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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1858/2004
of 27 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 28 October 2004.

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

Done at Brussels, 27 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 27 October 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	56,2
	204	43,2
	999	49,7
0707 00 05	052	120,2
	999	120,2
0709 90 70	052	92,6
	204	44,5
	628	48,8
	999	62,0
0805 50 10	052	51,6
	388	53,3
	524	67,6
	528	38,0
	999	52,6
0806 10 10	052	91,9
	400	198,2
	999	145,1
0808 10 20, 0808 10 50, 0808 10 90	388	81,7
	400	103,3
	404	95,0
	442	61,0
	512	106,0
	720	99,6
	800	206,0
	804	105,8
999	107,3	
0808 20 50	052	103,7
	720	75,4
	999	89,6

⁽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 1859/2004**of 27 October 2004****specifying the extent to which applications lodged in October 2004 for import certificates in respect of young male bovine animals for fattening may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal⁽¹⁾,

Having regard to Commission Regulation (EC) No 1202/2004 of 29 June 2004 opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2004 to 30 June 2005)⁽²⁾, and in particular Article 1(4) thereof,

Whereas:

(1) Article 1(3)(b) of Regulation (EC) No 1202/2004 lays down the number of young male bovine animals which may be imported on special terms during the period from 1 October to 31 December 2004. The quan-

ties covered by import licence applications submitted are such that applications may be accepted in full.

(2) The quantities in respect of which licences may be applied for from 1 January 2005 should be fixed within the scope of the total quantity of 169 000 animals, conforming to Article 1(4) of Regulation (EC) No 1202/2004,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import certificates made in the month of October 2004 pursuant to Article 3(3), second subparagraph, third indent, of Regulation (EC) No 1202/2004 are hereby met in full.

2. The number of animals referred to in article 1(3)(c) of Regulation (EC) No 1202/2004 is 71 820.

Article 2

This Regulation shall enter into force on 28 October 2004.

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

Done at Brussels, 27 October 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 230, 30.6.2004, p. 19.

COMMISSION REGULATION (EC) No 1860/2004

of 6 October 2004

on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid in the agriculture and fisheries sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid⁽¹⁾, and in particular Article 2(1) thereof,

Having published a draft of this Regulation⁽²⁾,

Having consulted the Advisory Committee on State Aid,

Whereas:

- (1) Regulation (EC) No 994/98 empowers the Commission to set out in a regulation a threshold below which aid measures are considered not to meet all the criteria of Article 87(1) of the Treaty and therefore do not fall under the notification procedure provided for in Article 88(3) of the Treaty.
- (2) The Commission has applied Articles 87 and 88 of the Treaty and has in particular clarified, in numerous decisions, the notion of 'aid' within the meaning of Article 87(1) of the Treaty. The Commission, most recently in Regulation (EC) No 69/2001⁽³⁾, has also stated its policy with regard to a *de minimis* ceiling, under which Article 87(1) can be considered not to apply. In view of the special rules which apply in the agriculture and fisheries sectors, and of the risks that even low levels of aid could fulfil the criteria of Article 87(1) of the Treaty in these sectors, Regulation (EC) 69/2001 does not apply to these sectors.
- (3) In the light of the experience acquired by the Commission, especially since the entry into force of Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund

(EAGGF) and amending and repealing certain Regulation⁽⁴⁾, and the Community guidelines for state aid in the agriculture sector⁽⁵⁾, it can be affirmed that very low levels of aid granted in the agriculture sector do not fulfil the criteria of Article 87(1) of the Treaty, provided that certain conditions are met. This is the case where both the amount of aid received by individual producers remains small, and the overall level of aid granted to the agriculture sector does not go above a small percentage of the value of production. Agricultural production in the Community is normally characterised by the fact that every commodity is produced by a large number of very small producers, producing largely interchangeable goods within the framework of common organisations of the market. For this reason, the impact of small amounts of aid granted to individual producers over a given period of time should be related to the value of agricultural production at sectoral level over the same period of time. A ceiling in the form of an amount per Member State established on the basis of the value of output in the agriculture sector allows a consistent approach in all Member States, based on an objective economic reference value.

- (4) In the light of the experience of the Commission in the assessment of State aid in the fisheries sector, especially since the entry into force of the Community guidelines for the examination of state aid to fisheries and aquaculture⁽⁶⁾, and of Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements for Community structural assistance in the fisheries sector⁽⁷⁾, it can be affirmed that very low levels of aid granted in the fisheries sector do not fulfil the criteria of Article 87(1) of the Treaty, provided that certain conditions are met. Given the similarities of the production patterns in the fisheries sector and the agriculture sector, this is the case where both the amount of aid received by individual enterprises remains small, and the overall level of aid granted to the fisheries sector does not go above a small percentage of the value of production.
- (5) With a view to increasing transparency and legal certainty, it seems appropriate to lay down a *de minimis* rule for the agriculture and fisheries sector in a regulation.

⁽¹⁾ OJ L 142, 14.5.1998, p. 1.

⁽²⁾ OJ C 93, 17.4.2004, p. 9.

⁽³⁾ OJ L 10, 13.1.2001, p. 30.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 80. Regulation as last amended by Regulation (EC) No 583/2004 (OJ L 91, 30.3.2004, p. 1).

⁽⁵⁾ Revised version OJ C 232, 12.8.2000, p. 19.

⁽⁶⁾ OJ C 19, 20.1.2001, p. 7.

⁽⁷⁾ OJ L 337, 30.12.1999, p. 10, as last amended by Regulation 1421/2004 (OJ L 260, 6.8.2004, p. 1).

- (6) In the light of the World Trade Organisation (WTO) Agreement on Agriculture⁽¹⁾, this Regulation should not exempt export aid or aid favouring domestic over imported products. Member States are under an obligation to refrain from granting any support contrary to the commitments contained in that Agreement. Aid towards the cost of participating in trade fairs, or towards studies or consultancy services needed for the launch of a new or existing product on a new market, does not normally constitute export aid. The European Court of Justice in its judgment of 19 September 2002 establishes that, once the Community has legislated for the establishment of a common organisation of the market in a given sector of agriculture, Member States are under an obligation to refrain from taking any measure which might undermine or create exceptions to it⁽²⁾. This principle also applies in the fisheries sector. For this reason, this Regulation should not apply to aid the amount of which is fixed on the basis of price or quantity of products put on the market.
- (7) In the light of the Commission's experience, it can be affirmed that aid not exceeding a ceiling of EUR 3 000 per beneficiary over any period of three years, where the total amount of such aid granted to all enterprises over three years remains below a ceiling to be set by the Commission at around 0,3% of the annual agricultural output or of the fisheries output, does not affect trade between Member States and/or does not distort or threaten to distort competition and therefore does not fall under Article 87(1) of the Treaty. The three-year period should be mobile, so that for each new grant of *de minimis* aid, the total amount of such aid granted during the previous three years needs to be determined. The *de minimis* aid should be considered to be granted at the moment when the legal right to receive the aid is conferred on the beneficiary. The *de minimis* rule is without prejudice to the possibility that enterprises may receive, for the same project, State aid authorised by the Commission or covered by a group exemption Regulation.
- (8) In the interest of transparency, equal treatment and the proper application of the *de minimis* ceilings, it is appropriate that Member States should apply the same method of calculation. In order to facilitate this calculation and in accordance with Regulation EC No 69/2001, it is appropriate that aid amounts not taking the form of a cash grant should be converted into their gross grant equivalent. Calculation of the grant equivalent of aid payable in several instalments, and calculation of aid in the form of a soft loan, requires the use of market interest rates prevailing at the time of grant. With a view to a uniform, transparent and simple application of the State aid rules, the market rates for the purposes of this Regulation should be deemed to be the reference rates, provided that, in the case of a soft loan, the loan is backed by normal security and does not involve abnormal risk. The reference rates should be those which are periodically fixed by the Commission on the basis of objective criteria and published in the *Official Journal of the European Union* and on the Internet.
- (9) The Commission has a duty to ensure that State aid rules are complied with, and in particular that aid granted under the *de minimis* rules adheres to the conditions thereof. In accordance with the cooperation principle laid down in Article 10 of the Treaty, Member States should facilitate the achievement of this task by establishing the necessary machinery to ensure that the total amount of aid, granted under the *de minimis* rule, does not exceed either the ceiling of EUR 3 000 per beneficiary or the overall ceilings established by the Commission on the basis of the value of agricultural or fishery output per Member State over a three-year period. To that end, it is appropriate that Member States, when granting a *de minimis* aid, should inform the enterprise concerned of the *de minimis* character of the aid, receive full information about other *de minimis* aid received during the previous three years, and carefully check that the *de minimis* ceilings will not be exceeded by the new *de minimis* aid. Alternatively, compliance with the ceilings may also be ensured by means of a central register.
- (10) Having regard to the Commission's experience and in particular the frequency with which it is generally necessary to revise State aid policy, it is appropriate to limit the period of application of this Regulation. Should this Regulation expire without being extended, Member States should have an adjustment period of six months with regard to *de minimis* aid schemes which were covered by it. For the sake of legal certainty, it is appropriate to clarify the effect of this Regulation on aid granted before its entry into force,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to aid granted to enterprises in the agriculture or fisheries sectors, with the exception of:

- (a) aid the amount of which is fixed on the basis of price or quantity of products put on the market,

⁽¹⁾ OJ L 336, 23.12.1994, p. 22.

⁽²⁾ Case C-113/2000 Spain v./Commission, [2002] ECR 2002 I-7601, point 73.

- (b) aid to export-related activities, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to export activity,
- (c) aid contingent upon the use of domestic over imported goods.

Article 2

Definitions

For the purpose of this Regulation:

1. 'enterprises in the agriculture sector' means enterprises active in the production, processing and marketing of agricultural products,
2. 'agricultural product' means the products listed in Annex I of the Treaty, except fisheries products as defined in point (5),
3. 'processing of an agricultural product' means an operation performed on an agricultural product where the product resulting from the operation is also an agricultural product.
4. 'enterprises in the fisheries sector' means enterprises active in the production, processing and marketing of fisheries products,
5. 'fisheries products' means both products caught at sea or in inland waters and the products of aquaculture listed in Article 1 of Council Regulation (EC) No 104/2000 ⁽¹⁾,
6. 'processing and marketing of a fisheries product' means all operations, including handling, treatment, production and distribution, performed between the time of landing or harvesting and the end-product stage.

Article 3

De minimis aid

1. Aid measures shall be deemed not to meet all the criteria of Article 87(1) of the Treaty and shall therefore be exempt from the notification requirement of Article 88(3) of the Treaty, if they fulfil the conditions laid down in paragraphs 2 and 3.
2. The total *de minimis* aid granted to any one enterprise shall not exceed EUR 3 000 over any period of three years. This ceiling shall apply irrespective of the form of the aid or the objective pursued.

The cumulative amount thus granted to various enterprises in the agriculture sector shall not exceed the value per Member State set out in Annex I, over any three-year period.

The cumulative amount of aid granted to various enterprises in the fisheries sector shall not exceed the value set out per Member State in Annex II, over any three-year period.

3. The ceilings in paragraph 2 shall be expressed as a cash grant. All figures used shall be gross, that is, before any deduction for direct taxation. Where aid is awarded in a form other than a grant, the aid amount shall be the gross grant equivalent of the aid.

Aid payable in several instalments shall be discounted to its value at the moment of its being granted. The interest rate to be used for discounting purposes and to calculate the aid amount in a soft loan shall be the reference rate applicable at the time of grant.

Article 4

Cumulation and monitoring

1. Where a Member State grants *de minimis* aid to an enterprise, it shall inform the enterprise about the *de minimis* character of the aid and obtain from the enterprise concerned full information about other *de minimis* aid received during the previous three years.

The Member State may only grant the new *de minimis* aid after having checked that this will not raise the total amount of *de minimis* aid received during the relevant three-year period to a level above either of the ceilings set out in Article 3(2).

2. Where a Member State has set up a central register of *de minimis* aid for agriculture and fisheries, respectively, containing complete information on all *de minimis* aid falling within the scope of this Regulation and granted by any authority within that Member State, the requirement in the first subparagraph of paragraph 1 shall no longer apply once the register covers a three-year period.

3. Member States shall record and compile all the information regarding the application of this Regulation. Such records shall contain all information necessary to demonstrate that the conditions of this Regulation have been fulfilled. Records regarding an individual *de minimis* aid shall be maintained for 10 years from the date on which the aid was granted, and the records regarding a *de minimis* aid scheme for 10 years from the date on which the last individual aid was granted under such scheme.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

On written request the Member State concerned shall provide the Commission, within a period of 20 working days, or such longer period as may be fixed in the request, with all the information that the Commission considers necessary for assessing whether the conditions of this Regulation have been complied with, in particular the total amount of *de minimis* aid received by any enterprise and by the agriculture or fisheries sector of the Member State concerned.

Article 5

Transitional provisions

1. This Regulation shall apply to aid granted before its entry into force, if it fulfils all the conditions laid down in Articles 1 and 3. Any aid which does not fulfil those conditions shall be assessed by the Commission in accordance with the relevant frameworks, guidelines, communications and notices.

2. Aid schemes falling under this Regulation shall continue to benefit from it during an adjustment period of six months following the date provided for in the second paragraph of Article 6.

During the adjustment period, the schemes may continue to be applied under the conditions of this Regulation.

Article 6

Entry into force and applicability

This Regulation shall enter into force on 1 January 2005.

It shall expire on 31 December 2008.

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

Done at Brussels, 6 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX 1

Cumulative amounts for agriculture per Member State as referred to in Article 3 (2):

(in EUR)

BE	22 077 000
DK	27 294 000
DE	133 470 000
EL	34 965 000
ES	106 755 000
FR	195 216 000
IE	17 637 000
IT	130 164 000
LU	789 000
NL	62 232 000
AT	17 253 000
PT	17 832 000
FI	11 928 000
SE	13 689 000
UK	72 357 000
CZ	9 696 000
EE	1 266 000
CY	1 871 100
LV	1 686 000
LT	3 543 000
HU	16 980 000
MT	474 000
PL	44 895 000
SI	3 018 000
SK	4 566 000

ANNEX II

Cumulative amounts for fisheries per Member State as referred to in Article 3(2):

(in EUR)

BE	1 368 900
DK	6 341 400
DE	7 287 000
EL	2 036 370
ES	15 272 100
FR	11 073 300
IE	1 944 000
IT	9 413 400
LU	0
NL	3 548 100
AT	114 000
PT	2 703 300
FI	460 200
SE	1 557 900
UK	12 651 900
CZ	169 200
EE	407 400
CY	123 000
LV	510 300
LT	906 000
HU	144 180
MT	21 000
PL	1 652 100
SI	21 900
SK	86 100

COMMISSION REGULATION (EC) No 1861/2004**of 28 October 2004****laying down the marketing standard applicable to peaches and nectarines**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, and in particular Article 2(2) thereof,

Whereas:

(1) Peaches and nectarines are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted. Commission Regulation (EC) No 2335/1999 of 3 November 1999 laying down marketing standards for peaches and nectarines⁽²⁾, has been amended several times. For the sake of clarity, Regulation (EC) No 2335/1999 should therefore be repealed and replaced, as from 1 March 2005, by a new Regulation.

(2) To that end, and in the interest of preserving transparency on the world market, account should be taken of the UN/ECE standard FFV-26 concerning marketing and quality control of peaches and nectarines recommended by the Working Party on agricultural Quality Standards of the United Nations Economic Commission for Europe (UN/ECE), as well as of his recommendation introducing minimum maturity criteria applicable to peaches and nectarines.

(3) Application of the new standards should remove products of unsatisfactory quality from the market, bring production into line with consumer requirements and facilitate trade based on fair competition, thereby helping to improve profitability.

(4) The standards are applicable at all marketing stages. Long-distance transport, storage over a certain period and the various processes the products undergo may cause some degree of deterioration owing to the biological development of the products or their perishable nature. Account should be taken of such deterioration when applying the standard at the marketing stages following dispatch.

(5) As products in the 'Extra' class have to be particularly carefully sorted and packaged, only lack of freshness and turgidity should be taken into account in their case.

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

HAS ADOPTED THIS REGULATION:

Article 1

The marketing standard applicable to peaches and nectarines falling within CN code 0809 30 shall be as set out in the Annex.

The standards shall apply to all marketing stages under the conditions laid down in Regulation (EC) No 2200/96.

However, at stages following dispatch, products may show, in relation to the requirements of the standard:

- (a) a slight lack of freshness and turgidity;
- (b) for products graded in classes other than the 'Extra' class, slight deteriorations due to their development and their tendency to perish.

Article 2

Regulation (EC) No 2335/1999 is repealed.

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*.

It shall apply as from 1 March 2005.

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

⁽²⁾ OJ L 281, 4.11.1999, p. 11. Regulation as last amended by Commission Regulation (EC) No 907/2004 (OJ L 163, 30.4.2004, p. 50).

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

Done at Brussels, 26 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

MARKETING STANDARD FOR PEACHES AND NECTARINES**I. DEFINITION OF PRODUCE**

This standard applies to peaches and nectarines⁽¹⁾ grown from varieties (cultivars) of *Prunus persica* Sieb. and Zucc., to be supplied fresh to the consumer, peaches and nectarines for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for peaches and nectarines after preparation and packaging.

A. Minimum quality requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, peaches and nectarines must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

Peaches and nectarines must have been carefully picked.

The development and state of peaches and nectarines must be such as to enable them:

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Minimum maturity requirements

The peaches and nectarines must be sufficiently developed and display satisfactory ripeness.

The development and state of maturity of the peaches and nectarines must be such as to enable them to continue their ripening process and to reach a satisfactory degree of ripeness. In order to satisfy this requirement the refractometric index of the flesh, measured at the middle point of the fruit pulp at the equatorial section must be greater than or equal to 8° Brix and the firmness must be lower than 6,5 kg measured with a plunger of 8 mm diameter (0,5 cm²) at two points of the equatorial section of the fruit.

C. Classification

Peaches and nectarines are classified into three classes as defined below:

(i) 'Extra' class

Peaches and nectarines in this class must be of a superior quality. In shape, development and colouring they must be typical of the variety allowing for the district in which they are grown. They must be free from defects with the exception of very slight superficial defects, provided that these do not affect the general appearance of the produce, its quality, keeping quality and presentation in the package.

⁽¹⁾ This text applies to all varieties grown from *Prunus persica* Sieb. and Zucc., being peaches or nectarines or similar with attached (clingstones) or unattached stone and smooth or rough skin.

(ii) *Class I*

Peaches and nectarines in this class must be of good quality. They must be characteristic of the variety, allowing for the district in which they are grown. However, a slight defect in shape, development or colouring may be allowed.

The flesh must be perfectly sound.

Peaches and nectarines split where the stem is joined to the fruit are excluded.

Slight skin defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package and do not exceed:

— 1 cm in length for defects of elongated shape,

— 0,5 cm² in total area for other defects.

(iii) *Class II*

This class includes peaches and nectarines which do not qualify for inclusion in the higher classes, but which satisfy the minimum requirements specified above.

The flesh should not show any serious defects. Fruits split where the stem is joined to the fruit are allowed only in connection with quality tolerances.

The following skin defects may be allowed provided the peaches and nectarines retain their essential characteristics as regards the quality, the keeping quality and presentation and do not exceed:

— 2 cm in length for defects of elongated shape,

— 1,5 cm² in total area for other defects.

III. PROVISIONS CONCERNING SIZING

Size is determined by:

— circumference, or

— maximum diameter of the equatorial section.

Peaches and nectarines must be graded according to the following scale:

Diameter	Sizing (code)	Circumference
90 mm and above	AAAA	28 cm and above
80 mm and over but under 90 mm	AAA	25 cm and over but under 28 cm
73 mm and over but under 80 mm	AA	23 cm and over but under 25 cm
67 mm and over but under 73 mm	A	21 cm and over but under 23 cm
61 mm and over but under 67 mm	B	19 cm and over but under 21 cm
56 mm and over but under 61 mm	C	17,5 cm and over but under 19 cm
51 mm and over but under 56 mm	D	16 cm and over but under 17,5 cm

The minimum size allowed for the 'Extra' class is 17,5 cm (circumference) or 56 mm (diameter).

Size D (51 mm and over but under 56 mm in diameter or 16 cm and over but under 17,5 cm in circumference) is not allowed in the period from 1 July to 31 October.

Sizing is compulsory for all classes.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements for the class indicated.

A. Quality tolerances

(i) 'Extra' class

5 % by number or weight of peaches or nectarines not satisfying the requirements of the class, but meeting those of class I or, exceptionally, coming within the tolerances of that class.

(ii) Class I

10 % by number or weight of peaches or nectarines not satisfying the requirements of the class, but meeting those of class II or, exceptionally, coming within the tolerances for that class.

(iii) Class II

10 % by number or weight of peaches or nectarines satisfying neither the requirements of the class nor the minimum requirements, with the exception of fruit affected by rotting, marked bruising or any other deterioration rendering it unfit for consumption.

B. Size tolerances

For all classes, 10 % by number or weight of peaches or nectarines up to 1 cm more or less than the size stated on the package in the case of sizing by circumference and up to 3 mm more or less in the case of sizing by diameter. However, for fruit in the smallest size, this tolerance shall apply only to peaches or nectarines of a size smaller by not more than 6 mm (circumference) or 2 mm (diameter) than the specified minimum size.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only peaches or nectarines of the same origin, variety, quality, degree of ripeness and size, and for the 'Extra' class, the contents must also be uniform in colour.

The visible part of the contents of each package must be representative of the entire contents.

Notwithstanding the preceding provisions in this point, products covered by this Regulation may be mixed, in sales packages of a net weight of three kilograms or less, with different types of fresh fruit and vegetables on the conditions laid down by Commission Regulation (EC) No 48/2003⁽¹⁾.

B. Packaging

The peaches or nectarines must be packed in such a way as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

⁽¹⁾ OJ L 7, 11.1.2003, p. 65.

Stickers individually affixed on product shall be such as, when removed, neither to leave visible traces of glue, nor to lead to skin defects

Packages must be free of all foreign matter.

C. Presentation

The peaches and nectarines may be presented:

- in small unit packages,
- in a single layer, in the case of 'Extra' class; each individual fruit in this class must be separated from its neighbours.

In classes I and II:

- in one or two layers, or
- in no more than four layers when the fruit is placed in rigid pockets so arranged that they do not rest on the fruit in the layer immediately below.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside:

A. Identification

The name and the address of the packer and/or the dispatcher

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference 'Packer and/or dispatcher' (or equivalent abbreviations);
- for pre-packages only, by the name and the address of a seller established within the Community indicated in close connection with the mention 'Packed for:' or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- 'Peaches' or 'nectarines', if the contents are not visible from the outside,
- colour of the flesh,
- name of the variety (optional).

C. Origin of produce

Country of origin and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- class,
- size expressed in minimum and maximum diameters or minimum and maximum circumference or according to the coding set out in Section III 'Provisions concerning sizing',
- number of units (optional),

- minimum sugar content, measured by refractometer and expressed in Brix degrees (optional),
- maximum firmness, measured by penetrometer and expressed in kg/0,5 cm² (optional),

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

COMMISSION REGULATION (EC) No 1862/2004
of 26 October 2004
laying down the marketing standard applicable to watermelons

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

perishable nature. Account should be taken of such deterioration when applying the standard at the marketing stages following dispatch.

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 2(2) thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

- (1) Watermelons are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted. Commission Regulation (EC) No 1093/97 of 16 June 1997 laying down marketing standards applicable to watermelons ⁽²⁾, has been amended several times. For the sake of clarity, Regulation (EC) No 1093/97 should therefore be repealed and replaced, as from 1 January 2005, by a new Regulation.

The marketing standards applicable to watermelons falling within CN code 0807 11 shall be as set out in the Annex.

The standards shall apply to all marketing stages under the conditions laid down in Regulation (EC) No 2200/96.

- (2) To that end, and in the interest of preserving transparency on the world market, account should be taken of the UN/ECE standard FFV-37 concerning marketing and quality control of watermelons recommended by the Working party on agricultural quality standards of the United Nations Economic Commission for Europe (UN/ECE) as well as its recent amendments.

However, at stages following dispatch, products may show, in relation to the requirements of the standard:

- (3) Application of the new standards should remove products of unsatisfactory quality from the market, bring production into line with consumer requirements and facilitate trade based on fair competition, thereby helping to improve profitability.

- (a) a slight lack of freshness and turgidity;

- (b) slight deterioration due their development and their tendency to perish.

- (4) The standards are applicable at all marketing stages. Long-distance transport, storage over a certain period and the various processes the products undergo may cause some degree of deterioration owing to the biological development of the products or their

Article 2

Regulation (EC) No 1093/97 is repealed.

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*.

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

⁽²⁾ OJ L 158, 17.6.1997, p. 21. Regulation as last amended by Regulation (EC) No 907/2004 (OJ L 163, 30.4.2004, p. 50).

It shall apply as from 1 January 2005.

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

Done at Brussels, 26 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

STANDARD FOR WATERMELONS**I. DEFINITION OF PRODUCE**

This standard applies to watermelons of varieties (cultivars) grown from *Citrullus lanatus* (Thunb.) Matsum. Et Nakaih. to be supplied fresh to the consumer, watermelons for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of watermelons, after preparation and packaging.

A. Minimum quality requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, watermelons must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- practically free from damage caused by pests,
- firm and sufficiently ripe; the colour and taste of the flesh should conform to a sufficient state of ripeness,
- not split,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The development and condition of the watermelons must be such as to enable them:

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Minimum maturity requirements

The watermelons must be sufficiently developed and display satisfactory ripeness. The refractometric index of the pulp measured at the middle point of the fruit flesh at the equatorial section must be greater than or equal to 8° Brix.

C. Classification

Watermelons are classified in two classes defined below.

(i) Class I

Watermelons in this class must be of good quality. They must be characteristic of the variety.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape,
- a slight defect in colouring of the rind; a pale colouring of the watermelon which has been in contact with the ground during the period of growth is not regarded as a defect,

- slight healed superficial cracks,
- slight skin defects due to rubbing or handling of which the total area affected must not exceed one-sixteenth of the surface of the fruit.

The stem of the watermelon must not exceed 5 cm in length.

(ii) Class II

This class includes watermelons which do not qualify for inclusion in Class I, but satisfy the minimum requirements specified above.

The following defects may be allowed provided the watermelons retain their essential characteristics as regards the quality, the keeping quality, and presentation:

- defects in shape,
- healed superficial cracks,
- defects in colouring of the rind; a pale colouring of the watermelon which has been in contact with the ground during the period of growth is not regarded as a defect,
- slight bruising,
- skin defects due to rubbing or handling or to damage by pests or diseases of which the total area affected must not exceed one-eighth of the surface of the fruit.

III. PROVISIONS CONCERNING SIZING

Size is determined by the weight per unit. The minimum weight is fixed at 1 kg.

When watermelons are presented in packages, the difference in weight between the lightest and the heaviest unit in the same package should not exceed 2 kg, or 3,5 kg if the lightest unit weighs 6 kg or more.

This relative uniformity of weight is not compulsory for watermelons presented in bulk.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package, or in each lot for produce presented in bulk, for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) Class I

10 % by number or weight of watermelons not satisfying the requirements of the class, but meeting those of Class II or, exceptionally, coming within the tolerances of that class.

(ii) Class II

10 % by number or weight of watermelons satisfying neither the requirements of the class nor the minimum requirements, with the exception of produce affected by rotting, or any other deterioration rendering it unfit for consumption.

B. Size tolerances

For all classes: 10 % by number or weight of watermelons not conforming to the size indicated, but no more than 1 kg above or below the size range specified.

The tolerance may in no case extend to fruit weighing less than 800 g.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package, or lot for produce presented in bulk, must be uniform and contain only watermelons of the same origin, variety and quality.

The visible part of the contents of the package, or lot for produce presented in bulk, must be representative of the entire contents.

In addition, in Class I, the shape and colour of the rind of the watermelons must be uniform.

Notwithstanding the preceding provisions in this point, products covered by this Regulation may be mixed, in sales packages of a net weight of three kilograms or less, with different types of fresh fruit and vegetables on the conditions laid down by Commission Regulation (EC) No 48/2003⁽¹⁾.

B. Packaging

The watermelons must be packed in such a way as to protect the produce properly.

The materials used inside the package, must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps, bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed on product shall be such as, when removed, neither to leave visible traces of glue, nor to lead to skin defects

Packages, or lots for produce presented in bulk, must be free of all foreign matter.

Watermelons transported in bulk must be separated from the floor and walls of the vehicles by a suitable protective material, which must be new and clean and not liable to transfer any abnormal taste or smell to the fruit.

C. Presentation

The watermelons may be presented:

- in packages including bulk bins,
- in bulk (direct loading into a transport vehicle)

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside.

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

For watermelons transported in bulk (direct loading into a transport vehicle) these particulars must appear on a document accompanying the goods, and attached in a visible position inside the transport vehicle.

For this type of presentation the indication of the size is not compulsory.

A. Identification

The name and the address of the packer and/or the dispatcher

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference 'Packer and/or dispatcher' (or equivalent abbreviations),
- for pre-packages only, by the name and the address of a seller established within the Community indicated in close connection with the mention 'Packed for:' or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

⁽¹⁾ OJ L 7, 11.1.2003, p. 65.

B. Nature of produce

- 'Watermelons' if the contents are not visible from the outside,
- name of the variety (optional),
- colour of flesh if not red,
- seedless, where appropriate ⁽¹⁾.

C. Origin of produce

- Country of origin and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- Class,
- size (if sized) expressed in minimum and maximum weight,
- number of units (optional),
- net weight (optional).

E. Official control mark (optional)

⁽¹⁾ Seedless watermelons may contain underdeveloped seeds and occasional developed seeds.

COMMISSION REGULATION (EC) No 1863/2004**of 26 October 2004****laying down the marketing standard applicable to cultivated mushrooms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

applying the standard at the marketing stages following dispatch.

Having regard to the Treaty establishing the European Community,

- (5) As products in the 'Extra' class have to be particularly carefully sorted and packaged, only lack of freshness and turgidity should be taken into account in their case.

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, and in particular Article 2(2) thereof,

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

Whereas:

HAS ADOPTED THIS REGULATION:

- (1) Cultivated mushrooms are among the products listed in Annex I to Regulation (EC) No 2200/96 for which standards must be adopted. Commission Regulation (EC) No 982/2002 of 7 June 2002 laying down the marketing standards for cultivated mushrooms⁽²⁾ has been amended several times. For sake of clarity, Regulation (EC) No 982/2002 should therefore be repealed and replaced by a new Regulation.

Article 1

The marketing standard applicable to cultivated mushrooms falling within CN code 0709 51 00 shall be as set out in the Annex.

- (2) To that end, and in the interest of preserving transparency on the world market, account should be taken of the UN/ECE standard FFV-24 concerning marketing and quality control of cultivated mushrooms recommended by the Working Party on Agricultural Quality Standards of the United Nations Economic Commission for Europe (UN/ECE).

The standards shall apply to all marketing stages under the conditions laid down in Regulation (EC) No 2200/96.

However, at stages following dispatch, products may show, in relation to the requirements of the standard:

- (3) Application of the new standards should remove products of unsatisfactory quality from the market, bring production into line with consumer requirements and facilitate trade based on fair competition, thereby helping to improve profitability.

- (a) a slight lack of freshness and turgidity;

- (b) for products graded in classes other than the 'Extra' class, slight deteriorations due to their development and their tendency to perish.

- (4) The standards are applicable at all marketing stages. Long distance transport, storage over a certain period and the various processes the products undergo may cause some degree of deterioration owing to the biological development of the products or their perishable nature. Account should be taken of such deterioration when

Article 2

Regulation (EC) No 982/2002 is repealed.

*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*.

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

⁽²⁾ OJ L 150, 8.6.2002, p. 45. Regulation as last amended by Regulation (EC) No 907/2004 (OJ L 163, 30.4.2004, p. 50).

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

Done at Brussels, 26 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

STANDARD FOR CULTIVATED MUSHROOMS (AGARICUS)

I. DEFINITION OF PRODUCE

This standard applies to the Carpophores (fruiting bodies) of strains grown from the genus *Agaricus* (syn. *Psalliota*), to be supplied fresh to the consumer, mushrooms for industrial processing being excluded.

Mushrooms are classified into the following commercial types, whereas these first of all are classified into two groups:

- uncut mushrooms, which have the lower part of the stalk uncut,
- cut mushrooms, which have the lower part of the stalk cut.

In both groups a distinction is made between successive stages of development:

- closed mushrooms (or equivalent denomination), i.e. mushrooms with the cap completely closed,
- veiled mushrooms, i.e. mushrooms the cap of which is connected to the stalk by the veil,
- open mushrooms, i.e. mushrooms with an open cap (open cap or flat; a slight downturn of the edges of the cap is required),
- flat mushrooms, i.e. mushrooms which are fully open (but the edges of the cap are neither too cupped nor inverted).

Mushrooms are further classified into two colour groups:

- 'white',
- 'brown' or 'chestnut'.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of mushrooms after preparation and packaging.

A. **Minimum requirements**

In all classes, subject to the special provisions for each class and the tolerances allowed, the mushrooms must be:

- intact, in the case of cut mushrooms the cut must be clean,
- sound, produce affected by rotting, severe browning in the stalk or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter, other than casing material,
- fresh in appearance, account should be taken of the typical gill colour of the strain and/or commercial type,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The development and condition of the mushrooms must be such as to enable them:

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

The mushrooms are classified in three classes defined below:

(i) 'Extra' Class

Mushrooms in this class must be of superior quality. In shape, appearance, development and colouring they must be characteristic of the commercial type. They must be well formed.

They must be free from defects with the exception of very slight superficial defects provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

In the case of cut mushrooms, the cut must be approximately perpendicular to the longitudinal axis..

The mushrooms must be practically free of casing material; uncut mushrooms may also have traces of casing material on the foot.

(ii) Class I

Mushrooms in this class must be of good quality. In shape, appearance, development and colouring they must be characteristic of the commercial type.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- slight defect in shape,
- slight defect in colouring,
- slight superficial bruising,
- slight traces of casing material; uncut mushrooms may also have some casing material on the foot.

In the case of cut mushrooms, the cut must be approximately perpendicular to the longitudinal axis.

(iii) Class II

This class includes mushrooms which do not qualify for inclusion in the higher classes but satisfy the minimum requirements specified above.

The following defects may be allowed provided the mushrooms retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defect in shape,
- defect in colouring,
- slight bruising,
- slight damage to the stalk,
- slight internal moisture of the stalk,
- discoloured feathering,

- hollow stalks,
- traces of casing material; uncut mushrooms may also have some casing material on the foot.

III. PROVISIONS CONCERNING SIZING

Size is determined by the maximum diameter of the cap and the length of the stalk, according to the following specifications.

Minimum size

The minimum cap diameter must be at least 15 mm for closed cap, veiled and open mushrooms and 20 mm for flat mushrooms.

Length of stalk

The length of the stalk is measured:

- from the gills under the cap for open and flat mushrooms,
- from the veil for closed and veiled mushrooms.

Sizing is compulsory for mushrooms in 'Extra' Class according to following table, mushrooms of Classes I and II having to meet the specified size ranges if the terms 'small', 'medium' or 'large' are indicated:

Closed, veiled and open mushrooms			
Diameter of cap		Maximum length of stalk	
Size	Size limits	Cut mushrooms	Uncut mushrooms
Small	15-45 mm	$\frac{1}{2}$ of cap diameter	$\frac{2}{3}$ of cap diameter
Medium	30-65 mm		
Large	50 mm and over		

Flat mushrooms			
Diameter of cap		Maximum length of stalk	
Size	Size limits	Cut mushrooms	Uncut mushrooms
Small	20-55 mm	$\frac{2}{3}$ of cap diameter	
Large	50 mm and over		

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) 'Extra' Class

5 % by number or weight of mushrooms not satisfying the requirements of the class, but meeting those of Class I or, exceptionally, coming within the tolerances of that class.

(ii) Class I

10 % by number or weight of mushrooms not satisfying the requirements of the class, but meeting those of Class II or, exceptionally, coming within the tolerances of that class.

(iii) *Class II*

10 % by number or weight of mushrooms with their stalk missing and 10 % by number or weight of mushrooms satisfying neither the requirements of the class nor the minimum requirements, for other reasons, with the exception of produce affected by rotting or any other deterioration rendering it unfit for consumption.

B. Special tolerances for the stage of development

(i) *'Extra' Class*

5 % in total by number or weight of mushrooms of the previous stage of development and of mushrooms of the next stage of development are allowed.

(ii) *Class I*

10 % in total by number or weight of mushrooms of the previous stage of development and of mushrooms of the next stage of development are allowed.

(iii) *Class II*

Mushrooms of different stages of development can be mixed in each package. However, when the stage of development is indicated, a maximum of 25 % in total by number or weight of mushrooms of the previous stage of development and of mushrooms of the next stage of development are allowed.

C. Size tolerances

For all classes: 10 % by number or weight of mushrooms not conforming to the sizes indicated.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only mushrooms of the same origin, commercial type, stage of development (subject to provisions under IV.B.), quality, and size (if sized).

Sales packages of a net weight not exceeding one kilogram may contain mixtures of mushrooms of different colours, provided they are uniform in quality, stage of development and size (if sized) and, for each colour concerned, in origin.

The visible part of the contents of the package must be representative of the entire contents.

Notwithstanding the preceding provisions in this point, products covered by this Regulation may be mixed, in sales packages of a net weight of three kilograms or less, with different types of fresh fruit and vegetables on the conditions laid down by Commission Regulation (EC) No 48/2003⁽¹⁾.

B. Packaging

The mushrooms must be packed in such a way as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal changes to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed, provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed on product shall be such as, when removed, neither to leave visible traces of glue, nor to lead to skin defects.

Packages must be free of all foreign matter including excessive casing material.

⁽¹⁾ OJ L 7, 11.1.2003, p. 65.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. Identification

The name and the address of the packer and/or the dispatcher.

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference 'Packer and/or Dispatcher' (or equivalent abbreviations);
- for pre-packages only, by the name and the address of a seller established within the Community indicated in close connection with the mention 'Packed for:' or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- If the contents are not visible from the outside:
 - cultivated mushrooms,
 - 'cut' or 'uncut',
 - colour if not 'white',
- stage of development (optional),
- in the case of sales packages containing a mixture of mushrooms of different colours, names of the different colours.

C. Origin of produce

- Country of origin and, optionally, district where grown, or national, regional or local place name,
- in the case of sales packages containing a mixture of mushrooms of different colours of different origins, the indication of each country of origin shall appear close to the name of the colours concerned.

D. Commercial specifications

- Class,
- size (if sized) expressed as minimum and maximum cap diameters or by the term 'small', 'medium' or 'large',
- net weight.

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

COMMISSION REGULATION (EC) No 1864/2004

of 26 October 2004

opening and providing for the administration of tariff quotas for preserved mushrooms imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

- (1) Following the Agreement on Agriculture⁽²⁾ concluded during the Uruguay Round of multilateral trade negotiations, the Community undertook to open from 1 July 1995, under certain conditions, Community tariff quotas for preserved mushrooms of the genus *Agaricus* spp. falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30.
- (2) The conditions for the administration of these quotas have been established by Commission Regulation (EC) No 2125/95 of 6 September 1995 opening and providing for the administration of tariff quotas for preserved mushrooms⁽³⁾. In the light of the experience gained from the application of that Regulation it appears necessary to amend some of the current conditions in order to simplify and clarify the system. For the sake of clarity, it is necessary to repeal Regulation (EC) No 2125/95 and replace it by a new Regulation applicable from 1 January 2005.
- (3) It should be ensured that the transition between the two systems is as smooth as possible. For this purpose,

certain of the detailed rules of application of Commission Regulation (EC) No 2125/95 should be carried over and the traditional import calendars should be maintained.

- (4) Commission Regulation (EC) No 2031/2001 of 6 August 2001 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariffs⁽⁴⁾ amended the Combined Nomenclature for certain fruits and vegetables and products processed from fruit and vegetables, notably for certain preserved mushrooms of the genus *Agaricus*.
- (5) The Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions, approved by Council Decision 2003/18/EC⁽⁵⁾, establishes arrangements for import into the Community of certain preserved mushrooms of the genus *Agaricus* originating in Romania.
- (6) The Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions, approved by Council Decision 2003/286/EC⁽⁶⁾, establishes arrangements for import into the Community of certain preserved mushrooms of the genus *Agaricus* originating in Bulgaria.
- (7) Without prejudice to the outcome of the negotiations pursuant to Article XXIV.6 of the GATT (1994), and in order to preserve the traditional trade flows whilst ensuring that the Community market remains open to new supplying third countries, the quantity of preserved mushrooms of the genus *Agaricus* to be imported into the Community under the tariff quotas system should take account of preferences provided for in the Europe Agreements with Bulgaria and Romania. To this purpose, the quantities allocated to third countries other than Bulgaria and Romania should be clearly differentiated from quantities allocated to Bulgaria and Romania. Taking account of the utilisation of the reserve provided for in Regulation (EC) No 2125/95 during recent years, it should be incorporated to the quantity allocated to China so as to avoid any interruption in trade with this particular supplier country.

⁽¹⁾ OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).

⁽²⁾ OJ L 336, 23.12.1994, p. 22.

⁽³⁾ OJ L 212, 7.9.1995, p. 16. Regulation as last amended by Regulation (EC) No 498/2004 (OJ L 80, 18.3.2004, p. 20).

⁽⁴⁾ OJ L 279, 23.10.2001, p. 1.

⁽⁵⁾ OJ L 8, 14.1.2003, p. 18.

⁽⁶⁾ OJ L 102, 24.4.2003, p. 60.

- (8) Provisions should be made so as to enable an efficient allocation of the Community tariff quotas for preserved mushrooms in any particular year. In order to avoid any interruption in the Community's trade with third countries, such provisions should be based on the data available after the first six months of a given year.
- (9) Detailed arrangements should be laid down to ensure that the quantities in excess of the tariff quotas are subjected to the levying of the full duty provided for in the Common Customs Tariff. Those arrangements should involve the issuing of licences at the end of a period in which the quantities are checked and the necessary notifications are made by the Member States. These provisions are either supplementary to or derogate from the provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽¹⁾.
- (10) There should continue to be an adequate supply of the products concerned on the Community market at stable prices whilst avoiding unnecessary market disruptions in the form of severe price fluctuations and negative effects on the Community producers. To this end, competition amongst importers should be encouraged to an increasing degree and administrative burdens on importers reduced.
- (11) In the interest of existing importers, who normally import substantial quantities of the products concerned, and also in the interest of new importers who join the market and should also have a fair opportunity to apply for licences for a quantity of preserved mushrooms under tariff quotas, a distinction should be drawn between traditional importers and new importers. A clear definition of these two categories of importers should be provided, and certain criteria relating to the status of the applicants and the use of the licences allocated should be laid down.
- (12) It is appropriate to establish an allocation between each category of importers on the basis of the quantities effectively imported rather than on the basis of the licences issued. However, several years' experience of implementing the current system demonstrates the uselessness of maintaining an allocation of quotas between traditional and new importers in the case of Bulgaria and Romania, because the Community demand for preserved mushrooms from these countries remains well below the quota quantities.
- (13) Licence applications to import preserved mushrooms from third countries other than Bulgaria and Romania presented by each category of importers should be subject to certain restrictions. Such restrictions are necessary to ensure not only that competition between importers is preserved, but also that each importer with a genuine commercial activity in the fruit and vegetable market is given the opportunity to defend its legitimate trading positions vis-à-vis other importers and that no single importer is able to control the market.
- (14) In order to improve and simplify the administration of tariff quotas for preserved mushrooms, clear provisions should be made as regards the dates and procedures for lodging the licence applications and the issuing of the licences by the competent authorities of the Member States.
- (15) With a view to reducing the importers' administrative burden, licence applications should be presented only in the Member State where the importer is entered in a register.
- (16) Measures are also needed to keep to a minimum speculative applications for licences which may result in the tariff quotas not being fully utilised. Because of the nature and the value of the product concerned, a security should be lodged in respect of each tonne (drained net weight) of the product concerned for which an application for a licence to import is made, as referred to in Article 15(2) of Regulation (EC) No 1291/2000. The security should be at a level sufficiently high to discourage speculative applications, but not so high as to discourage those engaged in genuine commercial activity in relation to processed fruit and vegetable products. The most appropriate objective criteria for setting the level of the security is a limit of 2% of the average additional duty applicable to imports into the Community of preserved mushrooms of the genus *Agaricus* spp. currently falling within CN codes 0711 51 00, 2003 10 20 and 2003 10 30.
- (17) In order to allow importers to keep pace with demand on the market in preserved mushrooms and react swiftly to evolving market conditions, importers should be given the possibility to request to the competent authorities of the Member States the withdrawal of the licence application they have lodged if the quantity for which the licence is issued is less than the quantity initially requested.
- (18) To ensure the correct use of the quotas, Member States should regularly notify the quantities for which licences issued by the competent authorities of the Member States have not been used by importers. The quantities for which licences have been issued should take account of withdrawals of licence applications requested by importers.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 636/2004 (OJ L 100, 6.4.2004, p. 25).

- (19) For the purposes of administering the tariff quotas for preserved mushrooms, importers lodging applications for licences should attach to their applications to the competent authorities of the Member State a declaration stating that they acknowledge and comply with the restrictions laid down in this Regulation. To prevent any abuse of the system, Member States should be given a margin of discretion to impose penalties on importers that present false, misleading or inaccurate applications and/or declarations to their competent authorities.
- (20) Transitional measures should be laid down in order to allow importers from the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter the new Member States) to benefit from this Regulation.
- (21) Arrangements should be laid down for the years 2005 and 2006 to ensure that a distinction is made between, on the one hand, traditional importers and new importers within the Community as constituted on 30 April 2004 and, on the other hand, traditional importers and new importers from the new Member States.
- (22) Regulation (EC) No 359/2004 of 27 February 2004 laying down transitional measures applicable to Regulation (EC) No 2125/95 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia⁽¹⁾ provides for certain transitional measures and arrangements applicable for the year 2004. Those transitional measures will become obsolete after 31 December 2004. That Regulation should therefore be repealed as from 1 January 2005.
- (23) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Opening of tariff quotas and applicable duties

1. A system of tariff quotas is opened in relation to imports into the Community of preserved mushrooms of the genus *Agaricus* classifiable within CN codes 0711 51 00, 2003 10 20 and 2003 10 30 (hereinafter referred to as preserved mushrooms), subject to the conditions laid down in this Regulation. The volume of each of the tariff quotas, and the period for which they apply, are specified in Annex I.
2. The rate of duty applicable shall be 12% *ad valorem* in the case of products falling within CN code 0711 51 00 (Order No 09.4062) and 23% in the case of products falling within CN codes 2003 10 20 and 2003 10 30 (Order No 09.4063).

However, a single rate of 8,4% shall apply in the case of products originating in Romania (Order No 09.4726), and no duty shall apply in the case of products originating in Bulgaria (Order No 09.4725).

⁽¹⁾ OJ L 63, 28.2.2004, p. 11.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. 'the new Member States' shall mean the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia;
2. 'other countries' shall mean third countries other than China, Bulgaria and Romania;
3. 'competent authorities' shall mean the body or bodies designated by the Member State for the implementation of this Regulation;
4. 'reference quantity' shall mean the maximum quantity (drained net weight) of preserved mushrooms originating in China and/or other countries imported per calendar year by a traditional importer during one of the last three calendar years. Imports of preserved mushrooms originating in the new Member States or the Community as constituted on 30 April 2004 shall not be taken into account for the calculation of the reference quantity.

Article 3

Categories of importers

1. 'Traditional importers' shall mean importers who can prove that:
 - (a) they have obtained licences pursuant to Regulation (EC) No 2125/95 or this Regulation in each of the previous three calendar years;
 - (b) they have imported into the Community preserved mushrooms in at least two of the previous three calendar years;
 - (c) they have imported into the Community and/or exported outside the Community at least 100 tonnes of processed fruit and vegetable products, as referred to in Article 1(2) of Regulation (EC) No 2201/96, during the year preceding their application.
2. 'New importers' shall mean importers other than those referred to in paragraph 1, whether natural or legal persons, individuals or groups, that have imported into the Community and/or exported outside the Community at least 50 tonnes of processed fruit and vegetable products, as referred to in Article 1(2) of Regulation (EC) No 2201/96, in each of the two previous calendar years. Compliance with this condition shall be certified by registration in a trade register held by the Member State or by any other proof accepted by the Member State and by proof of import and/or export.

Article 4

Presentation of import licences

All imports into the Community under the tariff quotas referred to in Article 1 shall be subject to the presentation of an import licence, hereinafter referred to as 'licence', issued in accordance with this Regulation.

*Article 5***Licence applications and licences**

1. Regulation (EC) No 1291/2000 shall apply to licences, except otherwise provided for by this Regulation.
2. Licences shall be valid for a period of nine months from their effective date of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000, but shall not be valid after 31 December of the year concerned.
3. The amount of the security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be EUR 40 per tonne (drained net weight).
4. The country of origin shall be entered in box 8 of the licence application and the licence, and the word 'yes' shall be marked with a cross. The licence shall be valid only for imports originating in the country indicated.
5. Licences shall show in box 24 one of the entries listed in Annex II.
6. By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, the rights arising from import licences shall not be transferable.
7. Article 35(6) of Regulation (EC) No 1291/2000 shall apply.
8. By way of derogation from Article 8(4) of Regulation (EC) No 1291/2000, the quantity released into free circulation may not exceed that indicated in sections 17 and 18 of the import licence. The figure '0' shall be entered to that effect in section 19 of the licence.

*Article 6***Allocation of total quantities among traditional and new importers**

1. The total quantity allocated to China and other countries, pursuant to Annex I, shall be distributed as follows:
 - (a) 95 % to traditional importers;
 - (b) 5 % to new importers.
2. For imports originating in China and other countries, if in the second six-month period from the start of the calendar year the quantity allocated is not fully exhausted by one category of importers, the remainder shall be allocated to the other category.
3. The total quantity allocated to Bulgaria and the total quantity allocated to Romania, pursuant to Annex I, shall be distributed without distinction between traditional and new importers.

4. For imports originating in China and other countries, box 20 of licence applications shall indicate 'traditional importer' or 'new importer' as appropriate.

*Article 7***Restrictions applicable to applications presented by different importers**

1. The total amount (drained net weight) of the licence applications to import into the Community preserved mushrooms originating in China and/or other countries submitted by a traditional importer may not relate, in the first or second six-month period from the start of the calendar year, to a quantity exceeding 75 % of the reference quantity.
2. The total amount (drained net weight) of the licence applications to import into the Community preserved mushrooms originating in China and/or other countries submitted by a new importer may not relate, in the first or second six-month period from the start of the calendar year, to a quantity exceeding 1 % of the sum of tariff quotas allocated to China and other countries, pursuant to Annex I of this Regulation.

*Article 8***Lodging of licence applications by importers**

1. Licence applications may be lodged only by importers.

Application for licences shall be lodged only with the competent authorities of the Member State in which the applicant is registered.

To support their licence applications, importers, and in particular traditional importers, shall provide the necessary information so as to enable the competent authorities of the Member States concerned to verify to their satisfaction the fulfilment of and compliance with the conditions set out in Article 3.

When new importers have obtained licences pursuant to Regulation (EC) No 2125/95 or this Regulation in the previous calendar year, they shall also produce proof that at least 50 % of the quantity allocated to them has actually been released into free circulation in the Community.

2. Importers shall submit their applications for licences during the first five working days of January and/or during the first five working days of July.
3. Importers shall attach to their applications for licences a declaration stating that they acknowledge and conform to the provisions laid down in Article 7.

Declarations shall be signed by the importer, who shall certify their accuracy by doing so.

*Article 9***Notifications of licences applications**

Member States shall notify the Commission of the quantities for which licence applications have been lodged:

- (a) for the applications lodged in January, on the seventh working day of January;
- (b) for the applications lodged in July, on the seventh working day of July.

Notifications shall be broken down by product, according to the combined nomenclature, and origin. For imports originating in China and/or other countries, notifications shall also give separate figures for the quantities of each product applied for by traditional and new importers, respectively.

Notifications shall be effected by electronic means and shall follow the model communicated for that purpose by the Commission to the Member States.

*Article 10***Issuing of licences**

1. Licences shall be issued by the competent authorities of the Member States on the seventh working day following the notification provided for in Article 9, subject to paragraph 2.
2. If in January and/or July, it is found that the quantities applied for exceed the quantity available, the Commission shall decide, by means of a Regulation, to set a flat-rate percentage reduction to be applied to the licence applications in question and, if necessary, suspend the issue of licences in respect of subsequent applications.

In that case, licences shall be issued by the competent authorities of the Member States on the third working day following the entry in force of the Regulation referred to in the first subparagraph.

*Article 11***Withdrawal of licence applications**

Where pursuant to Article 10(2), the quantity for which a licence is issued is less than the quantity for which the licence application has been lodged, the importer concerned may request the competent authorities to withdraw the licence application within three working days following the entry in force of the Regulation adopted pursuant to Article 10(2). In the event of such a withdrawal, the whole amount of the security shall be released immediately.

*Article 12***Information on the extent of utilisation of quotas**

The Commission shall keep the Member States regularly informed, at the appropriate time and manner, of the extent of utilization of the quotas.

*Article 13***Notification of unused licences**

Member States shall notify the Commission of the quantities for which licences have been issued by their competent authorities but not used by importers, as soon as the information is available to them. The quantities for which licences have been issued shall take account of withdrawals of licence applications pursuant to Article 11.

Notifications referred to in the first paragraph shall be effected by electronic means and shall follow the model communicated for that purpose by the Commission to the Member States.

*Article 14***Applicable international commitments**

1. Preserved mushrooms originating in Bulgaria and Romania shall be released for free circulation into the Community in accordance with the Protocols adjusting the respective trade aspects of the Europe Agreement with Bulgaria and Romania.
2. The entry and release into free circulation in the Community of preserved mushrooms originating in China shall be subject to Articles 55 to 65 of Commission Regulation (EEC) No 2454/93⁽¹⁾.
3. The authorities competent to issue the certificate of origin for preserved mushrooms originating in China are listed in Annex III.

*Article 15***Modification of licences**

1. The holder of a licence may apply to have the CN code for which the licence was issued changed, provided that:
 - (a) the new CN code applied for is listed in Article 1(1);
 - (b) the application is submitted to the competent authorities that issued the original licence and is accompanied by the original and any extract issued.
2. In the cases referred to in paragraph 1, the competent authorities that issued the original licence shall keep it and any extract and shall issue a replacement licence and, where appropriate, one or more extracts from the replacement licence.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

3. The replacement licence and, where appropriate, the extracts shall:

- (a) be issued for a quantity up to the maximum quantity available according to the licence or extract replaced;
- (b) indicate in box 20 the number and date of the licence or extract replaced;
- (c) indicate in boxes 13, 14 and 15 the information relating to the new product in question,
- (d) indicate in box 16 the new CN code;
- (e) indicate in the other boxes the same information as shown on the replaced licence or extract, and in particular the same expiry date.

4. Member States shall immediately inform the Commission, by electronic means, of any replacement licences they have issued.

Article 16

Penalties applicable to importers

1. If it is found that applications and/or declarations presented by an importer to the competent authorities of a Member State are false, misleading or inaccurate, unless they are clearly due to a genuine error, the competent authorities of the Member States concerned shall exclude the importer in question from the licence applications system during the two six-month periods following the finding.

2. The Member States may adopt additional national provisions covering the submission of applications for licences to their competent authorities, and provide for penalties commensurate with the seriousness of any irregularity to be imposed on importers registered for VAT purposes in their national territory.

Article 17

Administrative cooperation between Member States

The Member States shall take the measures required to ensure reciprocal administrative cooperation with a view to ensuring that this Regulation is properly applied.

Article 18

Transitional measures for the years 2005 and 2006

By way of derogation from Article 3, for the years 2005 and 2006, and only in the new Member States, the following definitions shall apply:

1. 'traditional importers' shall mean importers who can prove that:

(a) they have imported preserved mushrooms, from origins other than the new Member States or the Community as constituted on 30 April 2004, in at least two of the three preceding calendar years;

(b) they have also imported and/or exported during the preceding calendar year at least 100 tonnes of processed fruit and vegetable products, as referred to in Article 1(2) of Regulation (EC) No 2201/96;

(c) the imports referred to in points (a) and (b) have taken place in the new Member State where the importer concerned has its head office;

(d) the exports referred to in point (b) have been sent to destinations other than the new Member States or the Community as constituted on 30 April 2004;

2. 'new importers' shall mean importers other than traditional importers within the meaning of point 1 who are traders, natural or legal persons, individuals or groups, who can prove that:

(a) they have imported, from origins other than the new Member States or the Community as constituted on 30 April 2004, and/or exported at least 50 tonnes of processed fruit and vegetable products, as referred to in Article 1(2) of Regulation (EC) No 2201/96, in each of the two preceding calendar years;

(b) the imports referred to in point (a) have taken place in the new Member State where the importer concerned has its head office;

(c) the exports referred to in point (a) have been sent to destinations other than the new Member States or the Community as constituted on 30 April 2004.

*Article 19***Repeal**

Regulations (EC) No 2125/95 and (EC) No 359/2004 are repealed with effect from 1 January 2005.

References to the repealed Regulations shall be construed as references to this Regulation.

*Article 20***Entry in force**

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

It shall apply from 1 January 2005.

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

Done at Brussels, 26 October 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Volume and period of application of quotas referred to in Article 1(1) in tonnes (drained net weight)	
Supplier country	1 January to 31 December of each year
Bulgaria	2 875 ⁽¹⁾
Romania	500
China	23 750
Other countries	3 290

(¹) As from 1 January 2006, the allocation for Bulgaria shall be increased by 250 tonnes each year.

ANNEX II

Entries referred to in Article 5(5)

- *in Spanish:* Derecho de aduana ...% — Reglamento (CE) n° 1864/2004,
- *in Czech:* Celní sazba ...% — nařízení (ES) č. 1864/2004,
- *in Danish:* Toldsats ...% — forordning (EF) nr. 1864/2004,
- *in German:* Zollsatz ...% — Verordnung (EG) Nr. 1864/2004,
- *in Estonian:* Tollimaks ...% — määrus (EÜ) nr 1864/2004,
- *in Greek:* Δασμός ...% — Κανονισμός (ΕΚ) αριθ. 1864/2004,
- *in English:* Customs duty ...% — Regulation (EC) No 1864/2004,
- *in French:* Droit de douane: ...% — Règlement (CE) n° 1864/2004,
- *in Italian:* Dazio: ...% — Regolamento (CE) n. 1864/2004,
- *in Latvian:* Muitas nodoklis ...% — Regula (EK) Nr. 1864/2004,
- *in Lithuanian:* Muito mokestis ...% — Reglamentas (EB) Nr. 1864/2004,
- *in Hungarian:* Vám: ...% — 1864/2004/EK rendelet,
- *in Maltese:* Dazju Doganali ...% — Regolament (KE) Nru 1864/2004,
- *in Dutch:* Douanerecht: ...% — Verordening (EG) nr. 1864/2004,
- *in Polish:* Cło ...% — Rozporządzenie (WE) nr 1864/2004,
- *in Portuguese:* Direito aduaneiro: ...% — Regulamento (CE) n.º 1864/2004,
- *in Slovak:* Cło ...% — nariadenie (ES) č. 1864/2004,
- *in Slovenian:* Carina: ...% — Uredba (ES) št. 1864/2004,
- *in Finnish:* Tulli ... prosenttia — Asetus (EY) N:o 1864/2004,
- *in Swedish:* Tull ...% — Förordning (EG) nr 1864/2004.

ANNEX III

List of competent Chinese authorities for issuing the certificates of origin referred to in Article 14(3):

— General Administration of Quality Supervision

— Entry-exit Inspection and Quarantine Bureau of the People's Republic of China in:

Beijing	Jiangxi	Shenzhen
Shanxi	Zhuhai	Ningxia
Inner Mongolia	Sichuan	Tianjin
Hebei	Chongqing	Shanghai
Liaoning	Yunnan	Ningbo
Jilin	Guizhou	Jiangsu
Shandong	Shaanxi	Guangxi
Zhejiang	Gansu	Heilongjiang
Anhui	Qinghai	Hainan
Hubei	Tibet	Henan
Guangdong	Fujian	Xinjiang
Xiamen		Hunan

COMMISSION REGULATION (EC) No 1865/2004**of 27 October 2004****on the issue of import licences for rice against applications submitted during the first 10 working days of October 2004 pursuant to Regulation (EC) No 327/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of concessions set out in Schedule CXL drawn up in the wake of the conclusion of GATT XXIV.6 negotiations ⁽¹⁾,

Having regard to Council Decision 96/317/EC of 13 May 1996 concerning the conclusion of the results of consultations with Thailand under GATT Article XXIII ⁽²⁾,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽³⁾, as last amended by Regulation (EC) No 2458/2001, and in particular Article 5(2) thereof,

Whereas:

Examination of the quantities for which applications have been submitted under the October 2004 tranche shows that licences

should be issued for the quantities applied for, reduced, where appropriate, by the percentages not covered and notifies the final use, in percentage terms, of each quota for the year 2004,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice against applications submitted during the first 10 working days of October 2004 pursuant to Regulation (EC) No 327/98 and notified to the Commission shall be issued for the quantities applied for, reduced by the percentages set out in the Annex to this Regulation.

2. The final use of the quotas concerned for 2004, in percentage terms, is set out in the annex hereto.

Article 2

This Regulation shall enter into force on 28 October 2004.

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

Done at Brussels, 27 October 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 122, 22.5.1996, p. 15.

⁽³⁾ OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Regulation (EC) No 2296/2003 (OJ L 340, 24.12.2003, p. 35).

ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for October 2004 and quota use for 2004:

(a) semi-milled and wholly milled rice falling within CN code 1006 30

Origin	Reduction percentage for the October 2004 tranche	Final use of the quota for 2004 in percentage terms
United States of America	—	99,63
Thailand	0 ⁽¹⁾	93,14
Australia	—	100
Other origins	—	100

(b) husked rice falling within CN code 1006 20

Origin	Reduction percentage for the October 2004 tranche	Final use of the quota for 2004 in percentage terms
United States of America	—	94,90
Thailand	—	99,72
Australia	—	3,32
Other origins	—	100

(c) broken rice falling within CN code 1006 40 00

Origin	Final use of the quota for 2004 in percentage terms
Thailand	68,37
Australia	6,81
Guyana	0
United States of America	25
Other origins	34,36

⁽¹⁾ Issue for the quantity applied for.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 11 May 2004

appointing the members and alternate members of the Committee of the Regions

(2004/734/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 49 thereof,

Having regard to the Act concerning the conditions of accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and the adjustments to the Treaties on which the European Union is founded, and in particular Articles 15 and 49 thereof,

Having regard to the Council Decision of 22 January 2002 appointing the members and alternate members of the Committee of the Regions⁽¹⁾,

Having regard to the proposals made by the governments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Whereas:

- (1) Following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union, the Committee of the Regions should be enlarged by the appointment of ninety-five members and ninety-five alternate members representing regional and local bodies in the new Member States.

- (2) The Committee must consist of representatives of regional and local bodies,

HAS DECIDED AS FOLLOWS:

Sole Article

The following are hereby appointed to the Committee of the Regions for the period up to 25 January 2006 inclusive:

- as members, the persons listed by Member State concerned in Annex I to this Decision;
- as alternate members, the persons listed by Member State concerned in Annex II to this Decision.

Done at Brussels, 11 May 2004.

For the Council
The President
C. McCREEVY

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

LISTA DE LOS MIEMBROS Y SUPLENTES DEL COMITÉ DE LAS REGIONES

SEZNAM ČLENŮ A NÁHRADNÍKŮ VÝBORU REGIONŮ

LISTE OVER MEDLEMMERNE OG SUPPLEANTER AF REGIONERNE

LISTE DER MITGLIEDER UND STELLVERTRETER DES AUSSCHUSSES DER REGIONEN

REGIOONIDE KOMITEE LIHKMETE JA ASENDUSLIHKMETE NIMEKIRI

ΚΑΤΑΛΟΓΟΣ ΤΩΝ ΤΑΚΤΙΚΩΝ ΚΑΙ ΑΝΑΠΛΗΡΩΜΑΤΙΚΩΝ ΜΕΛΩΝ ΤΗΣ ΕΠΙΤΡΟΠΗΣ ΤΩΝ ΠΕΡΙΦΕΡΕΙΩΝ

LIST OF THE MEMBERS AND ALTERNATES OF THE COMMITTEE OF THE REGIONS

LISTE DES MEMBRES ET SUPPLÉANTS DU COMITÉ DES RÉGIONS

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REĢIONU KOMITEJAS LOCEKĻU UN TO AIZSTĀJĒJU SARAKSTS

REGIONŪ KOMITETO NARIŪ IR PAKAITINIŪ NARIŪ SĀRAŠAS

A RÉGIÓK BIZOTTSÁGA TAGJAINAK ÉS PÓTTAGJAINAK LISTÁJA

LISTA TAL-MEMBRI U SOSTITUTI TAL-KUMITAT TAR-REĠJUNI

LIJST VAN LEDEN EN PLAATSVERVANGERS VAN HET COMITÉ VAN DE REGIO'S

WYKAZ CZŁONKÓW KOMITETU REGIONÓW ORAZ ICH ZASTĘPCÓW

LISTA DOS MEMBROS EFECTIVOS E SUPLENTES DO COMITÉ DAS REGIÕES

ZOZNAM ČLENOV A ZÁSTUPCOV VÝBORU REGIÓNOV

SEZNAM ČLANOV IN NAMESTNIKOV ODBORA REGIJ

ALUEIDEN KOMITEAN JÄSENTEN JA VARAJÄSENTEN LUETTELO

FÖRTECKNING ÖVER LEDAMÖTER OCH SUPPLEANTER I REGIONKOMMITÉN

ANEXO I — PŘÍLOHA I — BILAG I — ANHANG I — I LISA — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — I PIELIKUMS — I PRIEDAS — I. MELLÉKLET — ANNESS I — BIJLAGE I — ZAŁĄCZNIK I — ANEXO I — PRÍLOHA I — PRILOGA I — LIITE I — BILAGA I

**Miembros/Členové/Medlemmer/Mitglieder/Liikmed/Mέλη/Members/Membres/Membri/Locekli/Nariai/Tagok/
Membri/Leden/Członkowie/Membros/Členovia/Člani/Jäsenet/Ledamöter**

ČESKÁ REPUBLIKA

BÉM Pavel

Lord Mayor of the Capital City of Prague

BŘEZINA Jan

President of the Regional Council of Olomoucký kraj

DOHNAL František

President of the Regional Council of Vysočina kraj

LÍNEK Roman

President of the Regional Council of Pardubický kraj

PAVEL Josef

President of the Regional Council of Karlovarský kraj

TOŠENOVSKÝ Evžen

President of the Regional Council of Moravskoslezský kraj

ZAHRADNÍK Jan

President of the Regional Council of Jihočeský kraj

VLASÁK Oldřich

Lord Mayor of the City of Hradce Králové, Královéhradecký kraj

TESAŘÍK Martin

Mayor of the City of Olomouc, Olomoucký kraj

GANDALOVIČ Petr

Lord Mayor of the City of Ústí nad Labem, Ústecký kraj

HANÁK Jaroslav

Mayor of the City of Veselí nad Moravou, Jihomoravský kraj

LANGŠÁDLOVÁ Helena

Mayor of the Municipality of Černošice, Středočeský kraj

EESTI

ANSIP Andrus

Mayor of City of Tartu, Tartu City Government

KALLASVEE Teet

Mayor of City of Haapsalu, Haapsalu City Government

KÕIV Tõnis

Mayor of City of Paide, Paide City Government

MÄEKER Mart

Head of Leisi Municipality, Leisi Municipality Government

MÜÜRSEPP Kurmet

Head of Urvaste Municipality, Urvaste Municipality Government

SAVISAAR Edgar

Mayor of the City of Tallinn, Tallinn City Government

TOBRELUKS Sirje

Head of Laheda Municipality, Laheda Municipality Government

ΚΥΠΡΟΣ

ZAMBELAS Michael

Mayor of Nicosia

MESIS Christos

Mayor of Mesa Yitonia

SARIKAS Fidias

Mayor of Paphos

GEORGIOU George
Mayor of Kato Polemidia

IACOVOU George
President of the Community Council of Ayioi Trimithias

ELENODOROU Spyros
President of the Community Council of Oroklini

LATVIJA

PURGALE Cilda
Chairman, Trikāta Rural Municipality Council

BARTKEVIČS Edvīns
Chairman Ogre County Council

JAUNSLEINIS Andris
Chairman, Union of Local and Regional Governments of Latvia

KUCINS Arvīds
Chairman Dubna Pagasts Council

KRIEVINS Guntars
Deputy of Liepāja Town Council

KALNACS Janis
Deputy of Riga City Council

NEILANDE Lolita
Chairman of Talsi district Sabile novads Council

LIETUVA

GUDELIS Darius
Mayor of Anykščiai district municipality

GARBARAVIČIUS Ramūnas
Member of Kaunas city municipal council

JAKUTIS Raimundas
Mayor of Šiauliai district municipality

LUKOŠIENĖ Virginija
Klaipėda county governor

MALINAUSKAS Ričardas
Mayor of Druskininkai municipality

MATUZAS Vitas
Mayor of Panevėžys city municipality

PAVIRŽIS Gediminas Adolfas
Deputy Mayor of Vilnius city municipality

VAIŠNORA Aidas
Member of Kazlų Rūda municipal council

VIGELIS Vytautas
Mayor of Švenčioniai district municipality

MAGYARORSZÁG

BALOGH László Dr.
President of the Bács-Kiskun County Assembly

BENKŐ Ferenc
Mayor of Tiszaladány

BOR Imre
Member of local government, Paks

BOROS Imre Dr.
Vice-president of Zala County Assembly

DEMSZKY Gábor Dr.
Lord Mayor of Budapest

DIÓSSY László
Mayor of Veszprém

FÁBIÁN Zsolt
Member of local government, Gödöllő

KÁLI Sándor
Mayor of Miskolc

MOLNÁR Árpád
Mayor of Balatonszabadi

SÉRTŐ-RADICS István Dr.
Mayor of Uszka

SZABÓ Gyula
Member of Heves County Assembly

WEKLER Ferenc Dr.
Mayor of Mecseknádasd

MALTA

MICALLEF Ian Dr.
Councillor, Gzira Local council

COHEN Michael
Mayor, Kalkara Local Council

BORG Doris
Mayor, Birkirkara Local Council

FARRUGIA Antonia
Councillor, Zurrieq Local Council

FORMOSA Noel
Mayor, San Lawrenz Local Council

POLSKA

ARNDT Paweł
Chairman of the Sejmik, Wielkopolskie

CIACH Krzysztof
Starosta of the Powiat, Zachodniopomorskie

CZARSKI Michał
Marshal of Voivodship, Śląskie

CZERNECKI Andrzej
City Mayor, Podkarpackie

DUTKIEWICZ Rafał
City President, Dolnośląskie

GOŁĘBIEWSKI Henryk
Marshal of Voivodship, Dolnośląskie

KARSKI Karol
Deputy Chairman of the City Council, Mazowieckie

KROPIWNICKI Jerzy
City President, Łódzkie

LECH Mirosław
Wójt of the Commune, Podlaskie

MAJCHROWSKI Jacek
City President, Małopolskie

MAKAREWICZ Henryk
Marshal of Voivodship, Lubelskie

RAKOCZY Stanisław
Starosta of the Powiat, Opolskie

RONOWICZ Bożena
City President, Lubuskie

RYŃSKI Andrzej
Marshal of Voivodship, Warmińsko-Mazurskie

SEPIOŁ Janusz
Marshal of Voivodship, Małopolskie

STRUZIK Adam
Marshal of Voivodship, Mazowieckie

SYNAK Brunon
Chairman of the Sejmik, Pomorskie

SZYMANOWICZ Marian
Deputy City President, Lubelskie

TEODORCZYK Mieczysław
Marshal of Voivodship, Łódzkie

WOŁODŹKO Franciszek
Marshal of Voivodship, Świętokrzyskie

ZAJĄKAŁA Jerzy
Wójt of the Commune, Kujawsko-Pomorskie

SLOVENIJA

SOVIČ Boris
Mayor of Urban Municipality Maribor

KOVAČIČ Boštjan
Mayor of Urban Municipality Novo mesto

PEČAN Breda
Mayor of Municipality Izola

SMOLNIKAR Anton
Mayor of Municipality Kamnik

HALB Janko
Mayor of Municipality Rogašovci

SMRDELJ Robert
Mayor of Municipality Pivka

ŠTEBE Tomaž
Mayor of Municipality Mengeš

SLOVENSKO

BAUER Rudolf
President of Košice Self-governing Region

SLAFKOVSKÝ Alexander
Mayor of Liptovský Mikuláš City

BELICA Milan
President of Nitra Self-governing Region

TARČÁK Jozef
President of Žilina Self-governing Region

MARČOK Milan
President of Banská Bystrica Self-governing Region

CHUDÍK Peter
President of Prešov Self-governing Region

DEMETEROVÁ Mária
Elected Representative of Bratislava Self-governing Region

BOBÍK Jozef
Mayor of Michalovce City

PETUŠÍK Jozef
Mayor of Dolný Lopašov

ANEXO II — PŘÍLOHA II — BILAG II — ANHANG II — II LISA — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — II PIELIKUMS — II PRIEDAS — II. MELLÉKLET — ANNESS II — BIJLAGE II — ZAŁĄCZNIK II — ANEXO II — PRÍLOHA II — PRILOGA II — LIITE II — BILAGA II

Suplentes/Náhradníci/Suppleanter/Stellvertreter/Asendusliikmed/Αναπληρωτές/Alternates/Suppléants/Supplenti/Aizstājēji Pakaitiniai nariai/Póttagok/Sostituti/Plaatsvervangers/Zastępcy Suplentes/Zástupcovia/Namestniki/Varajäsenet/Suppleanter

ČESKÁ REPUBLIKA

BENDL Petr
President of the Regional Council of Středočeský kraj

SLAVÍK František
President of the Regional Council of Zlínský kraj

JURÁNEK Stanislav
President of the Regional Council of Jihomoravský kraj

DERNER Vladimír
Deputy of the President of the Regional Council of Královehradecký kraj

ŠULC Jiří
President of the Regional Council of Ústecký kraj

ZÁMEČNÍK Jaroslav, CSc.
Member of the Regional Council of Liberecký kraj

ZIMMERMANN Petr
President of the Regional Council of Plzeňský kraj

BYTEL Jiří
Mayor of the Municipality of Velká Hleďsebe, Karlovarský kraj

HALANOVÁ Květa
Mayor of the City of Jílové u Prahy, Středočeský kraj

PRŮŠA Luboš
Mayor of the City of Písek, Jihočeský kraj

ÚLEHLA Tomáš
Mayor of the City of Zlín, Zlínský kraj

DUCHOŇ Petr
Lord Mayor of the City of Brno, Jihomoravský kraj

EESTI

ELLRAM Jüri
Head of Imavere Municipality, Imavere Municipality Government

ERIKSON Urve
Chairman of Tudulinna Municipality Council

KALEV Saima
Head of Municipality of Jõgeva, Jõgeva Municipality Government

LEPIK Margus
Mayor of City of Valga, Valga City Government

MARIPUU Maret
Chairman of Tallinn City Council, Tallinn City Council

SILBERG Uno
Chairman of Kose Municipality Council, Kose Municipality Council

TAMKIVI Jaanus
Mayor of Kuressaare City, Kuressaare City Government

ΚΥΠΡΟΣ

PITTAS Charalambos
Mayor of Morphou

PERICLEOUS Barbara
Mayor of Ayia Napa

HADJITOPHIS Kyriakos
Mayor of Ayios Athanasios

VIOLARIS Christakis
Mayor of Lakatamia

MICHAEL Dimitris
President of the Community Council of Ayios Ambrosios

KALLIS Nikos
President of the Community Council of Zoopigi

LATVIJA

AUGULIS Uldis
Chairman of Local Municipality Bērze

ZALĀNS Edgars
Mayor, Chairman of Kuldīga Town Council

PUKITIS Talis
Vice-Chairman of Development Council of Riga Region

ELKSNĪTIS Andris
Chairman of Dobeles District Council

VĒTRA Aivars
Member of the Jūrmala City Council

KRASTINŠ Edmunds
Member of Riga City Council

VAIVODS Andris
Chairman of Līvāni District Council

LIETUVA

ABRAMAVIČIUS Arnoldas
Member of Zarasai district municipal council

GUSTAITIS Antanas
Mayor of Prienai district municipality

JASEVIČIUS Valdemaras
Mayor of Šilalė district municipality

KAUBRYŠ Donatas
Member of Telšiai district municipal council

KOLOSĀSKAS Feliksas
Vilnius county governor

PEKELIŪNAS Alfredas
Mayor of Panevėžys district municipality

ULKĖ Zenonas
Member of Šakiai district municipal council

ŠEDŽIUS Alvydas
Šiauliai county governor

ŽUKAUSKAS Liudvikas
Mayor of Skuodas district municipality

MAGYARORSZÁG

BIHARY Gábor
Member of local government, Budapest

GÉMESI György Dr.
Mayor of Gödöllő

IPKOVICH György Dr.
Mayor of Szombathely

JÓSZAI Attila
Member of local government, Szigetszentmiklós

KOCSIS Károlyné
Member of local government, Dunapataj

KOVÁCSNÉ HORVÁTH Klára Dr.
Mayor of Bábolna

LÁZÁR János Dr.
Mayor of Hódmezővásárhely

MÁTIS András
Mayor of Szirák

NAGY Sándor
Mayor of Kistelek

PAJZS József
Mayor of Szigetvár

SZABÓ Lóránt
Mayor of Dombóvár

SZAKÁCS Imre Dr.
President of Győr-Moson-Sopron County Assembly

MALTA

MIFSUD Malcolm Dr.
Mayor, Pieta' Local Council

GRECH Keith
Councillor, St Paul's Bay Local Council

BORG Joseph
Councillor, Mellieha Local Council

AGIUS Joan
Deputy Mayor, Zejtun Local Council

BUTTIGIEG Paul
Mayor, Qala Local Council

POLSKA

ACHRAMOWICZ Waldemar
Marshal of Voivodship, Kujawsko-Pomorskie

BOROŃ Piotr
Chairman of the Sejmik, Małopolskie

DOMBROWICZ Konstanty
City President, Kujawsko-Pomorskie

FOGLER Piotr
Chairman of Sejmik, Mazowieckie

KOBYLIŃSKI Maciej
City President, Pomorskie

KROCHMAL Witold
City Mayor, Dolnośląskie

KRZYŻEWSKI Janusz
Marshal of Voivodship, Podlaskie

KUBAT Grzegorz
Marshal of Voivodship, Opolskie

KUŹNIAR Lucjan
Councilor of the Sejmik, Podkarpackie

LEWANDOWSKI Eugeniusz
Starosta of the Powiat, Kujawsko-Pomorskie

MIKOŁAJCZAK Stefan
Marshal of Voivodship, Wielkopolskie

OLSZEWSKI Marek
Wójt of the Commune, Kujawsko-Pomorskie

OSOWSKI Karol
Chairman of the Sejmik, Zachodniopomorskie

PAŃTAK Kazimierz
Deputy Chairman of the Sejmik, Lubuskie

PRUSZKOWSKI Andrzej
City President, Lubelskie

SŁOWIŃSKI Jerzy
City President, Łódzkie

ŚWIĘTALSKI Leszek
Wójt of the Commune, Dolnośląskie

TRAMŚ Marek
Starosta of the Powiat, Dolnośląskie

TROMBSKI Marek
Councilor of the Sejmik, Śląskie

WĘGRZYN Ludwik
Starosta of the Powiat, Małopolskie

WRONA Tadeusz
City President, Śląskie

SLOVENIJA

COLARIČ Anton
Member of City Council in Urban Municipality Ljubljana

ČELAN Štefan
Mayor of Urban Municipality Ptuj

ŠKRJANEC Breda
Member of Council in Municipality Grosuplje

ŽAGAR Ivan
Mayor of Municipality Slovenska Bistrica

LEDINEK Branko
Mayor of Municipality Rače — Fram

GERMOVŠEK Siniša
Member of Council in Municipality Bovec

KOVŠE Anton
Mayor of Municipality Podvelka

SLOVENSKO

KUBOVIČ Vladimír
Mayor of Záhorská Bystrica — Bratislava City District

ORAVEC Vladimír
Mayor of Bojnice City

VÍTEK Ferdinand
Mayor of Nitra City

ŠTEFANEC Štefan
President of Trenčín Self-governing Region

ĎURKOVSKÝ Andrej
Mayor of Bratislava City

TOMEČEK Peter
President of Trnava Self-governing Region

LUMTZER Ladislav
Mayor of Košice — Dargovských hrdinov City District

RICHTER Marián
Mayor of Medzev City

JANOČKO Vladimír
Mayor of Košice — Pereš City District

COUNCIL DECISION
of 24 May 2004
appointing new members of the Economic and Social Committee
(2004/735/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 49 thereof,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Act concerning the conditions of accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and the adjustments to the Treaties on which the European Union is founded, and in particular Articles 14 and 48 thereof,

Having regard to the Council Decision of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006,

Having regard to the proposals made by the governments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

After consulting the Commission,

Whereas:

- (1) following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union, the Economic and Social Committee should be enlarged by the appointment of ninety-five members representing the various economic and social components of organised civil society.
- (2) the composition of the Committee must take account of the need to ensure adequate representation of the various economic and social components of organised civil society,

HAS DECIDED AS FOLLOWS:

Sole Article

The persons whose names and titles are listed in the Annex are hereby appointed members of the Economic and Social Committee for the period up to 20 September 2006.

Done at Brussels, 24 May 2004

For the Council
The President
D. AHERN

ANEXO — PŘÍLOHA — BILAG — ANHANG — LISA — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
 PIELIKUMS — PRIEDAS — MELLÉKLET — ANNESS — BIJLAGE — ZAŁĄCZNIK — ANEXO — PRÍLOHA —
 PRILOGA — LIITE — BILAGA

LISTA DE LOS MIEMBROS DEL COMITE ECONÓMICO Y SOCIAL
SEZNAM ČLENŮ HOSPODÁŘSKÉHO A SOCIÁLNÍHO VÝBORU
LISTE OVER MEDLEMMERNE AF DET ØKONOMISKE OG SOCIALE UDVALG
LISTE DER MITGLIEDER DES WIRTSCHAFTS- UND SOZIALAUSSCHUSSES
MAJANDUS- JA SOTSIAALKOMITEE LIHKMETE NIMEKIRI
ΚΑΤΑΛΟΓΟΣ ΤΩΝ ΜΕΛΩΝ ΤΗΣ ΟΙΚΟΝΟΜΙΚΗΣ ΚΑΙ ΚΟΙΝΩΝΙΚΗΣ ΕΠΙΤΡΟΠΗΣ
LIST OF THE MEMBERS OF THE ECONOMIC AND SOCIAL COMMITTEE
LISTE DES MEMBRES DU COMITÉ ÉCONOMIQUE ET SOCIAL
ELENCO DEI MEMBRI DEL COMITATO ECONOMICO E SOCIALE
EKONOMIKAS UN SOCIĀLO LIETU KOMITEJAS LOCEKĻU SARAKSTS
EKONOMIKOS IR SOCIALINIŲ REIKALŲ KOMITETO NARIŲ SĄRAŠAS
A GAZDASÁGI ÉS SZOCIÁLIS BIZOTTSÁG TAGJAINAK LISTÁJA
LISTA TAL-MEMBRI TAL-KUMITAT EKONOMIKU U SOĊJALI
LIJST VAN LEDEN VAN HET ECONOMISCH EN SOCIAAL COMITÉ
LISTA CZŁONKÓW KOMITETU EKONOMICZNO-SPOŁECZNEGO
LISTA DOS MEMBROS DO COMITÉ ECONÓMICO E SOCIAL
ZOZNAM ČLENŮV HOSPODÁRSKEHO A SOCIÁLNEHO VÝBORU
SEZNAM ČLANOV EKONOMSKO-SOCIALNEGA ODBORA
TALOUS- JA SOSIAALIKOMITEAN JÄSENTEN LUETTELO
FÖRTECKNING ÖVER LEDAMÖTER I EKONOMISKA OCH SOCIALA KOMMITÉN

ČESKÁ REPUBLIKA

ZBOŘIL Josef

Member of the Management Board, Confederation of Industry of the Czech Republic

DRBALOVÁ Vladimíra

Director of the Department of International Organisations and European Affairs,
 Confederation of Industry of the Czech Republic

ZVOLSKÁ Marie

Member of the Confederation of Employers' and Entrepreneurs' Associations of the Czech Republic

VOLEŠ Ivan

Deputy Secretary of the Economic Chamber of the Czech Republic

ČORNEJOVÁ Helena

Senior Officer of the Social and Economic Department,
 Czech-Moravian Confederation of Trade Unions

MATOUŠEK Vladimír

Senior Officer of the International Department, Czech-Moravian Confederation of Trade Unions

ŠTECHOVÁ Dana

Specialist of the International Department, Czech-Moravian Confederation of Trade Unions

ŠMEHLÍK Ondřej

Junior Officer – Specialist of the Railways' Workers Trade Union

JÍROVEC Ludvík

Member of the Agrarian Chamber of the Czech Republic

ŠMEJKAL David
Member of the Czech Coalition of Consumer Activities

STULÍK David
Member of the Civil Society Development Foundation

PLECHATÁ Ivana
Director of the House Sue Ryde, Civic Association SKOK

EESTI

PÄÄRENDSON Eve
Estonian Employers' Confederation

TSHISTOVA Kristina
Estonian Chamber of Commerce and Industry

CARR Liina
Confederation of Estonian Trade Unions

VIIES Mare
Estonian Employees' Unions' Confederation

HELLAM Mall
Network of the Estonian Nonprofit Associations and Foundations (NENO)

KREEGIPUU Kalev
Estonian Chamber of Agriculture and Commerce

JOOST Meelis
Estonian Chamber of Disabled People

KYΠPOΣ

ANTONIOU Michalis
Cyprus Employers and Industrialists Federation

MAVROMMATIS Manthos
Chamber of Commerce and Industry

KYRITSIS Pambis
Pancyprian Federation of Labour

KITTENIS Demetris
Cyprus Workers' Confederation

VRACHIMIS Giorgos
Consumers' Association

CONSTANTINIDIS Costakis
Union of Cypriot Farmers

LATVIJA

BĒRZIŅŠ Andris
Strategic Consultant for UNDP Latvia
ABkonsultants, owner

JAUNZEME Ieva
Director General Latvian Employers Confederation

KRĪGERS Pēteris
President – Free Trade Union Confederation of Latvia

HOMKO Irina
Free Trade Union Confederation of Latvia

ANČA Gunta
Chairperson – The Latvian Umbrella Body for Disability Organisations SUSTENTO

KOCIŅŠ Viesturs
Head of European Union Department
Latvian Chamber of Commerce and Industry

DANUSĒVIČS Henriks
Chairman of Latvian Traders Association

LIETUVA

ARLAUSKAS Danukas
Director General, Lithuanian Confederation of Business Employers

LASIAUSKAS Linas
Deputy Director General, Lithuanian Apparel and Textile Industry Association

MORKIS Gintaras
Deputy Director General, Lithuanian Confederation of Industrialists

ŽYGIS Arvydas
Consultant, Association of Lithuanian Chambers of Commerce, Industry and Crafts

BALSIEŅĒ Aldona
President, Lithuanian Trade Union 'Solidarumas'

KVEDARAVIČIUS Algirdas Aleksandras
Vice-chairperson, Lithuanian Trade Union Confederation

PREIDIENĒ Inga
Vice-chairperson, Lithuanian Labour Federation Youth Organization

ARMANAVIČIENĒ Alvita
President, Lithuanian National Consumer Federation

DOMEIKA Rolandas
Director, Lithuanian Farmers' Union

MAGYARORSZÁG

NAGY Tamás
National Federation of Agricultural Cooperators and Producers

VADÁSZ Péter GRD.
Confederation of Hungarian Employers and Industrialists

VÉRTES János
National Federation of Traders and Caterers

CSUPOORT Antal
National Association of Strategic and Public Utility Companies

KOLLER Erika
Democratic Ligue of Independent Trade Unions

KAPUVÁRI József
National Confederation of Hungarian Trade Unions

PÁSZTOR Miklós GRD.
National Confederation of Workers Councils

CSER Ágnes GRD.
Cooperation Forum of Trade Unions; Trade Union Confederation of Intellectual Workers

HERCZOG Mária GRD.
Family, Child and Youth Organisation for Public Use

TÓTH János GRD.
Association of the Hungarian Industrial Parks

GARAI István
National Association for Consumer Protection in Hungary

BARABÁS Miklós
European House

MALTA

CALLEJA Edwin
Secretary General Federation of Industries (FOI)

SCIBERRAS Sylvia
Honorary Assistant Secretary
Malta Chamber of Small and Medium Enterprise (GRTU)

PARNIS Michael
Deputy Secretary General (Education and International Affairs)
General Workers' Union (GWU)

DARMANIN Anna Maria
Chairperson Salvino Spiteri Foundation
Union Haddiema Maqghudin (UHM)

ATTARD Grace
President National Council of Women

POLSKA

MALINOWSKI Andrzej
Polish Employers' Confederation

DORDA Tadeusz
Polish Employers' Confederation

KRAWCZYK Jacek
Polish Confederation of Private Employers

KOMOROWSKI Marek
Polish Confederation of Private Employers

MULEWICZ Jarosław Maciej
Business Centre Club – Association of Employers

DONOCIK Tadeusz
Polish Chamber of Commerce

DRABKO Zbigniew
Federation of the Union of Agricultural Employers

ADAMCZYK Andrzej
Independent Self-Governing Trade Union 'Solidarity'

KRZAKLEWSKI Marian
Independent Self-Governing Trade Union 'Solidarity'

SOBOŃ Katarzyna
Independent Self-Governing Trade Union 'Solidarity'

RÓŻYCKI Stanisław
All-Poland Alliance of Trade Unions

JASIŃSKI Tomasz
All-Poland Alliance of Trade Unions

SZYNAKA Edmund
Trade Unions Forum

TORNBERG Markus
National Union of Farmers, Circles and Agricultural Organizations

NIEPOKULCZYCKA Małgorzata
Polish Consumer Federation

SZADZIŃSKA Elżbieta
Polish Consumer Federation

SZYDŁOWSKI Andrzej
Union of Polish Craftsmen

KAMIENIECKI Krzysztof
Institute for Sustainable Development

CZAJKOWSKI Tomasz
Students' Parliament of the Republic of Poland

MENDZA–DROZD Marzena
Polish Federation of Non-Government Organizations

PLAKWICZ Jolanta
Polish Women League

SLOVENIJA

STOJAN Dare
Association of Employers for Craft Activities of Slovenia

STANTIC Cveto
Chamber of Commerce and Industry of Slovenia

ROKSANDIC Metka
Association of Free Trade Unions of Slovenia

REBOLJ Dusan
Confederation of Trade Unions of Slovenia PERGAM

HRIBAR Bojan
Slovenian Committee of Public Sector Trade Unions

NOSE Martin
Cooperative Union of Slovenia

GREIF Tatjana
SKUC – Students' cultural center

SLOVENSKO

LIŠKA Ján Ing.
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COUNCIL DECISION

of 21 October 2004

authorising the United Kingdom to introduce a special measure derogating from Article 11 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2004/736/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽¹⁾ and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) By letter registered by the Secretariat-General of the Commission on 13 February 2004, the United Kingdom sought authorisation to introduce a special measure derogating from Article 1(A)(1)(a) of Directive 77/388/EEC.

(2) The aim of the derogation is to prevent the avoidance of value added tax (VAT) through the undervaluation of supplies. It is specifically designed to prevent the circumvention of Article 6(2) of Directive 77/388/EEC through the practice, within the motor vehicle trade, of allowing staff the use of cars for a nominal charge. Since that charge appears to be consideration for the supply, VAT is levied under Article 11(A)(1)(a) of Directive 77/388/EEC on the actual amount paid by the employee. However, because of the employment ties between the two parties involved, the amount actually paid is artificially low, resulting in significantly smaller VAT revenues.

(3) The United Kingdom has already been granted a request for a derogation from Article 11 designed to tackle the problem of undervalued supplies between connected persons where the recipient of the supply is totally or partially exempt. Since, at the time when that derogation

was granted, employees were not included within the definition of 'connected' and since an employee is not a taxable person who is totally or partially exempt, a further and more specific derogation is required.

(4) The special measure should apply only in cases where the administration is able to conclude that the taxable amount, as determined in accordance with Article 11(A)(1)(a), has been influenced by the employment ties between the parties involved. That conclusion should, in each case, be based on manifest facts, not presumptions.

(5) Given the limited scope of the derogation, the special measure is proportionate to the aim pursued.

(6) The derogation has no adverse impact on the Communities' own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 11(A)(1)(a) of Directive 77/388/EEC, the United Kingdom is hereby authorised, until 31 December 2009, in the case of a supply of services consisting in the use of a motor car, where the supplier and the recipient are connected persons in the motor trade, to treat the open market value of that supply as the taxable amount.

Article 2

Article 1 shall apply only if the following conditions are met:

(a) the supplier has the right to deduct, in whole or in part, the value added tax applied to the motor car;

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

(b) the recipient is not a fully taxable person and is linked to the supplier by employment ties specified in national legislation;

Article 3

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

Done at Luxembourg, 21 October 2004.

(c) it is reasonable to conclude from the circumstances of the case that the employment ties referred to in point (b) have influenced the taxable amount, as determined in accordance with Article 11(A)(1)(a) of Directive 77/388/EEC.

For the Council

The President

G. ZALM

COUNCIL DECISION

of 21 October 2004

authorising Italy to apply a measure derogating from Article 2(1) of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2004/737/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽¹⁾, and in particular Article 30 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In a request submitted to the Commission and registered by the Commission's Secretariat-General on 24 March 2004, the Italian Government sought authorisation to conclude an agreement with Switzerland which includes provisions derogating from Article 2(1) of Directive 77/388/EEC.
- (2) The reasons for this request are twofold. Firstly the introduction of VAT on tolls for the Gran San Bernardo tunnel as of 1 January 2003 has led to competitive distortions in multi-journey season ticket sales. Secondly the breakdown of proceeds for VAT purposes in proportion to the physical demarcation between the countries causes high administrative costs because the proceeds are calculated and distributed in accordance with economic criteria reflecting the breakdown of tunnel management and maintenance costs. These costs do not only concern the tunnel itself but include a highway linking the tunnel on Italian territory to the Italian road net.
- (3) As of 1 January 2003, the Italian tunnel operator levies and collects VAT on tolls for the Gran San Bernardo tunnel. However, Switzerland does not apply VAT or

any similar tax on the toll; under the 1958 Convention concluded between Italy and Switzerland before the introduction of a common VAT system, Switzerland cannot be obliged to apply and collect Italian VAT on tolls for the Gran San Bernardo tunnel. Therefore the introduction of VAT only on tolls collected by the Italian operator led to a difference in user costs and distorted competition in season-ticket sales. Users can pay for their multi-journey season tickets at either end of the tunnel and purchase them where they are cheaper, which is in Switzerland.

- (4) The tunnel crosses an international border and is run by an Italian-Swiss joint venture and two operating companies, based in their respective countries. The Italian operator, in line with the territoriality principle, should levy VAT only in respect of the part of the tunnel on Italian soil. However, under a legally binding agreement between the operators concluded in 1963 and applied until today, the proceeds of the toll are not shared out in proportion to the physical demarcation between the countries but must be shared in line with economic criteria reflecting the breakdown of tunnel management and maintenance costs. The tunnel management and maintenance costs also include the use of a section of motorway which gives access to the tunnel. This means that the exact amount of the proceeds divided and distributed in accordance with these criteria can only be established *a posteriori*. For VAT purposes this established amount must then be broken down in accordance with the territoriality principle, extrapolating management and maintenance costs for the use of a section of motorway which gives access to the tunnel. This ex-post calculation and the collection of VAT is burdensome and generates high administrative costs. It cannot be rendered consistent with a consumption tax system requiring that VAT is levied and collected immediately.
- (5) Against this background, the only viable option is in fact not to impose VAT on tolls for the Gran San Bernardo tunnel. The derogation represents a major simplification for the Italian-Swiss joint venture and its two operating companies.
- (6) However, the requested derogation will have an impact on the Communities' own resources accruing from VAT and therefore require compensatory measures,

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

HAS ADOPTED THIS DECISION:

Article 2

This Decision is addressed to the Italian Republic.

Article 1

By way of derogation from Article 2(1) of Directive 77/388/EEC, the Italian Republic is hereby authorised to conclude an agreement with Switzerland in view of not imposing VAT on tolls for the Gran San Bernardo tunnel. The authorisation is granted under the condition that the Italian Republic estimates every year the amount of losses in VAT at the stage of final consumption and adds an equivalent compensation to the VAT base which is used for establishing its contributions to the Community's own resources.

Done at Luxembourg, 21 October 2004.

For the Council
The President
G. ZALM

COUNCIL DECISION

of 21 October 2004

authorising Portugal to apply a measure derogating from Articles 21(1)(a) and 22 of Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2004/738/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value-added tax: uniform basis for assessment⁽¹⁾, and in particular Article 27(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By letter registered with the Commission on 19 February 2004 Portugal requested authorisation to introduce a derogating measure in respect of the doorstep sales sector.
- (2) The other Member States were informed thereof on 26 March 2004.
- (3) Portugal was notified on 30 March 2004 that the Commission was in possession of all the information it needed to take a decision on the matter.
- (4) The measure is intended to enable certain firms engaged in doorstep selling to pay on behalf of their resellers the VAT due on the prices of the products the resellers sell to their customers, provided that the entire turnover of the firms is obtained from doorstep sales by resellers working in their own name and on their own account and that price lists setting out the selling price charged to the public for all the firms' products are drawn up in advance and adhered to.
- (5) The derogation will apply solely to cases where the firm sells its products direct to resellers who, in turn, sell direct to final consumers.
- (6) Firms which fulfil the above conditions and have been duly authorised by the tax administration will pay to the treasury the amount of VAT due on the pre-established retail selling price.

(7) The resellers concerned will no longer be required to pay tax on their sales and will therefore not benefit from the right to deduct.

(8) This arrangement constitutes a derogation from Article 21(1)(a) of the Sixth Directive in that the wholesaler will be deemed liable for the tax on goods sold to end consumers by his resellers.

(9) Wholesalers are therefore required to fulfil the obligations regarding tax returns, tax invoicing and payment of tax, etc., in respect of the goods their resellers sell to final consumers and, by derogation from Article 22, their resellers are exempt from these obligations in respect of the goods they supply to final consumers.

(10) The arrangement was authorised by the earlier Council Decision 1999/82/EC of 18 January 1999⁽²⁾, which was applicable from 1 January 1999 to 31 December 2000.

(11) The Commission considers that this derogation is a simplification measure and therefore fulfils the conditions set out in Article 27 of the Sixth Directive.

(12) The derogation should be authorised until 31 December 2009.

(13) The derogation will not alter the amount of VAT collected at the stage of final consumption and will not have a negative effect on the European Communities' own resources obtained from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

Portugal is hereby authorised to apply until 31 December 2009 a special measure for the taxation of doorstep sales that contains provisions derogating from Sixth Directive 77/388/EEC.

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

⁽²⁾ OJ L 27, 2.2.1999, p. 28.

A business whose total turnover is derived from doorstep sales made by resellers acting in their own name and on their own account may request the administration for authorisation to apply the provisions of Articles 2 and 3 below on condition that:

- (a) all products sold by the firm are contained in a pre-established price list applicable at the final consumption stage;
- (b) the firm sells its products direct to resellers who, in turn, sell direct to final consumers.

Article 2

By way of derogation from Article 21(1)(a) of the Sixth Directive 77/388/EEC, any firm which has been authorised to

apply this special measure shall be liable for the tax payable on goods supplied by its resellers to final consumers.

Article 3

Any reseller supplied by a business authorised to apply this special measure shall be exempt from the obligations laid down in Article 22 of Sixth Directive 77/388/EEC regarding goods it supplies to final consumers.

Article 4

This Decision is addressed to Portugal.

Done at Luxembourg, 21 October 2004.

For the Council

The President

G. ZALM

POLITICAL AND SECURITY COMMITTEE DECISION BiH/3/2004**of 29 September 2004****on the setting-up of the Committee of Contributors for the European Union military operation in Bosnia and Herzegovina**

(2004/739/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 25, third paragraph, thereof,

Having regard to the Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina⁽¹⁾, and in particular Article 11(5) thereof,

Whereas:

- (1) Under Article 11 of Joint Action 2004/570/CFSP, the Council authorised the Political and Security Committee (PSC) to take relevant decisions on the setting up of a Committee of Contributors for the European Union military operation in Bosnia and Herzegovina.
- (2) The European Council Conclusions of Nice of 7, 8 and 9 December 2000 and Brussels of 24 and 25 October 2002 have laid down the arrangements for the participation of third States in crisis management operations and the setting-up of a Committee of Contributors.
- (3) The Committee of Contributors will play a key role in the day-to-day management of the operation; the Committee will be the main forum where contributing States collectively address questions relating to the employment of their forces in the operation; the Political and Security Committee, which exercises the political control and strategic direction of the operation, will take account of the views expressed by the Committee of Contributors.
- (4) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications. Therefore, Denmark does not participate in the financing of the operation.

- (5) The Copenhagen European Council adopted on 12 and 13 December 2002 a Declaration stating that the 'Berlin plus' arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the 'Partnership for Peace', and which have consequently concluded bilateral security agreements with NATO,

HAS DECIDED AS FOLLOWS:

*Article 1***Establishment**

A Committee of Contributors for the European Union military operation in Bosnia and Herzegovina (hereafter called 'the CoC') is hereby established.

*Article 2***Functions**

The terms of reference of the CoC are laid down in the European Council Conclusions of Nice (7, 8 and 9 December 2000) and Brussels (24 and 25 October 2002).

*Article 3***Composition**

1. The CoC members shall be as follows:
 - those EU Member States which take part in EU operations conducted using NATO common assets and capabilities, and Denmark;
 - representatives of the third States participating in the operation and providing significant military contributions, as well as representatives of other third States, referred to in the Annex.
2. The DGEUMS and the EU Operation Commander are also entitled to attend or to be represented at the CoC meetings.

*Article 4***Chair**

In conformity with the Nice conclusions and without prejudice to the prerogatives of the Presidency, the CoC for this operation will be chaired by the Secretary General/High Representative or his representative in close consultation with the Presidency, assisted by the Chairman of the European Union Military Committee (CEUMC) or his representative.

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.

*Article 5***Meetings**

1. The CoC shall be convened by the Chair on a regular basis. Where circumstances require, emergency meetings may be convened on the Chair's initiative, or at the request of a member.
2. The Chair shall circulate in advance a provisional agenda and documents relating to the meeting. The proceedings shall be circulated after each meeting.
3. Representatives of the Commission and other persons may be invited for relevant parts of the discussion, as appropriate.

*Article 6***Procedure**

1. Except as provided in paragraph 3 and without prejudice to the competencies of the Political and Security Committee and the responsibilities of the EU Operation Commander,
 - unanimity of the representatives of States contributing to the operation shall apply when the CoC takes decisions on day-to-day management of the operation;
 - unanimity of the CoC members shall apply when the CoC makes recommendations on possible adjustments to operational planning, including possible adjustment to objectives.

The abstention of a member shall not preclude unanimity.

2. The Chair shall establish that the majority of the representatives of States entitled to take part in the deliberations is present.

3. All procedural questions shall be settled by the simple majority of the members present at the meeting.

4. Denmark shall not take part in any decision of the Committee.

*Article 7***Confidentiality**

1. The Council Security Regulations shall apply to the meetings and proceedings of the CoC. In particular, representatives in the CoC shall possess adequate security clearances.
2. The deliberations of the CoC shall be covered by the obligation of professional secrecy, except insofar the CoC unanimously decides otherwise.

*Article 8***Entry into force**

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 29 September 2004.

For the Political and Security Committee
The Chairperson
A. HAMER

ANNEX

LIST OF THIRD STATES REFERRED TO IN ARTICLE 3(1)

- Argentina
 - Bulgaria
 - Canada
 - Chile
 - Morocco
 - New Zealand
 - Norway
 - Romania
 - Switzerland
 - Turkey
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