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### Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2269/2004****of 20 December 2004****amending Regulations (EC) Nos 2340/2002 and 2347/2002 as concerns fishing opportunities for deep sea species for the new Member States which acceded in 2004**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded ('2003 Act of Accession')<sup>(1)</sup>, and in particular Article 57(2) thereof,

Having regard to the proposal of the Commission,

Whereas:

(1) In the 2003 Act of Accession no adaptation was made to Council Regulation (EC) No 2340/2002 of 16 December 2002 fixing for 2003 and 2004 the fishing opportunities for deep-sea fish stocks<sup>(2)</sup> to allocate fishing opportunities for deep sea species to the new Member States. It is therefore necessary to allocate such fishing opportunities for 2004 to the Member States which acceded in 2004 taking into account fishing patterns similar to those used in 2002, in order to allow the fishermen of these Member States to continue their activities.

(2) The allocation of fishing opportunities should not lead to the result that catches legally taken before 1 May 2004 are liable to quota deductions under Article 23(1) of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>(3)</sup>, Article 5 of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year to year management of TACs and quotas<sup>(4)</sup> or Article 26 of Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>(5)</sup>.

(3) Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep sea stocks<sup>(6)</sup> lays down power and capacity ceilings on the fishing fleet that may land significant quantities of deep sea species, and determines a reference period for establishing those ceilings, namely the three years prior to its entry into force. It is necessary that the reference period for establishing those ceilings take into account the recent years in order to allow the fishermen of the Member States which acceded in 2004 to continue their activities.

(4) With a view to allow the application of Regulations (EC) Nos 2340/2002 and 2347/2002 to the Member States which acceded in 2004 as from the date of Accession, it is imperative that this Regulation enters into force on 1 May 2004.

(5) Regulations (EC) Nos 2340/2002 and 2347/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2340/2002 is hereby amended as follows:

1. the following Article shall be inserted:

*'Article 3a*

1. The catches between 1 January and 1 May 2004 taken by vessels from the Member States which acceded on 2004 shall be counted against the quotas laid down in Annex I.

2. Not later than 15 days after the date of publication of this Regulation in the Official Journal of the European Union the Member States referred to in paragraph 1 shall notify the Commission of the amount of their catches between 1 January and 1 May 2004.;

<sup>(1)</sup> OJ L 236, 23.9.2003, p. 1.

<sup>(2)</sup> OJ L 356, 31.12.2002, p. 1.

<sup>(3)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

<sup>(4)</sup> OJ L 115, 9.5.1996, p. 3.

<sup>(5)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(6)</sup> OJ L 351, 28.12.2002, p. 6.

2. the following Article 4a shall be inserted:

*'Article 4a*

Article 23(1) of Regulation (EEC) No 2847/93, Article 5 of Regulation (EC) No 847/96 and Article 26 of Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy(\*) shall not apply to catches taken before 1 May 2004 in excess of the quota determined in Annex I to this Regulation by vessels from the Member States which acceded in 2004.

(\*) OJ L 358, 31.12.2002, p. 59.;

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

*Article 2*

In Article 4 of Regulation (EC) No 2347/2002 the following paragraph shall be added:

'3. By way of derogation from paragraph 1, the Member States which acceded in 2004 shall calculate the aggregate power and the aggregate volume of their vessels which, in any one of the years 2000, 2001 or 2002, have landed more than 10 tonnes of any mixture of deep-sea species. These aggregate values shall be communicated to the Commission.'

*Article 3*

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

It shall apply from 1 May 2004.

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

Done at Brussels, 20 December 2004.

*For the Council*

*The President*

P. VAN GEEL

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## ANNEX

Annex I to Regulation (EC) No 2340/2002 shall be amended as follows:

1. the entry concerning the species Black Scabbardfish in Zone V, VI, VII, XII shall be replaced by the following:

'5. Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	V, VI, VII, XII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	37	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Estonia	32		
Spain	185		
France	2 600		
Ireland	93		
Latvia	207		
Lithuania	2		
Poland	2		
United Kingdom	185		
Others (!)	10		
EC	3 353		

2. the entry concerning the species Roundnose Grenadier in Zone Vb, VI, VII shall be replaced by the following:

'23. Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	Vb, VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	10	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Estonia	78		
Spain	86		
France	4 396		
Ireland	346		
Latvia	0		
Lithuania	101		
Poland	51		
United Kingdom	258		
Others (!)	10		
EC	5 336		

3. The entry concerning the species Blue Ling in Zone VI, VII shall be replaced by the following:

'31. Species:	Blue ling <i>Molva dypterygia</i>	Zone:	VI, VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)
Germany	39	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Estonia	6		
Spain	122		
France	2 788		
Ireland	10		
Lithuania	2		
Poland	1		
United Kingdom	709		
Others (!)	10		
EC	3 687		

**COUNCIL REGULATION (EC) No 2270/2004**

**of 22 December 2004**

**fixing for 2005 and 2006 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks**

THE COUNCIL OF THE EUROPEAN UNION,

heavily depleted, and areas of vulnerable aggregations of these species have been identified. It is therefore appropriate to prohibit fishing for orange roughy in those areas.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>(1)</sup>, and in particular Article 20 thereof,

(5) The Community is a contracting party to the North-East Atlantic Fisheries Convention, which has recommended a limitation on the fishing effort deployed to catch certain deep-sea species. That recommendation should therefore be implemented by the Community.

Having regard to the proposal of the Commission,

(6) In order to ensure effective management of quotas, the specific conditions under which fishing operations occur should be established.

Whereas:

(1) Under Article 4 of Regulation (EC) No 2371/2002 the Council is to establish the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking into account, *inter alia*, available scientific advice.

(7) In accordance with Article 2 of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas<sup>(2)</sup>, it is necessary to indicate which stocks are subject to the various measures fixed therein.

(2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council to establish fishing opportunities by fishery or group of fisheries and to allocate them in accordance with prescribed criteria.

(8) Scientific advice from ICES concerning most of the deep-sea species indicates that fishing effort should be reduced. In the absence of specific measures limiting the activity of vessels fishing for deep-sea species, it is therefore appropriate to adjust available effort by adjusting the power and capacity of the fishing fleet in accordance with the scientific advice.

(3) The latest scientific advice from the International Council for the Exploration of the Sea (ICES) concerning certain stocks of fish found in the deep sea indicates that those stocks are harvested unsustainably, and that fishing opportunities for those stocks should be reduced in order to assure their sustainability.

(9) The measures provided for in this Regulation should be fixed by reference to ICES zones as defined in Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the Northeast Atlantic<sup>(3)</sup> and to CECAF zones (Committee for Eastern Central Atlantic Fisheries) as defined in Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic<sup>(4)</sup>.

(4) The ICES has further advised that the exploitation rate of orange roughy in ICES Area VII is far too high. Scientific advice further indicates that orange roughy in Area VI is

<sup>(2)</sup> OJ L 115, 9.5.1996, p. 3.

<sup>(3)</sup> OJ L 365, 31.12.1991, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(4)</sup> OJ L 270, 13.11.1995, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

(10) The fishing opportunities should be utilised in accordance with the Community legislation on the matter, and in particular with Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels<sup>(1)</sup>, Council Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish<sup>(2)</sup>, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>(3)</sup>, Council Regulation (EC) No 88/98 of 18 December 1997 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound<sup>(4)</sup>, Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits<sup>(5)</sup> and Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms<sup>(6)</sup>.

(11) In order to ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2005. Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Subject matter

This Regulation fixes for 2005 and for 2006, for stocks of deep-sea species and for Community fishing vessels, annual fishing opportunities in zones in Community waters and in certain non Community waters where catch limitations are required, and the specific conditions under which fishing opportunities may be utilised.

#### Article 2

##### Definitions

1. For the purposes of this Regulation, 'deep-sea fishing permit' means the fishing permit referred to in Article 3 of

<sup>(1)</sup> OJ L 132, 21.5.1987, p. 9.

<sup>(2)</sup> OJ L 276, 10.10.1983 p. 1. Regulation as last amended by Commission Regulation (EC) No 1965/2001 (OJ L 268, 9.10.2001, p. 23).

<sup>(3)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

<sup>(4)</sup> OJ L 9, 15.1.1998, p. 1. Regulation as last amended by Regulation (EC) No 812/2004 (OJ L 150, 30.4.2004, p. 12).

<sup>(5)</sup> OJ L 171, 6.7.1994, p. 7.

<sup>(6)</sup> OJ L 125, 27.4.1998, p. 1. Regulation as last amended by Regulation (EC) No 602/2004 (OJ L 97, 1.4.2004, p. 30).

Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks<sup>(7)</sup>.

2. The definitions of ICES and CECAF zones are those given, respectively, in Regulation (EEC) No 3880/91 and Regulation (EC) No 2597/95.

#### Article 3

##### Fixing of fishing opportunities

Fishing opportunities for stocks of deep-sea species for Community vessels are fixed as set out in the Annex.

#### Article 4

##### Allocation among Member States

The allocation of fishing opportunities among Member States provided for in the Annex shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EEC) No 2371/2002;
- (b) reallocations made pursuant to Articles 21(4) and 32(2) of Regulation (EEC) No 2847/93 and Article 23(4) of Regulation (EC) No 2371/2002;
- (c) additional landings allowed pursuant to Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld pursuant to Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96 and Article 23(4) of Regulation (EC) No 2371/2002.

#### Article 5

##### Quota flexibility

For the purposes of Regulation (EC) No 847/96, all quotas in the Annex to this Regulation shall be considered 'Analytic' quotas.

However, the measures provided for in Article 5(2) of Regulation (EC) No 847/96 shall not apply to those quotas.

<sup>(7)</sup> OJ L 351, 28.12.2002, p. 6.



*Article 6***Conditions for landing catch and by-catch**

Fish from stocks for which fishing opportunities are fixed by this Regulation may be retained on board or landed only if they were taken by vessels of a Member State which has a quota which is not exhausted. All landings shall count against the quota.

The first subparagraph shall not apply to catches taken in the course of scientific investigations carried out under Regulation (EC) No 850/98, which shall not count against the quota.

*Article 7***Orange Roughy**

1. The Orange Roughy Protection Areas are defined as the following sea areas:

(a) that sea area enclosed by rhumb lines sequentially joining the following positions:

57° 00' N, 11° 00' W  
 57° 00' N, 8° 30' W  
 56° 23' N, 8° 30' W  
 55° 00' N, 9° 38' W  
 55° 00' N, 11° 00' W  
 57° 00' N, 11° 00' W

(b) that sea area enclosed by rhumb lines sequentially joining the following positions:

55° 30' N, 15° 49' W  
 53° 30' N, 14° 11' W  
 50° 30' N, 14° 11' W  
 50° 30' N, 15° 49' W

(c) that sea area enclosed by rhumb lines sequentially joining the following positions:

55° 00' N, 13° 51' W  
 55° 00' N, 10° 37' W  
 54° 15' N, 10° 37' W

53° 30' N, 11° 50' W

53° 30' N, 13° 51' W

Those positions and the corresponding rhumb lines and vessel positions shall be measured according to the WGS84 standard.

2. Member States shall ensure that vessels holding a deep-sea fishing permit shall be properly monitored by the Fisheries Monitoring Centres (FMC), which shall have a system to detect and record the vessels' entry into, transit through and exit from the areas defined in paragraph 1.

3. Vessels holding a deep-sea fishing permit that have entered the areas defined in paragraph 1 shall not retain on board or tranship any quantity of orange roughy, nor land any quantity of orange roughy at the end of that fishing trip unless:

— all gears carried on board are lashed and stowed during the transit in accordance with conditions laid down in Article 20(1) of Regulation (EEC) No 2847/93

— the average speed during transit is not less than 8 knots.

*Article 8***Effort limitations and associated conditions for the management of stocks**

Each Member State shall ensure that for 2005 the fishing effort levels, measured in kilowatt days absent from port, by vessels holding deep-sea fishing permits do not exceed 90% of the fishing effort deployed by its vessels in 2003 on trips when deep-sea fishing permits were held and deep sea species, as listed in Annex I and Annex II to Council Regulation (EC) No 2347/2002, excluding greater silver smelt, were caught.

*Article 9***Entry into force**

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

It shall apply as from 1 January 2005.

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

Done at Brussels, 22 December 2004.

For the Council  
 The President  
 C. VEERMAN

## ANNEX

## Part 1

## Definition of Species and Species Groups

Within each area fish stocks are referred to following the alphabetical order of the Latin names of the species. A table of correspondences of common names and Latin names is given below for the purposes of this Regulation:

Common name	Scientific name
Black scabbardfish	<i>Aphanopus carbo</i>
Alfonsinos	<i>Beryx spp.</i>
Tusk	<i>Brosme brosme</i>
Roundnose grenadier	<i>Coryphaenoides rupestris</i>
Orange roughy	<i>Hoplostethus atlanticus</i>
Blue ling	<i>Molva dypterygia</i>
Forkbeards	<i>Phycis blennoides</i>
Red seabream	<i>Pagellus bogaraveo</i>

Where reference is made to 'deep sea sharks', this shall refer to sharks in the following list of species: Portuguese dogfish (*Centroscymnus coelolepis*), Leafscale gulper shark (*Centrophorus squamosus*), Birdbeak dogfish (*Deania calceus*), Kitefin shark (*Dalatias licha*), Greater lanternshark (*Etmopterus princeps*), Velvet belly (*Etmopterus spinax*), Black dogfish (*Centroscyllium fabricii*), Gulper shark (*Centrophorus granulosus*), Blackmouth dogfish (*Galeus melastomus*), Mouse catshark (*Galeus murinus*), Iceland catshark (*Apristurus spp.*).

## Part 2

## Annual fishing opportunities applicable for Community vessels in areas where catch limitations exist by species and by area (in tonnes live weight).

All references are to ICES sub-areas unless otherwise stated.

Species:	Deep Sea Sharks	Zone:	V, VI, VII, VIII, IX (Community waters and international waters)
Germany	161		
Spain	767		
Estonia	10		
France	2 775		
Ireland	448		
Lithuania	10		
Poland	10		
Portugal	1 044		
United Kingdom	1 538		
EC	6 763		
Species:	Deep Sea Sharks	Zone:	X (Community waters and international waters)
Portugal	14		
EC	14		

Species:	Deep Sea Sharks and <i>Deania histricosa</i> and <i>Deania profundorum</i>	Zone:	XII (Community waters and international waters)
Spain	169		
France	54		
Ireland	10		
United Kingdom	10		
EC	243		
Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	I, II, III, IV (Community waters and international waters)
Germany	10		
France	10		
United Kingdom	10		
EC	30		
Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	V, VI, VII, XII (Community waters and international waters)
Germany	35	(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Spain	173		
Estonia	17		
France	2 433		
Ireland	87		
Latvia	113		
Lithuania	1		
Poland	1		
United Kingdom	173		
Others (1)	9		
EC	3 042		
Species:	Black scabbardfish <i>Aphanopus carbo</i>		Zone:
Spain	13		
France	31		
Portugal	3 956		
EC	4 000		
Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	CECAF 34.1.2. (Community waters and international waters)
Portugal	4 285		
EC	4 285		
Species:	Alfonsinos <i>Beryx spp.</i>	Zone:	III, IV, V, VI, VII, VIII, IX, X, XII (Community waters and international waters)
Spain	74		
France	20		
Ireland	10		
Portugal	214		
United Kingdom	10		
EC	328		

Species:	Tusk <i>Brosme brosme</i>	Zone:	I, II, XIV (Community waters and international waters)
Germany	10	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
France	10		
United Kingdom	10		
Others (!)	5		
EG	35		
Species:	Tusk <i>Brosme brosme</i>	Zone:	III (Community waters and international waters)
Denmark	20		
Sweden	10		
Germany	10		
EC	40		
Species:	Tusk <i>Brosme brosme</i>	Zone:	IV (Community waters and international waters)
Denmark	85	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Germany	26		
France	60		
Sweden	9		
United Kingdom	128		
Others (!)	9		
EG	317		
Species:	Tusk <i>Brosme brosme</i>	Zone:	V, VI, VII (Community waters and international waters)
Germany	9	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Spain	29		
France	353		
Ireland	34		
United Kingdom	170		
Others (!)	9		
EG	604		
Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	I, II, IV, Va (Community waters and international waters)
Denmark	2		
Germany	2		
France	14		
United Kingdom	2		
EC	20		
Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	III (Community waters and international waters)
Denmark	1 504		
Germany	9		
Sweden	77		
EC	1 590		

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	Vb, VI, VII (Community waters and international waters)
Germany	9	(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Estonia	73		
Spain	74		
France	3 736		
Ireland	294		
Latvia	32		
Lithuania	131		
Poland	676		
United Kingdom	219		
Others (1)	9		
EC	5 253		
Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>	Zone:	VIII, IX, X, XII, XIV (Community waters and international waters)
Germany	47		
Spain	5 165		
France	238		
Ireland	10		
United Kingdom	21		
Latvia	83		
Lithuania	10		
Poland	1 616		
EC	7 190		
Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	VI (Community waters and international waters)
Spain	10		
France	58		
Ireland	10		
United Kingdom	10		
EC	88		
Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	VII (Community waters and international waters)
Spain	9	(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
France	866		
Ireland	255		
United Kingdom	9		
Others (1)	9		
EC	1 148		
Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	I, II, III, IV, V, VIII, IX, X, XII, XIV (Community waters and international waters)
Spain	10		
France	52		
Ireland	14		
Portugal	16		
United Kingdom	10		
EC	102		

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	II, IV, V (Community waters and international waters)
Denmark	9	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Germany	9		
France	52		
Ireland	9		
United Kingdom	31		
Others (!)	9		
EC	119		
Species:	Blue ling <i>Molva dypterygia</i>	Zone:	III (Community waters and international waters)
Denmark	10		
Germany	5		
Sweden	10		
EC	25		
Species:	Blue ling <i>Molva dypterygia</i>	Zone:	VI, VII (Community waters and international waters)
Germany	33	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
Estonia	5		
Spain	104		
France	2 371		
Ireland	9		
Lithuania	2		
Poland	1		
United Kingdom	603		
Others (!)	9		
EC	3 137		
Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	VI, VII, VIII (Community waters and international waters)
Spain	238	(!) Exclusively for by-catches. No directed fisheries are permitted under this quota.	
France	12		
Ireland	9		
United Kingdom	30		
Others (!)	9		
EC	298		
Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	IX (Community waters and international waters)
Spain	850		
Portugal	230		
EC	1 080		
Species:	Red seabream <i>Pagellus bogaraveo</i>	Zone:	X (Community waters and international waters)
Spain	10		
Portugal	1 116		
United Kingdom	10		
EC	1 136		

Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	I, II, III, IV (Community waters and international waters)
Germany	10		
France	10		
United Kingdom	16		
EC	36		
Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	V, VI, VII (Community waters and international waters)
Germany	10		
Spain	588		
France	356		
Ireland	260		
United Kingdom	814		
EC	2 028		
Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	VIII, IX (Community waters and international waters)
Spain	242		
France	15		
Portugal	10		
EC	267		
Species:	Forkbeards <i>Phycis blennoides</i>	Zone:	X, XII (Community waters and international waters)
France	10		
Portugal	43		
United Kingdom	10		
EC	63		

**COUNCIL REGULATION (EC) No 2271/2004****of 22 December 2004****amending Regulation (EC) No 1255/96 temporarily suspending the autonomous Common Customs  
Tariff duties on certain industrial, agricultural and fishery products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) It is in the interest of the Community to suspend partially or totally the autonomous common customs tariff duties for a number of new products not listed in the Annex to Council Regulation (EC) No 1255/96 of 27 June 1996 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial, agricultural and fishery products<sup>(1)</sup>.

(2) A number of products which are referred to in the said Regulation should be withdrawn from the list in the Annex because it is no longer in the Community's interest to maintain suspension of autonomous common customs tariff duties or because the description needs to be altered in order to take account of technical product developments and economic trends on the market.

(3) Accordingly, products whose description needs to be altered should be regarded as new products.

(4) It is therefore appropriate to amend Regulation (EC) No 1255/96 accordingly.

(5) Since this Regulation is to apply from 1 January 2005, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1255/96 is amended as follows:

- 1) the products set out in Annex I to this Regulation are inserted;
- 2) the products for which the codes are set out in Annex II to this Regulation are deleted.

*Article 2*

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

It shall apply from 1 January 2005.

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

Done at Brussels, 22 December 2004.

*For the Council*  
*The President*  
C. VEERMAN

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<sup>(1)</sup> OJ L 158, 29.6.1996, p. 1. Regulation as last amended by Regulation (EC) No 1241/2004 (OJ L 238, 8.7.2004, p. 1).



## ANNEX I

CN Code	TARIC	Description	Rate of autonomous duty (%)
ex 2005 90 80	70	Bamboo shoots, prepared or preserved, in immediate packings of a net content exceeding 5 kg	0
ex 2106 10 20	10	Soya protein isolate, containing by weight 6,6 % or more but not more than 8,6 % of calcium phosphate	0
ex 2309 90 99	20	Calcium sodium phosphate, with a fluorine content of 0,005 % or more but less than 0,2 % by weight on the dry anhydrous product, for use in the manufacture of additives for animal feeding (a)	0
ex 2904 90 85	30	5-Nitro-1,2,4-trichlorobenzene	0
ex 2908 90 00	40	3-Nitro- <i>p</i> -cresol	0
ex 2914 70 00	50	3'-Chloropropiophenone	0
ex 2919 00 90	30	Aluminium hydroxybis[2,2'-methylenebis(4,6-di- <i>tert</i> -butylphenyl)phosphate]	0
ex 2922 29 00	15	N-Methyl-2-(3,4-dimethoxyphenyl)ethylamine	0
ex 2924 29 95	75	3-Amino- <i>p</i> -anisamide	0
ex 2924 29 95	95	N-{3-[3-(Dimethylamino)prop-2-enoyl]phenyl}-N-ethylacetamide	0
ex 2928 00 90	70	Tetrakis(4-methylpentan-2-oximino)silane	0
ex 2929 90 00	20	Ethyl isocynoacetate	0
ex 2931 00 95	84	Methylbis(4-methylpentan-2-oximino)vinylsilane	0
ex 2932 99 85	20	(2-Butylbenzofuran-3-yl) (4-hydroxy-3,5-diiodophenyl) ketone	0
ex 2933 19 90	20	4-Amino-1-methyl-3-propylpyrazole-5-carboxamide	0
ex 2933 59 95	15	(2R)-4-Oxo-4-[3-(trifluoromethyl)-5,6-dihydro[1,2,4]triazolo[4,3- <i>a</i> ]pyrazin-7(8 <i>H</i> )-yl]-1-(2,4,5-trifluorophenyl)butyl-2-ammonium phosphate monohydrate	0
ex 2933 99 90	40	<i>trans</i> -4-Hydroxy-L-proline	0
ex 2933 99 90	85	Pyrrolidine	0
ex 2934 99 90	80	Oblimersen sodium (INN)	0
ex 3707 90 90	10	Anti-reflection coating, consisting of a modified methacrylic polymer, containing by weight not more than 10 % of polymer, in the form of a solution in 2-methoxy-1-methylethyl acetate and 1-methoxypropan-2-ol	0
ex 3707 90 90	20	Anti-reflection coating, consisting of a copolymer of hydroxystyrene and methyl methacrylate, modified with chromophore groups, containing by weight not more than 10 % of polymer, in the form of a solution in 1-methoxypropan-2-ol and ethyl lactate	0
ex 3707 90 90	40	Anti-reflection coating, consisting of amino-resin and modified phenolic resin, in the form of a solution in 1-methoxypropan-2-ol and ethyl lactate, containing by weight 15 % or more but not more than 24 % of both polymers taken together	0

CN Code	TARIC	Description	Rate of autonomous duty (%)
ex 3707 90 90	50	Anti-reflection coating, containing by weight: — 30 % or more but not more than 40 % of cyclohexanone, — 30 % or more but not more than 40 % of 1-methyl-2-pyrrolidone, — 20 % or more but not more than 30 % of tetrahydrofurfuryl alcohol	0
ex 3808 10 90	40	Spinosad (ISO)	0
ex 3815 90 90	81	Catalyst, containing by weight 69 % or more but not more than 79 % of (2-hydroxy-1-methylethyl)trimethylammonium 2-ethylhexanoate	0
ex 3817 00 80	10	Mixture of alkylnaphthalenes, containing by weight: — 88 % or more but not more than 98 % of hexadecylnaphthalene — 2 % or more but not more than 12 % of dihexadecylnaphthalene	0
ex 3824 90 64	06	Mixture of inosine (INN), dimepranol (INN) and acedoben (INN)	0
ex 3824 90 99	96	Zirconium dioxide, stabilised with calcium oxide, in the form of a powder	0
ex 3907 20 21	10	Mixture, containing by weight 70 % or more but not more than 80 % of a polymer of glycerol and 1,2-epoxypropane and 20 % or more but not more than 30 % of a copolymer of dibutyl maleate and N-vinyl-2-pyrrolidone	0
ex 3908 90 00	30	Reaction product of mixtures of octadecanecarboxylic acids polymerised with an aliphatic polyetherdiamine	0
ex 3911 90 99	85	Polymer of ethylene and styrene, cross-linked with divinylbenzene, in the form of a suspension	0
ex 3919 10 19	10	Reflecting film, consisting of a layer of polyurethane, with, on one side, security imprints against counterfeiting, alteration or substitution of data or duplication, or an official mark for an intended use, and embedded glass beads and, on the other side, an adhesive layer, covered on one side or on both sides with a release film	0
ex 3919 10 38	20		
ex 3919 90 38	10		
ex 3920 99 28	20		
ex 3919 10 31	10	Reflecting laminated sheet, consisting of a film of polycarbonate totally embossed on one side in a regular shaped pattern, covered on both sides with one or more layers of plastic material, whether or not covered on one side with an adhesive layer and a release sheet	0
ex 3919 10 38	30		
ex 3919 90 31	50		
ex 3920 61 00	20		
ex 3919 10 61	91	Reflecting film, consisting of a layer of poly(vinyl chloride), a layer of alkyd polyester, with, on one side, security imprints against counterfeiting, alteration or substitution of data or duplication, or an official mark for an intended use, only visible by means of a retroreflecting lighting, and embedded glass beads and, on the other side, an adhesive layer, covered on one side or on both sides with a release film	0
ex 3919 90 61	94		
ex 3919 90 61	93	Adhesive film consisting of a base of a copolymer of ethylene and vinyl acetate (EVA) of a thickness of 70 µm or more and an adhesive part of acrylic type of a thickness of 5 µm or more, for the protection of the surface of silicon discs (a)	0
ex 3919 90 69	93		
ex 3920 10 89	25		

CN Code	TARIC	Description	Rate of autonomous duty (%)
ex 3920 10 89	35	Reflecting film, consisting of a layer of polyethylene, a layer of polyurethane, with, on one side, security imprints against counterfeiting, alteration or substitution of data or duplication, or an official mark for an intended use, only visible by means of a retroreflecting lighting, and embedded glass beads and, on the other side, a hot-melt adhesive layer, covered on one side or on both sides with a release film	0
ex 3921 13 10	10	Sheet of polyurethane foam, of a thickness of 3 mm ( $\pm$ 15 %) and of a specific gravity of 0,09435 or more but not exceeding 0,10092	0
ex 5404 10 90	50	Monofilaments of polyester or poly(butylene terephthalate), with cross-sectional dimension of 0,5 mm or more but not exceeding 1mm, for use in the manufacture of zippers (a)	0
ex 5603 14 90	30	Non-wovens, consisting of a central elastomeric film laminated on each side with spunbonded filaments of polypropylene, of a weight of 200 g/m <sup>2</sup> or more but not exceeding 300 g/m <sup>2</sup>	0
ex 7002 10 00	10	Balls of E-glass, of a diameter of 20,3 mm or more but not exceeding 26 mm	0
ex 8108 30 00	10	Waste and scrap of titanium and titanium alloys, except those containing by weight 1 % or more but not more than 2 % of aluminium	0
ex 8108 90 50	10	Alloy of titanium and aluminium, containing by weight 1 % or more but not more than 2 % of aluminium, in sheets or rolls, of a thickness of 0,49 mm or more but not exceeding 3,1 mm, of a width of 1 000 mm or more but not exceeding 1 254 mm, for the manufacture of goods of subheading 8714 19 00 (a)	0
ex 8108 90 50	20	Alloy of titanium, aluminium and vanadium, containing by weight 2,5 % or more but not more than 3,5 % of aluminium and 2,0 % or more but not more than 3,0 % of vanadium, in sheets or rolls, of a thickness of 0,6 mm or more but not exceeding 0,9 mm, of a width not exceeding 1 000 mm, for the manufacture of goods of subheading 8714 19 00 (a)	0
ex 8518 40 91	10	Audio-frequency amplifier unit, comprising at least an audio-frequency amplifier, a static converter and a sound generator, for the manufacture of active loudspeaker boxes (a)	0
ex 8522 90 98	48	Video head drum, with video heads or with video and audio heads and an electric motor, for use in the manufacture of products falling within heading No 8521 (a)	0
ex 8529 90 81	43	Plasma display module incorporating only address and display electrodes, with or without driver and/or control electronics for pixel address only and with or without a power supply	0
ex 9002 90 90	60	Lenses, mounted, for use in the manufacture of projection TV (a)	0

(a) Entry under this subheading is subject to conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 — OJ L 253, 11.10.1993, p. 71 and subsequent amendments).

## ANNEX II

Code NC	TARIC
ex 2005 90 80	70
ex 2106 10 20	10
ex 2912 42 00	10
ex 2916 20 00	40
ex 2916 39 00	10
ex 2920 90 85	30
ex 3208 90 19	60
ex 3208 90 19	70
ex 3208 90 19	80
ex 3504 00 00	30
ex 3707 90 90	10
ex 3707 90 90	20
ex 3815 90 90	81
ex 3824 90 99	86
ex 3911 90 99	20
ex 3919 10 31	10
ex 3919 10 38	20
ex 3919 10 38	30
ex 3919 10 61	91
ex 3919 90 31	50
ex 3919 90 38	10
ex 3919 90 61	93
ex 3919 90 61	94
ex 3919 90 69	93
ex 3920 10 89	25
ex 3920 10 89	35
ex 3920 99 28	20
ex 5404 10 90	50
ex 7019 32 00	10
ex 7019 39 00 8108 30 00	10
ex 8108 90 70	20
ex 8540 91 00	91
ex 8540 91 00	94

**COUNCIL REGULATION (EC) No 2272/2004**

**of 22 December 2004**

**extending the definitive anti-dumping duty imposed by Regulation (EC) No 769/2002 on imports of coumarin originating in the People's Republic of China to imports of coumarin consigned from India or Thailand, whether declared as originating in India or Thailand or not**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

**A. PROCEDURE**

**1. Existing measures**

- (1) Following an expiry review, by Regulation (EC) No 769/2002<sup>(2)</sup> ('the original Regulation') the Council imposed a definitive anti-dumping duty of EUR 3 479 per tonne on imports of coumarin, falling within CN code ex 2932 21 00 originating in the People's Republic of China ('PRC').

**2. Request**

- (2) On 24 February 2004, the Commission received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of coumarin originating in the PRC ('the request'). The request was submitted by the European Chemical Industry Council (CEFIC) ('the applicant') on behalf of the sole producer in the Community.

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

<sup>(2)</sup> OJ L 123, 9.5.2002, p. 1. Regulation as last amended by Regulation (EC) No 1854/2003 (OJ L 272, 23.10.2003, p. 1).

- (3) The request alleged that there had been a change in the pattern of trade following the imposition of the anti-dumping measures on imports of coumarin originating in the PRC, as shown by a significant increase in imports of the same product from India and Thailand.

- (4) This change in the pattern of trade was alleged to stem from the transshipment of coumarin originating in the PRC via India and Thailand. It was further alleged that there was insufficient due cause or economic justification for these practices other than the existence of the anti-dumping measures on imports of coumarin originating in the PRC.

- (5) Finally, the applicant alleged that the remedial effects of the existing anti-dumping measures on coumarin originating in the PRC were being undermined both in terms of quantities and prices. Significant volumes of imports of coumarin from India and Thailand appeared to have replaced imports of coumarin from the PRC. In addition, there was sufficient evidence that the increase in imports was made at prices well below the non-injurious price established in the investigation that led to the existing measures, and that dumping was taking place in relation to the normal values previously established for coumarin originating in the PRC.

**3. Initiation**

- (6) The Commission initiated an investigation by Regulation (EC) No 661/2004<sup>(3)</sup> ('the initiating Regulation') into the alleged circumvention of the anti-dumping measures imposed on imports of coumarin originating in the PRC by imports of coumarin consigned from India or Thailand, whether declared as originating in India or Thailand or not and, pursuant to Articles 13(3) and 14(5) of the basic Regulation, directed the customs authorities to register imports of coumarin consigned from India or Thailand, whether declared as originating in India or Thailand or not, falling within CN code ex 2932 21 00 (TARIC codes 2932 21 00 11 and 2932 21 00 15), as from 9 April 2004. The Commission advised the authorities of the PRC, India and Thailand of the initiation of the investigation.

<sup>(3)</sup> OJ L 104, 8.4.2004, p. 99.

#### 4. Investigation

- (7) The Commission officially advised the authorities of the PRC, India and Thailand, the producers/exporters, the importers in the Community known to be concerned and the applicant of the initiation of the investigation. Questionnaires were sent to the producers/exporters in the PRC and India (there were no known producers in Thailand), as well as to the importers in the Community named in the request or known to the Commission from the investigation which led to the imposition of the existing measures. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and findings being made on the basis of the facts available.
- (8) No producer or exporter in the PRC or Thailand submitted a reply to the questionnaire. Replies to the questionnaire were received within the prescribed time limits from one exporting producer in India and one unrelated importer in the Community. The Commission carried out a verification visit at the premises of the following Indian exporting producer:

— Atlas Fine Chemicals Pvt. Ltd, Nasik, India

#### 5. Investigation period

- (9) The investigation period covered the period from 1 April 2003 to 31 March 2004 ('IP'). Data from 2000 up to the end of the IP were collected to investigate the change in the pattern of trade.

### B. RESULTS OF THE INVESTIGATION

#### 1. General considerations/degree of cooperation

##### (a) Thailand

- (10) No producers or exporters of coumarin in Thailand made themselves known or cooperated in the investigation. Accordingly, findings in respect of the exports of coumarin consigned from Thailand to the Community had to be made on the basis of the facts available in accordance with Article 18 of the basic Regulation. At the outset of the investigation, the authorities of Thailand had been informed of the consequences of non-co-

operation, as set out in Article 18(6) of the basic Regulation.

##### (b) India

- (11) One exporting producer in India, Atlas Fine Chemicals Pvt. Ltd, India ('Atlas'), cooperated, representing more than 90% in volume and value of the total imports of coumarin from India during the IP.
- (12) Atlas had stated in its questionnaire reply that none of its related companies are involved, either directly or indirectly, in the trade and manufacturing of coumarin. However, the verification visit revealed that Atlas has two related companies in India: Monolith Chemicals Pvt. Ltd. and Aims Impex Pvt. Ltd. that import coumarin originating in the PRC into India and then sell the imported products to Atlas.

##### (c) PRC

- (13) No Chinese producers or exporters cooperated in the investigation.
- (14) It was made clear to these companies that non-cooperation may lead to the application of Article 18 of the basic Regulation. They were also informed of the consequences of non cooperation.

#### 2. Product concerned and like product

- (15) The product concerned by the alleged circumvention is, as defined in the original Regulation, coumarin currently classifiable within CN code ex 2932 21 00. Coumarin is a whitish crystalline powder with the characteristic odour of newly mown hay. Its main uses are as an aroma chemical and as a fixative in the preparation of fragrance compounds, such compounds being used in the production of detergents, cosmetics and fine fragrances.
- (16) Coumarin can be manufactured following two different production processes: the Phenol route which involves Perkin reaction and the *o*-Cresol route which involves Rasching reaction. However, coumarin produced through these two processes has the same basic physical and chemical characteristics and has the same uses.

- (17) Based on the information gathered during the investigation from the sole cooperating Indian producer and in the absence of cooperation by any other Indian producers and by any parties in Thailand, it must be inferred, in the absence of any contrary evidence, that coumarin exported to the Community from the PRC and coumarin consigned from India and Thailand have the same basic physical and chemical characteristics and have the same uses. They are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

### 3. Change in the pattern of trade

- (18) As stated above, the change in the pattern of the trade was alleged to stem from transshipment via India and Thailand.

#### Thailand

- (19) As no Thai company cooperated in the investigation, exports from Thailand to the Community had to be established on the basis of the facts available pursuant to Article 18 of the basic Regulation. Eurostat data, which were the most appropriate information available, were therefore used to establish the export prices and quantities of imports from Thailand.

- (20) Imports of coumarin from Thailand increased from 0 tonne in 2000 to 211 tonnes in the IP. These imports from Thailand commenced in October 2001, some months after the initiation of expiry review concluded in 2002 ('the previous investigation'), when it could not be excluded that the measures imposed by Council Regulation (EC) No 600/96 of 25 March 1996 imposing a definitive anti-dumping duty on imports of coumarin originating in the People's Republic of China<sup>(1)</sup> would be maintained. The share of the imports consigned from Thailand in the total volume of imports of coumarin into the Community increased from 0% in 2000 to 50% in the IP, while the share of imports into the Community of coumarin from the PRC remained stable at 7% during the same period. In addition, Chinese export statistics at CN code level show

that during the same period exports of coumarin from the PRC in Thailand substantially increased from 1 tonne in 2000 to 270 tonnes in the IP. It was also noted that imports from Thailand have compensated to some extent for the decrease in imports from the PRC since measures were originally imposed by Regulation (EC) No 600/96.

- (21) In the absence of cooperation and of any contrary evidence it is concluded that there was a change in the pattern of trade between the PRC, Thailand and the Community from 2000 to the IP which stemmed from transshipment of coumarin originating in the PRC via Thailand.

#### India

- (22) The share of the imports consigned from India in the total volume of imports of coumarin into the Community increased from 11% in 2000 to 35% in the IP, while the share of imports into the Community of coumarin from the PRC remained stable at 7% during the same period. Furthermore, Chinese export statistics at CN code level show that during the same period exports of coumarin from the PRC to India substantially increased from 88 tonnes in 2000 to 687 tonnes in the IP. It was also noted that imports from India have compensated to some extent for the decrease in imports from the PRC since measures were originally imposed by Regulation (EC) No 600/96.

#### (a) Cooperating exporting producer in India

- (23) Atlas substantially and continuously increased its exports to the Community from 100<sup>(2)</sup> in the financial year ('FY') 2000/2001<sup>(3)</sup> to 1 957 in the IP. During the same period Atlas increased substantially its purchase of coumarin originating in the PRC from 100 in the FY 2000/2001 to 1 411 in the IP. It is therefore concluded that Atlas decided to import coumarin of Chinese origin, and after a slight modification re-export it to the Community thereby increasing substantially the share of imports consigned from India to the Community.

<sup>(2)</sup> For reasons of confidentiality, data in this paragraph have been indexed.

<sup>(3)</sup> Covering the period from 1 April of one year to 31 March of the following year.

<sup>(1)</sup> OJ L 86, 4.4.1996, p. 1.

**(b) Non-cooperating companies**

- (24) The request mentioned one other producer in India. As far as this non-cooperating company is concerned, and indeed any other producers that may exist but have chosen not to cooperate, the export volume and value had to be established on the basis of the facts available pursuant to Article 18 of the basic Regulation. Eurostat data, which were the most appropriate information available, were therefore used to establish the export prices and quantities of the non-cooperating companies. On that basis, it was found that imports from the non-cooperating companies slightly decreased. Moreover, it should be noted that the imports from the non-cooperating companies only represented 4-7%<sup>(1)</sup> in volume and value of the total imports of coumarin from India during the IP. Given the non-cooperation and the small market share of the non-cooperating companies, it was found that the information available for the non-cooperating companies was not such as to invalidate the finding of a change in the pattern of trade.

**(c) Conclusion for India**

- (25) On the basis of the above findings, it is concluded that there was a change in the pattern of trade between India, the PRC and the Community from 2000 to the IP which stemmed from re-export after a slight modification of coumarin originating in the PRC via India by the cooperating company and transshipment of coumarin originating in the PRC via India by non-cooperating companies.

**4. Insufficient due cause or economic justification****Thailand**

- (26) As to imports from Thailand, in the absence of cooperation and of any contrary evidence, it is concluded that, given that the imports started some months after the initiation of the previous investigation, probably in anticipation of a renewed imposition of the existing anti-dumping measures, the change in the pattern of trade stemmed from the existence of the anti-dumping measures rather than from any other sufficient due cause or economic justification within the meaning of Article 13(1) of the basic Regulation.

**India**

- (27) For the cooperating Indian exporting producer, Atlas, it was found that it imported coumarin produced via the o-

Cresol route from the PRC via two related Indian companies. The imported product was further purified by Atlas and this further purified coumarin was then re-exported to the Community. In the IP, the volume of coumarin subject to this production process represented 75%<sup>(2)</sup> of Atlas' total production volume. The remaining volume of 25%<sup>(2)</sup> represented genuine production in India of coumarin from the Phenol route. As the CN code declared for the coumarin imported from the PRC and the one declared for the further purified coumarin re-exported by Atlas to the Community is the same, it is concluded that both products are the same and therefore the product re-exported to the Community keeps its Chinese origin.

- (28) Atlas claimed that a CN code is just an indicative element to establish the origin of a product and that the further purification of coumarin has to be considered as a last substantial processing in an undertaking equipped for that purpose and resulting in the manufacture of a new product. Therefore in Atlas' view, coumarin further purified by the company had Indian origin.

- (29) It was found that the further purification of coumarin, already suitable for the cosmetics industry, does not change the origin of that coumarin.

- (30) Moreover, the investigation revealed that the cost of further purification of coumarin was not high and it was therefore concluded that this process only consisted in a slight modification of coumarin to improve its purity and not in the manufacture of a new product. Indeed, the further purified coumarin falls under the definition of the product concerned. This was not contested by Atlas.

- (31) Atlas also claimed that in assessing whether the processing was to be considered substantial, the value of coumarin imported from the PRC that was lost in the further purification process should be treated as a cost generated by the purification process. However, the value of coumarin lost in the purification process is incurred at the moment when such coumarin is purchased. Therefore it cannot be considered as a cost generated by the purification process itself.

<sup>(1)</sup> Ranges given for confidentiality reasons.

<sup>(2)</sup> For reasons of confidentiality, precise data are not given.



(32) The company also added that the main reason to export coumarin originating in the PRC was the insecurity due to the risk of strikes in India. However, even if the risk of strikes were, as such, considered to be a possible justification for company decisions, strikes can influence both production processes applied by Atlas, i.e. the production of Indian coumarin from the Phenol route and the purification of coumarin from the *o*-Cresol route originating in the PRC. Strikes therefore do not appear to be a sufficient justification for the fact that the portion of the coumarin originating in the PRC and used by Atlas in the production process increased from around 25 % in 2000 to more than 70 % in the IP <sup>(1)</sup>.

(33) It is therefore concluded that the change in the pattern of trade stemmed from the existence of the anti-dumping measures rather than from any other sufficient due cause or economic justification within the meaning of Article 13(1) of the basic Regulation.

(34) As far as the non-cooperating companies in India are concerned, their exports decreased after the FY 2001/2002, as Atlas sharply increased its market share, but, given the small quantities involved, this was found not to affect the finding of a change in the pattern of trade.

#### **5. Undermining of the remedial effects of the duty in terms of the prices and/or the quantities of the like products**

##### **T h a i l a n d**

(35) Based on the trade flow analysis made above, it was found that a change in the pattern of the Community imports is linked to the fact that there were anti-dumping measures in place. While imports declared as originating in Thailand were absent on the Community market until October 2001, they amounted to 211 tonnes in the IP. This volume represented 30,7 % of the Community consumption during the IP of the previous investigation.

(36) The investigation revealed that the average prices of imports from Thailand were even lower than the prices

of imports from the PRC in the previous investigation and therefore lower than the prices of the Community industry. Average prices of imports from Thailand were also 20 % lower than the Chinese export prices during the IP of the current investigation.

(37) On the basis of the above, it is concluded that the change in trade flows, together with the abnormally low prices of exports from Thailand have undermined the remedial effects of the anti-dumping measures both in terms of quantities and prices of the like products.

##### **I n d i a**

(38) Based on the trade flow analysis made above, it was found that a change in the pattern of trade is linked to the fact that there were anti-dumping measures in place. While imports consigned from India represented only 11 % of the total volume of imports of coumarin into the Community in 2000, they amounted to 35 % in the IP. This volume represented 18-22 % <sup>(2)</sup> of the Community consumption during the IP of the previous investigation.

(39) The investigation revealed that the average prices of imports from India were even lower than the prices of imports from the PRC in the previous investigation and therefore lower than the prices of the Community industry. Average prices of imports from India were also 14 % lower than the Chinese export prices during the IP of the current investigation.

(40) On the basis of the above, it is concluded that the change in trade flows, together with the abnormally low prices of exports from India have undermined the remedial effects of the anti-dumping measures both in terms of quantities and prices of the like products.

(41) Atlas claimed that it is unreasonable to compare Chinese export prices to the Community in 1994 (i.e. the IP used in the investigation which led to the imposition of the original measures in 1996) with Indian export prices to the same market today because ten years have lapsed between the two IPs.

<sup>(1)</sup> For reasons of confidentiality, precise data are not given.

<sup>(2)</sup> Ranges given for confidentiality reasons.

- (42) However, the reality is that Indian export prices were compared with the Chinese export prices established in the IP of the expiry review concluded in 2002.

Eurostat data were used pursuant to Article 18 of the basic Regulation.

**6. Evidence of dumping in relation to the normal value previously established for like or similar products**

**T h a i l a n d**

- (43) In order to determine whether evidence of dumping could be found with respect to the product concerned exported to the Community from Thailand during the IP, Eurostat data were used pursuant to Article 18 of the basic Regulation.

- (44) Article 13(1) of the basic Regulation requires evidence of dumping in relation to the normal value previously established for the like or similar products.

- (45) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of transport and insurance, on the basis of the facts available, i.e. as given in the request, in accordance with Article 18 of the basic Regulation.

- (46) In accordance with Articles 2(11) and 2(12) of the basic Regulation, the comparison of the weighted average normal value as established in the previous investigation and the weighted average of export prices during this investigation's IP, expressed as a percentage of the CIF price at the Community frontier, duty unpaid, showed dumping for the imports of coumarin to the Community from Thailand. The dumping margin found, expressed as a percentage of the CIF price at the Community frontier, duty unpaid, was above 100 %.

**I n d i a**

- (47) In order to determine whether evidence of dumping could be found with respect to the product concerned exported to the Community from India during the IP, export prices provided by the Indian cooperating producer and, for the non-cooperating companies

**(a) Cooperating exporting producer**

- (48) For the purpose of a fair comparison between the normal value and the export price for Atlas, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of transport, insurance, handling and ancillary costs, packing and currency conversions, on the basis of data provided by Atlas.

- (49) In accordance with Articles 2(11) and 2(12) of the basic Regulation, the comparison of the weighted average normal value as established in the previous investigation and the weighted average of export prices during this investigation's IP, expressed as a percentage of the CIF price at the Community frontier, duty unpaid, showed dumping for the imports of coumarin consigned by Atlas. The dumping margin found, expressed as a percentage of the CIF price at the Community frontier, duty unpaid, was above 80 %.

- (50) Atlas claimed that the comparison of the weighted average normal value as established in the previous investigation and weighted average of export prices during this investigation's IP gave incorrect conclusion because the time difference between the IPs of the two investigations is ten years.

- (51) However, the Commission took data for the weighted average normal value from the expiry review which was concluded in 2002 and therefore the time difference between the IPs of the two investigations is only two years. This is in line with the requirements of Article 13(1) of the basic Regulation.

**(b) Non-cooperating companies**

- (52) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of transport, insurance, handling and ancillary costs, packing and currency conversions, on the basis of data given by Atlas.

(53) In accordance with Articles 2(11) and 2(12) of the basic Regulation, the comparison of the weighted average normal value as established in the previous investigation and the weighted average of export prices during this investigation's IP, expressed as a percentage of the CIF price at the Community frontier, duty unpaid, showed dumping for the imports of coumarin to the Community from the non-cooperating companies in India. The dumping margin found, expressed as a percentage of the CIF price at the Community frontier, duty unpaid, was above 60 %.

#### C. MEASURES

(54) In view of the above findings of circumvention within the meaning of Article 13(1) of the basic Regulation, the existing anti-dumping measures on imports of the product concerned originating in the PRC should be extended to the same product consigned from India and Thailand, whether declared as originating in India or Thailand or not.

(55) The duty extended should be the one established in Article 1(2) of the original Regulation.

(56) Pursuant to Articles 13(3) and 14(5) of the basic Regulation, which provide that any extended measures shall be applied against registered imports from the date of registration, the anti-dumping duty should be collected on imports of coumarin consigned from India and Thailand which entered the Community under registration imposed by the initiating Regulation. However, given the fungible nature of the product and the particular circumstances of this case, it was not possible to segregate with certainty transactions relating to coumarin genuinely produced in India from those relating to coumarin imported from China, further purified and subsequently re-exported to the Community. Consequently, the retroactive collection of the extended anti-dumping duty on imports of coumarin consigned from India should not be applicable to imports of coumarin exported by Atlas during the registration period.

#### D. REQUEST FOR EXEMPTION FROM REGISTRATION OR EXTENSION OF THE DUTY

(57) The sole cooperating exporting producer, Atlas, lodged a request for the exemption from the registration and the envisaged extended anti-dumping measures, pursuant to Article 13(4) of the basic Regulation.

(58) The investigation revealed that Atlas had circumvented the anti-dumping measures in force through re-export, after a slight modification, of coumarin originating in the PRC. It was also found that Atlas had exported to the Community coumarin genuinely produced in India from the Phenol route (see recital 27). According to Article 13(4) of the basic Regulation, the fact that Atlas was involved in circumventing practices disqualifies it for the obtention of an exemption.

#### E. UNDERTAKING

(59) However, given the fungible nature of the product and the difficulties encountered by Atlas during the IP to distinguish products manufactured in India from the Phenol route and Chinese originating coumarin further purified and re-exported to the Community, it is exceptionally considered appropriate to accept an undertaking from Atlas, whereby the company would sell to the Community coumarin genuinely produced in India up to a quantitative ceiling corresponding to the quantity of such a product sold to the Community during the IP. Coumarin sold under the undertaking would not be subject to the payment of the extended duty.

(60) This undertaking from Atlas may be accepted by the Commission by a Commission Decision.

(61) In this context, Atlas has undertaken to provide the Commission with regular and detailed information concerning its exports to the Community, meaning that the undertaking can be monitored effectively by the Commission.

(62) To further enable the Commission to effectively monitor the compliance of the company with the undertaking, when the request for release for free circulation is presented to the relevant customs authority, exemption from the anti-dumping duty is to be conditional on the presentation of a commercial invoice containing at least the elements listed in the Annex. This level of information is also necessary to enable customs authorities to ascertain with sufficient precision that shipments correspond to the commercial documents. Where no such invoice is presented, or when it does not correspond to the product presented to customs, the appropriate rate of anti-dumping duty will instead be payable.

In view of this, the offer of an undertaking is therefore considered acceptable and the company concerned has been informed of the essential facts, considerations and obligations upon which acceptance is based.

(63) If Atlas breaches the undertaking or if the undertaking was proved to be otherwise unworkable, the Commission may withdraw its acceptance,

(a) a commercial invoice containing at least the elements listed in the Annex is presented to Member States' customs authorities upon presentation of the declaration for release into free circulation; and

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. The definitive anti-dumping duty imposed by Regulation (EC) No 769/2002 on imports of coumarin, falling within CN code ex 2932 21 00 originating in the People's Republic of China is hereby extended to imports of coumarin, falling within CN code ex 2932 21 00 consigned from India or Thailand, whether declared as originating in India or Thailand or not (TARIC codes 2932 21 00 11 and 2932 21 00 15).

2. The duty extended by paragraph 1 of this Article shall be collected on imports registered in accordance with Article 2 of Commission Regulation (EC) No 661/2004 and Articles 13(3) and 14(5) of Regulation (EC) No 384/96, with the exception of the goods exported by Atlas Fine Chemicals Pvt Ltd., Debhanu Mansion, Nasik-Pune Highway, Nasik Road, MS 422 101, India, (TARIC additional code A579).

3. Notwithstanding paragraph 1, the definitive anti-dumping duty shall not apply to imports released for free circulation in accordance with Article 2.

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

#### *Article 2*

1. Imports declared for release into free circulation shall be exempt from the anti-dumping duty imposed by Article 1 provided that they are produced by companies from which undertakings are accepted by the Commission and whose names are listed in the relevant Commission Decision, as from time to time amended and have been imported in conformity with that Decision.

2. Imports referred to in paragraph 1 shall be exempt from the anti-dumping duty on condition that:

(b) the goods declared and presented to customs correspond precisely to the description on the commercial invoice.

#### *Article 3*

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the Community and must be signed by a person authorised to represent the applicant. The request must be sent to the following address:

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

2. The Commission, after consulting the Advisory Committee, may authorise, by decision, the exemption of imports from companies which made such a request from the duty extended by Article 1(1).

#### *Article 4*

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Commission Regulation (EC) No 661/2004.

#### *Article 5*

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

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

Done at Brussels, 22 December 2004.

*For the Council*  
*The President*  
C. VEERMAN

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## ANNEX

The following information shall be indicated on the commercial invoice accompanying the company's sales of coumarin to the Community which are subject to the Undertaking:

1. The heading 'COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO AN UNDERTAKING'
2. The name of the company referred to in Article 2(1) issuing the commercial invoice
3. The commercial invoice number
4. The date of issue of the commercial invoice
5. The TARIC additional code under which the goods on the invoice are to be customs cleared at the Community frontier
6. The exact description of the goods, including:
  - Product Code Number (PCN) used for the purposes of the investigation and the undertaking;
  - plain language description of the goods corresponding to the PCN concerned (e.g. 'PCN .....');
  - company product code number (CPC) (if applicable);
  - CN code;
  - quantity (to be given in kilograms).
7. Name of the company acting as an importer in the Community to which the commercial invoice accompanying goods subject to an undertaking is issued directly by the company.
8. The name of the official of the company that has issued the invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the undertaking offered by [company], and accepted by the European Commission through Decision [INSERT NUMBER]. I declare that the information provided in this invoice is complete and correct.'

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**COUNCIL REGULATION (EC, Euratom) No 2273/2004****of 22 December 2004****amending Regulation (EC, Euratom) No 2728/94 establishing a Guarantee Fund for external actions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the opinion of the Court of Auditors<sup>(1)</sup>,

Whereas:

- (1) The accession of 10 new Member States took place on 1 May 2004.
- (2) In addition, the possibility of further accessions should be taken into account.
- (3) The Communities have granted loans and guaranteed loans to accession countries or for projects executed in those countries. Those loans and guarantees are currently covered by the Guarantee Fund and will remain outstanding or in force after the date of accession. From that date, they will cease to be external actions of the Communities and should therefore be covered directly by the general budget of the European Union and no longer by the Guarantee Fund.
- (4) The European Investment Bank should inform the Commission of the amount of its outstanding operations under the Community guarantee in new Member States on the day of accession.

(5) The report prepared by the Commission in accordance with Article 9 of Council Regulation (EC, Euratom) No 2728/94 of 31 October 1994 establishing a Guarantee Fund for external actions<sup>(2)</sup> concludes that it is not necessary to amend any parameters of the Guarantee Fund to take into account the enlargement of the European Union.

(6) In view of the amount of information needed for the annual report required by Article 7 of Regulation (EC, Euratom) No 2728/94 and the complexity of the procedures to be accomplished before submission of the report, the time provided for its preparation should be extended.

(7) Regulation (EC, Euratom) No 2728/94 should therefore be amended accordingly.

(8) The Treaties provide for no powers, other than those in Article 308 of the EC Treaty and Article 203 of the Euratom Treaty, for the adoption of this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC, Euratom) No 2728/94 is hereby amended as follows:

1. In Article 1, the following subparagraph shall be added:

‘All operations carried out for the benefit of a third country or for the purpose of financing projects in a third country shall fall outside the scope of this Regulation with effect from the date on which that country accedes to the European Union.’;

2. The following Article shall be inserted:

‘*Article 3a*

Following the accession of a new Member State to the European Union, the target amount shall be reduced by an amount calculated on the basis of the operations referred to in the third subparagraph of Article 1.

<sup>(1)</sup> OJ C 19, 23.1.2004, p. 3.

<sup>(2)</sup> OJ L 293, 12.11.1994, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1149/1999 (OJ L 139, 2.6.1999, p. 1).

In order to calculate the amount of the reduction, the percentage rate referred to in the second subparagraph of Article 3 applicable on the date of accession shall be applied to the amount of those operations outstanding on that date.

The surplus shall be paid back to a special heading in the statement of revenue in the general budget of the European Union.;

3. In Article 7, the date '31 March' shall be replaced by '31 May'.

*Article 2*

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

It shall apply from 1 May 2004.

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

Done at Brussels, 22 December 2004.

*For the Council*  
*The President*  
C. VEERMAN

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**COMMISSION REGULATION (EC) No 2274/2004  
of 30 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<sup>(1)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 31 December 2004.

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

Done at Brussels, 30 December 2004.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Director-General for Agriculture and  
Rural Development*

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

## ANNEX

**to Commission Regulation of 30 December 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables**

*(EUR/100 kg)*

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	75,5
	204	47,8
	999	61,7
0709 90 70	204	55,6
	999	55,6
0805 10 10, 0805 10 30, 0805 10 50	448	33,6
	999	33,6
0805 20 10	204	47,1
	999	47,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	204	47,4
	999	47,4
0805 50 10	052	50,9
	999	50,9
0808 10 20, 0808 10 50, 0808 10 90	720	48,3
	999	48,3
0808 20 50	400	87,0
	999	87,0

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

**COMMISSION REGULATION (EC) No 2275/2004****of 30 December 2004****opening an invitation to tender for the reduction in the duty on sorghum imported into Spain from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

disturb the Spanish cereals market. Such cumulation must therefore be ruled out.

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup>, and in particular Article 12(1) thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

*Article 1*

- (1) Pursuant to the Agreement on Agriculture<sup>(2)</sup> concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of sorghum into Spain.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal<sup>(3)</sup>, lays down the special additional detailed rules necessary for implementing the invitations to tender.
- (3) In view of the current market demand in Spain, an invitation to tender for the reduction in the duty on sorghum is appropriate.
- (4) Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) and repealing Regulation (EC) No 1706/98<sup>(4)</sup> provides in particular for a 60 % reduction in the duty applicable to imports of 100 000 tonnes of sorghum per calendar year, and a 50 % reduction over this quota. Cumulation of this benefit and the benefit resulting from the invitation to tender for the reduction in the import duty would

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EC) No 1784/2003 on sorghum to be imported into Spain.

2. Regulation (EC) No 1839/95 shall apply, save as otherwise provided for in this Regulation.

3. The reduction in the import duty for sorghum laid down in Annex II to Regulation (EC) No 2886/2002 shall not apply in the case of this invitation to tender.

*Article 2*

The invitation to tender shall be open until 15 December 2005. During that time weekly invitations shall be issued, with quantities and closing dates as shown in the notice of invitation to tender.

*Article 3*

Import licences issued under this invitation to tender shall be valid for fifty days from the date they are issued, within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

*Article 4*

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

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

<sup>(2)</sup> OJ L 336, 23.12.1994, p. 22.

<sup>(3)</sup> OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

<sup>(4)</sup> OJ L 348, 21.12.2002, p. 5.

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

Done at Brussels, 30 December 2004.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2276/2004****of 30 December 2004****opening an invitation to tender for the reduction in the duty on maize imported into Portugal from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) Pursuant to the Agreement on Agriculture<sup>(2)</sup> concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of maize into Portugal.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal<sup>(3)</sup> lays down the special additional detailed rules necessary for implementing the invitation to tender.
- (3) In view of the current market demand in Portugal, an invitation to tender for the reduction in the duty on maize is appropriate.
- (4) The Management Committee for Cereals has not issued an opinion by the time limit laid down by its Chairman,

*Article 1*

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EC) No 1784/2003 on maize to be imported into Portugal.

2. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

*Article 2*

The invitation to tender shall be open until 17 March 2005. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

*Article 3*

Import licences issued under these invitations to tender shall be valid for 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

*Article 4*

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

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

Done at Brussels, 30 December 2004.

For the Commission  
Mariann FISCHER BOEL  
Member of the Commission

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

<sup>(2)</sup> OJ L 336, 23.12.1994, p. 22

<sup>(3)</sup> OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

**COMMISSION REGULATION (EC) No 2277/2004****of 30 December 2004****opening an invitation to tender for the reduction in the duty on maize imported into Spain from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup>, and in particular Article 12(1) thereof,

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EC) No 1784/2003 on maize to be imported into Spain.

Whereas:

2. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

(1) Pursuant to the Agreement on Agriculture<sup>(2)</sup> concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of maize into Spain.

*Article 2*

The invitation to tender shall be open until 28 April 2005. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

(2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal<sup>(3)</sup>, lays down the special additional detailed rules necessary for implementing the invitation to tender.

*Article 3*

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

(3) In view of the current market demand in Spain, an invitation to tender for the reduction in the duty on maize is appropriate.

*Article 4*

(4) The Management Committee for Cereals has not issued an opinion by the time limit laid down by its Chairman,

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

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

Done at Brussels, 30 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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

<sup>(2)</sup> OJ L 336, 23.12.1994, p. 22.

<sup>(3)</sup> OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

## COMMISSION REGULATION (EC) No 2278/2004

of 30 December 2004

**amending Regulation (EC) No 2759/1999 laying down rules for the application of Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(3) Regulation (EC) No 2759/1999 should therefore be amended accordingly.

Having regard to the Treaty establishing the European Community,

(4) The measures provided for in this Regulation are in accordance with the opinion of the Agriculture Structures and Rural Development Committee,

Having regard to Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period<sup>(1)</sup>, and in particular Article 12(1) thereof,

HAS ADOPTED THIS REGULATION:

*Article 1*

Whereas:

Regulation (EC) No 2759/1999 is amended as follows:

(1) Article 26(1) of Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations<sup>(2)</sup>, as amended by Regulation (EC) No 1783/2003<sup>(3)</sup>, includes certain provisions that are not directly applicable to beneficiary countries under Regulation (EC) No 1268/1999. Article 26 can therefore no longer be referred to in Article 3 of Commission Regulation (EC) No 2759/1999<sup>(4)</sup>. Specific provisions should therefore be introduced into Article 3(1) of Regulation (EC) No 2759/1999 to take account of the situation with regard to the applicant countries.

1. In Article 3, paragraph 1 is replaced by the following:

'1. Support may be granted for investments provided for in Article 25 of Regulation (EC) No 1257/1999 relating to improving the processing and marketing of the agricultural including fishery products included in Annex I to the Treaty. Agricultural products, excluding fishery products, must originate in applicant countries or the Community. Investments at the retail level shall be excluded from support.'

(2) Article 8 of Regulation (EC) No 1268/1999 concerns the rate of Community contribution and the aid intensities. Paragraph 2 of that Article raises the ceiling for public aid for investments in agricultural holdings, amongst others, for investments made by young farmers and/or in mountain areas. Those terms should be defined in accordance with the principles applicable to Member States.

Support shall be granted to those persons ultimately responsible for financing the investment in enterprises fulfilling the conditions provided for in the first and second indents of Article 2(2) of this Regulation.

<sup>(1)</sup> OJ L 161, 26.6.1999, p. 87. Regulation as last amended by Regulation (EC) No 2008/2004 (OJ L 349, 25.11.2004, p. 12).

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 80. Regulation as last amended by Regulation (EC) No 583/2004 (OJ L 91, 30.3.2004, p. 1).

<sup>(3)</sup> OJ L 270, 21.10.2003, p. 70.

<sup>(4)</sup> OJ L 331, 23.12.1999, p. 51. Regulation as last amended by Regulation (EC) No 775/2003 (OJ L 112, 6.5.2003, p. 9).

However, where *acquis*-related minimum standards regarding the environment, hygiene and animal welfare have been newly introduced at the time the application is received, the decision to grant support will be conditional on the enterprise meeting those new standards by the end of the realisation of the investment.'

2. In Article 8, paragraph 4 is replaced by the following:

'4. For the application of Article 8(2) of Regulation (EC) No 1268/1999 the following definitions shall apply:

(a) 'young farmers' shall mean a farmer under 40 years of age at the time when the decision to grant support is taken, possessing adequate occupational skills and competence;

(b) 'mountain areas' shall mean mountain areas as defined in Article 18(1) of Regulation (EC) No 1257/1999;

(c) 'public aid' shall mean all such aid whether or not granted under the programme.'

*Article 2*

This Regulation shall enter into force on the third 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, 30 December 2004.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## COMMISSION REGULATION (EC) No 2279/2004

of 30 December 2004

## amending Council Regulation (EC) No 747/2001 as regards the Community tariff quotas and reference quantities for certain agricultural products originating in the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95 <sup>(1)</sup>, and in particular Article 5(1)(b) thereof,

Whereas:

(1) By its Decision of 22 December 2004 <sup>(2)</sup>, the Council has concluded an Agreement in the form of an Exchange of Letters between the European Community and the Palestine Liberation Organisation (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip concerning reciprocal liberalisation measures and the replacement of the Protocols 1 and 2 to the EC-Palestinian Authority Interim Association Agreement. That new Agreement applies from 1 January 2005.

(2) The new Protocol No 1 concerning the arrangements applicable to imports into the Community of agricultural products originating in the West Bank and the Gaza Strip hereinafter 'the new Protocol No 1', provides for new tariff concessions and changes to the existing concessions laid down in Regulation (EC) No 747/2001, some of which fall within Community tariff quotas and reference quantities.

(3) To implement the tariff concessions provided for in the new Protocol No 1, it is necessary to amend Regulation (EC) No 747/2001.

(4) For the purpose of calculating tariff quotas and reference quantities for the first year of application, it should be provided that, where the period for the quota or reference quantity starts before the date from which the new Agreement applies, the tariff quota volume and reference quantity are to be reduced in proportion to

that part of the period which has already elapsed before that date.

(5) In order to facilitate the management of certain existing tariff quotas and reference quantities provided for in Regulation (EC) No 747/2001, the quantities imported within the framework of those quotas and reference quantities should be taken into account for charging on the measures opened in accordance with Regulation (EC) No 747/2001, as amended by this Regulation.

(6) In accordance with the new Protocol No 1, the tariff quota volumes for certain products should be increased twice.

(7) Since the provisions provided for in this Regulation should apply from the date of application of the new Agreement, it is appropriate for this Regulation to enter into force as soon as possible.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex VIII to Regulation (EC) No 747/2001 shall be replaced by the text set out in the Annex to this Regulation.

*Article 2*

For the quota and reference quantity periods still open on 1 January 2005, the quantities which pursuant to Regulation (EC) No 747/2001 have been put into free circulation in the Community within the tariff quota and reference quantities with order numbers 09.1381, 18.0310, 18.0340 and 18.0380 shall be taken into account for charging on the tariff quota and reference quantities laid down in Annex VIII to Regulation (EC) No 747/2001, as amended by this Regulation.

*Article 3*

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

It shall apply from 1 January 2005.

<sup>(1)</sup> OJ L 109, 19.4.2001, p. 2. Regulation as last amended by Commission Regulation (EC) No 2256/2004 (OJ L 385, 29.12.2004, p. 24).

<sup>(2)</sup> Not yet published in the Official Journal.

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

Done at Brussels, 30 December 2004.

*For the Commission*  
László KOVÁCS  
*Member of the Commission*

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## ANNEX

## ANNEX VIII

## WEST BANK AND THE GAZA STRIP

Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

## PART A: Tariff quotas

Order No	CN code	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1383	0409 00 00	Natural honey	From 1.1 to 31.12.2005	500	Exemption
			From 1.1 to 31.12.2006	750	
			From 1.1 to 31.12.2007 and for each period thereafter from 1.1 to 31.12	1 000	
09.1382	0603 10	Fresh cut flowers and flower buds of a kind suitable for ornamental purposes	From 1.1 to 31.12.2005	2 000	Exemption
			From 1.1 to 31.12.2006	2 250	
			From 1.1 to 31.12.2007 and for each period thereafter from 1.1 to 31.12	2 500	
09.1384	0712 31 00 0712 32 00 0712 33 00 0712 39 00	Mushrooms, wood ears ( <i>Auricularia</i> spp.), jelly fungi ( <i>Tremella</i> spp.) and truffles, dried	From 1.1 to 31.12	500	Exemption
09.1385	0806 10 10	Fresh table grapes	From 1.2 to 14.7.2005	1 000	Exemption
			From 1.2 to 14.7.2006	1 500	
			From 1.2 to 14.7.2007 and for each period thereafter from 1.2 to 14.7	2 000	
09.1381	0810 10 00	Fresh strawberries	From 1.11.2004 to 31.3.2005	1 680	Exemption
			From 1.11.2005 to 31.3.2006	2 500	
			From 1.11.2006 to 31.3.2007 and for each period thereafter from 1.11 to 31.3	3 000	
09.1386	1509 10	Virgin olive oil	From 1.1 to 31.12.2005	2 000	Exemption
			From 1.1 to 31.12.2006	2 500	
			From 1.1 to 31.12.2007 and for each period thereafter from 1.1 to 31.12	3 000	

## PART B: Reference quantities

Order No	CN code	Taric subdivision	Description of goods	Reference quantity period	Reference quantity volume (in tonnes net weight)	Reference quantity duty
18.0310	0702 00 00		Tomatoes, fresh or chilled	From 1.12.2004 to 31.3.2005	1 750	Exemption <sup>(1)</sup>
				From 1.12.2005 to 31.3.2006 and for each period thereafter from 1.12 to 31.3	2 000	
18.0320	0709 30 00		Aubergines (eggplants), fresh or chilled	From 15.1 to 30.4	3 000	Exemption
18.0330	ex 0709 60		Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , fresh or chilled:	From 1.1 to 31.12	1 000	Exemption
	0709 60 10		Sweet peppers			
	0709 60 99		Other			
18.0340	0709 90 70		Courgettes, fresh or chilled	From 1.12 to 28/29.2	300	Exemption <sup>(1)</sup>
18.0350	0805 10 20		Fresh oranges	From 1.1 to 31.12	25 000	Exemption <sup>(1)</sup>
	ex 0805 10 80	10				
18.0360	ex 0805 20 10	05	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, fresh	From 1.1 to 31.12	500	Exemption <sup>(1)</sup>
	ex 0805 20 30	05				
	ex 0805 20 50	07, 37				
	ex 0805 20 70	05				
	ex 0805 20 90	05, 09				
18.0370	ex 0805 50 10	10	Lemons ( <i>Citrus limon</i> , <i>Citrus limonum</i> ), fresh	From 1.1 to 31.12	800	Exemption <sup>(1)</sup>
18.0380	0807 19 00		Melons (excluding watermelons), fresh	From 1.11 to 31.5	10 000	Exemption

<sup>(1)</sup> The exemption applies only to the *ad valorem* duty.

**COMMISSION REGULATION (EC) No 2280/2004****of 30 December 2004****fixing the import duties in the cereals sector applicable from 1 January 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 January 2005.

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

Done at Brussels, 30 December 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

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

## ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 1 January 2005**

CN code	Description	Import duty <sup>(1)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	12,63
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	45,09
1005 10 90	Maize seed other than hybrid	55,51
1005 90 00	Maize other than seed <sup>(2)</sup>	55,51
1007 00 90	Grain sorghum other than hybrids for sowing	45,09

(<sup>1</sup>) For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:  
— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or  
— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

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

## ANNEX II

**Factors for calculating duties**

period from 15.12.2004-29.12.2004

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	108,75 (***)	60,16	145,51	135,51	115,51	83,05
Gulf premium (EUR/t)	39,75	12,46	—			—
Great Lakes premium (EUR/t)	—	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 31,03 EUR/t; Great Lakes–Rotterdam: — EUR/t.

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

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 22 December 2004

**providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty**

(2004/927/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 67(2) thereof,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) Under the Treaty of Amsterdam the European Community acquired the power to adopt measures in the field of visas, asylum, immigration and other policies relating to the free movement of persons, as laid down in Title IV of Part Three of the Treaty establishing the European Community (hereinafter 'the Treaty').
- (2) Under Article 67 of the Treaty, as introduced by the Treaty of Amsterdam, most of those measures were to be adopted by the Council acting unanimously after consulting the European Parliament.
- (3) Under the second indent of paragraph 2, of the same Article 67, the Council, acting unanimously after consulting the European Parliament, shall take a decision, after a transitional period of five years following the entry into force of the Treaty of Amsterdam, with a view to providing for all or parts of the areas covered by Title IV to be governed by the procedure referred to in Article 251 thereof.
- (4) Pursuant to Article 67(5) of the Treaty which was added by the Treaty of Nice the Council shall, in accordance with the procedure laid down in Article 251, adopt the asylum-related measures provided for in Article 63(1) and (2)(a) provided that the Council has, unanimously and after consultation of the European Parliament,

adopted Community legislation defining the common rules and basic principles governing those issues, as well as the measures on judicial cooperation in civil matters provided for in Article 65 with the exception of aspects relating to family law; those provisions are not affected by this Decision.

- (5) Moreover, pursuant to the Protocol on Article 67 of the Treaty, annexed to that Treaty by the Treaty of Nice, as from 1 May 2004 the Council shall act by a qualified majority, on a proposal from the Commission and after consulting the European Parliament, when adopting the measures referred to in Article 66 of the Treaty; that Protocol is not affected by this Decision.
- (6) In addition to that which follows from the Treaty of Nice, when approving 'the Hague Programme': 'Strengthening Freedom, Security and Justice in the European Union' at its meeting on 4 and 5 November 2004 the European Council asked the Council to adopt a decision based on Article 67(2) of the Treaty no later than 1 April 2005 to the effect that the Council is required to act in accordance with the procedure laid down in Article 251 when adopting, in conformity with the case law of the Court of Justice relating to the choice of legal basis for Community acts, the measures referred to in Article 62(1), (2)(a) and (3) and Article 63(2)(b) and 3(b) of the Treaty.
- (7) However, the European Council took the view that, pending the entry into force of the Treaty establishing a Constitution for Europe, the Council should continue to act unanimously after consulting the European Parliament when adopting measures in the field of the legal migration of third-country nationals to and between Member States referred to in Article 63(3)(a) and (4) of the Treaty.



- (8) The transition to co-decision procedures for the adoption of measures referred to in Article 62(1) of the Treaty is without prejudice to the requirement for the Council to act unanimously when taking the decisions referred to in Article 3(2) of the Act of Accession of 2003, Article 15(1) of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the, implementation, application and development of the Schengen acquis<sup>(1)</sup>, Article 4 of the Protocol annexed to the Treaty on the European Union and to the Treaty establishing the European Community integrating the Schengen acquis into the framework of the European Union and any future accession treaty.
- (9) The transition to codecision procedures for the adoption of measures referred to in Article 62(2)(a) of the Treaty is without prejudice to the competence of the Member States concerning the geographical demarcation of their borders, in accordance with international law.
- (10) Incentive measures to support the action of Member States regarding the integration of third country nationals residing legally in their territories might be adopted by the Council acting in accordance with the appropriate legal basis provided for in the Treaty.
- (11) As a consequence of the transition to co-decision procedures for the adoption of measures referred to in Articles 62(2) and (3) of the Treaty, the Regulations reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications and for carrying out border checks and surveillance should be amended so as to require the Council to act by qualified majority in those cases.
- (12) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Decision and is not bound by it or subject to its application.
- (13) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, those Member

States have notified their wish to take part in the adoption and application of this Decision,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. As from 1 January 2005 the Council shall act in accordance with the procedure laid down in Article 251 of the Treaty when adopting measures referred to in Article 62(1), (2)(a) and (3) of the Treaty.
2. As from 1 January 2005 the Council shall act in accordance with the procedure laid down in Article 251 of the Treaty when adopting measures referred to in Article 63(2)(b) and (3)(b) of the Treaty.

*Article 2*

Article 251 of the Treaty shall apply to opinions of the European Parliament obtained by the Council before 1 January 2005 concerning proposals for measures with respect to which the Council shall act, pursuant to this Decision, in accordance with the procedure laid down in Article 251 of the Treaty.

*Article 3*

1. In Article 1(1) and (2) of Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications<sup>(2)</sup> the words 'acting unanimously' shall be replaced by 'acting by qualified majority' with effect from 1 January 2005.
2. In Article 1(1) of Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance<sup>(3)</sup> the words 'acting unanimously' shall be replaced by 'acting by qualified majority' with effect from 1 January 2005.

Done at Brussels, 22 December 2004.

*For the Council*  
*The President*  
C. VEERMAN

<sup>(1)</sup> Council doc. 13054/04 accessible on <http://register.consilium.eu.int>

<sup>(2)</sup> OJ L 116 of 26.4.2001, p. 2.

<sup>(3)</sup> OJ L 116 of 26.4.2001, p. 5.

**COUNCIL DECISION**  
**of 22 December 2004**  
**on the appointment of the Special Coordinator of the Stability Pact for South-Eastern Europe**  
(2004/928/EC)

THE COUNCIL OF THE EUROPEAN UNION,

*Article 2*

The Special Coordinator shall carry out the functions provided for in point 13 of the Stability Pact document of 10 June 1999.

Having regard to the Treaty establishing the European Community,

*Article 3*

Having regard to Council Regulation (EC) No 1080/2000 of 22 May 2000 on support for the United Nations Interim Mission in Kosovo (UNMIK), the Office of the High Representative in Bosnia and Herzegovina (OHR) and the Stability Pact for South-Eastern Europe (SP)<sup>(1)</sup>, and in particular Article 1a thereof,

In order to achieve the objective referred to in Article 2, the mandate of the Special Coordinator shall be to:

Having regard to the proposal from the Commission,

(a) promote achievement of the Stability Pact's objectives within, and between, the individual countries, where the Stability Pact proves to have an added value;

Whereas:

(1) On 10 June 1999 the Foreign Ministers of the Member States of the European Union and the Commission of the European Communities, together with the other participants in the Stability Pact for South-Eastern Europe, agreed to establish a Stability Pact for South-Eastern Europe, hereinafter called the 'Stability Pact'.

(b) chair the South-Eastern Europe Regional Table;

(2) Article 1a of Regulation (EC) No 1080/2000 provides for the Special Coordinator of the Stability Pact to be appointed on an annual basis.

(c) maintain close contact with all participants and facilitating States, organisations and institutions of the Stability Pact, as well as relevant regional initiatives and organisations, with a view to fostering regional cooperation and enhancing regional ownership;

(3) It is necessary to establish, together with the appointment, a mandate for the Special Coordinator. Experience has shown that the mandate laid down in Council Decision 2003/910 of 22 December 2003 on the appointment of the Special Coordinator of the Stability Pact for South-Eastern Europe<sup>(2)</sup> for 2004 is appropriate.

(d) cooperate closely with all institutions of the European Union and its Member States in order to promote the role of the European Union in the Stability Pact in accordance with points 18, 19, and 20 of the Stability Pact document and to ensure complementarity between the work of the Stability Pact and the Stabilisation and Association Process;

(4) It is appropriate to lay down clear lines of responsibility as well as guidance on coordination and reporting,

(e) meet periodically and collectively as appropriate with the Chairs of the Working Tables to ensure strategic overall coordination and act as the secretariat of the South-Eastern Europe Regional Table and its instruments;

HAS DECIDED AS FOLLOWS:

*Article 1*

Dr Erhard BUSEK is hereby appointed Special Coordinator of the Stability Pact for South-Eastern Europe.

(f) work on the basis of a list, agreed in advance and in consultation with the participants in the Stability Pact, of priority actions for the Stability Pact to implement during 2005, and keep the working methods and structures of the Stability Pact under review, ensuring consistency and efficient use of resources.

<sup>(1)</sup> OJ L 122, 24.5.2000, p. 27. Regulation as amended by Regulation (EC) No 2098/2003 (OJ L 316, 29.11.2003, p. 1).

<sup>(2)</sup> OJ L 342, 30.12.2003, p. 51.

*Article 4*

The Special Coordinator shall conclude a financing agreement with the Commission.

*Article 5*

The activities of the Special Coordinator shall be coordinated with those of the Secretary-General of the Council/High Representative for the CFSP, the Presidency of the Council and the Commission, notably in the framework of the Informal Consultative Committee. In the field, close liaison shall be maintained with the Presidency of the Council, the Commission, the Member States' Heads of Mission, the Special Representatives of the European Union, as well as with the Office of the High Representative in Bosnia and Herzegovina and the United Nations Civil Administration in Kosovo.

*Article 6*

The Special Coordinator shall report, as appropriate, to the Council and the Commission. He will continue to inform the European Parliament regularly about his activities.

*Article 7*

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2005 until 31 December 2005.

Done at Brussels, 22 December 2004

*For the Council*  
*The President*  
C. VEERMAN

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# COMMISSION

## COMMISSION DECISION

of 22 December 2004

**adjusting the weightings applicable from 1 February, 1 March, 1 April, 1 May and 1 June 2004 to the remuneration of officials, contract staff and temporary staff of the European Communities serving in third countries and of certain officials remaining in post in the 10 new Member States for a maximum period of 15 months after accession**

(2004/929/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup>, and in particular the second paragraph of Article 13 of Annex X thereto,

Having regard to the Treaty of Accession of the 10 new Member States, and in particular Article 33(4) thereof,

Whereas:

- (1) Pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, the weightings to be applied from 1 January 2004 to the remuneration of officials of the European Communities serving in third countries payable in the currency of their country of employment were last laid down, under the old Staff Regulations, by Council Regulation (EC, Euratom) No 1785/2004 <sup>(2)</sup>.
- (2) Some of these weightings need to be adjusted in accordance with the second paragraph of Article 13 of Annex X to the Staff Regulations, with effect from 1 February, 1 March, 1 April, 1 May and 1 June 2004, since the statistics available to the Commission show that in certain third countries the variation in the cost

of living measured on the basis of the weighting and the corresponding exchange rate has exceeded 5% since weightings were last laid down or adjusted,

DECIDES:

### *Sole Article*

With effect from 1 February, 1 March, 1 April, 1 May and 1 June 2004, the weightings applied to the remuneration of officials, contract staff and temporary staff of the European Communities serving in third countries and of certain officials remaining in post in the 10 new Member States for a maximum period of 15 months after accession, payable in the currency of the country of employment, shall be adjusted as shown in the Annex hereto.

The exchange rates used for the calculation of this remuneration shall be established in accordance with the rules for the implementation of the Financial Regulation and correspond to the dates referred to in the first paragraph.

Done at Brussels, 22 December 2004.

*For the Commission*  
Benita FERRERO-WALDNER  
*Member of the Commission*

<sup>(1)</sup> OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 857/2004 (OJ L 161, 30.4.2004, p. 11).

<sup>(2)</sup> OJ L 317, 16.10.2004, p. 1.

## ANNEX

Place of employment	Weightings February 2004
Dominican Republic	33,1
Suriname	49,3
Zimbabwe	31,9

Place of employment	Weightings March 2004
Dominican Republic	38,9
Zimbabwe	33,5

Place of employment	Weightings April 2004
Dominican Republic	43,8
Sierra Leone	65,6
Zimbabwe	38,7

Place of employment	Weightings May 2004
Georgia	87,4
Malawi	71,6
Dominican Republic	48,6
Zimbabwe	42,9

Place of employment	Weightings June 2004
Kazakhstan	94,0
Dominican Republic	46,4
Sierra Leone	71,0
Zimbabwe	44,7

**COMMISSION DECISION****of 28 December 2004****on a financial contribution from the Community towards actions planned by Member States to implement control, inspection and surveillance programmes in 2004 (second instalment)***(notified under document number C(2004) 5310)*

(2004/930/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2004/465/EC of 29 April 2004 on a Community financial contribution towards Member States fisheries control programmes<sup>(1)</sup>, and in particular Article 6(1) thereof,

Whereas:

- (1) Member States have forwarded to the Commission their fisheries control programmes for the period from 1 January 2004 to 31 December 2004 together with the applications for Community financial contribution towards the expenditure to be incurred in carrying out such programmes.
- (2) Applications concerning actions listed in Article 4 of Decision 2004/465/EC may qualify for Community funding.
- (3) It is appropriate to fix the maximum amounts of Community contribution towards eligible expenditure for 2004 for each Member State aid granted for actions included in Article 4 of Decision 2004/465/EC, the Community contribution rate for such actions and the conditions on which national expenditure is to be reimbursed by the Community.
- (4) Member States must, in accordance with Article 8 of Decision 2004/465/EC, commit their expenditure within a period of 12 months from the end of the year in which this Decision is notified to them. They must also comply with the provision of that Decision as regards starting their projects and submitting applications for reimbursement.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

*Article 1***Subject matter**

This Decision establishes the amount of the Community financial contribution for each Member State, the rate of the Community financial contribution and the conditions on which the contribution may be granted towards actions referred to in Article 4 of Decision 2004/465/EC.

*Article 2***Electronic localisation devices**

1. Expenditure incurred in the purchase and fitting on board of fishing vessels of electronic localisation devices enabling vessels to be monitored at a distance by a fisheries monitoring centre through a vessel monitoring system (VMS) shall qualify for a maximum financial contribution of EUR 4 500 per vessel within the limits established in Annex I.
2. Within the EUR 4 500 limit provided for in paragraph 1, the Community financial contribution for the first EUR 1 500 of eligible expenditure shall be at a rate of 100 %.
3. The Community financial contribution for eligible expenditure comprised between EUR 1 500 and EUR 4 500 per vessel, shall amount to a maximum of 50 % of such expenditure.
4. The electronic localisation devices should satisfy requirements fixed by Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based vessel monitoring systems<sup>(2)</sup>.

<sup>(1)</sup> OJ L 157, 30.4.2004, p. 114, corrigendum in OJ L 195, 2.6.2004, p. 36.

<sup>(2)</sup> OJ L 333, 20.12.2003, p. 17.

*Article 3***New technologies and IT networks**

Expenditure incurred on the purchase of, installation and technical assistance for, computer technology and setting up of IT networks in order to allow efficient and secure data exchange in connection with monitoring, control and surveillance of fisheries activities, shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex II. However, investments related to the station at Kerguelen Island on reception and processing of radar satellite data shall qualify for a financial contribution of 40 % of the eligible expenditure within the limits laid down in Annex II.

*Article 4***Pilot projects on new technologies**

1. Expenditure incurred in pilot projects relating to the implementation of new technologies to improve the monitoring of fisheries activities shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex III.

2. Pilot projects should satisfy the conditions set out in Commission Regulation (EC) No 1461/2003 of 18 August 2003 laying down conditions for pilot projects for the electronic transmission of information on fishing activities and for remote sensing<sup>(1)</sup>.

*Article 5***Training**

Expenditure incurred on training and exchange programmes of civil servants responsible for monitoring control and surveillance tasks in the fisheries area shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex IV.

*Article 6***Pilot inspection and observer schemes**

1. Expenditure incurred in pilot inspection and observer schemes shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex V.

2. These projects should satisfy in particular the conditions set out in Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98<sup>(2)</sup>.

*Article 7***Assessment of expenditure**

Expenditure incurred in implementing a system to assess expenditure incurred in controlling the common fisheries policy shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex VI.

*Article 8***Seminars and media tools**

Expenditure incurred in initiatives including seminar and media tools aimed at enhancing awareness among fishermen and other players such as inspectors, public prosecutors and judges, as well as among the general public on the need to fight irresponsible and illegal fishing and on the implementation of common fisheries policy rules, shall qualify for a financial contribution of 75 % of the eligible expenditure within the limits laid down in Annex VII.

*Article 9***Fisheries patrol vessels and aircraft**

Expenditure related to the purchase and modernisation of vessels and aircraft used for inspection and surveillance of fishing activities by the competent authorities of the Member States, shall qualify within the limits laid down in Annex VIII for a financial contribution of:

- 50 % of the eligible expenditure incurred by acceding Member States on 1 May 2004,
- 25 % of the eligible expenditure incurred by other Member States.

*Article 10***Reimbursement claims**

Claims for reimbursement of expenditure and for payment of advances shall comply with Articles 12 and 13 of, and Annex I, part C to Decision 2004/465/EC.

*Article 11*

This Decision is addressed to the Member States.

Done at Brussels, 28 December 2004.

*For the Commission*

Joe BORG

*Member of the Commission*

<sup>(1)</sup> OJ L 208, 19.8.2003, p. 14.

<sup>(2)</sup> OJ L 150, 30.4.2004, p. 12.

## ANNEX I

## Electronic localisation devices

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	0	0
Czech Republic	0	0
Denmark	0	0
Germany	0	0
Estonia	0	0
Greece	0	0
Spain	0	0
France	0	0
Ireland	0	0
Italy	0	0
Cyprus	0	0
Latvia	0	0
Lithuania	0	0
Luxembourg	0	0
Hungary	0	0
Malta	0	0
Netherlands	0	0
Austria	0	0
Poland	585 000	468 000
Portugal	0	0
Slovenia	0	0
Slovakia	0	0
Finland	0	0
Sweden	0	0
United Kingdom	0	0
Total	585 000	468 000



## ANNEX II

## New technologies and IT networks

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	0	0
Czech Republic	0	0
Denmark	271 000	135 500
Germany	235 000	117 500
Estonia	0	0
Greece	0	0
Spain	0	0
France	1 800 000	750 000
Ireland	2 000 000	1 000 000
Italy	1 755 953	877 977
Cyprus	0	0
Latvia	0	0
Lithuania	110 000	55 000
Luxembourg	0	0
Hungary	0	0
Malta	96 763	48 381
Netherlands	310 325	155 163
Austria	0	0
Poland	0	0
Portugal	2 291 616	1 145 808
Slovenia	0	0
Slovakia	0	0
Finland	545 000	272 500
Sweden	87 430	43 715
United Kingdom	179 134	89 567
Total	9 682 221	4 691 111

## ANNEX III

**Pilot projects on new technologies**

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	0	0
Czech Republic	0	0
Denmark	0	0
Germany	0	0
Estonia	0	0
Greece	200 000	100 000
Spain	0	0
France	0	0
Ireland	0	0
Italy	0	0
Cyprus	0	0
Latvia	0	0
Lithuania	0	0
Luxembourg	0	0
Hungary	0	0
Malta	0	0
Netherlands	0	0
Austria	0	0
Poland	0	0
Portugal	586 000	293 000
Slovenia	0	0
Slovakia	0	0
Finland	0	0
Sweden	0	0
United Kingdom	0	0
Total	786 000	393 000

## ANNEX IV

## Training

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	5 000	2 500
Czech Republic	0	0
Denmark	56 500	28 250
Germany	52 500	26 250
Estonia	9 590	4 795
Greece	0	0
Spain	183 703	91 852
France	130 000	65 000
Ireland	0	0
Italy	1 270 816	635 408
Cyprus	20 000	10 000
Latvia	0	0
Lithuania	20 000	10 000
Luxembourg	0	0
Hungary	0	0
Malta	600 901	300 451
Netherlands	139 674	69 837
Austria	0	0
Poland	0	0
Portugal	102 967	51 484
Slovenia	0	0
Slovakia	0	0
Finland	30 000	15 000
Sweden	132 790	66 395
United Kingdom	175 512	87 756
Total	2 929 953	1 464 978

## ANNEX V

## Pilot and inspection observer schemes

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	0	0
Czech Republic	0	0
Denmark	0	0
Germany	0	0
Estonia	0	0
Greece	0	0
Spain	0	0
France	0	0
Ireland	0	0
Italy	0	0
Cyprus	0	0
Latvia	0	0
Lithuania	0	0
Luxembourg	0	0
Hungary	0	0
Malta	0	0
Netherlands	0	0
Austria	0	0
Poland	0	0
Portugal	94 910	47 455
Slovenia	0	0
Slovakia	0	0
Finland	0	0
Sweden	474 400	237 200
United Kingdom	0	0
Total	569 310	284 655

ANNEX VI  
Assessment of expenditure

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	0	0
Czech Republic	0	0
Denmark	0	0
Germany	0	0
Estonia	0	0
Greece	0	0
Spain	0	0
France	0	0
Ireland	0	0
Italy	0	0
Cyprus	0	0
Latvia	0	0
Lithuania	0	0
Luxembourg	0	0
Hungary	0	0
Malta	0	0
Netherlands	0	0
Austria	0	0
Poland	0	0
Portugal	50 000	25 000
Slovenia	0	0
Slovakia	0	0
Finland	0	0
Sweden	0	0
United Kingdom	0	0
Total	50 000	25 000

## ANNEX VII

**Seminars and media tools**

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	0	0
Czech Republic	0	0
Denmark	0	0
Germany	0	0
Estonia	0	0
Greece	200 000	150 000
Spain	6 000	4 500
France	0	0
Ireland	0	0
Italy	0	0
Cyprus	30 000	22 500
Latvia	0	0
Lithuania	10 000	7 500
Luxembourg	0	0
Hungary	0	0
Malta	0	0
Netherlands	0	0
Austria	0	0
Poland	0	0
Portugal	0	0
Slovenia	0	0
Slovakia	0	0
Finland	0	0
Sweden	230 000	172 500
United Kingdom	0	0
Total	476 000	357 000

## ANNEX VIII

## Patrol vessels and aircraft

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	0	0
Czech Republic	0	0
Denmark	0	0
Germany	77 798	19 449
Estonia	0	0
Greece	1 050 000	262 500
Spain	22 238 597	5 559 649
France	0	0
Ireland	1 000 000	250 000
Italy	0	0
Cyprus	1 400 000	700 000
Latvia	0	0
Lithuania	0	0
Luxembourg	0	0
Hungary	0	0
Malta	600 000	300 000
Netherlands	0	0
Austria	0	0
Poland	0	0
Portugal	4 630 000	1 157 500
Slovenia	0	0
Slovakia	0	0
Finland	105 000	26 250
Sweden	5 700 000	1 425 000
United Kingdom	13 758 956	3 439 739
Total	50 560 351	13 140 087

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

**POLITICAL AND SECURITY COMMITTEE DECISION EUPOL KINSHASA/1/2004**  
**of 9 December 2004**  
**concerning the appointment of the Head of Mission of the EU Police Mission in Kinshasa (DRC),**  
**EUPOL 'Kinshasa'**  
(2004/931/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union and in particular Article 25(3) thereof,

*Article 1*

Having regard to Council Joint Action 2004/847/CFSP of 9 December 2004 on the launching of the EU Police Mission in Kinshasa (DRC)<sup>(1)</sup>, and in particular Article 5 and 8 thereof,

Mr Adílio CUSTÓDIO is hereby appointed Head of Mission of the EU Police Mission in Kinshasa (DRC) regarding the Integrated Police Unit (IPU) (EUPOL Kinshasa) from the day the mission will be launched. Until that date, he shall act as the Head of the Planning Team.

Whereas:

*Article 2*

(1) Articles 5 and 8 of Joint Action 2004/847/CFSP provides that the Council authorises the Political and Security Committee to take the relevant decisions in accordance with Article 25 of the Treaty on European Union, including the powers to appoint, upon a proposal by the Secretary-General/High Representative, a Head of Mission.

This Decision shall take effect on the day of its adoption.

It shall apply until 31 December 2005.

(2) The Secretary-General/High Representative has proposed the appointment of Mr Adílio CUSTÓDIO,

Done at Brussels, 9 December 2004.

*For the Political and Security Committee*  
*The President*  
A. HAMER

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<sup>(1)</sup> OJ L 367, 14.12.2004, p. 30.



## CORRIGENDA

**Corrigendum to corrigendum to Commission Decision of 28 April 2004 concerning specific animal health conditions for importation of certain animals from Saint Pierre and Miquelon and amending Council Decision 79/542/EEC**

(Official Journal of the European Union L 208 of 10 June 2004)

On page 35, following footnote 2 and as part of Annex I:

insert:

'Specific conditions (see footnotes in each certificate):

- "I": territory where the presence of BSE in native cattle has been assessed as highly unlikely, for the purpose of exporting to the European Community animals certified according to the models of certificate BOV-X and BOV-Y.
- "II": territory recognised as having an official tuberculosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X.
- "III": territory recognised as having an official brucellosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X.
- "IVa": territory recognised as having an official enzootic-bovine-leukosis (EBL) free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X.
- "IVb": territory with approved holdings recognised as having an official enzootic-bovine-leukosis (EBL) free status for the purposes of exports to the European Community of animals certified according to the model of certificate BOV-X.
- "V": territory recognised as having an official brucellosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate OVI-X.
- "VI": Geographical constraints:
- "VII": territory recognised as having an official tuberculosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate RUM.
- "VIII": territory recognised as having an official brucellosis-free status for the purposes of exports to the European Community of animals certified according to the model of certificate RUM.
- "IX": territory recognised as having an official Aujeszky's disease-free status for the purposes of exports to the European Community of animals certified according to the model of certificate POR-X.;

on page 38 in the form 'Model RUM', point 11:

for: '11., the undersigned ... intended transport.;

read: '11. I, the undersigned ... intended transport.;

on page 39 in the form 'Model RUM', following 'Official stamp and signature':

for: 'Done ...',

read: 'Done at ...';

on page 42 in Annex IV:

for: '**áPart 4**',

read: "**Part 4  
Animal species**";

and delete: '**Animal species**' below the table.

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**Corrigendum to corrigendum to Commission Decision of 26 April 2004 on transitional sanitary and certification rules under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards import from certain third countries of photographic gelatine**

*(Official Journal of the European Union L 208 of 10 June 2004)*

On page 9 in footnote 1:

*for:* '(1) OJ L 273, 10.10.2002, p. 1; Regulation as last amended by Commission Regulation (EC) No 668/2004 (OJ L 112, 19.4.2004, p. 1).';

*read:* '(1) OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 668/2004 (OJ L 112, 19.4.2004, p. 1).';

on page 10 in footnote 2:

*for:* '(2) OJ L 182, 16.7.1999, p. 1; Directive as last amended by Regulation (EC) No 882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).';

*read:* '(2) OJ L 182, 16.7.1999, p. 1. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).';

on page 15 in the form 'Health certificate', point 7.4:

*for:* '7.4. Means of transport and consignment identification:';

*read:* '7.4. Nature of packaging:'.

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