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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1479/2004
of 19 August 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 20 August 2004.

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

Done at Brussels, 19 August 2004.

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

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

ANNEX

to Commission Regulation of 19 August 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	88,0
	999	88,0
0709 90 70	052	73,0
	999	73,0
0805 50 10	382	55,0
	388	50,2
	524	76,0
	528	57,2
	999	59,6
0806 10 10	052	86,4
	400	177,3
	624	145,6
	999	136,4
0808 10 20, 0808 10 50, 0808 10 90	388	80,0
	400	107,5
	404	115,9
	508	60,7
	512	88,1
	528	87,6
	720	53,0
	800	162,8
	804	77,6
999	92,6	
0808 20 50	052	104,0
	388	93,5
	528	81,3
	999	92,9
0809 30 10, 0809 30 90	052	138,6
	999	138,6
0809 40 05	052	101,8
	066	45,5
	093	37,5
	624	142,2
	999	81,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1480/2004**of 10 August 2004****laying down specific rules concerning goods arriving from the areas not under the effective control of the Government of Cyprus in the areas in which the Government exercises effective control**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 866/2004 of 29 April 2004⁽¹⁾, and in particular Article 4(12) thereof,

After consultation of the Line Regulation Committee,

Whereas:

- (1) Article 4 of Regulation (EC) No 866/2004 provides a special regime for the treatment of goods arriving from the areas not under effective control of the Government of the Republic of Cyprus (hereafter called the Areas) to the areas in which the Government exercises effective control.
- (2) The implementation of the regime established by Regulation (EC) No 866/2004, as regards goods other than those that are both wholly obtained in the Areas and compliant with Annex II of that Regulation, is subject to the adoption of specific rules by the Commission pursuant to Article 4(12) of the Regulation. It is however clearly intended that these specific rules should apply to all goods within the remit of the Regulation.
- (3) It is necessary to provide detailed rules concerning the form and content of the document to be issued by the Turkish Cypriot Chamber of Commerce or by another authorised body and concerning controls with regard to compliance with the applicable rules.
- (4) It is also necessary to provide detailed rules concerning obligations of communication for the Turkish Cypriot Chamber of Commerce or another authorised body, the

authorities of the Republic of Cyprus, and the authorities of the Eastern Sovereign Base Area in Cyprus with respect to the nature, the quantities, the destination and the value of the goods for which certificates are established and which cross the line, and also any sanctions applied or import duties levied.

- (5) Plant health, food safety and other safety requirements need to be guaranteed. The protection against the introduction into the Community and against the spread within the Community of organisms harmful to plants or plant products needs to be ensured and detailed rules concerning the issuing of documents related to the checks as referred to in Article 4(4) of Regulation (EC) No 866/2004 have to be established. Pending the establishment of the phytosanitary status of the Areas as regards the relevant harmful organisms listed in Annex I or II to Council Directive 2000/29/EC⁽²⁾, specific protective measures or additional checks should be imposed.
- (6) For reasons of safety and in order to avoid from the outright any abuse certain categories of goods which are subject to restrictions or measures of commercial defence should be excluded from the scope of application of Regulation No 866/2004.
- (7) It should be clarified that in the event of the transfer of goods originating in the Areas to other Member States, these goods must for VAT purposes then be regarded as having been imported into the Republic of Cyprus.
- (8) It is also necessary to determine the meaning of emergencies in Article 11(4) of Regulation (EC) No 866/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Rules of origin

The origin of any product to which this Regulation applies shall be determined in accordance with the provisions in force in the Community.

Article 2

Accompanying document

1. The accompanying document referred to in Article 4(5) of Council Regulation (EC) No 866/2004 shall fulfil the following conditions:

1. it shall contain all the particulars necessary for identifying the goods to which it relates, in particular:
 - (a) a description of the goods;
 - (b) the item number, marks and numbers of goods, if any;
 - (c) the number and kind of packages;

⁽¹⁾ OJ L 161, 30.4.2004, p. 128.

⁽²⁾ OJ L 169, 10.7.2000, p. 1.

- (d) the volume and value of the goods;
 - (e) the name and the address of the producer of the goods;
 - (f) the name and the address of the consignor and the consignee;
2. it shall ensure the compliance with the rules of origin referred to in Article 1 and certify unambiguously that the goods to which it relates originate in the areas as defined in Article 1(1) of Protocol No 10 of the 2003 Act of Accession; for that purpose, before issuing such a document, the Turkish Cypriot Chamber of Commerce or any other authorised body shall carry out controls as necessary to ascertain that the specifications given by the producer and the consignor are accurate. Such controls shall include at least one verification at the producer's premises.

The accompanying document shall be made out on forms corresponding to the specimen given in Annex I.

2. Operators requesting an accompanying document shall submit a written application to the issuing bodies referred to above. This application shall contain the following information:

- 1. a statement by the producer by which he
 - (a) declares that the goods concerned originate in the areas as defined in Article 1(1) of Protocol No 10 of the Act of Accession 2003;
 - (b) undertakes to keep available for control purposes for a time period of at least three years from the date of application all accounts concerning the production (including the purchase of raw materials) and the sale of the goods and to accept that controls can be made at any reasonable time by the bodies mentioned in paragraph 1 or by the Commission services;
- 2. a statement by the consignor concerning the destination of the goods.

The application form shall be made out on forms corresponding to the specimen given in Annex II.

3. The bodies mentioned in paragraph 1(2) shall forward to the Commission, the Government of Cyprus, and the authorities of the Eastern Sovereign Base Area the names and titles of the persons entrusted to sign the documents as well as a specimen of their signature and the stamp used.

4. The authorities of the Republic of Cyprus shall inform the Commission services of cases of reasonable doubt as to the compliance of the goods with the origin criteria. In such cases, the authorities of the Republic of Cyprus shall allow the goods to cross the line under the conditions set out in Article 4(2) of Council Regulation (EC) No 866/2004, subject to any precautionary measures judged necessary while awaiting the results of subsequent verification.

If it is established that the documents have been issued without the conditions having been properly fulfilled, all duties and taxes due on the release for free circulation of the goods into the customs territory of the Community shall be due, at the rate applicable to third countries in the absence of any preferential treatment. The provisions concerning the incurrence of a customs debt and its recovery shall apply *mutatis mutandis*.

Article 3

Phytosanitary inspection and reporting

1. Where goods consist of plants, plant products and other objects covered by Part B of Annex V to Directive 2000/29/EC, independent phytosanitary experts appointed by the Commission and operating in coordination with the Turkish Cypriot Chamber of Commerce for the implementation of Regulation (EC) No 866/2004, shall inspect the goods at the stage of production and again at harvest and at stage of marketing.

In the case of potatoes, the above experts shall verify that the potatoes in the consignment were grown directly from seed potatoes certified in one of the Member States or from seed potatoes certified in any other country for which the entry into the Community of potatoes intended for planting is not prohibited pursuant to Annex III to Directive 2000/29/EC.

In the case of citrus fruits, the above experts shall verify that the fruits have been found to be free from leaves and peduncles and bear the appropriate origin mark.

2. If the above experts, to the best of their knowledge and as far as can be determined, establish that the relevant plants, plant products or other objects in the consignment comply with the relevant requirements and checks as set out in Annex II of Regulation (EC) No 866/2004 as well as with the provisions of the second and third subparagraph of paragraph

1, they shall report their findings, using the model form of 'Report of phytosanitary inspection' under Annex III to this Regulation. The 'Report of phytosanitary inspection' shall be added as a supplement to the accompanying document as referred to in Article 2.

The experts shall not issue 'Reports of phytosanitary inspection' in respect of plants intended for planting, including tubers of *Solanum tuberosum* (L.) intended for planting.

3. They shall consequently seal the lorries or other means of transport in such a way as to prevent any opening of the consignment until it crosses the line. No commodities covered by the provisions of this Article shall be moved across the line unless the said report form is filled in completely and duly signed by at least one of the above mentioned phytosanitary experts.

4. Upon arrival in the areas in which the Government of the Republic of Cyprus exercises effective control, the competent authorities shall examine the consignment. Where applicable, the 'Report of phytosanitary inspection' shall be replaced by a plant passport, issued in conformity with the provisions of Commission Directives 92/105/EEC⁽¹⁾ and 93/51/EEC⁽²⁾.

5. If the consignment consists of or contains potato lots, an appropriate part of these lots shall be examined in respect of *Ralstonia solanacearum* (Smith) Yabuuchi et al. and *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis et al., in accordance with the Community established methods for the detection and diagnosis of those harmful organisms.

Article 4

Food and product safety, counterfeit and pirated goods

1. For food safety reasons the movement across the line of compound feedings stuffs, feed additives, pre-mixtures, or all feedings stuffs containing products of animal origin and any product falling under the Commission Decisions listed in Annex IV as well as similar decisions adopted in the future shall be prohibited. Articles 6, 7 and 18 of Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽³⁾ shall apply *mutatis mutandis*.

⁽¹⁾ OJ L 4, 8.1.1993, p. 22.

⁽²⁾ OJ L 205, 17.8.1993, p. 24.

⁽³⁾ OJ L 31, 1.2.2002, p. 1.

2. The authorities of the Republic of Cyprus and the authorities of the Eastern Sovereign Base Area shall ensure that goods crossing the line comply with the EC rules on health, safety, environmental and consumer protection and on the prohibition on the bringing in of counterfeit and pirated goods.

Article 5

Trade defence measures

No accompanying document shall be issued for goods which are subject to EU trade defence measures, including goods incorporating materials subject to such measures. This is without prejudice to the application of the Community's anti-dumping, anti-subsidy, safeguard or other trade defence instruments.

Article 6

VAT

In the event of goods originating in the Areas being transferred to other Member States, their previous entry into the areas under the effective control of the Government shall be treated as having been an importation of goods in accordance with Article 7 of Council Directive 77/388/EEC⁽⁴⁾ for which the owner of the goods or any other person designated or accepted as being liable by the Government of the Republic of Cyprus shall be liable for the payment of import VAT in accordance with Article 21(4) of that Directive.

Article 7

Emergencies

Other emergencies in the meaning of Article 11(4) of Regulation (EC) No 866/2004 shall include any situation or circumstance which may give rise to or threatens to give rise to serious and enduring economic damage to a region of the Republic of Cyprus or any situation or circumstance which is posing or threatens to pose a risk to the functioning of the Internal Market, in particular where such threat arises by the non-application in the Areas of import duties equivalent to those established under the Common Customs Tariff on raw materials used in the processing of goods.

Article 8

Communication obligations

1. The Turkish Cypriot Chamber of Commerce or another body authorised pursuant to Article 4(5) of Regulation (EC) No 866/2004 shall communicate to the Commission on a monthly basis the type, volume, and value of goods for which it has issued the documents referred to in Article 2(1), and details of any irregularities discovered and any sanctions applied.

⁽⁴⁾ OJ L 145, 13.6.1977, p. 1.

2. The authorities of the Republic of Cyprus, in accordance with Article 4(2) and (3) of Regulation (EC) No 866/2004, shall communicate to the Commission on a monthly basis the type, volume and the value of goods that have, according to the declarations contained in the documents referred to in Article 2(1), crossed the line, details of any irregularities discovered and any sanctions applied, and details of any tariffs or duties levied on goods subject to export refunds or intervention measures.

3. The authorities of the Republic of Cyprus shall communicate to the Commission every three months the type, the volume, and the value of goods the final destination of which had not been the Republic of Cyprus according to the

declarations contained in the documents referred to in Article 2(1). Goods having a Member State other than Cyprus as their final destination shall be separately mentioned.

Article 9

Entry into force

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, 10 August 2004.

For the Commission
Günter VERHEUGEN
Member of the Commission

ANNEX I

Specimen of the accompanying document referred to in Article 2(1)

		ORIGINAL
ACCOMPANYING DOCUMENT UNDER COUNCIL REGULATION No 866/2004		No: 00001
Producer (name, or name of firm, and full address):		
Consignor (name, or name of firm, and full address):		
Consignee (name, or name of firm, and full address):		
Description of goods, item number, marks, numbers, number and kind of packages (for goods not packed indicate number or 'in bulk'):	Volume/quantity	Transaction value
	Net weight (kg)/other units of measure	
Declaration by the consignor The goods mentioned in this document are: <input type="checkbox"/> Destined for consumption in Cyprus <input type="checkbox"/> Not destined for consumption in Cyprus. Please specify country of destination: <i>Date</i> <i>Signature</i>		
Certification of the Turkish Cypriot Chamber of Commerce It is hereby certified, on the basis of controls carried out, that the above-mentioned goods originate, within the meaning of Articles 23 and 24 of Council Regulation (EEC) No 2913/93, in the areas as defined in Article 1(1) of Protocol No 10 of the Act of Accession 2003 and that the specifications given by the producer are accurate. <i>Date</i> <i>Authorised signature and stamp</i>		

ANNEX II

Specimen of the application form referred to in Article 2(2)

		APPLICATION
APPLICATION FORM UNDER COUNCIL REGULATION No 866/2004		No: 00001
Producer (name, or name of firm, and full address):		
Consignor (name, or name of firm, and full address):		
Consignee (name, or name of firm, and full address):		
Description of goods, item number, marks numbers, number and kind of packages (for goods not packed indicate number or 'in bulk'):	Volume/quantity	Transaction value
	Net weight (kg)/ other units of measure	
<p>Declaration by the producer</p> <p>I, the undersigned,</p> <ul style="list-style-type: none"> — declare that the goods described above originate, within the meaning of Articles 23 and 24 of Council Regulation (EEC) No 2913/93, in the areas as defined in Article 1(1) of Protocol No 10 of the Act of Accession 2003, — declare that the particulars given in this application are correct, — declare that I keep available for control purposes for a time period of at least three years all accounts concerning the production (including the purchase of raw materials) and the sale of the goods, — accept that controls can be made at any reasonable time by the Turkish Cypriot Chamber of Commerce, by the phytosanitary experts under Council Regulation (EC) No 866/2004 or by the Commission services. <p><i>Date</i> <i>Signature</i></p>		
<p>Declaration by the consignor</p> <p>The goods mentioned in this application are:</p> <p><input type="checkbox"/> Destined for consumption in Cyprus</p> <p><input type="checkbox"/> Not destined for consumption in Cyprus. Please specify country of destination:</p> <p>I, the undersigned, apply for the issue of an accompanying document under Council Regulation (EC) 866/2004.</p> <p><i>Date</i> <i>Signature</i></p>		

ANNEX III

Model of the 'Report of phytosanitary inspection' referred to in Article 3(2)

1. Report of phytosanitary inspection under Council Regulation No 866/2004 Number	
2. Name, or name of firm, and full address of consignor	3. Name, or name of firm, and full address of consignee
4. Registration number of producer (with the phytosanitary experts) and place of production	5. Name and full address of packing station
6. Description of consignment (distinguishing marks; name of produce; botanical name)	7. Quantity declared
8. Mean of conveyance	9. Post-harvest treatment (treatment; active ingredient; concentration; temperature)
<p>10. The undersigning phytosanitary expert under Council Regulation (EC) 866/2004, having</p> <ul style="list-style-type: none"> — inspected the above mentioned produce according to appropriate procedures, at the stage of production and again at harvest and at the stage of preparation for marketing — witnessed the loading of the mean of conveyance and sealed it when loading was finished, <p>hereby concludes that to the best of his knowledge and as far as can be determined the goods</p> <ul style="list-style-type: none"> — are considered to conform with the current phytosanitary regulations of the EU and in particular — are considered to be free from the harmful organisms in Annex I and, where applicable, Annex II to Directive 2000/29/EC, as amended, — in the case of potatoes, that the potatoes in the consignment were grown directly from seed potatoes certified in one of the Member States or from seed potatoes certified in any other country for which the entry into the Community of potatoes intended for planting is not prohibited pursuant to Annex III to Directive 2000/29/EC, — in the case of citrus fruits, that the fruits have been found to be free from leaves and peduncles and bear the appropriate origin mark. <p>Name and signature of the phytosanitary expert(s) Place and date of issue</p> <p>(1)</p> <p>(2) (optional co-signing expert)</p>	

ANNEX IV

List of Commission Decisions referred to in Article 4(1)

- Commission Decision 2002/80/EC, as last amended by Decision 2004/429/EC, imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey
 - Commission Decision 2002/79/EC, as last amended by 2004/429/EC, imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China
 - Commission Decision 2000/49/EC, as last amended by 2004/429/EC, imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from Egypt
 - Commission Decision 2003/493/EC, as last amended by 2004/428/EC, imposing special conditions on the import of Brazil nuts in shell originating in or consigned from Brazil
 - Commission Decisions 1997/830/EC, as last amended by 2004/429/EC imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran
 - Commission Decision 2004/92/EC of 21 January 2004 on emergency measures regarding chilli and chilli products
-

COMMISSION REGULATION (EC) No 1481/2004**of 19 August 2004****amending Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91, of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽¹⁾, and in particular the second and third indents of Article 13 thereof,

Whereas:

- (1) Following the accession of new Member States to the European Union, the typography defined for the Community logo by the graphic manual laid down in Annex V, part B.4, to Regulation (EEC) No 2092/91 no longer has all the necessary characters and accents of all the official languages. Therefore, a further typography has to be allowed in the graphic manual.
- (2) Annex VI, Section C, to Regulation (EEC) No 2092/91 lists the ingredients of agricultural origin which have not been produced organically but which may be used in the preparation of foodstuffs in accordance with the conditions laid down in Article 5 of that Regulation, provided that it has been shown that such ingredients obtained by the organic production method are not available in sufficient quantities within the Community.
- (3) After it had been established that organically produced casings were not available in sufficient quantities within the Community, Annex VI, Section C, to Regulation (EEC) No 2092/91 was amended by Commission Regulation (EC) No 473/2002⁽²⁾, in order to include casings in the list of agricultural ingredients, for a transitional period expiring on 1 April 2004.

(4) It appears, however, that the availability in organically produced casings still remains very limited and that it is unlikely that sufficient quantities will be available in the future. It is therefore necessary to allow the use of casings not produced according to the organic farming method without any limit in time.

(5) Regulation (EEC) No 2092/91 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up in accordance with Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2092/91 is amended as follows:

1. In Annex V, part B.4, Section 2.4 (Typography) is replaced by the following:

‘Use Frutiger or Myriad bold condensed in capitals for the wording. The letter size of the wording shall be reduced according to the norms set down in Section 2.6.’

2. In Annex VI, Section C, point C.3, in the entry for ‘casings’, ‘until 1 April 2004 only’ is deleted.

Article 2

This Regulation shall enter into force on the seventh 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, 19 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 746/2004 (OJ L 122, 26.4.2004, p. 10).

⁽²⁾ OJ L 75, 16.3.2002, p. 21. Regulation as amended by Regulation (EC) No 746/2004.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 July 2004

on the authorisation of the Turkish Cypriot Chamber of Commerce according to Article 4(5) of Council Regulation (EC) No 866/2004

(notified under document number C(2004) 2583)

(Only the Greek text is authentic)

(2004/604/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 866/2004 ⁽¹⁾, and in particular Article 4(5) thereof,

Whereas:

- (1) According to Article 4(5) of Regulation (EC) No 866/2004, goods arriving from the areas not under the effective control of the Government of the Republic of Cyprus in the areas under such control shall be accompanied by a document issued by the Turkish Cypriot Chamber of Commerce, duly authorised by the Commission in agreement with the Government of the Republic of Cyprus.
- (2) It is therefore necessary to duly authorise the Turkish Cypriot Chamber of Commerce for that purpose.
- (3) The Government of the Republic of Cyprus gave its agreement to this authorisation,

HAS ADOPTED THIS DECISION:

Article 1

The Turkish Cypriot Chamber of Commerce is authorised to issue accompanying documents as provided for in Article 4(5) of Regulation (EC) No 866/2004.

A specimen of the accompanying document is given in Annex I to Commission Regulation (EC) No 1480/2004 ⁽²⁾.

Article 2

This Decision is addressed to the Republic of Cyprus.

Done at Brussels, 7 July 2004.

For the Commission

Günter VERHEUGEN

Member of the Commission

⁽¹⁾ OJ L 161, 30.4.2004, p. 128; corrigendum in OJ L 206, 9.6.2004, p. 51.

⁽²⁾ See page 3 of this Official Journal.

TRANSLATION CENTRE FOR THE BODIES OF THE EUROPEAN UNION

DECISION OF THE TRANSLATION CENTRE FOR THE BODIES OF THE EUROPEAN UNION

of 13 April 2004

on the implementation of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to documents

(2004/605/EC)

THE MANAGEMENT BOARD,

HAS ADOPTED THIS DECISION:

Article 1

Beneficiaries and scope

Having regard to Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union ⁽¹⁾, as last amended by Council Regulation (EC) No 1645/2003 ⁽²⁾ of 18 June 2003, in particular Article 18a thereof,

1. Any natural or legal person shall have a right of access to documents of the Translation Centre for the bodies of the European Union (the Centre) subject to the principles, conditions and limits laid down in Regulation (EC) No 1049/2001 and in accordance with the provisions of this decision.

2. Documents in the Centre's possession for translation purposes only are not held by the Centre within the meaning of Article 2(3) of Regulation (EC) No 1049/2001.

Article 2

Definitions

Whereas:

For the purpose of this decision:

(1) The second subparagraph of Article 1 of the Treaty on European Union enshrines the concept of openness, stating that the Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.

(a) 'document' shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the Centre's sphere of responsibility;

(2) Openness guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system and contributes to strengthening the principles of democracy and respect for fundamental rights as laid down in Article 6 of the EU Treaty and in the Charter of Fundamental Rights of the European Union.

(b) 'third party' shall mean any natural or legal person, or any entity outside the Centre, including the Member States, other Community or non-Community institutions and bodies and third countries.

Article 3

Applications

(3) Article 18a of Regulation (EC) No 2965/94 provides that Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents ⁽³⁾ (hereinafter Regulation (EC) No 1049/2001) shall also apply to documents held by the Centre and it also provides that the Management Board shall adopt the practical arrangements for implementing Regulation (EC) No 1049/2001,

1. All applications for access to a document shall be sent to the Centre via its website (www.cdt.eu.int), by e-mail (cdt@cdt.eu.int), by mail (Translation Centre for the Bodies of the European Union, Bâtiment Nouvel Hémicycle, 1 rue du Fort Thüngen, L-1499 Luxembourg), or by fax ((352) 421711 220). The Centre shall reply to initial and confirmatory access applications within 15 working days from the date of registration of the application. In the case of complex or bulky applications, the deadline may be extended by 15 working days. Reasons must be given for any extension of the deadline and be notified to the applicant in advance.

⁽¹⁾ OJ L 314, 7.12.1994, p. 1

⁽²⁾ OJ L 245, 29.9.2003, p. 13.

⁽³⁾ OJ L 145, 31.5.2001, p. 43.

2. If an application is not sufficiently precise, as referred to in Article 6(2) of Regulation (EC) No 1049/2001, the Centre shall ask the applicant to provide further information to help identify the documents requested; the deadline for reply shall run only from the date on which the Centre is in receipt of such information.

3. Any decision which is even partly negative shall state the reason for the refusal based on one of the exceptions listed in Article 4 of Regulation (EC) No 1049/2001 and shall inform the applicant of the remedies open to it.

Article 4

Processing of initial applications

1. Once the application has been registered, an acknowledgement of receipt shall be sent to the applicant, unless a reply is sent immediately. The acknowledgement of receipt and the reply shall be sent in writing, where appropriate in electronic form.

2. Subject to the provisions of Article 9 of this decision, the Administration Department shall have the power to decide on the action to be taken with regard to initial applications. To that end, a member of staff shall be assigned to process applications for access and to coordinate replies.

The applicant shall be informed of the outcome of its application.

Any reply which is even partly negative shall inform the applicant of its right to submit, within 15 working days from receipt of the reply, a confirmatory application to the Centre.

3. In the event of a total or partial refusal, the applicant may, within 15 working days of receiving the Centre's reply, make a confirmatory application asking the Centre to reconsider its position.

4. Failure by the Centre to reply within the prescribed time-limit shall entitle the applicant to make a confirmatory application.

Article 5

Processing of confirmatory applications

1. The Director of the Centre shall decide on confirmatory applications. He shall inform the Centre's Management Board of his decision.

2. The decision shall be notified to the applicant in writing, where appropriate in electronic form, informing the applicant of its right to bring an action before the Court of First Instance or to lodge a complaint with the European Ombudsman.

Article 6

Consultation

1. Where the Centre receives an application for access to a document which it holds but which originates from a third party, the Centre shall examine whether one of the exceptions provided for under Article 4 of Regulation (EC) No 1049/2001 applies.

2. If, after examination, the Centre considers that access to the document requested must be refused by reason of one of the exceptions provided for in Article 4 of Regulation (EC) No 1049/2001, the negative answer shall be sent to the applicant without consultation of the third-party author.

3. Subject to the provisions of paragraph 4 of this Article, the Centre shall grant the application without consulting the third-party author where:

- (a) the document requested has already been disclosed either by its author or pursuant to Regulation (EC) No 1049/2001 or similar provisions;
- (b) the disclosure, or partial disclosure, of its contents would not obviously undermine one of the interests referred to in Article 4 of Regulation (EC) No 1049/2001.

In all other cases, the third-party author shall be consulted.

4. If an application for access concerns a document originating from a Member State, the Centre shall consult the originator subject to the provisions of paragraph 3(a) of this Article.

5. The third party consulted shall have not less than five working days in which to reply, or enough time to allow the Centre to meet its own time limits for replying. If no reply is received within the prescribed period, or if the third party cannot be found or identified, the Centre shall decide in accordance with the rules on exceptions stated in Article 4 of Regulation (EC) No 1049/2001, taking account of the legitimate interests of the third party on the basis of the information at its disposal.

6. If the Centre intends to give access to a document against the explicit opinion of the author, it shall inform the author of its intention to disclose the document after a period of 10 working days and shall draw the author's attention to the remedies open to it to oppose such disclosure.

*Article 7***Exercise of the right of access**

1. Documents shall be sent by mail, fax or, if available, by e-mail. If documents are voluminous or unwieldy, the applicant may be asked to consult the documents on the spot. This consultation shall be free of charge.

2. If the document has been published, the reply shall consist of references to the publication and/or the place where the document is available and, where appropriate, the address of the document on the website www.cdt.eu.int.

3. If the volume of the documents requested exceeds 20 pages, the applicant may be charged a fee of EUR 0,10 per page, plus delivery charge. The amount of this fee may be amended by the Centre's Director. The charges for other media shall be decided individually, but shall not exceed a reasonable amount.

*Article 8***Measures facilitating access to documents**

1. To make citizens' rights under Regulation (EC) No 1049/2001 effective, the Centre shall provide public access to a register of documents. Access to the register shall be provided in electronic form.

2. The register shall contain the title of the document (in the languages in which it is available), including, where applicable, other useful references, an indication of its author and the date of its creation or adoption.

3. A help page (in all official languages) shall inform the public how the document can be obtained. If the document is published, there shall be a link to the original text.

*Article 9***Documents directly accessible to the public**

1. This article applies only to documents drawn up or received after the date of implementation of Regulation (EC) No 1049/2001.

2. The following documents shall be automatically provided on request and, as far as possible, made directly accessible in electronic form:

- (a) texts adopted by the Centre's Director or Management Board intended for publication in the *Official Journal of the European Union* or on the Centre's website;
- (b) documents originating from third parties which have already been disclosed by their author or with its consent;
- (c) documents already disclosed following a previous application.

*Article 10***Reports**

The Centre shall publish annually a report for the preceding year including information on implementation of this decision, in particular statistics on the number of applications for access to the Centre's documents, the number of cases in which the Centre refused to grant access and the reasons for such refusals, in accordance with Article 17(1) of Regulation (EC) No 1049/2001.

*Article 11***Entry into force**

This decision shall enter into force on 1 April 2004.

*Article 12***Publication**

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

Done at Luxembourg, 13 April 2004.

For the Management Board

The Chairman

K.-J. LÖNNROTH

CORRIGENDA**Corrigendum to the final adoption of the general budget of the European Union for the financial year 2004
(2004/132/EC, Euratom)**

(Official Journal of the European Union L 53 of 23 February 2004)

In Section III: Commission, Volume II, pages 931 and 934, in Item 17 01 04 03 and Article 17 02 01 respectively, at the end of the *Remarks*, the following paragraph should be added:

'Any revenue from the candidate countries' contribution to participation in Community programmes, entered in Item 6 0 9 1 of the statement of revenue, may give rise to the provision of additional appropriations, according to the same ratio as between the amount authorised for expenditure on administrative management and the total appropriations entered for the programme, pursuant to Article 18(1)(d) of the Financial Regulation.'
