

Official Journal

of the European Union

L 323

English edition

Legislation

Volume 47

26 October 2004

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1848/2004 of 25 October 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 1849/2004 of 21 October 2004 concerning the classification of certain goods in the Combined Nomenclature 3**

★ **Commission Regulation (EC) No 1850/2004 of 25 October 2004 amending Regulation (EC) No 1117/2004 fixing the exchange rate applicable in 2004 to certain direct aids and measures of a structural or environmental nature in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia 5**

★ **Commission Regulation (EC) No 1851/2004 of 25 October 2004 amending Annex I to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits for veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾ 6**

Commission Regulation (EC) No 1852/2004 of 25 October 2004 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip 9

★ **Council Regulation (EC) No 1853/2004 of 25 October 2004 concerning additional restrictive measures in respect of Burma/Myanmar and amending Regulation (EC) No 798/2004 11**

Acts adopted under Title V of the Treaty on European Union

★ **Council Common Position 2004/730/CFSP of 25 October 2004 on additional restrictive measures against Burma/Myanmar and amending Common Position 2004/423/CFSP 17**

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1848/2004
of 25 October 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 October 2004.

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

Done at Brussels, 25 October 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

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

ANNEX

to Commission Regulation of 25 October 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	47,4
	204	43,6
	624	74,2
	999	55,1
0707 00 05	052	97,0
	999	97,0
0709 90 70	052	84,0
	204	39,5
	628	48,8
	999	57,4
0805 50 10	052	54,9
	388	56,2
	524	66,0
	528	40,9
	999	54,5
0806 10 10	052	95,5
	400	177,2
	999	136,4
0808 10 20, 0808 10 50, 0808 10 90	388	60,2
	400	94,0
	404	80,2
	512	107,5
	720	100,8
	800	212,5
	804	77,7
0808 20 50	999	104,7
	052	97,5
	388	105,3
	720	75,4
	999	92,7

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

COMMISSION REGULATION (EC) No 1849/2004
of 21 October 2004
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to the said general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3.

- (4) It is appropriate to provide that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which is not in accordance with this Regulation, can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information issued by the customs authorities of Member States which is not in accordance with this Regulation can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the twentieth 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, 21 October 2004.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 2344/2003 (OJ L 283, 2.9.2004, p. 7).

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

ANNEX

Description	Classification (CN code)	Reasons
(1)	(2)	(3)
A desktop projector to project data and images from a distance on a large screen or wall, operating by means of a liquid crystal device. It can be connected to an automatic data processing machine. It has a video input to reproduce images coming from video sources such as a video recorder or a video camera.	8528 30 05	Classification is determined by the provisions of General Rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8528, 8528 30 and 8528 30 05. The apparatus can be considered as a unit for an automatic data processing machine of heading 8471 or as a video projector of heading 8528. Neither of these functions gives the apparatus its principal function. Therefore, it is classifiable in heading 8528 which occurs last in numerical order among those which equally merit consideration.

COMMISSION REGULATION (EC) No 1850/2004**of 25 October 2004****amending Regulation (EC) No 1117/2004 fixing the exchange rate applicable in 2004 to certain direct aids and measures of a structural or environmental nature in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 751/2004 of 22 April 2004 setting certain operative events for the exchange rate for 2004 for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to take account of their accession to the European Union⁽¹⁾, and in particular the second paragraph of Article 1 thereof,

Whereas:

- (1) The exchange rates in the Annex to Commission Regulation (EC) No 1117/2004⁽²⁾ apply to the support schemes for which the operative event for the exchange rate was fixed for the abovementioned Member States at 1 May 2004 pursuant to Regulation (EC) No 751/2004.
- (2) Following the amendment of Regulation (EC) No 751/2004 by Regulation (EC) No 1843/2004, the operative event for the exchange rate for 2004 in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia for the purposes of converting into national currency the area payment for nuts provided for in Chapter 4 of Title IV of Council Regulation (EC) No 1782/2003⁽³⁾, which establishes common rules for direct support schemes under

the common agricultural policy and certain support schemes for farmers, and amends certain regulations, is fixed as the date of entry into force of the 2003 Treaty of Accession.

- (3) Regulation (EC) No 1117/2004 does not refer to the area payment for nuts provided for in Chapter 4 of Title IV of Regulation (EC) No 1782/2003. The rates fixed in the Annex thereto should, however, also apply to the area payment for nuts.
- (4) Regulation (EC) No 1117/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The following point (e) is added to the first subparagraph of Article 1 of Regulation (EC) No 1117/2004:

- ‘(e) the area payment for nuts provided for in Chapter 4 of Title IV of Regulation (EC) No 1782/2003.’

*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, 25 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 118, 23.4.2004, p. 19. Regulation as amended by Regulation (EC) No 1843/2004 (OJ L 322, 23.10.2004, p. 10).

⁽²⁾ OJ L 217, 17.6.2004, p. 8.

⁽³⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 864/2004 (OJ L 161, 30.4.2004, p. 48).

COMMISSION REGULATION (EC) No 1851/2004**of 25 October 2004****amending Annex I to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits for veterinary medicinal products in foodstuffs of animal origin****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin⁽¹⁾, and in particular Articles 7 and 8 thereof,

Whereas:

- (1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits should be established for all pharmacologically active substances that are used within the Community in veterinary medicinal products intended for administration to food-producing animals.
- (2) Maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products (CVMP) of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs.
- (3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the relevant food obtained from the treated animal ('target tissue') as well as the nature of the residue that is relevant for the monitoring of residues ('marker residue').
- (4) For the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues.
- (5) In the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees,

maximum residue limits must also be established for eggs, milk or honey.

- (6) Regulation (EEC) No 2377/90 provides that the establishment of maximum residue limits shall in no way prejudice the application of other relevant Community legislation.
- (7) Based on an opinion of the CVMP, Annex III of Regulation (EEC) No 2377/90 was amended by Commission Regulation (EC) No 997/1999⁽²⁾ to include provisional maximum residue limits for morantel, in order to allow for the completion of scientific studies, notably concerning the marker residue and the analytical method for the determination of residues of morantel in the target tissues. These maximum residue limits were subsequently extended by Commission Regulation (EC) No 1322/2001⁽³⁾ to allow the applicant further time for completion of the requested studies.
- (8) The requested data on the marker residue and the analytical method was evaluated by the CVMP and found to be not completely in accordance with the requirements laid down in Volume 8 of the Rules Governing Medicinal Products in the European Union. The method was nevertheless considered fully validated for muscle and milk and either kidney or liver for the species cattle and sheep. The CVMP subsequently proposed to insert morantel in Annex II of Regulation (EEC) No 2377/90, with the motivation that residues of morantel depleted rapidly and therefore the establishment of maximum residue limits was not necessary for the protection of public health.
- (9) As residues of morantel in foodstuff from treated animals may supersede the acceptable daily intake 24 hours after administration, it is considered necessary, for reasons of consumer safety and to allow adequate withdrawal periods to be established for veterinary medicinal products containing morantel, to establish maximum residue limits, taking account of the maximum residue limits previously established.
- (10) Morantel is a pharmacologically active anthelmintic substance which has been in use in veterinary medicinal products for food-producing animal species for a considerable time for treatment against roundworms and tapeworms. In view of the possible development of resistance, it is considered that access to multiple choices for treatment should remain possible.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last modified by Commission Regulation (EC) No 1646/2004 (OJ L 296, 21.9.2004, p. 5).

⁽²⁾ OJ L 122, 12.5.1999, p. 24.

⁽³⁾ OJ L 177, 30.6.2001, p. 52.

- (11) According to Regulation (EC) No 178/2002⁽¹⁾, risk management shall take into account the results of risk assessment and other factors legitimate to the matter under consideration, such as detection methods and feasibility of controls for the purpose of avoiding risks from such substances. The relevant Community Reference Laboratory has confirmed that the methods proposed by the applicant can be made applicable for confirmatory analyses of morantel in the target tissues.
- (12) The Commission considers that it is appropriate to include morantel in Annex I for cattle and sheep to provide safeguards for the consumer and to allow relevant controls of morantel in foodstuffs of treated animals.
- (13) A period of 60 days should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustments which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been

granted in accordance with Directive 2001/82/EC of the European Parliament and of the Council on the Community code relating to veterinary medicinal products⁽²⁾.

- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products.

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

Annex I to Regulation (EEC) No 2377/90 is hereby amended as set out in the Annex hereto.

Article 2

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

It shall apply from the sixtieth day following its publication.

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

Done at Brussels, 25 October 2004.

For the Commission

Olli REHN

Member of the Commission

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last modified by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as amended by Directive 2004/28/EU (OJ L 136, 30.4.2004, p. 58).

ANNEX

A. The following substance is inserted in Annex I to Regulation (EEC) No 2377/90:

- 2. Antiparasitic agents
- 2.1. Agents acting against endoparasites
- 2.1.7. Tetrahydropyrimides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
Morantel	Sum of residues which may be hydrolysed to N-methyl-1,3- propanediamine and expressed as morantel equivalents	Bovine, ovine	100 µg/kg 100 µg/kg 800 µg/kg 200 µg/kg 50 µg/kg	Muscle Fat Liver Kidney Milk

COMMISSION REGULATION (EC) No 1852/2004**of 25 October 2004****fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip⁽¹⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan,

Morocco and the West Bank and the Gaza Strip⁽²⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 26 October 2004.

It shall apply from 27 October to 9 November 2004.

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

Done at Brussels, 25 October 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

ANNEX

to the Commission Regulation of 25 October 2004 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 27 October to 9 November 2004

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	14,68	12,02	28,91	12,93
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	—	—
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COUNCIL REGULATION (EC) No 1853/2004**of 25 October 2004****concerning additional restrictive measures in respect of Burma/Myanmar and amending Regulation (EC) No 798/2004**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2004/730/CFSP of 25 October 2004 on additional restrictive measures against Burma/Myanmar and amending Common Position 2004/423/CFSP⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

(1) On 28 October 1996, the Council, concerned at the absence of progress towards democratisation and at the continuing violation of human rights in Burma/Myanmar, imposed certain restrictive measures against Burma/Myanmar by Common Position 1996/635/CFSP⁽²⁾. In view of the continuing severe and systematic violations of human rights by the Burmese authorities, and in particular the continuing and intensified repression of civil and political rights, and the failure of those authorities to take steps towards democracy and reconciliation, the restrictive measures against Burma/Myanmar have subsequently been extended several times, most recently by Common Position 2004/423/CFSP⁽³⁾. Some of the restrictive measures imposed against Burma/Myanmar have been implemented at Community level by Council Regulation (EC) No 798/2004 of 26 April 2004 renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 1081/2000⁽⁴⁾.

(2) In view of the current political situation in Burma/Myanmar, as witnessed by the failure of the military authorities to release Daw Aung San Suu Kyi and other members of the National League for Democracy (NLD) as well as other political detainees, and the failure to allow a

genuine and open National Convention, and in view of the the continued harassment of the NLD and other organised political movements, Common Position 2004/730/CFSP maintains and strengthens the restrictive measures imposed in respect of Burma/Myanmar by Common Position 2004/423/CFSP to include, inter alia, a prohibition on making financial loans or credits available to, and on acquiring or extending a participation in, Burmese state-owned enterprises; while such prohibition should not affect the execution of related obligations resulting from existing contracts or agreements, the conclusion of new contracts or agreements on the subject-matter of this Regulation or the renewal of existing contracts or agreements after their expiration should be prohibited after the entry into force of this Regulation.

(3) These measures fall within the scope of the Treaty and, therefore, in order to avoid any distortion of competition, Community legislation is necessary to implement them as far as the Community is concerned.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication.

(5) Regulation (EC) No 798/2004 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 798/2004 is hereby amended as follows:

1. the following Article shall be inserted:

'Article 8a

1. The following shall be prohibited:

(a) the granting of any financial loan or credit to Burmese state-owned enterprises as listed in Annex IV, or the acquisition of bonds, certificates of deposit, warrants or debentures, issued by these enterprises,

⁽¹⁾ See page 17 of this edition of the Official Journal.

⁽²⁾ OJ L 287, 8.11.1996, p. 1. Common Position repealed and replaced by Common Position 2003/297/CFSP (OJ L 106, 29.4.2003, p. 36).

⁽³⁾ OJ L 125, 28.4.2004, p. 61. Common Position as amended by Common Position 2004/730/CFSP.

⁽⁴⁾ OJ L 125, 28.4.2004, p. 4. Regulation as amended by Regulation (EC) No 1517/2004 (OJ L 278, 27.8.2004, p. 18).

(b) the acquisition or extension of a participation in Burmese state-owned enterprises as listed in Annex IV, including the acquisition in full of such enterprises and the acquisition of shares and securities of a participating nature.

2. The participation, knowingly and intentionally, in activities, the object or effect of which is, directly or indirectly, to circumvent the provisions of paragraph 1 shall be prohibited.

3. Paragraph 1 shall be without prejudice to the execution of trade contracts for the supply of goods or services on usual commercial payment conditions and the usual supplementary agreements in connection with the execution of these contracts such as export credit insurances.

4. The provisions of paragraph 1(a) shall be without prejudice to the execution of an obligation arising from contracts or agreements concluded before the entry into force of this Regulation.

5. The prohibition in paragraph 1(b) shall not prevent the extension of a participation in Burmese State-owned enterprises as listed in Annex IV, if such extension is compulsory under an agreement concluded with the Burmese State-owned enterprise concerned before the entry into force of this Regulation. The relevant competent authority, as listed

in Annex II, and the Commission shall be informed prior to any such transaction. The Commission shall inform the competent authorities of the other Member States.;

2. Article 12 shall be replaced by the following:

'Article 12

The Commission shall be empowered to:

(a) amend Annex II on the basis of information supplied by Member States,

(b) amend Annexes III and IV on the basis of decisions taken in respect of Annexes I and II to Common Position 2004/423/CFSP as amended by Common Position 2004/730/CFSP. (*)

(*) OJ L 323, 26.10.2004, p. 17.'

3. The Annex set out in the Annex hereto shall be added.

Article 2

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

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

Done at Luxembourg, 25 October 2004.

For the Council
The President
R. VERDONK

ANNEX

'ANNEX IV

List of Burmese State-owned enterprises referred to in article 8 (a)

Name	Address	Name of Director
I. UNION OF MYANMAR ECONOMIC HOLDING LTD		
UNION OF MYANMAR ECONOMIC HOLDING LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	MAJ-GEN WIN HLAING, MANAGING DIRECTOR
A. MANUFACTURING		
1. MYANMAR RUBY ENTERPRISE	24/26, 2ND FL., SULE PAGODA ROAD, YANGON (MIDWAY BANK BUILDING)	COL MAUNG MAUNG AYE, MANAGING DIRECTOR
2. MYANMAR IMPERIAL JADE CO. LTD	24/26, 2ND FL., SULE PAGODA ROAD, YANGON (MIDWAY BANK BUILDING)	
3. MYANMAR RUBBER WOOD CO. LTD		
4. MYANMAR PINEAPPLE JUICE PRODUCTION		
5. MYAWADDY CLEAN DRINKING WATER SERVICE	4/A, NO 3 MAIN ROAD, MINGALARDON TSP, YANGON	
6. SIN MIN (KING ELEPHANTS) CEMENT FACTORY (KYAUKSE)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
7. TAILORING SHOP SERVICE		
8. NGWE PIN LE (SILVER SEA) LIVESTOCK BREEDING AND FISHERY CO.	1093, SHWE TAUNG GYAR ST. INDUSTRIAL ZONE II, WARD 63, SOUTH DAGON TSP, YANGON	
9. GRANITE TILE FACTORY (KYAIKTO)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
10. SOAP FACTORY (PAUNG)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
B. TRADING		
1. MYAWADDY TRADING LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	COL MYINT AUNG, MANAGING DIRECTOR
C. SERVICES		
1. MYAWADDY BANK LTD	24-26 SULE PAGODA ROAD, YANGON	BRIG-GEN WIN HLAING AND U TUN KYI, MANAGING DIRECTORS
2. BANDoola TRANSPORTATION CO. LTD	399, THIRI MINGALAR ROAD, INSEIN TSP, YANGON AND/OR PARAMI ROAD, SOUTH OKKALAPA, YANGON	COL MYO MYINT, MANAGING DIRECTOR

Name	Address	Name of Director
3. MYAWADDY TRAVEL SERVICES	24-26, SULE PAGODA ROAD, YANGON	
4. NAWADAY HOTEL AND TRAVEL SERVICES	335/357, BOGYOKE AUNG SAN ROAD, PADEBAN TSP, YANGON	
5. MYAWADDY AGRICULTURE SERVICES	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
6. MYANMAR AR (POWER) CONSTRUCTION SERVICES	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	

JOINT VENTURES AND SUBSIDIARIES

A. MANUFACTURING

1. MYANMAR SEGAL INTERNATIONAL LTD	PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U BE AUNG, MANAGER
2. MYANMAR DAEWOO INTERNATIONAL	PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
3. ROTHMAN OF PALL MALL MYANMAR PRIVATE LTD	NO 38, VIRGINIA PARK, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, YANGON	
4. MYANMAR BREWERY LTD	NO 45, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	RETD LT-COL MAUNG MAUNG AYE, CHAIRMAN
5. MYANMAR POSCO STEEL CO. LTD	PLOT 22, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
6. MYANMAR NOUVEAU STEEL CO. LTD	NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
7. BERGER PAINT MANUFACTURING CO. LTD	PLOT NO 34/A, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
8. THE FIRST AUTOMOTIVE CO. LTD	PLOT NO 47, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U AYE CHO AND/OR LT-COL TUN MYINT, MANAGING DIRECTOR
9. MERCURY RAY MANUFACTURING LTD	PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U NYO MIN OO
10. MYANMAR HWA FU INTERNATIONAL LTD	NO 3, MAIN ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	

Name	Address	Name of Director
11. MYANMAR MA MEE DOUBLE DECKER CO. LTD	PLOT 41, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
12. MYANMAR SAM GAUNG INDUSTRY LTD	NO 6/A, PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
13. MYANMAR TOKIWA CORP.	44B/NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
14. MYANMAR KUROSAWA TRUST CO. LTD	22, PYAY ROAD, 7 MILE, MAYANGONE TSP, YANGON	
B. TRADING		
1. DIAMOND DRAGON (SEIN NAGA) CO. LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
C. SERVICES		
1. NATIONAL DEVELOPMENT CORP.	3/A, THAMTHUMAR STREET, 7 MILE, MAYANGONE TSP, YANGON	DR. KHIN SHWE, CHAIRMAN
2. HANTHA WADDY GOLF RESORT AND MYODAW (CITY) CLUB LTD	NO 1, KONEMYINTTHA STREET, 7 MILE, MAYANGONE TSP, YANGON AND THIRI MINGALAR ROAD, INSEIN TSP, YANGON	
3. MYANMAR CEMENT LTD		
4. MYANMAR HOTEL AND CRUISES LTD	RM. 814/815, TRADER'S HOTEL, 223, SULE PAGODA ROAD, YANGON	
II. MYANMA ECONOMIC CORPORATION (MEC)		
MYANMA ECONOMIC CORPORATION (MEC)	SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL YE HTUT OR BRIG-GEN KYAW WIN, MANAGING DIRECTOR
1. INNWA BANK	554-556, MERCHANT STREET, CORNER OF 35TH STREET, KYAUKTADA TSP, YANGON	U YIN SEIN, GENERAL MANAGER
2. MYAING GALAY (RHINO BRAND) CEMENT FACTORY	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL KHIN MAUNG SOE

Name	Address	Name of Director
3. DAGON BREWERY	555/B, NO 4, HIGHWAY ROAD, HLAW GAR WARD, SHWE PYI THAR TSP, YANGON	COL KHIN MAUNG SOE
4. MEC STEEL MILLS (HMAW BI/PYI/ YWAMA)	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	
5. MEC SUGAR MILL	KANT BALU	
6. MEC OXYGEN AND GASES FACTORY	MINDAMA ROAD, MINGALARDON TSP, YANGON	
7. MEC MARBLE MINE	PYINMANAR	
8. MEC MARBLE TILES FACTORY	LOIKAW	
9. MEC MYANMAR CABLE WIRE FACTORY	NO 48, BAMAW A TWIN WUN ROAD, ZONE (4), HLAING THAR YAR INDUSTRIAL ZONE, YANGON	
10. MEC SHIP BREAKING SERVICE	THILAWAR, THAN NYIN TSP	
11. MEC DISPOSABLE SYRINGE FACTORY	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	
12. GYPSUM MINE	THIBAW	

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2004/730/CFSP

of 25 October 2004

on additional restrictive measures against Burma/Myanmar and amending Common Position 2004/423/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

(5) Action by the Community is needed in order to implement certain of these measures,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

HAS ADOPTED THIS COMMON POSITION:

Whereas:

Article 1

Common Position 2004/423/CFSP is hereby amended as follows:

(1) On 26 April 2004, the Council adopted Common Position 2004/423/CFSP⁽¹⁾ renewing restrictive measures against Burma/Myanmar.

1. Article 5 shall be replaced by the following:

(2) In view of the current political situation in Burma/Myanmar, as witnessed by the failure of the military authorities to release Daw Aung San Suu Kyi and other members of the National League for Democracy (NLD) as well as other political detainees, and the failure to allow a genuine and open National Convention, and in view of the continued harassment of the NLD and other organised political movements, the Council, as noted in its conclusions of 13 September 2004, deems it necessary to introduce additional measures to those contained in Common Position 2004/423/CFSP against the military regime in Burma/Myanmar, those who benefit most from its misrule, and those who actively frustrate the process of national reconciliation, respect for human rights and democracy.

'Article 5

Non-humanitarian aid or development programmes shall be suspended. Exceptions shall be made for projects and programmes in support of:

(3) Accordingly, the scope of these measures should be extended to include serving members of the military of the rank of Brigadier-General and above and members of their families and a prohibition should be introduced on making financial loans or credits available to, and on acquiring or extending a participation in, Burmese state-owned enterprises.

(a) human rights, democracy, good governance, conflict prevention and building the capacity of civil society,

(b) health and education, poverty alleviation and in particular the provision of basic needs and livelihoods for the poorest and most vulnerable populations,

(4) In the case of a substantial improvement in the overall political situation in Burma/Myanmar, not only the suspension of these restrictive measures, but also the gradual resumption of cooperation with Burma/Myanmar will be considered, after assessment of developments by the Council.

(c) environmental protection, and in particular programmes addressing the problem of non-sustainable, excessive logging resulting in deforestation.

The programmes and projects should be implemented through UN agencies, non-governmental organisations, and through decentralised cooperation with local civilian administrations. In this context, the European Union will continue to engage with the government of Burma over its responsibility to make greater efforts to attain the UN Millennium Development Goals.

Programmes and projects should, as far as possible, be defined, monitored, run and evaluated in consultation with civil society and all democratic groups, including the National League for Democracy.';

⁽¹⁾ OJ L 125, 28.4.2004, p. 61.

2. Article 6(1) shall be replaced by the following:

‘1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

- (a) senior members of the State Peace and Development Council (SPDC), Burmese authorities in the tourism sector, senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and members of their families, being the natural persons listed in the Annex I;
- (b) serving members of the Burmese military of the rank of Brigadier-General and above and members of their families. They shall be added to the list in Annex I in accordance with the procedure set out in Article 9.’;

3. Article 7 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

‘1. All funds and economic resources belonging to the individual members of the Government of Burma/Myanmar and to the natural or legal persons, entities or bodies associated with them listed in the Annex I shall be frozen.’;

(b) the following paragraphs shall be added:

‘5. The following shall be prohibited:

- (a) the granting of any financial loan or credit to Burmese state-owned enterprises as listed in Annex II, or the acquisition of bonds, certificates of deposit, warrants or debentures, issued by these enterprises,
 - (b) the acquisition or extension of a participation in Burmese state-owned enterprises as listed in Annex II, including the acquisition in full of such enterprises and the acquisition of shares and securities of a participating nature.;
6. (a) The provisions of paragraph 5(a) shall be without prejudice to the execution of an obligation arising from contracts or agreements concluded before the entry into force of this Common Position.

(b) The prohibition in paragraph 5(b) shall not prevent the extension of a participation in Burmese State-owned enterprises as listed in Annex II, if such extension is compulsory under an agreement concluded with the Burmese State-owned enterprise concerned before the entry into force of this Common Position.’;

4. Article 9 shall be replaced by the following:

‘Article 9

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications to the list set out in Annex I as required.’;

5. Article 10 shall be replaced by the following:

‘Article 10

This Common Position shall apply for a 12-month period. It shall be kept under constant review. It shall be renewed, or amended as appropriate, in particular as regards the Burmese state-owned enterprises, as listed in Annex II, if the Council deems that its objectives have not been met.’;

6. the Annex shall be renamed ‘Annex I’.

7. A new Annex shall be added as set out in the Annex hereto.

Article 2

This Common Position shall take effect on the date of its adoption.

Article 3

This Common Position shall be published in the Official Journal of the European Union.

Done at Luxembourg, 25 October 2004.

For the Council
The President
R. VERDONK

ANNEX

‘ANNEX II

List of Burmese State-owned enterprises referred to in article 7(5)

Name	Address	Name of Director
I. UNION OF MYANMAR ECONOMIC HOLDING LTD		
UNION OF MYANMAR ECONOMIC HOLDING LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	MAJ-GEN WIN HLAING, MANAGING DIRECTOR
A. MANUFACTURING		
1. MYANMAR RUBY ENTERPRISE	24/26, 2ND FL., SULE PAGODA ROAD, YANGON (MIDWAY BANK BUILDING)	COL MAUNG MAUNG AYE, MANAGING DIRECTOR
2. MYANMAR IMPERIAL JADE CO. LTD	24/26, 2ND FL., SULE PAGODA ROAD, YANGON (MIDWAY BANK BUILDING)	
3. MYANMAR RUBBER WOOD CO. LTD		
4. MYANMAR PINEAPPLE JUICE PRODUCTION		
5. MYAWADDY CLEAN DRINKING WATER SERVICE	4/A, NO 3 MAIN ROAD, MINGALARDON TSP, YANGON	
6. SIN MIN (KING ELEPHANTS) CEMENT FACTORY (KYAUKSE)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
7. TAILORING SHOP SERVICE		
8. NGWE PIN LE (SILVER SEA) LIVESTOCK BREEDING AND FISHERY CO.	1093, SHWE TAUNG GYAR ST. INDUSTRIAL ZONE II, WARD 63, SOUTH DAGON TSP, YANGON	
9. GRANITE TILE FACTORY (KYAIKTO)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
10. SOAP FACTORY (PAUNG)	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
B. TRADING		
1. MYAWADDY TRADING LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	COL MYINT AUNG, MANAGING DIRECTOR
C. SERVICES		
1. MYAWADDY BANK LTD	24-26 SULE PAGODA ROAD, YANGON	BRIG-GEN WIN HLAING AND U TUN KYI, MANAGING DIRECTORS
2. BANDoola TRANSPORTATION CO. LTD	399, THIRI MINGALAR ROAD, INSEIN TSP, YANGON AND/OR PARAMI ROAD, SOUTH OKKALAPA, YANGON	COL MYO MYINT, MANAGING DIRECTOR

Name	Address	Name of Director
3. MYAWADDY TRAVEL SERVICES	24-26, SULE PAGODA ROAD, YANGON	
4. NAWADAY HOTEL AND TRAVEL SERVICES	335/357, BOGYOKE AUNG SAN ROAD, PADEBAN TSP, YANGON	
5. MYAWADDY AGRICULTURE SERVICES	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
6. MYANMAR AR (POWER) CONSTRUCTION SERVICES	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	

JOINT VENTURES AND SUBSIDIARIES

A. MANUFACTURING

1. MYANMAR SEGAL INTERNATIONAL LTD	PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U BE AUNG, MANAGER
2. MYANMAR DAEWOO INTERNATIONAL	PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
3. ROTHMAN OF PALL MALL MYANMAR PRIVATE LTD	NO 38, VIRGINIA PARK, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, YANGON	
4. MYANMAR BREWERY LTD	NO 45, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	RETD LT-COL MAUNG MAUNG AYE, CHAIRMAN
5. MYANMAR POSCO STEEL CO. LTD	PLOT 22, NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
6. MYANMAR NOUVEAU STEEL CO. LTD	NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
7. BERGER PAINT MANUFACTURING CO. LTD	PLOT NO 34/A, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
8. THE FIRST AUTOMOTIVE CO. LTD	PLOT NO 47, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U AYE CHO AND/OR LT-COL TUN MYINT, MANAGING DIRECTOR
9. MERCURY RAY MANUFACTURING LTD	PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	U NYO MIN OO
10. MYANMAR HWA FU INTERNATIONAL LTD	NO 3, MAIN ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	

Name	Address	Name of Director
11. MYANMAR MA MEE DOUBLE DECKER CO. LTD	PLOT 41, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
12. MYANMAR SAM GAUNG INDUSTRY LTD	NO 6/A, PYAY ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
13. MYANMAR TOKIWA CORP.	44B/NO 3, TRUNK ROAD, PYINMABIN INDUSTRIAL ZONE, MINGALARDON TSP, YANGON	
14. MYANMAR KUROSAWA TRUST CO. LTD	22, PYAY ROAD, 7 MILE, MAYANGONE TSP, YANGON	
B. TRADING		
1. DIAMOND DRAGON (SEIN NAGA) CO. LTD	189/191 MAHABANDoola ROAD, CORNER OF 50TH STREET, YANGON	
C. SERVICES		
1. NATIONAL DEVELOPMENT CORP.	3/A, THAMTHUMAR STREET, 7 MILE, MAYANGONE TSP, YANGON	DR. KHIN SHWE, CHAIRMAN
2. HANTHA WADDY GOLF RESORT AND MYODAW (CITY) CLUB LTD	NO 1, KONEMYINTTHA STREET, 7 MILE, MAYANGONE TSP, YANGON AND THIRI MINGALAR ROAD, INSEIN TSP, YANGON	
3. MYANMAR CEMENT LTD		
4. MYANMAR HOTEL AND CRUISES LTD	RM. 814/815, TRADER'S HOTEL, 223, SULE PAGODA ROAD, YANGON	
II. MYANMA ECONOMIC CORPORATION (MEC)		
MYANMA ECONOMIC CORPORATION (MEC)	SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL YE HTUT OR BRIG-GEN KYAW WIN, MANAGING DIRECTOR
1. INNWA BANK	554-556, MERCHANT STREET, CORNER OF 35TH STREET, KYAUKTADA TSP, YANGON	U YIN SEIN, GENERAL MANAGER
2. MYAING GALAY (RHINO BRAND) CEMENT FACTORY	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	COL KHIN MAUNG SOE

Name	Address	Name of Director
3. DAGON BREWERY	555/B, NO 4, HIGHWAY ROAD, HLAW GAR WARD, SHWE PYI THAR TSP, YANGON	COL KHIN MAUNG SOE
4. MEC STEEL MILLS (HMAW BI/PYI/ YWAMA)	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	
5. MEC SUGAR MILL	KANT BALU	
6. MEC OXYGEN AND GASES FACTORY	MINDAMA ROAD, MINGALARDON TSP, YANGON	
7. MEC MARBLE MINE	PYINMANAR	
8. MEC MARBLE TILES FACTORY	LOIKAW	
9. MEC MYANMAR CABLE WIRE FACTORY	NO 48, BAMAW A TWIN WUN ROAD, ZONE (4), HLAING THAR YAR INDUSTRIAL ZONE, YANGON	
10. MEC SHIP BREAKING SERVICE	THILAWAR, THAN NYIN TSP	
11. MEC DISPOSABLE SYRINGE FACTORY	FACTORIES DEPT, MEC HEAD OFFICE, SHWEDAGON PAGODA ROAD, DAGON TSP, YANGON	
12. GYPSUM MINE	THIBAW	