

# Official Journal

## of the European Union

L 305

English edition

### Legislation

Volume 47

1 October 2004

Contents

## I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1690/2004 of 24 September 2004 amending Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 as regards the conditions for the re-exportation and re-dispatch of products covered by the specific supply arrangements** ..... 1
- ★ **Council Regulation (EC) No 1691/2004 of 24 September 2004 amending Regulation (EC) No 2287/2003 as concerns fishing opportunities in Greenland waters** ..... 3
- Commission Regulation (EC) No 1692/2004 of 30 September 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 6
- Commission Regulation (EC) No 1693/2004 of 30 September 2004 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty ..... 8
- Commission Regulation (EC) No 1694/2004 of 30 September 2004 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ..... 12
- Commission Regulation (EC) No 1695/2004 of 30 September 2004 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty 15
- Commission Regulation (EC) No 1696/2004 of 30 September 2004 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty 18
- ★ **Commission Regulation (EC) No 1697/2004 of 30 September 2004 setting the coefficients applicable to cereals exported in the form of Irish whiskey for the period 2004/05** ..... 21
- ★ **Commission Regulation (EC) No 1698/2004 of 30 September 2004 setting the coefficients applicable to cereals exported in the form of Scotch whiskey for the period 2004/05** ..... 23

Price: EUR 18

(Continued overleaf)



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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ <b>Commission Regulation (EC) No 1699/2004 of 30 September 2004 amending Regulation (EC) No 275/2004 as regards registration of imports of steel ropes and cables produced by one Moroccan exporting producer</b> .....	25
★ <b>Commission Regulation (EC) No 1700/2004 of 29 September 2004 prohibiting fishing for herring by vessels flying the flag of Germany</b> .....	27
Commission Regulation (EC) No 1701/2004 of 30 September 2004 fixing the import duties in the cereals sector applicable from 1 October 2004 .....	28
Commission Regulation (EC) No 1702/2004 of 30 September 2004 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid .....	31
Commission Regulation (EC) No 1703/2004 of 30 September 2004 fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004.....	33
Commission Regulation (EC) No 1704/2004 of 30 September 2004 altering the export refunds on white sugar and raw sugar exported in the natural state fixed by Regulation (EC) No 1666/2004 ....	35
Commission Regulation (EC) No 1705/2004 of 30 September 2004 fixing the export refunds on syrups and certain other sugar products exported in the natural state .....	37
Commission Regulation (EC) No 1706/2004 of 30 September 2004 fixing the maximum export refund for white sugar to certain third countries for the 7th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004 .....	40
Commission Regulation (EC) No 1707/2004 of 30 September 2004 fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 October 2004 .....	41
Commission Regulation (EC) No 1708/2004 of 30 September 2004 fixing the export refunds on products processed from cereals and rice .....	42
Commission Regulation (EC) No 1709/2004 of 30 September 2004 fixing the export refunds on cereal-based compound feedingstuffs .....	45
Commission Regulation (EC) No 1710/2004 of 30 September 2004 determining the world market price for ginned cotton .....	47
Commission Regulation (EC) No 1711/2004 of 30 September 2004 fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004.....	48
★ <b>Commission Regulation (EC) No 1712/2004 of 30 September 2004 laying down transitory measures arising from the adoption of autonomous and transitional measures concerning the export of certain processed agricultural products to Bulgaria</b> .....	49



★ <b>Commission Regulation (EC) No 1713/2004 of 30 september 2004 laying down derogations from Regulation (EC) No 800/1999 as regards products in the form of goods not covered by Annex I to the Treaty exported to third countries other than Bulgaria</b> .....	51
Commission Regulation (EC) No 1714/2004 of 30 September 2004 fixing the export refunds on cereals and on wheat or rye flour, groats and meal .....	53
Commission Regulation (EC) No 1715/2004 of 30 September 2004 fixing the corrective amount applicable to the refund on cereals .....	55
Commission Regulation (EC) No 1716/2004 of 30 September 2004 fixing the export refunds on malt	57
Commission Regulation (EC) No 1717/2004 of 30 September 2004 fixing the corrective amount applicable to the refund on malt .....	59
Commission Regulation (EC) No 1718/2004 of 30 September 2004 concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1565/2004	61
Commission Regulation (EC) No 1719/2004 of 30 September 2004 concerning tenders notified in response to the invitation to tender for the import of sorghum issued in Regulation (EC) No 238/2004	62
★ <b>Commission Directive 2004/98/EC of 30 September 2004 amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of pentabromodiphenyl ether in aircraft emergency evacuation systems for the purpose of adapting its Annex I to technical progress <sup>(1)</sup></b> .....	63

II Acts whose publication is not obligatory

**Commission**

2004/667/EC:

★ <b>Commission Decision of 27 September 2004 amending Commission Decision 2004/145/EC as regards the financial assistance for one Community reference laboratory in the field of veterinary public health (biological risks) in the United Kingdom for the year 2004 (notified under document number C(2004) 3547)</b> .....	65
---	----



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

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1690/2004**

**of 24 September 2004**

**amending Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 as regards the conditions for the re-exportation and re-dispatch of products covered by the specific supply arrangements**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37(2) and 299(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas:

- (1) Council Regulation (EC) No 1452/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the French overseas departments (FOD), amending Directive 72/462/EEC and repealing Regulations (EEC) No 525/77 and (EEC) No 3763/91 (Poseidom)<sup>(2)</sup>, Council Regulation (EC) No 1453/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Azores and Madeira and repealing Regulation (EEC) No 1600/92 (Poseima)<sup>(3)</sup>, and Council Regulation (EC) No 1454/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Canary Islands and repealing Regulation (EEC) No 1601/92 (Poseican)<sup>(4)</sup> prohibiting the re-exportation and re-dispatch of products covered by specific supply arrangements, save in a few exceptional cases.
- (2) Regulations (EC) Nos 1452/2001 and 1453/2001 authorise exports of processed products to third countries in order to encourage regional trade and traditional consignments of processed products.
- (3) Regulation (EC) No 1454/2001 authorises traditional exports and consignments of processed products. It also authorises exports of products in their unprocessed state or products resulting from local packaging of such products, under certain conditions to be laid down by the Commission, including reimbursement of aid or payment of import duties.
- (4) In order to allow economic activity to be developed in the outermost regions, the exportation or dispatch of

products covered by specific supply arrangements should be authorised after the aid has been reimbursed or import duties have been paid.

- (5) Since trade in products covered by specific supply arrangements between the Azores and Madeira has resulted in some speculative transactions, it is proposed that such trade in products covered by the specific supply arrangements be restricted only to products processed in these outermost regions.
- (6) Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 3(5) of Regulation (EC) No 1452/2001 is hereby replaced by the following:

'5. Products covered by the specific supply arrangements may be re-exported to third countries or re-dispatched to the rest of the Community only on the conditions laid down by the Commission under the procedure referred to in Article 23(2). These conditions shall include in particular reimbursement of the aid received under the specific supply arrangements for the products referred to in paragraph 2 or payment of import duties on the products referred to in paragraph 1. This restriction shall not apply to trade flows between the FOD.

The restriction referred to in the first subparagraph shall not apply to products which are processed in the FOD and contain raw materials covered by the special supply arrangements, where those products:

- (a) are exported in the context of traditional exports or regional trade from the FOD to third countries, or
- (b) are dispatched in the context of traditional consignments from the FOD to the rest of the Community.

No export refund shall be granted for the products referred to in the second subparagraph.'

<sup>(1)</sup> Opinion delivered on 21 April 2004 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 198, 21.7.2001, p. 11. Regulation amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

<sup>(3)</sup> OJ L 198, 21.7.2001, p. 26. Regulation as last amended by Regulation (EC) No 55/2004 (OJ L 8, 14.1.2004, p. 1).

<sup>(4)</sup> OJ L 198, 21.7.2001, p. 45. Regulation as last amended by Regulation (EC) No 1782/2003.

*Article 2*

Article 3(5) of Regulation (EC) No 1453/2001 is hereby replaced by the following:

'5. Products covered by the specific supply arrangements may be re-exported to third countries or re-dispatched to the rest of the Community only on the conditions laid down by the Commission under the procedure referred to in Article 35(2). These conditions shall include in particular reimbursement of the aid received under the specific supply arrangements for the products referred to in paragraph 2 or payment of import duties on the products referred to in paragraph 1.

The restriction referred to in the first subparagraph shall not apply to products which are processed in the regions of the Azores or Madeira and contain raw materials covered by the special supply arrangements, where those products:

- (a) are exported in the context of traditional exports or regional trade from the Azores or Madeira to third countries, or
- (b) are dispatched in the context of:
  - (i) traditional consignments from the Azores or Madeira to the rest of the Community, or
  - (ii) trade flows between the Azores and Madeira.

No export refund shall be granted for the products referred to in the second subparagraph.'

*Article 3*

Article 3(5) of Regulation (EC) No 1454/2001 is hereby replaced by the following:

'5. Products covered by the specific supply arrangements may be re-exported to third countries or re-dispatched to the rest of the Community only on the conditions laid down by the Commission under the procedure referred to in Article 21(2). These conditions shall include in particular reimbursement of the aid received under the specific supply arrangements for the products referred to in paragraph 2 or payment of import duties on the products referred to in paragraph 1.

The restriction referred to in the first subparagraph shall not apply to products which are processed in the Canary Islands and contain raw materials covered by the special supply arrangements, where those products:

- (a) are exported in the context of traditional exports from the Canary Islands to third countries, or
- (b) are dispatched in the context of traditional consignments from the Canary Islands to the rest of the Community.

No export refund shall be granted for the products referred to in the second subparagraph.'

*Article 4*

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, 24 September 2004.

*For the Council*  
*The President*

L. J. BRINKHORST

---

**COUNCIL REGULATION (EC) No 1691/2004**  
**of 24 September 2004**  
**amending Regulation (EC) No 2287/2003 as concerns fishing opportunities in Greenland waters**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>(1)</sup>, and in particular Article 20 thereof,

Whereas:

- (1) In Council Regulation (EC) No 1245/2004 of 28 June 2004 on the conclusion of the Protocol modifying the Fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other<sup>(2)</sup>, fishing possibilities for the Community in Greenland waters are laid down. The necessary measures should be taken to implement the results of that Agreement.

- (2) 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>(3)</sup>, should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I C to Regulation (EC) No 2287/2003 shall be amended in accordance with the Annex to this Regulation.

*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 September 2004.

*For the Council*  
*The President*  
L. J. BRINKHORST

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(2)</sup> OJ L 237, 8.7.2004, p. 1.

<sup>(3)</sup> OJ L 344, 31.12.2003, p. 1.

## ANNEX

Annex I C to Regulation (EC) No 2287/2003 is amended as follows:

- (a) the following entry shall be inserted before the entry concerning Roundnose grenadier in zone V, XIV (Greenland waters):

<b>'Species:</b>	Snow crab <i>Chionoecetes spp.</i>	<b>Zone:</b> NAFO 0,1 (Greenland waters) PRC/NO1GRN
Ireland	125	
Spain	875	
EC	1 000	
TAC	not relevant'	

- (b) the entry concerning the species Cod in zone I, II (Norwegian waters) is replaced by the following:

<b>'Species:</b>	Cod <i>Gadus morhua</i>	<b>Zone:</b> I, II (Norwegian waters) COD/1N2AB-
Germany	2 431	
Greece	301	
Spain	2 712	
Ireland	301	
France	2 232	
Portugal	2 712	
United Kingdom	9 431	
EC	20 120	
TAC	486 000'	

- (c) the entry concerning the species Cod in zone Greenland waters shall be inserted after the entry Cod in zone I, II b:

<b>'Species:</b>	Cod <i>Gadus morhua</i>	<b>Zone:</b> Greenland waters COD/N01514
Germany	"pm"	
United Kingdom	"pm"	
EC	"pm"	
TAC	not relevant'	

- (d) the entry concerning the species Atlantic halibut in zone V, XIV (Greenland waters) is replaced by the following:

<b>'Species:</b>	Atlantic halibut <i>Hippoglossus hippoglossus</i>	<b>Zone:</b> V, XIV (Greenland waters) HAL/514GRN
Portugal	800	
EC	1 000 <sup>(1)</sup> <sup>(2)</sup>	
TAC	not relevant	

<sup>(1)</sup> Of which 200 tonnes to be fished only with long lines, are allocated to Norway.

<sup>(2)</sup> If bycatches of Atlantic halibut in trawl cod and redfish fisheries imply over-runs of this quota, the Greenland authorities will provide solutions to the effect that Community cod and redfish fisheries can nevertheless continue until the respective quotas have been exhausted.'

(e) the following entry shall be inserted after the entry concerning Northern prawn in zone V, XIV (Greenland waters):

<b>'Species:</b>	Northern prawn <i>Pandalus borealis</i>	<b>Zone:</b> NAFO 0,1 (Greenland waters) PRA/NO1GRN
Denmark	2 000	
France	2 000	
EC	4 000	
TAC	not relevant'	

(f) the entry concerning the species Greenland halibut in zone V, XIV (Greenland waters) is replaced by the following:

<b>'Species:</b>	Greenland halibut <i>Reinhardtius hippoglossoides</i>	<b>Zone:</b> V, XIV (Greenland waters) GHL/514GRN
Germany	7 647	
United Kingdom	403	
EC	9 000 <sup>(1)</sup>	
TAC	not relevant	

<sup>(1)</sup> Of which 800 tonnes are allocated to Norway and 150 tonnes are allocated to the Faroe Islands.'

(g) the following entry shall be added after the entry concerning Flatfish in zone Vb (Faroese waters):

<b>'Species:</b>	Bycatches	<b>Zone:</b> NAFO 0,1 (Greenland waters) XBC/NO1GRN
EC	2 000 <sup>(1)</sup>	
TAC	not relevant	

<sup>(1)</sup> Combined bycatches of cod, carfish, skate, ling and tusk. The bycatch quantities of cod shall not exceed 100 tonnes. May be fished in sub-area XIV and V (Greenland waters).'



**COMMISSION REGULATION (EC) No 1692/2004****of 30 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 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

---

<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 30 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
0702 00 00	052	35,6
	999	35,6
0707 00 05	052	106,1
	999	106,1
0709 90 70	052	90,0
	999	90,0
0805 50 10	052	76,1
	388	60,3
	524	67,5
	528	53,0
	999	64,2
0806 10 10	052	87,3
	400	163,7
	624	150,8
	999	133,9
0808 10 20, 0808 10 50, 0808 10 90	052	104,3
	388	62,6
	400	96,6
	508	98,9
	512	109,5
	720	16,9
	800	137,8
	804	76,6
	999	87,9
0808 20 50	052	107,0
	388	75,4
	528	56,2
	999	79,5

<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 1693/2004****of 30 September 2004****fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty**

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>, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice<sup>(2)</sup>, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds<sup>(3)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC<sup>(4)</sup>, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93<sup>(5)</sup>, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 to the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) In accordance with Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria<sup>(6)</sup> with the effect from 1 October 2004, processed agricultural products not listed in Annex I to the Treaty which are exported to Bulgaria are not eligible for the export refunds.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 270, 21.10.2003, p. 96.

<sup>(3)</sup> OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 886/2004 (OJ L 163, 1.5.2004, p. 14).

<sup>(4)</sup> OJ L 275, 29.9.1987, p. 36.

<sup>(5)</sup> OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

<sup>(6)</sup> OJ L 301, 28.9.2004, p. 1

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1(1) of Regulation (EC) No 1785/2003, exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, are fixed as shown in the Annex to this Regulation.

*Article 2*

By way of derogation from Article 1 and with effect from 1 October 2004, the rates set out in the Annex shall not be applicable to goods not covered by Annex I to the Treaty when exported to Bulgaria.

*Article 3*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Olli REHN

*Member of the Commission*

---

## ANNEX

**Rates of the refunds applicable from 1 October 2004 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup>	—	—
	– – where goods falling within subheading 2208 <sup>(3)</sup> are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 <sup>(3)</sup> are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup>	3,043	3,043
	– – where goods falling within subheading 2208 <sup>(3)</sup> are exported	—	—
	– – in other cases	3,043	3,043
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 <sup>(4)</sup> :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup>	2,282	2,282
	– – where goods falling within subheading 2208 <sup>(3)</sup> are exported	—	—
	– – in other cases	2,282	2,282
	– where goods falling within subheading 2208 <sup>(3)</sup> are exported	—	—
	– other (including unprocessed)	3,043	3,043
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies <sup>(2)</sup>	3,043	3,043
	– where goods falling within subheading 2208 <sup>(3)</sup> are exported	—	—
	– in other cases	3,043	3,043

(EUR/100 kg)

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

<sup>(1)</sup> As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E to Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

<sup>(2)</sup> The goods concerned fall in under CN code 3505 10 50.

<sup>(3)</sup> Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

<sup>(4)</sup> For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

**COMMISSION REGULATION (EC) No 1694/2004**  
**of 30 September 2004**

**fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

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 market in sugar <sup>(1)</sup>, and in particular Article 27(5)(a) and (15),

Whereas:

(1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in Annex V to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds <sup>(2)</sup> specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.

(2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kg for each of the basic products in question must be fixed for each month.

(3) Article 27(3) of Regulation (EC) No 1260/2001 lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(6) In accordance with Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria <sup>(3)</sup> with effect from 1 October 2004, processed agricultural products not listed in Annex I to the Treaty which are exported to Bulgaria are not eligible for export refunds.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1(1) and (2) of Regulation (EC) No 1260/2001, and exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as set out in the Annex to this Regulation.

*Article 2*

By way of derogation from Article 1 and with effect from 1 October 2004, the rates set out in the Annex shall not be applicable to goods not covered by Annex I to the Treaty when exported to Bulgaria.

*Article 3*

This Regulation shall enter into force on 1 October 2004.

<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 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 740/2003 (OJ L 106, 29.4.2003, p. 12).

<sup>(3)</sup> OJ L 301, 28.9.2004, p. 1.

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

Done at Brussels, 30 September 2004.

*For the Commission*  
Olli REHN  
*Member of the Commission*

---



## ANNEX

**Rates of refunds applicable from 1 October 2004 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	white sugar	42,28	42,28

**COMMISSION REGULATION (EC) No 1695/2004**

**of 30 September 2004**

**fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

exceed the refund applicable to that product when exported without further processing.

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 8(3) thereof,

- (4) In accordance with Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria<sup>(3)</sup>, with effect from 1 October 2004, processed agricultural products not listed in Annex I to the Treaty which are exported to Bulgaria are not eligible for export refunds.

Whereas:

- (1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds<sup>(2)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75.

- (5) 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*

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1(1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75, are fixed as set out in the Annex to this Regulation.

- (2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

*Article 2*

By way of derogation from Article 1 and with effect from 1 October 2004, the rates set out in the Annex shall not be applicable to goods not covered by Annex I to the Treaty when exported to Bulgaria.

- (3) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in goods may not

*Article 3*

This Regulation shall enter into force on 1 October 2004.

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

<sup>(2)</sup> OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

<sup>(3)</sup> OJ L 301, 28.9.2004, p. 1.

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

Done at Brussels, 30 September 2004.

*For the Commission*  
Olli REHN  
*Member of the Commission*

---

## ANNEX

## Rates of the refunds applicable from 1 October 2004 to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)			
CN code	Description	Destination <sup>(1)</sup>	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	(a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	6,00
		03	25,00
		04	3,00
	(b) On exportation of other goods	01	3,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption: not sweetened	01	40,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid: not sweetened	01	20,00
ex 0408 19 89	– – – – Frozen: not sweetened	01	20,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption: not sweetened	01	75,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption: not sweetened	01	19,00

(<sup>1</sup>) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines,

04 All destinations except Switzerland and those of 02 and 03.

**COMMISSION REGULATION (EC) No 1696/2004****of 30 September 2004****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

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 15 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 31(3) thereof,

Whereas:

- (1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds<sup>(2)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kg for each of the basic products in question must be fixed for each month.
- (4) However in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.
- (5) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable

in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to Regulation (EC) No 1520/2000 or to assimilated products.

- (6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.
- (7) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs<sup>(3)</sup>, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.
- (8) In accordance with Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria<sup>(4)</sup> with effect from 1 October 2004, processed agricultural products not listed in Annex I to the Treaty which are exported to Bulgaria are not eligible for export refunds.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999 shall be fixed as set out in the Annex to this Regulation.

*Article 2*

By way of derogation from Article 1 and with effect from 1 October 2004, the rates set out in the Annex are not applicable to goods not covered by Annex I to the Treaty when exported to Bulgaria.

*Article 3*

This Regulation shall enter into force on 1 October 2004.

<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 177, 15.7.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

<sup>(3)</sup> OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Commission Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

<sup>(4)</sup> OJ L 301, 28.9.2004, p. 1.

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

Done at Brussels, 30 September 2004.

*For the Commission*  
Olli REHN  
*Member of the Commission*

---

## ANNEX

**Rates of the refunds applicable from 1 October 2004 to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	29,00	29,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	36,05	36,05
	(b) on exportation of other goods	70,00	70,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	46,00	46,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	138,25	138,25
	(c) on exportation of other goods	131,00	131,00

**COMMISSION REGULATION (EC) No 1697/2004****of 30 September 2004****setting the coefficients applicable to cereals exported in the form of Irish whiskey for the period 2004/05**

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 (EEC) No 2825/93 of 15 October 1993 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Article 4(1) of Regulation (EEC) No 2825/93 lays down that the quantities of cereals eligible for the refund are to be the quantities placed under control and distilled, weighted by a coefficient to be fixed annually for each Member State concerned. The coefficient expresses the average ratio between the total quantities exported and the total quantities marketed of the spirit drink concerned, on the basis of the trend noted in those quantities during the number of years corresponding to the average ageing period of the spirit drink in question.
- (2) On the basis of the information supplied by Ireland on the period 1 January to 31 December 2003, the average

ageing period for Irish whiskey in 2003 was five years. The coefficients for the period 1 October 2004 to 30 September 2005 should therefore be set accordingly.

- (3) Article 10 of Protocol 3 to the Agreement on the European Economic Area precludes the grant of refunds in respect of exports to Liechtenstein, Iceland and Norway. Moreover, the Community has concluded agreements with certain third countries abolishing export refunds. In accordance with Article 7(2) of Regulation (EEC) No 2825/93, this should be taken into account in the calculation of the coefficients for the period 2004/2005.

HAS ADOPTED THIS REGULATION:

*Article 1*

For the period 1 October 2004 to 30 September 2005, the coefficients referred to in Article 4 of Regulation (EEC) No 2825/93 applicable to cereals used in Ireland in the production of Irish whiskey shall be as set out in the Annex hereto.

*Article 2*

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

It shall apply from 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 258, 16.10.1993, p. 6. Regulation last amended by Regulation (EC) No 1633/2000 (OJ L 187, 26.7.2000, p. 29).



## ANNEX

**Coefficients applicable In Ireland**

Period of application	Coefficient applicable	
	to barley used in the production of Irish whiskey, category B <sup>(1)</sup>	to cereals used in the production of Irish whiskey, category A
1 October 2004 to 30 September 2005	0,506	1,329

<sup>(1)</sup> Including malted barley.

**COMMISSION REGULATION (EC) No 1698/2004****of 30 September 2004****setting the coefficients applicable to cereals exported in the form of Scotch whisky for the period 2004/05**

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 (EEC) No 2825/93 of 15 October 1993 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards the fixing and granting of adjusted refunds in respect of cereals exported in the form of certain spirit drinks <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Article 4(1) of Regulation (EEC) No 2825/93 lays down that the quantities of cereals eligible for the refund are to be the quantities placed under control and distilled, weighted by a coefficient to be fixed annually for each Member State concerned. The coefficient expresses the average ratio between the total quantities exported and the total quantities marketed of the spirit drink concerned, on the basis of the trend noted in those quantities during the number of years corresponding to the average ageing period of the spirit drink in question.
- (2) On the basis of the information supplied by the United Kingdom on the period 1 January to 31 December 2003, the average ageing period for Scotch whisky in 2003 was seven years. The coefficients for the period 1 October 2004 to 30 September 2005 should be set accordingly.

- (3) Article 10 of Protocol 3 to the Agreement on the European Economic Area precludes the grant of refunds in respect of exports to Liechtenstein, Iceland and Norway. Moreover, the Community has concluded agreements with certain third countries abolishing export refunds. In accordance with Article 7(2) of Regulation (EEC) No 2825/93, this should therefore be taken into account in the calculation of the coefficients for the period 2004/2005,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the period 1 October 2004 to 30 September 2005, the coefficients referred to in Article 4 of Regulation (EEC) No 2825/93 applicable to cereals used in the United Kingdom in the production of Scotch whisky shall be as set out in the Annex hereto.

*Article 2*

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

It shall apply from 1 October 2004.

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

Done at Brussels, 30 September 2004.

For the Commission

Franz FISCHLER

Member of the Commission

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 258, 16.10.1993, p. 6. Regulation last amended by Regulation (EC) No 1633/2000 (OJ L 187, 26.7.2000, p. 29).

## ANNEX

**Coefficients applicable in the United Kingdom**

Period of application	Coefficient applicable	
	to malted barley used in the production of malt whisky	to cereals used in the production of grain whisky
1 October 2004 to 30 September 2005	0,491	0,455

**COMMISSION REGULATION (EC) No 1699/2004**

**of 30 September 2004**

**amending Regulation (EC) No 275/2004 as regards registration of imports of steel ropes and cables produced by one Moroccan exporting producer**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 (the basic Regulation)<sup>(1)</sup>, and in particular Articles 13 and 14 thereof,

After consulting the Advisory Committee,

Whereas:

**A. PROCEDURE**

- (1) The Council, by its Regulation (EC) No 1796/1999<sup>(2)</sup>, imposed in August 1999 an anti-dumping duty of 60,4% on imports of steel ropes and cables (steel wire ropes or SWR) originating, *inter alia*, in the People's Republic of China (PRC).
- (2) On 5 January 2004, the Commission received a request, pursuant to Article 13(3) of the basic Regulation, from the European Federation of Wire Rope Industries (EWRIS) to investigate the alleged circumvention of the anti-dumping measures imposed on imports of steel ropes and cables originating in the PRC. According to the request, the circumvention practice consisted of transshipment of SWR originating in the PRC via Morocco to the Community. This request was submitted on behalf of producers representing a major proportion of the Community production of SWR and contained sufficient *prima facie* evidence regarding the factors set out in Article 13(1) of the basic Regulation.
- (3) The Commission initiated an investigation into the alleged circumvention by Regulation (EC) No 275/2004<sup>(3)</sup> (the initiating Regulation).

(4) Pursuant to Articles 13(3) and 14(5) of the basic Regulation, Article 2 of the initiating Regulation instructed the customs authorities to register imports of SWR consigned from Morocco, whether declared as originating in Morocco or not, as of 19 February 2004.

(5) Article 2 of the initiating Regulation also provided that the Commission, by Regulation, may direct customs authorities to cease registration in respect of imports into the Community of products manufactured by producers having applied for an exemption of registration and having been found not to be circumventing the anti-dumping duties.

**B. REQUESTS FOR EXEMPTION**

(6) Within the deadlines laid down in Article 3 of the initiating Regulation, the Commission received a request for exemption from the registration and measures from one exporting producer, Remer Maroc SARL, Settat, Morocco (the applicant).

**C. INVESTIGATION PERIOD**

(7) The investigation period covered the period from 1 January 2003 to 31 December 2003 (the IP). Data were collected from 1999 up to the end of the IP to investigate the alleged change in the pattern of trade.

**D. FINDINGS IN RESPECT OF REMER MAROC SARL**

(8) The applicant replied to the questionnaire sent by the Commission in the course of the investigation. The Commission carried out a verification visit at the company's premises in Morocco.

(9) The applicant was set up in 2001 as a fully-owned subsidiary of the Italian company Remer Italia. During the IP, the applicant, exported only a very small quantity of the product concerned to the Community, representing less than 5% of the total imports of SWR from Morocco in the same period. From the time the company was established, in 2001, the majority of its sales have been destined to the local Moroccan market.

<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 217, 17.8.1999, p. 1. Regulation as amended by Regulation (EC) No 1674/2003 (OJ L 238, 25.9.2003, p. 1).

<sup>(3)</sup> OJ L 47, 18.2.2004, p. 13.

- (10) It has also been established that the applicant is both a manufacturer and exporter of SWR, operating production facilities for the complete production process of the product concerned, making use of purchased steel wire, textile core and grease. It only sells its own production or that of its mother company in Italy, and never purchased any SWR, or other materials, from the PRC. Therefore, the company was found not to have circumvented the anti-dumping measures in force.
- (11) In the light of the above findings, registration of imports of SWR consigned from Morocco and produced by the applicant should cease.
- (12) Any decision concerning exporters should be limited to exemption from registration at this stage. If the Council subsequently adopts a Regulation extending the anti-dumping measures pursuant to Article 13 of the basic Regulation, it may also decide to exempt certain exporters from such extended measures.
- (13) The Commission therefore considers it appropriate to amend its initiating Regulation in so far as it provides for the registration of imports of SWR consigned from Morocco, whether declared as originating in Morocco or not.
- (14) This Regulation is based on findings specific to the applicant and does not prejudice any decision which the Council may take to extend the existing anti-dumping measures on SWR originating in the PRC to the same product consigned from Morocco, whether declared as originating in Morocco or not.

- (15) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to cease the registration of imports of SWR produced by the applicant and were given the opportunity to comment. No objections were received,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following paragraph shall be added to Article 2 of Commission Regulation (EC) No 275/2004:

‘4. Notwithstanding paragraph 1, imports of the product identified in Article 1 which are produced by the following companies shall not be subject to registration:

Producer	TARIC additional code
Remer Maroc SARL, Zone Industrielle, Tranche 2, Lot 10, Settat, Morocco	A567'

*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 September 2004.

*For the Commission*  
Pascal LAMY  
*Member of the Commission*

**COMMISSION REGULATION (EC) No 1700/2004**  
**of 29 September 2004**  
**prohibiting fishing for herring by vessels flying the flag of Germany**

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 herring 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 herring in the waters of ICES

sub-areas I and II by vessels flying the flag of Germany or registered in Germany have exhausted the quota allocated for 2004. Germany has prohibited fishing for this stock from 25 August 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of herring in the waters of ICES sub-areas I and II by vessels flying the flag of Germany or registered in Germany are hereby deemed to have exhausted the quota allocated to Germany for 2004.

Fishing for herring in the waters of ICES sub-areas I and II by vessels flying the flag of Germany or registered in Germany 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 25 August 2004.

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

Done at Brussels, 29 September 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.

**COMMISSION REGULATION (EC) No 1701/2004****of 30 September 2004****fixing the import duties in the cereals sector applicable from 1 October 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) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.
- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

<sup>(1)</sup> OJ L 270, 21.10.2003, 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).

## ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from  
1 October 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	0,00
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	41,43
1005 10 90	Maize seed other than hybrid	50,11
1005 90 00	Maize other than seed <sup>(2)</sup>	50,11
1007 00 90	Grain sorghum other than hybrids for sowing	41,43

<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**

period from 16.9.-29.9.2004

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)	126,45 (***)	67,59	160,95 (****)	150,95 (****)	130,95 (****)	82,14 (****)
Gulf premium (EUR/t)	—	10,67	—			—
Great Lakes premium (EUR/t)	13,27	—	—			—

(\*) 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: 28,67 EUR/t; Great Lakes–Rotterdam: 33,45 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).

**COMMISSION REGULATION (EC) No 1702/2004****of 30 September 2004****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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> and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice<sup>(2)</sup> and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid<sup>(3)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.
- (3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

<sup>(3)</sup> OJ L 288, 25.10.1974, p. 1.

## ANNEX

**to the Commission Regulation of 30 September 2004 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

*(EUR/t)*

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	42,60
1102 20 10 9400	36,52
1103 11 10 9200	0,00
1103 13 10 9100	54,77
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 1703/2004****of 30 September 2004****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

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>, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter<sup>(2)</sup> provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products<sup>(3)</sup> and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 29 September 2004.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 29 September 2004, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<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 90, 27.3.2004, p. 64.

<sup>(3)</sup> OJ L 90, 27.3.2004, p. 58.

## ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund	
		For export to the destination referred to in the first indent of Article 1(1) of Regulation (EC) No 581/2004	For export to the destinations referred to in the second indent of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—	—
Butter	ex 0405 10 19 9700	—	140,00
Butteroil	ex 0405 90 10 9000	—	171,00

**COMMISSION REGULATION (EC) No 1704/2004****of 30 September 2004****altering the export refunds on white sugar and raw sugar exported in the natural state fixed by  
Regulation (EC) No 1666/2004**

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>, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The export refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1666/2004 <sup>(2)</sup>.

- (2) Since the data currently available to the Commission are different to the data at the time Regulation (EC) No 1666/2004 was adopted, those refunds should be adjusted,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1666/2004 are hereby altered to the amounts shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<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 294, 17.9.2004, p. 7.

## ANNEX

**AMENDED AMOUNTS OF REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 1 OCTOBER 2004**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	38,89 <sup>(1)</sup>
1701 11 90 9910	S00	EUR/100 kg	38,89 <sup>(1)</sup>
1701 12 90 9100	S00	EUR/100 kg	38,89 <sup>(1)</sup>
1701 12 90 9910	S00	EUR/100 kg	38,89 <sup>(1)</sup>
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4228
1701 99 10 9100	S00	EUR/100 kg	42,28
1701 99 10 9910	S00	EUR/100 kg	42,28
1701 99 10 9950	S00	EUR/100 kg	42,28
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4228

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

<sup>(1)</sup> This amount is applicable to raw sugar with a yield of 92%. Where the yield for exported raw sugar differs from 92%, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

**COMMISSION REGULATION (EC) No 1705/2004****of 30 September 2004****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

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>, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector<sup>(2)</sup>, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.

(3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry<sup>(3)</sup>, to the products listed in the Annex to the last mentioned Regulation.

(4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said Regulation exported in the natural state must be equal to one-hundredth of an amount which takes

account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward-processing arrangements.

(5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.

(6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.

(7) The abovementioned refunds must be fixed every month; they may be altered in the intervening period.

(8) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.

(9) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

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

<sup>(2)</sup> OJ L 214, 8.9.1995, p. 16.

<sup>(3)</sup> OJ L 178, 30.6.2001, p. 63.



- (10) In order to prevent any abuses associated with the reimportation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.
- (11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(d), (f), (g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

## ANNEX

**EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 1 OCTOBER 2004**

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 91 00	S00	EUR/100 kg dry matter	42,28 <sup>(1)</sup>
1702 60 10 90 00	S00	EUR/100 kg dry matter	42,28 <sup>(1)</sup>
1702 60 80 91 00	S00	EUR/100 kg dry matter	80,32 <sup>(2)</sup>
1702 60 95 90 00	S00	EUR/1 % sucrose × net 100 kg of product	0,4228 <sup>(3)</sup>
1702 90 30 90 00	S00	EUR/100 kg dry matter	42,28 <sup>(1)</sup>
1702 90 60 90 00	S00	EUR/1 % sucrose × net 100 kg of product	0,4228 <sup>(3)</sup>
1702 90 71 90 00	S00	EUR/1 % sucrose × net 100 kg of product	0,4228 <sup>(3)</sup>
1702 90 99 99 00	S00	EUR/1 % sucrose × net 100 kg of product	0,4228 <sup>(3)</sup> <sup>(4)</sup>
2106 90 30 90 00	S00	EUR/100 kg dry matter	42,28 <sup>(1)</sup>
2106 90 59 90 00	S00	EUR/1 % sucrose × net 100 kg of product	0,4228 <sup>(3)</sup>

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, except for sugar incorporated into the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

<sup>(1)</sup> Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

<sup>(2)</sup> Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

<sup>(3)</sup> The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

<sup>(4)</sup> The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

**COMMISSION REGULATION (EC) No 1706/2004  
of 30 September 2004**

**fixing the maximum export refund for white sugar to certain third countries for the 7th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004**

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> and in particular the second indent of Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1327/2004 of 19 July 2004<sup>3rd</sup> on a standing invitation to tender to determine levies and/or refunds on exports of white sugar<sup>(2)</sup>, for the 2004/2005 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1327/2004 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 7th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1327/2004 the maximum amount of the export refund shall be 45,415 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<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 246, 20.7.2004, p. 23.

**COMMISSION REGULATION (EC) No 1707/2004****of 30 September 2004****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 October 2004**

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>, and in particular the fifth indent of Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of

Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry<sup>(2)</sup> provides that these refunds shall be determined according to the refund fixed for white sugar.

- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each month.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 40,118 EUR/100 kg net for the period from 1 to 31 October 2004.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<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 178, 30.6.2001, p. 63.

## COMMISSION REGULATION (EC) No 1708/2004

of 30 September 2004

## fixing the export refunds on products processed from cereals and rice

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>, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice<sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95<sup>(3)</sup> on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tégument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(1)(d) of Regulation (EC) No 1784/2003 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

<sup>(3)</sup> OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

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

Done at Brussels, 30 September 2004.

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

---

## ANNEX

## to Commission Regulation of 30 September 2004 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 <sup>(1)</sup>	C10	EUR/t	42,60	1104 23 10 9300	C10	EUR/t	34,99
1102 20 10 9400 <sup>(1)</sup>	C10	EUR/t	36,52	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 <sup>(1)</sup>	C10	EUR/t	36,52	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	7,61
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 <sup>(1)</sup>	C10	EUR/t	54,77	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 <sup>(1)</sup>	C10	EUR/t	42,60	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 <sup>(1)</sup>	C10	EUR/t	36,52	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 <sup>(1)</sup>	C10	EUR/t	36,52	1108 12 00 9200	C10	EUR/t	48,69
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	48,69
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	48,69
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	48,69
1103 20 20 9000	C11	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	48,69
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 19 10 9000	C10	EUR/t	0,00	1702 30 51 9000 <sup>(2)</sup>	C10	EUR/t	47,70
1104 19 50 9110	C10	EUR/t	48,69	1702 30 59 9000 <sup>(2)</sup>	C10	EUR/t	36,52
1104 19 50 9130	C10	EUR/t	39,56	1702 30 91 9000	C10	EUR/t	47,70
1104 29 01 9100	C10	EUR/t	0,00	1702 30 99 9000	C10	EUR/t	36,52
1104 29 03 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	36,52
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	47,70
1104 29 05 9300	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	36,52
1104 22 20 9100	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	49,98
1104 22 30 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	34,69
1104 23 10 9100	C10	EUR/t	45,65	2106 90 55 9000	C10	EUR/t	36,52

<sup>(1)</sup> No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

<sup>(2)</sup> Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

**COMMISSION REGULATION (EC) No 1709/2004**  
**of 30 September 2004**  
**fixing the export refunds on cereal-based compound feedingstuffs**

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>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice<sup>(2)</sup> in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

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

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 51.



## ANNEX

**to the Commission Regulation of 30 September 2004 fixing the export refunds on cereal-based compound feedingstuffs**

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,  
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,  
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,  
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000,

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	EUR/t	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

C10: All destinations.

**COMMISSION REGULATION (EC) No 1710/2004**  
**of 30 September 2004**  
**determining the world market price for ungin­ned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001<sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton<sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for ungin­ned cotton is to be determined periodically from the price for gin­ned cotton recorded on the world market and by reference to the historical relationship between the price recorded for gin­ned cotton and that calculated for ungin­ned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme<sup>(3)</sup>. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for ungin­ned cotton is to be determined in respect of a product of specific characteristics and by reference to the most

favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for gin­ned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for ungin­ned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

*Article 1*

The world price for ungin­ned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 19,846 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

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

<sup>(1)</sup> OJ L 148, 1.6.2001, p. 1.

<sup>(2)</sup> OJ L 148, 1.6.2001, p. 3.

<sup>(3)</sup> OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

**COMMISSION REGULATION (EC) No 1711/2004****of 30 September 2004****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

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>, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds for skimmed milk powder<sup>(2)</sup> provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products<sup>(3)</sup> and following an examination of the tenders submitted in response to the invitation to

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 29 September 2004.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 29 September 2004, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 33,00 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<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 90, 27.3.2004, p. 67.

<sup>(3)</sup> OJ L 90, 27.3.2004, p. 58.

## COMMISSION REGULATION (EC) No 1712/2004

of 30 September 2004

**laying down transitory measures arising from the adoption of autonomous and transitional measures concerning the export of certain processed agricultural products to Bulgaria**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(1)</sup>, and in particular Article 8(3) thereof,

Whereas:

- (1) The Community has recently concluded a trade agreement for processed agricultural products with Bulgaria in preparation for its accession to the Community. This agreement provides for concessions involving on the Community side the abolition of export refunds on certain processed agricultural products.
- (2) Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria<sup>(2)</sup> provides on an autonomous basis for the abolition of refunds on processed agricultural products not listed in Annex I to the Treaty when exported to Bulgaria, from 1 October 2004.
- (3) In return for the abolition of export refunds as set out in Regulation (EC) No 1676/2004, the Bulgarian authorities have undertaken to grant reciprocal preferential import arrangements to goods imported into their territory if the goods concerned are accompanied by a copy of the export declaration containing a special mention indicating that they are not eligible for payment of export refunds. The full rate of duty applies in the absence of such documentation.
- (4) With the entry into force of Regulation (EC) No 1676/2004, goods for which operators have applied for refund certificates in accordance with Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds<sup>(3)</sup> will no longer be eligible for refund when they are exported to Bulgaria.
- (5) Reduction of refund certificates and pro-rata release of the corresponding security should be allowed where

operators can demonstrate to the satisfaction of the national competent authority that their claims for refunds have been affected by the entry into force of Regulation (EC) No 1676/2004. When assessing requests for reduction of the amount of the refund certificate and proportional release of the relevant security, the national competent authority should, in cases of doubt, have regard in particular to the documents referred to in Article 1(2) of Council Regulation (EEC) No 4045/89 of 21 December 1989 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and repealing Directive 77/435/EEC<sup>(4)</sup> without prejudice to the application of the other provisions of that Regulation.

- (6) For administrative reasons it is appropriate to provide that requests for reduction of the amount of the refund certificate and release of the security are to be made within a short period and that the amounts for which reductions have been accepted are to be notified to the Commission in time for their inclusion in the determination of the amount for which refund certificates for use from 1 December 2004 shall be issued, pursuant to Regulation (EC) No 1520/2000.
- (7) Since the autonomous and transitional measures laid down in Regulation (EC) No 1676/2004 will apply as from 1 October 2004 this Regulation should enter into force on the day following that of its publication.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

*Article 1*

Goods in respect of which export refunds have been abolished by Regulation (EC) No 1676/2004 shall be imported free of customs duties, free of customs duties within quotas, or at reduced rates of customs duties into Bulgaria if the goods concerned are accompanied by a duly completed copy of the export declaration with the following entry in Box 44:

'Export Refund: EUR 0/Regulation (EC) No 1676/2004'.

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

<sup>(2)</sup> OJ L 301, 28.9.2004, p. 1.

<sup>(3)</sup> OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

<sup>(4)</sup> OJ L 388, 30.12.1989, p. 18. Regulation as last amended by Regulation (EC) No 2154/2002 (OJ L 328, 5.12.2002, p. 4).

*Article 2*

1. Refund certificates issued in accordance with Regulation (EC) No 1520/2000 in respect of exports of the goods for which export refunds have been abolished by Regulation (EC) No 1676/2004 may, at request of the interested party, be reduced under the conditions provided for in paragraph 2 of this article.

2. To be eligible for reduction of the amount of the refund certificate, the certificates referred to in paragraph 1 must have been applied for before the date of entry into force of Regulation (EC) No 1676/2004 and their validity period must expire after 30 September 2004.

3. The certificate shall be reduced by the amount for which the interested party is unable to claim export refunds following the entry into force of Regulation (EC) No 1676/2004, as demonstrated to the satisfaction of the national competent authority.

In making their appraisal the competent authorities shall, in cases of doubt, have regard in particular to the commercial

documents referred to in Article 1(2) of Regulation (EEC) No 4045/89.

4. The relevant security shall be released in proportion to the reduction concerned.

*Article 3*

1. To be eligible for consideration under Article 2, the national competent authority must receive the requests by 7 November 2004 at the latest.

2. Member States shall notify the Commission not later than 14 November 2004 of the amounts for which reductions have been accepted in accordance with Article 2(3) of this Regulation. The notified amounts shall be taken into account for the determination of the amount for which refund certificates for use before 1 December 2004 may be issued.

*Article 4*

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 September 2004.

*For the Commission*

Olli REHN

*Member of the Commission*

---

## COMMISSION REGULATION (EC) No 1713/2004

of 30 september 2004

## laying down derogations from Regulation (EC) No 800/1999 as regards products in the form of goods not covered by Annex I to the Treaty exported to third countries other than Bulgaria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(1)</sup>, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 16(1) of Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds<sup>(2)</sup>, provides that Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products<sup>(3)</sup> shall apply as regards exports of products in the form of goods not covered by Annex I to the Treaty.
- (2) Article 3 of Regulation (EC) No 800/1999, provides that entitlement to the export refund is acquired on importation into a specific third country when a differentiated refund applies for that third country. Articles 14, 15 and 16 of that Regulation lay down the conditions for the payment of the differentiated refund, in particular the documents to be supplied as proof of the goods' arrival at destination.
- (3) In the case of a differentiated refund, Article 18(1) and (2) of Regulation (EC) No 800/1999 provides that part of the refund, calculated using the lowest refund rate, is paid on application by the exporter once proof is furnished that the product has left the customs territory of the Community.
- (4) Council Regulation (EC) No 1676/2004 of 24 September 2004 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Bulgaria and the exportation of certain processed agricultural products to Bulgaria<sup>(4)</sup>, provides on an autonomous basis for the abolition of refunds on processed agricultural products not listed in Annex I to the Treaty when exported to Bulgaria, from 1 October 2004.

- (5) Bulgaria has undertaken to grant the preferential import arrangements to goods imported into its territory only if the goods concerned are accompanied by documents stating that they are not eligible for payment of export refunds.
- (6) In the light of those arrangements, as a transitory measure in view of the possible accession to the European Union of Bulgaria and in order to avoid the imposition of unnecessary costs on operators in their commercial trade with other third countries, it is appropriate to derogate from Regulation (EC) No 800/1999 in so far as it requires proof of import in the case of differentiated refunds. It is also appropriate, where no export refunds have been fixed for the particular countries of destination in question, not to take account of that fact when the lowest rate of refund is determined.
- (7) Since the autonomous and transitional measures laid down in Regulation (EC) No 1676/2004 will apply as from 1 October 2004 this Regulation should enter into force on the day following that of its publication.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Article 16 of Regulation (EC) No 800/1999, where the differentiation of the refund is the result solely of a refund not having been fixed for Bulgaria proof that the customs import formalities have been completed shall not be a condition for payment of the refund in respect of all goods listed in Annex B to Regulation (EC) No 1520/2000, which are covered by Regulation (EC) No 1676/2004.

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

<sup>(2)</sup> OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 886/2004 (OJ L 168, 1.5.2004, p. 14).

<sup>(3)</sup> OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 671/2004 (OJ L 105, 14.4.2004, p. 5).

<sup>(4)</sup> OJ L 301, 28.9.2004, p. 1.

*Article 2*

The fact that no export refund has been fixed in respect of the export to Bulgaria of the goods listed in Annex B to Regulation (EC) No 1520/2000, which are covered by Regulation (EC) No 1676/2004, shall not be taken into account in determining the lowest rate of refund within the meaning of Article 18(2) of Regulation (EC) No 800/1999.

*Article 3*

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 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*  
Olli REHN  
*Member of the Commission*

---

**COMMISSION REGULATION (EC) No 1714/2004****of 30 September 2004****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup>.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).



## ANNEX

**to the Commission Regulation of 30 September 2004 fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	A00	EUR/t	0
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	A00	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	A00	EUR/t	0
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	A00	EUR/t	0
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	—	EUR/t	—	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	A00	EUR/t	0				

NB: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

**COMMISSION REGULATION (EC) No 1715/2004****of 30 September 2004****fixing the corrective amount applicable to the refund on cereals**

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>, and in particular Article 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

## ANNEX

## to the Commission Regulation of 30 September 2004 fixing the corrective amount applicable to the refund on cereals

Product code	Destination	(EUR/t)						
		Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	0	0	0	0	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0	0	0	0	—	—
1101 00 15 9130	A00	0	0	0	0	0	—	—
1101 00 15 9150	A00	0	0	0	0	0	—	—
1101 00 15 9170	A00	0	0	0	0	0	—	—
1101 00 15 9180	A00	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended. The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

**COMMISSION REGULATION (EC) No 1716/2004**  
**of 30 September 2004**  
**fixing the export refunds on malt**

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>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup>.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on malt listed in Article 1(1)(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

## ANNEX

**to the Commission Regulation of 30 September 2004 fixing the export refunds on malt**

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

**COMMISSION REGULATION (EC) No 1717/2004**  
**of 30 September 2004**  
**fixing the corrective amount applicable to the refund on malt**

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 organization of the market in cereals<sup>(1)</sup>, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup> allows for the fixing of a corrective amount for the malt referred to in Article 1(1)(c) of Regulation (EEC) No 1766/92.

That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

For the Commission  
Franz FISCHLER  
Member of the Commission

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

## ANNEX

**to the Commission Regulation of 30 September 2004 fixing the corrective amount applicable to the refund on malt**

(EUR/t)

Product code	Destination	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 4	7th period 5	8th period 6	9th period 7	10th period 8	11th period 9
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

**COMMISSION REGULATION (EC) No 1718/2004****of 30 September 2004****concerning tenders notified in response to the invitation to tender for the export of oats issued in Regulation (EC) No 1565/2004**

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>, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup>, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1565/2004 of 3 September 2004 on a special intervention measure for cereals in Finland and Sweden for the 2004/2005 marketing year<sup>(3)</sup>,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from

Finland and Sweden to all third countries, with the exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1565/2004.

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 24 to 30 September 2004 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1565/2004.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

<sup>(3)</sup> OJ L 285, 4.9.2004, p. 3.



**COMMISSION REGULATION (EC) No 1719/2004****of 30 September 2004****concerning tenders notified in response to the invitation to tender for the import of sorghum issued in Regulation (EC) No 238/2004**

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>, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 238/2004<sup>(2)</sup>.
- (2) Article 5 of Commission Regulation (EC) No 1839/95<sup>(3)</sup>, allows the Commission to decide, in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003 and on the basis of the tenders notified to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders notified from 24 to 30 September 2004 in response to the invitation to tender for the reduction in the duty on imported sorghum issued in Regulation (EC) No 238/2004.

*Article 2*

This Regulation shall enter into force on 1 October 2004.

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

Done at Brussels, 30 September 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 40, 12.2.2004, p. 23.

<sup>(3)</sup> OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2000 (OJ L 256, 10.10.2000, p. 13).

## COMMISSION DIRECTIVE 2004/98/EC

of 30 September 2004

**amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of pentabromodiphenyl ether in aircraft emergency evacuation systems for the purpose of adapting its Annex I to technical progress**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

emergency cases for a few seconds, and only in the rare event that the material is burning.

Having regard to the Treaty establishing the European Community, and

Having regard to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of dangerous substances and preparations <sup>(1)</sup>, and in particular Article 2a thereof,

Whereas:

(1) Pentabromodiphenyl ether (pentaBDE) is used as a brominated flame retardant in order to protect plastics, fabrics and other articles against fire.

(2) On the basis of a risk assessment pursuant to Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances <sup>(2)</sup> it was considered necessary to restrict the placing on the market and use of pentaBDE, and the substance was therefore added to Annex I to Directive 76/769/EEC.

(3) Recently, new information has become available showing that pentaBDE is used in specific fabrics for aircraft evacuation slides and slide-rafts and cannot be replaced by suitable alternatives due to the extensive safety testing and regulatory requirements.

(4) Emissions from such slides into the environment and exposure of humans cannot be expected, except in

(5) Considering the limited application of pentaBDE in aircraft emergency evacuation systems and the negligible contribution to the overall risks posed by that article to health and the environment, it is justified to permit pentaBDE to be placed on the market and used for that specific purpose.

(6) Given the complexity of the substitution process and the authorisation regulations for aircraft emergency systems, and the serious socio-economic implications, a time limited derogation is justified for articles essential for evacuation situations. Permitting the use of pentaBDE in aircraft emergency evacuation systems would maintain aircraft safety by preventing the use of older emergency systems.

(7) Directive 76/769/EEC should therefore be amended accordingly.

(8) This Directive should apply without prejudice to Community legislation laying down minimum requirements for the protection of workers, in particular Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work <sup>(3)</sup>, and Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) <sup>(4)</sup>.

(9) The measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of the Directives on the removal of technical barriers to trade in dangerous substances and preparations,

<sup>(1)</sup> OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 2004/96/EC (OJ L 301, 28.9.2004, p. 51).

<sup>(2)</sup> OJ L 84, 5.4.1993, p. 1. Regulation as amended by Regulation of the European Parliament and of the Council (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

<sup>(3)</sup> OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003.

<sup>(4)</sup> OJ L 158, 30.4.2004, p. 50.

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex I to Directive 76/769/EEC is amended in accordance with the Annex to this Directive.

*Article 2*

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

They shall apply those provisions from 1 January 2005 at the latest.

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

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

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 30 September 2004.

*For the Commission*

Olli REHN

*Member of the Commission*

---

ANNEX

Annex I to Directive 76/769/EEC, is amended as follows:

In the second column of point 44, entitled diphenylether, pentabromo derivative C<sub>12</sub>H<sub>5</sub>Br<sub>5</sub>O, a new paragraph 3 is added:

'3. By way of derogation, until 31 March 2006 paragraphs 1 and 2 shall not apply to aircraft emergency evacuation systems.'

---

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 27 September 2004

**amending Commission Decision 2004/145/EC as regards the financial assistance for one Community reference laboratory in the field of veterinary public health (biological risks) in the United Kingdom for the year 2004**

(notified under document number C(2004) 3547)

(only the English text is authentic)

(2004/667/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field<sup>(1)</sup>, and in particular Article 28(2) thereof,

Whereas:

(1) Commission Decision 2004/145/EC of 12 February 2004 on financial assistance from the Community for the operation of certain Community reference laboratories in the field of veterinary public health (biological risks) for the year 2004<sup>(2)</sup> grants Community financial aid to them to carry out certain functions and duties.

(2) As part of the annual work programme for 2003, the Community reference laboratory for TSEs at Weybridge, United Kingdom (CRL) has developed on the basis of the analysis of the results of the Community BSE monitoring programme an integrated approach to initial and continuing evaluation of country BSE status which includes an epidemiological model for the assessment of BSE monitoring results of individual countries.

(3) A workshop with experts of the Member States should be organised to allow Member State experts to learn how to use the model. Due to the complexity of the model and the need for experience both in statistics and veterinary epidemiology, two experts per Member States should be invited. In an initial stage, expert assistance from the CRL might also be needed when Member States are using the model in the assessment of their own surveillance programmes. Therefore the Community financial assistance to the annual work plan of the CRL should be increased to cover the additional costs for this workshop and expert assistance.

(4) Rules laid down in Commission Regulation (EC) No 156/2004 of 29 January 2004 on the Community's financial assistance to the Community reference laboratories pursuant to Article 28 of Decision 90/424/EEC<sup>(3)</sup>.

(5) Decision 2004/145/EC should be amended accordingly.

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

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 19. Decision as last modified by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 47, 18.2.2004, p. 35.

HAS ADOPTED THIS DECISION:

<sup>(3)</sup> OJ L 27, 30.1.2004, p. 5.

*Article 1*

Decision 2004/145/EC is amended as follows:

1. Article 6, paragraph 2 is replaced by:

‘2. The financial assistance referred to in paragraph 1 shall amount to a maximum of EUR 417 000 for the period 1 January to 31 December 2004.’

2. Article 6, paragraph 3 is replaced by:

‘3. The Community’s financial assistance for the organisation of technical workshops shall amount to a maximum of EUR 105 000. Pursuant to Article 4 of Regulation (EC) No 156/2004 and by way of derogation, the laboratory

mentioned in paragraph 1 above is entitled to claim financial assistance for attendance at its workshops for up to 50 participants.’

*Article 2*

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 27 September 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

---