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### Legislation

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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**Commission**

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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1496/2004****of 18 August 2004****amending Council Regulation (EC) No 964/2003 imposing a definitive anti-dumping duty on imports of certain tube or pipe fittings originating, *inter alia*, in Thailand**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup> (the basic Regulation) and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

**A. PROCEDURE****1. Previous investigations and existing measures**

- (1) The measures currently in force on imports of certain tube or pipe-fittings, of iron or steel originating in Thailand are a definitive anti-dumping duty imposed originally by Council Regulation (EC) No 584/96<sup>(2)</sup>, as amended by Council Regulation (EC) No 1592/2000<sup>(3)</sup> and confirmed, following an expiry review investigation, by Council Regulation (EC) No 964/2003<sup>(4)</sup>.
- (2) The measures applicable to these imports consist of an *ad valorem* duty, except for two Thai exporting producers from which undertakings were accepted by Commission Decision 96/252/EC<sup>(5)</sup>, as amended by Commission Decision 2000/453/EC<sup>(6)</sup>.

- (3) In April 2001, the Commission simultaneously initiated an expiry review investigation<sup>(7)</sup> pursuant to Article 11(2) of the basic Regulation and an *ex officio* interim review pursuant to Article 11(3) of the basic Regulation. The review pursuant to Article 11(2) of the basic Regulation was concluded by Regulation (EC) No 964/2003 maintaining the existing measures. However, the interim review, pursuant to Article 11(3) of the basic Regulation, remained open at the conclusion of the expiry review.

**2. Grounds for the review**

- (4) In April 2001, the Commission initiated, on its own initiative, an *ex officio* interim review, pursuant to Article 11(3) of the basic Regulation, in order to examine the appropriateness of the form of the measures concerning the imports originating in Thailand. In this respect, it should be noted that enforcement problems have been encountered in the monitoring of the undertakings accepted from two exporters in Thailand, i.e. Awaji Sangyo (Thailand) Co. Ltd and TTU Industrial Corp. Ltd (the exporters concerned), with consequences on the remedial effect of the measures. After consulting the Advisory Committee, the Commission initiated an investigation limited to the form of the measures. The initiation of the review was announced simultaneously to the initiation of the expiry review by which the existing measures were confirmed.
- (5) The Commission officially advised the applicant Community producers, the exporting producers in Thailand, importers/traders, user industries, and associations of users known to be concerned, as well as the representatives of the Thai Government of the initiation of the review. The Commission also gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Council Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

<sup>(2)</sup> OJ L 84, 3.4.1996, p. 1.

<sup>(3)</sup> OJ L 182, 21.7.2000, p. 1.

<sup>(4)</sup> OJ L 139, 6.6.2003, p. 1.

<sup>(5)</sup> OJ L 84, 3.4.1996, p. 46.

<sup>(6)</sup> OJ L 182, 21.7.2000, p. 25.

<sup>(6)</sup> Following disclosure of the results of the investigation pursuant to Article 11(2) of the basic Regulation, a Thai exporting producer, Awaji Sangyo (Thailand) Co. Ltd (the applicant), lodged a request in April 2002 for

<sup>(7)</sup> OJ C 103, 3.4.2001, p. 5.

an interim review of the anti-dumping measures applicable to it, limited to its situation of dumping, pursuant to Article 11(3) of the basic Regulation. The request alleged that changed circumstances of a lasting nature had led to a considerably reduced normal value, which in turn has reduced or eliminated dumping so that the continued imposition of the measures at the existing level in respect of its imports was no longer necessary to offset dumping.

- (7) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an interim review, the Commission published a notice of initiation<sup>(1)</sup> and commenced an investigation.
- (8) The Commission officially advised the representatives of the exporting country and the applicant of the initiation of the interim review limited to dumping and gave all parties directly concerned the opportunity to make their views known in writing and to request a hearing. The Commission also sent a questionnaire to the applicant.
- (9) The Commission sought and verified all information it deemed necessary for the purpose of the determination of dumping and carried out a verification visit at the premises of the applicant.
- (10) The investigation limited to dumping covered the period from 1 January 2001 until 31 December 2002 (the investigation period or IP).

## B. PRODUCT CONCERNED AND LIKE PRODUCT

### Product concerned

- (11) The product concerned subject to the interim reviews is the same as the product concerned in the previous investigations, i.e. certain tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes (product concerned or tube or pipe fittings), originating in Thailand. It is currently classifiable within CN codes ex 7307 93 11 (Taric code 7307 93 11 99), ex 7307 93 19 (Taric code

7307 93 19 99) ex 7307 99 30 (Taric code 7307 99 30 98) and ex 7307 99 90 (Taric code 7307 99 90 98).

### Like product

- (12) As in the previous investigations, these investigations have shown that the tube or pipe fittings of iron or steel, produced in Thailand and sold domestically and/or exported to the Community have the same basic physical and chemical characteristics as the tube or pipe fittings sold in the Community by the Community producers and, therefore, are considered to be like products within the meaning of Article 1(4) of the basic Regulation.

## C. DUMPING WITH REGARD TO THE APPLICANT

### 1. Normal value

- (13) As far as the determination of normal value is concerned, it was first established whether the applicant's total domestic sales of the like product were representative in comparison with its total export sales to the Community. In accordance with Article 2(2) of the basic Regulation, this was found to be the case since the applicant's domestic sales volume constituted at least 5 % of its total export sales volume to the Community.
- (14) It was then examined whether the applicant's domestic sales were sufficiently representative for each of the product types exported to the Community. This was considered to be the case when, during the IP, the total domestic sales volume of a product type represented 5 % or more of the total sales volume of the same type exported to the Community. On this basis, it was found that domestic sales of all but one product type exported to the Community were representative.

- (15) An examination was also made as to whether the domestic sales of each product type could be regarded as having been made in the ordinary course of trade, by establishing the proportion of profitable sales to independent customers of the type in question. In cases where the sales volume of a product type, sold at a net sales price equal to or above the calculated unit cost of production, represented 80 % or more of the total sales volume of that type, and where the weighted average price of that type was equal to or above the unit cost of production, normal value was based on

<sup>(1)</sup> OJ C 17, 24.1.2003, p. 2.

the actual domestic price, calculated as a weighted average of the prices of all domestic sales of that type made during the IP, irrespective of whether these sales were profitable or not. In cases where the volume of profitable sales of a product type represented 80 % or less, but at least 10 % of the total sales volume, normal value was based on the actual domestic price, calculated as a weighted average of profitable domestic sales of that type only.

- (16) In cases where the volume of profitable sales of any type of fittings represented less than 10 % of the total sales volume of that type on the domestic market, it was considered that this particular type was sold in insufficient quantities for the domestic price to provide an appropriate basis for the establishment of the normal value.
- (17) Wherever domestic prices of a particular type sold by the applicant could not be used in order to establish normal value, another method had to be applied. In this regard, in the absence of other exporting producers and of any other reasonable method, constructed normal value was used.
- (18) In all cases where constructed normal value was used and in accordance with Article 2(3) of the basic Regulation, normal value was constructed by adding to the manufacturing costs of the exported types, adjusted where necessary, a reasonable amount for selling, general and administrative expenses (SG&A) and a reasonable margin of profit. To this end, the Commission examined whether the SG&A incurred and the profit realised by the exporting producer concerned on the domestic market constituted reliable data. Actual domestic SG&A expenses were considered reliable since the domestic sales volume of the company concerned could be regarded as representative. The domestic profit margin was determined on the basis of domestic sales made in the ordinary course of trade.

## 2. Export price

- (19) Since all export sales of the product concerned were made directly to an independent customer in the Community, the export price was established in accordance with Article 2(8) of the basic Regulation on the basis of the prices actually paid or payable when sold for export to the Community.

## 3. Comparison

- (20) For the purposes of a fair comparison by type on an ex-factory basis and at the same level of trade, due allowance was made for differences which were claimed and demonstrated to affect price comparability between the export price and the normal value. These adjustments were made in respect of import charges, discounts, transport, insurance, handling costs, packing, credit and commissions in accordance with Article 2(10) of the basic Regulation.

## 4. Dumping margin

- (21) In order to calculate the dumping margin, the Commission compared the weighted average normal value to the weighted average export price to the Community.
- (22) The comparison, as described above, showed the existence of dumping for the applicant. The dumping margin established, expressed as a percentage of the total cif value at Community frontier level, duty unpaid, was 7,4 %.

## 5. Lasting nature of changed circumstances and likelihood of recurrence of dumping

- (23) In accordance with the Commission's normal practice, it was examined whether the changed circumstances could reasonably be said to be of a lasting nature.
- (24) It was found that there were no reasons to expect that the domestic sales prices and normal value would not remain stable for the foreseeable future.
- (25) The Commission examined the possible development of export prices as a consequence of the application of a lower duty rate. In this regard, it was considered that the undertaking which had been accepted in the framework of the original proceeding had the effect of limiting the applicant's sales to the Community market. As mentioned in recital 35, it was found that this type of undertaking was no longer appropriate. Consequently, it was examined whether export sales subject to a lower duty could cause a significant increase of imports of the product concerned produced by the applicant to the Community.
- (26) The investigation revealed that the applicant's production capacity increased considerably since the original investigation period and to a lesser extent over the last three years, whilst its capacity utilisation rate remained close to 100 %.

- (27) However, the investigation also showed that the company exports most of its production to well-established other third country markets. In fact, the applicant exported more than 90 % of its production of the product concerned during the IP, almost entirely to other third countries. The exports to the other third countries tripled since the original investigation period and continued to go up during the last three years. It was also established that the exports to other third countries were sold at prices around 25 % higher than those to the EC.
- (28) Since the applicant does not have much spare capacity, which could be used to increase sales to the Community if the anti-dumping measures were lowered, the above findings, including those concerning exports to third countries, and in particular export prices to these countries, are viewed as evidence that it is unlikely that there will be in the foreseeable future a recurrence of dumped imports at levels similar to those established in the previous investigation.
- (29) It is consequently concluded that the changed circumstances, in particular the considerably reduced normal value, are of a lasting nature. In view of the reduced level of dumping, it is therefore considered appropriate to amend the measures insofar as they concern the applicant.

## 6. Conclusions

- (30) According to Article 9(4) of the basic Regulation, the amount of the anti-dumping duty should not exceed the margin of dumping established, but it should be less than that margin if such a lesser duty would be adequate to remove the injury of the Community industry. As the duty for the applicant had been calculated on the basis of the dumping margin, the duty should be adjusted to the lower dumping margin found in this investigation, namely 7,4 %.
- (31) It follows from the above that with regard to the applicant, the anti-dumping duty originally imposed by Regulation (EC) No 584/96 and confirmed by Regulation (EC) No 964/2003 should be amended.

- (32) The interested parties were informed of the essential facts and considerations on the basis of which it was intended to recommend that the anti-dumping duty imposed by Regulation (EC) No 964/2003 be amended with regard to the applicant.

## D. INTERIM REVIEW LIMITED TO THE FORM OF THE MEASURES

- (33) The undertakings originally accepted from the two exporters concerned, were in essence quantitative undertakings according to which the companies undertook to ensure that their exports to the Community were made within an overall volume ceiling.
- (34) In accordance with Article 8(1) of the basic Regulation, the aim of undertakings is to eliminate the injurious effect of dumped imports, which is achieved through the exporter raising its prices or ceasing exports at dumped price levels. The investigations have shown that the type of undertakings originally accepted in the present case in 1996 which simply limited the quantity of imports into the Community failed to raise prices to non-injurious levels and thus restore fair trade on the Community market. Therefore, in this case, the undertakings in their present form are not considered as an appropriate and effective means of eliminating the injurious effect of dumping. In addition, the Commission is not in a position to control effectively whether the quantities of the product concerned exported are limited to those specified in the undertakings.
- (35) It was therefore concluded that the undertakings in force are not appropriate any longer.

- (36) The interested parties were informed of all the essential facts and considerations leading to this conclusion.

## E. PROPOSED MEASURES

- (37) The anti-dumping measure applicable to imports of certain tube or pipe fittings, of iron or steel, originating, *inter alia*, in Thailand as confirmed by Regulation (EC) No 964/2003, should be amended with regard to (i) the

applicant in view of the lower dumping margin found in the investigation and (ii) the exporters concerned in view of the findings of the interim review limited to the form of the measures.

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Article 1(2) of Regulation (EC) No 964/2003 shall be replaced by the following:

‘2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, shall be as follows for the products manufactured by:

Country	Rate of duty	TARIC additional code
People's Republic of China	58,6 %	—
Thailand	58,9 %	A 999
Except:		
Awaji Sangyo (Thailand) Co. Ltd Samutprakarn	7,4 %	8850
Thai Benkan Co. Ltd Prapadaeng-Samutprakarn	0 %	A 118'

2. Article 1(3) and Article 2 of Regulation (EC) No 964/2003 shall be repealed.

*Article 2*

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

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

Done at Brussels, 18 August 2004.

*For the Council*  
*The President*  
B. BOT

**COMMISSION REGULATION (EC) No 1497/2004**  
**of 24 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<sup>(1)</sup>, 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 25 August 2004.

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

Done at Brussels, 24 August 2004.

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

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<sup>(1)</sup> 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 24 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 <sup>(1)</sup>	Standard import value
0702 00 00	204	60,6
	999	60,6
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	90,3
	999	90,3
0805 50 10	382	51,9
	388	48,7
	524	67,3
	528	55,8
	999	55,9
0806 10 10	052	81,8
	400	176,4
	512	186,9
	624	158,5
	999	150,9
0808 10 20, 0808 10 50, 0808 10 90	388	85,2
	400	99,2
	508	55,3
	512	92,7
	528	84,9
	720	52,2
	800	164,1
	999	82,2
0808 20 50	052	130,8
	388	93,5
	512	74,9
	800	146,1
	999	111,3
0809 30 10, 0809 30 90	052	142,2
	999	142,2
0809 40 05	066	35,3
	093	41,6
	094	27,2
	624	163,8
	999	67,0

<sup>(1)</sup> 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 1498/2004**  
**of 24 August 2004**  
**amending Regulation (EC) No 633/2004 laying down detailed rules for implementing the system of**  
**export licences in the poultrymeat sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat<sup>(1)</sup>, and in particular Articles 3(2) and 8(12) thereof,

Whereas:

- (1) The economic situation on the poultrymeat export markets varies widely. The conditions on which export refunds are granted for products in this sector should therefore be specified.
- (2) In order to attain more effectively the objectives of adjustment of the method for the allocation of the quantities which may be exported with a refund and the most efficient possible use of the resources available, as referred to in Article 8(2) of Regulation (EEC) No 2777/75, it would be advisable to extend the circumstances, provided for in Article 3(4) of Commission Regulation (EC) No 633/2004<sup>(2)</sup>, in which the Commission may take steps to restrict the issue of export licences or the lodging of applications for such licences during the reflection period for which provision is made following the lodging of applications.
- (3) The circumstances in which these measures may be taken by destination should also be laid down.
- (4) Regulation (EC) No 633/2004 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

*Article 1*

Article 3 of Regulation (EC) No 633/2004 is hereby amended as follows:

1. Paragraph 4 is replaced by the following:

‘4. Where the issue of export licences would or might result in the available budgetary amounts being exceeded or in the maximum quantities which may be exported with a refund being exhausted during the period concerned, in view of the limits referred to in Article 8(11) of Regulation (EEC) No 2777/75, or would not allow exports to continue during the remainder of the period, the Commission may:

- (a) set a single acceptance percentage for the quantities applied for;
- (b) reject applications for which licences have not yet been granted;
- (c) suspend the lodging of licence applications for a maximum period of five working days, extendable by the procedure specified in Article 17 of Regulation (EEC) No 2777/75.

Licence applications made during the suspension period shall be invalid.

The measures provided for in the first subparagraph may be implemented or modulated by category of product and by destination.’

2. The following paragraph 4a is inserted:

‘4a. The measures provided for in paragraph 4 may also be adopted where export licence applications relate to quantities which exceed or might exceed the normal disposable quantities for one destination and issuing the licences requested would entail a risk of speculation, distortion of competition between operators, or disturbance of the trade concerned or of the Community market.’

*Article 2*

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

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 100, 6.4.2004, p. 8.

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

Done at Brussels, 24 August 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1499/2004**  
**of 24 August 2004**  
**on certain exceptional market support measures for eggs in Belgium**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs<sup>(1)</sup>, and in particular Article 14 thereof,

Whereas:

- (1) Because of an outbreak of avian influenza in certain production regions in Belgium, veterinary and trade restrictions applying to that Member State were adopted by Commission Decision 2003/289/EC of 25 April 2003 concerning protection measures in relation to avian influenza in Belgium<sup>(2)</sup>. As a result, transport and marketing of hatching eggs were temporarily banned within Belgium.
- (2) The restrictions on the free movement of hatching eggs resulting from the application of the veterinary measures threatened severe disruption of the market in hatching eggs in Belgium. The Belgian authorities adopted market support measures, restricted to hatching eggs, for the period for which this was absolutely necessary. These allowed hatching eggs for which incubation was no longer possible to be used to produce egg products.
- (3) Those measures had a positive impact on the market for hatching eggs and eggs in general. This justifies their being treated as exceptional market support measures

within the meaning of Article 14 of Regulation (EEC) No 2771/75 and the granting of aid to compensate for part of the financial loss resulting from processing hatching eggs into egg products.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The use for processing of hatching eggs falling within CN code 0407 00 19 between 16 April and 5 May 2003, decided on by the Belgian authorities following the application of Decision 2003/289/EC, is hereby deemed to be an exceptional market support measure within the meaning of Article 14 of Regulation (EEC) No 2771/75.

2. Under the measure referred to in paragraph 1, compensation of:

- EUR 0,097 per hatching egg from broiler strains shall be granted for a maximum of 5 372 000 eggs,
- EUR 0,081 per hatching egg from laying strains shall be granted for a maximum of 314 000 eggs,
- EUR 0,265 per hatching egg from multiplication strains shall be granted for a maximum of 99 000 eggs.

*Article 2*

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

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

Done at Brussels, 24 August 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 105, 26.4.2003, p. 24.

**COMMISSION REGULATION (EC) No 1500/2004**  
**of 24 August 2004**  
**prohibiting fishing for common sole by vessels flying the flag of Sweden**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>(1)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required<sup>(2)</sup> lays down quotas for common sole for 2004.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.

- (3) According to the information received by the Commission, catches of common sole in the waters of ICES zone Skagerrak and Kattegat, III b, c and d (EC waters) by vessels flying the flag of Sweden or registered in Sweden have exhausted the quota allocated for 2004. Sweden has prohibited fishing for this stock from 9 April 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of common sole in the waters of ICES zone Skagerrak and Kattegat, III b, c and d (EC waters) by vessels flying the flag of Sweden or registered in Sweden are hereby deemed to have exhausted the quota allocated to Sweden for 2004.

Fishing for common sole in the waters of ICES zone Skagerrak and Kattegat, III b, c and d (EC waters) by vessels flying the flag of Sweden or registered in Sweden is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply from 9 April 2004.

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

Done at Brussels, 24 August 2004.

*For the Commission*  
Jörgen HOLMQUIST  
*Director-General for Fisheries*

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

<sup>(2)</sup> OJ L 344, 31.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 867/2004 (OJ L 161, 30.4.2004, p. 144).

**COMMISSION REGULATION (EC) No 1501/2004****of 24 August 2004****prohibiting fishing for northern prawn by vessels flying the flag of Sweden**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>(1)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required<sup>(2)</sup> lays down quotas for Northern prawn for 2004.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are hereby deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of northern prawn in Norwegian waters south of 62° 00' N by vessels flying the flag of

Sweden or registered in Sweden have exhausted the quota allocated for 2004. Sweden has prohibited fishing for this stock from 7 May 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of northern prawn in Norwegian waters south of 62° 00' N by vessels flying the flag of Sweden or registered in Sweden are hereby deemed to have exhausted the quota allocated to Sweden for 2004.

Fishing for northern prawn in Norwegian waters south of 62° 00' N by vessels flying the flag of Sweden or registered in Sweden is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply from 7 May 2004.

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

Done at Brussels, 24 August 2004.

*For the Commission*

Jörgen HOLMQUIST

*Director-General for Fisheries*

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

<sup>(2)</sup> OJ L 344, 31.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 867/2004 (OJ L 161, 30.4.2004, p. 144).

**COMMISSION REGULATION (EC) No 1502/2004**  
**of 24 August 2004**  
**prohibiting fishing for plaice by vessels flying the flag of Belgium**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>(1)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required<sup>(2)</sup> lays down quotas for plaice for 2004.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are hereby deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of plaice in the waters of ICES division VII f, g by vessels flying the flag of Belgium or

registered in Belgium have exhausted the quota allocated for 2004. Belgium has prohibited fishing for this stock from 17 July 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of plaice in the waters of ICES division VII f, g by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2004.

Fishing for plaice in the waters of ICES division VII f, g by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply from 17 July 2004.

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

Done at Brussels, 24 August 2004.

*For the Commission*  
Jörgen HOLMQUIST  
*Director-General for Fisheries*

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

<sup>(2)</sup> OJ L 344, 31.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 867/2004 (OJ L 161, 30.4.2004, p. 144).

**COMMISSION REGULATION (EC) No 1503/2004**  
**of 24 August 2004**

**amending Regulation (EC) No 1347/2004 determining the extent to which the applications for import licences submitted in July 2004 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas<sup>(2)</sup>, and in particular Article 16(2) thereof,

Whereas:

(1) During transmission by the Member States to the Commission, an error was made in the data on applications for import licences submitted in July 2004 under quota No 09.4593 opened by Regulation (EC) No 2535/2001.

(2) It is therefore necessary to amend Annex I.A to Commission Regulation (EC) No 1347/2004<sup>(3)</sup> determining the extent to which the applications for import licences submitted under that tariff quota can be accepted.

(3) Since Regulation (EC) No 1347/2004 applies from 24 July 2004, this Regulation should also apply from that date,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Annex I.A to Regulation (EC) No 1347/2004, for quota No 09.4593, the dash under 'allocation coefficient' is hereby replaced by '1,0000'.

*Article 2*

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

It shall apply from 24 July 2004.

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

Done at Brussels, 24 August 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

<sup>(2)</sup> OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Regulation (EC) No 810/2004 (OJ L 149, 30.4.2004, p. 138).

<sup>(3)</sup> OJ L 250, 24.7.2004, p. 3.



## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 28 July 2004

**amending Decision 96/252/EC accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China, Croatia and Thailand, and withdrawing the acceptance of undertakings offered by certain exporters in Thailand**

(2004/612/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

The measures applicable to these imports consist of an *ad valorem* duty, except for two Thai exporting producers from which undertakings were accepted by Commission Decision 96/252/EC<sup>(4)</sup>.

Having regard to the Treaty establishing the European Community,

(2) In April 2001 the Commission initiated an *ex officio* interim review in order to examine the appropriateness of the form of the measures concerning the imports originating in Thailand<sup>(5)</sup>. The review was initiated on the grounds that enforcement problems had been encountered in the monitoring of the undertakings accepted from the two exporters in Thailand: i.e. Awaji Sangyo (Thailand) Co. Ltd and TTU Industrial Corp. Ltd. The investigation was carried out in conjunction with the expiry review concluded by Regulation (EC) No 964/2003.

Having regard to Council Regulation (EC) No 384/96<sup>(1)</sup> of 22 December 1995 on protection against dumped imports from countries not members of the European Community (the basic Regulation), and in particular Articles 8(9) and 9 thereof,

(3) On the basis of the findings of this investigation, as explained in recitals 33, 34 and 35 of Council Regulation (EC) No 1496/2004<sup>(6)</sup>, it has been concluded that the form of the measures in force is no longer appropriate, as the undertakings in their present form are not considered appropriate and effective means of eliminating the injurious effect of dumping.

After consulting the Advisory Committee,

Whereas:

(4) Therefore, and also in accordance with the relevant clauses of the undertakings in question, which authorise the Commission to unilaterally withdraw the acceptance of the undertakings, the Commission has concluded that the acceptance of the undertakings offered by Awaji Sangyo (Thailand) Co. Ltd and TTU Industrial Corp. Ltd should be withdrawn.

#### A. PREVIOUS PROCEDURE

(1) The Council, by Regulation (EC) No 584/96<sup>(2)</sup>, imposed definitive anti-dumping duties on imports of certain tube or pipe fittings, of iron or steel originating in the People's Republic of China, Croatia and Thailand, as last confirmed by Council Regulation (EC) No 964/2003<sup>(3)</sup>.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

<sup>(2)</sup> OJ L 84, 3.4.1996, p. 1. Regulation as last amended by Regulation (EC) No 778/2003 (OJ L 114, 8.5.2003, p. 1).

<sup>(3)</sup> OJ L 139, 6.6.2003, p. 1. Regulation as last amended by Regulation (EC) No 2212/2003 (OJ L 332, 19.12.2003, p. 3).

<sup>(4)</sup> OJ L 84, 3.4.1996, p. 46. Decision amended by Decision 2000/453/EC (OJ L 182, 21.7.2000, p. 25).

<sup>(5)</sup> OJ C 103, 3.4.2001, p. 5.

<sup>(6)</sup> See page 1 of this Official Journal.

- (5) The exporters concerned were informed of the Commission's conclusions and given the opportunity to comment. Their comments were taken into account and, where appropriate, the findings modified accordingly. Both companies were invited to offer revised price undertakings in which, *inter alia*, minimum import prices would have to be respected. However, no offer has been received by the Commission.
- (6) It follows from the above that, as provided for by Article 8(9) of the basic Regulation, the undertakings accepted by Decision 96/252/EC should be withdrawn for both Thai companies concerned.
- (7) In parallel to this Decision, the Council, by Regulation (EC) No 1496/2004 has amended Regulation (EC) No 964/2003 imposing a definitive anti-dumping duty on imports of certain tube and pipe fittings originating, *inter alia*, in Thailand and has imposed a definitive *ad valorem* anti-dumping duty on the imports of these products manufactured by the companies concerned,

HAS ADOPTED THIS DECISION:

*Article 1*

The acceptance of the undertakings offered by Awaji Sangyo (Thailand) Co. Ltd, Samutprakarn and by TTU Industrial Corp. Ltd, Bangkok in connection with the anti-dumping proceeding concerning imports of certain tube or pipe fittings, of iron or steel, originating, *inter alia*, in Thailand, is hereby withdrawn.

*Article 2*

Article 1(b) of Decision 96/252/EC shall be amended as follows:

The reference to Awaji Sangyo (Thailand) Co. Ltd, Samutprakarn and to TTU Industrial Corp. Ltd, Bangkok shall be deleted.

*Article 3*

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

Done at Brussels, 28 July 2004.

*For the Commission*

Pascal LAMY

*Member of the Commission*

**COMMISSION DECISION**  
**of 6 August 2004**  
**concerning the creation of an advisory group on the food chain and animal and plant health**  
(2004/613/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) In its White Paper on European governance adopted on 25 July 2001<sup>(1)</sup>, the Commission committed itself to opening up the policy-making process in the European Union to involve more people and organisations in developing and implementing policies.
- (2) On 11 December 2002 the Commission adopted a communication on the 'General principles and minimum standards for consultation of interested parties by the Commission'<sup>(2)</sup>, to ensure a consistent approach to consultation on the part of all the Commission's departments and to make the consultation process more transparent.
- (3) It is necessary for the Commission to consult and inform consumers and socio-professional circles concerned with issues relating to labelling and presentation of food and feed, food and feed safety, human nutrition in relation to food legislation, animal health and animal welfare, as well as plant health.
- (4) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(3)</sup> provides for open and transparent public consultation, directly or through representative bodies, during the preparation, evaluation and revision of food law, except where the urgency of the matter does not allow it.
- (5) The White Paper on food safety adopted by the Commission on 12 January 2000<sup>(4)</sup> provides for the creation of an advisory group on food safety by reorganising the existing advisory committees (Action 81).
- (6) The Advisory Committee on Foodstuffs was established by Commission Decision 80/1073/EEC<sup>(5)</sup>.
- (7) Other advisory committees dealing with matters covered by the common agricultural policy were established by Commission Decision 98/235/EEC<sup>(6)</sup>.
- (8) Past experience has shown the need to regroup and reorganise the different advisory committees on matters concerning the food chain and animal and plant health and to improve their operation.
- (9) It is essential to establish ongoing systems for the consultation of citizens at European level during the preparation, evaluation and revision of Community food law.
- (10) In view of the need for an integrated approach to the food chain and animal and plant health in order to protect consumers, it is important to include all issues of food legislation in the consultation systems, including aspects relating to the labelling and presentation of food and feed, safety of food and feed, human nutrition in relation to food legislation, animal health, including measures relating to animal welfare, and the various aspects of plant health, such as plant protection, plant protection products and their residues, and conditions for the marketing of seed and propagation material, including biodiversity, and including matters pertaining to industrial property.

<sup>(1)</sup> COM(2001) 428 final.

<sup>(2)</sup> COM(2002) 704 final.

<sup>(3)</sup> OJ L 31, 1.2.2002, p. 1. Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

<sup>(4)</sup> COM(1999) 719 final.

<sup>(5)</sup> OJ L 318, 26.11.1980, p. 28.

<sup>(6)</sup> OJ L 88, 24.3.1998, p. 59.

- (11) In view of the broad field of consultation in question and the subsequently large number of interested parties, an effective ongoing consultation system will involve the consultation of citizens through bodies representing interests related to the food chain and animal and plant health at European level, although the direct consultation of citizens must still be possible.
- (12) The socioeconomic players involved, including consumer associations in Member States, have set up organisations at European Union level to represent interests related to the food chain and animal and plant health at European level.
- (13) The quality of consultation systems depends on a direct dialogue between the Commission and representative European bodies taking place at structured meetings in the context of an advisory group, especially with regard to the Commission's programme of work on food issues.
- (14) For practical reasons connected with the organisation of meetings, the composition of the advisory group should not be too broad; however, adequate representation of the interests of the food chain and animal and plant health should be ensured. As the group will be consulted in particular on the Commission's programme of work, it will in practice be essential for it to embrace the representative bodies that are the most capable of protecting, at European level, general interests connected with the food chain and animal and plant health.
- (15) To ensure that the group works efficiently and transparently, its operating procedures should include the possibility of organising working group meetings which would be open to other interested parties or bodies, where necessary.
- (16) In the interests of clarity, Decision 80/1073/EEC should be repealed,

HAS DECIDED AS FOLLOWS:

#### Article 1

An advisory group on the food chain and animal and plant health, hereinafter called 'the group', shall be set up and attached to the Commission.

#### Article 2

##### Tasks

1. The Commission shall consult the group on its programme of work in the following fields:

- food and feed safety,
  - food and feed labelling and presentation,
  - human nutrition, in relation to food legislation,
  - animal health and welfare,
  - matters relating to crop protection, plant protection products and residues thereof, and conditions for the marketing of seed and propagation material, including biodiversity, and including matters pertaining to industrial property.
2. In addition, the Commission will be able to consult the group on any measures which the Commission has to take or propose in these fields.

#### Article 3

##### Composition of the group

1. The group shall be composed of no more than 45 representatives of representative European bodies. These bodies must have as their objective the protection of interests in the fields referred to in Article 2(1) and must meet the following criteria: general nature of the interests protected, representation covering all or most Member States and permanent existence at Community level with direct access to members' expertise to permit swift and coordinated reactions.
2. Within one month of the date of adoption of this Decision, the Commission shall invite bodies wishing to participate in the group to express their interest within one month, and to explain their interest and the way in which they meet the above criteria.
3. The Commission shall select the bodies which most effectively meet the above criteria and shall draw up a list of bodies to be published in the *Official Journal of the European Union*.

4. Each body selected shall ensure coordination of consultation and information activities within its own organisation so as to present views of the interests it represents which are as representative as possible.

#### Article 4

##### Working methods

1. The group shall in principle meet twice a year at the premises of the Commission and whenever the Commission considers a meeting necessary.

2. Working groups may be created to examine specific questions on the basis of terms of reference set by the group or whenever necessary.

3. The Commission may invite experts or observers, including representative bodies from non-member States, where appropriate or necessary, to participate in the work of the group or working groups.

4. The group and any working group shall meet according to the arrangements and the timetable set by the Commission, and shall be chaired by the Commission.

5. The group shall adopt its own Rules of Procedure on the basis of a proposal from the Commission. The Commission's departments shall provide secretarial services for the meetings and work of the group and any working groups.

6. The Commission shall ensure publicity for the work of the group.

*Article 5*

**Confidentiality**

Members of the group, ad hoc experts and any other persons invited to the group's meetings as observers shall be obliged not to disclose information which has come to their knowledge through the work of the group or its working groups and

which has been classified by the Commission as confidential. In such cases, the Commission may decide that only the members of the group may receive such information and attend meetings.

*Article 6*

**Final provision**

Commission Decision 80/1073/EEC setting up an Advisory Committee on Foodstuffs is repealed.

*Article 7*

**Entry into force**

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

Done at Brussels, 6 August 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

## COMMISSION DECISION

of 24 August 2004

## concerning protection measures in relation to highly pathogenic avian influenza in the Republic of South Africa

(notified under document number C(2004) 3293)

(Text with EEA relevance)

(2004/614/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC<sup>(1)</sup>, and in particular Article 18(6) and (7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(2)</sup>, and in particular Article 22(1) and (6) thereof,

Whereas:

(1) Avian influenza is a highly contagious viral disease in poultry and birds, which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming.

(2) There is a risk that the disease agent might be introduced via international trade in live poultry and poultry products.

(3) On 6 August 2004 the Republic of South Africa has confirmed two outbreaks of highly pathogenic avian influenza in ratite flocks in the Eastern Cape Province.

(4) This detected avian influenza virus strain is of subtype H5N2 and therefore different from the strain currently causing the epidemic in Asia. Current knowledge suggests that the risk for public health in relation to this subtype is inferior to the risk of the strain circulating in Asia, which is an H5N1 virus subtype.

(5) At this moment for poultry and poultry products, the Republic of South Africa is only authorised to export to the Community live ratites and their hatching eggs and fresh meat from ratites and meat products/meat preparations containing ratite meat, as well as birds other than poultry.

(6) However the competent authorities of the Republic of South Africa suspended certification of live ratites and their meat and certain meat products to the EU on 6 August 2004 until the situation becomes clearer.

(7) In view of the animal health risk of disease introduction into the Community, imports of live ratites, and hatching eggs of these species and fresh meat of ratites, meat preparations and meat products consisting of, or containing meat of those species, obtained from birds slaughtered after 16 July 2004, have been suspended from the Republic of South Africa as of 10 August 2004 by Commission Decision 2004/594/EC<sup>(3)</sup>.

(8) In accordance with Commission Decision 2000/666/EC<sup>(4)</sup> importation of birds other than poultry is authorised from all member countries of the OIE (World Organisation for Animal Health) subject to animal health guarantees provided by the country of origin, and to strict post-import quarantine measures implemented in the Member States.

(9) However, the importation of birds other than poultry, including pet birds accompanying their owners has also been suspended from the Republic of South Africa by Decision 2004/594/EC as an additional measure in order to exclude any possible risk for disease occurrence in quarantine stations under the authority of the Member States.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

<sup>(2)</sup> OJ L 24, 31.1.1998, p. 9. Directive as last amended by Regulation (EC) 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004 p. 1).

<sup>(3)</sup> OJ L 265, 12.8.2004, p. 9.

<sup>(4)</sup> OJ L 278, 31.10.2000, p. 26. Decision as last amended by Decision 2002/279/EC (OJ L 99, 16.4.2002, p. 17).

(10) Commission Decision 97/222/EC<sup>(1)</sup>, lays down the list of third countries from which Member States may authorise the importation of meat products, and establishes treatment regimes in order to prevent the risk of disease transmission via such products. The treatment that must be applied to the product depends on the health status of the country of origin, in relation to the species the meat is obtained from; in order to avoid an unnecessary burden on trade, imports of ratite meat products originating in the Republic of South Africa treated to a temperature of at least 70 °C throughout the product should continue to be authorised.

(11) In accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council<sup>(2)</sup>, the importation of non-treated game trophies from birds originating from the Republic of South Africa is currently authorised. In view of the current avian influenza situation these imports should be suspended, thus preventing any risk of disease introduction into the Community.

(12) In accordance with Regulation (EC) No 1774/2002, the importation of unprocessed feathers and parts of feathers originating from the Republic of South Africa is currently authorised. In view of the current avian influenza situation these imports should be suspended, thus preventing any risk of disease introduction into the Community. However the importation of feathers may be authorised with an accompanying commercial document that states that the feathers have undergone a certain treatment.

(13) Sanitary control measures applicable to raw material for the manufacture of animal feedingstuffs and pharmaceutical or technical products allow the exclusion from the scope of this Decision of channelled imports of such products.

(14) Therefore the protection measures applicable to the whole territory of the Republic of South Africa should be prolonged and Decision 2004/594/EC should be repealed.

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

<sup>(1)</sup> OJ L 98, 4.4.1997, p. 39. Decision as last amended by the 2003 Act of Accession.

<sup>(2)</sup> OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 878/2004 (OJ L 162, 30.4.2004, p. 62).

HAS ADOPTED THIS DECISION:

*Article 1*

Member States shall suspend the importation from the territory of the Republic of South Africa:

— live ratites, and hatching eggs of these species,

— birds other than poultry including pet birds accompanying their owners.

*Article 2*

Member States shall suspend the importation from the territory of the Republic of South Africa:

— fresh meat of ratites,

— meat preparations and meat products consisting of, or containing meat of these species,

— non treated game trophies from any birds,

— unprocessed feathers and parts of feathers.

*Article 3*

1. By derogation from Article 2, Member States shall authorise the importation of the products covered by that Article which have been obtained from birds slaughtered before 16 July 2004.

2. In the veterinary certificates accompanying consignments of the products mentioned in paragraph 1 the following words as appropriate to the species concerned shall be included:

'Fresh ratite meat/meat product consisting of, or containing meat of ratites /meat preparation consisting of, or containing meat of ratites (\*), which has been obtained from ratites slaughtered before 16 July 2004, in accordance with Article 3(1) of Decision 2004/614/EC.

(\*) Delete as appropriate.'

3. By derogation from Article 2, Member States shall authorise the importation of meat products consisting of, or containing meat of ratites, when the meat of these species has undergone one of the specific treatments referred to under points B, C or D in part IV of the Annex to Commission Decision 97/222/EC.

4. For the importation of processed feathers or parts of feathers (excluding processed decorative feathers, processed feathers carried by travellers for their private use or consignments of processed feathers sent to private individuals for non industrial purposes) a commercial document stating that the processed feathers or parts thereof have been treated with a steam current or by some other method ensuring that no pathogens are transmitted shall accompany the consignment.

*Article 4*

Decision 2004/594/EC is repealed.

*Article 5*

The Member States shall amend the measures they apply to imports so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity

to the measures adopted. They shall immediately inform the Commission thereof.

*Article 6*

This Decision shall be reviewed in the light of the disease evolution and information supplied by the veterinary authorities of the Republic of South Africa.

*Article 7*

This Decision shall apply until 1 January 2005.

*Article 8*

This Decision is addressed to the Member States.

Done at Brussels, 24 August 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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