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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1556/2004**  
**of 1 September 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 2 September 2004.

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

Done at Brussels, 1 September 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 1 September 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
0707 00 05	052	89,6
	999	89,6
0709 90 70	052	97,2
	999	97,2
0805 50 10	388	45,5
	524	72,1
	528	48,1
	999	55,2
0806 10 10	052	85,2
	400	177,0
	624	165,0
	999	142,4
0808 10 20, 0808 10 50, 0808 10 90	388	78,3
	400	74,3
	508	71,0
	512	73,5
	528	81,7
	720	40,6
	804	63,0
	999	68,9
0808 20 50	052	119,7
	388	85,7
	999	102,7
0809 30 10, 0809 30 90	052	131,9
	999	131,9
0809 40 05	052	80,0
	066	53,0
	093	33,4
	094	26,9
	624	143,9
	999	67,4

<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 1557/2004

of 1 September 2004

**approving operations to check conformity to the marketing standards applicable to certain fresh fruit carried out in New Zealand prior to import into the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables<sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

(1) Article 7 of Commission Regulation (EC) No 1148/2001 of 12 June 2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables<sup>(2)</sup> lays down the conditions for the approval of checking operations performed by certain third countries which so request prior to import into the Community.

(2) On 30 April 2004, the New Zealand authorities sent the Commission a request for the approval of checking operations performed under the responsibility of the New Zealand Food Safety Authority (NZFSA) for apples, pears and kiwi fruit. Inspections of apples, pears and kiwi fruit, aiming to determine conformity to the marketing standards are undertaken either by Industry Grade Inspection staff who are audited by NZFSA-recognised auditors, or directly by NZFSA-recognised auditors/inspectors. The request submitted by New Zealand states that the aforementioned inspection bodies have the necessary staff, equipment and facilities to carry out checks, that they use methods equivalent to those referred to in Article 9 of Regulation (EC) No 1148/2001 and that the fresh fruit belonging to the aforementioned species exported from New Zealand to the Community meet the Community marketing standards.

(3) The information sent by the Member States to the Commission shows that, in the period 1997 to 2003, the incidence of non-conformity with marketing standards among imports from New Zealand of fresh fruit and vegetables in general and those species for which the request was submitted in particular was very low.

(4) Representatives of the New Zealand authorities have participated in international efforts to agree marketing standards for fruit and vegetables within the Working Party on Standardisation of Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UNECE). Moreover, New Zealand participates in the Organisation for Economic Cooperation and Development (OECD) Scheme for the Application of International Standards for Fruit and Vegetables.

(5) Checks on conformity carried out by New Zealand should therefore be approved with effect from the date of implementation of the administrative cooperation procedure provided for in Article 7(8) of Regulation (EC) No 1148/2001.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Checks on conformity to the marketing standards applicable to apples, pears and kiwi fruit carried out by New Zealand prior to import into the Community are hereby approved in accordance with Article 7 of Regulation (EC) No 1148/2001.

*Article 2*

Details of the official authority and inspection body in New Zealand, as referred to in the second subparagraph of Article 7(2) of Regulation (EC) No 1148/2001, are given in Annex I to this Regulation.

*Article 3*

The certificates referred to in the second subparagraph of Article 7(3) of Regulation (EC) No 1148/2001, issued following the checks referred to in Article 1 of this Regulation, must be drawn up on forms in conformity with the model set out in Annex II to this Regulation.

*Article 4*

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

It shall apply from the date of publication in the C series of the *Official Journal of the European Union* of the notice referred to in Article 7(8) of Regulation (EC) No 1148/2001, relating to the establishment of administrative cooperation between the Community and New Zealand.

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

<sup>(2)</sup> OJ L 156, 13.6.2001, p. 9. Regulation as last amended by Regulation (EC) No 408/2003 (OJ L 62, 6.3.2003, p. 8).

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

Done at Brussels, 1 September 2004.

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

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#### ANNEX I

Official authority referred to in Article 7(2) of Regulation (EC) No 1148/2001:

Ministry of Agriculture and Forestry  
New Zealand Food Safety Authority  
68-86 Jervois Quay, PO Box 2835  
Wellington  
New Zealand  
Tel. (64-4) 463 2500  
Fax (64-4) 463 2675  
E-mail: [nzfsa.info@nzfsa.govt.nz](mailto:nzfsa.info@nzfsa.govt.nz)

Inspection body referred to in Article 7(2) of Regulation (EC) No 1148/2001:

New Zealand Food Safety Authority  
68-86 Jervois Quay, PO Box 2835  
Wellington  
New Zealand  
Tel. (64-4) 463 2500  
Fax (64-4) 463 2675  
E-mail: [nzfsa.info@nzfsa.govt.nz](mailto:nzfsa.info@nzfsa.govt.nz)

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## ANNEX II

## Model certificate referred to in Article 7(3) of Regulation (EC) No 1148/2001

Exporter:	Certificate number:		
Packer as indicated on packaging (if other than exporter):	<b>NEW ZEALAND</b> <b>MINISTRY OF AGRICULTURE AND FORESTRY</b> <b>OFFICIAL GRADE ASSURANCE CERTIFICATE</b>		
	Country of origin:	Country of destination:	
Identification of means of transport:	The abovementioned control office certifies that, on the basis of an examination by sampling, the consignment referred to below conforms at the time of inspection with the standards in force.  <b>No financial liability with respect to this certificate shall attach to the Ministry of Agriculture and Forestry or to any of its officers or representatives.</b>		
	This certificate is for the exclusive use of control services.		
Number (and kind) of packages:	Nature of produce (variety if specified):	Quality class:	Total weight in kg: Gross weight      Net weight
Observations:			
Duration of validity:			
This certificate is valid for _____ days from the date of issue (including day of inspection).			
Stamp of organisation:			
Signature:	Name:	Place of issue:	Date: / /

Exporter's reference number:

NEW ZEALAND MINISTRY OF AGRICULTURE AND FORESTRY OFFICIAL GRADE ASSURANCE CERTIFICATE CONTINUATION PAGE 2 OF 2			Serial number of the certificate of inspection:	
Number (and kind) of packages:	Nature of produce (variety if specified):	Quality class:	Total weight in kg:	
			Gross weight	Net weight

 Exporter's reference number:
   
 \_\_\_\_\_

**COMMISSION REGULATION (EC) No 1558/2004****of 30 August 2004****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) To continue the process of harmonisation with the international standards laid down by the International Olive Oil Council and the Codex Alimentarius, adjustments should be made to certain limit values in Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis<sup>(2)</sup>, and in additional note 2 to Chapter 15 of the Combined Nomenclature contained in Annex I to Regulation (EEC) No 2658/87.
- (2) Council Regulation (EC) No 1513/2001 of 23 July 2001 amending Regulations No 136/66/EEC and (EC) No 1638/98 as regards the extension of the period of

validity of the aid scheme and the quality strategy for olive oil<sup>(3)</sup>, makes it necessary to revise additional note 2 to Chapter 15 of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87.

- (3) Regulation (EEC) No 2658/87 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EEC) No 2658/87 shall be amended as set out in the Annex.

*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, 30 August 2004.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

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

<sup>(2)</sup> OJ L 248, 5.9.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 1989/2003 (OJ L 295, 13.11.2003, p. 57).

<sup>(3)</sup> OJ L 201, 26.7.2001, p. 4.



## ANNEX

In Chapter 15 of Annex I to Regulation (EEC) No 2658/87, additional note 2 is amended as follows:

Additional Note 2(B)(l) is amended as follows:

letter (g) is amended as follows:

— item 2. is replaced by the following:

- '2. a content in volatile halogenated solvents not exceeding 0,2 mg/kg overall and not exceeding 0,1 mg/kg for each solvent';
-

**COMMISSION REGULATION (EC) No 1559/2004**  
**of 24 August 2004**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which is not in accordance with this Regulation can continue to be invoked for a period of 60 days by the holder, pursuant to Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(2)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

Subject to the measures in force in the Community relating to double-checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information issued by the customs authorities of Member States which is not in accordance with this Regulation can continue to be invoked for a period of 60 days, pursuant to Article 12(6) of Regulation (EEC) No 2913/92.

*Article 3*

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

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

Done at Brussels, 24 August 2004.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

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

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

## ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
<p>Single-coloured knitted garment made of synthetic fibres (100% polyester), sleeveless, covering the upper part of the body. It has a V-neck, a complete opening at the front, fastening left over right by means of press studs, wide armholes, no pockets or lining.</p> <p>There are two reflective horizontal strips right round the garment.</p> <p>(Waistcoat)</p> <p>(See photograph No 634) (*)</p>	6110 30 91	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, note 7(e) to Section XI, notes 1 and 9 to Chapter 61 and the wording of CN codes 6110, 6110 30 and 6110 30 91.</p> <p>This garment has the objective characteristics of a waistcoat. See the HS and CN Explanatory Notes to heading 6110.</p>
(*) The photograph is purely for information.		



**COMMISSION REGULATION (EC) No 1560/2004****of 1 September 2004****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector<sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses<sup>(2)</sup>, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2004/2005 marketing year are fixed by

Commission Regulation (EC) No 1210/2004<sup>(3)</sup>. These prices and duties have last been amended by Commission Regulation (EC) No 1466/2004<sup>(4)</sup>.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year are hereby amended as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 2 September 2004.

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

Done at Brussels, 1 September 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

<sup>(2)</sup> OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

<sup>(3)</sup> OJ L 232, 1.7.2004, p. 11.

<sup>(4)</sup> OJ L 270, 18.8.2004, p. 14.

## ANNEX

**Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 2 September 2004**

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 <sup>(1)</sup>	17,48	7,56
1701 11 90 <sup>(1)</sup>	17,48	13,71
1701 12 10 <sup>(1)</sup>	17,48	7,37
1701 12 90 <sup>(1)</sup>	17,48	13,19
1701 91 00 <sup>(2)</sup>	22,09	14,94
1701 99 10 <sup>(2)</sup>	22,09	9,67
1701 99 90 <sup>(2)</sup>	22,09	9,67
1702 90 99 <sup>(3)</sup>	0,22	0,42

<sup>(1)</sup> Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).<sup>(2)</sup> Fixed for the standard quality defined in Annex I.I to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).<sup>(3)</sup> Fixed per 1 % sucrose content.

**COMMISSION REGULATION (EC) No 1561/2004**  
**of 1 September 2004**  
**amending the import duties in the cereals sector applicable from 2 September 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup>,

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

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1555/2004<sup>(3)</sup>.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1555/2004,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EC) No 1555/2004 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 2 September 2004.

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

Done at Brussels, 1 September 2004.

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

<sup>(1)</sup> OJ L 270, 29.9.2003, p. 78.

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

<sup>(3)</sup> OJ L 282, 1.9.2004, p. 7.

## ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from  
2 September 2004**

CN code	Description	Import duty <sup>(1)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	5,44
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	44,32
1005 10 90	Maize seed other than hybrid	52,73
1005 90 00	Maize other than seed <sup>(2)</sup>	52,73
1007 00 90	Grain sorghum other than hybrids for sowing	54,41

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

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

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

## ANNEX II

**Factors for calculating duties**

(for 31.8.2004)

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12% humidity)	HRS2 (14%)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	117,96 (**)	73,53	148,94 (****)	138,94 (****)	118,94 (****)	80,51 (****)
Gulf premium (EUR/t)	—	13,38	—			—
Great Lakes premium (EUR/t)	16,55	—	—			—

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

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

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

(\*\*\*\*\*) Fob Duluth.

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

Freight/cost: Gulf of Mexico–Rotterdam: 27,48 EUR/t; Great Lakes–Rotterdam: 32,20 EUR/t.

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



## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 26 August 2004

**amending Decision 98/320/EC on the organisation of a temporary experiment on seed sampling and seed testing pursuant to Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC**

(notified under document number C(2004) 2942)

(Text with EEA relevance)

(2004/626/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed<sup>(1)</sup>, and in particular Article 19 thereof,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed<sup>(2)</sup>, and in particular Article 13a thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed<sup>(3)</sup>, and in particular Article 13a thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants<sup>(4)</sup>, and in particular Article 16 thereof,

Whereas:

- (1) Under Commission Decision 98/320/EC<sup>(5)</sup> provision was made for a temporary experiment at Community level to assess whether seed sampling and seed testing under official supervision may constitute improved alternatives to the procedures for official seed certification required under Directives 2002/54/EC, 66/401/EEC, 66/402/EEC and 2002/57/EC, without leading to a significant decline in the quality of the seed.

(2) The temporary experiment should be extended in order to ensure continuity of existing trade patterns pending the adoption of the modifications of the existing directives mentioned above and in order to collect extra data.

(3) Decision 98/320/EC should therefore be amended accordingly.

(4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 4 of Decision 98/320/EC the date '31 July 2004' is replaced by the date '27 April 2005'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 26 August 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 193, 20.7.2002, p. 12. Directive as amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

<sup>(2)</sup> OJ 125, 11.7.1966, p. 2298/66. Directive as last amended by Commission Directive 2004/55/EC (OJ L 114, 21.4.2004, p. 18).

<sup>(3)</sup> OJ 125, 11.7.1966, p. 2309/66. Directive as last amended by the 2003 Act of Accession.

<sup>(4)</sup> OJ L 193, 20.7.2002, p. 74. Directive as last amended by Directive 2003/61/EC (OJ L 165, 3.7.2003, p. 23).

<sup>(5)</sup> OJ L 140, 12.5.1998, p. 14. Decision as amended by Decision 2002/280/EC (OJ L 99, 16.4.2002, p. 22).

## COMMISSION DECISION

of 31 August 2004

**allowing Member States to extend provisional authorisations granted for the new active substances etoxazole and carvone***(notified under document number C(2004) 3136)***(Text with EEA relevance)**

(2004/627/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market<sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(1) thereof,

Whereas:

(1) In accordance with Article 6(2) of Directive 91/414/EEC, in April 1998 Spain received an application from Sumitomo Chemical Agro Europe SA for the inclusion of the active etoxazole in Annex I to Directive 91/414/EEC. Commission Decision 1999/43/EC<sup>(2)</sup> confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(2) In March 1997 the Netherlands received an application from Luxan BV concerning carvone (former name: L 91105D). Commission Decision 1999/610/EC<sup>(3)</sup> confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(3) Confirmation of the completeness of the dossiers was necessary in order to allow them to be examined in

detail and to allow Member States the possibility of granting provisional authorisations, for periods up to three years, for plant protection products containing the active substances concerned, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substance and the plant protection product in the light of the requirements laid down by that Directive.

(4) For these active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the respective applicants. The rapporteur Member States submitted the draft assessment reports to the Commission on 12 October 2001 (etoxazole) and 16 October 2000 (carvone).

(5) Following submission of the draft assessment reports by the rapporteur Member States, it has been necessary to request further information from the applicants and to have the rapporteur Member State examine that information and submit their assessments. Therefore, the examination of the dossiers is still ongoing and it will not be possible to complete the evaluation within the time-frame provided for in Directive 91/414/EEC.

(6) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substances concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossiers to continue. It is expected that the evaluation and decision-making process with respect to a decision on possible Annex I inclusion for each of the active substances concerned will have been completed within 24 months.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/71 (OJ L 127, 29.4.2004, p. 104).

<sup>(2)</sup> OJ L 14, 19.1.1999, p. 30.

<sup>(3)</sup> OJ L 242, 14.9.1999, p. 29.

- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

*Article 2*

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

*Article 1*

Done at Brussels, 31 August 2004.

Member States may extend provisional authorisations for plant protection products containing etoxazole or carvone for a period not exceeding 24 months from the date of adoption of this Decision.

*For the Commission*  
David BYRNE  
*Member of the Commission*

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