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### Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1886/2004****of 25 October 2004**

**extending the definitive anti-dumping duty imposed by Council Regulation (EC) No 1796/1999 on imports of steel ropes and cables originating, *inter alia*, in the People's Republic of China to imports of steel ropes and cables consigned from Morocco, whether declared as originating in Morocco or not, and terminating the investigation in respect of imports from one Moroccan exporter**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (the basic Regulation) <sup>(1)</sup>, and in particular Article 13 thereof,

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

Whereas:

the Liaison Committee of the European Federation of Steel Wire Rope Industries (EWRIS) to investigate the alleged circumvention of the anti-dumping measures imposed on imports of steel ropes and cables originating in the PRC. This request was submitted on behalf of producers representing a major proportion of the Community production of SWR.

- (3) The request alleged and submitted sufficient prima facie evidence showing that following the imposition of measures on imports of SWR originating in the PRC, there had been a significant change in the pattern of trade involving exports of SWR from the PRC and Morocco to the Community. This change in the pattern of trade was alleged to stem from transshipment via Morocco of SWR originating in the PRC. There had been a significant increase in imports from Morocco while imports from the PRC had decreased in roughly equivalent proportions in the meantime.

**A. PROCEDURE****1. Existing measures**

- (1) The Council, by its Regulation (EC) No 1796/1999 <sup>(2)</sup>, imposed in August 1999 an anti-dumping duty of 60,4% on imports of steel ropes and cables ('steel wire ropes' or 'SWR') originating, *inter alia*, in the People's Republic of China (PRC).

- (4) The request concluded that there was insufficient due cause or economic justification for the aforementioned changes other than the existence of the anti-dumping duty on SWR originating in the PRC.

**2. Request**

- (2) On 5 January 2004, the Commission received a request, pursuant to Article 13(3) of the basic Regulation, from

- (5) Finally, EWRIS also submitted sufficient evidence that the remedial effects of this duty were being undermined both in terms of quantities and prices and that the prices of SWR from Morocco were dumped in relation to the normal values previously established for the SWR originating in the PRC.

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

<sup>(2)</sup> OJ L 217, 17.8.1999, p. 1. Regulation as amended by Regulation (EC) No 1674/2003 (OJ L 238, 25.9.2003, p. 1).

### 3. Initiation

- (6) The Commission, by its Regulation (EC) No 275/2004<sup>(1)</sup> (the initiating Regulation), initiated an investigation of the alleged circumvention and directed, pursuant to Articles 13(3) and 14(5) of the basic Regulation, the customs authorities to register imports of SWR consigned from Morocco, whether declared as originating in Morocco or not, as of 19 February 2004. The Commission advised the authorities of the PRC and Morocco of the initiation of the investigation.

### 4. Investigation

- (7) Questionnaires were sent to Community importers as well as to exporters of SWR located in the PRC and Morocco, which were mentioned in the request, and to other interested parties who came forward within the prescribed time limits. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation. They were also made aware of the consequences of non-cooperation.
- (8) A number of Community importers contacted the Commission in writing, declaring that they had not imported any SWR from Morocco.
- (9) No replies to the questionnaires were received from exporters/producers in the PRC.
- (10) A reply to the questionnaire was received from one Moroccan exporting producer, Remer Maroc SARL, Settat. The Commission carried out a verification visit at the premises of this company.

### 5. Investigation period

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

## B. RESULTS OF THE INVESTIGATION

### 1. General considerations/degree of cooperation

- (12) As mentioned in recital 9, no cooperation was received from producers or exporters of SWR in the PRC.

However, information was obtained from one cooperating exporting producer in Morocco, Remer Maroc SARL, which produced SWR and exported a small fraction of its production to the Community during the IP. This company accounted for less than 5 % of the total volume of imports of SWR from Morocco to the Community during the IP, as reported by Eurostat. Therefore, findings had to be partially based on facts available, in accordance with Article 18 of the basic Regulation.

### 2. Product concerned and like product

- (13) The product concerned is, as defined in the investigation which lead to the imposition of the existing measures (the original investigation), steel ropes and cables, including locked coil ropes, excluding ropes and cables of stainless steel, with a maximum cross-sectional dimension exceeding 3 mm (in industry terminology referred to as SWR), originating in the People's Republic of China, normally declared under CN codes ex 7312 10 82, ex 7312 10 84, ex 7312 10 86, ex 7312 10 88 and ex 7312 10 99.
- (14) The investigation showed that the SWR exported to the Community from the PRC and those consigned from Morocco to the Community have the same basic physical and technical characteristics and have the same uses, and are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

### 3. Change in the pattern of trade

#### *Cooperating Moroccan exporter*

- (15) Remer Maroc SARL, the cooperating exporter, was set up in 2001 as a fully-owned subsidiary of the Italian company Remer Italia Srl. During the IP, Remer Maroc SARL exported only a very small quantity of the product concerned to the Community, representing less than 5 % of the total imports of SWR from Morocco in the same period. The majority of its sales are destined to the local Moroccan market.

<sup>(1)</sup> OJ L 47, 18.2.2004, p. 13. Regulation as amended by Regulation (EC) No 1699/2004 (OJ L 305, 1.10.2004, p. 25).

(16) It has also been established that Remer Maroc SARL is both a manufacturer and exporter of SWR operating production facilities for the complete production process of the product concerned, making use of purchased steel wire, textile core and grease. It only sells its own production or that of its mother company in Italy, and never purchased any SWR, or other materials, from the PRC.

(17) Given the above, Remer Maroc SARL has shown that its exports do not play a part in the change in the pattern of trade between the PRC and the Community. Consequently, the investigation with regard to SWR exported by Remer Maroc SARL should be terminated.

#### *Non-cooperating Moroccan exporters*

(18) As far as the non-cooperating exporters are concerned, the exports to the Community had to be established on the basis of facts available pursuant to Article 18 of the basic Regulation. It was considered that Eurostat data at CN level were the best information available to establish the findings in respect of exports to the Community following the imposition of the anti-dumping duty on imports of SWR originating in the PRC. In this respect, it should be noted that the request from the Community industry is also based on Eurostat data, and that no other independent sources of data were available to the Commission during the present investigation. The export price from Morocco to the EU was established on the basis of total export value and tonnes reported by Eurostat at CN level, from which the quantities and values exported by the cooperating Moroccan company were deducted. In addition, for the data concerning the period before the imposition of the measures, it was considered that Eurostat data at CN level were the best information available, in the absence of any other independent sources.

(19) It was found that a marked switch from imports from the PRC to the Community to those from Morocco to the Community occurred after the entry into force of the anti-dumping measures on SWR originating in the PRC in August 1999. Following the imposition of anti-dumping measures by the Community, imports into the Community of SWR from the PRC have decreased substantially from 14 057 tonnes in 1998 to 364 tonnes in 2000, and have remained at similarly low levels between 2000 and 2003. In the same period, imports

into the Community of SWR from Morocco increased from zero in 1998 to 2 338 in 2003.

(20) A clear change in pattern of trade was therefore established in respect of the non-cooperating companies, which came about after the entry into force, in August 1999, of Community anti-dumping measures on SWR originating in the PRC.

#### **4. Insufficient due cause or economic justification (non-cooperating moroccan exporters)**

(21) On the basis of facts available it was found that there was no or at least insufficient economic justification for that changed pattern of trade. First of all, the cooperating Moroccan producer did not import any SWR from the PRC. Secondly, on the basis of Chinese, Moroccan and Community statistics, there is an increase of exports from the PRC to Morocco which corresponds to the increase of exports from Morocco to the Community in the same period. Admittedly, Moroccan and Chinese trade statistics do not distinguish between SWR and strands (semi-finished SWR) while Community statistics do. However, in view of the widespread non-cooperation and in the absence of any indication that a transformation process of strands into ropes takes place in Morocco, it can be reasonably assumed that these statistical data give an adequate picture of imports of SWR from the PRC into Morocco. Moreover, if such transformation took place, it would not be substantial. Economically, it would not be worthwhile to carry out any transformation from strands into SWR in a place different from the production site of the strands, as the value added from this process is fairly small relative to transport costs. It is also noted that one Moroccan company which did not complete a questionnaire nor did they accept a verification visit, provided contradictory information as to their activities while they could easily have clarified the situation by cooperating in the investigation. In the absence of cooperation from any other company except Remer Maroc SARL, it can therefore be inferred from the parallelism of the trends, that the imports from the PRC to Morocco were not destined for the Moroccan market, but were meant to be exported to the Community.

(22) This conclusion is reinforced by the fact that the only known exporter of the product concerned from Morocco, besides the cooperating exporter, is a subsidiary of a Chinese exporting producer. This subsidiary was established in Morocco in 2001, coinciding with the start of exports of SWR from Morocco to the Community.

(23) In view of the above, and given that the abovementioned substitution of imports from the PRC by imports from Morocco took place in the period following the imposition of anti-dumping duties, it has to be concluded, in the absence of any other explanation, that the change in the pattern of trade stemmed from the imposition of the duty rather than from any other sufficient due cause or economic justification within the meaning of Article 13(1), second sentence, of the basic Regulation.

(24) Due to the above, it may reasonably be concluded that the allegation contained in the complaint is confirmed, i.e. that the vast majority of exports from the PRC to Morocco were merely transhipped via Morocco to the Community.

**5. Undermining of the remedial effects of the duty in terms of the prices and/or quantities of the like products (non-cooperating moroccan exporters)**

(25) It is evident from the figures in recital 19 that a clear quantitative change in the pattern of Community imports of the product concerned occurred since the imposition of measures. The significant volume of SWR exports from the PRC to the Community, prior to the imposition of the measures, was partially replaced by a smaller but still significant volume of exports from the non-cooperating Moroccan exporters. The latter volume corresponds to 20 to 25% of the volume reached by imports from the PRC during the IP of the original investigation (1 January 1997 to 31 March 1998). It is considered, therefore, that this marked change in trade flows undermined the remedial effects of the measures in terms of the quantities imported into the Community market.

(26) With regard to prices, and given the low degree of cooperation, use had to be made of the facts available, i.e. Eurostat figures at CN level. This data revealed that the cif export prices from Morocco were around 3%, in nominal terms, below the cif prices of the Chinese exports in the original investigation. Consequently, it must be assumed that the export prices of Moroccan exports are below the injury elimination level of Community prices as established in the original investigation.

(27) It is therefore concluded that the imports concerned undermined the remedial effects of the duty both in terms of quantities and prices.

**6. Evidence of dumping in relation to the normal values previously established for like or similar products (non-cooperating moroccan exporters)**

(28) In order to determine whether evidence of dumping could be found with respect to the SWR exported to the Community from Morocco by the non-cooperating exporters during the IP, export data according to Eurostat at CN level were used pursuant to Article 18 of the basic Regulation, as a basis for establishing export prices to the Community.

(29) In accordance with Article 13(1) of the basic Regulation, the normal value to be used in an anti-circumvention investigation is the normal value established during the original investigation.

(30) In the original investigation, Poland was considered to be an appropriate market economy analogue country for the PRC and normal value was established on the basis of prices as well as constructed normal value in that analogue country. On that basis, a country-wide dumping margin of 60,4% was established for the PRC.

(31) In the current anti-circumvention investigation, and in the absence of cooperation, dumping margins could not be computed on a detailed product type basis. However, export prices could be compared with those of the original investigation on a CN code basis, by using Eurostat data, which offers a reasonable level of detail. That comparison revealed that cif export prices from Morocco to the Community in the IP were 3% lower on average than the cif export prices from the PRC to the Community in the original investigation. Since these export prices are to be compared to the same country-wide normal values as used for the determination of the original dumping margin of 60,4%, it can be inferred that they are also dumped prices at a level of more than 60%.

**C. REQUESTS FOR EXEMPTION FROM REGISTRATION OR EXTENSION OF THE DUTY**

(32) The Commission received a request for exemption from the registration and measures from one Moroccan producer, Remer Maroc SARL. As stated in recital 12, this company cooperated in the investigation, by submitting a questionnaire reply and accepting a verification visit.

- (33) By Regulation (EC) No 1699/2004<sup>(1)</sup>, the Commission amended the initiating Regulation in order to cease registration of imports of SWR from the Moroccan company which was found not to be circumventing the anti-dumping duties, namely Remer Maroc SARL.
- (34) In accordance with the above findings that the company was found not to have circumvented the anti-dumping measures in force, the company should also be exempted from the extension of the measures envisaged.

#### D. MEASURES

- (35) In view of the above finding of circumvention within the meaning of Article 13(1) of the basic Regulation, the existing anti-dumping measures on SWR originating in the PRC should be extended to the same product consigned from Morocco, whether declared as originating in Morocco or not, pursuant to the same Article 13(1) of the basic Regulation, with the exception of products manufactured by the cooperating producer Remer Maroc SARL.

- (36) In accordance with Article 14(5) of the basic Regulation, which provides that any extended measures should apply against registered imports from the date of registration, the anti-dumping duty on imports of SWR consigned from Morocco which entered the Community under registration imposed by the initiating Regulation, with the exception of those SWR produced by Remer Maroc SARL, should be collected.

- (37) The non-extension of the duties to the imports of the SWR exported by Remer Maroc SARL was established on the basis of the findings of the present investigation. This non-extension is thus exclusively applicable to imports of SWR consigned from Morocco and produced by this specific legal entity. Imported SWR produced or consigned by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from the exemption and should be subject the same duty rate as imposed by Regulation (EC) No 1796/1999.

- (38) The circumvention takes place outside the Community. Article 13 of the basic Regulation aims to counter

circumvention practices without affecting operators which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of producers which could establish that they are not involved in circumvention practices. Therefore, it appears necessary to introduce a possibility for producers which have not sold the product concerned for export during the IP and are not related to any exporters or producers subject to the extended anti-dumping duty to request an exemption from the measures on these imports. The producers concerned which would consider lodging a request for an exemption from the extended anti-dumping duty would be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of, for instance, the market situation of the product concerned, production capacity and capacity utilisation, procurement and sales, the likelihood of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-the-spot verification visit. The request would have to be addressed to the Commission forthwith, with all relevant information, in particular any modification in the company's activities linked to production and sales.

- (39) Importers could still benefit from exemption for registration or measures to the extent that their imports are from exporters, which are granted such an exemption, and in accordance with Article 13(4) of the basic Regulation.

- (40) Where an exemption is warranted, the Commission will, after consultation of the Advisory Committee, propose the amendment of the Regulation accordingly. Subsequently, any exemptions granted will be monitored to ensure compliance with the conditions set therein.

#### E. PROCEDURE

- (41) Interested parties were informed of the essential facts and considerations on the basis of which the Council intended to extend the definitive anti-dumping duty in force and were given the opportunity to comment and to be heard. No comments which were of a nature to change the abovementioned conclusions were received,

<sup>(1)</sup> OJ L 305, 1.10.2004, p. 25.



HAS ADOPTED THIS REGULATION:

*Article 1*

1. The definitive anti-dumping duty imposed by Regulation (EC) No 1796/1999 on imports of steel ropes and cables, originating in the People's Republic of China, falling within CN codes ex 7312 10 82, ex 7312 10 84, ex 7312 10 86, ex 7312 10 88 and ex 7312 10 99, is hereby extended to imports of the same steel ropes and cables consigned from Morocco, whether declared as originating in Morocco or not (TARIC codes 7312 10 82 12, 7312 10 84 12, 7312 10 86 12, 7312 10 88 12, 7312 10 99 12 respectively), with the exception of those produced by Remer Maroc SARL, Zone Industrielle, Tranche 2, Lot 10, Settatt, Morocco (TARIC additional code A567).

2. The duty extended by paragraph 1 of this Article shall be collected on imports registered in accordance with Article 2 of Regulation (EC) No 275/2004 and Articles 13(3) and 14(5) of Regulation (EC) No 384/96, with the exception of those produced by Remer Maroc SARL, Zone Industrielle, Tranche 2, Lot 10, Settatt, Morocco.

3. The provisions in force concerning customs duties shall apply.

*Article 2*

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the Community and must be signed by a person authorised to

represent the applicant. The request must be sent to the following address:

European Commission  
Directorate-General for Trade  
Directorate B  
Office: J-79 05/17  
B-1049 Brussels  
Fax (32-2) 295 65 05  
Telex COMEU B 21877.

2. The Commission, after consulting the Advisory Committee, may authorise by decision the exemption of imports which are shown not to circumvent the anti-dumping duty imposed by Regulation (EC) No 1796/1999 from the duty extended by Article 1 of the present Regulation.

*Article 3*

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EC) No 275/2004.

*Article 4*

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

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

Done at Luxembourg, 25 October 2004.

*For the Council*  
*The President*  
R. VERDONK

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**COMMISSION REGULATION (EC) No 1887/2004**  
**of 29 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<sup>(1)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 30 October 2004.

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

Done at Brussels, 29 October 2004.

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

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

## ANNEX

**to Commission Regulation of 29 October 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables**

*(EUR/100 kg)*

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	53,6
	204	52,7
	999	53,2
0707 00 05	052	111,0
	999	111,0
0709 90 70	052	93,7
	204	41,2
	388	34,1
	999	56,3
0805 50 10	052	63,1
	388	44,8
	524	67,6
	528	56,5
	999	58,0
0806 10 10	052	91,1
	400	198,0
	999	144,6
0808 10 20, 0808 10 50, 0808 10 90	052	58,3
	388	95,5
	400	109,8
	404	80,1
	442	61,0
	512	106,7
	720	99,6
	800	201,0
	804	106,7
	999	102,1
0808 20 50	052	68,3
	720	75,4
	999	71,9

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

**COMMISSION REGULATION (EC) No 1888/2004****of 29 October 2004****fixing the import duties in the cereals sector applicable from 1 November 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

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

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

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

## ANNEX I

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

CN code	Description	Import duty <sup>(1)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	34,43
1005 10 90	Maize seed other than hybrid	49,99
1005 90 00	Maize other than seed <sup>(2)</sup>	49,99
1007 00 90	Grain sorghum other than hybrids for sowing	34,43

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

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

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

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

## ANNEX II

**Factors for calculating duties**

period from 15.10.2004-28.10.2004

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	120,71 (***)	64,05	154,91 (****)	144,91 (****)	124,91 (****)	83,30 (****)
Gulf premium (EUR/t)	—	12,43	—			—
Great Lakes premium (EUR/t)	15,32	—	—			—

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

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 30,56 EUR/t; Great Lakes–Rotterdam: 39,31 EUR/t.

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

**COMMISSION REGULATION (EC) No 1889/2004****of 29 October 2004****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

## ANNEX

**to the Commission Regulation of 29 October 2004 fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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

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



**COMMISSION REGULATION (EC) No 1890/2004****of 29 October 2004****fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup>, and in particular Article 15(2) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

## ANNEX

## to the Commission Regulation of 29 October 2004 fixing the corrective amount applicable to the refund on cereals

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

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

## COMMISSION REGULATION (EC) No 1891/2004

of 21 October 2004

**laying down provisions for the implementation of Council Regulation (EC) No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

second subparagraph of Article 5(5) of Regulation (EC) No 1383/2003.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights<sup>(1)</sup>, and in particular Article 20 thereof,

Whereas:

(1) Regulation (EC) No 1383/2003 introduced common rules with a view to prohibiting the entry, release for free circulation, exit, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods, and to dealing effectively with the illegal marketing of such goods without impeding the freedom of legitimate trade.

(2) Since Regulation (EC) No 1383/2003 replaced Council Regulation (EC) No 3295/94 of 22 December 1994 laying down measures concerning the entry into the Community and the export and re-export from the Community of goods infringing certain intellectual property rights<sup>(2)</sup>, it is also necessary to replace Commission Regulation (EC) No 1367/95<sup>(3)</sup>, which laid down provisions for the implementation of Regulation (EC) No 3295/94.

(3) For the different types of intellectual property rights, it is necessary to define the natural and legal persons who may represent the holder of a right or any other person authorised to use the right.

(4) It is necessary to specify the nature of the proof of ownership of intellectual property required under the

(5) In order to harmonise and standardise the content and format of applications for action under Article 5(1) and (4) of Regulation (EC) No 1383/2003 and the information to be entered on the application form, a standardised version of the form should be established. The language requirements for applications for action under Article 5(4) of the Regulation should also be laid down.

(6) The type of information to be included in applications for action should be specified in order to enable the customs authorities to recognise more readily goods that may infringe an intellectual property right.

(7) It is necessary to define the type of right-holder liability declaration which must accompany the application for action.

(8) In the interests of legal certainty, it is necessary to specify when the time periods laid down in Article 13 of Regulation (EC) No 1383/2003 commence.

(9) Procedures should be laid down for the exchange of information between Member States and the Commission, so that it is possible, on the one hand, for the Commission to monitor the effective application of the procedure laid down by Regulation (EC) No 1383/2003, to draw up in due course the report referred to in Article 23 thereof and to try to quantify and describe patterns of fraud, and, on the other hand, for the Member States to introduce appropriate risk analysis.

(10) This Regulation should apply from the same date as Regulation (EC) No 1383/2003.

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

<sup>(1)</sup> OJ L 196, 2.8.2003, p. 7.

<sup>(2)</sup> OJ L 341, 30.12.1994, p. 8. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(3)</sup> OJ L 133, 17.6.1995, p. 2. Regulation as last amended by the 2003 Act of Accession.

HAS ADOPTED THIS REGULATION:

#### Article 1

For the purposes of Article 2(2)(b) of Regulation (EC) No 1383/2003, hereinafter 'the basic Regulation', the right-holder or any other person authorised to use the right may be represented by natural or legal persons.

The persons referred to in the first paragraph shall include collecting societies which have as their sole or principal purpose the management or administration of copyrights or related rights; groups or representatives who have lodged a registration application for a protected designation of origin or a protected geographical indication; and plant breeders.

#### Article 2

1. If an application for action within the meaning of Article 5(1) of the basic Regulation is lodged by the right-holder himself, the proof required under the second subparagraph of Article 5(5) shall be as follows:

- (a) in the case of a right that is registered or for which an application has been lodged, proof of registration with the relevant office or proof that the application has been lodged;
- (b) in the case of a copyright, related right or design right which is not registered or for which an application has not been lodged, any evidence of authorship or of the applicant's status as original holder.

A copy of registration from the database of a national or international office may be considered to be proof for the purposes of point (a) of the first subparagraph.

For protected designations of origin and protected geographical indications, the proof referred to in point (a) of the first subparagraph shall, in addition, consist in proof that the right-holder is the producer or group and proof that the designation or indication has been registered. This subparagraph shall apply *mutatis mutandis* to wines and spirits.

2. Where the application for action is lodged by any other person authorised to use one of the rights referred to in Article 2(1) of the basic Regulation, proof shall, in addition to the proof required under paragraph 1 of this Article, consist in the document by virtue of which the person is authorised to use the right in question.

3. Where the application for action is lodged by a representative of the right-holder or of any other person authorised to use one of the rights referred to in Article 2(2) of the basic Regulation, proof shall, in addition to the proof referred to in paragraph 1 of this Article, consist in his authorisation to act.

A representative, as referred to in the first subparagraph, must produce the declaration required pursuant to Article 6 of the basic Regulation, signed by the persons referred to in paragraphs 1 and 2 of this Article, or a document authorising him to bear any costs arising from customs action on their behalf in accordance with Article 6 of the basic Regulation.

#### Article 3

1. The documents on which applications for action are made pursuant to Article 5(1) and (4) of the basic Regulation, the decisions referred to in Article 5(7) and (8) and the declaration required pursuant to Article 6 of the basic Regulation must conform with the forms set out in the Annexes to this Regulation.

The forms shall be completed by electronic or mechanical means, or legibly by hand. Handwritten forms shall be completed in ink and in block capitals. Whatever method is used, forms shall contain no erasures, overwritten words or other alterations. Where the form is filled in electronically, it shall be made available to the applicant in digital form on one or more public sites that are directly accessible by computer. It may subsequently be reproduced on private printing equipment.

Where additional sheets are attached, as referred to in boxes 8, 9, 10 and 11 of the form on which the application for action provided for in Article 5(1) is to be made out, or in boxes 7, 8, 9 and 10 of the form on which the request for action provided for in Article 5(4) is to be made out, they shall be deemed to be an integral part of the form.

2. Forms for applications for action under Article 5(4) of the basic Regulation shall be printed and completed in one of the official languages of the Community designated by the competent authorities of the Member State in which the application for action has to be submitted, together with any translations that may be required.

3. The form shall be made up of two copies:

- (a) the copy for the Member State in which the application is lodged, marked '1';
- (b) the copy for the right-holder, marked '2'.

The application forms, duly completed and signed, accompanied by one extract of the form for each Member State indicated in box 6 of the form, as well as the documentary proof referred to in boxes 8, 9 and 10, shall be presented to the competent customs department, which, after accepting the form, shall retain it for at least one year longer than its legal period of validity.

If the extract of a decision granting an application for action is addressed to one or more Member States pursuant to Article 5(4) of the basic Regulation, the Member State which receives the extract shall complete without delay the 'acknowledgement of receipt' section of the form by indicating the date of receipt and shall return a copy of the extract to the competent authority indicated in box 2 of the form.

So long as his application for Community action remains valid, the right-holder may, in the Member State where the application was originally lodged, enter a request for action to be taken in another Member State not previously mentioned. In such cases, the period of validity of the new application shall be the period remaining under the original application, and it may be renewed in accordance with the conditions applying to the original application.

#### Article 4

For the purposes of Article 5(6) of the basic Regulation, the place of manufacture or production, the distribution network or names of licensees and other information may be requested by the department responsible for receiving and processing applications for action in order to facilitate the technical analysis of the products concerned.

#### Article 5

If an application for action is lodged in accordance with Article 4(1) of the basic Regulation before expiry of the time limit of three working days and accepted by the customs service designated for that purpose, the time limits referred to in Articles 11 and 13 of that Regulation shall be counted only from the day after the application is received.

If the customs service informs the declarant or holder of goods that the goods are suspected of infringing an intellectual property right and that, pursuant to Article 4(1) of the basic Regulation, they have been detained, or their release suspended, the time limit of three working days shall be counted only from the time the right-holder is notified.

#### Article 6

In the case of perishable goods, the procedure for suspension of release or for detention of the goods shall be initiated primarily in respect of products for which an application for action has already been lodged.

#### Article 7

1. Where Article 11(2) of the basic Regulation applies, the right-holder shall notify the customs authority that proceedings have been initiated to determine whether, under national law, an intellectual property right has been infringed. Except in the

case of perishable goods, if insufficient time remains to apply for such proceedings before the expiry of the time-limit laid down in the first subparagraph of Article 13(1) of the basic Regulation, the situation may be deemed an appropriate case within the meaning of the second subparagraph of that provision.

2. If an extension of ten working days has already been granted under Article 11 of the basic Regulation, no further extension may be granted under Article 13 thereof.

#### Article 8

1. Each Member State shall inform the Commission as soon as possible of the competent customs department, referred to in Article 5(2) of the basic Regulation, responsible for receiving and processing applications for action from right-holders.

2. At the end of each calendar year, each Member State shall send the Commission a list of all the written applications for action under Article 5(1) and (4) of the basic Regulation, giving the name and details of each right-holder, the type of right for which each application was submitted, and a summary description of each product concerned. The applications that have not been granted shall be included in that list.

3. In the month following the end of each quarter, each Member State shall send the Commission a list, by product type, giving detailed information on the cases in which the release of goods has been suspended or goods have been detained. The information shall include the following details:

- (a) the name of the right-holder; a description of the goods; if known, the origin, provenance and destination of the goods; the name of the intellectual property right infringed;
- (b) for each item, the quantity of goods whose release was suspended or which were detained; their customs status; the type of intellectual property right infringed; the means of transport used;
- (c) whether commercial or passenger traffic was involved and whether the procedure was initiated *ex officio* or as the result of an application for action.

4. The Member States may send the Commission information concerning the real or estimated value of the goods for which release has been suspended or which have been detained.

5. At the end of every year, the Commission shall, in an appropriate manner, communicate to all Member States such information as it receives pursuant to paragraphs 1 to 4.

6. The Commission shall publish the list of departments within the customs authority, as referred to in Article 5(2) of the basic Regulation, in the C series of the *Official Journal of the European Union*.

*Article 9*

Applications for action lodged before 1 July 2004 shall remain valid until their legal expiry date and shall not be renewed. However, they must be accompanied by the declaration required under Article 6 of the basic Regulation, the model for which is set out in the Annexes to this Regulation. The declaration shall release any deposit and fee payable in the Member States.

Where proceedings brought before the competent authority on a matter of substance before 1 July 2004 are still under way on

that date, the deposit shall not be released before the close of those proceedings.

*Article 10*

Regulation (EC) No 1367/95 is repealed. References to the repealed Regulation shall be construed as references to this Regulation.

*Article 11*

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

It shall apply from 1 July 2004.

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

Done at Brussels, 21 October 2004.

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

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## ANNEX I

**NATIONAL APPLICATION FOR ACTION**

<b>NATIONAL APPLICATION FOR ACTION</b>	
<b>1. Date of receipt of the application for action by the designated customs department (within the meaning of Article 5(2) of Regulation (EC) No 1383/2003)</b>  DD/MM/YY: ./. /. .	INTELLECTUAL PROPERTY RIGHTS  <b>APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES</b>  pursuant to Article 5(1) of Regulation (EC) No 1383/2003
<b>3. Details of applicant (i.e. right-holder within the meaning of Article 2(2) of Regulation (EC) No 1383/2003</b>  NAME: ..... FUNCTION: ..... ADDRESS: ..... TOWN: ..... POSTCODE: ..... COUNTRY: ..... VAT NO: ..... TEL. .... MOBILE: ..... FAX ..... E-MAIL: ..... INTERNET ADDRESS: .....	
<b>2. Name and address of competent authority to which application is made (see Annex I-C for details):</b>  	
<b>4. Status of applicant (within meaning of Article 2(2) of the Regulation (EC) No 1383/2003 <sup>(1)</sup>):</b> <input type="checkbox"/> Right-holder (*) <input type="checkbox"/> Right-holder's representative (*) <input type="checkbox"/> Authorised user of the right (*) <input type="checkbox"/> Representative of authorised user (*)	
<b>5. Type of right to which application refers <sup>(1)</sup>:</b> <input type="checkbox"/> Trademark <input type="checkbox"/> Design right <input type="checkbox"/> Copyright or related right <input type="checkbox"/> Patent <input type="checkbox"/> Supplementary protection certificate <input type="checkbox"/> Protected designation of origin <input type="checkbox"/> Protected geographical indication <input type="checkbox"/> Plant variety right <input type="checkbox"/> Geographical designations for spirit drinks <sup>(2)</sup>	
<b>6. Name and address of contact person (administrative matters):</b> ..... TEL. .... FAX ..... E-MAIL: ..... MOBILE: ..... INTERNET ADDRESS: .....	<b>7. Name and address of contact person (technical matters):</b> ..... TEL. .... FAX ..... E-MAIL: ..... MOBILE: ..... INTERNET ADDRESS: .....

<b>8. I attach essential data on the authentic goods:</b>		
Number of documents attached <sup>(3)</sup> : <input type="checkbox"/>	Number of photos attached <sup>(3)</sup> : <input type="checkbox"/>	
<b>9. I attach specific information concerning the type or pattern of fraud:</b>		
Number of documents attached <sup>(3)</sup> : <input type="checkbox"/>	Number of photos attached <sup>(3)</sup> : <input type="checkbox"/>	
<b>10. I attach document(s) attesting to the fact that the applicant holds the right for the goods in question within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 <sup>(**)</sup>:</b>		
Number of documents attached <sup>(3)</sup> : <input type="checkbox"/>		
<b>11. I attach the undertaking laid down in Article 6 of Regulation (EC) No 1383/2003, assuming liability in the situations outlined in that Article <sup>(**)</sup>:</b>		
Undertaking attached: <input type="checkbox"/>		
<b>12. Any other information in the right-holder's possession, e.g.:</b>		
— Country or countries of production:	Number of documents attached <sup>(4)</sup> : <input type="checkbox"/>	
— Routes used by traffickers:	Number of documents attached <sup>(4)</sup> : <input type="checkbox"/>	
— Technical differences between the authentic and the suspect goods:	Number of documents attached <sup>(4)</sup> : <input type="checkbox"/>	
— CN tariff heading:		
— Other useful information:	Number of documents attached <sup>(4)</sup> : <input type="checkbox"/>	
<b>13. Date of filing application:</b>		
Date on which drawn up	Place	Applicant's signature and stamp <sup>(***)</sup>
DD/MM/YY: ./. . .	.....	.....



**14. Decision by customs authorities (within the meaning of Article 5(7) and (8) of Regulation (EC) No 1383/2003)** The application is approved for action

Registration number of application for action: .....

Date

Place

Signature and stamp

DD/MM/YY: ./. /. .

.....

.....

 The application is valid until: ./. /. . . Any request for extension of the validity period should be sent to the competent authority of box 2, at the latest 30 working days before the validity of the application expires. The application has been refused

A reasoned decision stating the grounds for refusal and information concerning the appeal procedure are attached.

Date

Place

Signature and stamp

DD/MM/YY: ./. /. .

.....

.....

(\*) See box 10 (for further information see 'Notes on completion', Annex I-A).

(\*\*) For further information see 'Notes on completion', Annex I-A.

(\*\*\*) If the applicant is a representative of the right-holder, he must provide proof that he is empowered to represent the right-holder.

(1) Tick the appropriate box(es).

(2) Council Regulation (EEC) No 1576/89 (OJ L 160, 12.6.1989, p. 1).

(3) Insert the relevant number; if none are attached, insert 0.

(4) Insert the relevant number, if none are attached, insert 0.

## ANNEX I-A

## NOTES ON COMPLETION

## I. OBLIGATORY INFORMATION ON RIGHTS AND ABILITY TO ACT

(a) Where the holder of the right makes the application himself:

— in the case of a right that is registered or for which an application has been lodged, proof of registration with the relevant office or lodging of the application,

— in the case of a copyright, related right or design right which is not registered or for which an application has not been lodged, any evidence of authorship or of his status as original holder.

(b) Where the application is made by any other person referred to in Article 2(2)(b) authorised to use one of the rights referred to in Article 2(1)(a), (b) and (c) of the basic Regulation, in addition to the proof required under point (a) of this Article, the document by virtue of which the person is authorised to use the right in question.

(c) Where a representative of the holder or of any other person referred to in Article 2(2)(a) and (b) authorised to use one of the rights referred to in Article 2(1)(a), (b) and (c) of the basic Regulation applies, in addition to the proof required under points (a) and (b) of this Article, proof of authorisation to act.

**The natural or legal person who fills in box 3 of the Application for action must, in all cases, be the one who will provide the documents foreseen in box 11 of the Application for action.**

(d) Box 5 contains all geographical indications. Protected designation of origin (PDO) and protected geographical indication (PGI) means the official indications according to Council Regulation (EEC) No 2081/92 (OJ L 208, 24.7.1992, p. 1), Commission Regulations (EC) No 1107/96 (OJ L 148, 21.6.1996, p. 1) and (EC) No 2400/96 (OJ L 327, 18.12.1996, p. 11). 'Geographical designations for spirituous beverages' means the official designations according to Regulation (EEC) No 1576/89. Individual producers as well as groups or their representatives are entitled to make an application.

(e) Registration and specifications are required when an application is made: for protected designation of origin and protected geographical indication.

## II. WHAT MUST THE APPLICATION FOR ACTION CONTAIN?

An application for action can be used by the right-holder, free of charge, either as a preventive measure or where he has reason to think that his intellectual property right or rights have been or are likely to be infringed. The application must contain all the information needed to make the goods in question readily recognisable by the customs authorities, and in particular:

— an accurate and detailed technical description of the goods,

— any specific information the right-holder may have concerning the type or pattern of fraud,

— the name and address of the contact person appointed by the right-holder,

— the undertaking required of the applicant by Article 6 of the basic Regulation and proof that the applicant holds the right for the goods in question.

— The right-holders must imperatively return the proof of receipt of the notification which was addressed to them by the Customs Service, according to Articles 4 (*ex officio*) and 9. It must be done immediately after having received this notification. The legal deadlines (three to 10 working days) start from the moment of receipt of the notification. It is imperative that the right-holder, as soon as he is contacted by the customs authorities, immediately confirms the receipt of the notification.

— Within the meaning of the basic Regulation 'working day' (Council Regulation (EEC, Euratom) No 1182/71 (OJ L 124, 8.6.1971, p. 1)) is considered every day other than public holidays, Saturdays and Sundays. Moreover, the calculation of working days as included in Articles 4 and 13, has to be carried out taking into account the fact that the day of receipt of the notification is not included. The deadlines to be taken into account within the meaning of the basic Regulation commence therefore as from the day after the receipt of the notification.

The application for action can be submitted electronically if an electronic data exchange system is available. In all other cases, the form is to be completed by mechanical means or in legible handwriting and must not contain erasures or overwriting.

### III. HOW TO FILE AN APPLICATION FOR ACTION

The right-holder must submit his application for action to the relevant office referred to in box 2 of the form. On receipt of the application, the competent customs office will process it and inform the applicant of its decision by writing within 30 working days. If the office refuses the application by reasoned decision, the applicant has the right of appeal. The period during which the customs authorities will take action is set at one year, renewable annually.

### IV. EXPLANATIONS OF THE MAIN BOXES TO BE FILLED IN BY THE APPLICANT

*Box 3:* Name, address and capacity of the applicant. Within the meaning of Article 2(2), the applicant may be the right-holder himself, a person authorised to use the intellectual property right or a designated representative.

*Box 4:* Status of the applicant. Tick the appropriate box.

*Box 5:* Type of right concerned by the application for action. Tick the appropriate box.

*Boxes 6 and 7:* Contact details for the applicant's contact person dealing with administrative matters should be entered in Box 6. Box 7 is for the contact details of the person who would be responsible for meeting the customs authorities to discuss technical details of the goods detained. The person concerned must be easily contactable at short notice.

*Boxes 8, 9 and 12:* Box 8 is for specific and accurate information which would enable the customs authorities to identify the authentic goods correctly and for any information the right-holder may possess concerning the type or pattern of fraud (documents, photos etc.).

The information should be as detailed as possible to allow the customs authorities to identify suspect consignments simply and effectively using risk analysis principles.

Various types of information should be entered in these boxes to help improve customs intelligence on products and patterns of fraud. Additional supporting details can be provided such as: the pre-tax value of the legal goods, the location of the goods or their intended destination, particulars identifying the consignment or packages, the scheduled arrival or departure date of the goods, the means of transport used, the identity of the importer, exporter or holder.

*Box 11:* The natural or legal person who fills in box 3 of the Application for action must, in all cases, be the one who will provide the documents foreseen in box 11 of the Application for action.

*Box 13:* By signing this box, the right-holder certifies that he accepts the terms of the Regulation and his obligations.

---

ANNEX I-B

**DECLARATION IN ACCORDANCE WITH ARTICLE 6 OF COUNCIL REGULATION (EC) No 1383/2003**

I, the undersigned .....

right-holder, within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (hereinafter 'the basic Regulation', of the intellectual property rights certified by the attached documents, hereby undertake in accordance with Article 6 of the Regulation to assume liability towards the persons involved in a situation referred to in Article 1(1) in the event that a procedure initiated pursuant to present Regulation is discontinued owing to an act or omission on my part or in the event that the goods in question are subsequently found not to infringe an intellectual property right.

— I hereby undertake to pay all costs incurred under the basic Regulation by keeping goods under customs control pursuant to Article 9, and where applicable Article 11, including costs occasioned by the destruction of goods infringing an intellectual property right pursuant Article 17.

— I confirm that I have taken note of Article 12 of the basic Regulation and undertake to notify the department indicated in Article 5(2) of any alteration to or loss of my intellectual property rights.

Done at ..... on .../...../20 ..

.....

(Signature)

\_\_\_\_\_

## ANNEX I-C

## NAMES AND ADDRESSES FOR THE SUBMISSION OF ABILITY TO ACT

## BELGIUM

Monsieur le Directeur général des douanes et accises  
Service 'Gestion des Groupes cibles' — Régimes divers — Direction 1 (Contrefaçon-Piraterie)  
Boîte 37 Boulevard du Jardin Botanique 50  
B-1010 Bruxelles  
Téléphone (32-2) 210 31 38  
Télécopieur (32-2) 210 32 13  
Courrier électronique: org.contr.reg.div@minfin.fed.be

De heer Directeur-generaal van de Administratie der Douane en Accijnzen Dienst  
Diverse regelingen  
Directie 1 'Namaak en Piraterij'  
Rijksadministratief Centrum  
Financietoren bus 37 Kruidtuinlaan 50  
B-1010 Brussel  
Tel. (32-2) 210 31 38  
Fax (32-2) 210 32 13  
E-mail: org.contr.reg.div@minfin.fed.be

## DENMARK

Central Customs and Tax Administration  
Customs Control  
Østbanegade 123  
DK-2100 Copenhagen  
Tel. +45 72379000  
Fax: +45 72372917  
E-mail: toldskat@toldskat.dk  
Internet: www.erhverv.toldskat.dk

## GERMANY

Oberfinanzdirektion Nürnberg Zentralstelle Gewerblicher Rechtsschutz  
Sophienstraße 6  
D-80333 München  
Tel.: (49-89) 59 95 (23 49)  
Fax: (49-89) 59 95 23 17  
E-mail: zgr@ofdm.bfinv.de  
Internet: www.zoll.de/e0\_downloads/b0\_vordrucke/e0\_vub/index.html

## SPAIN

Departamento de Aduanas e Impuestos Especiales  
Subdirección General de Gestión Aduanera  
Avenida del Llano Castellano 17  
E-28071 Madrid  
Tel.: (34) 917 28 98 54  
Fax: (34) 917 29 12 00

## FRANCE

Direction générale des douanes  
Bureau E4 — Section de la propriété intellectuelle  
8 rue de la Tour des dames  
F-75436 Paris Cedex 09  
Téléphone (33-1) 55 07 48 60  
Télécopieur (33-1) 55 07 48 66

## IRELAND

Office of the Revenue Commissioners  
Customs Branch  
Unit 2  
Government Offices  
Nenagh  
Co Tipperary  
Ireland  
Tel. (353 67 63238)  
Fax (353 67 32381)  
E-mail: [tariff@revenue.ie](mailto:tariff@revenue.ie)  
Internet: [www.revenue.ie](http://www.revenue.ie)

## ITALY

Agenzia Delle Dogane  
Ufficio Antifrode  
Via Mario Carucci, 71  
I-00144 Roma  
Tel.: (39-6) 50 24 20 81 — 50 24 65 96  
Fax: (39-6) 50 95 73 00 — 50 24 20 21  
E-mail: [dogane.antifrode@agenziadogane.it](mailto:dogane.antifrode@agenziadogane.it)

## LUXEMBOURG

Direction des douanes et accises  
Division 'Attributions Sécuritaires'  
Boîte postale 1605  
L-1016 Luxembourg  
Téléphone (352) 29 01 91  
Télécopieur (352) 49 87 90

## NETHERLANDS

Douane-Noord/kantoor Groningen, afdeling IER  
P.O. Box 380  
9700 AJ Groningen  
Nederland  
Tel. +31 50 5232175  
Fax: +31 50 5232176  
E-mail: [Douane.hier@tiscalimail.nl](mailto:Douane.hier@tiscalimail.nl)  
Internet: [www.douane.nl](http://www.douane.nl)

## AUSTRIA

Zollamt Villach  
Competence Center Gewerblicher Rechtsschutz  
Ackerweg 19  
A-9500 Villach  
Tel.: (43) 42 42 30 28-(39, 41 o 52)  
Fax: (43) 42 42 30 28-71 oder 73  
E-mail: [post.425-pdp.zaktn@bmf.gv.at](mailto:post.425-pdp.zaktn@bmf.gv.at)

## PORTUGAL

Ministério das Finanças  
Direcção-Geral das Alfândegas e dos Impostos  
Especiais sobre o Consumo  
Direcção de Serviços de Regulação Aduaneira  
Rua da Alfândega, n.º 5 R/C  
P-1149-006 Lisboa  
Tel.: +351 21 881 3890  
Fax: +351 21 881 3984  
E-mail: [dsra@dgaiec.min-financas.pt](mailto:dsra@dgaiec.min-financas.pt)  
Internet: [www.dgaiec.min-financas.pt](http://www.dgaiec.min-financas.pt)

## FINLAND

Tullihallitus  
Valvontaosasto  
PL 512  
FI-00101 Helsinki  
Tel.: (358) 20 492 27 48  
Fax: (358) 20 492 26 69  
Enforcement Department  
National Board of Customs  
Box 512  
FI-00101 Helsinki

## SWEDEN

Tullverkets huvudkontor  
Handelsenheten  
Box 12854  
S-112 98 Stockholm  
Tel.: (46) 771 520 520  
Fax: (46-8) 405 05 50

From July 2004 the address will be:

Tullverket  
Kc Ombud  
Specialistenheten  
Box 850  
S-201 80 Malmö  
Tel.: (46) 771 520 520  
Fax: (46-40) 661 30 13  
Internet: [www.tullverket.se](http://www.tullverket.se)

## UNITED KINGDOM

HM Customs & Excise  
CITOPS 1<sup>st</sup> Floor West  
Alexander House  
21 Victoria Avenue  
Southend-on-Sea  
Essex SS99 IAA  
United Kingdom  
Tel.: (44 1702) 36 72 21  
Fax: (44 1702) 36 68 25  
Internet: [www.hmce.gov.uk](http://www.hmce.gov.uk)

## GREECE

ATTIKA CUSTOMS DISTRICT  
Pl. Ag. Nikolaou  
GR-18510 Pireas  
Tel.: (+30 210) 4282461, 4515587  
Fax: (+30 210) 451 10 09  
Internet: [www.e-oikonomia.gr](http://www.e-oikonomia.gr)

## SLOVAK REPUBLIC

Customs Directorate of the Slovak Republic  
Mierova 23  
SK-815 11 Bratislava  
Tel.: +421 2 48273101  
Fax: +421 2 43336448  
Internet: [www.colnasprava.sk](http://www.colnasprava.sk)

## ESTONIA

Maksu- ja Tolliamet  
Narva mnt 9j  
EE-15176 Tallinn  
Tel.: +372 683 5700  
Fax: +372 683 5709  
E-mail: toll@customs.ee

## LITHUANIA

Customs Department under the Ministry of Finance of the Republic of Lithuania  
A. Jaksto 1/25  
LT-2600 Vilnius  
Tel.: +370 5 2666111  
Fax: +370 5 2666005

## CZECH REPUBLIC

CUSTOMS DIRECTORATE HRADEC KRALOVE  
ul. Bohuslava Martinu 1672/8a  
P.O.BOX 88  
CZ-501 01 HRADEC KRALOVE  
Tel: 00420 49 5756 111, 00420 495756214, 00420 495756267  
Fax: 00420 49 5756 200  
E-mail: posta0601@cs.mfcr.cz  
Internet: www.cs.mfcr.cz

## MALTA

Director General of Customs  
Customs House  
Lascaris Wharf Valletta,  
Tel.: +356 25685101  
Fax: +356 25685243  
E-mail: carmel.v.portelli@gov.mt  
Internet: www.customs.business-line.com/

## SLOVENIA

Customs Administration of Republic of Slovenia  
General Customs Directorate  
Šmartinska 55  
SLO-1523 Ljubljana  
Tel.: +386 1 478 38 00  
Fax: +386 1 478 39 04  
E-mail: ipr.curs@gov.si

## CYPRUS

Customs Headquarters  
Address: M. Karaoli  
1096 Nicosia  
Cyprus  
Postal address:  
Customs Headquarters  
1440 Nicosia  
Cyprus  
Tel.: 00357-22-601652, 00357-22-601858  
Fax: 00357-22-602769  
E-mail: headquarters@customs.mof.gov.cy



## REPUBLIC OF LATVIA

Intellectual Property Rights Subdivision  
Enforcement Division  
National Customs Board  
State Revenue Service  
Republic of Latvia  
Kr. Valdemara Street 1<sup>a</sup>  
LV-1841 Riga  
Tel.: +371 7047442, +371 7047400  
Fax: +371 7047440  
E-mail: customs@dep.vid.gov.lv  
Internet: www.vid.gov.lv

## HUNGARY

17. sz. Vámhivatal (Customs Office no. 17)  
Dirección: H-1143, Budapest  
Hungária krt. 112-114.  
Dirección postal:  
H-1591 Budapest  
P.f. 310.  
Tel.: +361 470-42-60 +361 470-42-61  
Fax: +361 470-42-78 +361 470-42-79  
E-mail: vh17000@mail.vpop.hu

## POLAND

The Customs Chamber in Warsaw  
Str. Modlińska 4  
PL-03 216 Warsaw  
Tel.: +48 22 5104611  
Fax: +48 22 8115745

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## ANNEX II

COMMUNITY APPLICATION FOR ACTION																										
COPY FOR THE MEMBER STATE	<p><b>1. Date of receipt of the application for action by the designated customs department (within the meaning of Article 5(2) of Regulation (EC) No 1383/2003)</b></p> <p>DD/MM/YY: . J. J. .</p>	<p>INTELLECTUAL PROPERTY RIGHTS</p> <p><b>APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES</b></p>																								
	<p><b>3. Details of applicant (i.e. right-holder within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (*)</b></p> <p>NAME: .....</p> <p>FUNCTION: .....</p> <p>ADDRESS: .....</p> <p>TOWN: .....</p> <p>POSTCODE: .....</p> <p>COUNTRY: .....</p> <p>VAT NO: .....</p> <p>TEL. ....</p> <p>MOBILE: .....</p> <p>FAX .....</p> <p>E-MAIL: .....</p> <p>INTERNET ADDRESS: .....</p>	<p>under Article 5(4) of Regulation (EC) No 1383/2003</p> <p><b>2. Name and address of competent authority to which application is made (see Annex II-C for details):</b></p>																								
<p><b>4. Status of applicant (within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (1)):</b></p> <p><input type="checkbox"/> Right-holder (*) <span style="margin-left: 200px;"><input type="checkbox"/> Right-holder's representative (*)</span></p> <p><input type="checkbox"/> Authorised user of the right (*) <span style="margin-left: 150px;"><input type="checkbox"/> Representative of authorised user (*)</span></p>																										
<p><b>5. Type of right to which application refers:</b></p> <p><input type="checkbox"/> Community trademark (2) <span style="margin-left: 200px;"><input type="checkbox"/> Community design (3) right</span></p> <p><input type="checkbox"/> Supplementary protection certificate (4)</p> <p><input type="checkbox"/> Designation of origin protected by the Community (5)</p> <p><input type="checkbox"/> Geographical indication (protected by the Community (5))</p> <p><input type="checkbox"/> Community protected plant variety right (6)</p> <p><input type="checkbox"/> Geographical designations for spirit drinks (7)</p>																										
<p><b>6. Member State(s) in which action by customs authorities is requested</b></p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> AT</td> <td><input type="checkbox"/> DK</td> <td><input type="checkbox"/> FR</td> <td><input type="checkbox"/> FI</td> <td><input type="checkbox"/> LU</td> </tr> <tr> <td><input type="checkbox"/> BE</td> <td><input type="checkbox"/> EL</td> <td><input type="checkbox"/> IE</td> <td><input type="checkbox"/> SE</td> <td><input type="checkbox"/> NL</td> </tr> <tr> <td><input type="checkbox"/> DE</td> <td><input type="checkbox"/> ES</td> <td><input type="checkbox"/> IT</td> <td><input type="checkbox"/> UK</td> <td><input type="checkbox"/> PT</td> </tr> <tr> <td><input type="checkbox"/> CY</td> <td><input type="checkbox"/> HU</td> <td><input type="checkbox"/> MT</td> <td><input type="checkbox"/> CZ</td> <td><input type="checkbox"/> EE</td> </tr> <tr> <td><input type="checkbox"/> LV</td> <td><input type="checkbox"/> LT</td> <td><input type="checkbox"/> PL</td> <td><input type="checkbox"/> SI</td> <td><input type="checkbox"/> SK</td> </tr> </table>		<input type="checkbox"/> AT	<input type="checkbox"/> DK	<input type="checkbox"/> FR	<input type="checkbox"/> FI	<input type="checkbox"/> LU	<input type="checkbox"/> BE	<input type="checkbox"/> EL	<input type="checkbox"/> IE	<input type="checkbox"/> SE	<input type="checkbox"/> NL	<input type="checkbox"/> DE	<input type="checkbox"/> ES	<input type="checkbox"/> IT	<input type="checkbox"/> UK	<input type="checkbox"/> PT	<input type="checkbox"/> CY	<input type="checkbox"/> HU	<input type="checkbox"/> MT	<input type="checkbox"/> CZ	<input type="checkbox"/> EE	<input type="checkbox"/> LV	<input type="checkbox"/> LT	<input type="checkbox"/> PL	<input type="checkbox"/> SI	<input type="checkbox"/> SK
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<input type="checkbox"/> LV	<input type="checkbox"/> LT	<input type="checkbox"/> PL	<input type="checkbox"/> SI	<input type="checkbox"/> SK																						
<p><b>7. I attach essential technical data on the authentic goods:</b></p> <p><input type="checkbox"/> Number of documents attached (8) <span style="margin-left: 150px;"><input type="checkbox"/> Number of photos attached (8)</span></p>																										
<p><b>8. I attach specific information concerning the type or pattern of fraud:</b></p> <p><input type="checkbox"/> Number of documents attached (8) <span style="margin-left: 150px;"><input type="checkbox"/> Number of photos attached (8)</span></p>																										

9. I attach document(s) attesting to the fact that the applicant holds the right for the goods in question within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (\*):

Number of documents attached (°)

10. I attach the undertaking laid down in Article 6 of Regulation (EC) No 1383/2003, assuming liability in the situations outlined in that Article (\*):

Undertaking attached:

11. Right-holder's contact person in the other Member States where action is requested (1)

ADMINISTRATIVE QUESTIONS (lawyer, for example)

<input type="checkbox"/> <b>BE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>DK</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>DE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>EL</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>ES</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>FI</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>FR</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>IE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>IT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>LU</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>AT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>NL</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>PT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>SE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>UK</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>CY</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>HU</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>MT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>SK</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>CZ</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list

<input type="checkbox"/> <b>EE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>LV</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>LT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>PL</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>SI</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list			
<b>12. Right-holder's contact person in the other Member States where action is requested<sup>(1)</sup></b>			
<b>TECHNICAL QUESTIONS (expert, for example)</b>			
<input type="checkbox"/> <b>BE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>DK</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>DE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>EL</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>ES</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>FI</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>FR</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>IE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>IT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>LU</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>AT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>NL</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list

<input type="checkbox"/> <b>PT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>SE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>UK</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>CY</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>HU</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>MT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>SK</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>CZ</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>EE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>LV</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>LT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>PL</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>SI</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list			
<b>13. Any other information in the right-holder's possession, e.g.:</b>			
— Country or countries of production		Number of documents attached <sup>(9)</sup> <input type="checkbox"/>	
— Routes used by traffickers		Number of documents attached <sup>(9)</sup> <input type="checkbox"/>	
— Technical differences between the authentic and the suspect goods:		Number of documents attached <sup>(9)</sup> <input type="checkbox"/>	
— CN tariff heading:			
— Other useful information		Number of documents attached <sup>(9)</sup> <input type="checkbox"/>	
<b>14. Date of filing application:</b>			
Date on which drawn up	Place	Applicant's signature (**)	
DD/MM/YY: ./. /.	.....	.....	

**15. Decision by customs authorities (within the meaning of Article 5(7) and (8) of Regulation (EC) No 1383/2003)** The application is approved

Registration number of application for action: .....

Date

Place

Signature and stamp

DD/MM/YY: ..../../..

 The application is valid until: ..../../.. . Any request for extension of the validity period should be sent to the competent authority of box 2, at the latest 30 working days before the validity of the application expires. The application has been refused

A reasoned decision stating the grounds for refusal and information concerning the appeal procedure are attached.

Date

Place

Signature and stamp

DD/MM/YY: ..../../..

**16. Acknowledgement of receipt**

Concerning application made by .....(name of the applicant)

- AT    DK    FR    FI    LU  
 BE    EL    IE    SE    NL  
 DE    ES    IT    UK    PT  
 CY    HU    MT    SK    CZ  
 EE    LV    LT    PL  
 SI

NAME:

PLACE AND DATE OF RECEIPT:

SIGNATURE AND STAMP:

(\*) See box 9 (for further information see 'Notes on completion', Annex II - A).

(\*\*) If the applicant is a representative of the right-holder, he must provide proof that he is empowered to represent the right-holder.

(1) Tick the appropriate box(es).

(2) Council Regulation (EC) No 40/94 (OJ L 11, 14.11.1994, p. 1).

(3) Council Regulation (EC) No 6/2002 (OJ L 3, 5.1.2002, p. 1).

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(5) Council Regulation (EEC) No 2081/92 and (EC) No 1493/99 (OJ L 179, 14.7.1999, p. 1).

(6) Council Regulation (EC) No 2100/94 (OJ L 227, 1.9.1994, p. 1).

(7) Regulation (EEC) No 1576/89 (OJ L 160, 12.6.1989, p. 1).

(8) Insert the relevant number, if none are attached, insert 0.

(9) Insert the relevant number, if none are attached, insert 0.

COMMUNITY APPLICATION FOR ACTION																										
COPY FOR THE RIGHT HOLDER	<p><b>1. Date of receipt of the application for action by the designated customs department (within the meaning of Article 5(2) of Regulation (EC) No 1383/2003)</b></p> <p>DD/MM/YY: ./. /.</p>	<p>INTELLECTUAL PROPERTY RIGHTS</p> <p><b>APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES</b></p>																								
	<p><b>3. Details of applicant (i.e. right-holder within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (*)</b></p> <p>NAME: .....</p> <p>FUNCTION: .....</p> <p>ADDRESS: .....</p> <p>TOWN: .....</p> <p>POSTCODE: .....</p> <p>COUNTRY: .....</p> <p>VAT NO: .....</p> <p>TEL. ....</p> <p>MOBILE: .....</p> <p>FAX .....</p> <p>E-MAIL: .....</p> <p>INTERNET ADDRESS: .....</p>	<p>under Article 5(4) of Regulation (EC) No 1383/2003</p>																								
<p><b>2. Name and address of competent authority to which application is made (see Annex II-C for details):</b></p>																										
<p><b>4. Status of applicant (within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (1)):</b></p> <p><input type="checkbox"/> Right-holder (*) <span style="margin-left: 200px;"><input type="checkbox"/> Right-holder's representative (*)</span></p> <p><input type="checkbox"/> Authorised user of the right (*) <span style="margin-left: 150px;"><input type="checkbox"/> Representative of authorised user (*)</span></p>																										
<p><b>5. Type of right to which application refers:</b></p> <p><input type="checkbox"/> Community trademark (2) <span style="margin-left: 200px;"><input type="checkbox"/> Community design (3) right</span></p> <p><input type="checkbox"/> Supplementary protection certificate (4)</p> <p><input type="checkbox"/> Designation of origin protected by the Community (5)</p> <p><input type="checkbox"/> Geographical indication (protected by the Community (5))</p> <p><input type="checkbox"/> Community protected plant variety right (6)</p> <p><input type="checkbox"/> Geographical designations for spirit drinks (7)</p>																										
<p><b>6. Member State(s) in which action by customs authorities is requested</b></p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> AT</td> <td><input type="checkbox"/> DK</td> <td><input type="checkbox"/> FR</td> <td><input type="checkbox"/> FI</td> <td><input type="checkbox"/> LU</td> </tr> <tr> <td><input type="checkbox"/> BE</td> <td><input type="checkbox"/> EL</td> <td><input type="checkbox"/> IE</td> <td><input type="checkbox"/> SE</td> <td><input type="checkbox"/> NL</td> </tr> <tr> <td><input type="checkbox"/> DE</td> <td><input type="checkbox"/> ES</td> <td><input type="checkbox"/> IT</td> <td><input type="checkbox"/> UK</td> <td><input type="checkbox"/> PT</td> </tr> <tr> <td><input type="checkbox"/> CY</td> <td><input type="checkbox"/> HU</td> <td><input type="checkbox"/> MT</td> <td><input type="checkbox"/> CZ</td> <td><input type="checkbox"/> EE</td> </tr> <tr> <td><input type="checkbox"/> LV</td> <td><input type="checkbox"/> LT</td> <td><input type="checkbox"/> PL</td> <td><input type="checkbox"/> SI</td> <td><input type="checkbox"/> SK</td> </tr> </table>		<input type="checkbox"/> AT	<input type="checkbox"/> DK	<input type="checkbox"/> FR	<input type="checkbox"/> FI	<input type="checkbox"/> LU	<input type="checkbox"/> BE	<input type="checkbox"/> EL	<input type="checkbox"/> IE	<input type="checkbox"/> SE	<input type="checkbox"/> NL	<input type="checkbox"/> DE	<input type="checkbox"/> ES	<input type="checkbox"/> IT	<input type="checkbox"/> UK	<input type="checkbox"/> PT	<input type="checkbox"/> CY	<input type="checkbox"/> HU	<input type="checkbox"/> MT	<input type="checkbox"/> CZ	<input type="checkbox"/> EE	<input type="checkbox"/> LV	<input type="checkbox"/> LT	<input type="checkbox"/> PL	<input type="checkbox"/> SI	<input type="checkbox"/> SK
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<input type="checkbox"/> LV	<input type="checkbox"/> LT	<input type="checkbox"/> PL	<input type="checkbox"/> SI	<input type="checkbox"/> SK																						
<p><b>7. I attach essential technical data on the authentic goods:</b></p> <p><input type="checkbox"/> Number of documents attached (8) <span style="margin-left: 200px;"><input type="checkbox"/> Number of photos attached (8)</span></p>																										
<p><b>8. I attach specific information concerning the type or pattern of fraud:</b></p> <p><input type="checkbox"/> Number of documents attached (8) <span style="margin-left: 200px;"><input type="checkbox"/> Number of photos attached (8)</span></p>																										

<p>9. I attach document(s) attesting to the fact that the applicant holds the right for the goods in question within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (*)</p> <p><input type="checkbox"/> Number of documents attached<sup>(6)</sup></p>			
<p>10. I attach the undertaking laid down in Article 6 of Regulation (EC) No 1383/2003, assuming liability in the situations outlined in that Article (*):</p> <p>Undertaking attached: <input type="checkbox"/></p>			
<p>11. Right-holder's contact person in the other Member States where action is requested<sup>(1)</sup></p> <p style="text-align: center;">ADMINISTRATIVE QUESTIONS (lawyer, for example)</p>			
<p><input type="checkbox"/> <b>BE</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>DK</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>DE</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>EL</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>
<p><input type="checkbox"/> <b>ES</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>FI</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>FR</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>IE</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>
<p><input type="checkbox"/> <b>IT</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>LU</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>AT</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>NL</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>
<p><input type="checkbox"/> <b>PT</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>SE</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>UK</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>CY</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>
<p><input type="checkbox"/> <b>HU</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>MT</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>SK</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>	<p><input type="checkbox"/> <b>CZ</b></p> <p>Name:</p> <p>Address:</p> <p>Tel.</p> <p>Mobile:</p> <p>Fax</p> <p>E-mail:</p> <p><input type="checkbox"/> See attached list</p>



<input type="checkbox"/> <b>EE</b>  Name:  Address:  Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>LV</b>  Name:  Address:  Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>LT</b>  Name:  Address:  Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>PL</b>  Name:  Address:  Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
<input type="checkbox"/> <b>SI</b>  Name:  Address:  Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list			
<b>12. Right-holder's contact person in the other Member States where action is requested<sup>(1)</sup></b>			
TECHNICAL QUESTIONS (expert, for example)			
<input type="checkbox"/> <b>BE</b>  Name:  Address:  Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>DK</b>  Name:  Address:  Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>DE</b>  Name:  Address:  Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>EL</b>  Name:  Address:  Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list
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<input type="checkbox"/> <b>PT</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>SE</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>UK</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list	<input type="checkbox"/> <b>CY</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list										
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<input type="checkbox"/> <b>SI</b> Name: Address: Tel. Mobile: Fax E-mail: <input type="checkbox"/> See attached list													
<b>13. Any other information in the right-holder's possession, e.g.:</b> <table style="width: 100%; border: none;"> <tbody> <tr> <td style="width: 60%;">— Country or countries of production</td> <td style="width: 40%;">Number of documents attached<sup>(9)</sup> <input type="checkbox"/></td> </tr> <tr> <td>— Routes used by traffickers</td> <td>Number of documents attached<sup>(9)</sup> <input type="checkbox"/></td> </tr> <tr> <td>— Technical differences between the authentic and the suspect goods:</td> <td>Number of documents attached<sup>(9)</sup> <input type="checkbox"/></td> </tr> <tr> <td>— CN tariff heading:</td> <td></td> </tr> <tr> <td>— Other useful information</td> <td>Number of documents attached<sup>(9)</sup> <input type="checkbox"/></td> </tr> </tbody> </table>				— Country or countries of production	Number of documents attached <sup>(9)</sup> <input type="checkbox"/>	— Routes used by traffickers	Number of documents attached <sup>(9)</sup> <input type="checkbox"/>	— Technical differences between the authentic and the suspect goods:	Number of documents attached <sup>(9)</sup> <input type="checkbox"/>	— CN tariff heading:		— Other useful information	Number of documents attached <sup>(9)</sup> <input type="checkbox"/>
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— Technical differences between the authentic and the suspect goods:	Number of documents attached <sup>(9)</sup> <input type="checkbox"/>												
— CN tariff heading:													
— Other useful information	Number of documents attached <sup>(9)</sup> <input type="checkbox"/>												
<b>14. Date of filing application:</b> <table style="width: 100%; border: none;"> <tbody> <tr> <td style="width: 33%;">Date on which drawn up</td> <td style="width: 33%;">Place</td> <td style="width: 34%;">Applicant's signature (**)</td> </tr> <tr> <td>DD/MM/YY: ./. /.</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>				Date on which drawn up	Place	Applicant's signature (**)	DD/MM/YY: ./. /.	.....	.....				
Date on which drawn up	Place	Applicant's signature (**)											
DD/MM/YY: ./. /.	.....	.....											

**15. Decision by customs authorities (within the meaning of Article 5(7) and (8) of Regulation (EC) No 1383/2003)** The application is approved

Registration number of application for action: .....

Date

Place

Signature and stamp

DD/MM/YY: ..../../..

 The application is valid until: ..../../.. Any request for extension of the validity period should be sent to the competent authority of box 2, at the latest 30 working days before the validity of the application expires. The application has been refused

A reasoned decision stating the grounds for refusal and information concerning the appeal procedure are attached.

Date

Place

Signature and stamp

DD/MM/YY: ..../../..

**16. Acknowledgement of receipt**

Concerning application made by .....(name of the applicant)

- AT    DK    FR    FI    LU  
 BE    EL    IE    SE    NL  
 DE    ES    IT    UK    PT  
 CY    HU    MT    SK    CZ  
 EE    LV    LT    PL  
 SI

NAME:

PLACE AND DATE OF RECEIPT:

SIGNATURE AND STAMP:

(\*) See box 9 (for further information see 'Notes on completion', Annex II - A).

(\*\*) If the applicant is a representative of the right-holder, he must provide proof that he is empowered to represent the right-holder.

(1) Tick the appropriate box(es).

(2) Council Regulation (EC) No 40/94 (OJ L 11, 14.11.1994, p. 1).

(3) Council Regulation (EC) No 6/2002 (OJ L 3, 5.1.2002, p. 1).

(4) Council Regulation (EEC) No 1768/92 or Regulation (EC) No 1610/96 of the European Parliament and of the Council (OJ L 198, 8.8.1996, p. 30).

(5) Council Regulation (EEC) No 2081/92 and (EC) No 1493/99 (OJ L 179, 14.7.1999, p. 1).

(6) Council Regulation (EC) No 2100/94 (OJ L 227, 1.9.1994, p. 1).

(7) Regulation (EEC) No 1576/89 (OJ L 160, 12.6.1989, p. 1).

(8) Insert the relevant number, if none are attached, insert 0.

(9) Insert the relevant number, if none are attached, insert 0.

## ANNEX II-A

## NOTES ON COMPLETION

## I. OBLIGATORY INFORMATION ON RIGHTS AND ABILITY TO ACT

(a) Where the holder of the right makes the application himself:

- in the case of a right that is registered or for which an application has been lodged, proof of registration with the relevant office or lodging of the application,
- in the case of a copyright, related right or design right which is not registered or for which an application has not been lodged, any evidence of authorship or of his status as original holder.

(b) Where the application is made by any other person referred to in Article 2(2)(b) authorised to use one of the rights referred to in Article 2(1)(a), (b) and (c) of the basic Regulation, in addition to the proof required under point (a) of this Article, the document by virtue of which the person is authorised to use the right in question;

(c) Where a representative of the holder or of any other person referred to in Article 2(2)(a) and (b) authorised to use one of the rights referred to in Article 2(1)(a), (b) and (c) of the basic Regulation applies, in addition to the proof required under points (a) and (b) of this Article, proof of authorisation to act.

**The natural or legal person who fills in box 3 of the Application for action must, in all cases, be the one who will provide the documents foreseen in box 10 of the Application for action.**

(d) Box 5 contains all geographical indications. Protected designation of origin (PDO) and protected geographical indication (PGI) mean the official indications designated in accordance with Regulations (EEC) No 2081/92, (EC) No 1107/96 and (EC) No 2400/96. 'Geographical indications for wines' means indications within the meaning of Regulation (EC) No 1493/99. 'Geographical designations for spirituous beverages' means the official designations according to Regulation (EEC) No 1576/89. Individual producers as well as groups and their representatives are entitled to make an application.

(e) Registration and specifications are required when an application is made: for protected designation of origin and protected geographical indication.

## II. WHAT DOES THE APPLICATION FOR ACTION HAVE TO CONTAIN?

*(Article 5(4): 'Where the applicant is the holder of a Community trademark, a Community design, a Community plant variety right or a designation of origin or geographical indication protected by the Community, an application may, in addition to requesting action by the customs authorities of the Member State in which it is lodged, request action by the customs authorities of one or more other Member States').*

An application for action can be used by the right-holder, free of charge, either as a preventive measure or where he has reason to think that his intellectual property right or rights have been or are likely to be infringed. The application must contain all the information needed to make the goods in question readily recognisable by the customs authorities, and in particular:

- an accurate and detailed technical description of the goods,
- any specific information the right-holder may have concerning the type or pattern of fraud,
- the name and address of the contact person appointed by the right-holder,
- the undertaking required of the applicant by Article 6 of the basic Regulation and proof that the applicant holds the right for the goods in question.

The application for action can be submitted electronically if an electronic data exchange system is available. In all other cases, the form is to be completed by mechanical means or in legible handwriting and must not contain erasures or overwriting.

- The right-holders must imperatively return the proof of receipt of the notification which was addressed to them by the Customs Service, according to Articles 4 (*ex officio*) and 9. It must be done immediately after having received this notification. The legal deadlines (three working days — ten working days) start from the moment of receipt of the notification. It is imperative that the right-holder, as soon as he is contacted by the customs authorities, confirms immediately the receipt of the notification.
- Within the meaning of the basic Regulation 'working day' (reference to Regulation (EEC) No 1182/71) is considered every day other than public holidays, Saturdays and Sundays. Moreover, the calculation of working days as included in Articles 4 and 13, has to be carried out taking into account the fact that the day of receipt of the notification is not included. The deadlines to be taken into account within the meaning of the basic regulation commence therefore as from the day after the receipt of the notification.

### III. HOW TO FILE AN APPLICATION FOR ACTION

The right-holder must submit his application for action to the relevant office referred to in box 2 of the form. On receipt of the application, the competent customs office will process it and notify the applicant in writing of its decision within 30 working days. If the office refuses the application by reasoned decision, the applicant has the right of appeal. The period during which the customs authorities will take action is set at one year, renewable annually.

### IV. EXPLANATIONS OF THE MAIN BOXES TO BE FILLED IN BY THE APPLICANT

Box 3: Name, address and capacity of the applicant. Within the meaning of Article 2(2), the applicant may be the right-holder himself, a person authorised to use the intellectual property right or a designated representative.

**The natural or legal person who fills in box 3 of the application for action must, in all cases, be the one who will provide the documents foreseen in box 10 of the application for action.**

Box 4: Status of the applicant. Tick the appropriate box.

Box 5: Type of right concerned by the application for action. Tick the appropriate box.

Box 6: Tick the box for the Member States in which action by the customs authorities is requested. You are strongly advised to file an application for action in every Member State.

Boxes 7, 8 and 9: These boxes are very important. Accurate, practical details must be provided to enable the customs authorities to quickly identify the goods detained (photos, documents, etc.).

Specific information relating to the type or pattern of fraud will facilitate risk analysis. The information should be as detailed as possible to allow the customs authorities to identify suspect consignments simply and effectively using risk analysis. These boxes should be used to provide customs with more accurate intelligence in relation to products and so improve its understanding of trafficking. Additional supporting details can be provided such as: the pre tax value of the legal goods, the location of the goods or their intended destination, particulars identifying the consignment or packages, the scheduled arrival or departure date of the goods, the means of transport used, the identity of the importer, exporter or holder.

Boxes 11 and 12: Contact details for the applicant's contact persons dealing with administrative matters and questions of technical expertise should be entered in Boxes 11 and 12. Box 12 is for the contact details of the person who would be responsible for meeting the customs authorities to discuss technical details of the goods detained. The person concerned must be easily reachable at short notice.

*Box 14:* By signing this box, the right-holder certifies that he accepts the terms of the regulation and his obligations.

*Box 15:* The duly completed and signed form, together with as many extracts as the number of Member States indicated in Box 6, must be submitted to the customs office specified in Article 5(2) of the basic regulation. The application for action may have to be translated into the language of the Member States where it is to be filed.

The customs offices listed in Annex II-C are at your disposal for any further information.

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## ANNEX II-B

**DECLARATION ACCORDING TO ARTICLE 6 OF COUNCIL REGULATION (EC) No 1383/2003**

I, the undersigned .....

right-holder, within the meaning of Article 2(2) of Council Regulation (EC) No 1383/2003 hereinafter 'the basic Regulation', of the intellectual property rights certified by the attached documents, hereby undertake in accordance with Article 6 of the Regulation to assume liability towards the persons involved in a situation referred to in Article 1(1) in the event that a procedure initiated pursuant to present Regulation is discontinued owing to an act or omission on my part or in the event that the goods in question are subsequently found not to infringe an intellectual property right.

— I hereby undertake to pay all costs incurred under the basic Regulation by keeping goods under customs control pursuant to Article 9, and where applicable Article 11, including costs occasioned by the destruction of goods infringing an intellectual property right pursuant Article 17.

— I hereby certify that the undertaken is given in every Member State in which the decision granting the application applies. I further agree to bear any translation costs required.

— I confirm that I have taken note of Article 12 of the basic Regulation and undertake to notify the department indicated in Article 5(2) of any alteration to or loss of my intellectual property rights.

Done at ..... on .../...../20..

.....

(Signature)

\_\_\_\_\_

## ANNEX II-C

## NAMES AND ADDRESSES FOR THE SUBMISSION OF AN APPLICATION FOR ACTION

## BELGIUM

Monsieur le Directeur général des douanes et accises  
Service 'Gestion des Groupes cibles' — Direction 1 (Contrefaçon-Piraterie)  
Boîte 37 Boulevard du Jardin Botanique 50  
B-1010 Bruxelles  
Téléphone (32-2) 210 31 38  
Télécopieur (32-2) 210 32 13  
Courrier électronique: org.contr.reg.div@minfin.fed.be

De heer Directeur-generaal van de Administratie der Douane en Accijnzen Dienst Diverse regelingen  
Directie 1 'Namaak en Piraterij'  
Rijksadministratief Centrum  
Financietoren  
bus 37 Kruidtuinlaan 50  
B-1010 Brussel  
Tel.: (32-2) 210 31 38  
Fax: (32-2) 210 32 13  
E-mail: org.contr.reg.div@minfin.fed.be

## DENMARK

Central Customs and Tax Administration  
Customs Control  
Østbanegade 123  
DK-2100 Copenhagen  
Tel. +45 72379000  
Fax: +45 72372917  
E-mail: toldskat@toldskat.dk  
Internet: www.erhverv.toldskat.dk

## GERMANY

Oberfinanzdirektion Nürnberg Zentralstelle Gewerblicher Rechtsschutz  
Sophienstraße 6  
D-80333 München  
Tel.: (49-89) 59 95 23 49  
Fax: (49-89) 59 95 23 17  
E-mail: zgr@ofdm.bfinv.de  
Internet: www.zoll.de/e0\_downloads/b0\_vordrucke/e0\_vub/index.html

## SPAIN

Departamento de Aduanas e impuestos Especiales  
Subdirección General de Gestión Aduanera  
Avenida del Llano Castellano 17  
E-28071 Madrid  
Tel.: (34) 917 28 98 54  
Fax: (34) 917 29 12 00

## FRANCE

Direction générale des douanes  
Bureau E4 — Section de la propriété intellectuelle  
8 rue de la Tour des dames  
F-75436 Paris Cedex 09  
Téléphone (33-1) 55 07 48 60  
Télécopieur (33-1) 55 07 48 66



## IRELAND

Office of the Revenue Commissioners  
Customs Branch  
Unit 2  
Government Offices  
Nenagh  
Co Tipperary  
Ireland  
Tel. (353 67 63238)  
Fax (353 67 32381)  
E-mail: [tariff@revenue.ie](mailto:tariff@revenue.ie)  
Internet: [www.revenue.ie](http://www.revenue.ie)

## ITALY

Agenzia Delle Dogane  
Ufficio Antifrode  
Via Mario Carucci, 71  
I-00144 Roma  
Tel.: (39-6) 50 24 20 81 — 50 24 65 96  
Fax: (39-6) 50 95 73 00 — 50 24 20 21  
E-mail: [dogane.antifrode@agenziadogane.it](mailto:dogane.antifrode@agenziadogane.it)

## LUXEMBOURG

Direction des douanes et accises  
Division 'Attributions Sécuritaires'  
Boîte postale 1605  
L-1016 Luxembourg  
Téléphone (352) 29 01 91  
Télécopieur (352) 49 87 90

## NETHERLANDS

Douane-Noord/kantoor Groningen, afdeling IER  
P.O. Box 380  
9700 AJ Groningen  
Nederland  
Tel. +31 50 5232175  
Fax: +31 50 5232176  
E-mail: [Douane.hier@tiscalimail.nl](mailto:Douane.hier@tiscalimail.nl)  
Internet: [www.douane.nl](http://www.douane.nl)

## AUSTRIA

Zollamt Villach  
Competence Center Gewerblicher Rechtsschutz  
Ackerweg 19  
A-9500 Villach  
Tel.: (43) 42 42 30 28-(39, 41 o 52)  
Fax: (43) 42 42 30 28-71 oder 73  
E-mail: [post.425-pdp.zaktn@bmf.gv.at](mailto:post.425-pdp.zaktn@bmf.gv.at)

## PORTUGAL

Ministério das Finanças  
Direcção-Geral das Alfândegas e dos Impostos  
Especiais sobre o Consumo  
Direcção de Serviços de Regulação Aduaneira  
Rua da Alfândega, n.º 5 R/C  
P-1149-006 Lisboa  
Tel.: +351 21 881 3890  
Fax: +351 21 881 3984  
E-mail: [dsra@dgaiec.min-financas.pt](mailto:dsra@dgaiec.min-financas.pt)  
Internet: [www.dgaiec.min-financas.pt](http://www.dgaiec.min-financas.pt)

## FINLAND

Tullihallitus  
Valvontaosasto  
PL 512  
FI-00101 Helsinki  
Tel.: (358) 20 492 27 48  
Fax: (358) 20 492 26 69  
Enforcement Department  
National Board of Customs  
Box 512  
FI-00101 Helsinki

## SWEDEN

Tullverkets huvudkontor  
Handelsenheten  
Box 12854  
S-112 98 Stockholm  
Tel.: (46) 771 520 520  
Fax: (46-8) 405 05 50

From July 2004 the address will be:

Tullverket  
Kc Ombud  
Specialistenheten  
Box 850  
S-201 80 Malmö  
Tel: (46) 771 520 520  
Fax: (46-40) 661 30 13  
Internet: [www.tullverket.se](http://www.tullverket.se)

## UNITED KINGDOM

HM Customs & Excise  
CITOPS1<sup>st</sup> Floor West  
Alexander House  
21 Victoria Avenue  
Southend-on-Sea  
Essex SS99 IAA  
United Kingdom  
Tel. +44 1702 367221  
Fax +44 1702 366825  
Internet: [www.hmce.gov.uk](http://www.hmce.gov.uk)

## GREECE

## ATTIKA CUSTOMS DISTRICT

Pl. Ag. Nikolaou  
GR-18510 Pireas  
Tel. (+30 210) 4282461, 4515587  
Fax: (+30 210) 451 10 09  
Internet: [www.e-oikonomia.gr](http://www.e-oikonomia.gr)

## SLOVAK REPUBLIC

Customs Directorate of the Slovak Republic  
Mierova 23  
SK-815 11 Bratislava  
Tel.: +421 2 48273101  
Fax: +421 2 43336448  
Internet: [www.colnasprava.sk](http://www.colnasprava.sk)

## ESTONIA

Maksu- ja Tolliamet  
Narva mnt 9j  
EE-15176 Tallinn  
Tel: +372 683 5700  
Fax: +372 683 5709  
E-mail: toll@customs.ee

## LITHUANIA

Customs Department under the Ministry of Finance of the Republic of Lithuania  
A. Jaksto 1/25  
LT-2600 Vilnius  
Tel.: +370 5 2666111  
Fax.: +370 5 2666005

## CZECH REPUBLIC

CUSTOMS DIRECTORATE HRADEC KRALOVE  
ul. Bohuslava Martinu 1672/8a  
P.O. BOX 88  
CZ-501 01 HRADEC KRALOVE  
Tel.: 00420 49 5756 111, 00420 495756214, 00420 495756267  
Fax: 00420 49 5756 200  
E-mail: posta0601@cs.mfcr.cz  
Internet: www.cs.mfcr.cz

## MALTA

Director general of Customs  
Customs House  
Lascaris Wharf Valletta  
Tel.: +356 25685101  
Fax: +356 25685243  
E-mail: carmel.v.portelli@gov.mt  
Internet: www.customs.business-line.com/

## SLOVENIA

Customs Administration of Republic of Slovenia  
General Customs directorate  
Šmartinska 55  
SLO-1523 Ljubljana  
Tel.: +386 1 478 38 00  
Fax: +386 1 478 39 04  
E-mail: ipr.curs@gov.si

## CYPRUS

Customs Headquarters  
Address:  
M. Karaoli  
1096 Nicosia  
Cyprus  
Postal Address:  
Customs Headquarters  
1440 Nicosia  
Cyprus  
Tel.: 00357-22-601652, 00357-22-601858  
Fax: 00357-22-602769  
E-mail: headquarters@customs.mof.gov.cy

## REPUBLIC OF LATVIA

Intellectual Property Rights Subdivision  
Enforcement Division  
National Customs Board  
State Revenue Service  
Republic of Latvia  
Kr. Valdemara Street 1a  
LV 1841-Riga  
Tel.: +371 7047442, +371 7047400  
Fax: +371 7047423  
E-mail: customs@dep.vid.gov.lv  
Internet: www.vid.gov.lv

## HUNGARY

17. sz. Vámhivatal (Customs Office no. 17)  
Address:  
H-1143 Budapest  
Hungária krt. 112-114  
Postal Address:  
H-1591 Budapest  
Pf. 310.  
Tel.: +361 470-42-60, +361 470-42-61  
Fax: +361 470-42-78, +361 470-42-79  
E-mail: vh17000@mail.vpop.hu

## POLAND

The Customs Chamber in Warsaw  
Str. Modlińska 4  
PL-03 216 Warsaw  
Tel.: +48 22 5104611  
Fax: +48 22 8115745

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**COMMISSION REGULATION (EC) No 1892/2004****of 29 October 2004****on transitional measures for 2005 for imports of bananas into the Community by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 18(1) of Regulation (EEC) No 404/93 on the same terms as regards tariffs, for the period from 1 May to 31 December 2004.

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 (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas <sup>(1)</sup>,

Whereas:

(1) Commission Regulation (EC) No 896/2001 <sup>(2)</sup> laid down detailed rules for applying Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community.

(2) Commission Regulation (EC) No 838/2004 of 28 April 2004 <sup>(3)</sup> adopted the transitional measures needed to facilitate the transition from the arrangements in force in the new Member States prior to accession to the import arrangements in force under the common organisation of the markets in the banana sector for the period from 1 May to 31 December 2004. In order to ensure market supply, in particular in the new Member States, that Regulation fixed an additional quantity on a transitional basis over and above the quotas opened for imports of products originating in all third countries by

(3) To this end, the necessary transitional measures should also be adopted for 2005 in order to facilitate the transition towards application of the import arrangements in force under the common organisation of the market in the new Member States, and in preparation for the transition to a tariff-only arrangement applicable to imports, no later than 1 January 2006, in accordance with Article 16 of Regulation (EEC) No 404/93.

(4) In order to ensure market supply, in particular in the new Member States, an additional quantity should be fixed over and above the quotas opened for imports of products originating in all third countries by Article 18(1) of Regulation (EEC) No 404/93 on the same terms as regards tariffs. Such fixing must be transitional and may not prejudice the outcome of the negotiations under way in the context of the World Trade Organisation (WTO) as a result of the accession of the new members. In addition, it should not preclude the possibility of an increase if need be to meet requirements justified by demand.

(5) This additional quantity must be managed using the mechanisms and instruments put in place by Regulation (EC) No 896/2001 to manage the existing tariff quotas. However, because these arrangements are transitional, this additional quantity must be managed separately from the tariff quotas.

(6) Under the mechanisms introduced by Regulation (EC) No 896/2001, the additional quantity must be distributed between the two categories of operators defined in Article 2 of that Regulation and rules must be adopted for determining a specific reference quantity for each traditional operator and a specific allocation for each non-traditional operator. It should be specified that the distribution referred to above and the determination of the reference quantities and allocations concern operators who have supplied the markets of the new Member States during the years prior to accession.

<sup>(1)</sup> OJ L 47, 25.2.1993, p. 1. Regulation as last amended by the 2003 Act of Accession.

<sup>(2)</sup> OJ L 126, 8.5.2001, p. 6. Regulation as last amended by Regulation (EC) No 838/2004 (OJ L 127, 29.4.2004, p. 52).

<sup>(3)</sup> OJ L 127, 29.4.2004, p. 52. Regulation as amended by Regulation (EC) No 1260/2004 (OJ L 239, 9.7.2004, p. 16).

- (7) For the purposes of determining the reference quantities of traditional operators, the three-year reference period 2000, 2001 and 2002 laid down in Article 6(1) of Regulation (EC) No 838/2004 should be retained, as should the average of primary imports carried out during that period by each traditional operator registered in accordance with the transitional measures adopted in 2004, following checks carried out by the competent authorities. The provisions to be adopted must, however, allow applications submitted by traditional operators who were not registered in 2004 to be taken into account, provided that these applications meet the conditions laid down for the registration of these operators in Commission Regulations (EC) No 414/2004<sup>(1)</sup> and (EC) No 838/2004, in particular as regards the definition of primary imports and the proof that such operations have supplied the markets of the new Member States during the period concerned.
- (8) As regards new non-traditional operators, provision should be made for their registration on the basis of their having been engaged in the commercial activity of importing bananas, in one of the years 2002, 2003 and 2004, in accordance with Articles 6, 7 and 8 of Regulation (EC) No 896/2001.
- (9) With a view to managing this available quantity, adjustment coefficients to be applied to the quantities notified by the Member States should be fixed.
- (10) In order to ensure satisfactory market supply, and in particular to ensure a continual flow of imports into the new Member States, the transitional measures should include the issue of licences with a view to release for free circulation in a new Member State. Accordingly, securities lodged should be released in proportion to the quantities released for free circulation in a new Member State.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Definitions

For the purposes of this Regulation:

- (a) 'Community of Fifteen' means the Community as constituted on 30 April 2004;

- (b) 'new Member States' means the Czech Republic, Estonia, Cyprus, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia;
- (c) 'the enlarged Community' means the Community as constituted on 1 May 2004;
- (d) 'primary import' means the economic operation defined in the first subparagraph of Article 3(1) of Regulation (EC) No 896/2001 with a view to sale in one or more new Member States;
- (e) 'minimum quantity' means the minimum quantity defined in the third subparagraph of Article 3(1) of Regulation (EC) No 896/2001 established on the basis of all primary imports carried out with a view to supplying the markets of the new Member States;
- (f) 'competent authorities' means the competent authorities listed in the Annex to Regulation (EC) No 896/2001.

#### Article 2

##### Purpose

This Regulation adopts, for 2005, the transitional measures needed to facilitate the transition from the arrangements in force in the new Member States prior to their accession to the Community of Fifteen to the tariff quota import arrangements introduced by Regulations (EEC) No 404/93 and (EC) No 896/2001.

Regulation (EC) No 896/2001 shall apply subject to this Regulation.

#### Article 3

##### Additional quantity

1. A quantity of 460 000 tonnes, net weight, shall be available for imports of bananas into the new Member States in 2005.

This quantity shall be available for imports of products from the origins referred to in Article 18(1) of Regulation (EEC) No 404/93.

Imports covered by that quantity shall be subject to the duties fixed in Article 18(2) of the above Regulation.

2. The quantity fixed in paragraph 1 may be increased if a growth in demand is observed in the new Member States.

<sup>(1)</sup> OJ L 68, 6.3.2004, p. 6. Regulation as amended by Regulation (EC) No 689/2004 (OJ L 106, 15.4.2004, p. 17).

*Article 4***Access to the additional quantity**

1. Access to the additional quantity fixed in Article 3 shall be open to traditional operators and non-traditional operators established in the enlarged Community who meet the requirements of Article 5 or Article 6, as the case may be.
2. Quantities of 381 800 tonnes shall be available to traditional operators and 78 200 tonnes to non-traditional operators.

*Article 5***Specific reference quantity for traditional operators for 2005**

1. Without prejudice to paragraph 4, for 2005 the specific reference quantity of each traditional operator referred to in Article 6(1) of Regulation (EC) No 838/2004 and registered in 2004 in accordance with that Regulation, shall be determined, on written application submitted by the operator no later than 12 November 2004, on the basis of the average of primary imports of bananas carried out in the three-year period 2000-2002 established on the basis of the supporting documents provided for in Article 6(2) and the first subparagraph of Article 6(4) of Regulation (EC) No 414/2004.
2. Non-registered operators in accordance with Regulation (EC) No 838/2004 meeting the requirements laid down in Article 6(1) thereof shall send the competent authorities of the Member State of their choice a written application for allocation of a specific reference quantity for 2005. This application, submitted no later than 12 November 2004, shall indicate:
  - (a) for 2000, 2001 and 2002, the quantities of primary imports of bananas carried out and followed by release for free circulation in the new Member States; and
  - (b) the respective quantities released for free circulation in the various new Member States for each of the years concerned.

To be accepted, this application shall be accompanied by the supporting documents referred to in Article 6(2) and (4), first subparagraph, of Regulation (EC) No 414/2004.

The competent authorities shall give a specific reference quantity based on the average of primary imports carried out during the above period.

3. The Member States shall notify the Commission no later than 26 November 2004 of the sum of the specific reference quantities for traditional operators established in accordance with paragraphs 1 and 2.
4. In the light of the notifications under paragraph 3 and the available quantity fixed in Article 4(2), the Commission shall, if necessary, set an adjustment coefficient to be applied to the specific reference quantity of each traditional operator.

5. The competent authorities shall inform each operator of its reference quantity, as adjusted where necessary by the adjustment coefficient referred to in paragraph 4, no later than 10 December 2004.

*Article 6***Specific allocation to non-traditional operators**

1. Operators meeting the requirements laid down in Article 6 of Regulation (EC) No 896/2001 who have been engaged in the commercial activity of importing fresh bananas falling within CN code 0803 00 19 into one or more of the new Member States with a declared customs value of EUR 1 200 000 or more during either 2002, 2003 or 2004 may submit an application for registration in the Member State of their choice with a view to the issue of import licences under the additional quantity.

The application for registration shall be accompanied by the supporting documents referred to in Article 7(2) of Regulation (EC) No 896/2001.

2. In order to have their registration renewed, non-traditional operators registered in 2004 in accordance with Regulation (EC) No 838/2004 shall provide the competent authorities of the Member State of registration with proof that they have actually imported on their own account at least 50% of the quantity allocated to them for the period 1 May to 31 December 2004.

To be accepted, applications for renewal of the registration shall be accompanied by copies of import licences used and proof of payment of the customs duties due on the date of the completion of customs import formalities.

3. Operators shall address their application for registration or application for renewal of a registration to the competent authorities of the Member State of their choice.

To be accepted, applications for registration or for renewal of the registration shall be accompanied by an application for a specific allocation, as well as proof that the security referred to in Article 8(1) of Regulation (EC) No 896/2001 has been lodged.

To be accepted, applications for a specific allocation may not cover a quantity greater than 12,5% of the total quantity allocated to non-traditional operators fixed in Article 4(2).

Applications shall be submitted no later than 12 November 2004.

4. By 26 November 2004, the Member States shall notify the Commission of:

— the total quantity covered by applications for specific allocations submitted by non-traditional operators,

— the list of operators who have submitted requests for registration and for renewal of registration, and in the case of renewals the serial numbers of licences or any licence extracts, used and issued.

5. In the light of the Member States' notifications under paragraph 4 and the quantity fixed in Article 4(2), the Commission shall, if necessary, set an adjustment coefficient to be applied to the application for a specific allocation made by each non-traditional operator.

6. The competent authorities shall inform each non-traditional operator of its specific allocation no later than 10 December 2004.

#### Article 7

##### Rules for issuing import licences

1. Import licences, hereinafter referred to as 'accession licences', shall be issued only for the release for free circulation in a new Member State.

2. Licence applications shall bear the words: 'accession licence', 'traditional operator' or 'non-traditional operator', as the case may be, and 'Regulation (EC) No 1892/2004. Licence only valid in a new Member State'.

These entries shall appear in Box 20 of the licence.

#### Article 8

##### Submission and issue of import licences in the first quarter of 2005

1. Notwithstanding Article 15 of Regulation (EC) No 896/2001, for the first quarter of 2005 licence applications shall be submitted no later than 17 December 2004.

2. To be accepted, applications for licences submitted by a single operator must not exceed a total quantity greater than:

(a) 27% of the specific reference quantity notified in accordance with Article 5(5), in the case of traditional operators;

(b) 27% of the specific allocation notified in accordance with Article 6(6), in the case of non-traditional operators.

The competent national authorities shall issue import licences immediately.

3. Import licences issued under this Article shall be valid from the day of issue and shall expire on 7 April 2005.

#### Article 9

##### Release of securities

1. Securities against the import licences of traditional operators as provided for in Article 24 of Regulation (EC) No 896/2001 shall be released in proportion to the quantities released for free circulation in a new Member State.

2. Securities against the allocations of non-traditional operators as provided for in Article 8(2) of Regulation (EC) No 896/2001 shall be released in proportion to the quantities actually released for free circulation in a new Member State on the terms laid down in that Article.



*Article 10***Reallocation licences**

Notwithstanding Article 19 of Regulation (EC) No 896/2001:

1. Unused quantities covered by an accession licence may be reallocated to the same operator — whether holder or transferee — upon application, for use in a subsequent period. Such reallocation shall apply to bananas imported under the additional quantity.
2. Reallocation licence applications and licences shall bear the following words in Box 20: 'Reallocation licence', 'traditional operator' or 'non-traditional operator', as the case may be, and 'Article 10 of Regulation (EC) No 1892/2004. Licence only valid in a new Member State'.

*Article 11***Transfer of accession licences**

Rights arising under accession licences covered by the additional quantity shall be transferable to a single transferee operator.

Rights may be transferred only:

- between traditional operators as referred to in Article 5,
- from a traditional operator as referred to in Article 5 to a non-traditional operator as referred to in Article 6, or
- between non-traditional operators as referred to in Article 6.

*Article 12***Entry into force**

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

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

Done at Brussels, 29 October 2004.

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

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**COMMISSION REGULATION (EC) No 1893/2004****of 29 October 2004****amending Regulation (EC) No 815/2004 laying down transitional measures as regards exports of milk and milk products pursuant to Regulation (EC) No 174/1999, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union**

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,

Whereas:

(1) Commission Decision 2004/280/EC of 19 March 2004 laying down transitional measures for the marketing of certain products of animal origin obtained in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia<sup>(1)</sup> (hereinafter the new Member States) provides for measures to facilitate the transition from the existing regime in the new Member States to that resulting from the application of the Community veterinary legislation. According to Article 3 of that Decision, Member States shall authorise, from 1 May to 31 August 2004, the trade in products which are obtained before the accession date in establishments in the new Member States, authorised to export milk products to the Community, provided that the products bear the Community export health mark of the establishment concerned and are accompanied by a document which certifies that they were produced in conformity with that Decision.

(2) Consequently, Commission Regulation (EC) No 815/2004<sup>(2)</sup> provided that products, which meet the requirements of Article 3 of Decision 2004/280/EC and are authorised to be traded for the period from 1 May to 31 August 2004, should be eligible for an export refund.

(3) Commission Decision 2004/700/EC provides for an extension of the provisions of Article 3 of Decision 2004/280/EC until 30 April 2005. It is appropriate therefore to further extend the provisions of Article 1 of Regulation (EC) No 815/2004.

(4) Regulation (EC) No 815/2004 should be amended accordingly.

(5) In order to avoid any inconsistency for operators, this Regulation should apply as from 1 September 2004.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 815/2004 is amended as follows:

1. In the first paragraph of Article 1, the date '31 August 2004' is replaced by the date '30 April 2005'.

2. In the second paragraph of Article 2, the date '31 August 2004' is replaced by the date '30 April 2005'.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

<sup>(1)</sup> OJ L 87, 25.3.2004, p. 60. Decision amended by Decision 2004/700/EC (OJ L 318, 19.10.2004, p. 21).

<sup>(2)</sup> OJ L 153, 30.4.2004, p. 17. Corrected version in OJ L 231, 30.6.2004, p. 14.

It shall apply to export declarations accepted from 1 September 2004 to 30 April 2005.

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

Done at Brussels, 29 October 2004.

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

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## COMMISSION REGULATION (EC) No 1894/2004

of 29 October 2004

**opening an invitation to tender for the allocation of A3 export licences for fruit and vegetables (tomatoes, oranges, lemons, table grapes and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87<sup>(3)</sup>. These quantities must be allocated taking account of the perishability of the products concerned.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables<sup>(1)</sup>, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1961/2001<sup>(2)</sup> lays down the detailed rules of application for export refunds on fruit and vegetables.

(2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural

(4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation and outlook for fruit and vegetable prices on the Community market and supplies available, on the one hand, and, on the other hand, prices on the international market. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

(5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.

(6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.

(7) Tomatoes, oranges, lemons, table grapes and apples of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.

(8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to proceed by an open invitation to tender and to set the indicative refund amount and the scheduled quantities for the period concerned.

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

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

<sup>(2)</sup> OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 537/2004 (OJ L 86, 24.3.2004, p. 9).

<sup>(3)</sup> OJ L 366, 24.12.1987, p. 1. Regulation, as last amended by Regulation (EC) No 2180/2003 (OJ L 335, 22.12.2003, p. 1).

HAS ADOPTED THIS REGULATION:

*Article 1*

1. An invitation to tender for the allocation of A3 export licences is hereby opened. The products concerned, the tender submission period, the indicative refund rates and the scheduled quantities are laid down in the Annex hereto.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 <sup>(1)</sup>

shall not count against the eligible quantities in the Annex hereto.

3. Notwithstanding Article 5(6) of Regulation (EC) No 1961/2001, the term of validity of the A3 licences shall be two months.

*Article 2*

This Regulation shall enter into force on 9 November 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 152, 24.6.2000, p. 1.

## ANNEX

**INVITATION TO TENDER FOR THE ALLOCATION OF A3 EXPORT LICENCES FOR FRUIT AND VEGETABLES (TOMATOES, ORANGES, LEMONS, TABLE GRAPES AND APPLES)**

Tender submission period: 9 to 10.11.2004.			
Product code (1)	Destination (2)	Indicative refund amount (EUR/t net)	Scheduled quantity (t)
0702 00 00 9100	F08	30	4 311
0805 10 10 9100 0805 10 30 9100 0805 10 50 9100	A00	24	52 599
0805 50 10 9100	A00	43	15 713
0806 10 10 9100	A00	35	6 515
0808 10 20 9100 0808 10 50 9100 0808 10 90 9100	F04, F09	28	11 175

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

(2) The 'A' series destination codes are defined in Annex II to Regulation (EEC) No 3846/87. The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). The other destinations are defined as follows:

F03: All destinations except Switzerland.

F04: Hong Kong, Singapore, Malaysia, Sri Lanka, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Japan, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

F08: All destinations except Bulgaria.

F09: The following destinations:

- Norway, Iceland, Greenland, Faeroe Islands, Romania, Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah and Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia,
- African countries and territories except South Africa,
- destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

**COMMISSION REGULATION (EC) No 1895/2004****of 29 October 2004****opening public sales of wine alcohol for use as bioethanol in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>, and in particular Article 33 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms <sup>(2)</sup> lays down, among other things, detailed rules for disposing of stocks of alcohol obtained from distillation pursuant to Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and held by the intervention agencies.
- (2) Public sales of wine alcohol for use in the fuel sector in the Community should be organised in accordance with Articles 92 and 93 of Regulation (EC) No 1623/2000 with a view to reducing Community stocks of wine alcohol and to some extent ensuring supplies to firms approved in accordance with Article 92 of Regulation (EC) No 1623/2000. The wine alcohol of Community origin in storage in the Member States consists of quantities produced from distillation in accordance with Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine <sup>(3)</sup>, and in accordance with Articles 27, 28 and 30 of Regulation (EC) No 1493/1999.
- (3) Since 1 January 1999, in accordance with Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(4)</sup>, the selling price and securities must be expressed, and payments made, in euro.

(4) Given that there are risks of fraud by substitution of alcohol, checks on the final destination of the alcohol should be reinforced and the intervention agencies should be allowed to call on the help of international control agencies and to check the alcohol sold by means of nuclear magnetic resonance analyses.

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

HAS ADOPTED THIS REGULATION:

*Article*

1. Seven lots of alcohol (references 35/2004 EC, 36/2004 EC, 37/2004 EC, 38/2004 EC, 39/2004 EC, 40/2004 EC and 41/2004 EC) comprising 100 000 hectolitres, 50 000 hectolitres, 50 000 hectolitres, 100 000 hectolitres, 100 000 hectolitres, 50 000 hectolitres and 30 000 hectolitres respectively at 100 % vol are hereby put up for public sale for use in the fuel sector within the Community.
2. The alcohol concerned was produced from distillation in accordance with Article 35 of Regulation (EEC) No 822/87 and Articles 27 and 30 of Regulation (EC) No 1493/1999 and is held by the French, Spanish and Italian intervention agencies.
3. The location and references of the vats making up the lots, the quantity of alcohol in each vat, the alcoholic strength and the characteristics of the alcohol are as set out in the Annex to this Regulation.
4. The lots shall be awarded to firms approved in accordance with Article 92 of Regulation (EC) No 1623/2000.

*Article 2*

All communications concerning this public sale shall be sent to the following Commission department:

Commission of the European Communities  
Directorate-General for Agriculture, Unit D-4  
Rue de la Loi/Wetstraat 200  
B-1049 Brussels  
Fax (32-2) 295 92 52  
E-mail: agri-d4@cec.eu.int

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

<sup>(2)</sup> OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1774/2004 (OJ L 316, 15.10.2004, p. 61).

<sup>(3)</sup> OJ L 84, 27.3.1987, p. 1. Regulation as last amended by Regulation (EC) No 1677/1999 (OJ L 199, 30.7.1999, p. 8).

<sup>(4)</sup> OJ L 349, 24.12.1998, p. 1.

*Article 3*

The public sales shall take place in accordance with Articles 92, 93, 94, 95, 96, 98, 100 and 101 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

*Article 4*

The price of the alcohol for public sale shall be EUR 22 per hectolitre of alcohol at 100 % vol.

*Article 5*

The alcohol must be removed no more than eight months after the date of notification of the Commission's decision to award the sale.

*Article 6*

The performance guarantee shall be EUR 30 per hectolitre of alcohol at 100 % vol. Unless a standing guarantee is provided, before removing any alcohol and by the day of issue of the removal order at the latest, the firms awarded the lots shall lodge a performance guarantee with the intervention agency concerned to ensure that the alcohol in question is used as bioethanol in the fuel sector.

*Article 7*

Against payment of EUR 10 per litre and within 30 days of the publication of the notice of public sale, the firms approved in

accordance with Article 92 of Regulation (EC) No 1623/2000 may obtain samples of the alcohol put up for sale from the intervention agency concerned. After that date, samples may be obtained in accordance with Article 98(2) and (3) of Regulation (EC) No 1623/2000. Samples issued to the approved firms shall amount to not more than five litres per vat.

*Article 8*

The intervention agencies in the Member States in which the alcohol put up for sale is stored shall carry out appropriate checks to verify the nature of the alcohol at the time of end-use. To that end, they may:

- (a) apply Article 102 of Regulation (EC) No 1623/2000, *mutatis mutandis*;
- (b) carry out checks on samples using nuclear magnetic resonance analysis to verify the nature of the alcohol at the time of end-use.

The costs shall be borne by the firms to which the alcohol is sold.

*Article 9*

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

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

## PUBLIC SALES OF WINE ALCOHOL FOR USE AS BIOETHANOL IN THE COMMUNITY

NOS 35/2004 EC, 36/2004 EC, 37/2004 EC, 38/2004 EC, 39/2004 EC, 40/2004 EC AND 41/2004 EC

## I. Place of storage, quantity and characteristics of the alcohol put up for sale

Member State and lot number	Location	Vat number	Quantity (hectolitres of alcohol at 100 % vol)	Reference to Regulations (EEC) No 822/87 and (EC) No 1493/1999 (Articles)	Type of alcohol	Firms approved pursuant to Article 92 of Regulation (EC) No 1623/2000
Spain Lot No 35/2004 EC	Tarancon	A-1	24 108	27	Raw	Eco carburantes españoles SA
		A-6	24 492	27	Raw	
		B-1	24 609	27	Raw	
		B-2	18 278	27	Raw	
		B-3	8 513	27	Raw	
	Total		100 000			
Spain Lot No 36/2004 EC	Tarancon	B-3	16 102	27	Raw	Bioetanol Galicia SA
		B-5	24 602	27	Raw	
		B-6	9 296	27	Raw	
	Total		50 000			
FRANCE Lot No 37/2004 EC	Onivins — Port la Nouvelle Entrepôt d'alcool Av. Adolphe Turrel, BP 62, F-11210 Port-la-Nouvelle	10	11 230	27	Raw	Eco carburantes españoles SA
		9	22 080	27	Raw	
		8	16 690	27	Raw	
	Total		50 000			
FRANCE Lot No 38/2004 EC	Onivins — Port la Nouvelle Entrepôt d'alcool Av. Adolphe Turrel, BP 62, F-11210 Port-la-Nouvelle	31	22 540	27	Raw	Bioetanol Galicia SA
		29	22 500	27	Raw	
		33	4 200	30	Raw	
		33	18 130	28	Raw	
		32	22 170	27	Raw	
		39	1 760	27	Raw	
		38	8 700	27	Raw	
	Total		100 000			
FRANCE Lot No 39/2004 EC	DEULEP — PSL 13230 Port Saint Louis du Rhône	B4	45 060	27	Raw	Sekab (Svensk Etanol kemi AB)
		B1	4 940	27	Raw	
	DEULEP Bld Chanzy 30800 Saint Gilles du Gard	504	7 460	30	Raw	
		506	6 510	27	Raw	
		604	2 600	27	Raw	
		605	9 120	30	Raw	
		605	30	30	Raw	
		606	4 590	30	Raw	
		606	2 030	30	Raw	
		607	8 530	30	Raw	
		608	9 130	30	Raw	
Total		100 000				

Member State and lot number	Location	Vat number	Quantity (hectolitres of alcohol at 100% vol)	Reference to Regulations (EEC) No 822/87 and (EC) No 1493/1999 (Articles)	Type of alcohol	Firms approved pursuant to Article 92 of Regulation (EC) No 1623/2000
ITALY Lot No 40/2004 EC	CAVINO — Faenza	16A	22 301,71	27	Raw	Sekab (Svensk Etanol kemi AB)
	VILLAPANA — Faenza	9A	10 000,00	27	Raw	
	CIPRIANI — Chizzola di Ala (TN)	24A	4 500,07	35	Raw	
	D'AURIA — Ortona (CH)	3A-9A-61A	3 417,29	35	Raw	
	BONOLLO — Paduni (FR)	40A	9 780,93	35	Raw	
	Total		50 000			
ITALY Lot No 41/2004 EC	ENODISTIL — Alcamo	3A-11A-20A-21A	30 000,00	27/30	Raw	Altia Corporation
	Total		30 000			

II. The address of the Spanish intervention agency is:

FEGA, Beneficencia 8, E-28004 Madrid (Tel. (34-91) 347 65 00; telex: 23427 FEGA; fax (34-91) 521 98 32).

III. The address of the French intervention agency is:

Onivins-Libourne, Délégation nationale, 17 avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (Tel. (33-5) 57 55 20 00; telex 57 20 25; fax (33-5) 57 55 20 59).

IV. The address of the Italian intervention agency is:

AGEA, via Torino 45, I-00184 Roma (Tel. (39) 06 49499 714; fax (39) 06 49499 761).

**COMMISSION REGULATION (EC) No 1896/2004**  
**of 29 October 2004**  
**amending Regulation (EC) No 1499/2004 of 24 August 2004 on certain exceptional market support**  
**measures for eggs in Belgium**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Because of an outbreak of avian influenza in Belgium, the Belgian authorities adopted market support measures regarding hatching eggs. These measures were treated as exceptional market support measures within the meaning of Article 14 of Regulation (EEC) No 2771/75 by Commission Regulation (EC) No 1499/2004<sup>(2)</sup>.
- (2) Article 1(1) of Regulation (EC) No 1499/2004 determines the period in which the eligible hatching eggs should have been processed. Close examination of the situation in April and May 2003 shows that it was

not possible, for veterinary and health reasons, to observe that period. It is necessary therefore to prolong it.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1(1) of Regulation (EC) No 1499/2004, the date 5 May 2003 is replaced by 13 June 2003.

*Article 2*

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

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

Done at Brussels, 29 October 2004.

For the Commission  
Franz FISCHLER  
Member of the Commission

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

<sup>(2)</sup> OJ L 275, 25.8.2004, p. 10.

## COMMISSION REGULATION (EC) No 1897/2004

of 29 October 2004

supplementing the Annex to Regulation (EC) No 2400/96 as regards the entry of a name in the 'Register of protected designations of origin and protected geographical indications' (*Cartoceto*) (PDO)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(1)</sup>, and in particular Article 6(3) and (4) thereof,

Whereas:

(1) In accordance with Article 6(2) of Regulation (EEC) No 2081/92, the application submitted by Italy for registration of the name 'Cartoceto' was published in the *Official Journal of the European Union*<sup>(2)</sup>.

(2) Since no statement of objection within the meaning of Article 7 of Regulation (EEC) No 2081/92 has been sent to the Commission, the name should be entered in the 'Register of protected designations of origin and protected geographical indications',

HAS ADOPTED THIS REGULATION:

*Article 1*

The name listed in the Annex to this Regulation is hereby added to the Annex to Regulation (EC) No 2400/96.

*Article 2*

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

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 208, 24.7.1992, p.1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 232, 1.7.2004, p. 21).

<sup>(2)</sup> OJ C 41, 17.2.2004, p. 2 (*Cartoceto*).

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE TREATY, INTENDED FOR HUMAN CONSUMPTION

**Fats and oils (butter, margarine, oils, etc.)**

ITALY

Cartoceto (PDO)

**COMMISSION REGULATION (EC) No 1898/2004****of 29 October 2004****supplementing the Annex to Regulation (EC) No 2400/96 as regards the entry of a name in the 'Register of protected designations of origin and protected geographical indications' (Terre Tarentine) (PDO)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(1)</sup>, and in particular Article 6(3) and (4) thereof,

Whereas:

(1) In accordance with Article 6(2) of Regulation (EEC) No 2081/92, the application submitted by Italy for registration of the name 'Terre Tarentine' was published in the *Official Journal of the European Union* <sup>(2)</sup>.

(2) Since no statement of objection within the meaning of Article 7 of Regulation (EEC) No 2081/92 has been sent to the Commission, the name should be entered in the 'Register of protected designations of origin and protected geographical indications',

HAS ADOPTED THIS REGULATION:

*Article 1*

The name listed in the Annex to this Regulation is hereby added to the Annex to Regulation (EC) No 2400/96.

*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 1215/2004 (OJ L 232, 1.7.2004, p. 21).

<sup>(2)</sup> OJ C 31, 5.2.2004, p. 2 (Terre Tarentine).

ANNEX

**PRODUCTS LISTED IN ANNEX I TO THE TREATY, INTENDED FOR HUMAN CONSUMPTION****Fats and oils (butter, margarine, oils, etc.)**

ITALY

Terre Tarentine (PDO)

**COMMISSION REGULATION (EC) No 1899/2004****of 29 October 2004****amending Regulation (EC) No 2342/1999 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal as regards premium schemes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001<sup>(1)</sup>, and in particular Article 155 thereof,

Whereas:

- (1) Article 42 of Commission Regulation (EC) No 2342/1999<sup>(2)</sup>, lays down the rules on the allocation year for animals subject to applications for, amongst others, the special premium. In anticipation of the implementation by the Member States of the single payment scheme established by Title III of Regulation (EC) No 1782/2003, producers could decide to bring forward, at the end of 2004, the slaughter of animals for the granting of the special premium where it is granted at the time of slaughter in accordance with Article 4(6) of Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal<sup>(3)</sup>.
- (2) The swamping of slaughterhouses at the end of 2004 and the consecutive decrease of slaughters at the beginning of the following year are likely to cause disturbances on the beef and veal market. Provision should therefore be made to allow producers, during a limited period, to submit a special premium application in respect of 2004 for animals eligible on 31 December 2004 which will be slaughtered at the beginning of 2005.
- (3) The extent of the risk of disturbances on the beef and veal market connected with the unusual slaughter increase depends on the existing slaughter capacities in each Member State. For this reason, the duration of the period during which animals can be slaughtered can vary according to the Member States. Provision should therefore be made to leave it to the Member States to determine the duration of the period of necessary slaughter, within the period from 1 January to 31 March 2005.
- (4) Where Member States decide to grant the special premium at the time of slaughter, Article 4(6) of Regulation (EC) No 1254/1999 lays down that, for bulls, the age criterion referred to in Article 4(2)(a) of that Regulation is replaced by a minimum carcase weight. Obviously, it would no longer be possible to establish, with regard to an animal that is slaughtered after 31 December 2004, whether that animal fulfilled this weight criterion at the latest on that date. In order to avoid animals being presented for slaughter and subject to request for the premium which would otherwise not have fulfilled the weight criterion by 31 December 2004, it is appropriate to replace the weight criterion by the age criterion in case an applicant wants to make use of this measure.
- (5) Regulation (EC) No 2342/1999 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2342/1999 is amended as follows:

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

<sup>(2)</sup> OJ L 281, 4.11.1999, p. 30. Regulation as last amended by Regulation (EC) No 1777/2004 (OJ L 316, 15.10.2004, p. 66).

<sup>(3)</sup> 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).

1. In Article 8(5), the following subparagraph is added:

'Notwithstanding Article 4(6) of Regulation (EC) No 1254/1999, in Member States which decide to apply the Single Payment Scheme in accordance with Title III of Council Regulation (EC) No 1782/2003 (\*) as of 1 January 2005, bulls slaughtered during the period referred to in the fourth paragraph of Article 42 shall qualify for the granting of the special premium if they fulfilled the age criterion set out in Article 4(2)(a) of Regulation (EC) No 1254/1999 on 31 December 2004. The proof of slaughter shall specify the age of the animal.

(\*) OJ L 270, 21.10.2003, p. 1.'

2. In Article 42, the following paragraph is inserted after the third paragraph:

'Single Payment Scheme in accordance with Title III of Regulation (EC) No 1782/2003 as of 1 January 2005, a special premium may be granted under the option provided for in Article 8(1) if the animal is slaughtered during a period to be determined by the Member State between 1 January and 31 March 2005 and if the premium application for that animal is lodged no later than 15 April 2005 in respect of the 2004 calendar year at the producer's request. Steers shall be eligible to the premium on 31 December 2004 within the meaning of Article 4(2)(b) of Regulation (EC) No 1254/1999. In that case the allocation year shall be 2004 and the amount of the premium shall be that valid on 31 December 2004.'

*Article 2*

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

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION REGULATION (EC) No 1900/2004****of 29 October 2004****fixing the weighting coefficients to be used in calculating the Community market price for pig carcasses for the 2004/2005 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat <sup>(1)</sup>,

Whereas:

- (1) The Community market price for pig carcasses, as referred to in Article 4(2) of Regulation (EEC) No 2759/75, must be established by weighting the prices recorded in each Member State by coefficients expressing the relative size of the pig population of each Member State.
- (2) These coefficients should be determined on the basis of the number of pigs counted at the beginning of December each year in accordance with Council Directive 93/23/EEC of 1 June 1993 on the statistical surveys to be carried out on pig production <sup>(2)</sup>.

(3) In view of the results of the census of December 2003, new weighting coefficients should be set for the 2004/2005 marketing year and Commission Regulation (EC) No 1075/2003 <sup>(3)</sup> should be repealed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The weighting coefficients referred to in Article 4(2) of Regulation (EEC) No 2759/75 shall be as specified in the Annex hereto.

*Article 2*

Regulation (EC) No 1075/2003 is hereby repealed.

*Article 3*

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

It shall apply from 1 July 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 1. Regulation last amended by Commission Regulation (EC) No 258/2004 (OJ L 44, 14.2.2004, p. 14).

<sup>(2)</sup> OJ L 149, 21.6.1993, p. 1. Directive last amended by Regulation of the European Parliament and of the Council (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

<sup>(3)</sup> OJ L 155, 24.6.2003, p. 9. Regulation amended, not yet published.



## ANNEX

**Weighting coefficients to be used in calculating the Community market price for pig carcasses for the 2004/2005 marketing year**

(Article 4(2) of Regulation (EEC) No 2759/75)

Belgium	4,2
Czech Republic	2,2
Denmark	8,5
Germany	17,4
Estonia	0,2
Greece	0,6
Spain	15,7
France	10,0
Ireland	1,1
Italy	6,0
Cyprus	0,3
Latvia	0,3
Lithuania	0,7
Luxembourg	0,1
Hungary	3,1
Malta	0,1
Netherlands	7,1
Austria	2,1
Poland	12,1
Portugal	1,5
Slovenia	0,4
Slovakia	0,9
Finland	0,9
Sweden	1,3
United Kingdom	3,2

**COMMISSION REGULATION (EC) No 1901/2004**  
**of 29 October 2004**  
**amending Regulation (EEC) No 2123/89 establishing the list of representative markets for pigmeat**  
**in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat <sup>(1)</sup>,

Whereas:

- (1) Commission Regulation (EEC) No 2123/89 <sup>(2)</sup>, established the list of representative markets for pigmeat in the Community.
- (2) Due to the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union, it is necessary to establish the representative markets for these countries.

(3) And due to changes of representative markets in several Member States, the Annex to Regulation (EEC) No 2123/89 should be replaced.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 2123/89 is replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 July 2004.

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

Done at Brussels, 29 October 2004.

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

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 1. Regulation last amended by Commission Regulation (EC) No 258/2004 (OJ L 44, 14.2.2004, p. 14).

<sup>(2)</sup> OJ L 203, 15.7.1989, p. 23. Regulation last amended by Regulation (EC) No 2712/2000 (OJ L 313, 13.12.2000, p. 4).

## ANNEX

Member State	Type of representative market	Market/Quotation centre
België/ Belgique	The following quotation centre	Brussel/Bruxelles
Czech Republik	The following Market	Praha
Danmark	The following quotation centre	København
Deutschland	The following quotation centres	Kiel, Hamburg, Oldenburg, Münster, Düsseldorf, Trier, Gießen, Stuttgart, München, Bützow, Potsdam, Magdeburg, Erfurt, Dresden
Eesti	The following quotation centre	Tallinn
Ellas	The following quotation centres	Preveza, Chalkida, Korinthos, Agrinio, Drama, Larissa, Verria
España	The following quotation centres	Ebro, Mercolleida, Campillos, Segovia, Segura, Silleda
	And the following group of markets	Murcia, Malaga, Barcelona, Huesca, Burgos, Lleida, Navarra, Ourense, Segovia, Ciudad Real
France	The following quotation centres	Rennes, Nantes, Metz, Lyon, Toulouse
Ireland	The following group of markets	Waterford, Mitchelstown, Edenderry
Italia	The following group of markets	Milano, Cremona, Mantova, Modena, Parma, Reggio Emilia, Perugia
Kypros	The following market	Nicosia
Latvija	The following market	Rīga
Lietuva	The following quotation centre	Vilnius
Luxembourg	The following group of markets	Esch-sur Alzette, Ettelbruck, Mersch, Wecker
Magyarország/ Hungary	The following quotation centre	Budapest
Malta	The following quotation centre	Marsa
Nederland	The following quotation centre	Zoetermeer
Österreich	The following quotation centre	Wien
Polska	The following quotation centre	Warszawa
Portugal	The following group of markets	Famalicao, Coimbra, Leiria, Montijo, Povoá da Galega, Rio Maior
Slovenia	The following quotation centre	Ljubljana
Slovensko	The following quotation centre	Bratislava
Suomi/ Finland	The following quotation centre	Helsinki
Sverige	The following group of markets	Helsingborg, Trelleborg, Skövde, Skara, Kalmar, Uppsala, Visby, Kristianstad
United Kingdom	The quotation centre Milton Keynes for the following group of regions	Scotland, Northern Ireland, Northern England, Eastern England

## COMMISSION REGULATION (EC) No 1902/2004

of 29 October 2004

## amending the specification of a name appearing in the Annex to Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin (Les Garrigues)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and food-stuffs<sup>(1)</sup>, and in particular Article 9 thereof,

Whereas:

- (1) Under Article 9 of Regulation (EEC) No 2081/92, the Spanish authorities have requested amendments to the geographical area for 'Les Garrigues', registered as a protected designation of origin (PDO) by Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92<sup>(2)</sup>.
- (2) Following examination of this request for amendment, it has been decided that the amendments concerned are not minor.
- (3) In accordance with the procedure laid down in Article 9 of Regulation (EEC) No 2081/92 and since the amendments are not minor, the Article 6 procedure applies *mutatis mutandis*.

(4) It has been decided that the amendments in this case comply with Regulation (EEC) No 2081/92. No statement of objection, within the meaning of Article 7 of the Regulation, has been sent to the Commission following the publication in the *Official Journal of the European Union*<sup>(3)</sup> of the abovementioned amendments.

(5) Consequently, these amendments must be registered and published in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amendments set out in Annex I to this Regulation shall be registered and published in accordance with Article 6(4) of Regulation (EEC) No 2081/92.

A summary of the main points of the specification is given in Annex II to this Regulation.

*Article 2*

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

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

Done at Brussels, 29 October 2004.

For the Commission  
Franz FISCHLER  
Member of the Commission

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 1215/2004 (OJ L 232, 1.7.2004, p. 21).

<sup>(2)</sup> OJ L 148, 21.6.1996, p. 1. Regulation as last amended by Regulation (EC) No 1354/2004 (OJ L 249, 23.7.2004, p. 14).

<sup>(3)</sup> OJ C 187, 7.8.2003, p. 7 (Les Garrigues).

## ANNEX I

COUNCIL REGULATION (EEC) No 2081/92

**Amendment to the specification of a protected designation of origin (article 9)**

EC No: ES/0070/24.01.1994

1. **Registered name: 'Les Garrigues'**2. **Amendments(s) requested:**

— Specification heading:

- Name
- Description
- Geographical area
- Proof of origin
- Method of production
- Link
- Labelling
- National requirement

— Amendment(s):

The geographical area covered by this designation is to be extended to include the following municipalities:

Region	Municipality
Les Garrigues	Tarrès
El Segrià	Aitona (remainder) Alcarràs La Granja d'Escarp Massalcoreig Seròs (remainder) Soses Torres del Segre

From the point of view of the link with the environment (historical, soil, relief and climatic factors), the geographical area to be extended continues to demonstrate a cohesion and degree of homogeneity similar to what it had prior to the requested extension (initial PDO) and fulfils all the basic requirements set out in the specification for this protected designation of origin listed in the Community register, producing an extra virgin olive oil with the same characteristics as the protected olive oil.

## ANNEX II

## SUMMARY

REGULATION (EEC) No 2081/92

## 'LES GARRIGUES'

EC No: ES/0070/24.1.1994

PDO (X) PGI ( )

This summary has been drawn up for information purposes only. For full details, in particular the producers of the products covered by the PDO or PGI concerned, please consult the complete version of the product specification obtainable at national level or from the European Commission <sup>(1)</sup>.

1. **Responsible department in the Member State :**

Name: Subdirección General de Sistemas de Calidad Diferenciada. Dirección General de Alimentación. Secretaría General de Agricultura y Alimentación. Ministerio de Agricultura Pesca y Alimentación de España.

Address: Pº Infanta Isabel, 1 – E-28071 Madrid

Telephone: (34-91) 347 53 94

Fax: (34-91) 347 54 10

2. **Applicant group:**

2.1. Name: CONSEJO REGULADOR DE LA D.O.P 'LES GARRIGUES'

2.2. Address: Complex la Caparrella 97 1ª planta. E-25192 Lleida

Telephone: (34-973) 28 04 70

Fax: (34-973) 26 04 27

2.3. Composition: producer/processor (X) other ( )

3. **Type of product:** virgin olive oil - Class 1.5

4. **Description:** (summary of requirements under Article 4(2))

4.1. Name: 'Les Garrigues'

4.2. Description:

Virgin olive oil obtained from olives of the varieties *Arbequina* and *Verdiell*. Acidity < 0,5 °; PN max 15; Humidity < 0,1%. Distinguishing characteristics: Fruity: greenish in colour with a taste of bitter almonds, and Sweet: yellow and sweet.

4.3. *Geographical area:*

The south-east of the province of Lérida. Various municipal areas in the districts of Les Garrigues, El Segrià and L'Urgel. The municipalities are the following:

Region	Municipality
Les Garrigues	Albagés,l'; Albi,l'; Arbeca; Bellaguarda; Borges Blanques, les; Bovera; Castelldans; Cervià de les Garrigues; Cogul, el; Espluga Calba, l'; La Floresta; Fulleda; Granyena de les Garrigues; Granadella, la; Juncosa; Juneda (up to the road from Lleida to Tarragona); Omellons, els; Pobla de Cérvoles, la; Soleràs, el; Tarrés; Torms, els; Vilosell, el; Vinaixa
El Segrià	Aitona; Alcanó; Alcarràs; Alfés; Almatret; Aspa; Granja d'Escarp, la; Llardecans; Maials; Massalcoreig; Sarroca de Lleida; Seròs; Soses; Sunyer (up to the Seròs canal); Torrebesses; Torres de Segre
L'Urgell	Belianes; Ciutadilla; Guimerà; Maldà; Nalec; Omells de Na Gaia, els; San Martí de Riucorb; Vallbona de les Monges; Verdú

<sup>(1)</sup> European Commission – Directorate-General for Agriculture – Agricultural product quality policy – B-1049 Brussels.

4.4. *Proof of origin:*

Oil is extracted in registered plants under the supervision of the Regulatory Board from olives of the varieties authorised from registered olive groves.

4.5. *Method of production:*

The oil is extracted from healthy clean olives using appropriate techniques which do not detract from the product's characteristics.

4.6. *Link:*

Loose limey soil clayey-loamy in texture and reddish-ochre in colour. Continental climate. Supervised cultivation, collection and production.

4.7. *Inspection body:*

Name: Consejo Regulador D.O. 'Les Garrigues'

Address: Complex la Caparrella 97 1ª planta. – E-25192 Lleida

Telephone: (34-973) 28 04 70

Fax: (34-973) 26 04 27

The Regulatory Board for the protected designation of origin 'Les Garrigues' meets the requirements of standard EN 45011.

4.8. *Labelling:*

Labels authorised by the Regulatory Board reading: Denominación de Origen 'Les Garrigues' aceite virgen. Back-labels are numbered and issued by the Regulatory Board.

4.9. *National legislative requirements (if any):*

Law No 25/1970 of 2 December 1970. Order of 10 May 1987 regulating the 'Borjas Blancas' designation of origin and its Regulatory Board. Order of 9 August 1993 replacing the designation 'Borjas Blancas' by the designation 'Les Garrigues'.

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**COMMISSION REGULATION (EC) No 1903/2004****of 29 October 2004,****amending Regulation (EEC) No 3149/92 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organisations for distribution to the most deprived persons in the Community<sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3149/92<sup>(2)</sup> lays down the application rules of Regulation (CEE) No 3730/87 for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community by charitable organisations designated by the Member States.
- (2) In order to ensure more standardised implementation in the Member States participating in this scheme, the concepts of 'beneficiaries' and 'final recipients' of the measure need to be clarified. In order to facilitate the management and control of the implementation of the annual plan as laid down in Article 2 of Regulation (EC) No 3149/92, the charitable organisations designated by the competent national authorities can be deemed final recipients if they are actually engaged in the local distribution of the foodstuffs (in various forms) where the most deprived persons live.
- (3) Implementation of the plan in each participating Member State must be programmed, phased and regular both as regards withdrawals of the products from intervention stocks and the performance of the later phases until distribution to the beneficiaries or final recipients, in order to satisfy both the aim of the Community measure and the requirement to manage intervention stocks well. To this end, most withdrawals from intervention stocks should occur before 1 July of the year in which the plan is implemented. In the case of milk products, the characteristics of this sensitive market

and in particular the impact of re-introducing products onto the market require provision to be made for limiting withdrawals of these products from public storage as part of the measure concerned, during periods when buying-in by intervention agencies is possible and, with effect from the implementation of the 2006 plan, even during the weeks preceding these buying-in periods. Appropriate measures must be implemented by the Member States, to include sanctions in line with the length of the delay in taking over the products.

- (4) The most appropriate types of check of the implementation of the annual plan should be specified and in particular the rate of checks to be made by the competent authorities. The annual reports of plan implementation should include information allowing both the outcome of the checks and the plan's implementation to be assessed. The checks must be carried out with due regard to the application of Commission Regulation (EEC) No 3002/92 laying down common detailed rules for verifying the use and/or destination of products from intervention<sup>(3)</sup>.
- (5) Regulation (EEC) No 3149/1992 should be amended accordingly. These amendments should apply from the start of the 2005 annual plan period.
- (6) The relevant Management Committees have not delivered opinions within the time limits set down by their chairmen,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 3149/92 is hereby amended as follows:

1. The following paragraph is added to Article 1:

'3. For the purposes of this Regulation, "the most deprived persons" means physical persons, whether individuals, families or groups composed of such persons, whose social and financial dependence is recorded or recognised on the basis of eligibility criteria adopted by the competent authorities, or is judged to be so on the basis of the criteria used by charitable organisations and which are approved by the competent authorities.'

<sup>(1)</sup> OJ L 352, 15.12.1987, p. 1. Regulation as amended by Regulation (EC) No 2535/95 (OJ L 260, 31.10.1995, p. 3).

<sup>(2)</sup> OJ L 313, 30.10.1992, p. 50. Regulation as last amended by Regulation (EC) No 2339/2003 (OJ L 346, 31.12.2003, p. 29).

<sup>(3)</sup> OJ L 301, 17.10.1992, p. 17. Regulation as last amended by Regulation (EC) No 770/96 (OJ L 104, 27.4.1996, p. 13).



2. Article 3 is replaced by the following:

*'Article 3*

1. The plan implementation period shall begin on 1 October and finish on 31 December of the following year.

2. Withdrawal of the products from intervention stocks shall take place from 1 October to 31 August of the following year on a regular basis and in accordance with the requirements for implementing the plan.

70 % of the quantities referred to in Article 2(3)(1)(b) must be withdrawn from stock before 1 July in the year of implementation; this requirement shall not apply to allocations of 500 tonnes or less, however. Any quantities that have not been withdrawn from intervention stocks by 30 September in the year of plan implementation shall no longer be allocated to the Member State to which they were assigned under the plan in question.

However, in the case of butter and skimmed-milk powder, 70 % of the products must be withdrawn from intervention storage before 1 March in the year of implementation in the case of the 2005 plan, and before 1 February with effect from the 2006 plan. This requirement shall not, however, apply to withdrawals of 500 tonnes or less.

The products to be withdrawn must be removed from intervention stocks within 60 days of the award of the tender to the successful tenderer.

3. During the implementation period the Member States shall notify to the Commission any changes that they make to the implementation of the plan on their territory within the strict limits of the financing available to them. The notification shall be accompanied by all appropriate information. Where substantiated changes concern 5 % or more of the quantities or values entered per product in the Community plan, the plan shall be revised.

4. The Member States shall inform the Commission immediately of foreseeable reductions in expenditure on applying the plan. The Commission may allocate the available resources to other Member States on the basis of their applications and their actual use of products made available and allocations made during previous financial years.'

3. The following Article 5a is inserted:

*'Article 5a*

With a view to distributing foodstuffs to the most deprived persons and to performing checks, the charitable organisations directly looking after the beneficiaries shall be deemed to be the final recipients of this distribution if they are the ones actually distributing the foodstuffs. Foodstuffs which, without any other intervention, are locally delivered direct to the beneficiaries as food packages or appropriate meals, depending on the circumstances, either daily or weekly, shall be deemed to have been distributed.'

4. Article 9 is replaced by the following:

*'Article 9*

1. The Member States shall take all necessary measures to ensure that:

- (a) the intervention products and, where appropriate, grants for mobilising foodstuffs on the market, are put to the use and serve the purposes laid down in Article 1 of Regulation (EEC) No 3730/87;
- (b) the goods which are not delivered in bulk to the beneficiaries have the following inscription on their packaging "EC aid";
- (c) the designated charitable organisations for implementing the measures maintain appropriate accounts and supporting documents and allow the competent authorities access to them to carry out whatever checks they deem necessary;
- (d) the invitations to tender are in accordance with Articles 3 and 4 and the supplies are implemented in accordance with this Regulation; in particular, the Member States shall establish the applicable penalties if the products have not been withdrawn in the period laid down in Article 3(2).

2. Checks by the competent authorities shall be carried out when the foodstuffs are taken over open their release from intervention storage, at all stages of plan implementation and in particular at all levels of the distribution chain. The checks shall be performed throughout the plan implementation period, at all stages and including local level.

The checks shall cover at least 5 % of the quantity of each type of product referred to in Article 2(3)(1)(b). This checking rate shall apply to each implementation stage, except for the stage of actual distribution to the most deprived, with account being taken of the risk criteria.

The purpose of the check is to verify the entry and exit of the products and their transfer to successive actors. Checks shall include a comparison of the stocks as shown in the accounts and the actual stocks of products chosen for inspection.

3. The Member States shall take all the measures needed to ensure that the plan is properly implemented and to anticipate and penalise irregularities. To this end they may suspend the participation of operators in the competitive tendering procedure, depending on the nature and seriousness of the shortcomings or irregularities noted in the performance of a supply.'

5. The second paragraph of Article 10 is replaced by the following:

'The report shall specify the verification measures that have been applied to ensure that the goods have achieved their intended objective and have reached the final recipients. This report shall mention in particular the type and the number

of checks carried out, the results obtained and any cases where the penalties referred to in Article 9(3) are imposed. The report shall be taken into account as a decisive factor when drawing up subsequent annual plans.'

6. The following Article 10a is inserted:

*'Article 10a*

This Regulation shall apply without prejudice to Commission Regulation (EEC) No 3002/92.'

*Article 2*

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

It shall apply from the 2005 annual plan.

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

Done at Brussels, 29 October 2004.

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

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**COMMISSION REGULATION (EC) No 1904/2004**  
**of 29 October 2004**  
**fixing the export refunds on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

## ANNEX

**to the Commission Regulation of 29 October 2004 fixing the export refunds on malt**

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

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

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

**COMMISSION REGULATION (EC) No 1905/2004**  
**of 29 October 2004**  
**fixing the corrective amount applicable to the refund on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organization of the market in cereals<sup>(1)</sup>, and in particular Article 15(2),

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2004.

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

Done at Brussels, 29 October 2004.

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

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

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

## ANNEX

## to the Commission Regulation of 29 October 2004 fixing the corrective amount applicable to the refund on malt

(EUR/t)

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

(EUR/t)

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

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

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

**COMMISSION REGULATION (EC) No 1906/2004****of 29 October 2004****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup> and in particular Article 13(3) thereof,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 November 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

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

## ANNEX

**to the Commission Regulation of 29 October 2004 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

*(EUR/t)*

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	43,13
1102 20 10 9400	36,97
1103 11 10 9200	0,00
1103 13 10 9100	55,46
1104 12 90 9100	0,00

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



**COMMISSION REGULATION (EC) No 1907/2004****of 29 October 2004****fixing the minimum selling prices for butter for the 151th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs<sup>(2)</sup>, to sell by invitation to tender certain quantities of butter from intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price or aid may vary according to the

intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices of butter from intervention stocks and processing securities applying for the 151th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 30 October 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

## ANNEX

to the Commission Regulation of 29 October 2004 fixing the minimum selling prices for butter for the 151th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter $\geq$ 82 %				
	Unaltered	211,1	215,1	215,1	—
	Concentrated	209,1	—	—	—
Processing security	Unaltered	129	129	129	—
	Concentrated	129	—	—	—

**COMMISSION REGULATION (EC) No 1908/2004**  
**of 29 October 2004**

**fixing the maximum aid for cream, butter and concentrated butter for the 151th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice cream and other foodstuffs<sup>(2)</sup>, to sell by invitation to tender certain quantities of butter of intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further

stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum aid and processing securities applying for the 151th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 30 October 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

## ANNEX

to the Commission Regulation of 29 October 2004 fixing the maximum aid for cream, butter and concentrated butter for the 151th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter $\geq$ 82 %	59	55	—	55
	Butter < 82 %	57	53	—	—
	Concentrated butter	74	67	74	65
	Cream			26	23
Processing security	Butter	65	—	—	—
	Concentrated butter	81	—	81	—
	Cream	—	—	29	—

**COMMISSION REGULATION (EC) No 1909/2004****of 29 October 2004****fixing the maximum aid for concentrated butter for the 323st special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community <sup>(2)</sup>, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 323st tender under the standing invitation to tender opened by Regulation (EEC) No 429/90 the maximum aid and the end-use security are fixed as follows:

- |                     |                |
|---------------------|----------------|
| — maximum aid:      | 74 EUR/100 kg, |
| — end-use security: | 82 EUR/100 kg. |

*Article 2*

This Regulation shall enter into force on 30 October 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 45, 21.2.1990, p. 8. Regulation as last amended by Commission Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

**COMMISSION REGULATION (EC) No 1910/2004****of 29 October 2004****concerning the 70th special invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

(1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed-milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder<sup>(2)</sup>, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

(2) According to Article 30 of Regulation (EC) No 2799/1999, in the light of the tenders received in

response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award.

(3) On the basis of the examination of the offers received, the tendering procedure should not be proceeded with.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 70th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 26 October 2004, no award shall be made.

*Article 2*

This Regulation shall enter into force on 30 October 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 340, 31.12.1999, p. 3. Regulation as last amended by Regulation (EC) No 1839/2004 (OJ L 322, 23.10.2004, p. 4).

**COMMISSION REGULATION (EC) No 1911/2004****of 29 October 2004****fixing the minimum selling price for butter for the 7th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 10(c) thereof,

Whereas:

- (1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream<sup>(2)</sup>, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.
- (2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

(3) In the light of the tenders received, a minimum selling price should be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 7th individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 26 October 2004, the minimum selling price for butter is fixed at 270 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 30 October 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1448/2004 (OJ L 267, 14.8.2004, p. 30).

**COMMISSION REGULATION (EC) No 1912/2004****of 29 October 2004****fixing the minimum selling price for skimmed-milk powder for the 6th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 10(c) thereof,

Whereas:

(1) Pursuant to Article 21 of Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed milk<sup>(2)</sup>, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price

shall be fixed or a decision shall be taken to make no award, in accordance with Article 24a of Regulation (EC) No 214/2001.

(3) In the light of the tenders received, a minimum selling price should be fixed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 6th individual invitation to tender pursuant to Regulation (EC) No 214/2001, in respect of which the time limit for the submission of tenders expired on 26 October 2004, the minimum selling price for skimmed milk is fixed at 200,70 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 30 October 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 37, 7.2.2001, p. 100. Regulation as last amended by Regulation (EC) No 1675/2004 (OJ L 300, 25.9.2004, p. 12).



**COMMISSION REGULATION (EC) No 1913/2004**  
**of 29 October 2004**  
**determining the world market price for unginmed cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The world price for unginmed cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 18,204 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 30 October 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

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

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

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

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

**COMMISSION REGULATION (EC) No 1914/2004****of 29 October 2004****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 30 November 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector<sup>(1)</sup>, and in particular the fifth indent of Article 7(5) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 39,120 EUR/100 kg net for the period from 1 to 30 November 2004.

*Article 2*

This Regulation shall enter into force on 1 November 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 178, 30.6.2001, p. 63.

**COMMISSION REGULATION (EC) No 1915/2004****of 29 October 2004****fixing the production refund for olive oil used in the manufacture of certain preserved foods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats<sup>(1)</sup>, and in particular Article 20a thereof,

Whereas:

- (1) Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry. Pursuant to paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months.
- (2) By virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing

the export refunds for those olive oils during the reference period. It is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund.

- (3) The application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the months of November and December 2004, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be 44,00 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 1 November 2004.

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

Done at Brussels, 29 October 2004.

*For the Commission*

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

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<sup>(1)</sup> OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 28 June 2004

**appointing a French member of the Economic and Social Committee**

(2004/742/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

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 167 thereof,

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 <sup>(1)</sup>,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Mr Jean-Marc BILQUEZ, of which the Council was informed on 23 March 2004;

Having regard to the nomination submitted by the French Government,

Having obtained the opinion of the Commission of the European Union,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Ms Laure BATUT is hereby appointed a member of the Economic and Social Committee in place of Mr Jean-Marc BILQUEZ for the remainder of the latter's term of office, which runs until 20 September 2006.

Done at Luxembourg, 28 June 2004.

*For the Council*

*The President*

M. CULLEN

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<sup>(1)</sup> OJ L 253, 21.9.2002, p. 9.

**COUNCIL DECISION**  
**of 5 July 2004**  
**appointing a Belgian member of the Economic and Social Committee**  
(2004/743/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

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 167 thereof,

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 <sup>(1)</sup>,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Mr Wilfried BEIRNAERT, of which the Council was informed on 10 September 2003;

Having regard to the nomination submitted by the Belgian Government,

Having obtained the opinion of the Commission of the European Union,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Tony VANDEPUTTE is hereby appointed a member of the Economic and Social Committee in place of Mr Wilfried BEIRNAERT for the remainder of the latter's term of office, which runs until 20 September 2006.

Done at Brussels, 5 July 2004.

*For the Council*  
*The President*  
G. ZALM

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<sup>(1)</sup> OJ L 253, 21.9.2002, p. 9.

**COUNCIL DECISION**  
**of 12 July 2004**  
**appointing a Spanish alternate member of the Committee of the Regions**  
(2004/744/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions for the period 26 January 2002 to 25 January 2006 <sup>(1)</sup>.
- (2) A seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Joaquin RIVAS RUBIALES, notified to the Council on 24 June 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr D. Pedro MOYA MILANES, Secretario General de Acción Exterior, Consejería de Presidencia, Gobierno de la Comunidad Autónoma de Andalucía, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Joaquin RIVAS RUBIALES for the remainder of his term of office, which runs until 25 January 2006.

Done at Brussels, 12 July 2004.

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

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<sup>(1)</sup> OJ L 24, 26.1.2002, p. 38.

**COUNCIL DECISION**  
**of 12 July 2004**  
**appointing a Spanish member of the Committee of the Regions**  
(2004/745/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002<sup>(1)</sup> the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions for the period 26 January 2002 to 25 January 2006.
- (2) A seat as a member of the Committee of the Regions has become vacant following the resignation of Mr José BONO MARTINEZ, notified to the Council on 24 June 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr José María BARREDA FONTES, Presidente – Gobierno de Castilla-La Mancha, is hereby appointed a member of the Committee of the Regions in place of Mr José BONO MARTINEZ for the remainder of his term of office, which runs until 25 January 2006.

Done at Brussels, 12 July 2004.

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

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<sup>(1)</sup> OJ L 24, 26.1.2002, p. 38.

## COUNCIL DECISION

of 18 October 2004

**on the fulfilment of the conditions laid down in Article 3 of the Additional Protocol to 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, with regard to an extension of the period foreseen in Article 9(4) of Protocol 2 to the Europe Agreement**

(2004/746/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 87(3)(e) thereof,

Having regard to the Council Decision of 29 July 2002 on the signature and provisional application of an Additional Protocol to 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, with regard to an extension of the period foreseen in Article 9(4) of Protocol 2 to the Europe Agreement,

Having regard to the Additional Protocol to 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, with regard to an extension of the period foreseen in Article 9(4) of Protocol 2 to the Europe Agreement, and in particular Article 3 thereof,

Having regard to the proposal of the Commission,

Whereas:

- (1) A 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<sup>(1)</sup>, came into force on 1 February 1995.
- (2) Article 9(4) of Protocol 2 of the Europe Agreement lays down that during the first five years after entry into force of the Agreement, and by derogation from paragraph 1(iii) of the same Article, Bulgaria may exceptionally, as regards steel products, grant public aid for restructuring purposes, provided that this leads to the viability of the benefiting firms under normal market conditions at the end of the restructuring period, the amount and intensity of such aid are strictly limited to what is absolutely necessary in order to restore such viability and are progressively reduced and the restructuring programme is linked to a global rationalisation and reduction of overall production capacity in Bulgaria.
- (3) The initial period of five years expired on 31 December 1997.
- (4) The Republic of Bulgaria requested an extension of the abovementioned period on 21 November 2002.

- (5) It is appropriate to grant an extension of this period for an additional period of eight years starting on 1 January 1998 or until the date of Bulgaria's accession to the European Union, whichever comes first.
- (6) To this effect, an Additional Protocol to the Europe Agreement was signed by the Community and Bulgaria on 21 November 2002 and is provisionally applied from that date.
- (7) Pursuant to Article 2 of the Additional Protocol, the extension of the abovementioned period is made conditional on the submission by Bulgaria to the Commission of a restructuring programme and business plans that meet the requirements of Article 9(4) of Protocol 2 of the Europe Agreement and have been assessed and agreed by its national State aid authority (the Commission for Protection of Competition).
- (8) In March 2004, Bulgaria submitted to the Commission a restructuring programme and a business plan for its only company having benefited or benefiting of a State support for restructuring.
- (9) Pursuant to Article 3 of the Additional Protocol, the extension of the abovementioned period is made conditional on a final assessment of the restructuring programme and business plans by the Commission.
- (10) The Commission has made a final assessment of the restructuring programme and the business plan submitted by Bulgaria; this assessment indicates that the implementation of the restructuring programme and the business plan will allow the company concerned to reach viability under normal market conditions. It also shows that the amount of State aid for restructuring purposes as specified in the plan is strictly limited to what is necessary to allow the company concerned to reach viability and will be progressively reduced and stopped by 2005. The assessment provides also that a global rationalisation and reduction of excess capacity of the beneficiary company will be reached. The assessment therefore concludes that the restructuring programme and the business plan meet the requirements of Article 9(4) of Protocol 2 of the Europe Agreement,

<sup>(1)</sup> OJ L 358, 31.12.1994, p. 3.



HAS DECIDED AS FOLLOWS:

*Article 1*

The restructuring programme and business plan submitted to the Commission by Bulgaria pursuant to Article 2 of the Additional Protocol to 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, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement, are in compliance with the requirements of Article 9(4) of Protocol 2.

*Article 2*

The period during which Bulgaria may exceptionally, as regards steel products, grant public aid for restructuring purposes in

accordance with the provisions of Article 9(4) of Protocol 2 is hereby extended by an additional period of eight years starting on 1 January 1998 or until the date of Bulgaria's accession to the European Union, whichever comes first, as foreseen by Article 1 of the Additional Protocol.

Done at Luxembourg, 18 October 2004.

*For the Council*

*The President*

C. VEERMAN

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