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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1196/2004
of 29 June 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 30 June 2004.

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

Done at Brussels, 29 June 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 29 June 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	052	102,7
	999	102,7
0709 90 70	052	84,6
	999	84,6
0805 50 10	382	55,6
	388	65,9
	528	59,2
	999	60,2
0808 10 20, 0808 10 50, 0808 10 90	388	82,1
	400	105,2
	404	106,8
	508	69,2
	512	75,2
	528	75,0
	720	78,5
	804	92,8
	999	85,6
	0809 10 00	052
624		104,3
999		176,7
0809 20 95	052	344,6
	068	127,8
	400	366,6
	616	146,8
	999	246,5
0809 30 10, 0809 30 90	052	152,4
	624	106,4
	999	129,4
0809 40 05	512	96,4
	624	191,5
	999	144,0

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003(OJ L313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1197/2004**of 29 June 2004****determining the extent to which applications lodged in June 2004 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 593/2004 of 30 March 2004 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin⁽¹⁾, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged for the period from 1 July to 30 September 2004 are, in the case of certain products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of

other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 2004 submitted pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 October to 31 December 2004 may be lodged pursuant to Regulations (EC) No 593/2004 and (EC) No 1251/96 for the total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 29 June 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 94, 31.3.2004, p. 10.

⁽²⁾ OJ L 161, 29.6.1996, p. 136. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period of 1 July to 30 September 2004	Total quantity available for the period of 1 October to 31 December 2004 (t)
E1	100,00	67 300,00
E2	48,69	1 750,00
E3	100,00	7 161,58
P1	96,27	1 550,00
P2	100,00	1 976,00
P3	2,12	175,00
P4	6,17	250,00

**COMMISSION REGULATION (EC) No 1198/2004
of 29 June 2004**

determining the extent to which applications lodged in June 2004 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products⁽¹⁾ and in particular Article 4(4) thereof,

Whereas:

The applications for import licences lodged for the period 1 July to 30 September 2004 are greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 2004 submitted under Regulation (EC) No 1431/94 shall be met as referred to in the Annex to this Regulation.
2. Applications for import licences for the period 1 October to 31 December 2004 may be lodged pursuant to Regulation (EC) No 1431/94 for the total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 29 June 2004.

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

⁽¹⁾ OJ L 156, 23.6.1994, p. 9. Regulation as last amended by Regulation (EC) No 1043/2001 (OJ L 145, 31.5.2001, p. 24).

ANNEX

Group No	Percentage of acceptance of import certificates submitted for the period 1 July to 30 September 2004	Total quantity available for the period 1 October to 31 December 2004 (t)
1	1,48	1 775,00
2	1,60	1 275,00
3	1,55	825,00
4	1,81	450,00
5	3,92	175,00

COMMISSION REGULATION (EC) No 1199/2004**of 29 June 2004****determining the extent to which applications lodged in June 2004 for import licences for certain poultrymeat sector products pursuant to Regulation (EC) No 2497/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*Having regard to Commission Regulation (EC) No 2497/96 of 18 December 1996 laying down rules for the application in the poultrymeat sector of the system provided for by the Association Agreement and the Interim Agreement between the European Community and the State of Israel⁽¹⁾, and in particular Article 4(5) thereof,

1. Applications for import licences for the period 1 July to 30 September 2004 submitted pursuant to Regulation (EC) No 2497/96 shall be met as referred to in the Annex.

2. Application for import licences for the period 1 October to 31 December 2004 may be lodged pursuant to Regulation (EC) No 2497/96 for the total quantity as referred to in the Annex to this Regulation.

Whereas:

The applications for import licences lodged for the period 1 July to 30 September 2004 are greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 29 June 2004.

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

⁽¹⁾ OJ L 338, 28.12.1996, p. 48. Regulation as last amended by Regulation (EC) No 361/2004 (OJ L 63, 28.2.2004, p. 15).

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period of 1 July to 30 September 2004	Total quantity available for the period of 1 October to 31 December 2004 (t)
I1	30,30	360,50
I2	100,00	128,75

COMMISSION REGULATION (EC) No 1200/2004

of 29 June 2004

opening tendering procedure No 52/2004 EC for the sale of wine alcohol for new industrial uses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽¹⁾, and in particular Article 33 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms⁽²⁾ lays down, *inter alia*, the detailed rules for disposing of stocks of alcohol arising from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 held by intervention agencies.
- (2) In accordance with Article 80 of Regulation (EC) No 1623/2000, tendering procedures should be organised for the sale of wine alcohol for new industrial uses with a view to reducing the stocks of wine alcohol in the Community and enabling small-scale industrial projects to be carried out and such alcohol to be processed into goods intended for export for industrial uses. The wine alcohol of Community origin in storage in the Member States consists of quantities produced from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999.
- (3) Since 1 January 1999 and in accordance with Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro⁽³⁾, the prices offered in tenders and securities must be expressed in euro and payments must be made in euro.

(4) Minimum prices should be fixed for the submission of tenders, broken down according to the type of end-use.

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

HAS ADOPTED THIS REGULATION:

Article 1

Tendering procedure No 52/2004 EC is hereby opened for the sale of wine alcohol for new industrial uses. The alcohol concerned has been produced from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and is held by the French intervention agency.

The volume put up for sale is 100 000 hectolitres of alcohol at 100 % vol. The vat numbers, places of storage and the volume of alcohol at 100 % vol contained in each vat are detailed in the Annex hereto.

Article 2

The sale shall be conducted in accordance with Articles 79, 81, 82, 83, 84, 85, 95, 96, 97, 100 and 101 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

Article 3

1. Tenders must be submitted to the intervention agency holding the alcohol concerned:

Onivins-Libourne, Délégation nationale
17, avenue de la Ballastière, boîte postale 231
F-33505 Libourne Cedex
tel. (33-5) 57 55 20 00
telex: 57 20 25
fax: (33-5) 57 55 20 59,

or sent by registered mail to that address.

2. Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 52/2004 EC for new industrial uses', the outer envelope bearing the address of the intervention agency concerned.

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

⁽²⁾ OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 908/2004 (OJ L 163, 30.4.2004, p. 56).

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

3. Tenders must reach the intervention agency concerned not later than 12.00 Brussels time on 27 July 2004.

4. All tenders must be accompanied by proof that a tendering security of EUR 4 per hectolitre of alcohol at 100 % vol has been lodged with the intervention agency concerned.

Article 4

The minimum prices which may be offered are EUR 8,60 per hectolitre of alcohol at 100 % vol intended for the manufacture of baker's yeast, EUR 26 per hectolitre of alcohol at 100 % vol intended for the manufacture of amine- and chloral-type chemical products for export, EUR 32 per hectolitre of alcohol at 100 % vol intended for the manufacture of eau de Cologne for export and EUR 7,50 per hectolitre of alcohol at 100 % vol intended for other industrial uses.

Article 5

The formalities for sampling shall be as set out in Article 98 of Regulation (EC) No 1623/2000. The price of samples shall be EUR 10 per litre.

The intervention agency shall provide all the necessary information on the characteristics of the alcohol put up for sale.

Article 6

The performance guarantee shall be EUR 30 per hectolitre of alcohol at 100 % vol.

Article 7

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

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

Done at Brussels, 29 June 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

INVITATION TO TENDER No 52/2004 EC FOR THE SALE OF ALCOHOL FOR NEW INDUSTRIAL USES

Place of storage, volume and characteristics of the alcohol put up for sale

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100% vol	Regulation (EC) No 1493/1999 Article	Type of alcohol	Alcohol strength (in % vol)	
France	Onivins — Longuefuye F-53200 Longuefuye	20	22 410	27	Raw	+ 92	
		4	22 555	27	Raw	+ 92	
		10	22 310	28	Raw	+ 92	
		15	15 155	28	Raw	+ 92	
	Onivins — Port-la-Nouvelle Avenue Adolphe Turel BP 62 F-11210 Port-la-Nouvelle	37	165	27	Raw	+ 92	
		37	8 100	30	Raw	+ 92	
		37	550	28	Raw	+ 92	
		36	120	28	Raw	+ 92	
		36	8 610	30	Raw	+ 92	
		36	25	27	Raw	+ 92	
	Total			100 000			

COMMISSION REGULATION (EC) No 1201/2004**of 29 June 2004****opening and providing for the administration of a tariff quota for calves weighing not more than 80 kilograms and originating in Bulgaria or Romania (1 July 2004 to 30 June 2005)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas,

(1) Council Decision 2003/18/EC of 19 December 2002 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions⁽²⁾ and Council Decision 2003/286/EC of 8 April 2003 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concession⁽³⁾, provide for the opening of certain tariff quotas each year, namely for 178 000 live bovine animals weighing not more than 80 kilograms (order number 09.4598) and originating in certain third countries including Bulgaria and Romania, subject to certain conditions set out in the Annexes A(b) of the respective Protocols of these Decisions. Detailed rules of application for this tariff quota were adopted by Commission Regulation (EC) No 1128/1999 of 28 May 1999 laying down detailed rules of application for a tariff quota for calves weighing not more than 80 kilograms originating in certain third countries⁽⁴⁾.

(2) To take into account the accession of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland and Slovakia, beneficiaries of this tariff quota together with Bulgaria and Romania, and the accession of Cyprus, Malta and Slovenia and pending the results of the negotiations of new tariff concessions for Bulgaria and Romania, it is appropriate to lay down in the detailed rules for the management of this tariff quota that for the period 1 July 2004 to 30 June 2005 the available quantity should be staggered over the year in a suitable manner within the meaning of Article 32(4) of Regulation (EC) No 1254/1999.

(3) To take into account the traditional trade patterns between the Community and Bulgaria and Romania, quantities should be fixed for three periods taking into account supplies in the reference period 1 July 2000 to 30 June 2003 of live animals originating in Bulgaria and Romania. Once the ongoing negotiations on additional protocols to the respective Europe Agreements with these two countries have been finalised and ratified, new management rules will be implemented at the date of entry into force of the new concessions.

(4) In order to provide a more equal access to the quota while ensuring a commercially viable number of animals per application, each application of import licences should respect a minimum and a maximum number of heads.

(5) With a view to preventing speculation, the quantities available within the quota should be made accessible to operators able to show that they are genuinely engaged in import of a significant scale from third countries. In consideration of this and in order to ensure efficient management, the traders concerned should be required to have imported a minimum of 100 animals during the year 2003 given that a consignment of 100 animals may be considered to be a commercial viable consignment. Operators in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, should be allowed to apply on the basis of imports from countries which for them were third countries during the year 2003.

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

⁽²⁾ OJ L 8, 14.1.2003, p. 18.

⁽³⁾ OJ L 102, 24.4.2003, p. 60.

⁽⁴⁾ OJ L 135, 29.5.1999, p. 50. Regulation as last amended by Regulation (EC) No 1144/2003 (OJ L 160, 28.6.2003, p. 44).

- (6) If such criteria are to be checked, applications must be presented in the Member State where the importer is entered in a VAT register.
- (7) In order to prevent speculation, importers no longer involved in trade in live bovine animals at 1 January 2004 should be denied access to the quota and licences should not be transferable.
- (8) Provision should be made for quantities for which licence applications may be requested to be allocated after a period of consideration and, where appropriate, once a uniform percentage reduction has been applied.
- (9) The arrangements should be managed using import licences. To this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary by addition of certain provisions of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽¹⁾ and of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽²⁾.
- (10) Experience shows that a proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.
- (11) With a view to ensuring a strict statistical control of the animals imported under the quota, the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 shall not apply.
- (12) Regulation (EC) No 1128/99 should be subsequently repealed and replaced by this Regulation.
- (13) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. 178 000 live bovine animals of a weight not exceeding 80 kg falling within CN code 0102 90 05 and originating in Bulgaria or Romania may be imported for the period 1 July 2004 to 30 June 2005 under this Regulation subject to any reductions negotiated subsequently between the Community and these countries.

The tariff quota shall have the order number 09.4598.

2. The rate of customs duty shall be reduced by 90 %.

3. The quantities referred to under paragraph 1 shall be staggered over the period referred to in that paragraph as follows:

a) 5 000 live bovine animals for the period 1 July 2004 to 31 December 2004;

b) 86 500 live animals for the period 1 January 2005 to 31 Mars 2005;

c) 86 500 live animals for the period 1 April 2005 to 30 June 2005.

4. If, during one of the periods mentioned under paragraph 3(a) and (b), the quantity covered by licence applications submitted for each of these periods is less than the quantity available for the period in question, the remaining quantity of that period will be added to the quantity available for the following period.

⁽¹⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 360/2004 (OJ L 63, 28.2.2004, p. 13).

⁽²⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 636/2004 (OJ L 47, 6.4.2004, p. 25).

Article 2

1. To be eligible under the quota provided for in Article 1, applicants must be natural or legal persons and must prove to the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications for import licences, that they have imported at least 100 animals covered by HS subheading 0102 90 during the year 2003.

Applicants must be listed in a national VAT register.

2. Operators in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia may apply for import licences on the basis of the imports referred to in paragraph 1 from countries which for them were third countries in the year 2003.

3. Proof of import shall be furnished exclusively by means of the customs document of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned as being the consignee.

Member States may accept copies of the documents referred to in the first subparagraph, duly certified by the competent authority. Where such copies are accepted, notification hereof shall be made in the communication from Member States referred to in Article 3(5) in respect of each applicant concerned.

4. Operators who at 1 January 2004 have ceased their activities in trade with third countries in the beef and veal sector shall not qualify for any application.

5. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in paragraph 1 may use those reference imports as a basis for its application.

Article 3

1. Applications for import licences may be submitted only in the Member State in which the applicant is registered for VAT purposes.

2. Applications for import licences per each period referred to in Article 1(3):

a) must cover at least 100 animals;

b) may not cover more than 5 % of the quantity available.

Where applications exceed the quantity referred to in the previous subparagraph, point (b), the excess shall be disregarded.

3. Applications for import licences shall be submitted during the first 10 working days of each period referred in Article 1(3). However, application for the first period shall be submitted no later than the second Thursday following the publication of this Regulation in the *Official Journal of the European Union*.

4. Applicants may lodge no more than one application each per period referred to in Article 1(3). Where the same applicant lodges more than one application, all applications from that applicant shall be inadmissible.

5. After verification of the documents presented, Member States shall forward to the Commission, by the fifth working day following the end of the period for the submission of applications at the latest, the list of applicants and their addresses as well as the quantities applied for.

All notifications, including nil returns, shall be forwarded by fax or e-mail using the model form in Annex I in cases where applications have actually been submitted.

Article 4

1. Following the notification referred to in Article 3(5), the Commission shall decide as soon as possible to which extent the applications can be met.

2. If the quantities covered by applications as referred to in Article 3 exceed those available for the period in question, the Commission shall fix a single percentage reduction to be applied to the quantities applied for.

Where application of the reduction coefficient provided for in the first subparagraph gives a figure of less than 100 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights covering 100 head each. Where the remainder lot is less than 100 head it shall be considered a single lot.

3. Licences shall be issued as soon as possible subject to the Commission's decision regarding acceptance of the applications.

Article 5

1. Import licences shall be issued on the name of the operator who submitted the application.

2. Licence applications and licences shall show the following:

- a) in box 8, the country of origin;
- b) in box 16, the following Combined Nomenclature code: 0102 90 05;
- c) in box 20, the order number of the quota (09.4598) and at least one of the mentions provided for in Annex II.

Licences shall carry with them an obligation to import from the country referred to in point (a).

Article 6

1. Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall confer rights under the tariff quotas only if made out in the same name and address as the one entered as consignee in the customs declaration of release for free circulation accompanying them.

2. By way of derogation from Article 3 of Regulation (EC) No 1445/95 the validity for import licences issued under Article 1(3)(a) shall be 150 days. No import licences shall be valid after 30 June 2005.

3. The security relating to the import licence shall be EUR 20 per head and shall be lodged by the applicant together with the licence application.

4. Licences issued shall be valid throughout the Community.

5. Pursuant to Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of acceptance of the customs declaration for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

6. Notwithstanding the provisions of section 4 of Title III of Regulation (EC) No 1291/2000, the security shall not be released until proof has been produced that the titular holder of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned. Such proof shall at least consist of:

- a) the original commercial invoice or authenticated copy made out in the name of the titular holder by the seller or his representative, both established in the third country of export, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller;
- b) the bill of lading or, where applicable, the road or air transport document, drawn up in the name of the titular holder, for the animals concerned;
- c) copy No 8 of form IM 4 with the name and address of the titular holder being the only indication in box 8.

Article 7

Imported animals shall qualify for the duties referred to in Article 1 on presentation of either an EUR.1 movement certificate issued by the exporting country in accordance with Protocol 4 annexed to the Europe Agreements with Bulgaria and Romania or an invoice declaration drawn up by the exporter in accordance with those Protocols.

Article 8

Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, subject to this Regulation.

Article 9

Regulation (EC) No 1128/1999 is repealed. Applications for import rights which could have been submitted pursuant to Regulation (EC) No 1128/1999 are automatically rejected.

Article 10

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

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

Done at Brussels, 29 June 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

— EC Fax (32 2) 299 85 70

— E-mail: AGRI-Bovins-Import@cec.eu.int

Application of Regulation (EC) No 1201/2004

Order No: 09.4598

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT LICENCES

Date: Quota period:

Member State:

Number of applicant ⁽¹⁾ ⁽²⁾	Applicant (name and address)	Quantity (heads)
Total		

Member State: Fax:

Tel.:

E-mail:

⁽¹⁾ Continuous numbering.

⁽²⁾ Indicate with an asterisk where application is made in accordance with the second subparagraph of Article 2(3).

ANNEX II

Mentions provided for in Article 5(2)(c)

- *in Spanish*: Reglamento (CE) n° 1201/2004
 - *in Czech*: Nařízení (ES) č. 1201/2004
 - *in Danish*: Forordning (EF) nr 1201/2004
 - *in German*: Verordnung (EG) Nr. 1201/2004
 - *in Estonian*: Määrus (EÜ) nr 1201/2004
 - *in Greek*: Κανονισμός (ΕΚ) αριθ. 1201/2004
 - *in English*: Regulation (EC) No 1201/2004
 - *in French*: Règlement (CE) n° 1201/2004
 - *in Italian*: Regolamento (CE) n. 1201/2004
 - *in Latvian*: Regula (EK) Nr. 1201/2004
 - *in Lithuanian*: Reglamentas (EB) Nr. 1201/2004
 - *in Hungarian*: Az 1201/2004/EK rendelet
 - *in Dutch*: Verordening (EG) nr. 1201/2004
 - *in Polish*: Rozporządzenie (WE) nr 1201/2004
 - *in Portuguese*: Regulamento (CE) n.º 1201/2004
 - *in Slovakian*: Nariadenie (ES) č. 1201/2004
 - *in Slovenian*: Uredba (ES) št. 1201/2004
 - *in Finnish*: Asetus (EY) N:o 1201/2004
 - *in Swedish*: Förordning (EG) nr 1201/2004
-

COMMISSION REGULATION (EC) No 1202/2004**of 29 June 2004****opening and providing for the administration of an import quota for young male bovine animals for fattening (1 July 2004 to 30 June 2005)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas,

- (1) The WTO schedule CXL requires the Community to open an annual import tariff quota for 169 000 head of young male bovine animals for fattening.
- (2) Pending the results of the negotiations under Article XXIV.6 GATT in the context of the WTO following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Hungary, Poland, Slovenia and Slovakia (hereinafter referred to as the new Member States) certain of which were, together with Romania, the principal supplier countries within this quota in the last three quota years, it is appropriate to lay down in the detailed rules for the management of this tariff quota that for the period 1 July 2004 to 30 June 2005 the available quantity should be phased over the year in a suitable manner within the meaning of Article 32(4) of Regulation (EC) No 1254/1999.
- (3) To take into account the traditional trade patterns between the Community and the supplier countries within this quota and the need to safeguard the equilibrium of the market, the quantity available is staggered over four quarters for the quota year 2004/05. Once the ongoing XXIV.6 negotiations have been finalised and ratified, new management rules will be implemented. Those rules should take into account the results of those negotiations and the quantities already used within the quota hereby opened.
- (4) In order to provide a more equal access to the quota while ensuring a commercially viable number of animals per application, each application of import licences should respect a minimum and a maximum number of heads.
- (5) With a view to preventing speculation, the quantities available within the quota should be made accessible to operators able to show that they are genuinely engaged in import of a significant scale from third countries. In consideration of this and in order to ensure efficient management, the traders concerned should be required to have imported a minimum of 100 animals during the year 2003 given that a consignment of 100 animals may be considered to be a commercial viable consignment. Operators in Hungary, Poland, the Czech Republic, Slovakia, Slovenia, Estonia, Latvia, Lithuania, Cyprus and Malta should be allowed to apply on the basis of imports from countries which for them were third countries during the year 2003.
- (6) If such criteria should to be checked, applications must be presented in the Member State where the importer is entered in a VAT register.
- (7) In order to prevent speculation, importers no longer involved in trade in live bovine animals at 1 January 2004 should be denied access to the quota and licences should not be transferable.
- (8) Provision should be made for quantities for which licence applications may be requested to be allocated after a period of consideration and, where appropriate, once a uniform percentage reduction has been applied.
- (9) The arrangements should be managed using import licences. To this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary by addition of certain provisions of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of appli-

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

cation for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽¹⁾, and of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽²⁾.

- (10) Experience shows that a proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.
- (11) With a view of ensuring a strict statistical control of the animals imported under the quota, the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 should not apply.
- (12) The application of this tariff quota requires effective checks on the specific destination of the imported animals. The animals should therefore be fattened in the Member State which has issued the import licence.
- (13) A security should be lodged to ensure that the animals are fattened for at least 120 days in designated production units. The amount of the security should cover the difference between the common customs tariff (CCT) duty and the reduced duty applicable on the date of release for free circulation of the animals in question.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota for 169 000 young male bovine animals falling within CN code 0102 90 05, 0102 90 29 or 0102 90 49, and intended for fattening in the Community is hereby opened for the period 1 July 2004 to 30 June 2005

⁽¹⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 360/2004 (OJ L 63, 28.2.2004, p. 13).

⁽²⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 636/2004 (OJ L 100, 6.4.2004, p. 25).

subject to any reductions negotiated subsequently between the Community and its WTO partners within the framework of the negotiations under Article XXIV.6 GATT in the context of the WTO.

This tariff quota shall have the order number 09.4005.

2. The customs import duty applicable under the tariff quota referred to in paragraph 1 shall be 16 % *ad valorem* plus EUR 582 per tonne net.

The rate of duty provided for in the first subparagraph shall apply on condition that the imported animals are fattened for at least 120 days in the Member State which has issued the import licence.

3. The quantities referred under paragraph 1 shall be staggered over the period referred to in that paragraph as follows:

- (a) 42 250 live bovine animals for the period 1 July 2004 to 30 September 2004;
- (b) 42 250 live animals for the period 1 October 2004 to 31 December 2004;
- (c) 42 250 live animals for the period 1 January 2005 to 31 March 2005;
- (d) 42 250 live animals for the period 1 April 2005 to 30 June 2005.

4. If, during one of the periods mentioned under paragraph 3(a), (b) and (c), the quantity covered by licence applications submitted for each of these periods is less than the quantity available for the period in question, the remaining quantity of that period will be added to the quantity available for the following period.

Article 2

1. To be eligible under the quota provided for in Article 1, applicants must be natural or legal persons and must prove to the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications for import licences, that they have imported at least 100 animals covered by CN code 0102 90 during the year 2003.

Applicants must be listed in a national VAT register.

2. Operators in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Hungary, Poland, Slovenia and Slovakia may apply for import licences on the basis of the imports referred to in paragraph 1 from countries which for them were third countries in the year 2003.

3. Proof of import shall be furnished exclusively by means of the customs document of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned as being the consignee.

Member States may accept copies of the documents referred to in the first subparagraph, duly certified by the competent authority. Where such copies are accepted, notification hereof shall be made in the communication from Member States referred to in Article 3(5) in respect of each applicant concerned.

4. Operators who at 1 January 2004 have ceased their activities in trade with third countries in the beef and veal sector shall not qualify for any application.

5. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in paragraph 1 may use those reference imports as a basis for its application.

Article 3

1. Applications for import licences may be submitted only in the Member State in which the applicant is registered for VAT purposes.

2. Applications for import licences per each period referred to in Article 1(3):

(a) must cover at least 100 animals;

(b) may not cover more than 5 % of the quantity available.

Where applications exceed the quantity referred to in the previous subparagraph, point (b), the excess shall be disregarded.

3. Applications for import licences shall be submitted during the first 10 working days of each period referred in Article 1(3). However, application for the first period shall be submitted no later than the second Thursday following the publication of this Regulation in the *Official Journal of the European Union*.

4. Applicants may lodge no more than one application each per period referred to in Article 1(3). Where the same applicant lodges more than one application, all applications from that applicant shall be inadmissible.

5. After verification of the documents presented, Member States shall forward to the Commission, by the fifth working day following the end of the period for the submission of applications at the latest, the list of applicants and their addresses as well as the quantities applied for.

All notifications, including nil returns, shall be forwarded by fax or e-mail using the model form in Annex I to this Regulation in cases where applications have actually been submitted.

Article 4

1. Following the notification referred to in Article 3(5), the Commission shall decide as soon as possible to which extent the applications can be met.

2. If the quantities covered by applications as referred to in Article 3 exceed those available for the period in question, the Commission shall fix a single percentage reduction to be applied to the quantities applied for.

Where application of the reduction coefficient provided for in the first subparagraph gives a figure of less than 100 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights covering 100 head each. Where the remainder lot is less than 100 head it shall be considered a single lot.

3. Licences shall be issued as soon as possible subject to the Commission's decision regarding acceptance of the applications.

Article 5

1. Import licences shall be issued on the name of the operator who submitted the application.

2. Licence applications and licences shall show the following:

(a) in box 8, the country of origin;

(b) in box 16, one or several of the following Combined Nomenclature codes: 0102 90 05; 0102 90 29 or 0102 90 49;

(c) in box 20, the order number of the quota (09.4005) and one of the endorsements provided for in Annex III.

Article 6

1. Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall confer rights under the tariff quotas only if made out in the same name and address as the one entered as consignee in the customs declaration of release for free circulation accompanying them.

2. No import licences shall be valid after 30 June 2005.

3. The security relating to the import licence shall be EUR 20 per head and shall be lodged by the applicant together with the licence application.

4. Licences issued shall be valid throughout the Community.

5. Pursuant to Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of acceptance of the customs declaration for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

6. Notwithstanding the provisions of Section 4 of Title III of Regulation (EC) No 1291/2000, the security shall not be released until proof has been produced that the titular holder of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned. Such proof shall at least consist of:

(a) the original commercial invoice or authenticated copy made out in the name of the titular holder by the seller or his representative, both established in the third country of export, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller;

(b) the bill of lading or, where applicable, the road or air transport document, drawn up in the name of the titular holder, for the animals concerned;

(c) the copy No 8 of form IM 4 with the name and address of the titular holder being the only indication in box 8.

Article 7

1. At the time of import, the importer shall provide proof that he has:

(a) given a written undertaking to inform within one month the competent authority of the Member State that issued the licence, of the farm or farms where the young bovine animals are to be fattened;

(b) lodged a security of an amount as laid down for each eligible CN code in Annex II with the competent authority of the Member State that issued the licence; the fattening of the imported animals in that Member State for at least 120 days from the date of acceptance of the customs declaration of release for free circulation is a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85 of Commission⁽¹⁾.

2. Except in cases of *force majeure*, the security referred to paragraph 1(b) shall be released only if proof is furnished to the competent authority of the Member State that issued the licence that the young bovine animals:

(a) have been fattened on the farm or farms indicated pursuant to paragraph 1;

(b) have not been slaughtered before a period of 120 days from the date of import has elapsed; or

(c) have been slaughtered for health reasons or have died as a result of sickness or accident before that period has elapsed.

The security shall be released immediately after such proof has been furnished.

However, where the time limit referred to in paragraph 1(a) has not been observed, the security to be released shall be reduced by:

— 15 %, and by

— 2 % of the remaining amount for each day by which it has been exceeded.

The amounts not released shall be forfeited and retained as customs duties.

⁽¹⁾ OJ L 205, 3.8.1985, p. 5.

3. If the proof referred to in paragraph 2 is not furnished within 180 days from the date of import, the security shall be forfeited and retained as customs duty.

However, if such proof is not furnished within the period of 180 days provided for in the first subparagraph but is produced within six months following the said period, the amount forfeited, less 15 % of the security, shall be repaid.

Article 8

Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, subject to this Regulation.

Article 9

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

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

Done at Brussels, 29 June 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

— EC Fax (32 2) 299 85 70

— E-mail: AGRI-Bovins-Import@cec.eu.int

Application of Regulation (EC) No 1202/2004

Order No: 09.4005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT LICENCES

Date: Quota period:

Member State:

Number of applicant ⁽¹⁾ ⁽²⁾	Applicant (name and address)	Quantity (heads)
Total		

Member State Fax

Tel.

E-mail:

⁽¹⁾ Continuous numbering.⁽²⁾ Indicate with an asterisk where application is made in accordance with the second subparagraph of Article 2(3).

ANNEX II

SECURITY AMOUNTS

Male bovine animals for fattening (CN Code)	Amount (EUR) per head
0102 90 05	28
0102 90 29	56
0102 90 49	105

ANNEX III

Endorsements provided for in Article 5(2)(c)

- *in Spanish*: Bovinos machos vivos de peso vivo inferior o igual a 300 kg [Reglamento (CE) n° 1202/2004]
 - *in Czech*: Živí býci s živou váhou nepřevyšující 300 kg na kus, na výkrm (Nařízení (ES) č. 1202/2004)
 - *in Danish*: Levende ungtyre til opfedning, med en levende vægt på ikke over 300 kg pr. dyr (forordning (EF) nr. 1202/2004)
 - *in German*: Lebende männliche Rinder mit einem Gewicht von höchstens 300 kg je Tier, zur Mast bestimmt (Verordnung (EG) Nr. 1202/2004)
 - *in Estonian*: Elusad isasveised elusmassiga kuni 300 kg, nuumamiseks (määrus (EÜ) nr 1202/2004)
 - *in Greek*: Ζώντα βοοειδή με βάρος ζώντος που δεν υπερβαίνει τα 300 kg ανά κεφαλή, προς πάχυνση [κανονισμός (ΕΚ) αριθ. 1202/2004]
 - *in English*: Live male bovine animals of a live weight not exceeding 300 kg per head, for fattening (Regulation (EC) No 1202/2004)
 - *in French*: Bovins mâles vivants d'un poids vif inférieur ou égal à 300 kg par tête, destinés à l'engraissement [Règlement (CE) n° 1202/2004]
 - *in Italian*: Bovini maschi vivi di peso vivo non superiore a 300 kg per capo, destinati all'ingrasso [regolamento (CE) n. 1202/2004]
 - *in Latvian*: Penėjimui skirti gyvi jaučiai, kurių vieno galvijo gyvasis svoris yra ne didesnis kaip 300 kg (Reglamentas (EB) Nr. 1202/2004)
 - *in Lithuanian*: Jaunbulji nobarošanai, kuru dzīvsvars nepārsniedz 300 kg (Regula (EK) Nr. 1202/2004)
 - *in Hungarian*: Legfeljebb 300 kg egyedi élőtmegű élő hím szarvasmarhaféle, hizlalás céljára (1202/2004/EK rendelet)
 - *in Dutch*: Levende mannelijke mestrunderen met een gewicht van niet meer dan 300 kg per dier (Verordening (EG) nr. 1202/2004)
 - *in Polish*: Żywe młode byki o żywej wadze nieprzekraczającej 300 kg za sztukę bydła, opasowe (rozporządzenie (WE) nr 1202/2004)
 - *in Portuguese*: Bovinos machos vivos com peso vivo inferior ou igual a 300 kg por cabeça, para engorda [Regulamento (CE) n.º 1202/2004]
 - *in Slovakian*: Živé mladé býčky, ktorých živá hmotnosť nepresahuje 300 kg na kus, určené na výkrm (nariadenie (ES) č. 1202/2004)
 - *in Slovenian*: Živo moško govedo za pitanje, katerega živa teža ne presega 300 kg na glavo (Uredba (ES) št. 1202/2004)
 - *in Finnish*: Lihotettaviksi tarkoitettuja eläviä urospuolisia nautaeläimiä, elopaino enintään 300 kg/eläin (asetus (EY) N:o 1202/2004)
 - *in Swedish*: Levande handjur av nötkreatur som väger högst 300 kg, för gödning (förordning (EG) nr 1202/2004)
-

COMMISSION REGULATION (EC) No 1203/2004

of 29 June 2004

opening and providing for the administration of a tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (1 July 2004 to 30 June 2005)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The WTO schedule CXL requires the Community to open an annual import quota of 53 000 tonnes of frozen beef covered by CN code 0202 and products covered by CN code 0206 29 91 (order number 09.4003). Implementing rules should be laid down for the quota year 2004/05 starting on 1 July 2004.
- (2) The 2003/04 quota was managed in conformity with the provisions of Commission Regulation (EC) No 780/2003 of 7 May 2003 opening and providing for the administration of a tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (1 July 2003 to 30 June 2004)⁽²⁾. That Regulation laid down, in particular, strict criteria for participation so as to avoid registration of fictitious operators. Moreover, reinforced rules on the use of the import licences concerned provided an obstacle towards speculative trade in licences.
- (3) The experience obtained from the application of those rules indicates, however, that the uniform application of the management rules in the various Member States could not be guaranteed and that the quota continued to be vulnerable to speculation among operators, in particular due to the method of allocation provided for under subquota II in Regulation (EC) No 780/2003. In order to avoid a continuation of that situation and to ensure efficient management it is appropriate to introduce a method of administration based on an import performance criterion ensuring that the quota will be allocated to professional operators able to import beef without undue speculation.
- (4) It is appropriate to determine a reference period for eligible imports which is long enough to provide for a representative performance while also sufficiently recent to reflect the latest development in trade.
- (5) Operators in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as 'the new Member States') should be allowed to apply on the basis of imports from countries which for them were third countries until 30 April 2004.
- (6) For control reasons, applications for import rights should be submitted in the Member States where the operator is entered in the national VAT register.
- (7) In order to prevent speculation, a security relating to import rights should be fixed for each applicant under the quota.
- (8) To oblige operators to apply for import licences for all the import rights allocated, it should be established that such obligation constitutes a primary requirement 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 agriculture products⁽³⁾.
- (9) Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁴⁾ and Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽⁵⁾ should be applicable to import licences issued according to this Regulation, save where derogations are appropriate.

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

⁽²⁾ OJ L 114, 8.5.2003, p. 8.

⁽³⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 673/2004 (OJ L 105, 14.4.2004, p. 17).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 636/2004 (OJ L 100, 6.4.2004, p. 25).

⁽⁵⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 360/2004 (OJ L 63, 28.2.2004, p. 13).

- (10) The Management Committee for Beef and Veal has not given an opinion within the time limit set by its President,

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota totalling 53 000 tonnes expressed in weight of boneless meat is hereby opened for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 for the period 1 July 2004 to 30 June 2005.

The order number of the tariff quota shall be 09.4003.

2. The Common Custom Tariff duty applicable to the quota provided for in paragraph 1 shall be 20% *ad valorem*.

Article 2

For the purposes of this Regulation,

- a) 100 kilograms of bone-in meat shall be equivalent to 77 kilograms of boneless meat;
- b) 'frozen meat' means meat that is frozen and has an internal temperature of - 12 °C or lower when it enters the customs territory of the Community.

Article 3

1. A Community operator may apply for import rights on the basis of a reference quantity which shall be the quantities of beef falling under CN code 0201, 0202, 0206 10 95 or 0206 29 91 imported by him/her or on his/her account under the relevant customs provisions, between 1 January 2003 and 30 April 2004.

Operators in the new Member States may apply for import rights on the basis of imports in the period and of the products referred to in the first subparagraph from countries which for them were third countries until 30 April 2004.

2. A company formed by the merger of companies each having reference imports may use those reference imports as basis for its application.

3. Proof of imports referred to in paragraph 1 shall accompany the application for import rights and shall be provided by means of duly endorsed copy for the consignee of the customs declaration for release for free circulation.

Article 4

1. No later than 13.00, Brussels time, on the second Friday following the date of the publication of the present Regulation in the *Official Journal of the European Union*, applications for import rights shall reach the competent authority in the Member State where the applicant is entered in the national VAT register.

All quantities presented as reference quantity, in application of Article 3, shall constitute the import rights applied for.

2. After verifying the documents submitted, the Member States shall communicate to the Commission no later than the fourth Friday following the date of the publication of the present Regulation in the *Official Journal of the European Union*, a list of applicants for import rights under the quota provided for in Article 1(1), including in particular their names and addresses and the quantities of eligible meat imported during the reference period concerned.

3. Communications of the information referred to in paragraph 2, including nil returns, shall be sent by fax or e-mail using the form in Annex I.

Article 5

The Commission shall decide as soon as possible the extent to which import rights under the quota provided for in Article 1 (1) may be granted. Where the import rights applied for exceed the available quantity referred to in Article 1(1) the Commission shall fix a corresponding reduction coefficient.

Article 6

1. In order to be admissible, the application for import rights must be accompanied by a security of EUR 6 per 100 kilograms boneless equivalent.

2. Where application of the reduction coefficient referred to in Article 5 causes fewer import rights to be allocated than had been applied for, the security lodged shall be released proportionally without delay.

3. The application for one or several import licences totalling the import rights allocated shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

Article 7

1. Imports of the quantities allocated shall be subject to presentation of one or more import licences.

2. Licence applications may be lodged solely in the Member State where the applicant has obtained import rights under the quota provided for in Article 1(1).

Each issuing of import licence shall result in a corresponding reduction of the import rights obtained.

3. Licence applications and licences shall contain:

- a) in section 20, one of the entries listed in Annex II;
- b) one of the following groups of CN codes in section 16:
 - 0202 10 00, 0202 20,
 - 0202 30, 0206 29 91.

Article 8

1. Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, save where otherwise provided in this Regulation.

2. Pursuant to Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of acceptance of the customs declaration for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

3. No import licence shall be valid after 30 June 2005.

Article 9

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, 29 June 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

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Application of Regulation (EC) No 1203/2004

Order No: 09.4003

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT RIGHTS

Date: Quota period:

Member State:

Number of applicant ⁽¹⁾	Applicant (Name and address)	Quantity imported ⁽²⁾ (tonnes)
Total		

Member State Fax:

Tel.:

E-mail:

⁽¹⁾ Continuous numbering.⁽²⁾ Expressed in boneless beef (see Article 1(2)).

ANNEX II

Entries referred to in Article 7(3)(a)

- *in Spanish*: Carne de vacuno congelada [Reglamento (CE) n° 1203/2004]
 - *in Czech*: Zmražené hovězí maso (nařízení (ES) č. 1203/2004)
 - *in Danish*: Frosset oksekød (forordning (EF) nr. 1203/2004)
 - *in German*: Gefrorenes Rindfleisch (Verordnung (EG) Nr. 1203/2004)
 - *in Estonian*: Külmutatud veiseliha (määrus (EÜ) nr 1203/2004)
 - *in Greek*: Κατεψυγμένο βόειο κρέας [κανονισμός (ΕΚ) αριθ. 1203/2004]
 - *in English*: Frozen meat of bovine animals (Regulation (EC) No 1203/2004)
 - *in French*: Viande bovine congelée [Règlement (CE) n° 1203/2004]
 - *in Italian*: Carni bovine congelate [Regolamento (CE) n. 1203/2004]
 - *in Latvian*: Saldēta liellopu gaļa (Regula (EK) Nr. 1203/2004)
 - *in Lithuanian*: Sušaldyta galvijiena (Reglamentas (EB) Nr. 1203/2004)
 - *in Hungarian*: Fagyasztott szarvasmarhahús (1203/EK rendelet)
 - *in Dutch*: Bevroren rundvlees (Verordening (EG) nr. 1203/2004)
 - *in Polish*: Mrożone mięso wołowe i cielęce (rozporządzenie (WE) nr 1203/2004)
 - *in Portuguese*: Carne de bovino congelada [Regulamento (CE) n.º 1203/2004]
 - *in Slovak*: Zmražené hovädzie mäso (Smernica (ES) č. 1203/2004)
 - *in Slovenian*: Zamrznjeno goveje meso (Uredba (ES) št. 1203/2004)
 - *in Finnish*: Jäädetyttä naudanlihaa (asetus (EY) N:o 1203/2004)
 - *in Swedish*: Fryst kött av nötkreatur (förordning (EG) nr 1203/2004)
-

COMMISSION REGULATION (EC) No 1204/2004**of 29 June 2004****opening and providing for the administration of a tariff quota for live bovine animals weighing from 80 to 300 kilograms and originating in Bulgaria or Romania (1 July 2004 to 30 June 2005)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Council Decision 2003/18/EC of 19 December 2002 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions⁽²⁾ and Council Decision 2003/286/EC of 8 April 2003 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions⁽³⁾ provide for the opening of certain tariff quotas each year, namely for 153 000 live bovine animals weighing from 80 to 300 kilograms (order number 09.4537) and originating in certain third countries including Bulgaria and Romania, subject to certain conditions set out in Annexes A(b) to the respective Protocols of these Decisions. Detailed rules of application for this tariff quota were adopted by Commission Regulation (EC) No 1247/1999 of 16 June 1999 laying down detailed rules for the application of a tariff quota for live bovine animals weighing from 80 to 300 kilograms and originating in certain third countries⁽⁴⁾.

(2) To take into account the accession of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland and Slovakia, beneficiaries of this tariff quota together with Bulgaria and Romania, and the accession of Cyprus, Malta and Slovenia and pending the results of the negotiations of new tariff concessions for Bulgaria and Romania, it is appropriate to lay down in the detailed rules for the management of this tariff quota that for the period 1 July 2004 to 30 June 2005 the available quantity should be staggered over the year in a suitable manner within the meaning of Article 32(4) of Regulation (EC) No 1254/1999 for the benefit of Bulgaria and Romania.

(3) To take into account the traditional trade patterns between the Community and Bulgaria and Romania, quantities should be fixed for three periods taking into account supplies in the reference period 1 July 2000 to 30 June 2003 of live animals originating in Bulgaria and Romania. Once the ongoing negotiations on additional protocols to the respective Europe Agreements with these two countries have been finalised and ratified, new management rules will be implemented at the date of entry into force of the new concessions.

(4) In order to provide a more equal access to the quota while ensuring a commercially viable number of animals per application, each application of import licences should respect a minimum and a maximum number of heads.

(5) With a view to preventing speculation, the quantities available within the quota should be made accessible to operators able to show that they are genuinely engaged in import of a significant scale from third countries. In consideration of this and in order to ensure efficient management, the traders concerned should be required to have imported a minimum of 100 animals during the year 2003 given that a consignment of 100 animals may be considered to be a commercial viable consignment. Operators in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia should be allowed to apply on the basis of imports from countries which for them were third countries during the year 2003.

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

⁽²⁾ OJ L 8, 14.1.2003, p. 18.

⁽³⁾ OJ L 102, 24.4.2003, p. 60.

⁽⁴⁾ OJ L 150, 17.6.1999, p. 18. Regulation as last amended by Regulation (EC) No 1144/2003 (OJ L 160, 28.6.2003, p. 44).

- (6) If such criteria are to be checked, applications must be presented in the Member State where the importer is entered in a VAT register.
- (7) In order to prevent speculation, importers no longer involved in trade in live bovine animals at 1 January 2004 should be denied access to the quota and licences should not be transferable.
- (8) Provision should be made for quantities for which licence applications may be requested to be allocated after a period of consideration and, where appropriate, once a uniform percentage reduction has been applied.
- (9) The arrangements should be managed using import licences. To this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary by addition of certain provisions of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽¹⁾ and of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽²⁾.
- (10) Experience shows that a proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.
- (11) With a view of ensuring a strict statistical control of the animals imported under the quota, the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 shall not apply.
- (12) Regulation (EC) No 1247/1999 should be subsequently repealed and replaced by this Regulation.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. 153 000 live bovine animals of a weight exceeding 80 kg but not exceeding 300 kg falling within CN code 0102 90 21, 0102 90 29, 0102 90 41 or 0102 90 49 and originating in Bulgaria or Romania may be imported for the period 1 July 2004 to 30 June 2005 pursuant to this Regulation, subject to any reductions negotiated subsequently between the Community and these countries.

The tariff quota shall have the order number 09. 4537.

2. The rate of customs duty shall be reduced by 90%.

3. The quantities referred under paragraph 1 shall be staggered over the period referred to in that paragraph as follows:

(a) 33 000 live bovine animals for the period 1 July 2004 to 31 December 2004;

(b) 60 000 live animals for the period 1 January 2005 to 31 March 2005;

(c) 60 000 live animals for the period 1 April 2005 to 30 June 2005.

4. If, during one of the periods mentioned under paragraph 3(a) and (b), the quantity covered by licence applications submitted for each of these periods is less than the quantity available for the period in question, the remaining quantity of that period will be added to the quantity available for the following period.

⁽¹⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 852/2003 (OJ L 123, 17.5.2003, p. 9).

⁽²⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 325/2003 (OJ L 47, 21.2.2003, p. 21).

Article 2

1. To be eligible under the quota provided for in Article 1, applicants must be natural or legal persons and must prove to the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications for import licences, that they have imported at least 100 animals covered by HS subheading 0102 90 during the year 2003.

Applicants must be listed in a national VAT register.

2. Operators in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia may apply for import licences on the basis of the imports referred to in paragraph 1 from countries which for them were third countries in the year 2003.

3. Proof of import shall be furnished exclusively by means of the customs document of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned as being the consignee.

Member States may accept copies of the documents referred to in the first subparagraph, duly certified by the competent authority. Where such copies are accepted, notification hereof shall be made in the communication from Member States referred to in Article 3(5) in respect of each applicant concerned.

4. Operators who at 1 January 2004 had ceased their activities in trade with third countries in the beef and veal sector shall not qualify for any application.

5. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in paragraph 1 may use those reference imports as a basis for its application.

Article 3

1. Applications for import licences may be submitted only in the Member State in which the applicant is registered for VAT purposes.

2. Applications for import licences per each period referred to in Article 1(3):

(a) must cover at least 100 animals;

(b) may not cover more than 5% of the quantity available.

Where applications exceed the quantity referred to in the first subparagraph, point (b), the excess shall be disregarded.

3. Applications for import licences shall be submitted during the first 10 working days of each period referred to in Article 1(3). However, applications for the first period shall be submitted no later than the second Thursday following the publication of this Regulation in the *Official Journal of the European Union*.

4. Applicants may lodge no more than one application each per period referred to in Article 1(3). Where the same applicant lodges more than one application, all applications from that applicant shall be inadmissible.

5. After verification of the documents presented, Member States shall forward to the Commission, by the fifth working day following the end of the period for the submission of applications at the latest, the list of applicants and their addresses as well as the quantities applied for.

All notifications, including nil returns, shall be forwarded by fax or e-mail using the model form in Annex I in cases where applications have actually been submitted.

Article 4

1. Following the notification referred to in Article 3(5), the Commission shall decide as soon as possible to which extent the applications can be met.

2. If the quantities covered by applications as referred to in Article 3 exceed those available for the period in question, the Commission shall fix a single percentage reduction to be applied to the quantities applied for.

Where application of the reduction coefficient provided for in the first subparagraph gives a figure of less than 100 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights covering 100 head each. Where the remainder lot is less than 100 head it shall be considered a single lot.

3. Licences shall be issued as soon as possible subject to the Commission's decision regarding acceptance of the applications.

Article 5

1. Import licences shall be issued on the name of the operator who submitted the application.

2. Licence applications and licences shall show the following:

(a) in box 8, the country of origin;

(b) in box 16, the following group of Combined Nomenclature codes: 0102 90 21, 0102 90 29, 0102 90 41, 0102 90 49;

(c) in box 20, the order number of the quota (09.4537) and at least one of the mentions provided for in Annex II.

Licences shall carry with them an obligation to import from the country referred to in point (a).

Article 6

1. Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall confer rights under the tariff quotas only if made out in the same name and address as the one entered as consignee in the customs declaration of release for free circulation accompanying them.

2. By way of derogation from Article 3 of Regulation (EC) No 1445/95 the validity for import licences issued pursuant to Article 1(3)(a) shall be 150 days. No import licences shall be valid after 30 June 2005.

3. The security relating to the import licence shall be EUR 20 per head and shall be lodged by the applicant together with the licence application.

4. Licences issued shall be valid throughout the Community.

5. Pursuant to Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of acceptance of the customs declaration for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

6. Notwithstanding the provisions of Section 4 of Title III of Regulation (EC) No 1291/2000, the security shall not be released until proof has been produced that the titular holder of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned. Such proof shall at least consist of:

(a) the original commercial invoice or authenticated copy made out in the name of the titular holder by the seller or his/her representative, both established in the third country of export, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller;

(b) the bill of lading or, where applicable, the road or air transport document, drawn up in the name of the titular holder, for the animals concerned;

(c) copy No 8 of form IM 4 with the name and address of the titular holder being the only indication in box 8.

Article 7

Imported animals shall qualify for the duties referred to in Article 1 on presentation of either an EUR.1 movement certificate issued by the exporting country in accordance with Protocol 4 annexed to the Europe Agreements with Bulgaria and Romania or an invoice declaration drawn up by the exporter in accordance with those Protocols.

Article 8

Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, subject to this Regulation.

Article 9

Regulation (EC) No 1247/1999 is repealed. Applications for import rights which could have been submitted pursuant to Regulation (EC) No 1247/1999 are automatically rejected.

Article 10

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

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

Done at Brussels, 29 June 2004.

For the Commission
Member of the Commission
Franz FISCHLER

ANNEX I

— Fax (32-2) 299 85 70

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Application of Regulation (EC) No 1204/2004

Order No: 09.4537

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT LICENCES

Date: Quota period:

Member State:

Number of applicant ⁽¹⁾ ⁽²⁾	Applicant (name and address)	Quantity (heads)
Total		

Member State Fax

Tel.

E-mail:

⁽¹⁾ Continuous numbering.

⁽²⁾ Indicate with an asterisk where application is made in accordance with the second subparagraph of Article 2(3).

ANNEX II

Mentions provided for in Article 5(2)(c)

- *in Spanish*: Reglamento (CE) n° 1204/2004
 - *in Czech*: Nařízení (ES) č. 1204/2004
 - *in Danish*: Forordning (EF) nr. 1204/2004
 - *in German*: Verordnung (EG) Nr. 1204/2004
 - *in Estonian*: Määrus (EÜ) nr 1204/2004
 - *in Greek*: Κανονισμός (ΕΚ) αριθ. 1204/2004
 - *in English*: Regulation (EC) No 1204/2004
 - *in French*: Règlement (CE) n° 1204/2004
 - *in Italian*: Regolamento (CE) n. 1204/2004
 - *in Latvian*: Regula (EK) Nr. 1204/2004
 - *in Lithuanian*: Reglamentas (EB) Nr. 1204/2004
 - *in Hungarian*: Az 1204/2004/EK rendelet
 - *in Dutch*: Verordening (EG) nr. 1204/2004
 - *in Polish*: Rozporządzenie (WE) nr 1204/2004
 - *in Portuguese*: Regulamento (CE) n.º 1204/2004
 - *in Slovakian*: Nariadenie (ES) č. 1204/2004
 - *in Slovenian*: Uredba (ES) št. 1204/2004
 - *in Finnish*: Asetus (EY) N:o 1204/2004
 - *in Swedish*: Förordning (EG) nr 1204/2004
-

COMMISSION REGULATION (EC) No 1205/2004**of 29 June 2004****opening an invitation to tender for the allocation of A3 export licences for fruit and vegetables (tomatoes, oranges, table grapes, apples and peaches)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Commission Regulation 3846/87⁽³⁾. These quantities must be allocated taking account of the perishability of the products concerned.

Having regard to the Treaty establishing the European Community,

(4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation and outlook for fruit and vegetable prices on the Community market and supplies available, on the one hand, and, on the other hand, prices on the international market. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, and in particular the third subparagraph of Article 35(3) thereof,

(5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.

Whereas:

(1) Commission Regulation (EC) No 1961/2001⁽²⁾ lays down the detailed rules of application for export refunds on fruit and vegetables.

(6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.

(2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(7) Tomatoes, oranges, table grapes, apples and peaches of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.

(3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by

(8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to proceed by an open invitation to tender and to set the indicative refund amount and the scheduled quantities for the period concerned.

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

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

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 537/2004 (OJ L 86, 24.3.2004, p. 9).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation, as last amended by Regulation (EC) No 2180/2003 (OJ L 335, 22.12.2003, p. 51).

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender for the allocation of A3 export licences is hereby opened. The products concerned, the tender submission period, the indicative refund rates and the scheduled quantities are laid down in the Annex hereto.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽¹⁾,

shall not count against the eligible quantities in the Annex hereto.

3. Notwithstanding Article 5(6) of Regulation (EC) No 1961/2001, the term of validity of the A3 licences shall be three months.

Article 2

This Regulation shall enter into force on 5 July 2004.

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

Done at Brussels, 29 June 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

ANNEX

OPENING AN INVITATION TO TENDER FOR THE ALLOCATION OF A3 EXPORT LICENCES FOR FRUIT AND VEGETABLES (TOMATOES, ORANGES, TABLE GRAPES, APPLES AND PEACHES)**Tender submission period: 5 to 6 July 2004**

Product code ⁽¹⁾	Destination ⁽²⁾	Indicative refund amount (EUR/t net)	Scheduled quantity (t)
0702 00 00 9100	F08	30	1 874
0805 10 10 9100 0805 10 30 9100 0805 10 50 9100	A00	25	615
0806 10 10 9100	A00	19	6 627
0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F04, F09	30	2 541
0809 30 10 9100 0809 30 90 9100	F03	13	9 708

⁽¹⁾ The product codes are defined in Regulation (EEC) No 3846/87.

⁽²⁾ The 'A' series destination codes are defined in Annex II to Regulation (EEC) No 3846/87. The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). The other destinations are defined as follows:

F03 All destinations except Switzerland.

F04 Hong Kong, Singapore, Malaysia, Sri Lanka, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Japan, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

F08 All destinations except Bulgaria.

F09 The following destinations:

- Norway, Iceland, Greenland, Faeroe Islands, Romania, Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah and Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia,
- African countries and territories except South Africa,
- destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

COMMISSION REGULATION (EC) No 1206/2004**of 29 June 2004****opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 2004 to 30 June 2005)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) The WTO schedule CXL requires the Community to open an annual import tariff quota of 50 700 tonnes of frozen beef intended for processing. Implementing rules should be laid down for the quota year 2004/2005, starting on 1 July 2004.
- (2) The import of frozen beef under the tariff quota is subject to customs import duties and to the conditions laid down under serial number 13 of Annex 7 to Part three of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽²⁾. The breakdown of the tariff quota into each of the arrangements referred to above should be made taking into account the experience gained in respect of similar imports in the past.
- (3) So as to avoid speculation, access to the quota should be allowed only to active processors carrying out processing in a processing establishment approved in accordance with Article 8 of Council Directive 77/99/EEC of 21

December 1976 on health problems affecting intra-Community trade in meat products⁽³⁾, or, in respect of processors in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, to those who have been approved for export into the Community of processed meat products in accordance with Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries⁽⁴⁾.

- (4) Imports into the Community under the tariff quota are subject to presentation of an import licence in accordance with the first subparagraph of Article 29(1) of Regulation (EC) No 1254/1999. It should be possible to issue licences following allocations of import rights on the basis of applications from eligible processors. The provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁵⁾ and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽⁶⁾ should apply to import licences issued under this Regulation.
- (5) In order to prevent speculation, import licences should be issued to processors solely for the quantities for which they have been allocated import rights. Moreover, for the same reason, security should be lodged together with the application for import rights. The application for import licences corresponding to the allocated rights should be a primary requirement 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⁽⁷⁾.

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

⁽²⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 2344/2003 (OJ L 346, 31.12.2003, p. 38).

⁽³⁾ OJ L 26, 31.1.1977, p. 85. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 636/2004 (OJ L 100, 6.4.2004, p. 9).

⁽⁶⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 360/2004 (OJ L 63, 28.2.2004, p. 13).

⁽⁷⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 673/2004 (OJ L 105, 14.4.2004, p. 17).

- (6) With a view to using up quota quantities completely, a closing date should be set for the submission of import licence applications and provision should be made for a further allocation of quantities not covered by licence application submitted by that date. In the light of the experience obtained, that allocation should be limited to processors who have converted all their import rights initially allocated into import licences.
- (7) The application of the tariff quota requires strict surveillance of imports and effective checks as to their use and destination. The processing should therefore be authorised only in the establishment referred to in the import licence.
- (8) A security should be lodged in order to ensure that the imported meat is used according to the tariff quota specifications. The amount of that security should be fixed taking into account the difference between the customs duties applicable within and outside the quota.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

An import tariff quota of 50 700 tonnes, bone-in equivalent of frozen beef falling within CN code 0202 20 30, 0202 30 10, 0202 30 50, 0202 30 90 or 0206 29 91 and intended for processing in the Community (hereinafter referred to as 'the quota') is hereby opened for the period from 1 July 2004 to 30 June 2005 subject to the conditions laid down in this Regulation.

Article 2

1. For the purposes of this Regulation, an A-product shall mean a processed product falling within CN code 1602 10, 1602 50 31, 1602 50 39 or 1602 50 80, not containing meat other than that of animals of the bovine species, with a collagen/protein ratio of no more than 0,45 and containing by weight at least 20 % of lean meat excluding offal and fat with meat and jelly accounting for at least 85 % of the total net weight.

The collagen content shall be considered to be the hydroxyproline content multiplied by the factor 8. The hydroxyproline content shall be determined according to ISO method 3496-1994.

The lean bovine meat content excluding fat shall be determined in accordance with the procedure laid down in the Annex to Commission Regulation (EEC) No 2429/86 ⁽¹⁾.

Offal includes the following: heads and cuts thereof (including ears), feet, tails, hearts, udders, livers, kidneys, sweetbreads (thymus glands and pancreas), brains, lungs, throats, thick skirts, spleens, tongues, caul, spinal cords, edible skin, reproductive organs (i.e. uteri, ovaries and testes), thyroid glands, pituitary glands.

The product shall be subjected to a heat treatment sufficient to ensure the coagulation of meat proteins in the whole of the product which may not show any traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.

2. For the purposes of this Regulation, a B-product shall mean a processed product containing beef, other than:

- a) the products specified in Article 1(1)(a) of Regulation (EC) No 1254/1999, or
- b) the products referred to under paragraph 1.

However, a processed product falling within CN code 0210 20 90 which has been dried or smoked so that the colour and consistency of the fresh meat has totally disappeared and with a water/protein ratio not exceeding 3.2 shall be considered to be a B-product.

Article 3

1. The overall quantity referred to in Article 1 shall be divided into two quantities:

- a) 40 000 tonnes of frozen beef intended for the manufacture of A-products;
- b) 10 700 tonnes of frozen beef intended for the manufacture of B-products.

⁽¹⁾ OJ L 210, 1.8.1986, p. 39.

2. The quota shall bear the following order numbers:

— 09.4057 for the quantity referred to in paragraph 1(a),

— 09.4058 for the quantity referred to in paragraph 1(b).

3. The customs import duties to apply on frozen beef under the quota are fixed under serial number 13 of Annex 7 to Part three of Annex I to Regulation (EEC) No 2658/87.

Article 4

1. The application for import rights under the quota may only be lodged by, or on behalf of, one of the following processing establishments:

- a) processing establishments approved under Article 8 of Directive 77/99/EEC and which have been active in production of processed products containing beef at least once since 1 July 2003;
- b) processing establishments in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia or Slovakia approved under Chapters 4 and 5 of Directive 72/462/EEC to export to the Community and which have been active in production of processed products containing beef at least once since 1 July 2003.

For each quantity referred to in Article 3(1) only one application for import rights which shall not exceed 10% of each quantity available may be accepted in respect of each approved processing establishment.

Applications for import rights may be presented only in the Member State in which the processor is registered for VAT purposes.

2. A security of EUR 6 per 100 kg shall be lodged together with the application for import rights.

3. The evidence of compliance with the conditions laid down in the first subparagraph of paragraph 1 shall be submitted together with the application for import rights.

The competent national authority shall decide what is acceptable documentary evidence of compliance with those conditions.

Article 5

1. Each application for import rights for production of A-products or B-products shall be expressed in bone-in equivalence.

For the purpose of this paragraph 100 kilograms of bone-in beef equals 77 kilograms of boneless beef.

2. Each application for import rights for production of either A-products or B-products shall reach the competent authority no later than the second Friday following the date of publication of the present regulation in the *Official Journal of the European Union* by 13.00 Brussels time at the latest.

3. Member States shall forward to the Commission no later than the fourth Friday following the date of publication in the *Official Journal of the European Union* a list of applicants and quantities applied for under each of the two categories together with the approval numbers of the processing establishments concerned.

All communications, including nil returns, shall be sent by fax or e-mail using the forms set out in Annexes I and II.

4. The Commission shall decide as soon as possible to what extent applications are accepted, where necessary as a percentage of the quantity applied for.

Article 6

1. Any import of frozen beef for which import rights have been allocated pursuant to Article 5(4) shall be subject to presentation of an import licence.

2. As to the security referred to in Article 4(2) the application for import licences corresponding to the allocated import rights shall be a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

Where in application of Article 5(4) the Commission fixes a reduction coefficient the security lodged shall be released in respect of the import rights applied for which exceed the allocated import rights.

3. Within the allocated import rights a processor may apply for import licences until 18 February 2005 at the latest.

4. Import rights allocated to processors entitle them to import licences for quantities equivalent to the rights allocated.

Licence applications may be lodged solely:

- a) in the Member State in which the application for import rights has been lodged;
- b) by processors or on behalf of processors to whom import rights have been allocated.

5. A security shall be lodged with the competent authority at the time of import ensuring that the processor having been allocated import rights processes the entire quantity of meat imported into the required finished products in his establishment specified in the licence application, within three months of the day of import.

The amounts of the security are fixed in Annex III.

Article 7

Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, except otherwise provided in this Regulation.

Article 8

1. The licence application and the licence shall contain the following information:

- a) in box 8, the country of origin;
- b) in box 16, one of the eligible CN codes referred to in Article 1;
- c) in box 20, at least one of the entries listed in Annex IV.

2. Import licences shall be valid for 120 days from the actual date of issue within the meaning of Article 23(1) of Regulation (EC) No 1291/2000. However, no licence shall be valid after 30 June 2005.

3. In application of Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of release for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

Article 9

1. Quantities for which applications for import rights have not been lodged by the deadline referred to in Article 5(2) and quantities for which import licence applications have not been lodged by 18 February 2005 shall be subject to a new allocation of import rights.

To that end, by 25 February 2005 at the latest, Member States shall forward to the Commission details of the quantities for which no applications have been received.

2. The Commission shall decide as soon as possible on the breakdown of the quantities referred to in paragraph 1 into A-products and B-products. In doing so, the actual utilisation of the import rights allocated pursuant to Article 5(4) under each of the two categories may be taken into account.

3. The allocation of the remaining quantities shall be limited to processors who have applied for import licences in respect of all the import rights granted to them in application of Article 5(4).

4. Articles 4 to 8 shall apply to the import of the remaining quantities.

However, in this case the date for application referred to in Article 5(2) shall be 18 March 2005 and the date for communication referred to in Article 5(3) shall be 25 March 2005.

Article 10

Member States shall set up a system of physical and documentary checks to ensure that, within three months of the date of import, all meat is processed in the processing establishment and into the category of product specified on the import licence concerned.

The system shall include physical checks of quantity and quality at the start of the processing, during the processing and after the processing operation is completed. To this end, processors shall at any time be able to demonstrate the identity and use of the imported meat through appropriate production records.

Technical verification of the production method by the competent authority may, to the extent necessary, make allowance for drip losses and trimmings.

In order to verify the quality of the finished product and establish its conformity with the processor's formula for the composition of the product, Member States shall take representative samples and analyse those products. The costs of such operations shall be borne by the processor concerned.

Article 11

1. The security referred to in Article 6(5) shall be released in proportion to the quantity for which, within seven months of the day of import, proof has been furnished to the satisfaction of the competent authority that all or part of the imported meat has been processed into the relevant products within three months following the day of import in the designated establishment.

However, if processing took place after the three-month time limit referred to in the first subparagraph, the security shall be released minus a 15 % reduction plus 2 % of the remaining amount for each day by which the time limit has been exceeded.

If proof of processing is established within the seven-month time limit referred to in the first subparagraph and produced within 18 months following those seven months the amount forfeited, less 15 % of the security amount, shall be repaid.

2. The amount not released of the security referred to in Article 6(5), shall be forfeited and retained as a customs duty.

Article 12

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

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

Done at Brussels, 29 June 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX II

— EC Fax: (32 2) 299 85 70

— e-mail: Agri-Bovins-Import@cec.eu.int

Application of Article 5(1) and (2) of Regulation (EC) No 1206/2004

B-product — Order No 09.4058

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT RIGHTS

Date: Quota Period:

Member State:

Number of applicant ⁽¹⁾	Applicant (name and address)	Approval number	Quantity (in tones bonein)
Total			

Member State: Fax:

Tel:

E-mail:

⁽¹⁾ Continuous numbering

ANNEX III

AMOUNTS OF SECURITY ⁽¹⁾*(in EUR/1 000 kg net)*

Product (CN code)	For manufacture of A products	For manufacture of B products
0202 20 30	1 414	420
0202 30 10	2 211	657
0202 30 50	2 211	657
0202 30 90	3 041	903
0206 29 91	3 041	903

⁽¹⁾ The exchange rate to be applied shall be the exchange rate on the day preceding the lodging of the security.

ANNEX IV

Entries referred to in Article 8(1)(c)

- *in Spanish:* Certificado válido en ... (Estado miembro expedidor) / carne destinada a la transformación ... [productos A] [productos B] (táchese lo que no proceda) en ... (designación exacta y número de registro del establecimiento en el que vaya a procederse a la transformación) / Reglamento (CE) n^o 1206/2004
- *in Czech:* Licence platná v ... (vydávající členský stát) / Maso určené ke zpracování ... [výrobky A] [výrobky B] (nehodící se škrtněte) v (přesné určení a číslo schválení zpracovatelského zařízení, v němž se má zpracování uskutečnit) / nařízení (ES) č. 1206/2004
- *in Danish:* Licens gyldig i ... (udstedende medlemsstat) / Kød bestemt til forarbejdning til (A-produkter) (B-produkter) (det ikke gældende overstreges) i ... (nøjagtig betegnelse for den virksomhed, hvor forarbejdningen sker) / forordning (EF) nr. 1206/2004
- *in German:* In ... (ausstellender Mitgliedstaat) gültige Lizenz / Fleisch für die Verarbeitung zu [A-Erzeugnissen] [B-Erzeugnissen] (Unzutreffendes bitte streichen) in ... (genaue Bezeichnung des Betriebs, in dem die Verarbeitung erfolgen soll) / Verordnung (EG) Nr. 1206/2004
- *in Estonian:* Litsents on kehtiv ... (välja andev liikmesriik) / Liha töötlemiseks ... [A toode] [B toode] (kustuta mittevajalik) ... (ettevõtte asukoht ja loanumber, kus toimub töötlemine / määrus (EÜ) nr. 1206/2004
- *in Greek:* Η άδεια ισχύει ... (κράτος μέλος εκδόσης) / Κρέας που προορίζεται για μεταποίηση ... [προϊόντα Α] [προϊόντα Β] (διαγράφεται η περιττή ένδειξη) ... (ακριβής περιγραφή και αριθμός έγκρισης της εγκατάστασης όπου πρόκειται να πραγματοποιηθεί η μεταποίηση) / Κανονισμός (ΕΚ) αριθ. 1206/2004
- *in English:* Licence valid in ... (issuing Member State) / Meat intended for processing ... [A-products] [B-products] (delete as appropriate) at ... (exact designation and approval No of the establishment where the processing is to take place) / Regulation (EC) No 1206/2004
- *in French:* Certificat valable ... (État membre émetteur) / viande destinée à la transformation de ... [produits A] [produits B] (rayer la mention inutile) dans ... (désignation exacte et numéro d'agrément de l'établissement dans lequel la transformation doit avoir lieu) / règlement (CE) n^o 1206/2004
- *in Italian:* Titolo valido in ... (Stato membro di rilascio) / Carni destinate alla trasformazione ... [prodotti A] [prodotti B] (depennare la voce inutile) presso ... (esatta designazione e numero di riconoscimento dello stabilimento nel quale è prevista la trasformazione) / Regolamento (CE) n. 1206/2004
- *in Latvian:* Atļauja derīga ... (dalībvalsts, kas izsniedz ievēšanas atļauju) / pārstrādei paredzēta gaļa ... [A produktu] [B produktu] ražošanai (nevajadzīgo nosvītrot) ... (precīzs tā uzņēmuma apzīmējums un apstiprinājuma numurs, kurā notiks pārstrāde) / Regula (EK) Nr. 1206/2004
- *in Lithuanian:* Licencija galioja ... (išdavusioji valstybė narė) / Mėsa skirta perdirbimui ... [produktai A] [produktai B] (ištrinti nereikalingą) ... (tikslus įmonės, kurioje bus perdirbama, pavadinimas ir registracijos Nr.) / Reglamentas (EB) Nr. 1206/2004
- *in Hungarian:* Az engedély ... (kibocsátó tagállam) területén érvényes. / Feldolgozásra szánt hús ... [A-termék][B-termék] (a nem kívánt törlendő) ... (pontos rendeltetési hely és a feldolgozást végző létesítmény engedélyezési száma) / 1206/2004/EK rendelet
- *in Dutch:* Certificaat geldig in ... (lidstaat van afgifte) / Vlees bestemd voor verwerking tot [A-producten] [B-producten] (doorhalen wat niet van toepassing is) in ... (nauwkeurige aanduiding en toelatingsnummer van het bedrijf waar de verwerking zal plaatsvinden) / Verordening (EG) nr. 1206/2004
- *in Polish:* Pozwolenie ważne w ... (wystawiające Państwo Członkowskie) / Mięso przeznaczone do przetworzenia ... [produkty A] [produkty B] (niepotrzebne skreślić) w ... (dokładne miejsce przeznaczenia i nr zatwierdzenia zakładu, w którym ma mieć miejsce przetwarzanie) / rozporządzenie (WE) nr 1206/2004
- *in Portuguese:* Certificado válido em ... (Estado-Membro emissor) / carne destinada à transformação ... [produtos A] [produtos B] (riscar o que não interessa) em ... (designação exacta e número de aprovação do estabelecimento em que a transformação será efectuada) / Regulamento (CE) n.º 1206/2004

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- *in Slovak*: Licencia platná v ... (vydávajúci členský štát) / Mäso určené na spracovanie ... [výrobky A] [výrobky B] (nehodiace sa prečiarknite) v ... (presné určenie a číslo schválenia zariadenia, v ktorom spracovanie prebehne) / nariadenie (ES) č. 1206/2004
 - *in Slovenian*: Dovoljenje velja v ... (država članica, ki ga je izdala) / Meso namenjeno predelavi ... [proizvodi A] [proizvodi B] (črtaj neustrezno) v ... (točno namembno območje in št. odobritve obrata, kjer bo predelava potekala) / Uredba (ES) št. 1206/2004
 - *in Finnish*: Todistus on voimassa ... (myöntäjäsenvaltio) / Liha on tarkoitettu [A-luokan tuotteet] [B-luokan tuotteet] (tarpeeton poistettava) jalostukseen ...:ssa (tarkka ilmoitus laitoksesta, jossa jalostus suoritetaan, hyväksyntänumero mukaan lukien) / Asetus (EY) N:o 1206/2004
 - *in Swedish*: Licensen är giltig i ... (utfärdande medlemsstat) / Kött avsett för bearbetning ... [A-produkter] [B-produkter] (stryk det som inte gäller) vid ... (exakt angivelse av och godkännandenummer för anläggningen där bearbetningen skall ske) / Förordning (EG) nr 1206/2004
-

COMMISSION REGULATION (EC) No 1207/2004
of 29 June 2004
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1114/2004⁽³⁾.

(2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1114/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1114/2004 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 30 June 2004.

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

Done at Brussels, 29 June 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

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

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

⁽³⁾ OJ L 214, 16.6.2004, p. 3. Regulation as amended by Regulation (EC) No 1189/2004 (OJ L 228, 29.6.2004, p. 3).

ANNEX I

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

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	9,06
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	29,47
1005 10 90	Maize seed other than hybrid	44,23
1005 90 00	Maize other than seed ⁽²⁾	44,23
1007 00 90	Grain sorghum other than hybrids for sowing	29,47

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

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

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

ANNEX II

Factors for calculating duties

period from 15 June 2004 to 28 June 2004

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	138,61 (***)	91,55	155,80 (****)	145,80 (****)	125,80 (****)	106,14 (****)
Gulf premium (EUR/t)	—	9,56	—			—
Great Lakes premium (EUR/t)	9,13	—	—			—

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

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

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

(****) Fob Duluth.

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 21,78 EUR/t; Great Lakes–Rotterdam: 31,52 EUR/t.

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

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION

of 23 June 2004

appointing a judge to the Court of First Instance of the European Communities

(2004/524/EC, Euratom)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 224 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 140 thereof,

Having regard to the 2003 Act of Accession, and in particular Article 46(1) and (2)(b) thereof,

Whereas:

(1) Article 46(1) of the 2003 Act of Accession *inter alia* provides for the appointment of ten judges to the Court of First Instance. Pursuant to paragraph 2(b) of the same Article, the term of office of five of those judges is to expire on 31 August 2004. These judges are to be chosen by lot. Furthermore the term of office of the other judges is to expire on 31 August 2007.

(2) Just four judges were appointed for the period from 1 May 2004 to 31 August 2007 pursuant to Decision 2004/490/EC, Euratom⁽¹⁾, with the appointment of the fifth judge having to be postponed.

(3) The fifth judge should therefore now be appointed,

HAVE DECIDED AS FOLLOWS:

Article 1

Ms Verica TRSTENJAK is hereby appointed a judge to the Court of First Instance from 1 July 2004 to 31 August 2007.

Article 2

This Decision shall take effect on 1 July 2004.

Article 3

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

Done at Brussels, 23 June 2004.

The President

A. ANDERSON

⁽¹⁾ OJ L 169, 1.5.2004, p. 23.

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 3 June 2004

concerning the terms and conditions for European Anti-Fraud Office investigations of the European Central Bank, in relation to the prevention of fraud, corruption and any other illegal activities detrimental to the European Communities' financial interests and amending the Conditions of Employment for Staff of the European Central Bank

(ECB/2004/11)

(2004/525/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Whereas:

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽¹⁾, and in particular Article 4(1) and 4(6) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 12.3 and Article 36.1 thereof,

Having regard to the contribution of the General Council of the European Central Bank (ECB) in accordance with the fifth indent of Article 47.2 of the Statute,

Having regard to the opinion of the Staff Committee of the ECB,

(1) Regulation (EC) No 1073/1999 (hereinafter the OLAF Regulation) provides that the European Anti-Fraud Office (hereinafter the Office) is to initiate and conduct administrative fraud investigations (hereinafter internal investigations) within the institutions, bodies, offices and agencies established by or on the basis of the EC and Euratom Treaties for the purpose of fighting fraud, corruption and any other illegal activities detrimental to the European Communities' financial interests. Pursuant to the OLAF Regulation, internal investigations may concern serious matters relating to the discharge of professional duties such as to constitute a dereliction of the obligations of members of the staff of such institutions, bodies, offices and agencies liable to result in disciplinary or, as the case may be, criminal proceedings, or an equivalent failure to discharge obligations on the part of members of institutions and bodies, heads of offices and agencies or members of the staff of institutions, bodies, offices or agencies not subject to the Staff Regulations of officials and the Conditions of Employment of other servants of the European Communities (hereinafter the Staff Regulations).

(2) For the ECB such professional duties and obligations, in particular the obligations relating to professional conduct and professional secrecy, are laid down in (a) the Conditions of Employment for Staff of the European Central Bank, and (b) the European Central Bank Staff Rules, and (c) Annex I to the Conditions of Employment concerning the Conditions of Short-term Employment, and (d) the European Central Bank Rules for Short-term Employment; and further guidance is given in (e) the Code of Conduct of the European Central Bank ⁽²⁾, and (f) the Code of Conduct for the members of the Governing Council ⁽³⁾ (together referred to hereinafter as the ECB conditions of employment).

⁽¹⁾ OJ L 136, 31.5.1999, p. 1.

⁽²⁾ OJ C 76, 8.3.2001, p. 12.

⁽³⁾ OJ C 123, 24.5.2002, p. 9.

- (3) The OLAF Regulation provides in Article 4(1) that in relation to protecting the European Communities' financial interests and fighting fraud and any other illegal activities detrimental to the European Communities' financial interests, the Office 'shall carry out administrative investigations within the institutions, bodies, offices and agencies'; and in Article 4(6) that each institution, body, office and agency is to adopt a decision which 'shall in particular include rules concerning: (a) a duty on the part of members, officials and other servants of the institutions and bodies, and managers, officials and servants of offices and agencies, to cooperate with and supply information to the Office's servants; (b) the procedures to be observed by the Office's employees when conducting internal investigations and the guarantees of the rights of persons concerned by an internal investigation'. In accordance with Community case-law, the Office may open an investigation only on the basis of sufficiently serious suspicions⁽¹⁾.
- (4) The OLAF Regulation provides (second paragraph of Article 4(1)) that internal investigations should be conducted subject to the rules of the Treaties, in particular the Protocol on privileges and immunities of the European Communities, and with due regard for the Staff Regulations. Internal investigations by the Office are also subject to Article 6(2) of the Treaty on European Union and to other principles and fundamental rights common to the Member States and recognised by the Court of Justice, such as, for instance, the confidentiality of legal advice (legal privilege).
- (5) Internal investigations are carried out in accordance with the procedures set out in the OLAF Regulation and in decisions adopted by each institution, body, office or agency to implement it. In adopting this implementing decision, it is incumbent on the ECB to justify any restrictions on internal investigations affecting the specific tasks and duties entrusted to the ECB by Articles 105 and 106 of the Treaty. Such restrictions should ensure, on the one hand, the confidentiality necessary for certain ECB information and, on the other hand, implement the legislator's intention of reinforcing the fight against fraud. Other than for these specific tasks and duties the ECB should be treated, also for the purpose of the present decision, as a public entity similar to other Community institutions and bodies.
- (6) In exceptional cases, the circulation outside the ECB of some of the confidential information held by the ECB to perform its tasks could seriously undermine the ECB's functioning. In such cases, the decision on granting the Office access to information or transmitting information to it will be taken by the Executive Board. Access will be granted to information that is more than one year old in areas such as monetary policy decisions, or operations related to the management of foreign reserves and interventions on foreign exchange markets. Restrictions in other areas such as data received from prudential supervisors regarding the stability of the financial system or individual credit institutions and information regarding the security features and technical specifications of current and future euro banknotes do not have a temporary limit. Although such information, the circulation of which outside the ECB could seriously undermine the ECB's functioning, has been circumscribed in this Decision to specific areas of activity, it is necessary to provide for the possibility of adapting the Decision to any unforeseen developments to ensure that the ECB continues to fulfil the tasks assigned to it by the Treaty.
- (7) This Decision takes into account the fact that the members of the ECB's Governing and General Councils who are not also members of the ECB's Executive Board exercise, in addition to their ESCB functions, national functions. Exercising such national functions is a matter for national law which falls outside the scope of the internal investigations of the Office. This Decision therefore applies only to the professional activities of such persons undertaken in their capacity as members of the ECB's governing bodies. To the extent that members of the General Council are potentially concerned by internal investigations of the Office, this Decision has been drawn up with the benefit of contributions received from such members.
- (8) Article 38.1 of the Statute provides that members of the governing bodies and the staff of the ECB are required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy. Under Article 8 of the OLAF Regulation, the Office and its employees are subject to the same conditions of confidentiality and professional secrecy as those applying to ECB staff under the Statute and the ECB conditions of employment.
- (9) Under Article 6(6) of the OLAF Regulation, the national competent authorities support the Office in its investigations of the ECB in conformity with national provisions. The Government of the Federal Republic of Germany and the ECB are signatories to a Headquarters Agreement, dated 18 September 1998⁽²⁾, which implements the Protocol on the privileges and immunities of the European Communities in respect of the ECB and contains provisions regarding the inviolability of the ECB's premises, archives, communications, and on the diplomatic privileges and immunities of the members of the ECB's Executive Board.

⁽¹⁾ Case C-11/00 Commission of the European Communities v European Central Bank, [2003] ECR I-7147.

⁽²⁾ Federal Official Journal (Bundesgesetzblatt) No 45, 1998 of 27.10.1998 and No 12, 1999 of 6.5.1999.

- (10) Pursuant to Article 14 of the OLAF Regulation, any official or other servant of the European Communities may submit to the Director of the Office a complaint against an act adversely affecting them committed by the Office as part of an internal investigation, in accordance with the procedures laid down in Article 90(2) of the Staff Regulations. By analogy the same procedures should apply to complaints submitted to the Director of the Office by ECB employees or members of an ECB decision-making body and Article 91 of the Staff Regulations should apply to decisions taken regarding such complaints,

HAS DECIDED AS FOLLOWS:

Article 1

Scope of application

This Decision applies to:

- members of the ECB's Governing and General Councils, in matters related to their function as members of such ECB decision-making bodies,
- members of the ECB's Executive Board,
- members of the governing bodies or any member of staff of the national central banks, who participate in the meetings of the ECB's Governing and General Councils as alternates and/or accompanying persons in matters related to this function,

(hereinafter jointly referred to as participants in the decision-making bodies), and

- permanent or temporary ECB members of staff, who are subject to the ECB conditions of employment,
- persons working for the ECB other than on the basis of an employment contract, in matters related to their work for the ECB,

(hereinafter jointly referred to as ECB employees).

Article 2

Duty to cooperate with the Office

Without prejudice to the relevant provisions of the Treaty, of the Protocol on the privileges and immunities of the European Communities and of the Statute, and subject to the procedures laid down in the OLAF Regulation and to the rules laid down in this Decision, participants in the decision-making bodies and ECB employees shall fully cooperate with the Office's agents carrying out an internal investigation and shall lend any assistance required for the investigation.

Article 3

Duty to report any information about illegal activity

1. ECB employees who become aware of evidence which gives rise to a presumption of the existence of possible cases of fraud, corruption or any other illegal activity affecting the European Communities' financial interests, or of serious matters affecting such financial interests and relating to the discharge of professional duties such as to constitute a dereliction of the obligations of an ECB employee or of a participant in the decision-making bodies, liable to result in disciplinary or, as the case may be, criminal proceedings, shall without delay provide either the Director Internal Audit, the senior manager in charge of their business area, or the member of the Executive Board who is primarily responsible for their business area with such evidence. The latter persons shall without delay transmit the evidence to the Director General Secretariat and Language Services. ECB employees must in no way suffer inequitable or discriminatory treatment as a result of having communicated the information referred to in this Article.

2. Participants in the decision-making bodies who become aware of evidence as referred to in paragraph 1 shall inform the Director General Secretariat and Language Services or the President of the ECB.

3. When the Director General Secretariat and Language Services or, where appropriate, the President of the ECB receives evidence in accordance with paragraphs 1 or 2, they shall, subject to Article 4 of this Decision, transmit it without delay to the Office and inform the Directorate Internal Audit and, where appropriate, the President of the ECB.

4. In cases in which an ECB employee or a participant in the decision-making bodies has concrete evidence supporting the suspicion of the existence of a case of fraud or corruption or any other illegal activity within the meaning of paragraph 1, and, at the same time, has justified reasons to consider that the procedure foreseen in the above paragraphs would prevent in that specific case a proper reporting of such evidence to the Office, they may report directly to the Office without being subject to Article 4.

Article 4

Cooperation with the Office with regard to sensitive information

1. In exceptional cases, in which the circulation of certain information outside the ECB could seriously undermine the ECB's functioning, the decision on whether to grant the Office access to such information or to transmit such information to it will be taken by the Executive Board. This shall apply to information concerning monetary policy decisions, or operations related to the management of foreign reserves and interventions on foreign exchange markets, provided that such information is less than one year old, data received by the ECB from prudential supervisors regarding the stability of the financial system or individual credit institutions or information concerning the euro banknotes' security features and technical specifications.

2. Any such decision of the Executive Board shall take all relevant aspects into account, such as the degree of sensitivity of the information required by the Office for the investigation, its importance for the investigation and the seriousness of the suspicion as presented by the Office, by the ECB employee or a participant in the decision-making bodies to the President of the ECB, and the degree of risk for the ECB's future functioning. If access is not granted, the decision shall state the reasons. With regard to data that the ECB receives from prudential supervisors on the stability of the financial system or individual credit institutions, the Executive Board may decide to grant the Office access, unless the relevant prudential supervisor considers that disclosing the information concerned will put the stability of the financial system or the individual credit institution at risk.

3. In very exceptional cases concerning information related to a particular area of ECB activity, of equivalent sensitivity to the categories of information referred to in paragraph 1, the Executive Board may provisionally decide not to grant the Office access to such information. Paragraph 2 shall apply to such decisions which shall be valid for a maximum of six months. Thereafter, the Office shall be granted access to the information concerned, unless the Governing Council has in the meantime amended the present Decision by adding the category of information concerned to the categories covered by paragraph 1. The Governing Council shall state its reasons for amending this Decision.

Article 5

Assistance from the ECB in internal investigations

1. When initiating an internal investigation of the ECB, the Office's agents shall be granted access to the ECB's premises by the manager in charge of ECB security upon production of a written authorisation showing their identity, their capacity as agents of the Office, and the written authority issued by the Director of the Office indicating the subject matter of the investigation. The President, the Vice-President and the Director Internal Audit shall be informed immediately.

2. The Directorate Internal Audit shall assist the Office in the practical organisation of investigations.

3. ECB employees and participants in the decision-making bodies shall supply any requested information to the Office's agents who are conducting an investigation, unless the requested information could be sensitive within the meaning of Article 4, in which case the Executive Board shall decide. The Directorate Internal Audit shall record all information supplied.

Article 6

Informing interested parties

1. Where the possible implication of an ECB employee or a participant in a decision-making body emerges, the interested party shall be informed rapidly as long as this would not be harmful to the investigation. In any event, conclusions referring by name to an ECB employee or participant in a decision-making body may not be drawn once the investigation has

been completed without the interested party having been enabled to express their views on all the facts relating to them, including any evidence existing against them. Interested parties have the right to remain silent, to refrain from incriminating themselves and to seek personal legal assistance.

2. In cases necessitating the maintenance of absolute secrecy for the purpose of the investigation and requiring the use of investigative procedures falling within the remit of a national judicial authority, compliance with the obligation to invite an ECB employee or participant in a decision-making body to express their views may be deferred for a limited period in agreement with the President or Vice-President.

Article 7

Information on the closing of the investigation with no further action taken

If, following an internal investigation, no case can be made out against an ECB employee or participant in a decision-making body against whom allegations have been made, the internal investigation shall be closed, with no further action taken, by decision of the Director of the Office, who shall inform the concerned ECB employee or participant in a decision-making body thereof in writing.

Article 8

Waiver of immunity

Any request from a national police or judicial authority regarding the waiver of the immunity from judicial proceedings of an ECB employee or a member of the Executive Board, Governing Council or General Council in possible cases of fraud, corruption or any other illegal activity detrimental to the European Communities' financial interests shall be transmitted to the Director of the Office for his opinion. The President or the Vice-President of the ECB shall decide on the immunity of ECB employees, and the Governing Council shall decide on the immunity of members of the Executive Board, Governing Council or General Council.

Article 9

Amendment of the Conditions of Employment for Staff of the ECB

The Conditions of Employment for Staff of the ECB are amended as follows:

1. the following sentence is added after the second sentence of Article 4(a):

'They shall be bound by the provisions contained in Decision ECB/2004/11 concerning the terms and conditions for European Anti-Fraud Office investigations of the European Central Bank, in relation to the prevention of fraud, corruption, and any other illegal activities detrimental to the European Communities' financial interests and amending the Conditions of Employment for Staff of the European Central Bank.';

2. the introductory sentence of Article 5(b) is replaced by the following:

‘(b) Unless otherwise foreseen in Decision ECB/2004/11 concerning the terms and conditions for European Anti-Fraud Office investigations of the European Central Bank, in relation to the prevention of fraud, corruption, and any other illegal activities detrimental to the European Communities’ financial interests and amending the Conditions of Employment for Staff of the European Central Bank, members of staff shall not without the prior permission of the Executive Board.’.

Article 10

Amendment of Annex I to the Conditions of Employment for Staff of the ECB

Annex I to the ECB’s Conditions of Employment concerning the Conditions of Short-term Employment is amended as follows:

1. the following sentence is added after the second sentence of Article 4:

‘They shall be bound by the provisions contained in Decision ECB/2004/11 concerning the terms and conditions for European Anti-Fraud Office investigations of the European Central Bank, in relation to the prevention of fraud, corruption, and any other illegal activities detrimental to the European Communities’ financial interests and

amending the Conditions of Employment for Staff of the European Central Bank.’;

2. the introductory sentence of Article 10(b) is replaced by the following:

‘(b) Unless otherwise foreseen in Decision ECB/2004/11 concerning the terms and conditions for European Anti-Fraud Office investigations of the European Central Bank, in relation to the prevention of fraud, corruption, and any other illegal activities detrimental to the European Communities’ financial interests and amending the Conditions of Employment for Staff of the European Central Bank, short-term contract employees shall not without the prior permission of the Executive Board.’.

Article 11

Final provision

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

Done at Frankfurt am Main, 3 June 2004.

The President of the ECB

Jean-Claude TRICHET

DECISION OF THE EUROPEAN CENTRAL BANK
of 17 June 2004
adopting the Rules of Procedure of the General Council of the European Central Bank
(ECB/2004/12)
(2004/526/EC)

THE GENERAL COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to Article 46(4) thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The Rules of Procedure of the General Council of the European Central Bank of 1 September 1998 shall be replaced by the following, which shall enter into force on 1 July 2004.

'Rules of procedure of the General Council of the European Central Bank

PRELIMINARY CHAPTER

Article 1

Definitions

These Rules of Procedure shall supplement the Treaty establishing the European Community and the Statute of the European System of Central Banks and of the European Central Bank. The terms in these Rules of Procedure shall have the same meaning as in the Treaty and the Statute.

CHAPTER I

The General Council

Article 2

Date and place of General Council meetings

1. The General Council shall decide on the dates of its meetings on a proposal from the President.
2. The President shall convene a meeting of the General Council if a request for a meeting is submitted by at least three members of the General Council.
3. The President may also convene meetings of the General Council whenever he/she deems it necessary.
4. The General Council shall normally hold its meetings on the premises of the European Central Bank (ECB).
5. Meetings may also be held by means of teleconferencing unless at least three Governors object.

Article 3

Attendance at General Council meetings

1. Except as provided herein, attendance at meetings of the General Council shall be restricted to its members, the other

members of the Executive Board, the President of the Council of the European Union and a member of the Commission of the European Communities.

2. Each Governor may normally be accompanied by one person.

3. If a member of the General Council is unable to attend a meeting, he/she may appoint, in writing, an alternate to attend the meeting and vote on his/her behalf. This written communication shall be sent to the President in due time before the meeting. Such an alternate may normally be accompanied by one person.

4. The President shall appoint a member of staff of the ECB as Secretary. The Secretary shall assist the President in preparing the meetings of the General Council and shall draft the minutes thereof.

5. The General Council may also invite other persons to attend its meetings, if it deems it appropriate to do so.

Article 4

Voting

1. In order for the General Council to vote, there shall be a quorum of two-thirds of the members or their alternates. If the quorum is not met, the President may convene an extraordinary meeting at which decisions may be taken without regard to the quorum.
2. Unless stated otherwise in the Statute, decisions shall be taken by simple majority.
3. The General Council shall proceed to vote at the request of the President. The President shall also initiate a voting procedure upon request from any member of the General Council.
4. Decisions may also be taken by written procedure, unless at least three members of the General Council object. A written procedure shall require:
 - (i) normally not less than 10 working days for consideration by every member of the General Council. In a case of urgency to be justified in the request, the period may be reduced to five working days; and
 - (ii) the personal signature of each member of the General Council; and
 - (iii) a record of any such decision in the minutes of the subsequent meeting of the General Council.

*Article 5***Organisation of General Council meetings**

1. The General Council shall adopt the agenda for each meeting. A provisional agenda shall be drawn up by the President and shall be sent, together with the related documents to the members of the General Council and other authorised participants at least eight days before the meeting, except in emergencies, in which case the President shall act appropriately having regard to the circumstances. The General Council may decide to remove items from or add items to the provisional agenda on a proposal from the President or from any other member of the General Council. An item shall be removed from the agenda at the request of at least three of the members of the General Council if the related documents were not submitted to the members of the General Council in due time.

2. The minutes of the proceedings of the General Council shall be submitted to its members for approval at the subsequent meeting (or where necessary earlier by written procedure) and shall be signed by the President.

CHAPTER II

Involvement of the General Council in the tasks of the European System of Central Banks*Article 6***Relationship between the General Council and the Governing Council**

1. Without prejudice to the General Council's other responsibilities, including those under Article 44 of the Statute, the General Council shall contribute, in particular, to the tasks listed in Article 6(2) to (8).

2. The General Council shall contribute to the ECB's advisory tasks under Article 4 and Article 25(1) of the Statute.

3. The contribution of the General Council to the ECB's statistical tasks shall consist in:

- strengthening the cooperation between all the national central banks of the European Union with a view to supporting the ECB's tasks in the field of statistics,
- contributing to the harmonisation, where necessary, of the rules and practices governing the collection, compilation and distribution of statistics by all the national central banks of the European Union, and
- providing the Governing Council with observations on draft recommendations in the statistical field, under Article 42 of the Statute, prior to their adoption.

4. The General Council shall contribute to fulfilling the ECB's reporting commitments under Article 15 of the Statute by providing the Governing Council with observations on the annual report prior to its adoption.

5. The General Council shall contribute to the standardisation of accounting rules and reporting of operations under Article 26(4) of the Statute by providing the Governing Council with observations on the draft rules prior to their adoption.

6. The General Council shall contribute to the adoption of other measures in the context of Article 29(4) of the Statute by providing the Governing Council with observations on such draft measures prior to their adoption.

7. The General Council shall contribute to the Conditions of Employment for the staff of the European Central Bank by providing the Governing Council with observations on the draft prior to its adoption.

8. The General Council shall contribute to the preparations for the irrevocable fixing of exchange rates under Article 47(3) of the Statute by providing the Governing Council with observations on:

- draft ECB opinions under Article 123(5) of the Treaty, and
- on any other draft ECB opinions concerning Community legal acts to be adopted when a derogation is abrogated, and
- on decisions under paragraph 10 of the Protocol on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland.

9. Whenever the General Council is requested to contribute to the tasks of the ECB under the above paragraphs, it shall be given a reasonable period of time within which to do so, which may not be less than 10 working days. In a case of urgency to be justified in the request, the period may be reduced to five working days. The President may decide to use the written procedure.

10. The President shall inform the General Council, in accordance with Article 47(4) of the Statute, of decisions adopted by the Governing Council.

*Article 7***Relationship between the General Council and the Executive Board**

1. The General Council of the ECB shall be given the opportunity to submit observations before the Executive Board:

- implements legal acts of the Governing Council for which, in accordance with Article 12.1 of the Rules of Procedure of the European Central Bank, the contribution of the General Council is required,
- adopts, by virtue of powers delegated by the Governing Council in accordance with Article 12.1 of the Statute, legal acts for which, in accordance with Article 12.1 of the Rules of Procedure of the European Central Bank, the contribution of the General Council is required.

2. Whenever the General Council is requested to submit observations under the first paragraph of this Article, it shall be given a reasonable period of time within which to do so, which may not be less than ten working days. In a case of urgency to be justified in the request, the period may be reduced to five working days. The President may decide to use written procedure.

Article 8

European System of Central Banks Committees

1. Within its field of competence the General Council may request studies of specific topics by committees established by the Governing Council under Article 9 of the Rules of Procedure of the European Central Bank.

2. The national central bank of each non-participating Member State may appoint up to two staff members to take part in the meetings of a committee whenever it deals with matters falling within the field of competence of the General Council and whenever the chairperson of a committee and the Executive Board deem this appropriate.

CHAPTER III

Specific procedural provisions

Article 9

Legal instruments

1. ECB Decisions under Article 46(4) and Article 48 of the Statute and under these Rules of Procedure, as well as ECB Recommendations and ECB Opinions adopted by the General Council under Article 44 of the Statute, shall be signed by the President.

2. All ECB legal instruments are numbered, notified and published in accordance with Article 17(7) of the Rules of Procedure of the European Central Bank.

Article 10

Confidentiality of and access to the ECB's documents

1. The proceedings of the General Council, and of any committee or group dealing with matters falling within its competence, shall be confidential unless the General Council authorises the President to make the outcome of their deliberations public.

2. Public access to documents drawn up by the General Council, and by any committee or group dealing with matters falling within its competence, shall be governed by a Governing Council decision adopted under Article 23(2) of the Rules of Procedure of the European Central Bank.

3. Documents drawn up by the General Council, and by any committee or group dealing with matters falling within its competence, shall be classified and handled in accordance with the rules laid down in the Administrative Circular adopted under Article 23(3) of the Rules of Procedure of the European Central Bank. They shall be freely accessible after a period of 30 years unless decided otherwise by the decision-making bodies.

Article 11

End of applicability

When, in accordance with Article 122(2) of the Treaty, all derogations are abrogated by the Council of the European Union and when the decisions provided for in the Protocol on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland are taken, the General Council shall be dissolved and these Rules of Procedure shall no longer apply.'

Done at Frankfurt am Main, 17 June 2004.

The President of the ECB
Jean-Claude TRICHET

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1166/2004 of 24 June 2004 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(Official Journal of the European Union L 224 of 25 June 2004)

On page 18, recital 5:

for: 'The Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by its chairman,'

read: 'The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs;'

on page 19, in the Annex, in footnote ⁽¹⁾, third and fourth lines:

for: '02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong SAR and Russia,
03 South Korea, Japan, Malaysia, Taiwan, the Philippines and Egypt,'

read: '02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,
03 South Korea, Japan, Malaysia, Taiwan, and the Philippines,'.
