

Official Journal

of the European Union

L 331

English edition

Legislation

Volume 47

5 November 2004

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1920/2004**of 25 October 2004****amending Regulation (EC) No 992/95 opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in Norway**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Pursuant to Council Regulation (EC) No 992/95⁽¹⁾, Community tariff quotas were opened for such products.
- (2) Participation of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia and Slovenia (hereinafter 'the acceding States') in the European Economic Area was agreed by means of the EEA Enlargement Agreement, signed between the Community and its Member States, Iceland, Liechtenstein, and Norway and the acceding States on 14 October 2003.
- (3) Pending the completion of the procedures required for the adoption of the EEA Enlargement Agreement, an Agreement in the form of an Exchange of Letters was agreed, which provides for a provisional application of the EEA Enlargement Agreement. That Agreement in the form of an Exchange of Letters was approved by Council Decision 2004/368/EC⁽²⁾.
- (4) The EEA Enlargement Agreement provides for an Additional Protocol to the EC-Norway Free Trade Agreement of 1973 (hereinafter 'the Protocol'), which provides for the opening of new Community tariff quotas for certain fishery products. Those new tariff quotas should be opened.
- (5) The Protocol provides that drawings on two new tariff quotas are stopped on 15 October of each year from 2005, so that any unused balance is made available exclusively to imports at the end of the year.
- (6) Regulation (EC) No 992/95 should therefore be amended accordingly.

- (7) Since the EEA Enlargement Agreement takes effect from 1 May 2004, this Regulation should be applicable from the same date and should enter into force without delay,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 992/95 is hereby amended as follows:

1. The following Article 2a is inserted:

'Article 2a

From 2005, on 15 October of each year, drawings on the subquotas with order numbers 09.0760 and 09.0763 shall be stopped.

On the following working day, the unused balances of those quotas shall be made available for imports declared from 1 October of that year within the framework of the subquota with the order number 09.0778 for that year.

From 15 October onwards of each year, any drawings subsequently returned because they are unused shall be made available only to imports declared from 1 October of that year.'

2. Annexes I and II are amended in accordance with the Annex hereto.

Article 2

1. For 2004, the annual volumes of the tariff quotas with order numbers 09.0752, 09.0756 and 09.0758 shall be reduced in proportion to the part of the quota period in whole weeks which has elapsed before 1 May 2004.

2. For 2004, the tariff quota with order number 09.0754 shall be opened, for the period from 15 June to 31 December, for a volume of 24 800 tonnes.

Article 3

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

It shall apply from 1 May 2004.

⁽¹⁾ OJ L 101, 4.5.1995, p. 1. Regulation as last amended by Regulation (EC) No 1329/2003 (OJ L 187, 26.7.2003, p. 1).

⁽²⁾ OJ L 130, 29.4.2004, p. 1.

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

Done at Luxembourg, 25 October 2004.

For the Council
The President
R. VERDONK

ANNEX

Regulation (EC) No 992/95 is amended as follows:

1. the following items are inserted in Annex I:

Order No	CN code ⁽¹⁾	Description	Amount of quotas (tonnes unless otherwise specified)	Quota duty (%)
'09.0752	ex 0303 50 00	Herrings of the species <i>Clupea harengus</i> or <i>Clupea pallasii</i> , frozen, excluding livers and roes, for industrial manufacture ⁽⁴⁾ ⁽²⁾	44 000	0
09.0754	ex 0303 74 30	Mackerel of the species <i>Scomber scombrus</i> or <i>Scomber japonicus</i> , frozen, excluding livers and roes, for industrial manufacture ⁽⁴⁾ ⁽²⁾ 15.6.-31.12.2004 from 2005 to 2009:	24 800	0
09.0760	ex 0303 74 30	1.1.-14.2.	7 500	
09.0763	ex 0303 74 30	15.6.-30.9.	7 500	
09.0778	ex 0303 74 30	1.10.-31.12.	15 500	
09.0756	0304 20 75	Fillets of herring (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), frozen	67 000	0
	ex 0304 90 22	Flaps of herring (butterflies), frozen, for industrial manufacture ⁽⁴⁾ ⁽²⁾		
09.0758	ex 1605 20 10	Shrimps and prawns, peeled and frozen, in airtight containers ⁽³⁾	2 500	0

⁽⁴⁾ Entry under this subheading is subject to the conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1)).

⁽¹⁾ See TARIC codes in Annex II.

⁽²⁾ The benefit of the tariff quota shall not be granted to goods declared for release for free circulation during the period from 15 February to 15 June.

⁽³⁾ The additional quota for frozen peeled shrimps and prawns (CN code 1605 20 10) shall be opened upon settlement of the issue of allowing for the transit, of fish and fisheries' products landed in Norway by Community vessels, through Norway to the Community.'

2. the following items are inserted in Annex II:

Order No	CN codes	TARIC codes
'09.0752	ex 0303 50 00	0303 50 00 20
09.0754	ex 0303 74 30	0303 74 30 11 0303 74 30 91
09.0756	ex 0304 90 22	0304 90 22 20
09.0758	ex 1605 20 10	1605 20 10 20 1605 20 10 91
09.0760	ex 0303 74 30	0303 74 30 11 0303 74 30 91
09.0763	ex 0303 74 30	0303 74 30 11 0303 74 30 91
09.0778	ex 0303 74 30	0303 74 30 11 0303 74 30 91'

COUNCIL REGULATION (EC) No 1921/2004

of 25 October 2004

amending Regulation (EC) No 499/96 opening and providing for the administration of Community tariff quotas for certain fishery products and live horses originating in Iceland

THE COUNCIL OF THE EUROPEAN UNION,

mentioned tariff quota is therefore unnecessary during that period.

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

(6) Regulation (EC) No 499/96 should be amended accordingly.

Having regard to the proposal from the Commission,

(7) Since the EEA Enlargement Agreement has taken effect from 1 May 2004, this Regulation should be applicable from the same date and should enter into force without delay,

Whereas:

(1) Pursuant to Council Regulation (EC) No 499/96 of 19 March 1996 opening and providing for the administration of Community tariff quotas for certain fishery products and live horses originating in Iceland⁽¹⁾, Community tariff quotas were opened for such fishery products and live horses.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 499/96 is amended as follows:

(2) Participation of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia and Slovenia (hereinafter the Acceding States) in the European Economic Area was agreed by means of the EEA Enlargement Agreement, signed between the Community and its Member States, Iceland, Liechtenstein, and Norway and the Acceding States on 14 October 2003.

1. in Article 1 the following paragraph 4 shall be added:

'4. The benefit of the tariff quota with order number 09.0792 shall not be granted for goods declared for release for free circulation during the period 15 February to 15 June.'

(3) Pending the completion of the procedures required for the adoption of the EEA Enlargement Agreement, an Agreement in the form of an Exchange of Letters was agreed, which provides for a provisional application of the EEA Enlargement Agreement. That Agreement has been approved by Decision 2004/368/EC⁽²⁾.

2. the Annex shall be amended in accordance with the Annex to this Regulation.

Article 2

(4) The EEA Enlargement Agreement provides for an additional Protocol to the EC-Iceland Free Trade Agreement of 1972, which provides for a new Community tariff quota for a fishery product. That tariff quota should be opened.

For 2004, the annual volume of the tariff quota with order number 09.0792 shall be reduced in proportion to the part of the quota period in whole weeks which has elapsed before the date given in the second paragraph of Article 3.

Article 3

(5) The conventional duty of the Common Customs Tariff for that fishery product during the period 15 February to 15 June of each year is 'free', and usage of the above-

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

⁽¹⁾ OJ L 75, 23.3.1996, p. 8.

⁽²⁾ OJ L 130, 29.4.2004, p. 1.

It shall apply from 1 May 2004.

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

Done at Luxembourg, 25 October 2004.

For the Council
The President
R. VERDONK

ANNEX

In the Annex to Regulation (EC) No 499/96 the following item is inserted:

09.0792	ex 0303 50 00	0303 50 00 20	Herrings of the species <i>Clupea harengus</i> or <i>Clupea pallasii</i> , frozen, excluding livers and roes, for industrial manufacture ^(a) ⁽¹⁾	950	0
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^(a) Entry under this subheading is subject to the conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1)).

⁽¹⁾ The benefit of the tariff quota shall not be granted for goods declared for release for free circulation during the period from 15 February to 15 June.'

COUNCIL REGULATION (EC) No 1922/2004

of 25 October 2004

adopting autonomous and transitional measures to open a Community tariff quota for the import of live bovine animals originating in Switzerland

THE COUNCIL OF THE EUROPEAN UNION,

transitional basis.

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

- (3) Detailed rules for the implementation of this Regulation and, in particular, the provisions required for quota management should be adopted in accordance with the provisions laid down in Article 32 of Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal⁽²⁾.

Having regard to the proposal from the Commission,

- (4) To be eligible for the benefit of these tariff quotas, products should originate in Switzerland in conformity with the rules referred to in Article 4 of the Agreement,

Whereas:

HAS ADOPTED THIS REGULATION:

- (1) Following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia to the European Union, the European Community and the Swiss Confederation agreed at the bilateral Summit on 19 May 2004 on the principle that the trade flows in accordance with the preferences granted previously under the bilateral arrangements between the new Member States and Switzerland should be maintained after the enlargement of the European Union. Parties therefore agreed to proceed with the adaptation of tariff concessions within the framework of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products⁽¹⁾ (hereinafter called the Agreement), which entered into force on 1 June 2002. The adaptation of these concessions, which are listed in Annexes 1 and 2 of the Agreement, include notably the opening of a Community tariff quota for the import of live bovine animals of a weight exceeding 160 kg.

Article 1

1. A duty-free Community tariff quota is hereby opened on an autonomous and transitional basis for the period from the date of the entry into force of this Regulation until 30 June 2005 for the import of 4 600 heads of any live bovine animal originating in Switzerland weighing more than 160 kg, falling within CN code 0102 90 41, 0102 90 49, 0102 90 51, 0102 90 59, 0102 90 61, 0102 90 69, 0102 90 71 or 0102 90 79.

2. The rules of origin applicable to the products referred to in the first paragraph shall be those provided for in Article 4 of the Agreement.

Article 2

The detailed rules for the implementation of this Regulation shall be adopted in accordance with the provisions laid down in Article 32 of Regulation (EC) No 1254/1999.

- (2) It has been agreed with the Swiss Confederation that there should be no trade discontinuity. The procedures for adopting bilaterally a decision to amend Annexes 1 and 2 of the Agreement will not be completed immediately. In order to ensure that quota benefit is available until the entry into force of the said decision and for reasons of simplification, it is appropriate to open this tariff-quota concession on an autonomous and transi-

Article 3

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

⁽¹⁾ OJ L 114, 30.4.2002, p. 132.

⁽²⁾ 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).

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

Done at Brussels, 25 October 2004.

For the Council
The President
R. VERDONK

COUNCIL REGULATION (EC) No 1923/2004**of 25 October 2004****establishing certain concessions for the Swiss Confederation in the form of Community tariff quotas for certain processed agricultural products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia, and in particular Article 6(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Within the framework of the preferential Agreement between the European Economic Community and the Swiss Confederation⁽¹⁾ concluded by Regulation (EEC) No 2840/72⁽²⁾ a concession regarding processed agricultural products was granted to that country.
- (2) Following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, the said concession should be adapted to take account of the specific arrangements which existed for trade in processed agricultural products between these ten countries, on the one hand, and Switzerland, on the other.
- (3) To accomplish this, negotiations were completed on 25 June 2004 regarding the signature of an agreement which would make the adaptations to the abovementioned preferential agreement needed to take account of the effects of the enlargement of the European Union.
- (4) However, as time was too short, the agreement could not enter into force for 1 May 2004, and in such circumstances the Community has to adopt the measures needed to resolve the situation.
- (5) The measures are to take the form of an autonomous Community tariff quota covering the preferential tariff concessions applied under the agreement to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.
- (6) A tariff quota was set in 2004 for the same product under order No 09.0914 by Commission Regulation (EC) No 2232/2003⁽³⁾. The new tariff quota is in addition to the existing concession.
- (7) The Swiss Confederation has also given a political undertaking, subject to reciprocity, to adopt independent transitional measures in favour of the Community having legal effect from 1 May 2004,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 May to 31 December 2004, the merchandise originating in Switzerland listed in the Annex is subject to an open tariff quota according to the conditions specified.

Article 2

The quota referred to in Article 1 is to be administered by the Commission in accordance with Articles 308a, 308b and 308c of Commission Regulation (EEC) No 2454/93 of 2 July 1993⁽⁴⁾.

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 May 2004.

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

⁽¹⁾ OJ L 300, 31.12.1972, p. 189.

⁽²⁾ OJ L 300, 31.12.1972, p. 188.

⁽³⁾ OJ L 339, 24.12.2003, p. 20.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

ANNEX

OPEN PREFERENTIAL TARIFF QUOTA

Order number	CN code	Description of the goods	Autonomous quota 1.5.2004 to 31.12.2004	Rate of duty applicable	Autonomous quota Following year
09.0914	2106 90 92	Food preparations not elsewhere specified or included, containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	187 t	exemption	1 309 t

COMMISSION REGULATION (EC) No 1924/2004**of 4 November 2004****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 November 2004.

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

Done at Brussels, 4 November 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

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

ANNEX

to Commission Regulation of 4 November 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	56,5
	204	69,5
	999	63,0
0707 00 05	052	104,0
	999	104,0
0709 90 70	052	89,8
	204	54,8
	999	72,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,9
	624	80,4
	999	74,7
0805 50 10	052	63,3
	388	35,0
	524	64,5
	528	44,0
	999	51,7
0806 10 10	052	86,0
	400	218,4
	508	249,0
	624	179,5
	999	183,2
0808 10 20, 0808 10 50, 0808 10 90	052	90,5
	388	127,5
	400	99,3
	404	78,5
	512	82,6
	720	34,3
	800	198,6
	804	106,7
	999	102,3
0808 20 50	052	101,1
	720	48,0
	999	74,6

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

COMMISSION REGULATION (EC) No 1925/2004**of 29 October 2004****laying down detailed rules for implementing certain provisions of Council Regulation (EC) No 1798/2003 concerning administrative cooperation in the field of value-added tax**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1798/2003 of 7 October 2003 on administrative cooperation in the field of value-added tax and repealing Regulation (EEC) No 218/92⁽¹⁾ and, in particular Articles 18, 35 and 37 thereof,

Whereas:

- (1) The provisions on VAT administrative cooperation laid down in Regulation (EEC) No 218/92 and Council Directive 77/799/EEC of 19 December 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation, certain excise duties and taxation of insurance premiums⁽²⁾ have been merged and strengthened in Regulation (EC) No 1798/2003.
- (2) It is necessary to specify the exact categories of information to be exchanged without prior request, as well as the frequency with which those exchanges are to be made, and the relevant practical arrangements.
- (3) Arrangements should be laid down for the provision of information communicated pursuant to Regulation (EC) No 1798/2003 by electronic means.
- (4) Finally, it is necessary to establish a list of the statistical data needed for the evaluation of Regulation (EC) No 1798/2003.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Administrative Cooperation,

⁽¹⁾ OJ L 264, 15.10.2003, p. 1. Regulation as amended by Regulation (EC) No 885/2004 (OJ L 168, 1.5.2004, p. 1).

⁽²⁾ OJ L 336, 27.12.1977, p. 15. Directive as last amended by Directive 2004/56/EC (OJ L 127, 29.4.2004, p. 70).

*Article 1***Subject matter**

This Regulation lays down detailed rules for implementing Articles 18, 35 and 37 of Regulation (EC) No 1798/2003.

*Article 2***Definitions**

For the purposes of this Regulation:

1. 'missing trader' shall mean a trader registered as a taxable person for VAT purposes who, potentially with a fraudulent intent, acquires or purports to acquire goods or services without payment of VAT and supplies these goods or services with VAT, but does not remit the VAT due to the appropriate national authority.
2. 'to hijack a VAT registration' shall mean to use another trader's VAT registration number illicitly.

*Article 3***Categories of information to be exchanged without prior request**

The categories of information to be the subject of automatic or structured automatic exchange, in accordance with Article 17 of Regulation (EC) No 1798/2003, shall be the following:

1. information on non-established traders;
2. information on new means of transport;
3. information concerning distance selling not subject to VAT in the Member State of origin;
4. information concerning intra-Community transactions presumed to be irregular;
5. information on (potential) 'missing traders'.

*Article 4***Subcategories of information to be exchanged without prior request**

1. In respect of non-established traders the information shall relate to the following:

- (a) the allocation of VAT identification numbers to taxable persons established in another Member State;
- (b) VAT refunds to taxable persons not established in the territory of the country, pursuant to Council Directive 79/1072/EEC ⁽¹⁾.

2. In respect of new means of transport, the information shall relate to the following:

- (a) supplies exempted in accordance with Article 28c(A)(b) of Council Directive 77/388/EEC ⁽²⁾, of new means of transport as defined in Article 28a(2), by persons regarded as taxable persons pursuant to Article 28a(4) who are registered for VAT;
- (b) supplies exempted in accordance with Article 28c(A)(b) of Directive 77/388/EEC, of new vessels and aircraft as defined in Article 28a(2), by taxable persons registered for VAT, other than those mentioned under point (a), to persons not registered for VAT;
- (c) supplies exempted in accordance with Article 28c(A)(b) of Directive 77/388/EEC, of new motorised land vehicles as defined in Article 28a(2), by taxable persons registered for VAT, other than those mentioned under point (a), to persons not registered for VAT.

3. In respect of distance selling not subject to VAT in the Member State of origin, the information shall relate to the following:

- (a) supplies above the threshold provided for in Article 28b(B)(2) of Directive 77/388/EEC;
- (b) supplies below the threshold provided for in Article 28b(B)(2) of Directive 77/388/EEC, where the taxable person opts for taxation in the Member State of destination in accordance with Article 28b(B)(3) of that Directive.

4. In respect of intra-Community transactions presumed to be irregular, the information shall relate to the following:

- (a) supplies in cases where it is certain that the value of intra-Community supplies notified under the VAT Information exchange system (VIES) varies significantly from the value of the corresponding intra-Community acquisitions reported;
- (b) intra-Community supplies of goods not exempted from VAT in accordance with Article 28c(A) of Directive 77/388/EEC to a taxable person established in another Member State.

5. In respect of (potential) 'missing traders', the information shall relate to the following:

- (a) taxable persons for whom a VAT identification number has been cancelled or is no longer valid due to an absence or simulation of economic activity, and who have made intra-Community transactions;
- (b) taxable persons who are (potential) 'missing traders' but whose VAT identification number has not been cancelled;
- (c) taxable persons who carry out intra-Community supplies and their customers in other Member States in cases where the customer is a (potential) 'missing trader' or uses a 'hijacked VAT registration'.

*Article 5***Notification of participation in the exchange of information**

Each Member State shall notify the Commission in writing, within three months from the entry into force of this Regulation, of its decision, taken in accordance with the second paragraph of Article 18 of Regulation (EC) No 1798/2003, as to whether it is going to take part in the exchange of a particular category or subcategory of information referred to in Articles 3 and 4 and, if so, whether it is going to do so in an automatic or structured automatic way. The Commission shall inform the other Member States accordingly.

A Member State which subsequently modifies the categories or subcategories of information which it exchanges or the way in which it takes part in the exchange of information shall notify the Commission accordingly in writing. The Commission shall inform the other Member States accordingly.

⁽¹⁾ OJ L 331, 27.12.1979, p. 11.

⁽²⁾ OJ L 145, 13.6.1977, p. 1.

*Article 6***Frequency of the transmission of the information**

In cases where the automatic exchange system is being used, the information shall be provided in accordance with the following timetable:

- (a) at the latest within three months of the end of the calendar year in which that information has become available, with regard to the categories referred to in Article 3(1) and (3);
- (b) at the latest within three months of the end of the calendar quarter during which that information has become available, with regard to the categories referred to in Article 3(2).

Information concerning the categories referred to in Article 3(4) and (5) shall be provided as soon as it becomes available.

*Article 7***Transmission of communications**

1. All information communicated in writing pursuant to Article 37 of Regulation (EC) No 1798/2003 shall, as far as possible, be transmitted only by electronic means via the CCN/CSI network, with the exception of the following:

- (a) the request for notification referred to in Article 14 of Regulation (EC) No 1798/2003 and the instrument or decision of which notification is requested;
- (b) original documents provided pursuant to Article 7 of Regulation (EC) No 1798/2003.

2. The competent authorities of the Member States may agree to waive the communication on paper of the information specified in points (a) and (b) of paragraph 1.

*Article 8***Evaluation**

The arrangements for administrative cooperation shall be evaluated in accordance with Article 35(1) of Regulation (EC) No 1798/2003, at three-yearly intervals with effect from the entry into force of this Regulation.

*Article 9***Statistical data**

The list of statistical data referred to in Article 35(3) of Regulation (EC) No 1798/2003 is set out in the Annex.

Each Member State shall, before 30 April each year and as far as possible by electronic means, communicate to the Commission those statistical data, using the model set out in this Annex.

*Article 10***Communication of national measures**

Member States shall communicate to the Commission the text of any laws, regulations or administrative provisions which they apply in the field covered by this Regulation.

The Commission shall communicate those measures to the other Member States.

*Article 11***Entry into force**

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
Frederik BOLKESTEIN
Member of the Commission

ANNEX

Model for the communication from the Member States to the Commission referred to in Article 35(3) of Regulation (EC) No 1798/2003

Member State:

Calendar year:

Part A: statistics per Member State:

	Requests for information (Article 5)		Late replies from other Member States (Article 8(1))	Early replies from other Member States (Article 8(2))	Article 10 notifications	Requests for notification (Articles 14 to 16)	
	Number received (Box No 1)	Number sent (Box No 2)				Number of requests received (Box No 6)	Number of requests sent (Box No 7)
Belgium							
Czech Republic							
Denmark							
Germany							
Estonia							
Greece							
Spain							
France							
Ireland							
Italy							
Cyprus							
Latvia							
Lithuania							
Luxembourg							
Hungary							
Malta							
The Netherlands							
Austria							
Poland							
Portugal							
Slovenia							
Slovak Republic							
Finland							
Sweden							
United Kingdom							

Part B: Other global statistics:

Statistics on traders	
Number of traders identified for VAT that have declared intra-Community acquisitions (Box No 8)	
Number of traders identified for VAT that have reported intra-Community supplies in the quarterly statements (Box No 9)	
Statistics on controls and enquiries	
Number of simultaneous controls organised (Articles 12 and 13) (Box No 10)	
Number of simultaneous controls in which the Member State has participated (Articles 12 and 13) (Box No 11)	
Number of administrative enquiries requested (Article 5(3)) (Box No 12)	
Number of administrative enquiries carried out following a request from another Member State (Article 5(3)) (Box No 13)	
Statistics on information without request	
Number of information exchanges sent without request (Articles 17 to 21) (Box No 14)	
Statistics on VIES	
Percentage of cases where customers' VAT identification numbers did not correspond to construction rules (incorrect lines/total of all lines) at the date when data were captured (Box No 15)	
Number of VAT numbers in the O_MCTL messages received (Box No 16)	

EXPLANATORY NOTES:

Part A. Statistics to be broken down by Member State

- Box Nos 1 and 2: What should be reported here is the number of requests sent or received during the calendar year from each Member State. A request shall be considered to be sent or received only when all accompanying attachments are also sent or received. All requests should be reported, even if they are not sent from the Central Liaison Office itself.
- Box No 3: What should be counted here is the number of times the three months deadline has passed during the reporting year, even if the request was sent during the preceding year or even if the reply is still not sent by the end of the reporting year. In case such a reply is still not sent after another year, it should not be counted a second time when submitting the figures for the following reporting period.
- Box No 4: What should be counted here is the number of times a reply is received from a particular Member State, when the request was made less than one month before. Replies to requests sent during the previous year should be counted but not replies received the following year to requests made during the reporting period.
- Box No 5: What should be reported here is the number of Article 10 notifications received during the reporting year.
- Box Nos 6 and 7: What should be reported here is the number of requests sent or received during the calendar year from each Member State. A request shall be considered to be sent or received only when all accompanying attachments are also sent or received.

Part B. Statistics to be reported globally, without any breakdown per Member State

- Box Nos 8 and 9: What should be reported here is the total number of national traders who declared having made such transactions at least once in the reporting period.
- Box Nos 10 and 11: The figures reported here should include those controls that are financed out of the Fiscalis 2003-2007 programme but also all other controls (including purely bilateral controls). Simultaneous controls shall be reported within the year during which the notification provided for in Article 13 is done.
- Box Nos 12 and 13: Those controls shall be reported within the year during which the request provided for in Article 5(3) is done.
- Box No 14: What should be reported here is the number of information exchanges sent during the calendar year without any request. This includes spontaneous, automatic and structured automatic information.

COMMISSION REGULATION (EC) No 1926/2004**of 3 November 2004****prohibiting fishing for common sole by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾ and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required⁽²⁾, lays down quotas for common sole for 2004.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of common sole in the waters of ICES sub-areas VII f, g, h, j and k by vessels flying the flag of France or registered in France have exhausted the

quota allocated for 2004. France has prohibited fishing for these stocks from 11 September 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES sub-areas VII f, g, h, j and k by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2004.

Fishing for common sole in the waters of ICES sub-areas VII f, g, h, j and k by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transhipment and landing of these stocks caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 11 September 2004.

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

Done at Brussels, 3 November 2004.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last modified by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

⁽²⁾ OJ L 344, 31.12.2003, p. 1. Regulation as last modified by Regulation (EC) No 1811/2004 (OJ L 319, 20.10.2004, p. 1).

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1849/2004 concerning the classification of certain goods in the Combined Nomenclature**

(Official Journal of the European Union L 323 of 26 October 2004)

On page 3, in recital 5:

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

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