1-ynyl-pyrimidin-2-yl)aniline	960 g/kg	1 October 2004	30 September 2014	Only uses as fungicide may be authorised. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on mepanipyrim, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 30 March 2004 shall be taken into account. In this overall assessment Member States should pay particular attention to the protection of aquatic organisms. Risk mitigation measures should be applied where appropriate.

⁽¹⁾ Further details on identity and specification of active substances are provided in the review report.'

COMMISSION DIRECTIVE 2004/63/EC
of 26 April 2004
amending Commission Directive 2003/79/EC as regards time limits
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Directive 2003/79/EC ⁽²⁾ amends Council Directive 91/414/EEC to include *Coniothyrium minitans* as active substance in Annex I to that Directive.
- (2) After inclusion of a new active substance, Member States should be allowed a reasonable period to implement the provisions of Directive 91/414/EEC as regards plant protection products containing this active substance and in particular to review existing provisional authorisations and, by the end of this period at the latest, to transform those authorisations into full authorisations, to amend them or to withdraw them in accordance with the provisions of Directive 91/414/EEC.
- (3) The timelines for the implementation given in Directive 2003/79 are not in line with the timelines given for other new active substances. In order to harmonise the approach for all substances under the current review phase, any considerable difference between the timelines applicable for different new active substances should be avoided.
- (4) It is therefore appropriate to amend Directive 2003/79/EC accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 3 of Directive 2003/79/EC is amended as follows:

Paragraph 2 is replaced by the following:

'2. For each authorised plant protection product containing *Coniothyrium minitans* as either the only active substance or as one of several active substances, all of

which were listed in Annex I to Directive 91/414/EEC by 31 December 2003 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing *Coniothyrium minitans* as the only active substance, where necessary, amend or withdraw the authorisation by 30 June 2005 at the latest; or
- (b) in the case of a product containing *Coniothyrium minitans* as one of several active substances, where necessary, amend or withdraw the authorisation by 30 June 2005 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.'

Article 2

This Directive shall enter into force on the 20th day after the date of publication.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 26 April 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/30/EC (OJ L 77, 13.3.2004, p. 50).

⁽²⁾ OJ L 205, 14.8.2003, p. 16.

COMMISSION DIRECTIVE 2004/64/EC
of 26 April 2004
amending Commission Directive 2003/84/EC as regards time limits
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Directive 2003/84/EC ⁽²⁾ amends Council Directive 91/414/EEC to include flurtamone, flufenacet, iodosulfuron, dimethenamid-p, picoxystrobin, fosthiazate and silthiofam as active substances in Annex I to that Directive.
- (2) After inclusion of a new active substance, Member States should be allowed a reasonable period to implement the provisions of Directive 91/414/EEC as regards plant protection products containing this active substance and in particular to review existing provisional authorisations and, by the end of this period at the latest, to transform those authorisations into full authorisations, to amend them or to withdraw them in accordance with the provisions of Directive 91/414/EEC.
- (3) The timelines for the implementation given in Directive 2003/84/EEC are not in line with the timelines given for other new active substances. In order to harmonise the approach for all substances under the current review phase, any considerable difference between the timelines applicable for different new active substances should be avoided.
- (4) It is therefore appropriate to amend Directive 2003/84/EC accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 3 of Directive 2003/84/EC is amended as follows:

Paragraph 2 is replaced by the following:

'2. For each authorised plant protection product containing flurtamone, flufenacet, iodosulfuron, dimethenamid-p, picoxystrobin, fosthiazate or silthiofam as either

the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 December 2003 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing flurtamone, flufenacet, iodosulfuron, dimethenamid-p, picoxystrobin, fosthiazate or silthiofam as the only active substance, where necessary, amend or withdraw the authorisation by 30 June 2005 at the latest; or
- (b) in the case of a product containing flurtamone, flufenacet, iodosulfuron, dimethenamid-p, picoxystrobin, fosthiazate or silthiofam as one of several active substances, where necessary, amend or withdraw the authorisation by 30 June 2005 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.'

Article 2

This Directive shall enter into force on the twentieth day after the date of publication.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 26 April 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 230, 19.08.1991, p. 1. Directive as last amended by Commission Directive 2004/30/EC (OJ L 77, 13.3.2004, p. 50).

⁽²⁾ OJ L 247, 30.9.2003, p. 20.

COMMISSION DIRECTIVE 2004/65/EC
of 26 April 2004
amending Directive 2003/68/EC as regards time limits
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Directive 2003/68/EC ⁽²⁾ amends Council Directive 91/414/EEC to include trifloxystrobin, carfentrazone-ethyl, mesotrione, fenamidone and isoxaflutole as active substances in Annex I to that Directive.
- (2) After inclusion of a new active substance, Member States should be allowed a reasonable period to implement the provisions of Directive 91/414/EEC as regards plant protection products containing this active substance and in particular to review existing provisional authorisations and, by the end of this period at the latest, to transform those authorisations into full authorisations, to amend them or to withdraw them in accordance with the provisions of Directive 91/414/EEC.
- (3) The timelines for the implementation given in Directive 2003/68 are not in line with the timelines given for other new active substances. In order to harmonise the approach for all substances under the current review phase, any considerable difference between the timelines applicable for different new active substances should be avoided.
- (4) It is therefore appropriate to amend Directive 2003/68/EC accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 3 of Directive 2003/68/EC is amended as follows:

Paragraph 2 is replaced by the following:

‘2. For each authorised plant protection product containing trifloxystrobin, carfentrazone-ethyl, mesotrione, fenamidone or isoxaflutole as either the only active

substance or as one of several active substances, all of which were listed in Annex I to Directive 91/414/EEC, by 30 September 2003 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing trifloxystrobin, carfentrazone-ethyl, mesotrione, fenamidone or isoxaflutole as the only active substance, where necessary, amend or withdraw the authorisation by 31 March 2005 at the latest; or
- (b) in the case of a product containing trifloxystrobin, carfentrazone-ethyl, mesotrione, fenamidone or isoxaflutole as one of several active substances, where necessary, amend or withdraw the authorisation by 31 March 2005 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.’

Article 2

This Directive shall enter into force on the 20th day after the date of publication.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 26 April 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/30/EC (OJ L 77, 13.3.2004, p. 50).

⁽²⁾ OJ L 177, 16.7.2003, p. 12.

COMMISSION DIRECTIVE 2004/69/EC
of 27 April 2004
amending Directive 2000/12/EC of the European Parliament and of the Council as regards the
definition of ‘multilateral development banks’
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions⁽¹⁾, and in particular the fifth indent of Article 60(1) thereof,

Whereas:

- (1) Article 1(19) of Directive 2000/12/EC defines ‘multilateral development banks’ in an enumerated manner.
- (2) In a letter of November 2002, the Multilateral Investment Guarantee Agency (MIGA) requested to be taken up into the list of Article 1(19) of Directive 2000/12/EC.
- (3) MIGA is a member of the World Bank Group. MIGA provides guarantees to private sector investors against non-commercial risks and, in particular, the risk of loss, according to clearly defined criteria, arising from currency inconvertibility and transfer, expropriation, war and civil disturbance, and breach of contract by a government entity. The purpose of MIGA is to promote the economic development of its developing member countries by encouraging the establishment, expansion and modernization of private — and specifically small or medium-scale-enterprises, so as to compliment the activities of the other members of the World Bank Group.
- (4) MIGA has a risk profile equivalent to the multilateral development banks enumerated in Article 1(19) of Directive 2000/12/EC and is therefore eligible for inclusion into Article 1(19) and in the consequence to benefit from the preferential risk weighting as laid down in Article 43 of Directive 2000/12/EC.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee required to assist the Commission in accordance with the procedure laid down in Article 60(2) of Directive 2000/12/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 1(19) of Directive 2000/12/EC is replaced by the following:

‘19. “multilateral development banks” shall mean the International Bank for Reconstruction and Development, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the Council of Europe Resettlement Fund, the Nordic Investment Bank, the Caribbean Development Bank, the European Bank for Reconstruction and Development, the European Investment Fund, the Inter-American Investment Corporation and the Multilateral Investment Guarantee Agency.’

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2004 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 27 April 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 126, 26.5.2000, p. 1. Directive as last amended by Directive 2002/87/EC (OJ L 35, 11.2.2002, p. 1).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 December 2003

relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement against C. Conradty Nürnberg GmbH, Hoffmann & Co. Elektrokohle AG, Le Carbone Lorraine S.A., Morgan Crucible Company plc, Schunk GmbH and Schunk Kohlenstofftechnik GmbH, jointly and severally, and SGL Carbon AG

(Case No C.38.359 — Electrical and mechanical carbon and graphite products) ⁽¹⁾

(notified under document number C(2003) 4457)

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

(Text with EEA relevance)

(2004/420/EC)

On 3 December 2003, the Commission adopted a decision relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement. In accordance with the provisions of Article 21 of Regulation 17 ⁽²⁾, the Commission herewith publishes the names of the parties and the main content of the decision, having regard to the legitimate interest of undertakings in the protection of their business interests. A non-confidential version of the full text of the decision can be found in the authentic languages of the case and in the Commission's working languages at DG COMP's website at http://europa.eu.int/comm/competition/index_en.html.

I. SUMMARY OF THE INFRINGEMENT

Addressees and nature of the infringement

1. This Decision is addressed to C. Conradty Nürnberg GmbH (hereinafter Conradty), Hoffmann & Co. Elektrokohle AG (hereinafter Hoffmann), Le Carbone Lorraine S.A. (hereinafter Carbone Lorraine), Morgan Crucible Company plc (hereinafter Morgan), Schunk GmbH and Schunk Kohlenstofftechnik GmbH, jointly and severally (hereinafter Schunk), and SGL Carbon AG (hereinafter SGL).
2. The addressees participated in a single and continuous infringement of Article 81(1) of the Treaty establishing the European Community (hereinafter the EC Treaty or the Treaty) and, from 1 January 1994, Article 53(1) of the Agreement on the European Economic Area (hereinafter EEA Agreement), covering the whole of the EEA territory, by which they:
 - agreed and occasionally updated a uniform, highly detailed method of calculating prices to customers, covering the main types of electrical and mechanical carbon and graphite products, different types of customers and all EEA countries where demand existed, with a view to arriving at identically or similarly calculated prices for a wide variety of products;

⁽¹⁾ Final report of the Hearing Officer (OJ C 102 of 28.4.2004).

⁽²⁾ OJ 13, 21.2.1962, p. 204/62. Regulation as last amended by Regulation (EC) No 1216/1999 (OJ L 148, 15.6.1999, p. 5).

- agreed regular percentage price increases for the main types of electrical and mechanical products and all EEA countries where demand existed, for different types of customers;
- agreed on certain surcharges to customers, on discounts for different types of delivery and on payment conditions;
- agreed account leadership for certain major customers, agreed to freeze market shares in respect of those customers, and regularly exchanged pricing information and agreed specific prices to be offered to those customers;
- agreed a ban on advertising and on participation in sales exhibitions;
- agreed quantity restrictions, price increases or boycotts in respect of re-sellers that offered potential competition;
- agreed price undercutting in respect of competitors; and
- operated a highly refined machinery to monitor and enforce their agreements.

Duration of the infringement

3. The undertakings participated in the infringement during at least the following periods:

- Conradty: from October 1988 to December 1999;
- Hoffmann: from September 1994 to October 1999;
- Carbone Lorraine: from October 1988 to June 1999;
- Morgan: from October 1988 to December 1999;
- Schunk: from October 1988 to December 1999;
- SGL: from October 1988 to December 1999.

The market for electrical and mechanical carbon and graphite products

4. Electrical carbon products are primarily used to transfer electricity to and in electrical motors. The most important products in this group are carbon brushes and electrical current collectors. Applications are in the automotive, consumer products, industrial and traction (public transport) markets. Examples of applications in the automotive area are starters, alternators, fuel pumps, air conditioning and powered windows in cars and trucks. Consumer product brushes are used in power tools like drills, in vacuum cleaners, electric shavers, mixers and many other domestic appliances and consumer durables. Industrial applications are for instance in assembly lines and elevators. Traction brushes are used in railway and other public transport applications, mainly in locomotives and in auxiliary electrical motors.

Mechanical carbon and graphite products can withstand high friction, are non-reactive, resistant to wear and, if they contain graphite, may also have a lubricating function. They are primarily used to seal gases and liquids in vessels and to keep low-wear parts in machines lubricated.

Carbon and graphite products are also sold in blocks, which require further processing.

5. The Commission has found that the geographic scope of this business is EEA-wide rather than global. Because customers need to be supplied very quickly, long transport routes are uneconomical. In 1998, the last full year in which all members participated in the cartel, the cartel covered more than 90 % of the EEA market for the product concerned, this market having a total estimated value in that year of EUR 291 million, including the value of captive use.

Functioning of the cartel

6. More than 140 reported cartel meetings took place during the period October 1988 to December 1999. The functioning of the cartel was essentially unchanged throughout this period:
 - The senior executives for carbon and graphite products in the member companies met in periodic European Summit meetings. Summit meetings were held twice per year.
 - Technical Committee meetings at European level were in principle also held twice a year, in spring and autumn, preceding the Summit meetings. The main purpose of Technical Committee meetings was to agree on price levels and percentage price increases for the different products in different countries. They were also used to reach agreement on policy aspects of companies' sales strategies, such as (upward) harmonisation of prices across Europe, the price levels to be applied in respect of large customers, how to handle competitors, and surcharges for different alleged purposes.
 - Local meetings were held on an ad hoc basis in Italy, France, the United Kingdom, the Benelux, Germany, and Spain (covering also the Portuguese market). These meetings discussed price increases in the country concerned, as well as the accounts of single local customers.
 - Regular contacts between representatives of the cartel members were necessary to ensure that the agreements made in the meetings were upheld in daily practice by all parties. Representatives also kept regular contact to co-ordinate specific bids made to large customers. Such contacts occurred on a weekly and sometimes daily basis, by phone, fax, or, occasionally, meetings.

II. FINES

Basic amount

7. The Commission considers that the undertakings concerned have committed a very serious infringement. The nature of the infringement and its geographic scope are such that the infringement must qualify as very serious, irrespective of whether or not the impact of the infringement on the market can be measured.

Differential treatment

8. Within the category of very serious infringements, the scale of likely fines makes it possible to apply differential treatment to undertakings in order to take account of the effective economic capacity of the offenders to cause significant damage to competition, as well as to set the fine at a level which ensures that it has sufficient deterrent effect. Carbone Lorraine and Morgan were the largest sellers of electrical and mechanical carbon and graphite products in the EEA in 1998, the last full year of operation of the cartel, with market shares of more than 20 %. They have therefore been placed in a first category. Schunk and SGL, with market shares between 10 % and 20 %, have been placed in a second category. Finally, Hoffmann and Conradty, with market shares below 10 %, have been placed in a third category.

Duration

9. The undertakings concerned participated in the infringement during at least the following periods:
 - Carbone Lorraine: from October 1988 to June 1999, a period of 10 years and 8 months, resulting in a percentage increase in the basic amount of 105 %;
 - Morgan: from October 1988 to December 1999, a period of 11 years and 2 months, resulting in a percentage increase in the basic amount of 110 %;

- Schunk: from October 1988 to December 1999, a period of 11 years and 2 months, resulting in a percentage increase in the basic amount of 110 %;
- SGL: from October 1988 to December 1999, a period of 11 years and 2 months, resulting in a percentage increase in the basic amount of 110 %;
- Hoffmann: from September 1994 to October 1999, a period of 5 years and 1 month, resulting in a percentage increase in the basic amount of 50 %;
- Conradty: from October 1988 to December 1999, a period of 11 years and 2 months, resulting in a percentage increase in the basic amount of 110 %.

Aggravating circumstances

10. The Commission considers that there are no aggravating circumstances in this case.

Attenuating circumstances

11. The Commission considers that there are no attenuating circumstances in this case.

Application of the 10 % turnover limit

12. The 10 % worldwide turnover limit mentioned in Article 15(2) of Regulation 17 applies to Hoffmann and Conradty.

Application of the 1996 leniency notice

Non-imposition or a very substantial reduction in its amount (Section B: 75-100 % reduction)

13. Morgan is granted immunity from fines for having been the first undertaking to report the cartel to the Commission.

Significant reduction of a fine (Section D: reduction from 10 % to 50 %)

14. Carbone Lorraine is granted a 40 % reduction for its cooperation in the Commission's investigation. Among the companies qualifying for a significant fine reduction, Carbone Lorraine was the first company to cooperate with the Commission and provided the most useful contribution. Like the other companies that cooperated with the Commission, it also did not substantially contest the facts on which the Commission based its allegations.
15. Schunk is granted a 30 % reduction for its cooperation in the Commission's investigation. The evidence it provided arrived later and its cooperation was more limited than that of Carbone Lorraine.
16. Hoffmann, now part of the Schunk Group, cooperated in the same manner as Schunk. It is also granted a 30 % reduction.
17. SGL, which was the last company to cooperate, is granted a 20 % reduction.
18. Conradty did not cooperate with the Commission.

Ability to pay

Carbone Lorraine

19. The arguments of Carbone Lorraine regarding inability to pay are rejected.

SGL

20. The arguments of SGL regarding inability to pay are rejected.

Other factors

21. Carbone Lorraine argued that it was undergoing serious financial constraints and had already received a significant fine for simultaneous cartel activity. Both of these arguments are found incorrect.
22. SGL, however, is granted a 33 % reduction of its fine for the reason that SGL is both undergoing serious financial constraints and has relatively recently been imposed two significant fines by the Commission for participation in simultaneous cartel activities.

Decision

1. The following fines are imposed:
 - a) C. Conradty Nürnberg GmbH: EUR 1 060 000;
 - b) Hoffmann & Co. Elektrokohle AG: EUR 2 820 000;
 - c) Le Carbone Lorraine S.A.: EUR 43 050 000;
 - d) Morgan Crucible Company plc: EUR 0;
 - e) Schunk GmbH and Schunk Kohlenstofftechnik GmbH, jointly and severally: EUR 30 870 000;
 - f) SGL Carbon AG: EUR 23 640 000.
 2. The undertakings listed shall immediately bring the infringements to an end, in so far as they have not already done so. They shall refrain from repeating any act or conduct as the infringement found in this case and from any act or conduct having the same or similar object or effect.
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COMMISSION DECISION**of 16 December 2003****relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement against Wieland Werke AG, Outokumpu Copper Products OY, Outokumpu Oyj, KM Europa Metal AG, Tréfinmétaux SA and Europa Metalli SpA****(Case C.38.240 — Industrial tubes) ⁽¹⁾***(notified under document number C(2003) 4820)***(Only the Finnish, French, German and Italian texts are authentic)****(Text with EEA relevance)**

(2004/421/EC)

On 16 December 2003, the Commission adopted a decision relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement. In accordance with the provisions of Article 21 of Regulation 17 ⁽²⁾, the Commission herewith publishes the names of the parties and the main content of the decision, having regard to the legitimate interest of undertakings in the protection of their business interests. A non-confidential version of the full text of the decision can be found in the authentic languages of the case and in the Commission's working languages at DG COMP's website at http://europa.eu.int/comm/competition/index_en.html.

I. SUMMARY OF THE INFRINGEMENT**Addressees and nature of the infringement**

- (1) The Decision is addressed to Wieland Werke AG (Wieland Werke), Outokumpu Copper Products OY (OCP) and Outokumpu Oyj (collectively referred to as Outokumpu), KM Europa Metal AG (KME or KM Europa Metal), Tréfinmétaux SA (TMX or Tréfinmétaux) and Europa Metalli SpA (EM or Europa Metalli).
- (2) The addressees participated in a single, complex and continuous infringement of Article 81(1) of the Treaty establishing the European Community (hereinafter the Treaty) and, from 1 January 1994, of Article 53(1) of the Agreement on the European Economic Area (hereinafter the EEA Agreement), covering most of the EEA territory, by fixing prices, allocating markets and exchanging confidential information in the industrial copper tube market.

Imputation of liabilities

- (3) Outokumpu Oyj participated directly in the infringement from May 1988 until December 1988, when its industrial tubes business was vested to its newly-formed subsidiary OCP who continued the infringement. After the achievement of the formation of OCP in December 1988, Outokumpu Oyj has controlled the entire capital of OCP. The parent company and its wholly-owned subsidiary are held jointly and severally liable for the infringement after the formation of the latter.
- (4) With regard to the KME-group including KM Europa Metal (Germany), Tréfinmétaux (France) and Europa Metalli (Italy), two separate periods have been distinguished for the purposes of imputation of liabilities. During the first period from 1988 to 1995, KME is considered to have been a separate undertaking from EM and TMX, regardless of the fact that their common holding-company Società Metallurgica Italiana (SMI) acquired majority control of KME in 1990. KME's management board and operational management were coordinated with those of EM and TMX only after the restructuring of the group in 1995, when KME obtained 100 % of the shares in EM and TMX. As to the period from 1995 to 2001, the entities of the KME-group are considered to have formed a single economic unit on the market, implying joint and several liability for the infringement during that period.

⁽¹⁾ Opinion of the Advisory Committee (OJ C 102 of 28.4.2004)

⁽²⁾ OJ 13, 21.2.1962, p. 204/62. Regulation as last amended by Regulation (EC) No 1216/1999 (OJ L 148, 15.6.1999, p. 5).

- (5) During the period from 1988 to 1995, Europa Metalli and its wholly-owned subsidiary TMX are regarded as having formed one economic unit and thus a single undertaking, with joint and several liability for the infringement.

Duration of the infringement

- (6) The undertakings participated in the infringement during at least the following periods:
- (a) Wieland Werke AG from 3 May 1988 until 22 March 2001;
 - (b) Outokumpu Oyj individually from 3 May 1988 until 30 December 1988, and jointly and severally with Outokumpu Copper Products Oy from 31 December 1988 until 22 March 2001;
 - (c) Outokumpu Copper Products OY from 31 December 1988 until 22 March 2001 (jointly and severally with Outokumpu Oyj);
 - (d) KM Europa Metal AG individually from 3 May 1988 until 19 June 1995, and jointly and severally with Tréfinmétaux SA and Europa Metalli SpA from 20 June 1995 to 22 March 2001;
 - (e) Europa Metalli SpA., jointly and severally with TMX from 3 May 1988 to 19 June 1995, and jointly and severally with KM Europa Metal AG and Tréfinmétaux SA from 20 June 1995 to 22 March 2001;
 - (f) Tréfinmétaux SA, jointly and severally with Europa Metalli SpA from 3 May 1988 to 19 June 1995, and jointly and severally with KM Europa Metal AG and Europa Metalli SpA from 20 June 1995 to 22 March 2001.

The market for industrial copper tubes

- (7) Copper tubes are generally divided into two product groups: plumbing tubes used for water, oil, gas and heating installations, and industrial tubes which are divided into sub-groups based on the end use. The most important of the latter in terms of volume is air-conditioning and refrigeration (ACR) industry, the other industrial applications being mainly fittings, refrigeration, gas heater, filter dryer and telecommunication tubes.
- (8) Industrial tubes, ACR-tubes in particular, are typically supplied in annealed level wound coils (LWC) in lengths ranging up to several kilometres. LWC's, to which the Decision is confined, were introduced in the 1980's as a substitute for straight length tubes and they were specifically developed for automated manufacturing lines of air-conditioning producers. Unlike sanitary tubes, industrial tubes are generally not sold to wholesalers of plumbing supplies but they are normally used by and supplied directly to industrial customers, original equipment manufacturers or part manufacturers. On average, industrial tubes are higher added value products than sanitary tubes and their production costs also differ significantly from those of the latter.
- (9) The estimated EEA market value of LWC tubes was ca. EUR 290 million in 2000. The major producers of LWC tubes in Europe are currently KME (including EM and TMX), Outokumpu and Wieland Werke. These undertakings together accounted for about 75-85 % of the total EEA market. Other significant producers within the European market include Feinrohren S.p.A of Italy and Halcor S.A. of Greece.

Functioning of the cartel

- (10) The cartel was organised within the framework of Cuproclima Quality Association for ACR Tubes (air conditioning and refrigeration) established in Switzerland, with the primary purpose of promoting a quality standard for these industrial tubes (hereinafter Cuproclima). At the latest in the spring of 1988, the members of Cuproclima, including the addressees of the Decision, extended the scope of their cooperation to competition. Discussions concerning prices, customers, individual sales volumes and market shares mostly took place on the second day of the Cuproclima meeting session after the official agenda had been discussed. The unofficial meetings, which were conducted without documentary support, were normally held at least once in the spring and once in the autumn, and sometimes more frequently.

- (11) In this context, the producers in question agreed on price targets and other commercial terms for industrial tubes, coordinated price increases, as well as allocated customers and market shares in the European territories. The target prices were generally fixed in the autumn meeting for the following year and the spring meeting was to monitor compliance with the agreed principles by comparing the sales and market share data. Further to the exchange of confidential information on sales, market shares and pricing, the participants also appointed market leaders among each other for the allocated territories and customers to collect market information and monitor customer visits.

II. FINES

Basic amount

- (12) The infringement consists mainly of price-fixing and market allocation practices, which are by their nature very serious violations of Article 81(1) of the Treaty and Article 53(1) of EEA Agreement. The cartel covered the whole of the common market and, following its creation, most of EEA. It has been established that the cartel agreements were also implemented in practice and that they must have produced effect on the market, even if such effect cannot be quantified in a reliable manner. The Commission therefore considers that the addressees committed a very serious infringement.

Differential treatment

- (13) Within the category of very serious infringements, the scale of likely fines makes it possible to apply differential treatment to undertakings in order to take account of the effective economic capacity of the offenders to cause significant damage to competition, as well as to set the fine at a level which ensures that it has sufficient deterrent effect.
- (14) In this case, the undertakings have been divided into two categories. With a market share of 30-50 %, the KME-group was the largest player on the EEA market for LWC tubes in 2000, the last full year of the infringement. It is therefore placed in the first category. Outokumpu and Wieland Werke, having relevant market shares within the range of 10-20 %, are placed in a second category, consisting of companies that can be considered as medium-size operators within the EEA market of LWC tubes.
- (15) As to the KME-group, the Commission takes into account the corporate reorganisations that occurred during the infringement period so that the basic amount of the fine is divided into parts, allocated among the different undertakings within the group.

Duration

- (16) Wieland Werke, Outokumpu, KM Europa Metal, Tréfimétaux and Europa Metalli infringed Article 81(1) of the Treaty and Article 53(1) of the EEA Agreement (since it came into force on 1 January 1994) from at least 3 May 1988 to 22 March 2001, i.e. a period of 12 years and 10 months.
- (17) While the different entities of the KME-group participated in the infringement throughout its whole duration, their organisation into different undertakings during part of the infringement period is taken into consideration in the calculation of the increase of the fine for duration. With regard to the period from 1988 to 1995, this increase is therefore calculated separately for KME AG, on the one hand, and for the undertaking formed by EM and TMX, on the other hand. For the rest of the duration from 1995 to 2001, the increase for duration is common to the whole KME-group.

Aggravating circumstances

- (18) The Commission has found an aggravating circumstance in the repeated infringement of Outokumpu Oyj, as it was addressee of the Commission decision 90/417/ECSC Cold-rolled Stainless steel flat products ⁽¹⁾ finding an infringement of the same type.

⁽¹⁾ OJ L 220, 15.8.1990, p. 28.

Attenuating circumstances

- (19) To Outokumpu, the Commission has applied an attenuating factor for cooperation outside the 1996 Leniency Notice. Outokumpu was the first to disclose the whole duration of the cartel in the industrial tubes sector. Based on the evidence obtained prior to Outokumpu's leniency application, the Commission could have established a continuous infringement of only four years. Outokumpu's cooperation allowed to prove the existence of a long-term infringement of 12 years and 10 months. Accordingly, the basic amount of Outokumpu's fine is reduced by a lump sum so that it is the same as the hypothetical amount of fine that would have been imposed on Outokumpu for a four-year infringement.

Application of the 1996 leniency notice

Significant reduction of a fine (Section D: reduction from 10 % to 50 %)

- (20) All the addressees of the decision cooperated with the Commission in its investigation. The only applicable section of the 1996 Leniency Notice is Section D, since all the addressees applied for leniency only after the inspections which produced sufficient evidence to open the proceedings and fine the undertakings for an infringement of at least four years.
- (21) Outokumpu applied for leniency immediately after the Commission's inspections, disclosing the existence of the cartel from 1988 to 2001. In view of Outokumpu's early and extensive cooperation, it is granted a 50 % reduction of the fine that would otherwise have been imposed.
- (22) Wieland Werke and KME did not start cooperating with the Commission until more than a year and a half had lapsed from the inspections. Furthermore, this cooperation was not entirely spontaneous, as it started only after the Commission had addressed formal requests for information to these undertakings. They were therefore rewarded with smaller reductions than Outokumpu, 20 % for Wieland Werke and 30 % for KME. The difference between the latter two reflects KME's more extensive disclosure in terms of the duration and continuity of the infringement.

Decision

1. The following fines are imposed:
 - a) Wieland Werke AG: EUR 20,79 million
 - b) Outokumpu Oyj and Outokumpu Copper Products Oy: jointly and severally EUR 18,13 million
 - c) KM Europa Metal AG, Tréfimétaux SA and Europa Metalli SpA: jointly and severally EUR 18,99 million
 - d) KM Europa Metal AG: EUR 10,41 million
 - e) Europa Metalli SpA and Tréfimétaux SA: jointly and severally EUR 10,41 million
 2. The undertakings listed shall immediately bring the infringements to an end, in so far as they have not already done so. They shall refrain from repeating any act or conduct as the infringement found in this case and from adopting any measure having equivalent object or effect.
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COMMISSION DECISION**of 7 January 2004****declaring a concentration compatible with the common market and the functioning of the EEA Agreement****(Case No COMP/M.2978 — Lagardère/Natexis/VUP) ⁽¹⁾***(notified under document number C(2003) 5277)***(Only the French text is authentic)****(Text with EEA relevance)**

(2004/422/EC)

On 7 January 2004 the Commission adopted a Decision in a merger case under Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings ⁽²⁾ and in particular Article 8(2) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case and in the working languages of the Commission on the website of the Directorate-General for Competition, at the following address: http://europa.eu.int/comm/competition/index_en.html.

- (1) The case concerns the acquisition by the French company Lagardère of control of certain assets of Vivendi Universal Publishing ('VUP'), a French company controlled by Investima 10 ⁽³⁾ itself controlled by Natexis Banques Populaires; the transaction was notified to the Commission under Article 4 of the Merger Regulation, Regulation No 4064/89, on 14 April 2003.
- (2) The buyer, Lagardère, is a group doing business worldwide in three main areas: communications/media/publishing; the motor industry; and high technology. The notification is concerned solely with the communications, media and publishing side, where Lagardère's main activities are grouped in its wholly owned subsidiary Hachette SA, which operates in publishing, the press, distribution, book retailing, and broadcasting and multimedia.
- (3) Investima 10 was formed to hold the shares in VUP, which is active in various sectors of creative publishing and in logistics and distribution.
- (4) In September 2002 Lagardère declared its interest in acquiring VUP's publishing assets in Europe and Latin America (except Brazil), which Vivendi Universal had just put up for sale ⁽⁴⁾. At the end of October, Vivendi Universal announced that it had accepted Lagardère's offer.
- (5) Lagardère's procedure for acquiring these assets had to meet one of the seller's desiderata, which was for a quick sale and quick payment. It was in order to meet this concern for speed that, at Lagardère's request, Natexis Banques Populaires became involved in the process of acquiring the relevant VUP assets.
- (6) On 3 December 2002, the Natexis Banques Populaires Group concluded a firm sale contract with Lagardère, enabling Lagardère (via Ecrinvest 4), subject to authorisation from the Commission, to acquire full ownership of the capital in Investima 10, the company owning VUP's assets. The acquisition price was paid immediately by Lagardère to Segex (a company owning all the shares constituting the capital in Ecrinvest 4) on the same date.

⁽¹⁾ Opinion of the Advisory Committee and final report of the Hearing Officer (OJ C 102, 28.4.2004).

⁽²⁾ OJ L 395, 30.12.1989, p. 1; last amended by Regulation (EC) No 1310/97 (OJ L 180, 9.7.1997, p. 1).

⁽³⁾ Since the date of the notification Investima 10 has become Editis SA.

⁽⁴⁾ Vivendi Universal also divested itself of its publishing assets in the United States (Houghton Mifflin), acquired by a third party.

- (7) On 14 May 2003, the French authorities asked for part of the case to be referred to them under Article 9 of the Regulation. This request concerned a number of publishing markets: general literature, the acquisition of copyright for editions in pocket format, the sale of school textbooks and educational supporting materials, dictionaries, encyclopaedias, and marketing and distribution services provided to publishers. By decision of 23 July 2003 the Commission rejected the French authorities' request, taking the view that the condition that there must be a distinct geographic market was not satisfied in any of these markets with the exception of that in school textbooks, which the Commission agreed was a national one, and the market for educational supporting materials, where the Commission, at the time when it took its decision under Article 9, was not able to determine whether the geographic dimension was national or supranational. For these two markets the Commission decided, in accordance with the first subparagraph of Article 9(3)(a) of the Regulation, to analyse the effects of the merger itself, in view of the close links between them and the remainder of the book business.
- (8) The Advisory Committee on Concentrations, at its 122nd meeting, on 22 December 2003, delivered a favourable opinion on a draft Decision granting conditional authorisation submitted to it by the Commission.
- (9) The Hearing Officer, in a report dated 4 November 2003, took the view that the right of the parties to be heard had been respected.

PUBLISHING

- (10) Books follow a circuit from author to reader, the 'book chain', with different people involved at different stages — the publisher, the distributor, the marketer, the wholesaler and the retailer.
- (11) Publishers compete with one another at several points in the book chain, especially in the acquisition of publishing rights (access to resources) and in access to shelf space at the various sales outlets (access to the market). An important feature of French-language publishing is that small publishers subcontract the marketing and distribution of their products to competing publishers of larger size who have their own integrated marketing and distribution operations.
- (12) Thus there are three different categories of players in the market:
- two major groups (Hachette Livre and VUP), capable of seeing to their development fully autonomously since, apart from their core business of publishing, they combine the full range of marketing and distribution activities and also have popular pocket-format series that enable the works they publish to enjoy a second life;
 - four medium-sized groups, three of which (Gallimard, Flammarion and Seuil) are vertically integrated (marketing/distribution and pocket-format series) but are partly dependent on Hachette Livre, VUP or both, for marketing to the smaller outlets; the fourth group (Albin Michel) handles only a part of its own marketing, as a significant proportion of its books are marketed by Hachette Livre, all of them are distributed by Hachette Livre, and its pocket-format books are generally published by LGF, an Hachette Livre subsidiary;
 - an assortment of small firms, heavily and sometimes totally dependent on the larger publishers for the marketing of their products and the publication of their pocket-format books.

- (13) As initially notified to the Commission the transaction would have combined the business of the two market leaders on their markets and created very significant horizontal overlaps in many areas of publishing and in marketing and distribution. It would also have reinforced the vertical integration of the two companies in the book chain, as one company would now control a great many publishing houses along with substantial marketing and distribution activities, and this was likely to give it dominant positions on several levels of the book chain. The horizontal, conglomerate and vertical effects of the transaction were therefore indissociable.

A. Relevant markets

1) *Product markets*

- (14) The Commission's investigation showed that the relevant product markets were the following.
- (15) Markets for the acquisition of content: Reproduction rights for images and maps; primary markets for French-language publishing rights for original works in French; primary markets for French-language publishing rights for original works in a foreign language; secondary markets for pocket-format rights; and secondary markets for club rights.
- (16) The main criteria used to define the markets for rights were the nature of the rights, the type of contract under which they were transferred, the identity of the person transferring the rights, the nature, scope and duration of the rights acquired, the amount of any advances paid⁽¹⁾, and the amount of royalties.
- (17) Markets for marketing and distribution services provided to outsiders: Marketers market books to dealers for their own account and on behalf of outside publishers. Outside publishers of this kind are usually small publishers who have not got the means to handle their own marketing to all or some dealers; marketing for outsiders is therefore a market, and in view of the structural differences between dealers it can be subdivided by category of dealer. Thus there are separate markets for marketing to bookshops, hypermarkets and wholesalers. Small 'class 3' customers — supermarkets and small newsagent — are served by wholesalers and not directly by marketers or distributors. 'Distribution' covers all the logistical operations involved in supplying books to dealers; it is not segmented by type of dealer.
- (18) The main criteria used to define these markets were the organisation of the trade and the structural differences between dealers (bookshops, hypermarkets and wholesalers), the nature of the service provided, the preferences of publishers, differences in costs, and the barriers to entry at the different levels. It was found that while the relevant markets were markets for the provision of marketing and distribution services to outside publishers, the competitive analysis also had to take account of the overall position of the service providers, i.e. including in-house sales.
- (19) Markets for the sale of books to dealers: These are the markets for the sale of general literature titles in large format (to bookshops, hypermarkets and wholesalers); the sale of general literature titles in pocket format (to bookshops, hypermarkets and wholesalers); the sale of children's books (to bookshops, hypermarkets and wholesalers); the sale of art books (to bookshops, hypermarkets and wholesalers); the sale of guides and manuals (to bookshops, hypermarkets and wholesalers); the sale of strip cartoon albums (to bookshops, hypermarkets and wholesalers); the sale of school textbooks; the sale of educational supporting materials; the sale of academic and professional books; the sale of law books; the sale of science books; the sale of books on economics; the sale of books on the social sciences; the sale of dictionaries; the sale of smaller specialist encyclopaedias; the sale of larger reference works in multimedia form; the sale of books published in instalments; and the sale of books by wholesalers to class 3 dealers.

⁽¹⁾ An advance is a firm and final payment by the publisher to the author before a manuscript is delivered. Once the book is published the author receives the royalties that exceed the amount of the advance.

- (20) The main criteria used to define these markets were the commercial link and the nature of the commercial risk; supply-side substitutability (in terms of capacity to produce a book of a particular kind); the physical and graphical characteristics of the books; the prices of the books; and differences in general terms of business and the characteristics of the classes of customer. Within the markets for the sale of general literature titles a distinction has also to be drawn between books in large format, which are usually first editions, and books in pocket format, which are usually second editions, sold at a lower price, and appear in a series with a uniform brand image.
- (21) Markets for sales to final consumers: These are markets for the sale of larger reference works, such as multivolume encyclopaedias, by sales agents, and markets for the sale of books by retailers to final consumers.

2) *Relevant geographic markets*

- (22) The investigation carried out showed that the relevant geographic markets were as follows.
- (23) The geographic dimension of the markets for the acquisition of content for French-language publications is worldwide, in view in particular of the fact that contracts are concluded for the whole world.
- (24) The geographic dimension of the markets for marketing and distribution on behalf of outside publishers is the French-speaking area of the European Union, in view in particular of substitutability on the demand side (single contracts) and substitutability on the supply side (same services and same players throughout the area).
- (25) The geographic dimension of the markets for the sale of books by publishers to dealers — notably the markets for the sale of general literature, guides and manuals, children's books, works of reference and educational supporting materials — is supranational: it covers at least the French-speaking area of the European Union, and may possibly include French-speaking Switzerland, in view in particular of the uniform conditions of competition, the levels of discount and supply-side substitutability.

School textbooks are strongly influenced by educational syllabuses, and here the geographic dimension is national. In the case of other categories of book, such as law books, the precise definition can remain open. For products of these kinds the relevant geographic markets for purposes of this transaction are France, Luxembourg, Belgium and Spain.

- (26) The geographic dimension of the markets for sales to final consumers are national in the case of sales through sales agents, and perhaps even local in the case of sales by dealers, but the precise definition can be left open.

B. Analysis of the markets affected

- (27) The notified transaction would create or strengthen a dominant position on several markets in the book trade in French-speaking Europe, most notably in publishing rights, marketing, distribution, and the sale of pocket-format books, school textbooks and educational supporting materials.
- (28) These anticompetitive effects are essentially the result of the disappearance of the rivalry between Hachette Livre and VUP, the two leaders, who are of similar size and are both active throughout the French-language book chain, including the marketing and distribution stage, where thanks to their integrated wholesale structures they provide privileged access to hypermarkets and small sales outlets.

- (29) In particular, the new entity might well be able to act independently of its competitors and customers both as regards access to the 'raw material', i.e. to the established authors that provide the bulk of a publisher's profitable business, and as regards access to the market, i.e. to sales outlets, which can absorb only a small proportion of the books that appear each year, and can give prominent display to even fewer.

a) *Markets for publishing rights*

- (30) On the primary market for the rights in books originally in French the notified transaction would confer a dominant position on the merged entity, which would have a market share of [50-55] % calculated on the basis of advances to authors.
- (31) On the primary market for the rights in books originally in foreign languages no dominant position would be created: the new entity would not be the market leader, as Albin Michel has a market share of [50-55] %.
- (32) The merged entity would dominate the market for secondary rights for pocket-format editions, where it would have a market share of [55-60] %.
- (33) The creation of dominant positions on these markets would be reinforced especially by the merged entity's attractiveness to authors, given its strong positions in marketing, distribution, pocket-format sales and sales to small class 3 outlets, and its presence in the media.

b) *The markets for marketing and distribution on behalf of outside publishers*

- (34) The merged entity would have a dominant position on each of the markets for marketing services provided to outside publishers. It would be especially strong in marketing to wholesalers and hypermarkets: it would have a share of [55-65] % of each of these markets. In marketing to bookshops its share would be lower, at [25-35] %. Publishers who do not handle their own marketing usually entrust it to the same service provider for all classes of dealer. Access to the different classes of dealer, including hypermarkets and the small outlets and supermarkets served by wholesalers, is of great importance to any publisher, especially for the sale of best sellers. The merged entity's position in marketing to hypermarkets and wholesalers would make it an essential channel, and this combined with its dominance of the market for the sale of books to small class 3 outlets, through its wholesale operations LDS and La Dil, would also lead to the creation of a dominant position on the market for marketing to bookshops, especially as the service of marketing to the different classes is sold in one and the same contract.
- (35) The merged entity would also be dominant in the market for distribution services provided to outside publishers, where it would have a market share of [35-45] %, and would own the two biggest distribution centres, in a market where there are barriers to entry and to expansion.
- (36) For all the markets for marketing and distribution services provided to outside publishers account has also to be taken of the merged entity's overall power to negotiate and to impose choices, given that it would be distributing and consequently invoicing one French-language book out of every two published in Europe.

c) *Markets for the sale of books to dealers*

- (37) The merged entity would dominate the markets for the sale of general literature in pocket format, where it would have a market share of [50-75] % depending on the class of dealer.
- (38) In the markets for the sale of general literature in large format, the merged entity would have market shares of [30-40] %. It would hold a dominant position as a result of (i) its strong positions in the acquisition of copyrights, (ii) its importance in marketing and distribution, where it would account for between 40 % and 70 % of large-format general literature bought by dealers of the various classes, and (iii) its dominance of the market for the sale of pocket-format books. But the Commission does not consider that the merged entity's presence in the markets for retail book sales (Relay, Virgin) and in the broadcasting media are decisive factors that would contribute to the creation of a dominant position.
- (39) For the same reasons the Decision finds that the merged entity would have dominant positions in the markets for the sale of children's books to hypermarkets and wholesalers and in the market for the sale of guides and manuals to wholesalers, markets in which it would have shares of about 40 %.
- (40) In the French market for the sale of school textbooks, where there are very high barriers to entry, the new entity would become dominant, with a market share of [70-80] % and ownership of four of the best-known brands. The situation in the neighbouring markets for the sale of educational supporting materials to dealers is similar.
- (41) The merged entity would have a near-monopoly in the markets for the sale of dictionaries, with shares of [90-100] %, and a clearly dominant position in the markets for the sale of smaller general encyclopaedias, with shares of [50-60] %.
- (42) In the market for the sale of books by wholesalers to class 3 sales outlets, the merged entity would hold a dominant position, with a share of [50-60] %, and would become the only supplier of books to a substantial number of such outlets. Other wholesalers, who are comparatively small, would also be dependent on the new entity for a substantial proportion of their supplies.

d) *Conclusion*

- (43) The Decision concludes that — in the absence of remedies — the transaction would create or strengthen dominant positions as a result of which effective competition would be significantly impeded in the common market or in a substantial part of it, in the markets for: the primary acquisition of the rights to works originally in French, worldwide; the secondary acquisition of pocket-format rights, worldwide; marketing services for sales to bookshops, hypermarkets and wholesalers, in French-speaking countries; distribution services, in French-speaking countries; the sale of general literature in pocket format and large format, in French-speaking countries; the sale of children's books to hypermarkets and wholesalers, in French-speaking countries; the sale of guides and manuals to hypermarkets and wholesalers, in French-speaking countries; the sale of school textbooks, in France; the sale of educational supporting materials, in French-speaking countries; the sale of dictionaries, in French-speaking countries; the sale of smaller general encyclopaedias, in French-speaking countries; and the sale of books by wholesalers to class 3 dealers, in French-speaking countries.

C. Remedies

1) *Commitments offered by the notifying party*

- (44) In order to overcome the competition problems identified, the notifying party submitted the following commitments.

- (45) The notifying party undertakes to sell all the assets of Editis, with the exception of the following:
- the Larousse publishing house and all of its business and its publisher's list;
 - the Anaya group and all of its business and its publisher's list;
 - the Dalloz publishing house and all of its business and its publisher's list;
 - the Dunod publishing house and all of its business and its publisher's list;
 - the academic lists made up of the publisher's lists of Armand Colin, Sedes and Nathan Université and the academic journals; and
 - the Ivry distribution centre.
- (46) The notifying party undertakes to use its best efforts to sell of the assets to a single buyer.
- (47) A trustee will ensure that the assets to be sold are held and managed in a structure separate from the Lagardère group, under the responsibility of a hold-separate manager, and that their viability and competitiveness is preserved.

2) *Assessment of the commitments proposed*

- (48) The commitments offered by the notifying party would eliminate almost all the horizontal overlaps between the parties' businesses in all of the relevant French-language markets where the transaction might create or strengthen a dominant position, which are listed in paragraph 43 (with the exception of the market for works of reference, but here the assets to be sold are greater than Hachette Livres' initial market share).
- (49) If the sale is to a single buyer, the commitments offered would eliminate the bulk of the vertical and conglomerate effects analysed in the Decision which result from the overall size of the merged entity in the French-language book trade, and which contribute to the creation or strengthening of dominant positions in the relevant markets. If the sale is to be to different buyers, a number of requirements will have to be met in full in order to ensure that the commitments do resolve the vertical and conglomerate problems caused by the transaction.
- (50) The Decision concludes that provided the commitments offered by the notifying party are met the transaction will not create or strengthen a dominant position held by the merged entity in the common market.

CONCLUSION

- (51) On these grounds the Commission decides not to oppose the notified transaction and to declare it compatible with the common market and with the EEA Agreement provided the commitments offered are met. The Decision is adopted under Article 8(2) of Council Regulation (EEC) No 4064/89 and Article 57 of the Agreement on the European Economic Area.
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(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL COMMON POSITION 2004/423/CFSP
of 26 April 2004
renewing restrictive measures against Burma/Myanmar**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 28 October 1996, the Council adopted Common Position 1996/635/CFSP on Burma/Myanmar⁽¹⁾, as subsequently replaced by Common Position 2003/297/CFSP on Burma/Myanmar⁽²⁾, as amended by Council Decision 2003/907/CFSP⁽³⁾ expiring on 29 April 2004.
- (2) In view of the current political situation in Burma/Myanmar, as witnessed by the failure of the military authorities to enter into substantive discussions with the democratic movement concerning a process leading to national reconciliation, respect for human rights and democracy, the continuing detention of Daw Aung San Suu Kyi and other members of the National League for Democracy and the continuing serious violations of human rights, including the failure to take action to eradicate the use of forced labour in accordance with the recommendations of the International Labour Organisation's High-Level Team report of 2001, the Council deems it necessary to maintain the measures taken under Common Position 2003/297/CFSP against the military regime in Burma/Myanmar, those who benefit most from its misrule and those who actively frustrate the process of national reconciliation, respect for human rights and democracy.
- (3) Accordingly the scope of the visa ban and assets freeze should be maintained to include members of the military regime, the military and security forces, the military regime's economic interests and other individuals, groups, undertakings or entities associated with the military regime who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy and their families and associates.
- (4) The implementation of the ban on high level visits at the level of Political Director and above should be maintained without prejudice to cases where the European

Union decides that the visit is directly in pursuit of national reconciliation, respect for human rights and democracy in Burma/Myanmar.

- (5) In the case of a substantial improvement in the overall political situation in Burma/Myanmar, not only the suspension of these restrictive measures, but also the gradual resumption of cooperation with Burma/Myanmar will be considered, after assessment of developments by the Council.
- (6) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

For the purposes of this Common Position, the term 'technical assistance' shall mean any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; technical assistance includes verbal forms of assistance.

Article 2

Member States shall continue not to permit the attachment of military personnel to the diplomatic representations of Burma/Myanmar in Member States, and all military personnel attached to diplomatic representations of the Member States in Burma/Myanmar shall remain withdrawn.

Article 3

1. The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, as well as equipment which might be used for internal repression, to Burma/Myanmar by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited whether originating or not in their territories.

⁽¹⁾ OJ L 287, 8.11.1996, p. 1.

⁽²⁾ OJ L 106, 29.4.2003, p. 36.

⁽³⁾ OJ L 340, 24.12.2003, p. 81.

2. It shall be prohibited:

- (a) to grant, sell, supply, or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, as well as equipment which might be used for internal repression, directly or indirectly to any person, entity or body in, or for use in Burma/Myanmar;
- (b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, as well as equipment which might be used for internal repression, directly or indirectly to any person, entity or body in, or for use in Burma/Myanmar.

Article 4

1. Article 3 shall not apply to:

- (a) the sale, supply, transfer or export of non-lethal military equipment, or of equipment which might be used for internal repression, intended solely for humanitarian or protective use, or for institution building programmes of the UN, the EU and the Community, or of materiel intended for EU and UN crisis management operations;
- (b) the provision of financing and financial assistance related to such equipment;
- (c) the provision of technical assistance related to such equipment,

on condition that such exports have been approved in advance by the relevant competent authority.

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

Article 5

Non-humanitarian aid or development programmes shall be suspended. Exceptions may be made for projects and programmes which should be, as far as possible, defined in consultation with democratic groups, including the National League for Democracy, and run with their involvement:

- in support of human rights and democracy,

- in support of poverty alleviation and, in particular, of the provision of basic needs for the poorest section of the population,
- in the context of decentralised cooperation through local civilian authorities and non-governmental organisations,
- in support of health and basic education through non-governmental organisations.

Article 6

1. Member States shall take the necessary measures to prevent the entry into, or transit through, the territories of senior members of the State Peace and Development Council (SPDC), Burmese authorities in the tourism sector, senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and their families being the natural persons listed in the Annex.

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

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

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

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

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

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

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

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

Article 7

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

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

3. Exemptions may be made for funds or economic resources which are:

- (a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses.

4. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to restrictive measures,

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

Article 8

High-level bilateral governmental (Ministers and Officials at the level of Political Director and above) visits to Burma/Myanmar shall remain suspended. The Council may, in exceptional circumstances, decide to grant exceptions to this rule.

Article 9

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

Article 10

This Common Position shall apply for a 12-month period. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 11

This Common Position shall take effect on 30 April 2004.

Article 12

This Common Position shall be published in the Official Journal.

Done at Luxembourg, 26 April 2004.

For the Council

The President

B. COWEN

ANNEX

List referred to in Article 9

STATE PEACE AND DEVELOPMENT COUNCIL (SPDC)

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Senior General Than Shwe	Chairman	02.02.1933	Kyaing Kyaing	Thandar Shwe, Khin Pyone Shwe, Aye Aye Thit Shwe	Thidar Htun, Nay Shwe Thway Aung (a) Pho La Pye, Pho La Lon
Vice-Senior General Maung Aye	Vice-Chairman	25.12.1937	Mya Mya San	Nandar Aye	
General Khin Nyunt	Prime Minister	11.10.1939	Khin Win Shwe (6.10.1940)	Ye Naing Win, Zaw Naing Oo, Thin Le Le Win	
Gen Thura Shwe Mann	Chief of Staff, Coordinator of Special Operations (Army, Navy and Air)		Khin Lay Thet	Toe Naing Mann (wife-Zay Zin Latt), Aung Thet Mann Ko Ko, Shwe Mann Ko Ko	
Lt-Gen Soe Win	Secretary 1		Than Than Nwe		
Lt-Gen Thein Sein	Secretary 2 Adjutant General		Khin Khin Win		
Lt-Gen Thiha Thura Tin Aung Myint Oo	Quartermaster-General		Khin Saw Hnin		
Lt-Gen Kyaw Win	Chief of Armed Forces Training		San San Yee		
Lt-Gen Tin Aye	Chief of Military Ordnance, Head of UMEH		Kyi Kyi Ohn		
Lt-Gen Ye Myint	Chief of Bureau of Special Operations 1 (Kachin, Chin, Sagaing, Magwe, Mandalay)		Tin Lin Myint (25.1.1947)	Theingi Ye Myint, Aung Zaw Ye Myint, Kay Khaing Ye Myint	
Lt-Gen Aung Htwe	Chief of Bureau of Special Operations 2 (Kayah, Shan)		Khin Hnin Wai		
Lt-Gen Khin Maung Than	Chief of Bureau of Special Operations 3 (Pegu, Rangoon, Irrawaddy, Arakan)		Marlar Tint		
Lt-Gen Maung Bo	Chief of Bureau of Special Operations 4 (Karen, Mon, Tenasserim)		Khin Lay Myint		

REGIONAL COMMANDERS

<i>Name</i>	<i>Command</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Maj-Gen Myint Swe	Rangoon		Khin Thet Htay		
Maj-Gen Ye Myint	Central-Mandalay Division		Myat Ngwe		
Maj-Gen Thar Aye	North Western-Sagaing Division		Wai Wai Khaing		
Maj-Gen Maung Maung Swe	North- Kachin State		Tin Tin Nwe	Ei Thet Thet Swe, Kaung Kyaw Swe	
Maj-Gen Myint Hlaing	North Eastern- Shan State (North)		Khin Thant Sin		
Maj-Gen Khin Zaw	Triangle- Shan State (East)		Khin Pyone Win	Kyi Tha Khin Zaw, Su Khin Zaw	
Maj-Gen Khin Maung Myint	Eastern- Shan State (South)		Win Win Nu		
Maj-Gen Thura Myint Aung	South Eastern- Mon State		Than Than Nwe		
Brig-Gen Ohn Myint	Coastal- Tenasserim Division		Nu Nu Swe		
Maj-Gen Ko Ko	South- Pegu Division		Sat Nwan Khun Sum		
Maj-Gen Soe Naing	South Western- Irrawaddy Division		Tin Tin Latt		
Maj-Gen Maung Oo	Western- Arakan State		Nyunt Nyunt Oo		

DEPUTY REGIONAL COMMANDERS

<i>Name</i>	<i>Command</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Col Wai Lwin	Rangoon		Swe Swe Oo	Wai Phyto, Lwin Yamin	
Brig-Gen Nay Win	Central		Nan Aye Mya		
Col Tin Maung Ohn	North-Western				
Brig-Gen San Tun	Northern		Tin Sein		
Brig-Gen Hla Myint	North-Eastern		Su Su Hlaing		
Brig-Gen Myint Swe	Triangle		Mya Mya Ohn	Khin Mya Mya, Wut Hmone Swe (husband-Soe Thu)	

<i>Name</i>	<i>Command</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Col. Win Myint	Eastern				
Brig-Gen Myo Hla	South-Eastern		Khin Hnin Aye		
Col Hone Ngaing	Coastal				
Brig-Gen Thura Maung Ni	Southern		Nan Myint Sein		
Brig-Gen Tint Swe	South-Western		Khin Thaug	Ye Min (a) Ye Kyaw Swar Swe (wife- Su Mon Swe)	
Col Tin Hlaing	Western				

MINISTERS

<i>Name</i>	<i>Ministry</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
U Than Shwe	PM's Office		Yin Yin Mya		
Maj-Gen Thein Swe	PM's Office		Mya Theingi		
Maj-Gen Nyunt Tin	Agriculture & Irrigation		Khin Myo Oo	Kyaw Myo Nyunt, Thu Thu Ei Han	
Brig-Gen Pyi Sone	Commerce		Aye Pyay Wai Khin	Kalyar Pyay Wai Shan, Pan Thara Pyay Shan	
Maj-Gen Saw Tun	Construction		Myint Myint Ko		
Maj-Gen Htay Oo	Cooperatives		Ni Ni Win		
Maj-Gen Kyi Aung	Culture		Khin Khin Lay		
U Than Aung	Education		Win Shwe		
Maj-Gen Tin Htut	Electric Power		Tin Tin Nyunt		
Brig-Gen Lun Thi	Energy		Khin Mar Aye	Mya Sein Aye, Zin Maung Lun (wife- Zar Chi Ko)	
Maj-Gen Hla Tun	Finance & Revenue		Khin Than Win		
U Win Aung	Foreign Affairs		San Yon	Su Nyein Aye, Thaug Su Nyein (wife- Su Su Soe Nyunt)	

<i>Name</i>	<i>Ministry</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Brig-Gen Thein Aung	Forestry		Khin Htay Myint		
Prof. Dr. Kyaw Myint	Health		Nilar Thaw		
Col Tin Hlaing	Home Affairs		Khin Hla Hla		
Maj-Gen Sein Htwa	Both the Ministry of Immigration & Population and the Ministry of Social Welfare, Relief & Resettlement		Khin Aye		
U Aung Thaung	Industry 1		Khin Khin Yi	Nay Aung, Pyi Aung	
Maj-Gen Saw Lwin	Industry 2		Moe Moe Myint		
Brig-Gen Kyaw Hsan	Information		Kyi Kyi Win		
U Tin Win	Labour		Khin Nu	May Khin Tin Win Nu	
Brig-Gen Maung Maung Thein	Livestock & Fisheries		Myint Myint Aye		
Brig-Gen Ohn Myint	Mines		San San	Maung Thet Naing Oo, Maung Min Thet Oo	
U Soe Tha	National Planning & Economic Development		Kyu Kyu Win	Kyaw Myat Soe (wife-Wei Wei Lay)	
Col Thein Nyunt	Progress of Border Areas & National Races & Development Affairs		Kyin Khaing		
Maj-Gen Aung Min	Rail Transportation		Wai Wai Thar		
Brig-Gen Thura Myint Maung	Religious Affairs			Aung Kyaw Soe (wife-Su Su Sandi), Zin Myint Maung	
U Thaung	Science & Technology		May Kyi Sein		
Brig-Gen Thura Aye Myint	Sports		Aye Aye	Nay Linn	

Name	Ministry	Date of birth	Spouse	Children	Grand-children
Brig-Gen Thein Zaw	Both the Ministry of Telecom-munications, Post & Telegraphs and the Ministry of Hotels & Tourism		Mu Mu Win		

Maj-Gen Hla Myint Swe	Transport		San San Myint		
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DEPUTY MINISTERS

Name	Ministry	Date of birth	Spouse	Children	Grand-children
Brig-Gen Khin Maung	Agriculture & Irrigation				
U Ohn Myint	Agriculture & Irrigation		Thet War		
Brig-Gen Aung Tun	Commerce				
Brig-Gen Myint Thein	Construction		Mya Than		
Brig-Gen Soe Win Maung	Culture		Myint Myint Wai		
Brig-Gen Khin Maung Win	Defence				
Maj-Gen Aung Hlaing	Defence			Soe San	
U Myo Nyunt	Education				
Col Aung Myo Min	Education				
U Myo Myint	Electric Power				
Brig-Gen Than Htay	Energy				
Col Hla Thein Swe	Finance & Revenue				
U Kyaw Thu	Foreign Affairs	15.08.1949	Lei Lei Kyi		
U Khin Maung Win	Foreign Affairs		Khin Swe Soe (Director General of Coop Dept.)	Khin Swe Win Ko, Myo Zin, Myo Htwe	
Brig-Gen Tin Naing Thein	Forestry				

Name	Ministry	Date of birth	Spouse	Children	Grand-children
Prof. Dr. Mya Oo	Health		Tin Tin Mya	Dr. Tun Tun Oo (26.7.1965), Dr. Mya Thuzar (23.9.1971), Mya Thidar (10.6.1973), Mya Nandar (29.5.1976)	
Brig-Gen Phone Swe	Home Affairs				
Brig-Gen Aye Myint Kyu	Hotels & Tourism		Khin Swe Myint		
U Maung Aung	Immigration & Population				
Brig-Gen Thein Tun	Industry 1				
Brig-Gen Kyaw Win	Industry 1				
Lt-Col Khin Maung Kyaw	Industry 2		Mi Mi Wai		
Brig-Gen Aung Thein	Information		Tin Tin Nwe		
U Thein Sein	Information		Khin Khin Wai	Thein Aung Thaw (wife- Su Su Cho)	
Brig-Gen Win Sein	Labour				
U Aung Thein	Livestock & Fisheries				
U Myint Thein	Mines		Khin May San		
Col Tin Ngwe	Progress of Border Areas & National Races & Development Affairs				
Brig-Gen Than Tun	Progress of Border Areas & National Races & Development Affairs			May Than Tun (25.06.1970) husband: Ye Htun Myat	
Thura U Thaung Lwin	Rail Transportation				
Brig-Gen Thura Aung Ko	Religious Affairs		Myint Myint Yee		
U Nyi Hla Nge	Science & Technology				

<i>Name</i>	<i>Ministry</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Dr. Chan Nyein	Science & Technology				
Brig-Gen Kyaw Myint	Social Welfare, Relief & Resettlement		Khin Aye		
Brig-Gen Maung Maung	Sports				
U Pe Than	Both the Ministry of Transport and the Ministry of Rail Transportation		Cho Cho Tun		
Col Nyan Tun Aung	Transport				

FORMER MEMBERS OF GOVERNMENT

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Vice Admiral Maung Maung Khin	Deputy Prime Minister	23.11.1929			
Lt-Gen Tin Tun	Deputy Prime Minister	28.03.1930			
Lt-Gen Tin Hla	Deputy Prime Minister and Minister for Military Affairs and Quartermaster General				
U Ko Lay	Minister at the PM's Office		Khin Khin	San Min, Than Han, Khin Thida (husband: Zaw Htun Oo 2nd Secretary, Son of late Sec 2 Lt-Gen Tin Oo)	
U Aung San	Minister for Cooperatives				
U Win Sein	Minister for Culture	10.10.1940	Kyaukkyi		

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
U Khin Maung Thein	Minister for Finance & Revenue		Su Su Thein	Daywar Thein (25.12.1960), Thawdar Thein (06.03.1958), Maung Maung Thein (23.10.1963), Khin Yadana Thein (06.05.1968), Marlar Thein (25.02.1965), Hnwe Thida Thein (28.07.1966)	
Maj-Gen Ket Sein	Minister for Health		Yin Yin Myint		
U Saw Tun	Minister for Immigration & Population				
Col Thaik Tun	Deputy Minister for Forestry		Nwe Nwe Kyi	Myo Win Thaik, Khin Sandar Tun, Khin Nge Nge Tun, Khin Aye Shwe Zin Tun	
Brig-Gen D O Abel	Minister at the SPDC Chairman's Office		Khin Thein Mu		
U Pan Aung	Minister at the PM's Office		Nyunt Nyunt Lwin		
Lt-Gen Tin Ngwe	Minister for Cooperatives		Khin Hla		
Lt-Gen Min Thein	Minister at the SPDC Chairman's Office		Khin Than Myint		
U Aung Khin	Minister for Religious Affairs		Yin Yin Nyunt		
U Hset Maung	Deputy Minister at the SPDC Chairman's Office		May Khin Kyi	Set Aung	
U Tin Tun	Deputy Minister for Energy				

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Brig-Gen Than Tun	Deputy Minister for Finance & Revenue				
U Soe Nyunt	Deputy Minister for Culture				
U Kyaw Tin	Deputy Minister for Development of Border Areas & National Races				
U Hlaing Win	Deputy Minister for Social Welfare, Relief & Resettlement				
U Aung Phone	Minister for Forestry	20.11.1939	Khin Sitt Aye (14.9.1943)	Sitt Thwe Aung (10.7.1977) wife- Thin Zar Tun, Sitt Thaing Aung (13.11.1971)	

OTHER TOURISM RELATED APPOINTMENTS

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Lt-Col (Retd.) Khin Maung Latt	Director General at Hotels & Tourism Directorate		Win Kyi	Tun Min Latt (06.02.1969)	Nyan Min Latt (29.4.1997), Shane Min Latt (10.5.2000)
Capt. (Retd.) Htay Aung	Managing Director at Myanmar Hotels and Tourism Services				

MINISTRY OF DEFENCE SENIOR OFFICERS

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Rear Admiral Soe Thein	Commander-in-Chief (Navy)		Khin Aye Kyi		
Lt-Gen Myat Hein	Commander-in-Chief (Air)		Htwe Htwe Nyunt		
Capt Nyan Tun	Chief of Staff (Navy)				
Brig-Gen Hla Shwe	Deputy Adjutant General				
Col Khin Soe	Deputy Adjutant General				

Name	Function	Date of birth	Spouse	Children	Grand-children
Maj-Gen Soe Maung	Judge Advocate General				
Brig-Gen Thein Htaik	Inspector General				
Maj-Gen Saw Hla	Provost Marshal				
Col Sein Lin	Director of Ordnance				
Brig-Gen Kyi Win	Director of Artillery & Armour				
Brig-Gen Than Sein	C.O. Defence Services Hospital		Rosy Mya Than		
Brig-Gen Win Hlaing	Director of Procurement				
Maj-Gen Khin Aung Myint	Director of Public Relations & Psychological Warfare				
Maj-Gen Moe Hein	Commandant, National Defence College				
Brig-Gen Than Maung	Director of Peoples' Militia & Frontier Forces				
Brig-Gen Aung Myint	Director of Signals				
Brig-Gen Than Htay	Director of Supply & Transport				
Brig-Gen Khin Maung Tint	Director of Security Printing Works				
Maj-Gen Hsan Hsint	Military Appointments General	1951	Khin Ma Lay	Okkar San Sint	
Maj-Gen Win Myint	Deputy Chief of Armed Forces Training				
Maj-Gen Aung Kyi	Deputy Chief of Armed Forces Training		Thet Thet Swe		
Brig-Gen Nyan Win	Deputy Chief of Armed Forces Training				

MEMBERS OF THE OFFICE OF THE CHIEF OF MILITARY INTELLIGENCE (OCMI)

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Maj-Gen Kyaw Win	Vice Chief of Military Intelligence				
Brig-Gen Myint Aung Zaw	Administration				
Brig-Gen Hla Aung	Training				
Brig-Gen Thein Swe	International Relations			Sonny Myat Swe (wife- Yamin Htin Aung)	
Brig-Gen Kyaw Han	Science & Technology				
Brig-Gen Than Tun	Politics & Counter Intelligence				
Col Hla Min	Deputy				
Col Tin Hla	Deputy				
Brig-Gen Myint Zaw	Border Security & Intelligence				
Brig-Gen Kyaw Thein	Ethnic Nationalities & Ceasefire Groups, Drugs Suppression and Naval and Air Intelligence				
Col San Pwint	Deputy Head of Department				

MILITARY OFFICERS RUNNING PRISONS AND POLICE

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Col Ba Myint	Director General of the Prisons Dept. (Ministry of Home Affairs)				

UNION SOLIDARITY AND DEVELOPMENT ASSOCIATION (USDA)

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Brig-Gen Aung Thein Lin	Mayor & Chairman of the Yangon City Development Committee (Secretary)		Khin San Nwe	Thidar Myo	

Name	Function	Date of birth	Spouse	Children	Grand-children
Col Maung Par	Vice Mayor of YCDC (CEC Member)		Khin Nyunt Myaing	Naing Win Par	

PERSONS WHO BENEFIT FROM GOVERNMENT ECONOMIC POLICIES

Name	Business	Date of birth	Spouse	Children	Grand-children
U Khin Shwe	Zaykabar Co.	21.01.1952	San San Kywe	Zay Zin Latt (24.03.1981) husband: Toe Naing Mann, Zay Thiha (01.01.1977)	
U Aung Ko Win (a) Saya Kyaung	Kanbawza Bank		Nan Than Htwe		
U Aik Tun	Asia Wealth Bank and Olympic Co.	21.10.1948	Than Win (03.12.1948)	Sandar Htun (23.08.1974), Aung Zaw Naing (01.09.1973), Mi Mi Khaing (17.06.1976)	
U Tun Myint Naing (a) Steven Law	Asia World Co.		Ng Seng Hong		
U Htay Myint	Yuzana Co.	06.02.1955	Aye Aye Maw (17.11.1957)	Eve Eve Htay Myint (12.06.1977), Zay Chi Htay (17.02.1981)	
U Tayza	Htoo Trading Co.	18.07.1964	Thidar Zaw (24.02.1964)	Pye Phyto Tayza (29.01.1987), Htoo Htet Tayza (24.01.1993), Htoo Htwe Tayza (14.09.1996)	
U Kyaw Win	Shwe Thanlwin Trading Co.				
U Win Aung	Dagon International	30.09.1953	Moe Mya Mya (28.08.1958), Yangon	Ei Hnin Pwint (a) Christabelle Aung (22.02.1981), Thurane Aung (a) Christopher Aung (23.07.1982), Ei Hnin Khin (a) Christina Aung (18.12.1983)	

STATE ECONOMIC ENTERPRISES

<i>Name</i>	<i>Function</i>	<i>Date of birth</i>	<i>Spouse</i>	<i>Children</i>	<i>Grand-children</i>
Col Myint Aung	MD at Myawaddy Trading Co.				
Col Myo Myint	MD Bandoola Transportation Co.				
Col (Retd) Thant Zin	MD at Myanmar Land and Development				
Maj Hla Kyaw	Director at Myawaddy Advertising Enterprises				
Col Aung San	MD at Hsinmin Cement Plant Construction Project				
Col Ye Htut	Myanmar Economic Corporation				

NOTICE TO READERS

THE OFFICIAL JOURNAL OF THE EUROPEAN UNION, IN 20 LANGUAGES

After the accession to the European Union of the 10 new Member States (the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia) on **1 May 2004**, the paper version of the *Official Journal of the European Union*, L and C series, will be published in the 20 official languages of the European Union.

The colour strip on the current Official Journal covers will disappear and each language will be indicated by its ISO code: Spanish (ES), Czech (CS), Danish (DA), German (DE), Estonian (ET), Greek (EL), English (EN), French (FR), Italian (IT), Latvian (LV), Lithuanian (LT), Hungarian (HU), Maltese (MT), Dutch (NL), Polish (PL), Portuguese (PT), Slovak (SK), Slovenian (SL), Finnish (FI), Swedish (SV).

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