

Official Journal

of the European Union

L 368

Volume 47

15 December 2004

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 2123/2004 of 14 December 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 2124/2004 of 14 December 2004 laying down detailed rules for the application of an import tariff quota for live bovine animals of a weight exceeding 160 kg and originating in Switzerland provided for in Council Regulation (EC) No 1922/2004 3**

★ **Commission Regulation (EC) No 2125/2004 of 14 December 2004 amending Regulation (EEC) No 890/78 laying down detailed rules for the certification of hops 8**

Commission Regulation (EC) No 2126/2004 of 14 December 2004 setting the export refunds for nuts (shelled almonds, hazelnuts in shell, shelled hazelnuts and walnuts in shell) using system A1 12

Commission Regulation (EC) No 2127/2004 of 14 December 2004 fixing the A1 and B export refunds for fruit and vegetables (tomatoes, oranges, lemons and apples) 14

Commission Regulation (EC) No 2128/2004 of 14 December 2004 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty 17

Commission Regulation (EC) No 2129/2004 of 14 December 2004 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95 20

Commission Regulation (EC) No 2130/2004 of 14 December 2004 fixing the export refunds on eggs applicable from 15 December 2004 22

Commission Regulation (EC) No 2131/2004 of 14 December 2004 fixing the export refunds on poultrymeat applicable from 15 December 2004 24

(Continued overleaf)

2

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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

II Acts whose publication is not obligatory

Council

2004/849/EC:

- ★ **Council Decision of 25 October 2004 on the signing, on behalf of the European Union, and on the provisional application of certain provisions of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*** 26

Commission

2004/850/EC:

- ★ **Commission Decision of 3 December 2004 amending Annexes I and II to Decision 2002/308/EC establishing lists of approved zones and approved farms with regard to one or more of the fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) (notified under document number C(2004) 4553) ⁽¹⁾** 28

2004/851/EC:

- ★ **Commission Decision of 14 December 2004 amending for the third time Decision 2004/122/EC concerning certain protection measures in relation to avian influenza in several Asian countries (notified under document number C(2004) 4775) ⁽¹⁾** 48

Acts adopted under Title V of the Treaty on European Union

- ★ **Council Common Position 2004/852/CFSP of 13 December 2004 concerning restrictive measures against Côte d'Ivoire** 50

Corrigenda

- ★ **Corrigendum to Commission Regulation (EC) No 1982/2004 of 18 November 2004 implementing Regulation (EC) No 638/2004 of the European Parliament and of the Council on Community statistics relating to the trading of goods between Member States and repealing Commission Regulations (EC) No 1901/2000 and (EEC) No 3590/92 (OJ L 343, 19.11.2004)** 54



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2123/2004
of 14 December 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 15 December 2004.

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

Done at Brussels, 14 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽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 14 December 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	99,9
	204	88,0
	624	182,9
	999	123,6
0707 00 05	052	116,5
	220	122,9
	999	119,7
0709 90 70	052	105,7
	204	68,5
	999	87,1
0805 10 10, 0805 10 30, 0805 10 50	052	50,8
	204	36,5
	382	32,3
	388	41,1
	528	41,6
	999	40,5
0805 20 10	204	68,4
	999	68,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,0
	204	46,2
	464	171,7
	624	80,7
	999	91,7
0805 50 10	052	47,8
	528	42,1
	999	45,0
0808 10 20, 0808 10 50, 0808 10 90	388	150,3
	400	87,6
	404	98,1
	512	105,4
	720	78,4
	804	167,7
	999	114,6
	999	114,6
0808 20 50	400	95,4
	720	42,1
	999	68,8

⁽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 2124/2004

of 14 December 2004

laying down detailed rules for the application of an import tariff quota for live bovine animals of a weight exceeding 160 kg and originating in Switzerland provided for in Council Regulation (EC) No 1922/2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Agreement between the European Community and the Swiss Confederation on trade in agricultural products⁽³⁾ (hereinafter called the Agreement).

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1922/2004 of 25 October 2004⁽¹⁾ adopting autonomous and transitional measures to open a Community tariff quota for the import of live bovine animals originating in Switzerland, and in particular Article 2 thereof,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal⁽²⁾, and in particular Article 32 thereof,

Whereas:

- (1) Council Regulation (EC) No 1922/2004 provides for the opening of a duty-free Community tariff quota on an autonomous and transitional basis for the period from the date of its entry into force to 30 June 2005 for the import of 4 600 heads of all bovine live animals weighing more than 160 kg and originating in Switzerland. Pursuant to Article 2 of that Regulation the detailed rules of application should be laid down in accordance with Article 32 of Regulation (EC) No 1254/1999.
- (2) For the allocation of the tariff quota and given the products concerned it is appropriate to apply the method of simultaneous examination referred to in the second indent of Article 32(2) of Regulation (EC) No 1254/1999.
- (3) To be eligible for the benefit of these tariff quotas, live animals should originate in Switzerland in conformity with the rules referred to in Article 4 of the

- (4) With a view to preventing speculation, the quantities available within the quota should be made accessible to operators able to show that they are genuinely engaged in trade of a significant scale with third countries. In consideration of this and in order to ensure efficient management, the traders concerned should be required to have imported a minimum of 50 animals during the year 2003 given that a consignment of 50 animals may be considered to be a normal load. Experience has shown that the purchase of a single consignment is a minimum requirement for a transaction to be considered real and viable. Operators in Hungary, Poland, the Czech Republic, Slovakia, Slovenia, Estonia, Latvia, Lithuania, Cyprus and Malta (hereinafter the new Member States) should be allowed to apply on the basis of imports from countries which for them were third countries during the year 2003.

- (5) If such criteria are to be checked, applications must be presented in the Member State where the importer is entered in a VAT register.
- (6) In order to prevent speculation, importers no longer involved in trade in live bovine animals at 1 January 2004 should be denied access to the quota, a security should be fixed for import rights, licences should not be transferable and import licences should be issued to traders solely for the quantities for which they have been allocated import rights.
- (7) In order to provide a more equal access to the quota while ensuring a commercially viable number of animals per application, each application should respect a maximum and a minimum number of heads.
- (8) It should be stipulated that import rights are to be allocated after a reflection period and where necessary with a fixed percentage reduction applied.

⁽¹⁾ OJ L 331, 5.11.2004, p. 7.

⁽²⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

⁽³⁾ OJ L 114, 30.4.2002, p. 132.

- (9) The arrangements should be managed using import licences. To this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary by addition of certain provisions of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽¹⁾ and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽²⁾.
- (10) To oblige operators to apply for import licences for all import rights allocated, it should be established that, with regard to the import rights security, such application constitutes a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽³⁾.
- (11) Experience shows that a proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.
- (12) With a view of ensuring a strict statistical control of the animals imported under the quota, the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 shall not apply.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

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 to 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.

This tariff quota shall have the order number 09.4203.

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

⁽²⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽³⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 673/2004 (OJ L 105, 14.4.2004, p. 17).

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

1. To be eligible under the quota provided for in Article 1, applicants must be natural or legal persons and must prove to the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications, that they have imported at least 50 animals covered by CN codes 0102 10 and 0102 90 during the year 2003. Applicants must be listed in a national VAT register.

2. Operators in the new Member States may apply for import rights on the basis of the imports referred to in paragraph 1 from countries which for them were third countries in the year 2003.

3. Proof of import shall be furnished exclusively by means of the customs document of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned.

Member States may accept copies of the documents referred to above, duly certified by the competent authority. Where such copies are accepted, notification hereof shall be made in the communication from Member States referred to in Article 3(5) in respect of each applicant concerned.

4. Operators who at 1 January 2004 have ceased their activities in trade with third countries in the beef and veal sector shall not qualify for any allocation.

5. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in Articles 2(1) and 2(2) may use those reference imports as a basis for its application.

Article 3

1. Applications for import rights may be presented only in the Member State in which the applicant is registered for VAT purposes.

2. Applications for import rights:

— must cover at least 100 animals,

and

— may not cover more than 5 % of the quantity available.

Where applications exceed this quantity, the excess shall be disregarded.

3. Applications for import rights shall be lodged before 13.00, Brussels time, on the 10th working day following the date of publication of the present Regulation in the *Official Journal of the European Union*.

4. Applicants may lodge no more than one application in respect of the quota referred to in Article 1(1). Where the same applicant lodges more than one application, all applications from that applicant shall be inadmissible.

5. After verification of the documents presented, Member States shall forward to the Commission, by the 10th working day following the end of the period for the submission of applications at the latest, the list of applicants and their addresses as well as the quantities applied for.

All notifications, including 'nil' returns, shall be forwarded by fax or e-mail using the model form in Annex hereto in cases where applications have actually been submitted.

Article 4

1. Following the notification referred to in Article 3(5), the Commission shall decide as soon as possible to which extent the applications can be met.

2. If the quantities covered by applications as referred to in Article 3 exceed those available, the Commission shall fix a single percentage reduction to be applied to the quantities applied for.

Where application of the reduction coefficient provided for in the first subparagraph gives a figure of less than 100 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights covering 100 head each. Where the remainder is less than 100 head, a single import right shall be awarded for that quantity.

Article 5

1. The security relating to the import rights shall be EUR 3 per head. It must be deposited with the competent authority together with the application for import rights.

2. Import licence applications must be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. Where application of the reduction coefficient referred to in Article 4 causes less import rights to be allocated than had been applied for, the security lodged shall be released proportionally without delay.

Article 6

1. The quantities awarded shall be imported subject to presentation of one or more import licences.

2. Licence applications may be lodged solely in the Member State where the applicant has applied and obtained import rights under the quota.

Each issuing of import licence shall result in a corresponding reduction of the import rights obtained.

3. Import licences shall be issued on application by and in the name of the operator who has obtained the import rights.

4. Licence applications and licences shall show the following:

(a) in box 8, the country of origin; licences shall carry with them an obligation to import from the country indicated;

(b) in box 16, one or several of the following Combined Nomenclature codes:

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;

(c) in box 20, the order number of the quota (09.4203) and at least one of the following:

— Reglamento (CE) n° 2124/2004

— Nařízení (ES) č. 2124/2004

— Forordning (EF) nr. 2124/2004

— Verordnung (EG) Nr. 2124/2004

— Määrus (EÜ) nr 2124/2004

— Κανονισμός (ΕΚ) αριθ. 2124/2004

— Regulation (EC) No 2124/2004

— Règlement (CE) n° 2124/2004

— Regolamento (CE) n. 2124/2004

— Regula (EK) Nr. 2124/2004

— Reglamentas (EB) Nr. 2124/2004

— 2124/2004/EK rendelet

— Regolament (KE) Nru 2124/2004

— Verordening (EG) nr. 2124/2004

— Rozporządzenie (WE) nr 2124/2004

— Regulamento (CE) n.º 2124/2004

— Nariadenie (ES) č. 2124/2004

— Uredba (ES) št. 2124/2004

— Asetus (EY) N:o 2124/2004

— Förordning (EG) nr 2124/2004.

Article 7

1. Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall confer rights under the tariff quotas only if made out in the same name and address as the one entered as consignee in the customs declaration of release for free circulation accompanying them.
2. No import licences shall be valid after 30 June 2005.
3. The security relating to the import licence shall be EUR 20 per head and shall be lodged by the applicant together with the licence application.
4. Licences issued shall be valid throughout the Community.
5. Pursuant to Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of acceptance of the customs declaration for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.
6. Notwithstanding the provisions of Section 4 of Title III of Regulation (EC) No 1291/2000, the security shall not be released until proof has been produced that the titular holder

of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned. Such proof shall at least consist of:

- the original commercial invoice or authenticated copy made out in the name of the titular holder by the seller or his representative, both established in the third country of export, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller,
- the transport document, drawn up in the name of the titular holder, for the animals concerned,
- the copy No 8 of form IM 4 with the name and address of the titular holder being the only indication in box 8.

Article 8

Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, subject to this Regulation.

Article 9

This Regulation shall enter into force on the day following 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, 14 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

EC Fax (32-2) 299 85 70

E-mail: AGRI-Bovins-Import@cec.eu.int

Application of Regulation (EC) No 2124/2004

Order No: 09.4203

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT RIGHTS

Date: Quota period:

Member State:

Number of applicant ⁽¹⁾ ⁽²⁾	Applicant (name and address)	Quantity (Heads)
Total		

Member State Fax No:

Tel. No:

E-mail:

⁽¹⁾ Continuous numbering.

⁽²⁾ Indicate with an asterisk where application is made in accordance with the second subparagraph of Article 2(3).

COMMISSION REGULATION (EC) No 2125/2004
of 14 December 2004
amending Regulation (EEC) No 890/78 laying down detailed rules for the certification of hops

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EEC) No 890/78 is hereby amended as follows:

Having regard to Council Regulation (EC) No 1696/71 of 26 July 1971 on the common organisation of the market in hops⁽¹⁾, and in particular Article 2(5) thereof,

1. Article 5a is replaced by the following:

Whereas:

'Article 5a

The certificate referred to in Article 5 of Regulation (EEC) No 1784/77 shall bear at least one of the texts indicated in Annex IIa, applied by the authority empowered to carry out certifications.'

(1) Having regard to the accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as 'the new Member States'), Commission Regulation (EEC) No 890/78⁽²⁾ should be updated in certain respects.

2. In Article 6(3) the following subparagraph is inserted after the second subparagraph:

(2) Regulation (EEC) No 890/78 specifies the texts to be entered on the certificates in the official languages of the Community. Such texts should be specified in the languages of the new Member States.

'In the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, this information shall be communicated by 1 January 2005.'

(3) Regulation (EEC) No 890/78 lays down the deadlines by which Member States must notify the Commission of hop production zones and regions, and certification centres. Deadlines should therefore be laid down for the new Member States.

3. In Article 11, the following paragraph is added:

'In the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, this information shall be communicated by 1 January 2005.'

(4) Regulation (EEC) No 890/78 should be amended accordingly.

4. Annex I to this Regulation is added as Annex IIa.

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

5. Annex III is amended in accordance with Annex II to this Regulation.

Article 2

⁽¹⁾ OJ L 175, 4.8.1971, p. 1. Regulation as last amended by Regulation (EC) No 2320/2003 (OJ L 345, 31.12.2003, p. 18).

⁽²⁾ OJ L 117, 29.4.1978, p. 43. Regulation as last amended by Regulation (EC) No 1021/95 (OJ L 103, 6.5.1995, p. 20).

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, 14 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

ANNEX II a

TEXTS REFERRED TO IN ARTICLE 5a

- [in Spanish] Producto certificado — Reglamento (CEE) n.º 890/78,
 - [in Czech] Ověřený produkt – Nařízení (EHS) 890/78,
 - [in Danish] Certificeret produkt — Forordning (EØF) nr. 890/78,
 - [in German] Zertifiziertes Erzeugnis — Verordnung (EWG) Nr. 890/78,
 - [in Estonian] Sertifitseeritud Produkt – Määrus (EMÜ) nr 890/78,
 - [in Greek] Πιστοποιημένο προϊόν — κανονισμός (ΕΟΚ) αριθ. 890/78,
 - [in English] Certified product — Regulation (EEC) No 890/78,
 - [in French] Produit certifié — Règlement (CEE) n.º 890/78,
 - [in Italian] Prodotto certificato — Regolamento (CEE) n. 890/78,
 - [in Latvian] Sertificēts produkts – Reglaments (EEK) Nr. 890/78,
 - [in Lithuanian] Sertifikuotas produktas – Reglamentas (EEB) Nr. 890/78,
 - [in Hungarian] Minősített termék – 890/78/EGK rendelet,
 - [in Maltese] Prodott Iccertifikat — Regolament (KEE) Nru 890/78,
 - [in Dutch] Gecertificeerd product — Verordening (EEG) nr. 890/78,
 - [in Polish] Produkt certyfikowany — Rozporządzenie (EWG) Nr 890/78,
 - [in Portuguese] Produto certificado — Regulamento (CEE) n.º 890/78,
 - [in Slovenian] Certificiran pridelek – Uredba (EGS) št. 890/78,
 - [in Slovak] Certifikovaný výrobok – Nariadenie (EHS) č. 890/78,
 - [in Finnish] Varmennettu tuote – Asetus (ETY) N:o 890/78,
 - [in Swedish] Certifierad produkt – Förordning (EEG) nr 890/78.
-

ANNEX II

Point 2 of Annex III to Regulation (EEC) No 890/78 is replaced by the following:

'2. Member States carrying out certification

- BE for Belgium
 - CZ for the Czech Republic
 - DK for Denmark
 - DE for Germany
 - EE for Estonia
 - EL for Greece
 - ES for Spain
 - FR for France
 - IE for Ireland
 - IT for Italy
 - CY for Cyprus
 - LV for Latvia
 - LT for Lithuania
 - LU for Luxembourg
 - HU for Hungary
 - MT for Malta
 - NL for the Netherlands
 - AT for Austria
 - PL for Poland
 - PT for Portugal
 - SI for Slovenia
 - SK for Slovakia
 - FI for Finland
 - SE for Sweden
 - UK for the United Kingdom'.
-

COMMISSION REGULATION (EC) No 2126/2004

of 14 December 2004

setting the export refunds for nuts (shelled almonds, hazelnuts in shell, shelled hazelnuts and walnuts in shell) using system A1

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Regulation (EC) No 1961/2001⁽²⁾ sets detailed rules covering export refunds on fruit and vegetables.

(2) Under Article 35(1) of Regulation (EC) No 2200/96 refunds can be granted on products exported by the Community, to the extent necessary to enable economically significant quantities to be exported and within the limits ensuing from agreements concluded in line with Article 300 of the Treaty.

(3) In line with Article 35(2) of Regulation (EC) No 2200/96 care should be taken to ensure that trade flows already engendered by the granting of refunds are not disturbed. For that reason and given the seasonal nature of fruit and vegetable exports quantities should be set product by product using the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87⁽³⁾. In setting quantities account must be taken of perishability.

(4) Article 35(4) of Regulation (EC) No 2200/96 stipulates that when refunds are set account is to be taken of the existing situation and outlook for prices and availability of fruit and vegetables on the Community market and for international trade prices, of marketing and transport costs and of the economic aspects of the exportation envisaged.

(5) Article 35(5) of Regulation (EC) No 2200/96 requires Community market prices to be determined using the

prices that are most favourable from the point of view of exportation.

(6) The international trade situation or specific requirements of certain markets may necessitate differentiation of the refund on a given product by destination.

(7) Economically significant exports can at present be made of shelled almonds, hazelnuts and walnuts in shell.

(8) Since nuts have a relatively long storage life export refunds can be set at longer intervals.

(9) In order to permit the best possible use of available resources the export refunds should, given the structure of exportation from the Community, be set using system A1.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refund rates for nuts, the period for lodging licence applications and the quantities permitted are stipulated in the Annex hereto.

2. Licences for food aid purposes issued as indicated in Article 16 of Commission Regulation (EC) No 1291/2000⁽⁴⁾ shall not be counted against the quantities indicated in the Annex hereto.

3. Without prejudice to Article 5(6) of Regulation (EC) No 1961/2001, the type A1 licences shall be valid for three months.

Article 2

This Regulation shall enter into force on 8 January 2005.

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

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 498/2004 (OJ L 80, 18.3.2004, p. 20).

⁽³⁾ 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).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 636/2004 (OJ L 100, 6.4.2004, p. 25).

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

Done at Brussels, 14 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

to the Commission Regulation of 14 December 2004 setting the export refunds for nuts (system A1)

Period for lodging licence applications: from 8 January 2005 to 23 June 2005.

Produce code ⁽¹⁾	Destination ⁽²⁾	Rate of refund (EUR/t net)	Permitted quantities (t)
0802 12 90 9000	A00	45	1 752
0802 21 00 9000	A00	53	62
0802 22 00 9000	A00	103	2 764
0802 31 00 9000	A00	66	37

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

⁽²⁾ The series A destination codes are defined in Annex II to Regulation (EEC) No 3846/87. The numerical destination codes are defined in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 2127/2004**of 14 December 2004****fixing the A1 and B export refunds for fruit and vegetables (tomatoes, oranges, lemons and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Commission Regulation (EC) No 1961/2001⁽²⁾ 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 product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87⁽³⁾. These quantities must be allocated taking account of the perishability of the products concerned.
- (4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or outlook for fruit and vegetable prices on the

Community market and supplies available on the one hand, and prices on the international market on the other hand. 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 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 fix the A1 and B export refunds.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. For system A1, the refund rates, the refund application period and the scheduled quantities for the products concerned are fixed in the Annex hereto.

For system B, the indicative refund rates, the licence application period and the scheduled quantities for the products concerned are fixed 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⁽⁴⁾ shall not count against the eligible quantities in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 January 2005.

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

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 1176/2002 (OJ L 170, 29.6.2002, p. 69).

⁽³⁾ 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).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 636/2004 (OJ L 100, 6.4.2004, p. 25).

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

Done at Brussels, 14 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

**to the Commission Regulation of 14 December 2004 fixing the export refunds on fruit and vegetables
(tomatoes, oranges, lemons and apples)**

Product code ⁽¹⁾	Destination ⁽²⁾	System A1 Refund application period 8.1.2005-8.3.2005		System B Licence application period 15.1.2005-15.3.2005	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)
0702 00 00 9100	F08	30		30	6 148
0805 10 20 9100	A00	29		29	118 387
0805 50 10 9100	A00	43		43	39 203
0808 10 80 9100	F04, F09	28		28	31 513

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

⁽²⁾ The 'A' series destination codes are set out 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: Sri Lanka, Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica and Japan.

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, Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia;
- African countries and territories except for 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 2128/2004**of 14 December 2004****fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs⁽¹⁾, and in particular Article 8(3) thereof,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 15 December 2004.

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

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

⁽¹⁾ 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).

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

⁽³⁾ OJ L 301, 28.9.2004, p. 1.

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

Done at Brussels, 14 December 2004.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 15 December 2004 to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

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

⁽¹⁾ The destinations are as follows:

01 Third countries,

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

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

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

COMMISSION REGULATION (EC) No 2129/2004**of 14 December 2004****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

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⁽¹⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin⁽³⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95⁽⁴⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

(2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

(3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

(4) 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

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 15 December 2004.

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

Done at Brussels, 14 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ 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).

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003.

⁽³⁾ OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

⁽⁴⁾ OJ L 145, 29.6.1995, p. 47. Regulation as last amended by Regulation (EC) No 1814/2004 (OJ L 319, 20.10.2004, p. 7).

ANNEX

to the Commission Regulation of 14 December 2004 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as “65 % chickens”, or otherwise presented, frozen	78,8	12	01
		89,1	9	03
0207 14 10	Boneless cuts of fowl of the species Gallus domesticus, frozen	133,7	63	01
		158,2	51	02
		150,2	55	03
		255,5	13	04
0207 25 10	Turkeys, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as “80 %” turkeys, frozen	116,5	13	01
0207 27 10	Boneless cuts of turkey, frozen	230,2	20	01
		229,7	20	04
1602 32 11	Preparations of uncooked fowl of the species Gallus domesticus	147,3	51	01
		155,1	47	02

⁽¹⁾ Origin of imports:

- 01 Brazil
- 02 Thailand
- 03 Argentina
- 04 Chile.

COMMISSION REGULATION (EC) No 2130/2004
of 14 December 2004
fixing the export refunds on eggs applicable from 15 December 2004

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⁽¹⁾, and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that regulation and prices for those products on the Community market may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.
- (3) The present market situation in certain third countries and that regarding competition makes it necessary to fix a refund differentiated by destination for certain products in the egg sector.
- (4) Article 21 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down detailed rules for the application of the system of export refunds on agricultural products⁽²⁾, stipulates that no refund is granted if the products are not of sound and fair marketable

quality on the date on which the export declaration is accepted. In order to ensure uniform application of the rules in force, it should be stated that, in order to qualify for the refund, the egg products listed in Article 1 of Regulation (EEC) No 2771/75 must bear the health mark laid down in Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products⁽³⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted and the amount of that refund shall be as shown in the Annex hereto.

However, in order to qualify for the refund, products falling within the scope of Chapter XI of the Annex to Directive 89/437/EEC must also satisfy the health marking conditions laid down in that Directive.

Article 2

This Regulation shall enter into force on 15 December 2004.

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

Done at Brussels, 14 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ 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).

⁽²⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 444/2003 (OJ L 67, 12.3.2003, p. 3).

⁽³⁾ OJ L 212, 22.7.1989, p. 87. Directive as last amended by Regulation (EC) No 806/2003.

ANNEX

Export refunds on eggs applicable from 15 December 2004

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	E16	EUR/100 pcs	1,70
0407 00 19 9000	E16	EUR/100 pcs	0,80
0407 00 30 9000	E09	EUR/100 kg	6,00
	E10	EUR/100 kg	25,00
	E17	EUR/100 kg	3,00
0408 11 80 9100	E18	EUR/100 kg	40,00
0408 19 81 9100	E18	EUR/100 kg	20,00
0408 19 89 9100	E18	EUR/100 kg	20,00
0408 91 80 9100	E18	EUR/100 kg	75,00
0408 99 80 9100	E18	EUR/100 kg	19,00

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).

The other destinations are defined as follows:

E09 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR, Russia and Turkey.

E10 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines.

E16 all destinations except the United States of America and Bulgaria.

E17 all destinations except Switzerland, Bulgaria and those of E09 and E10.

E18 all destinations except Switzerland and Bulgaria.

COMMISSION REGULATION (EC) No 2131/2004**of 14 December 2004****fixing the export refunds on poultrymeat applicable from 15 December 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat⁽¹⁾, and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.
- (3) Article 21 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down detailed rules for the application of the system of export refunds on agricultural products⁽²⁾ stipulates that no refund is granted if the products are not of sound and fair marketable quality on the date on which the export declaration is accepted. In order to ensure uniform application of the

rules in force, it should be stated that, in order to qualify for the refund, the poultrymeat listed in Article 1 of Regulation (EEC) No 2777/75 must bear the health mark as laid down in Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat⁽³⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted and the amount of that refund shall be as shown in the Annex hereto.

However, in order to qualify for the refund, products falling within the scope of Chapter XII of the Annex to Directive 71/118/EEC must also satisfy the health marking conditions laid down in that Directive.

Article 2

This Regulation shall enter into force on 15 December 2004.

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

Done at Brussels, 14 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 671/2004 (OJ L 105, 14.4.2004, p. 5).

⁽³⁾ OJ L 55, 8.3.1971, p. 23. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

ANNEX

Export refunds on poultrymeat applicable from 15 December 2004

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	A02	EUR/100 pcs	0,80
0105 11 19 9000	A02	EUR/100 pcs	0,80
0105 11 91 9000	A02	EUR/100 pcs	0,80
0105 11 99 9000	A02	EUR/100 pcs	0,80
0105 12 00 9000	A02	EUR/100 pcs	1,70
0105 19 20 9000	A02	EUR/100 pcs	1,70
0207 12 10 9900	V01	EUR/100 kg	45,00
0207 12 10 9900	A24	EUR/100 kg	45,00
0207 12 90 9190	V01	EUR/100 kg	45,00
0207 12 90 9190	A24	EUR/100 kg	45,00
0207 12 90 9990	V01	EUR/100 kg	45,00
0207 12 90 9990	A24	EUR/100 kg	45,00

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 Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

V01 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 October 2004

on the signing, on behalf of the European Union, and on the provisional application of certain provisions of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*

(2004/849/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

Whereas:

- (1) Following the authorisation given to the Presidency, assisted by the Commission, on 17 June 2002, negotiations with the Swiss Authorities, regarding the association of Switzerland with the implementation, application and development of the Schengen *acquis* have been concluded.
- (2) Subject to its conclusion at a later date, it is desirable to sign the Agreement that was initialled on 25 June 2004.
- (3) The Agreement caters for the provisional application of certain of its provisions. These provisions should be applied on a provisional basis pending the Agreement's entry into force.
- (4) As far as the development of the Schengen *acquis*, which falls under Title VI of the Treaty on European Union, is concerned, it is appropriate to make the provisions of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*⁽¹⁾ applicable, *mutatis mutandis*, to relations with Switzerland upon signature of the Agreement.

(5) This Decision does not prejudice the position of the United Kingdom, under the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community and Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽²⁾.

(6) This Decision does not prejudice the position of Ireland, under the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community and Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*⁽³⁾.

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, and the related documents consisting of the Final Act, of the Agreement in the form of an Exchange of Letters concerning the Committees that assist the European Commission in the exercise of its executive power, and of the Common Declaration on joint meetings, is hereby approved on behalf of the European Union, subject to conclusion.

The texts of the Agreement and related documents are attached to this Decision⁽⁴⁾.

⁽²⁾ OJ L 131, 1.6.2000, p. 43.

⁽³⁾ OJ L 64, 7.3.2002, p. 20.

⁽⁴⁾ Council Document 13054/04 is accessible at <http://register.consilium.eu.int>

⁽¹⁾ OJ L 176, 10.7.1999, p. 31.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement and related documents on behalf of the European Union, subject to conclusion.

Article 3

This Decision shall apply to the fields covered by the provisions listed in Annexes A and B to the Agreement and to their development to the extent that such provisions have a legal base within the Treaty on European Union or to the extent that it has been determined under Decision 1999/436/EC⁽¹⁾ that they have such a base.

Article 4

1. The provisions of Articles 1 to 4 of Decision 1999/437/EC shall apply, in the same way, to the association of Switzerland with the implementation, application and development of the Schengen *acquis*, which falls under Title VI of the Treaty on European Union.

2. Before the delegations representing the members of the Council take part in a decision of the Mixed Committee set up by the Agreement, in accordance with Article 7(4) and (5) and Article 10 thereof, they shall meet within the Council in order to determine whether a common position may be adopted.

Article 5

In accordance with Article 14(2) of the Agreement, Articles 1, 3, 4, 5 and 6 and the first sentence of Article 7(2)(a) thereof shall be applied on a provisional basis, pending its entry into force.

Done at Brussels, 25 October 2004.

For the Council

R. VERDONK

The President

⁽¹⁾ OJ L 176, 10.7.1999, p. 17.

COMMISSION

COMMISSION DECISION

of 3 December 2004

amending Annexes I and II to Decision 2002/308/EC establishing lists of approved zones and approved farms with regard to one or more of the fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN)

(notified under document number C(2004) 4553)

(Text with EEA relevance)

(2004/850/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, and in particular Articles 5 and 6 thereof,

Whereas:

- (1) Commission Decision 2002/308/EC⁽²⁾ establishes the lists of approved zones and approved fish farms situated in non-approved zones with regard to certain fish diseases.
- (2) Austria, Germany, Italy and Spain have submitted the justifications for obtaining the status of approved farms in non-approved zones, with regard to VHS and IHN, for certain farms in their territory. The documentation provided shows that those farms meet the requirements of Article 6 of Directive 91/67/EEC. They therefore qualify for the status of approved farm in a non-approved zone and should be added to the list of approved farms.
- (3) Italy has notified positive finding of VHS in a part of a continental zone previously considered free of the disease. The zone does therefore no longer meet the

requirements of Article 5 of Directive 91/67/EEC. The approved status for the continental zone as regards VHS should consequently be repealed.

- (4) Decision 2002/308/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2002/308/EC is amended as follows:

1. Annex I is replaced by the text in Annex I to this Decision.
2. Annex II is replaced by the text in Annex II to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 December 2004.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 106, 23.4.2002, p. 28. Decision as last amended by Decision 2004/373/EC (OJ L 118, 23.4.2004, p. 49).

ANNEX I

'ANNEX I

Zones approved with regard to the fish diseases viral haemorrhagic septicaemia (VHS) or infectious haematopoietic necrosis (IHN)**1.A. Zones ⁽¹⁾ in Denmark approved with regard to VHS**

— Hansted Å	— Vidkær Å	— Simested Å
— Hovmølle Å	— Dybvad Å	— Skals Å
— Grenå	— Bjørnsholm Å	— Jordbro Å
— Treå	— Trend Å	— Fåremølle Å
— Alling Å	— Lerkenfeld Å	— Flynder Å
— Kastbjerg	— Vester Å	— Damhus Å
— Villestrup Å	— Lønnerup med tilløb	— Karup Å
— Korup Å	— Slette Å	— Gudenåen
— Sæby Å	— Bredkær Bæk	— Halkær Å
— Elling Å	— Vandløb til Kilen	— Storåen
— Uggerby Å	— Resenkær Å	— Århus Å
— Lindenberg Å	— Klostermølle Å	— Bygholm Å
— Øster Å	— Hvidbjerg Å	— Grejs Å
— Hasseris Å	— Knidals Å	— Ørum Å
— Binderup Å	— Spang Å	

1.B. Zones in Denmark approved with regard to IHN

— Denmark ⁽²⁾.

2. Zones in Germany approved with regard to VHS and IHN**2.1. BADEN WÜRTTEMBERG ⁽³⁾**

- Isenburger Tal from the source to the water outlet of the farm Falkenstein
- Eyach and its tributaries from the sources to the first weir downstream situated near Haigerloch
- Andelsbach and its tributaries from the sources to the turbine near Krauchenwies
- Lauchert and its tributaries from the sources to the obstacle of the turbine near Sigmaringendorf
- Grosse Lauter and its tributaries from the sources to the obstacle of the waterfall near Lauterach
- Wolfegger Aach and its tributaries from the sources to the obstacle of the waterfall near Baienfurth
- The water catchment area of ENZ, consisting of Grosse Enz, Kleine Enz and Eyach from their sources to the impassable barrier in the centre of Neuenbürg.

⁽¹⁾ The water catchment areas and the coastal areas belonging thereto.

⁽²⁾ Including all continental and coastal areas within its territory.

⁽³⁾ Parts of water catchment areas.

3. Zones in Spain approved with regard to VHS and IHN

3.1. REGION: AUTONOMOUS COMMUNITY OF ASTURIAS

Continental zones

- All water catchment areas of Asturias.

Coastal zones

- The entire coast of Asturias.

3.2. REGION: AUTONOMOUS COMMUNITY OF GALICIA

Continental zones

- The water catchment areas of Galicia:

- including the water catchment areas of the river Eo, the river Sil from its source in the province of León, the river Miño from its source to the barrier of Frieira, and the river Limia from its source to the barrier Das Conchas

- excluding the water catchment area of the river Tamega.

Coastal zones

- The coastal area in Galicia from the mouth of the river Eo (Isla Pancha) to the the Punta Picos (mouth of the river Miño).

3.3. REGION: AUTONOMOUS COMMUNITY OF ARAGON

Continental zones

- The water catchment area of the river Ebro from its source to the dam of Mequinenza in the Community of Aragón

- River Isuela from its source to the barrier of Arguis

- River Flúmen from its source to the barrier of Santa María de Belsue

- River Guatizalema from its source to the barrier of Vadiello

- River Cinca from its source to barrier of Grado

- River Esera from its source to the barrier of Barasona

- River Noguera-Ribagorzana from its source to the barrier of Santa Ana

- River Matarraña from its source to the barrier of Aguas de Pena

- River Pena from its source to the barrier of Pena

- River Guadalaviar-Turia from its source to the barrier of the Generalísimo in the province of Valencia

- River Mijares from its source to the barrier of Arenós in the province of Castellón.

The other watercourses of the Community of Aragón are considered as a buffer zone.

3.4. REGION: AUTONOMOUS COMMUNITY OF NAVARRA

Continental zones

- The water catchment area of the river Ebro from its source to the dam of Mequinenza in the Community of Aragón

- River Bidasoa from its source to its mouth

- River Leizarán from its source to the barrier of Leizarán (Muga).

The other watercourses of the Community of Navarra are considered as a buffer zone.

3.5. REGION: AUTONOMOUS COMMUNITY OF CASTILLA AND LEÓN

Continental zones

- The water catchment area of the river Ebro from its source to the dam of Mequinenza in the Community of Aragón
- River Duero from its source to the barrier of Aldeávila
- River Sil
- River Tiétar from its source to the barrier of Rosarito
- River Alberche from its source to the barrier of Burguillo.

The other watercourses of the Autonomous Community of Castilla and León are considered as a buffer zone.

3.6. REGION: AUTONOMOUS COMMUNITY OF CANTABRIA

Continental zones

- The water catchment area of the river Ebro from its source to the dam of Mequinenza in the Community of Aragón
- The water catchment areas of the following rivers from their source to the sea:
 - River Deva
 - River Nansa
 - River Saja-Besaya
 - River Pas-Pisueña
 - River Asón
 - River Agüera.

The water catchment areas of the rivers Gandarillas, Escudo, Miera y Campiazo are considered as a buffer zone.

Coastal zones

- The entire coast of Cantabria from the mouth of the river Deva until the creek of Ontón.

3.7. REGION: AUTONOMOUS COMMUNITY OF LA RIOJA

Continental zones

The water catchment area of the River el Rio Ebro from its sources to dam of Mequinenza in the Commune of Aragón.

4.A. Zones in France approved with regard to VHS and IHN

4.A.1. ADOUR-GARONNE

Catchment areas

- The Charente basin
- The Seudre basin
- The basins of the coastal rivers in the Gironde estuary in the department of Charente-Maritime
- The catchment areas of the Nive and the Nivelles (Pyrénées Atlantiques)
- The Forges basin (Landes)
- The catchment area of the Dronne (Dordogne), from the source to the Églisottes dam at Monfourat
- The catchment area of the Beauronne (Dordogne), from the source to the Faye dam
- The catchment area of the Valouse (Dordogne), from the source to the Étang des Roches-Noires dam
- The catchment area of the Paillasse (Gironde), from the source to the Grand Forge dam

- The catchment area of the Ciron (Lot et Garonne, Gironde), from the source to the Moulin-de-Castaing dam
- The catchment area of the Petite Leyre (Landes), from the source to the Pont-de-l'Espine dam at Argelouse
- The catchment area of the Pave (Landes), from the source to the Pave dam
- The catchment area of the Escource (Landes), from the source to the Moulin-de-Barbe dam
- The catchment area of the Geloux (Landes), from the source to the D38 dam at Saint-Martin-d'Oney
- The catchment area of the Estrigon (Landes), from the source to the Campet et Lamolère dam
- The catchment area of the Estampon (Landes), from the source to the Ancienne Minoterie dam at Roquefort
- The catchment area of the Gélise (Landes, Lot-et-Garonne), from the source to the dam downstream of the confluence of the Gélise and the Osse
- The catchment area of the Magescq (Landes), from the source to the mouth
- The catchment area of the Luys (Pyrénées-Atlantiques), from the source to the Moulin-d'Oro dam
- The catchment area of the Neez (Pyrénées-Atlantiques), from the source to the Jurançon dam
- The catchment area of the Beez (Pyrénées-Atlantiques), from the source to the Nay dam
- The catchment area of the Gave de Cauterets (Hautes-Pyrénées), from the source to the Calypso dam of the Soulom power station.

Coastal areas

- The whole of the Atlantic coast between the northern boundary of the department of Vendée and the southern boundary of the department of Charente-Maritime.

4.A.2. LOIRE-BRETAGNE

Continental zones

- All catchment areas in the region of Brittany with the exception of the following catchment areas:
 - Vilaine
 - Aven
 - Ster-Goz
 - the downstream part of the catchment area of the Éloron
- The Sèvre Niortaise basin
- The Lay basin
- The following catchment areas of the Vienne basin:
 - The catchment area of the river La Vienne, from the sources to the dam of Châtellerault in the department of La Vienne;
 - The catchment area of the river La Gartempe, from the sources to the dam (with a grid) of Saint Pierre de Maillé in the department of La Vienne;
 - The catchment area of the river La Creuse, from the sources to the dam of Bénavent in the department of l'Indre;

- The catchment area of the river Le Suin, from the sources to the dam of Douadic in the department of l'Indre;
- The catchment area of the river La Claise, from the sources to the dam of Bossay-sur-Claise in the department of l'Indre and Loire;
- The catchment area of the brooks of Velleches and of des trois Moulins, from the sources to the dams of des trois Moulins in the department of La Vienne;
- The basins of the Atlantic coastal rivers in the department of Vendée.

Coastal areas

- The entire coast of Brittany with the exception of the following parts:
 - Rade de Brest;
 - Anse de Camaret;
 - The coastal zone between the "pointe de Trévignon" and the mouth of the river Laïta;
 - The coastal zone between the mouth of the river Tohon up to the border of the department.

4.A.3. SEINE-NORMANDIE

Continental zones

- The Sélune basin.

4.A.4. REGION AQUITAINE

Catchment areas

- The catchment area of river Vignac from the source to the barrier "la Forge"
- The catchment area of river Gouaneyre from the source to the barrier "Maillières dam"
- The catchment area of the river Susselgue from the source to the barrier "de Susselgue"
- The catchment area of the river Luzou from the source to the barrier at the fish farm "de Laluque"
- The catchment area of the river Gouadas from the source to the barrier at "l'Étang de la Glacière à Saint Vincent de Paul"
- The catchment area of the river Bayse from its sources to the barrier at "Moulin de Lartia et de Manobre".

4.A.5. MIDI-PYRENEES

Catchment areas

- The catchment area of river Cernon from the source to the barrier at Saint George de Luzençon
- The catchment area of the river Dourdou from the sources of the Dourdou and Grauzon rivers to the impassable barrier at Vabres-l'Abbaye.

4.A.6. L'AIN

- The continental zone des étangs de la Dombes.

4.B. Zones in France approved with regard to VHS

4.B.1. LOIRE-BRETAGNE

Continental zones

- The part of the Loire basin comprising the upstream part of the Huisne catchment area from the source of the water courses to the Ferté-Bernard dams.

4.C. Zones in France approved with regard to IHN**4.C.1. LOIRE-BRETAGNE***Continental zones*

- The following catchment area of the Vienne basin:
 - The catchment area of the l'Anglin, from the sources to the dams of:
 - EDF de Châtellerault on the river La Vienne, in the department of la Vienne;
 - Saint Pierre de Maillé on the river La Gartempe, in the department of la Vienne;
 - Bénavent on the river La Creuse, in the department of l'Indre;
 - Douadic on the river Le Suin, in the department of l'Indre;
 - Bossay-sur-Claise on the river La Claise, in the department of l'Indre and Loire.

5.A. Zones in Ireland approved with regard to VHS

- Ireland ⁽¹⁾, excluding Cape Clear Island.

5.B. Zones in Ireland approved with regard to IHN

- Ireland ⁽¹⁾.

6.A. Zones in Italy approved with regard to VHS and IHN**6.A.1. REGION OF TRENTO ALTO ADIGE, AUTONOMOUS PROVINCE OF TRENTO***Continental zones*

- Zona Val di Fiemme, Fassa e Cembra: Water catchment area of the river Avisio, from the source to the artificial barrier of Serra San Giorgio situated in the Commune of Giovo
- Zona Val delle Sorne: Water catchment area of the river Sorna from the source to the artificial barrier constituted by the hydroelectric power station located in the Chizzola (Ala) locality, before reaching the Adige river
- Zona Torrente Adanà: Water catchment area of the river Adanà from the source to the artificial series of barriers situated downstream of the farm Armani Cornelio-Lardaro
- Zona Rio Manes: Zone which collects the Rio Manes water down to a waterfall located 200 metres downstream of the farm "Troticoltura Giovanelli" located in the "La Zinquantina" locality
- Zona Val di Ledro: The water catchment areas of the Massangla and Ponale rivers from their sources to the hydroelectric power plant at "Centrale" in the Commune of Molina di Ledro
- Zona Valsugana: The water catchment area of the river Brenta from its sources to the Marzotto dam at Mantincelli in the Commune of Grigno
- Zona Val del Fersina: The water catchment area of the Fersina river from its sources to the waterfall of Ponte Alto.

6.A.2. REGION OF LOMBARDIA, PROVINCE OF BRESCIA*Continental zones*

- Zona Ogliolo: The water catchment area from the source of Ogliolo stream to the waterfall, situated downstream of the Adamello fish farm, where Ogliolo stream joins the Oglio river
- Zona Fiume Caffaro: The water catchment area from the source of Cafarro stream to the artificial barrier situated 1 km downstream of the farm.

6.A.3. REGION OF UMBRIA

⁽¹⁾ Including all continental and coastal areas within its territory.

6.A.4. REGION OF VENETO*Continental zones*

- Zona Belluno: The water catchment area in the province of Belluno from the source of the stream Ardo to the downstream barrier (situated before the stream Ardo flows into the river Piave) of the farm Centro Sperimentale di Acquacoltura, Valli di Bolzano Bellunese, Belluno.

6.A.5. REGION OF TOSCANA*Continental zones*

- Zona Valle del fiume Serchio: The water catchment area of the river Serchio from its sources to the barrier of Piaggione dam.

6.A.6. REGION OF UMBRIA*Continental zones*

- Fosso di Terria: The water catchment area of the river Terria from its sources to the barrier below fish farm Ditta Mountain Fish, where the river Terria joins the river Nera.

6.B. Zones in Italy approved with regard to VHS**6.B.1. REGION OF TRENTO ALTO ADIGE, AUTONOMOUS PROVINCE OF TRENTO***Continental zones*

- Zona Valle dei Laghi: Water catchment area of the lakes of San Massenza, Toblino and Cavedine to the downstream barrier in the south part of the lake of Cavedine leading to the hydro-electric power station located in the Torbole municipality.

6.C. Zones in Italy approved with regard to IHN**6.C.1. REGION OF UMBRIA, PROVINCE OF PERUGIA**

- Zona Lago Trasimeno: Lake Trasimeno.

6.C.2. REGION OF TRENTO ALTO ADIGE, AUTONOMOUS PROVINCE OF TRENTO

- Zona Val Rendena: The water catchment area from the source of Sarca river to the dam of Oltresarca in the commune of Villa Rendena.

7.A. Zones in Sweden approved with regard to VHS

- Sweden ⁽¹⁾:

- excluding the area of the West Coast within a semicircle of 20 kilometres radius around the fish farm situated on the Island of Björkö, as well as the estuaries and the water catchment areas of the rivers Göta and Säve up to each of their first migration barrier (situated at Trollhättan and the inlet to the lake Aspen respectively).

7.B. Zones in Sweden approved with regard to IHN

- Sweden ⁽¹⁾.

8. Zones in the United Kingdom, the Channel Islands and The Isle of Man approved with regard to VHS and IHN

- Great Britain ⁽¹⁾
- Northern Ireland ⁽¹⁾
- Guernsey ⁽¹⁾
- The Isle of Man ⁽¹⁾.

⁽¹⁾ Including all continental and coastal areas within its territory.

ANNEX II

'ANNEX II

Fish farms approved with regard to the fish diseases viral haemorrhagic septicaemia (VHS) or infectious haematopoietic necrosis (IHN)1. **Fish farms in Belgium approved with regard to VHS and IHN**

1.	La Fontaine aux truites	B-6769 Gérouville
----	-------------------------	-------------------

2. **Fish farms in Denmark approved with regard to VHS and IHN**

1.	Vork Dambrug	DK-6040 Egtved
2.	Egebæk Dambrug	DK-6880 Tarm
3.	Bækkelund Dambrug	DK-6950 Ringkøbing
4.	Borups Geddeopdræt	DK-6950 Ringkøbing
5.	Bornholms Lakseklækkeri	DK-3730 Nexø
6.	Langes Dambrug	DK-6940 Lem St.
7.	Braenderigaardens Dambrug	DK-6971 Spjald
8.	Siglund Fiskeopdræt	DK-4780 Stege
9.	Ravning Fiskeri	DK-7182 Bredsten
10.	Ravnkær Dambrug	DK-7182 Bredsten

3.A. **Fish farms in Germany approved with regard to VHS and IHN**

3.A.1. LOWER SAXONY

1.	Jochen Moeller	Fischzucht Harkenbleck D-30966 Hemmingen-Harkenbleck
2.	Versuchsgut Relliehausen der Universität Göttingen	(hatchery only) D-37586 Dassel
3.	Dr. R. Rosengarten	Forellenzucht Sieben Quellen D-49124 Georgsmarienhütte
4.	Klaus Kröger	Fischzucht Klaus Kröger D-21256 Handeloh Wörme
5.	Ingeborg Riggert-Schlumbohm	Forellenzucht W. Riggert D-29465 Schnega
6.	Volker Buchtman	Fischzucht Nordbach D-21441 Garstedt
7.	Sven Kramer	Forellenzucht Kaierde D-31073 Delligsen
8.	Hans-Peter Klusak	Fischzucht Grönegau D-49328 Melle
9.	F. Feuerhake	Forellenzucht Rheden D-31039 Rheden
10.	Horst Pöpke	Fischzucht Pöpke Hauptstraße 14 D-21745 Hemmoor

3.A.2. THURINGIA

1.	Firma Tautenhahn	D-98646 Troststadt
2.	Fischzucht Salza GmbH	D-99734 Nordhausen-Salza
3.	Fischzucht Kindelbrück GmbH	D-99638 Kindelbrück
4.	Reinhardt Strecker	Forellenzucht Orgelmühle D-37351 Dingelstadt

3.A.3. BADEN-WÜRTTEMBERG

1.	Heiner Feldmann	Riedlingen/Neufra D-88630 Pfullendorf
2.	Walter Dietmayer	Forellenzucht Walter Dietmayer Hettingen D-72501 Gammertingen
3.	Heiner Feldmann	Bad Waldsee D-88630 Pfullendorf
4.	Heiner Feldmann	Bergatreute D-88630 Pfullendorf
5.	Oliver Fricke	Anlage Wuchzenhofen Boschenmühle D-87764 Mariasteinbach-Legau 13 1/2
6.	Peter Schmaus	Fischzucht Schmaus, Steinental D-88410 Steinental/Hauerz
7.	Josef Schnetz	Fenkenmühle D-88263 Horgenzell
8.	Erwin Steinhart	Quellwasseranlage Steinhart Hettingen D-72513 Hettingen
9.	Hugo Strobel	Quellwasseranlage Otterswang Sägmühle D-72505 Hausen am Andelsbach
10.	Reinhard Lenz	Forsthaus Gaimühle D-64759 Sensbachtal
11.	Peter Hofer	Sulzbach D-78727 Aisteig/Oberndorf
12.	Stephan Hofer	Oberer Lautenbach D-78727 Aisteig/Oberndorf
13.	Stephan Hofer	Unterer Lautenbach D-78727 Aisteig/Oberndorf
14.	Stephan Hofer	Schelklingen D-78727 Aisteig/Oberndorf
15.	Hubert Schuppert	Brutanlage: Obere Fischzucht Mastanlage: Untere Fischzucht D-88454 Unteressendorf
16.	Johannes Dreier	Brunnentobel D-88299 Leutkirch/Hebrachhofen
17.	Peter Störk	Wagenhausen D-88348 Saulgau

18.	Erwin Steinhart	Geislingen/St. D-73312 Geislingen/St.
19.	Joachim Schindler	Forellenzucht Lohmühle D-72275 Alpirsbach
20.	Georg Sohnius	Forellenzucht Sohnius D-72160 Horb-Diessen
21.	Claus Lehr	Forellenzucht Reinerzau D-72275 Alpirsbach-Reinerzau
22.	Hugo Hager	Bruthausanlage D-88639 Walbertsweiler
23.	Hugo Hager	Waldanlage D-88639 Walbertsweiler
24.	Gumpper und Stoll GmbH	Forellenhof Rössle Honau D-72805 Liechtenstein
25.	Ulrich Ibele	Pfrungen D-88271 Pfrungen
26.	Hans Schmutz	Brutanlage 1, Brutanlage 2, Brut- und Setzlingsanlage 3 (Hausanlage) D-89155 Erbach
27.	Wilhelm Drafehn	Obersimonswald D-77960 Seelbach
28.	Wilhelm Drafehn	Brutanlage Seelbach D-77960 Seelbach
29.	Franz Schwarz	Oberharmersbach D-77784 Oberharmersbach
30.	Meinrad Nuber	Langenenslingen D-88515 Langenenslingen
31.	Anton Spieß	Höhmühle D-88353 Kißleg
32.	Fischbrutanstalt des Landes Baden-Württemberg	Argenweg 50 D-88085 Langenargen Anlage Osterhofen
33.	Kreissportfischereiverein Biberach	Warthausen D-88400 Biberach
34.	Hans Schmutz	Gossenzugen D-89155 Erbach
35.	Reinhard Rösch	Haigerach D-77723 Gengenbach
36.	Harald Tress	Unterlauchringen D-79787 Unterlauchringen
37.	Alfred Tröndle	Tiefenstein D-79774 Albbruck
38.	Alfred Tröndle	Unteralpfen D-79774 Unteralpfen
39.	Peter Hofer	Schenkenbach D-78727 Aisteig/Oberndorf
40.	Heiner Feldmann	Bainders D-88630 Pfullendorf

41.	Andreas Zordel	Fischzucht Im Gänsebrunnen D-75305 Neuenbürg
42.	Hans Fischböck	Forellenzucht am Kocherursprung D-73447 Oberkochen
43.	Reinhold Bihler	Dorfstraße 22 D-88430 Rot a.d. Rot Haslach Anlage: Einöde
44.	Josef Dürr	Forellenzucht Igersheim D-97980 Bad Mergentheim
45.	Kurt Englerth und Sohn GBR	Anlage Berneck D-72297 Seewald
46.	Fischzucht Anton Jung	Anlage Rohrsee D-88353 Kisslegg
47.	Staatliches Forstamt Wangen	Anlage Karsee D-88239 Wangen i.A.
48.	Simon Phillipson	Anlage Weissenbronnen D-88364 Wolfegg
49.	Hans Klaiber	Anlage Bad Wildbad D-75337 Enzklösterle
50.	Josef Hönig	Forellenzucht Hönig D-76646 Bruchsal-Heidelsheim
51.	Werner Baur	Blitzenreute D-88273 Fronreute-Blitzenreute
52.	Gerhard Weihmann	Mägerkingen D-72574 Bad Urach-Seeburg
53.	Hubert Belser GBR	Dettingen D-72401 Haigerloch-Gruol
54.	Staatliche Forstämter Ravensburg und Wangen	Altdorfer Wald D-88214 Ravensburg
55.	Anton Jung	Bunkhoferweiher, Schanzwiesweiher und Häcklerweiher D-88353 Kisslegg
56.	Hildegart Litke	Holzweiher D-88480 Achstetten
57.	Werner Wägele	Ellerazhofer Weiher D-88319 Aitrach
58.	Ernst Graf	Hatzenweiler Osterbergstraße 8 D-88239 Wangen-Hatzenweiler
59.	Fischbrutanstalt des Landes Baden-Württemberg	Argenweg 50 D-88085 Langenargen Anlage Obereisenbach
60.	Forellenzucht Kunzmann	Heinz Kunzmann Unterer Steinweg 64 D-75438 Knittlingen
61.	Meinrad Nuber	Ochsenhausen Obere Wiesen 1 D-88416 Ochsenhausen

62.	Bezirksfischereiverein Nagoldtal e.V.	Kentheim Lange Steige 34 D-75365 Calw
63.	Bernd und Volker Fähnrich	Neumühle D-88260 Ratzenried-Argenbühl
64.	Klaiber "An der Tierwiese"	Hans Klaiber Rathausweg 7 D-75377 Enzklösterle
65.	Parey, Bittigkoffer — Unterreichenbach	Klaus Parey Mörikeweg 17 D-75331 Engelsbran 2
66.	Farm Sauter Anlage Pfügelberg	Gerhard Sauter D-88239 Wangen-Pfügelberg 6
67.	Krattenmacher Anlage Osterhofen	Krattenmacher, Hittelhofen Gasthaus D-8339 Bad Waldsee
68.	Fähnrich Anlage Argenmühle D-88260 Ratzenried-Argenmühle	Bernd und Volker Fähnrich Von RütisträÙe D-8339 Bad Waldsee
69.	Gumpper und Stoll Anlage Unterhausen	Gumpper und Stoll GmbH und Co.KG Heerstraße 20 D-72805 Lichtenstein-Honau
70.	Durach Anlage Altann	Antonie Durach Panoramastraße 23 D-88346 Wolfegg-Altann
71.	Städler Anlage Raunsmühle	Paul Städler Raunsmühle D-88499 Riedlingen-Pfummern
72.	König Anlage Erisdorf	Sigfried König Helfenstraße 2/1 D-88499 Riedlingen-Neufra
73.	Forellenzucht Drafehn Anlage Wittelbach	Wilhelm Drafehn Schuttertalstraße 1 D-77960 Seelbach-Wittelbach
74.	Wirth Anlage Dengelshofen	Günther Wirth D-88316 Isny-Dengelshofen 219
75.	Krämer, Bad Teinach	Sascha Krämer Poststraße 11 D-75385 Bad Teinach-Zavelstein
76.	Muffler Anlage Eigeltingen	Emil Muffler Brielholzer Hof D-78253 Eigeltingen
77.	Karpfenteichwirtschaft Mönchsroth	Fischzucht Karl Uhl D-91614 Mönchsroth
78.	Krattenmacher Anlage Dietmans	Krattenmacher, Hittelhofen Gasthaus D-8339 Bad Waldsee
79.	Bruthaus Fischzucht Anselm-Schneider	Dagmar Anselm-Schneider Grabenköpfel 1 D-77743 Neuried

3.A.4. NORTH RHINE-WESTPHALIA

1.	Wolfgang Lindhorst-Emme	Hirschquelle D-33758 Schloss Holte-Stukenbrock
2.	Wolfgang Lindhorst-Emme	Am Oelbach D-33758 Schloss Holte-Stukenbrock
3.	Hugo Rameil und Söhne	Sauerländer Forellenzucht D-57368 Lennestadt-Gleierbrück
4.	Peter Horres	Ovenhausen, Jätzer Mühle D-37671 Höxter
5.	Wolfgang Middendorf	Fischzuchtbetrieb Middendorf D-46348 Raesfeld
6.	Michael und Guido Kamp	Lambacher Forellenzucht und Räucherei Lambachtalstraße 58 D-51766 Engelskirchen-Oesinghausen

3.A.5. BAVARIA

1.	Peter Gerstner	(Forellenzuchtbetrieb Juraquell) Wellheim D-97332 Volkach
2.	Werner Ruf	Fischzucht Wildbad D-86925 Fuchstal-Leeder
3.	Rogg	Fisch Rogg D-87751 Heimertingen
4.	Fischzucht Graf Anlage D-87737 Reichau	Fischzucht Graf GbR Engishausen 64 D-87743 Egg an der Günz
5.	Fischzucht Graf Anlage D-87727 Klosterbeuren	Fischzucht Graf GbR Engishausen 64 D-87743 Egg an der Günz
6.	Fischzucht Graf Anlage D-87743 Egg an der Günz	Fischzucht Graf GbR Engishausen 64 D-87743 Egg an der Günz
7.	Anlage Am Großen Dürrmaul D-95671 Bärnau	Andreas Rösch Am Großen Dürrmaul 2 D-95671 Bärnau
8.	Andreas Hofer Anlage D-84524 Mitterhausen	Andreas Hofer Vils 6 D-8419 Velden

3.A.6. SAXONY

1.	Anglerverein Südsachsen "Mulde/Elster" e.V.	Forellenanlage Schlettau D-09487 Schlettau
2.	H. und G. Ermisch GbR	Forellen- und Lachszucht D-01844 Langburkersdorf

3.A.7. HESSEN

1.	Hermann Rameil	Fischzuchtbetriebe Hermann Rameil D-34311 Naumburg OT Altendorf
----	----------------	--

3.A.8. SCHLESWIG-HOLSTEIN

1.	Hubert Mertin	Forellenzucht Mertin Mühlenweg 6 D-24247 Roderbek
----	---------------	---

3.B. Fish farms in Germany approved with regards to IHN

3.B.1. THURINGIA

1.	Thüringer Forstamt Leinefelde	Fischzucht Worbis D-37327 Leinefelde
----	-------------------------------	---

4. Fish farms in Spain approved with regard to VHS and IHN

4.1. REGION: AUTONOMOUS COMMUNITY OF ARAGON

1.	Truchas del Prado	Located in Alcala de Ebro, Province of Zaragoza (Aragón)
----	-------------------	--

4.2. REGION: AUTONOMOUS COMMUNITY OF ANDALUCIA

1.	Piscifactoría de Riodulce	D. Julio Domezain Fran. "Piscifactoría De Sierra Nevada S.L." Camino de la Piscifactoría nº 2, E-18313 Loja-Granada
2.	Piscifactoría Manzanil	D. Julio Domezain Fran. "Piscifactoría De Sierra Nevada S.L." Camino de la Piscifactoría nº 2, E-18313 Loja-Granada

5.A. Fish farms in France approved with regard to VHS and IHN

5.A.1. ADOUR-GARONNE

1.	Pisciculture de Sarrance	F-64490 Sarrance (Pyrénées-Atlantiques)
2.	Pisciculture des Sources	F-12540 Cornus (Aveyron)
3.	Pisciculture de Pissos	F-40410 Pissos (Landes)
4.	Pisciculture de Tambareau	F-40000 Mont-de-Marsan (Landes)
5.	Pisciculture "Les Fontaines d'Escot"	F-64490 Escot (Pyrénées-Atlantiques)
6.	Pisciculture de la Forge	F-47700 Casteljaloux (Lot-et-Garonne)

5.A.2. ARTOIS-PICARDIE

1.	Pisciculture du Moulin du Roy	F-62156 Rémy (Pas-de-Calais)
2.	Pisciculture du Bléquin	F-62380 Séninghem (Pas-de-Calais)
3.	Pisciculture de Earls Feldmann F-76340 Hodeng-au-Bosc	F-80580 Bray-lès-Mareuil

4.	Pisciculture Bonnelle à Ponthoile	Bonnelle, F-80133 Ponthoile M. Sohier 26, rue George-Deray F-80100 Abeville
5.	Pisciculture Bretel à Gezaincourt	Bretel, F-80600 Gezaincourt-Doulens M. Sohier 26, rue George-Deray F-80100 Abeville

5.A.3. AQUITAINE

1.	SARL Salmoniculture de la Ponte — Station d'Alevinage du Ruisseau Blanc	Le Meysout F-40120 Arue
2.	L'EPST-INRA Pisciculture à Lees-Athas	Saillet et Esquit F-64490 Lees-Athas INRA — BP-3F F-64310 Saint-Pee-sur-Nivelle

5.A.4. DROME

1.	Pisciculture "Sources de la Fabrique"	40, Chemin de Robinson F-26000 Valence
----	---------------------------------------	---

5.A.5. HAUTE-NORMANDIE

1.	Pisciculture des Godeliers	F-27210 Le Torpt
2.	Pisciculture fédérale de Sainte-Gertrude F-76490 Maulevrier	Fédération des associations pour la pêche et la protection du milieu aquatique de Seine-Maritime, 11 F-76490 Maulevrier

5.A.6. LOIRE-BRETAGNE

1.	SCEA "Truites du lac de Cartravers"	Bois-Boscher F-22460 Merléac (Côtes d'Armor)
2.	Pisciculture du Thélohier	F-35190 Cardroc (Ille-et-Vilaine)
3.	Pisciculture de Plainville	F-28400 Marolles-les-Buis (Eure-et-Loire)
4.	Pisciculture Rémon à Parné-sur-Roc	SARL Remon 21, rue de la Véquerie F-53260 Parne sur Roc (Mayenne)
5.	Ésosiculture de Feins Étang aux Moines F-5440 Feins	AAPPMA 9, rue Kerautret-Botmel F-35200 Rennes

5.A.7. RHIN-MEUSE

1.	Pisciculture du ruisseau de Dompierre	F-55300 Lacroix-sur-Meuse (Meuse)
2.	Pisciculture de la source de la Deüe	F-55500 Cousances-aux-Bois (Meuse)

5.A.8. RHONE-MEDITERRANEE-CORSE

1.	Pisciculture Charles Murgat	Les Fontaines F-38270 Beaufort (Isère)
----	-----------------------------	---

5.A.9. SEINE-NORMANDIE

1.	Pisciculture du Vaucheron	F-55130 Gondrecourt-le-Château (Meuse)
----	---------------------------	--

5.A.10. LANGUEDOC-ROUSSILLON

1.	Pisciculture de Pêcher F-48400 Florac	Fédération de la Lozère pour la pêche et la protection du milieu aquatique F-48400 Florac
----	--	---

5.A.11. MIDI-PYRENEES

1.	Pisciculture de la source du Durzon	SCEA Pisciculture du Mas des Pommiers F-12230 Nant
----	-------------------------------------	---

5.A.12. ALPES-DE-HAUTE-PROVENCE

1.	Centre Piscicole de Roquebilière F-06450 Roquebilière	Fédération des Alpes-Maritimes pour la pêche et la protection du milieu aquatique F-06450 Roquebilière
----	--	--

5.B. Fish farms in France approved with regard to VHS

5.B.1. ARTOIS-PICARDIE

1.	Pisciculture de Sangheen	F-62102 Calais (Pas-de-Calais)
----	--------------------------	--------------------------------

6.A. Fish farms in Italy approved with regard to VHS and IHN

6.A.1. REGION: FRIULI-VENEZIA GIULIA

The River Stella basin

1.	Azienda ittica agricola Collavini Mario	Via Tiepolo 12 I-33032 Bertiole (UD) N. I096UD005
2.	Impianto ittiogenico di Flambro di Talmassons	Ente tutela pesca del Friuli Venezia Giulia Via Colugna 3 I-33100 Udine

The Tagliamento river basin

3.	SGM srl	SGM srl Via Mulino del Cucco 38 Rivoli di Osoppo (UD)
4.	Impianto ittiogenico di Forni di Sotto	Ente tutela pesca del Friuli Via Colugna 3 I-33100 Udine

5.	Impianto di Grauzaria di Moggio Udinese	Ente tutela pesca del Friuli Via Colugna 3 I-33100 Udine
6.	Impianto ittiogenico di Amaro	Ente tutela pesca del Friuli Via Colugna 3 I-33100 Udine
7.	Impianto ittiogenico di Somplago — Mena di Cavazzo Carnico	Ente tutela pesca del Friuli Via Colugna 3 I-33100 Udine

6.A.2. PROVINCIA: AUTONOMA DI TRENTO

The Noce basin

1.	Ass. Pescatori Solandri (Loc. Fucine)	Cavizzana
2.	Troticoltura di Grossi Roberto	Grossi Roberto Via Molini n. 11 Monoclassico (TN) N. 121TN010

The Brenta basin

3.	Campestrin Giovanni	Telve Valsugana (Fontane)
4.	Ittica Resenzola Serafini	Grigno
5.	Ittica Resenzola Selva	Grigno
6.	Leonardi F.lli	Levico Terme (S. Giuliana)
7.	Dellai Giuseppe-Trot. Valsugana	Grigno (Fontana Secca, Maso Puele)
8.	Cappello Paolo	Via Zacconi 21 Loc. Maso Fontane, Roncegno

The Adige basin

9.	Celva Remo	Pomarolo
10.	Margonar Domenico	Ala (Pilcante)
11.	Degiuli Pasquale	Mattarello (Regole)
12.	Tamanini Livio	Vigolo Vattaro
13.	Troticoltura Istituto Agrario di S. Michele a/A.	S. Michele all'Adige

Sarca basin

14.	Ass. Pescatori Basso Sarca	Ragoli (Pez)
15.	Stab. Giudicariese La Mola	Tione (Delizia d'Ombra)
16.	Azienda Agricola La Sorgente s.s.	Tione (Saone)
17.	Fonti del Dal s.s.	Lomaso (Dasindo)
18.	Comfish S.r.l. (ex. Paletti)	Preore (Molina)
19.	Ass. Pescatori Basso Sarca	Tenno (Pranzo)
20.	Troticoltura "La Fiana"	Di Valenti Claudio (Bondo)

6.A.3. REGION: UMBRIA

Nera River Valley

1.	Impianto Ittiogenico provinciale	Loc Ponte di Cerreto di Spoleto (PG) — Public Plant (Province of Perugia)
----	----------------------------------	---

6.A.4. REGION: VENETO

Astico basin

1.	Centro Ittico Valdastico	Valdastico (Veneto, Province Vicenza)
----	--------------------------	---------------------------------------

River Lietta basin

2.	Azienda Agricola Lietta srl.	Via Rai 3 31010 Ormelle (TV) N. 052TV074
----	------------------------------	--

River Bacchiglione basin

3.	Azienda Agricola Trotiltura Grosselle Massimo	Massimo Grosselle Via Palmirona 18 Sandrigo (VI) N. 091VI831
4.	Biasia Luigi	Biasia Luigi Via Ca'D'Oro 25 Bolzano Vic (VI) N. 013VI831

River Brenta basin

5.	Polo Guerrino, Via S. Martino 51, Loc. Campese, I-36061 Bassano del Grappa	Polo Guerrino Via Tre Case 4 I-36056 Tezze sul Brenta
----	---	---

River Tione in Fattole

6.	Piscicoltura Menozzi di Franco e Davide Menozzi S.S.	Davide Menozzi Via Mazzini 32 Bonferraro de Sorga
----	---	---

River Tartaro/Tioner basin

7.	Stanzial Eneide Loc Casotto	Stanzial Eneide I-37063 Isola Della Scala VR
----	--------------------------------	---

River Celarda

8.	Vincheto di Celarda 021 BL 282	M.I.P.A. Via Gregorio XVI, n. 8 I-32100 Belluno
----	-----------------------------------	--

River Molini

9.	Azienda Agricoltura Trotiltura Rio Molini	Azienda Agricoltura Trotiltura Rio Molini Rio Molini 6 I-37020 Brentino Belluno
----	---	---

6.A.5. REGION: VALLE D'AOSTA

River Dora Baltea basin

1.	Stabilimento ittogenico regionale	Rue Mont Blanc 14, Morgex (AO)
----	-----------------------------------	--------------------------------

6.A.6. REGION: LOMBARDIA

1.	Azienda Trocicoltura Foglio A.S.S.	Trocicoltura Foglio Angelo.S.S. Piazza Marconi 3 I-25072 Bagolino
2.	Azienda Agricola Pisani Dossi Cascina Oldani, Cislano (MI)	Giorgio Peterlongo Via Veneto 20 — Milano
3.	Centro ittogenico Unione Pesca Sportiva della Provincia di Sondrio	Unione Pesca Sportiva della Provincia di Sondrio Via Fiume 85, Sondrio

6.A.7. REGION: TOSCANA

River Maresca basin

1.	Allevamento trote di Petrolini Marcello	Petrolini Marcello Via Mulino Vecchio 229 Maresca — S. Marcello P.se (PT)
----	---	---

6.A.8. REGION: LIGURIA

1.	Incubatoio Ittico provinciale — Masone Loc. Rio Freddo	Provincia di Genova Piazzale Mazzini 2 I-16100 Genova
----	---	---

6.A.9. REGION: PIEMONTE

1.	Incubatoio Ittico della valle di Peleussieres, Oulx (TO) cod. 175 TO 802	Associazione Pescatori Valsusa Via Martiri della Libertà 1 I-10040 Caprie (TO)
----	---	--

7. Fish farms in Austria approved with regard to VHS and IHN

1.	Alois Köttl	Forellenzucht Alois Köttl A-4872 Neukirchen a.d. Vöckla
2.	Herbert Böck	Forellenhof Kaumberg Höfnergraben 1 A-2572 Kaumberg
3.	Forellenzucht Glück	Erick und Sylvia Glück Hammerweg 13 A-5270 Mauerkirchen
4.	Forellenzuchtbetrieb St. Florian	Martin Ebner St. Florian 20 A-5261 Uttendorf
5.	Forellenzucht Jobst	Alois Jobst Bruggen 25 A-9761 Greifenburg'

COMMISSION DECISION

of 14 December 2004

amending for the third time Decision 2004/122/EC concerning certain protection measures in relation to avian influenza in several Asian countries

(notified under document number C(2004) 4775)

(Text with EEA relevance)

(2004/851/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽¹⁾, and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽²⁾, and in particular Article 22(6) thereof,

Whereas:

(1) By Decision 2004/122/EC⁽³⁾ the Commission adopted protection measures in relation to avian influenza in several Asian countries, namely in Cambodia, Indonesia, Japan, Laos, Pakistan, the People's Republic of China including the territory of Hong Kong, South Korea, Thailand and Vietnam.

(2) On 19 August 2004 Malaysia has reported an outbreak of avian influenza and therefore the Commission has adopted Decision 2004/606/EC amending for the second time Decision 2004/122/EC in order to apply protection measures also to Malaysia.

(3) Given the disease situation in most countries of the region, in particular with respect to the continuing outbreaks of avian influenza in Malaysia, Thailand, Vietnam, the People's Republic of China and Indonesia, it is necessary to further prolong the protection measures in place.

(4) At present some of the countries listed above have not reported any further outbreaks; therefore their disease status in relation to avian influenza should be reviewed before December 2004.

(5) The western peninsula of Malaysia is listed in Commission Decision 94/85/EC⁽⁴⁾ and it is therefore necessary to restrict the importation of table eggs, non-treated game trophies, raw pet food and unprocessed feed materials containing any parts of poultry from this region in Malaysia.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2004/122/EC is amended as follows:

1. in Article 3 the words 'and Malaysia' shall be inserted after the words 'South Korea';

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1).

⁽³⁾ OJ L 36, 7.2.2004, p. 59. Decision as last amended by Decision 2004/606/EC (OJ L 273, 21.8.2004, p. 21).

⁽⁴⁾ OJ L 44, 17.2.1994, p. 31. Decision as last amended by Decision 2004/118/EC (OJ L 36, 7.2.2004, p. 34).

2. in Article 7 the date of '15 December 2004' is replaced by '31 March 2005'.

Article 2

The Member States shall amend the measures they apply to imports so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 December 2004.

For the Commission
Markos KYPRIANOU
Member of the Commission

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

COUNCIL COMMON POSITION 2004/852/CFSP
of 13 December 2004
concerning restrictive measures against Côte d'Ivoire

THE COUNCIL OF THE EUROPEAN UNION,

violations of human rights and international humanitarian law in Côte d'Ivoire on the basis of relevant information, any other person who incites publicly hatred and violence and any other person determined by the Committee to be in violation of measures imposed under the arms embargo.

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

Whereas:

- (1) On 15 November 2004 the United Nations Security Council adopted Resolution 1572 (2004), hereinafter referred to as 'UNSCR 1572 (2004)', prohibiting the direct or indirect supply, sale or transfer to Côte d'Ivoire, from Member States' territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice or training related to military activities.
- (2) In order to implement these measures, financing or financial assistance related to military activities should also be prohibited.
- (3) UNSCR 1572 (2004) also imposes measures to prevent the entry into or transit through Member States' territories of all persons designated by the Committee established by paragraph 14 of that Resolution ('the Committee'), who constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, in particular those who block the implementation of the Linas-Marcoussis and Accra III Agreements, and any other person determined as responsible for serious
- (4) UNSCR 1572 (2004) furthermore imposes a freeze of funds, other financial assets and economic resources, owned or controlled directly or indirectly by the persons designated by the Committee or held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, and that no funds, financial assets or economic resources are made available to or for the benefit of such persons or entities.
- (5) Paragraph 19 of UNSCR 1572 (2004) provides that the measures relating to the entry into or transit through Member States' territories and to the freezing of funds, financial assets and economic resources shall enter into force on 15 December 2004, unless the Security Council shall determine before then that the signatories of the Linas-Marcoussis and Accra III Agreements have implemented all their commitments under the Accra III Agreement and are embarked towards full implementation of the Linas-Marcoussis Agreement.
- (6) On 22 November 2004, the Council stated that in order to further contribute to peace in Côte d'Ivoire and to prevent destabilisation of the subregion, the EU will continue to support initiatives taken by the Economic Community of West African States (ECOWAS) and the African Union (AU).

(7) The Council also reaffirmed the EU's strong commitment to supporting the implementation of the Linas-Marcoussis and Accra Agreements by all appropriate means.

(8) Action by the Community is needed in order to implement certain measures,

(b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, as well as equipment which might be used for internal repression, directly or indirectly, to any person, entity or body in, or for use in Côte d'Ivoire.

Article 3

1. Article 2 shall not apply to:

(a) supplies and technical assistance intended solely for the support of or use by the United Nations Operation in Côte d'Ivoire and the French forces who support them;

(b) — the sale, supply, transfer or export of non-lethal military equipment intended solely for humanitarian or protective use, including such equipment intended for EU, UN, African Union and ECOWAS crisis management operations,

— the provision of financing and financial assistance related to such equipment,

— the provision of technical assistance and training related to such equipment,

as approved in advance by the Committee;

(c) the sale, supply, transfer or export of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, personnel of the EU, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;

(d) sales or supplies temporarily transferred or exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire, as notified in advance to the Committee;

HAS ADOPTED THIS COMMON POSITION:

Article 1

For the purposes of this Common Position, the term 'technical assistance' shall mean any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; technical assistance includes verbal forms of assistance.

Article 2

1. The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, as well as equipment which might be used for internal repression, to Côte d'Ivoire by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited whether originating or not in their territories.

2. It shall also be prohibited:

(a) to grant, sell, supply, or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, as well as equipment which might be used for internal repression, directly or indirectly, to any person, entity or body in, or for use in Côte d'Ivoire;

- (e) the sale, supply, transfer or export of arms and related materiel and technical training and assistance intended solely for support of or use in the process of restructuring defence and security forces pursuant to paragraph 3, subparagraph (f) of the Linas-Marcoussis Agreement, as approved in advance by the Committee.

Article 4

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons designated by the Committee, who constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, in particular those who block the implementation of the Linas-Marcoussis and Accra III Agreements, any other person determined as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire on the basis of relevant information, any other person who incites publicly hatred and violence and any other person determined by the Committee to be in violation of measures imposed by paragraph 7 of UNSCR 1572 (2004).

The relevant persons are listed in the Annex.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall not apply where the Committee determines that travel is justified on the grounds of urgent humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the UNSC Resolutions, for peace and national reconciliation in Côte d'Ivoire and stability in the region.

4. In cases where pursuant to paragraph 3, a Member State authorises the entry into, or transit through, its territory of persons designated by the Committee, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 5

1. All funds, other financial assets and economic resources owned or controlled directly or indirectly by the persons

designated by the Committee or held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, shall be frozen.

2. No funds, financial assets or economic resources shall be made available directly or indirectly to or for the benefit of such persons or entities designated by the Committee.

3. Exemptions may be made for funds, other financial assets and economic resources which are:

(a) necessary for basic expenses, including payments for food-stuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources,

after notification by the Member State concerned to the Committee of the intention to authorise, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(d) necessary for extraordinary expenses, after notification by the Member State concerned to and approval by the Committee;

(e) subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the UNSCR 1572, and is not for the benefit of a person referred to in this Article, after notification by the Member State concerned to the Committee.

4. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to restrictive measures,

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

Article 6

The Council shall establish the list contained in the Annex and implement any modifications thereof on the basis of the determination made by the Committee.

Article 7

This Common Position shall take effect on the date of its adoption, with the exception of the measures set out under Articles 4 and 5, which shall apply as of 15 December 2004,

unless the Council decides otherwise in the light of the determination by the Security Council on the fulfilment of the conditions set out in paragraph 19 of UNSCR 1572 (2004).

Article 8

This Common Position shall apply until 15 December 2005. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 9

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

Done at Brussels, 13 December 2004.

For the Council

B. R. BOT

The President

ANNEX

List of persons referred to in Article 4

(Annex to be completed after designation by the Committee established by paragraph 14 of United Nations Security Council Resolution 1572 (2004).)

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1982/2004 of 18 November 2004 implementing Regulation (EC) No 638/2004 of the European Parliament and of the Council on Community statistics relating to the trading of goods between Member States and repealing Commission Regulations (EC) No 1901/2000 and (EEC) No 3590/92

(Official Journal of the European Union L 343 of 19 November 2004)

On page 7, Article 19(3):

for: '— 9930 27 00: goods from the CN Chapters 1 to 24',

read: '— 9930 27 00: goods from CN Chapter 27'.

and Article 20(3):

for: '— 9930 27 00: goods from the CN Chapter 27',

read: '— 9930 27 00: goods from CN Chapter 27'.
