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Price: EUR 18

⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

DECISION No 20/2004/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 8 December 2003
establishing a general framework for financing Community actions in support of consumer policy
for the years 2004 to 2007
 (Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 153 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Consumer policy makes a crucial contribution to two of the Commission's strategic objectives laid down in the Commission communication on the strategic objectives 2000 to 2005 'Shaping the new Europe' ⁽³⁾, namely promoting a new and economic social agenda in order to modernise the European economy and ensuring a better quality of life for Europe's citizens.
- (2) The consumer policy strategy 2002 to 2006 establishes three key objectives. These will be implemented through actions included in a rolling programme to be reviewed regularly by the Commission.
- (3) The objectives and actions in the consumer policy strategy should steer the allocation of funds for actions implemented under this framework. In addition, activities intended to integrate consumer interests into other areas of activity in accordance with Article 153 of the Treaty should be given high priority together with the three key objectives of the consumer policy strategy.

(4) In line with the consumer policy strategy, consumer policy within the scope of this framework should cover the safety of services and non-food products, and the economic interests of EU consumers. Actions related to food safety are not covered by this framework.

(5) The general objectives of the European Union include, according to Article 2 of the Treaty on European Union, the achievement of balanced and sustainable development. In line with the Johannesburg Declaration on Sustainable Development, the plan of implementation of the World Summit on Sustainable Development and the Cardiff process, actions should be taken in order to achieve sustainable development.

(6) This framework should provide for actions by the Community, in accordance with the principle of subsidiarity as laid down in Article 5 of the Treaty, to support and build the capacity of organisations and bodies which work to promote consumer interests at Community, national or regional level.

(7) In addition to the actions contained in this framework, the Commission should also ensure that consumer organisations and other relevant non-governmental organisations can contribute to the implementation of the consumer policy strategy through their involvement in the work of the European consumer consultative group as set up by Commission Decision 2003/709/EC ⁽⁴⁾.

(8) This framework should provide for actions jointly undertaken by the Commission and one or more Member States to implement the objectives of consumer policy.

⁽¹⁾ OJ C 234, 30.9.2003, p. 86.

⁽²⁾ Opinion of the European Parliament of 24 September 2003 (not yet published in the Official Journal) and Council decision of 1 December 2003.

⁽³⁾ OJ C 81, 21.3.2000, p. 1.

⁽⁴⁾ OJ L 258, 10.10.2003, p. 35.

- (9) It is of general European interest within the meaning of Article 108(1)(b) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, hereinafter referred to as 'the Financial Regulation', that the health, safety and economic interests of consumers, as well as consumer interests in the development of standards for products and services, be represented at Community level.
- (10) This Decision lays down, for the entire duration of this framework, a financial framework constituting the prime reference, within the meaning of point 33 of the Inter-institutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽²⁾, for the budgetary authority during the annual budgetary procedure.
- (11) To improve the effectiveness and impact of the activities of European consumer organisations and of consumer organisations representing consumer interests in the development of standards for products and services at Community level, financial contributions for eligible organisations may be subject to framework partnership agreements for the duration of this framework.
- (12) In order to improve administrative efficiency, and the effectiveness and impact of specific projects, calls for specific projects should be published at least every two years and support should be provided for up to a maximum of 75 % of the cost of the eligible expenses for implementing the projects.
- (13) The Agreement on the European Economic Area (hereinafter referred to as 'the EEA Agreement') provides that the countries of the European Free Trade Association participating in the European Economic Area (hereinafter referred to as 'EFTA/EEA countries') should, *inter alia*, strengthen and broaden cooperation within the framework of the Community's activities in the field of consumer protection.
- (14) This general framework should be open to the participation of associated countries, in accordance with the conditions laid down in the respective bilateral agreements establishing the general principles for their participation in Community programmes.
- (15) In order to increase the value and impact of this framework, continuous monitoring and regular evaluation of the actions undertaken should be carried out, with a view, where appropriate, to making necessary adjustments.

- (16) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾,

HAVE DECIDED AS FOLLOWS:

Article 1

Scope

1. This Decision establishes a general framework for Community actions in support of consumer policy, hereinafter referred to as 'the framework', for the period set out in Article 5(1).
2. The actions to be undertaken under this framework shall supplement the actions undertaken by and in the Member States to protect the health, safety and economic interests of consumers and to promote their right to information and education and to organise themselves in order to safeguard their interests.

Article 2

Areas of action

The actions to be undertaken under this framework shall concern the following specific areas:

- (a) protection of consumer health and safety with respect to services and non-food products;
- (b) protection of the economic and legal interests of consumers;
- (c) promotion of consumer information and education;
- (d) promotion of the capacity of consumer organisations to contribute at European level.

Article 3

Objectives of the actions

The actions to be taken under this framework shall help to achieve the following general objectives:

- (a) a high common level of consumer protection, in particular through the establishment of common consumer protection rules and practices and the integration of consumer interests into other Community policies;
- (b) effective enforcement of consumer protection rules, in particular through market surveillance, administrative and enforcement cooperation, consumer access to information about services and non-food products and consumer access to mechanisms for the resolution of complaints and disputes and

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ C 172, 18.6.1999, p. 1. Agreement as amended by Decision 2003/429/EC of the European Parliament and of the Council (OJ L 147, 14.6.2003, p. 25).

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

- (c) proper involvement of consumer organisations in the development of consumer policy and other Community policies affecting consumer interests.

Article 4

Types of action

1. The actions to be taken under this framework are listed in the Annex by objectives.
2. Actions 1 to 8, 11 to 15 and 19 are directly implemented by the Commission.
3. Actions 9 and 10 are jointly financed by the Community and one or more Member States, or by the Community and the competent authorities of the third countries participating pursuant to Article 9.
4. Actions 16, 17 and 18 benefit from financial contributions by the Community.

Article 5

Funding

1. The financial framework for the implementation of this Decision for the period from 1 January 2004 to 31 December 2007 is set at EUR 72 million, of which EUR 54 million shall cover the period until 31 December 2006.
2. For the period following 31 December 2006, the amount proposed shall be deemed to be confirmed if it is consistent with the financial perspectives in force for the period commencing in 2007.
3. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

Article 6

Financial contribution

1. The Community contribution to joint actions 9 and 10 will, in principle, be 50 %, and in no event exceed 70 %, of the total cost of the action. The Commission shall set out clearly which joint actions will be eligible for a financial contribution of more than 50 %.
2. The financial contributions for action 16 shall not exceed 50 %, of the expenditure for carrying out eligible activities.
3. The financial contributions for action 17 shall not exceed 95 % of the expenditure for carrying out eligible activities.

4. The renewal of the financial contributions for actions 16 and 17 to eligible organisations that in the preceding year have proved actively and effectively to represent consumer interests shall not be subject to the rule of gradual decrease.

5. The financial contributions for action 18 will, in principle, be 50 %, and in no event exceed 75 %, of the eligible expenses for implementing the project. The Commission shall set out clearly which specific projects will be eligible for a financial contribution of more than 50 %.

Article 7

Beneficiaries

1. The financial contributions for joint actions 9 and 10 may be awarded to a public body or a non-profit-making body designated by the Member State or the competent authority concerned and agreed by the Commission.
2. The financial contributions for action 16 may be awarded to European consumer organisations which:
 - (a) are non-governmental, non-profit making, independent of industry, commercial and business or other conflicting interests, and have as their primary objectives and activities the promotion and protection of the health, safety and economic interests of consumers in the Community;
 - (b) have been mandated to represent the interests of consumers at Community level by national consumer organisations in at least half of the Member States that are representative, in accordance with national rules or practice, of consumers and are active at regional or national level, and
 - (c) have provided to the Commission satisfactory accounts of their membership, internal rules and sources of funding.
3. The financial contributions for action 17 may be awarded to European consumer organisations which:
 - (a) are non-governmental, non-profit-making, independent of industry, commercial and business or other conflicting interests, and have as their primary objectives and activities to represent consumer interests in the standardisation process at Community level, and
 - (b) have been mandated in at least two thirds of the Member States to represent the interests of consumers at Community level:
 - by bodies representative, in accordance with national rules or practice, of national consumer organisations in the Member States, or
 - in the absence of such bodies, by national consumer organisations in the Member States that are representative, in accordance with national rules or practice, of consumers and are active at national level.

4. The financial contributions for action 18 may be awarded to any legal person or association of legal persons, including appropriate independent public bodies and regional consumer organisations, that acts independently of industry and commerce and is actually responsible for the implementation of the projects.

Article 8

Exclusions

Applicants or tenderers and contractors who are found guilty of making false declarations, or are found to have seriously failed to meet their contractual obligations, shall be excluded from the award of further contracts as set out in Article 96 of the Financial Regulation.

Article 9

Participation of third countries

The framework shall be open to the participation of:

- (a) the EFTA/EEA countries in accordance with the conditions established in the EEA Agreement;
- (b) the associated countries, in accordance with the conditions laid down in the respective bilateral agreements establishing the general principles for their participation in Community programmes.

Article 10

Consistency and complementarity

1. The Commission shall ensure that the actions implemented under this framework are consistent with the consumer policy strategy.
2. The Commission shall ensure that there is consistency and complementarity between the actions implemented under this framework and other Community programmes and initiatives.

Article 11

Work programme

The Commission shall adopt an annual work programme including:

- (a) the priorities for action under each objective;
- (b) the breakdown of the annual budget among the types of action identified in Article 4;
- (c) the planned timing of the calls for tenders, the joint actions and the calls for proposals;

- (d) in the case of calls for proposals, the selection and award criteria for actions 16, 17 and 18, the criteria for financial contributions of more than 50 % for action 18, and the indicative amount available for each of these calls for proposals, in accordance with the relevant provisions of the Financial Regulation and taking into account to the extent possible the need to set simple administrative requirements in particular in the case of small amounts of financial contributions for specific projects.

Article 12

Publication and procedures

1. The Commission shall publish the following in the *Official Journal of the European Union* and on the Internet site of the Commission:

- (a) a call for proposals for actions 16 and 17 and
- (b) a call for proposals for action 18 describing the priorities for action to be undertaken, at least every two years.

2. At an early stage in the evaluation process of applications for financial contributions, the Commission shall inform the applicants if they are not eligible or if their application does not provide the information that is necessary to verify the application's conformity with the selection criteria.

3. The Commission shall, within three months of the deadline for the submission of applications, decide on the attribution of financial contributions for actions 16, 17 and 18.

4. A list of the recipients of financial contributions and a list of the actions funded under this framework shall be published each year on the Internet site of the Commission with indication of the amounts.

Article 13

Monitoring and evaluation

1. The Commission shall ensure effective and regular monitoring of the actions undertaken under this framework and shall present to the European Parliament and to the Council a midterm report on the implementation of this framework by 31 December 2005. The Commission shall inform the European Parliament annually if the decision-making procedure concerning applications for actions 16, 17 and 18 exceeds the three-month period as set out in Article 12(3).

2. The Commission shall present to the European Parliament and to the Council an evaluation report on actions carried out under this framework before submitting a proposal for its possible renewal, and in any case by 31 December 2007 at the latest.

*Article 14***Implementation of measures**

1. The Commission shall be responsible for the management and implementation of this Decision in accordance with the Financial Regulation.
2. The measures provided for in Article 4(3) and (4) and in Article 11 shall be adopted in accordance with the procedure referred to in Article 15(2).

*Article 15***Committee procedure**

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. The Committee shall adopt its rules of procedure.

*Article 16***Entry into force**

This Decision will enter into force on the third day after its publication in the *Official Journal of the European Union*.

Done at Brussels, 8 December 2003.

For the European Parliament

The President

P. COX

For the Council

The President

F. FRATTINI

ANNEX

THE ACTIONS REFERRED TO IN ARTICLE 4 LISTED BY OBJECTIVES

Objective (a) A high common level of consumer protection

Action 1: Scientific advice, risk analysis including comparative assessment and assessment of risk reduction options relevant to consumer health and safety regarding non-food products and services.

Action 2: Preparation of legislative and other regulatory initiatives and promotion of self-regulatory initiatives, including, *inter alia*:

- 2.1. Comparative analysis of markets and regulatory systems
- 2.2. Legal and technical expertise for policy development on the safety of services
- 2.3. Technical expertise for the development of standardisation mandates for products and services
- 2.4. Legal and technical expertise for policy development on the economic interests of consumers
- 2.5. Workshops with stakeholders and experts.

Action 3: Monitoring and assessment of market developments with an impact on the economic and other interests of consumers, including, *inter alia*, price surveys, inventory and analysis of consumer complaints and surveys of changes in the structure of markets.

Action 4: The collection and exchange of data and information that provide an evidence base for the development of consumer policy and for the integration of consumer interests in other EU policies, including, *inter alia*, surveys of consumer and business attitudes, collection and analysis of statistical and other relevant data.

Objective (b): Effective enforcement of consumer protection rules

Action 5: Coordination of surveillance and enforcement actions, including, *inter alia*:

- 5.1. Development of IT tools (e.g. databases, information and communication systems) for enforcement cooperation
- 5.2. Training, seminars and exchanges of enforcement officials for joint enforcement actions
- 5.3. Planning and development of joint enforcement actions
- 5.4. Pilot joint enforcement actions.

Action 6: Development of easily and publicly accessible databases covering the application of and case-law on consumer rights deriving from Community consumer protection legislation, including the completion and improvement of the database on unfair contract terms.

Action 7: Monitoring and assessment of the safety of non-food products and services, including, *inter alia*:

- 7.1. Reinforcement and extension of the scope of the RAPEX alert system, taking developments in market surveillance information exchange into account
- 7.2. Technical analysis of alert notifications
- 7.3. Collection and assessment of data on the risks posed by specific consumer products and services
- 7.4. Development of the consumer product safety network as provided for in Directive 2001/95/EC ⁽¹⁾.

Action 8: Monitoring of the functioning and assessment of the impact of alternative dispute resolution schemes, in particular of on-line schemes and their effectiveness in settling cross-border complaints and disputes, as well as technical assistance for the further development of the European extrajudicial network system.

⁽¹⁾ Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).

- Action 9:** (Joint Action) Financial contributions for public or non-profit bodies constituting Community networks that provide information and assistance to consumers to help them exercise their rights and obtain access to appropriate dispute resolution (the European consumer centres network and the clearing houses of the European extrajudicial network, under the conditions set out in Article 7(1).
- Action 10:** (Joint Action) Financial contributions for specific joint surveillance and enforcement actions to improve administrative and enforcement cooperation on Community consumer protection legislation, including the General Product Safety Directive, and other actions in the context of administrative cooperation, under the conditions set out in Article 7(1).

Objective (c): Proper involvement of consumer organisations in EU policies

- Action 11:** Provision of specific technical and legal expertise to consumer organisations to support their participation in, and input into, consultation processes on Community legislative and non-legislative policy initiatives, in relevant policy areas, such as internal market policies, services of general interest and the 10-year framework programme on sustainable production and consumption, as well as to support their contribution to market surveillance.
- Action 12:** Representation of the interests of European consumers in international forums, including international standardisation bodies and international trade organisations.
- Action 13:** Training for staff members of regional, national and European consumer organisations and other capacity building actions, including training courses in project development and project application procedures, Internet forum on specific projects, workshops and meetings to promote project partnership.
- Action 14:** Information actions about consumer rights conferred by consumer protection legislation and other Community consumer protection measures, particularly in the new Member States, in cooperation with their consumer organisations.
- Action 15:** Consumer education, including the actions targeted at young consumers, and the development of on-line interactive consumer education tools on consumer rights in the internal market and on cross-border transactions.
- Action 16:** Financial contributions to the functioning of European consumer organisations, under the conditions set out in Article 7(2).
- Action 17:** Financial contributions to the functioning of European consumer organisations representing consumer interests in the development of standards for products and services at Community level, under the conditions set out in Article 7(3).

Objectives (a), (b) and (c):

- Action 18:** Financial contributions for specific projects at Community or national level in support of consumer policy objectives as defined in Article 3, under the conditions set out in Article 7(4), including, amongst others, financial contributions for:
- specific projects undertaken by consumer organisations and aiming to accelerate the effective implementation of the *acquis communautaire* on consumer protection in the new Member States,
 - specific projects promoting the cross-border exchange of information and best practice concerning the integration of consumer rights into other policies.
- Action 19:** Evaluation of actions undertaken under this framework.
-

**COUNCIL REGULATION (EC) No 21/2004
of 17 December 2003**

establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

- (1) Pursuant to Article 3(1)(c) of Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽³⁾, animals for intra-Community trade have to be identified in accordance with the requirements of Community rules and be registered in such a way that the original or transit holding, centre or organisation can be traced. Those identification and registration systems had to be extended to the movements of animals within the territory of each Member State by 1 January 1993.
- (2) Article 14 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽⁴⁾ states that the identification and registration provided for in Article 3(1)(c) of Directive 90/425/EEC must, except in the case of animals for slaughter and registered equidae, be carried out after the veterinary checks have been made.
- (3) Rules concerning the identification and the registration of ovine and caprine animals in particular have been laid down in Directive 92/102/EEC ⁽⁵⁾. In respect of ovine and caprine animals, experience, and in particular the

foot-and-mouth disease crisis, has shown that the implementation of Directive 92/102/EEC has not been satisfactory and is in need of improvement. It is therefore necessary to lay down more stringent and specific rules, as has already been done for bovine animals with Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals ⁽⁶⁾.

- (4) It follows from the structure of Community legislation, and in particular from Regulation (EC) No 1760/2000, that the concepts of keeper and holding as generally used do not refer to veterinary practices or clinics. The scope of those concepts should be defined more explicitly so as to render the legislation more readable.
- (5) Directive 92/102/EEC should therefore be amended so that it states clearly that bovine animals are already excluded from its scope and, likewise, to exclude ovine and caprine animals.
- (6) Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽⁷⁾ should also be amended in order to update the references therein to the provisions in Community legislation regarding the identification of the animal species concerned.
- (7) In 1998 the Commission launched a large-scale project on the electronic identification of animals (IDEA), and its final report was completed on 30 April 2002. That project demonstrated that a substantial improvement in ovine and caprine animal identification systems could be achieved by using electronic identifiers for those animals, provided that certain conditions concerning the accompanying measures were fulfilled.
- (8) The technology for the electronic identification of ovine and caprine animals has been developed to the stage where it can be applied. Pending development of the implementing measures required for the proper introduction of the system of electronic identification Community-wide, an efficient identification and registration system, enabling future developments in the field of implementation of electronic identification on a Community-wide scale to be taken into account, should permit the individual identification of animals and their holding of birth.

⁽¹⁾ Opinion delivered on 17 November 2003 (not yet published in the Official Journal).

⁽²⁾ OJ C 208, 3.9.2003, p. 32.

⁽³⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽⁴⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 96/43/EC (OJ L 16, 22.1.1996, p. 3).

⁽⁵⁾ OJ L 355, 5.12.1992, p. 32. Directive as last amended by the 1994 Act of Accession.

⁽⁶⁾ OJ L 204, 11.8.2000, p. 1.

⁽⁷⁾ OJ 121, 29.7.1964, p. 1977/64. Directive as last amended by Commission Regulation (EC) No 1226/2002 (OJ L 179, 9.7.2002, p. 13).

- (9) To take into account future developments in the field of electronic identification of ovine and caprine animals, and in particular the experience gained in the implementation thereof, the Commission should submit to the Council a report concerning the possible application of the electronic identification system on a Community-wide scale, together with the necessary proposals.
- (10) The Commission, in particular in the light of the proceedings conducted by its Joint Research Centre, should also provide detailed technical guidelines, definitions and procedures for the technical characteristics of identifiers and readers, test procedures, acceptance criteria and the certification model for approved test laboratories, the procurement of appropriate identifiers and readers, the application of identifiers, their reading and recovery, the codification of identifiers, a common glossary, a data dictionary and communication standards.
- (11) In Member States with a relatively small ovine or caprine animal population, the introduction of an electronic identification system may well not be justified; it is therefore advisable to allow such Member States to make the system optional. Provision should also be made for a rapid procedure to adjust the demographic thresholds below which electronic identification may be made optional.
- (12) In order to permit movements of ovine and caprine animals to be traced, animals should be identified properly and all their movements should be traceable.
- (13) It is necessary for keepers of animals to maintain up-to-date information on the animals on their holdings. The minimum information required should be determined on a Community basis.
- (14) Each Member State should establish a central register comprising an up-to-date list of all keepers of animals covered by this Regulation who are engaged in this activity in its territory, and containing minimum information laid down on a Community basis.
- (15) For the purposes of rapid and accurate tracing of animals, each Member State should create a computer database which will record all holdings in its territory and the movements of the animals.
- (16) The nature of the means of identification should be determined on a Community basis.
- (17) Persons involved in trade in animals should keep records of their transactions, and the competent authority should have access to those records on request.
- (18) In order to ensure that this Regulation is correctly applied, it is necessary to provide for a rapid and efficient exchange of information between Member States on means of identification and related documents. Community provisions relating thereto were adopted by Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters ⁽¹⁾ and by Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters ⁽²⁾.
- (19) With a view to guaranteeing the reliability of the arrangements provided for in this Regulation, it is necessary that Member States implement suitable and adequate control measures, without prejudice to Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests ⁽³⁾.
- (20) In order to take into account the system established by this Regulation for the granting of certain aids under Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ⁽⁴⁾, that Regulation should be amended accordingly.
- (21) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁵⁾.

HAS ADOPTED THIS REGULATION:

Article 1

1. Each Member State shall establish a system for the identification and registration of ovine and caprine animals in accordance with the provisions of this Regulation.

⁽¹⁾ OJ L 82, 22.3.1997, p. 1.

⁽²⁾ OJ L 351, 2.12.1989, p. 34.

⁽³⁾ OJ L 312, 23.12.1995, p. 23.

⁽⁴⁾ OJ L 270, 21.10.2003, p. 1.

⁽⁵⁾ OJ L 184, 17.7.1999, p. 23.

2. This Regulation shall apply without prejudice to Community rules which may be established for disease eradication or control purposes, and without prejudice to Directive 91/496/EEC and Regulation (EC) No 1782/2003.

Article 2

For the purpose of this Regulation:

- (a) 'animal' shall mean any animal of the ovine or caprine species;
- (b) 'holding' shall mean any establishment, any structure, or in the case of free-range farming, any environment, in which animals are held, reared or handled on a permanent or temporary basis, except veterinary practices or clinics;
- (c) 'keeper' shall mean any natural or legal person with responsibility for animals, even temporarily, except veterinary practices or clinics;
- (d) 'competent authority' shall mean the central authority or authorities of a Member State responsible for, or entrusted with, carrying out veterinary checks and implementing this Regulation, or, in the case of monitoring for premiums, the authority entrusted with implementing Regulation (EC) No 1782/2003;
- (e) 'intra-Community trade' shall mean trade as defined in Article 2(6) of Directive 91/68/EEC⁽¹⁾.

Article 3

1. The system for the identification and registration of animals shall comprise the following elements:

- (a) means of identification to identify each animal;
- (b) up-to-date registers kept on each holding;
- (c) movement documents;
- (d) a central register or a computer database.

2. The Commission and the competent authority of the Member State concerned shall have access to all information covered by this Regulation. The Member States and the Commission shall take the measures necessary to ensure access to that information for all parties having an interest, including consumers' organisations recognised by the Member State, provided that the data protection and confidentiality requirements prescribed by national law are complied with.

Article 4

1. All animals on a holding born after 9 July 2005 shall be identified in accordance with paragraph 2 within a period to be determined by the Member State as from the birth of the animal and in any case before the animal leaves the holding on which it was born. That period shall not be longer than six months.

By way of derogation Member States may extend the period, which may not, however, exceed nine months, for animals kept in extensive or free-range farming conditions. Member States concerned shall inform the Commission of the derogation granted. If necessary, implementing rules may be laid down in accordance with the procedure referred to in Article 13(2).

- 2. (a) Animals shall be identified by a first means of identification which complies with the requirements of Section A.1 to A.3 of the Annex, and,
 - (b) by a second means of identification approved by the competent authority and conforming to the technical characteristics listed in Section A.4 of the Annex.
- (c) However, until the date referred to in Article 9(3), the second means of identification may be replaced by the system set out in Section A.5 of the Annex, except in the case of animals involved in intra-Community trade.
- (d) Member States which introduce the system referred to in (c) shall apply to the Commission to have it approved under the procedure provided for in Article 13(2). For this purpose the Commission shall examine documentation submitted by Member States and shall conduct the audits necessary to evaluate the system. When those audits have been completed the Commission shall, within 90 days of receipt of the request for approval, submit to the Standing Committee on the Food Chain and Animal Health a report together with a draft of appropriate measures.

3. However for animals intended for slaughter before the age of 12 months and intended neither for intra-Community trade nor for export to third countries, the identification method described in Section A.7 of the Annex may be authorised by the competent authority as an alternative to the means of identification mentioned in paragraph 2.

4. Any animal imported from a third country, which has undergone after 9 July 2005 the checks laid down by Directive 91/496/EEC and which remains within the territory of the Community shall be identified, in accordance with paragraph 2, at the holding of destination where livestock farming is carried out within a period, to be determined by the Member State, of no more than 14 days from undergoing those checks and, in any event, before leaving the holding.

The original identification established by the third country shall be recorded in the holding register provided for in Article 5 together with the identification code allocated to it by the Member State of destination.

⁽¹⁾ OJ L 46, 19.2.1991, p. 19.

However, the identification provided for in paragraph 1 is not necessary for an animal intended for slaughter if the animal is transported directly from the veterinary border inspection post to a slaughterhouse situated in the Member State where the checks referred to in the first subparagraph are carried out and the animal is slaughtered within five working days of undergoing those checks.

5. Any animal originating in another Member State shall retain its original identification.

6. No means of identification may be removed or replaced without the permission of the competent authority. Where a means of identification has become illegible or has been lost, a replacement bearing the same code shall be applied as soon as possible in accordance with this Article. In addition to the code and distinct from it, the replacement may bear a mark with the version number of the replacement.

However, the competent authority may, under its control, allow the replacement means of identification to bear a different code, provided that the objective of traceability is not compromised, in particular in the case of animals identified in accordance with paragraph 3.

7. The means of identification shall be allocated to the holding, distributed and applied to the animals in a manner determined by the competent authority.

8. Member States shall communicate to each other and to the Commission the model of the means and the method of identification used in their territory.

9. Until the date referred to in Article 9(3), Member States which have introduced electronic identification on a voluntary basis in accordance with the provisions of Section A.4 and A.6 of the Annex shall ensure that the individual electronic identification number and the characteristics of the means used are mentioned in the relevant certificate pursuant to Directive 91/68/EEC accompanying animals involved in intra-Community trade.

Article 5

1. Each keeper of animals, with the exception of the transporter, shall keep an up-to-date register containing at least the information listed in Section B of the Annex.

2. Member States may require keepers to enter further information in the register referred to in paragraph 1, in addition to that listed in Section B of the Annex.

3. The register shall be in a format approved by the competent authority, kept in manual or computerised form, and be available at all times on the holding and to the competent authority, upon request, for a minimum period to be determined by the competent authority but which may not be less than three years.

4. By way of derogation from paragraph 1, the register of information required by Section B of the Annex shall be optional in any Member State where a centralised computer database which already contains this information is operational.

5. Each keeper shall supply the competent authority, upon request, with all information concerning the origin, identification and, where appropriate, the destination of animals which the keeper has owned, kept, transported, marketed or slaughtered in the last three years.

6. Member States shall communicate to each other and to the Commission the model of the holding register used in their territory, and, where applicable the derogation granted from the provisions of paragraph 1.

Article 6

1. As from 9 July 2005 whenever an animal is moved within the national territory between two separate holdings, it shall be accompanied by a movement document based on a model drawn up by the competent authority, containing at least the minimum information listed in Section C of the Annex, and completed by the keeper if the competent authority has not already done this.

2. Member States may enter further information, in addition to that contained in Section C of the Annex, on the movement document referred to in paragraph 1, or require that such information be entered.

3. The keeper at the holding of destination shall keep the movement document for a minimum period to be determined by the competent authority but which may not be less than three years. On request, he shall supply the competent authority with a copy thereof.

4. By way of derogation from paragraph 1, the movement document shall be optional in any Member State where a centralised computer database containing at least the information required by Section C of the Annex, except for the keeper's signature, is operational.

5. Member States shall communicate to each other and to the Commission the model of the movement document used in their territory, and, where applicable, the derogation referred to in paragraph 4.

Article 7

1. Member States shall ensure that the competent authority has a central register of all the holdings relating to keepers of animals in their territory except transporters.

2. The register shall include the identification code of the holding or, if authorised by the competent authority, that of the keeper, other than transporter, the occupation of the keeper, the type of production (meat or milk) and the species kept. If the keeper keeps animals permanently, he shall make an inventory of the animals kept at regular intervals fixed by the competent authority of the Member State and in any case at least annually.

3. A holding shall remain on the central register until three consecutive years have elapsed with no animals on the holding. With effect from 9 July 2005 the register shall be included in the computer database referred to in Article 8(1).

Article 8

1. As from 9 July 2005 the competent authority of each Member State shall set up a computer database in accordance with Section D.1 of the Annex.

2. Each keeper of animals, with the exception of the transporter, shall, within a period of 30 days as regards information relating to the keeper or the holding and within a period of seven days as regards information relating to movements of animals, provide the competent authority with:

- (a) the information for entry in the central register and the outcome of the inventory, mentioned in Article 7(2), and the information required for the setting up of the database referred to in paragraph 1;
- (b) in Member States applying the derogation referred to in Article 6(4), each time an animal is moved, the details of the movement, as set out in the movement document referred to in Article 6.

3. The competent authority of each Member State may, if it so wishes, set up a computer database containing at least the information listed in Section D.2 of the Annex.

4. Member States may enter in the computer database referred to in paragraphs 1 and 3 further information in addition to that listed in Sections D.1 and D.2 of the Annex.

5. As from 1 January 2008, the database referred to in paragraph 3 shall be obligatory.

Article 9

1. Guidelines and procedures for the implementation of electronic identification shall be adopted in accordance with the procedure referred to in Article 13(2).

2. The decisions referred to in paragraph 1 shall be adopted in order to improve implementation of general electronic identification.

3. As from 1 January 2008, electronic identification according to the guidelines referred to in paragraph 1, and in accordance with the relevant provisions of Section A of the Annex, shall be obligatory for all animals.

However, Member States in which the total number of ovine and caprine animals is 600 000 or less, may make such electronic identification optional for animals not involved in intra-Community trade.

Member States in which the total number of caprine animals is 160 000 or less may also make such electronic identification optional for caprine animals not involved in intra-Community trade.

4. The Commission shall submit to the Council by 30 June 2006 a report on the implementation of the electronic identification system, accompanied by appropriate proposals, on which the Council shall vote by qualified majority, confirming or amending, if necessary, the date mentioned in paragraph 3 and updating, if necessary, the technical aspects relating to the implementation of electronic identification.

Article 10

1. Amendments to the Annexes and measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 13(2).

These measures shall concern in particular:

- (a) the minimum level of checks to be carried out;
- (b) the application of administrative penalties;
- (c) the necessary transitional provisions for the start-up period of the system.

2. In accordance with the procedure referred to in Article 13(2), the following data may be updated:

- (a) the deadlines for providing the information referred to in Article 8(2);
- (b) the demographic thresholds for livestock referred to in the second and third subparagraphs of Article 9(3).

Article 11

1. Member States shall inform each other and the Commission of the identity of the competent authority responsible for ensuring compliance with this Regulation.

2. Member States shall ensure that any person responsible for the identification and registration of animals has received instruction and guidance on the relevant provisions of the Annex, and that appropriate training courses are available.

Article 12

1. Member States shall take all the necessary measures to ensure compliance with the provisions of this Regulation. The checks provided for shall be without prejudice to any checks which the Commission may carry out pursuant to Article 9 of Regulation (EC, Euratom) No 2988/95.

2. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

3. Experts from the Commission in conjunction with the competent authorities:

- (a) shall verify that the Member States are complying with the requirements of this Regulation;
- (b) if necessary, shall make on-the-spot checks in order to ensure that the checks provided for under paragraph 1 are carried out in accordance with this Regulation.

4. A Member State in whose territory an on-the-spot check is made shall provide the experts from the Commission with any assistance they may require in the performance of their tasks.

The outcome of the checks made must be discussed with the competent authority of the Member State concerned before a final report is drawn up and circulated.

5. When the Commission deems that the outcome of checks so justifies, it shall review the situation within the Standing Committee on the Food Chain and Animal Health, referred to in Article 13(1). It may adopt the necessary decisions in accordance with the procedure referred to in Article 13(2).

6. The Commission shall monitor developments in the situation. In the light of such developments and in accordance with the procedure referred to in Article 13(2) it may amend or repeal the decisions referred to in paragraph 5.

7. Detailed rules for the application of this Article shall be adopted, where necessary, in accordance with the procedure referred to in Article 13(2).

Article 13

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health, set up by Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽¹⁾.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

Article 14

Regulation (EEC) No 1782/2003 is hereby amended as follows:

1. Article 18(2) shall be replaced by the following:

'2. In the event of Articles 67, 68, 69, 70 and 71 being applied, the integrated system shall incorporate a system for the identification and registration of animals set up in accordance, on the one hand, with Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals (*) and regarding the

labelling of beef and beef products and, on the other hand, with Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals (**).

(*) OJ L 204, 11.8.2000, p. 1.

(**) OJ L 5, 9.1.2004, p. 8.;

2. in Article 25(2) the second subparagraph shall be replaced by the following:

'These systems, and notably the system for identification and registration of animals set up in accordance with Directive 92/102/EEC, Regulation (EC) No 1760/2000 and Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EEC) No 1782/2003, shall be compatible, within the meaning of Article 26 of this Regulation, with the integrated system.'

3. Article 115(2) shall be replaced by the following:

'2. Once Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EEC) No 1782/2003 becomes applicable, to qualify for the premium an animal shall be identified and registered in accordance with these rules.'

4. the following point 8a shall be added to Section A of Annex III:

'8a.	Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, 9.1.2004, p. 8).	Articles 3, 4 and 5'
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Article 15

Directive 92/102/EEC shall be amended as follows:

1. Article 2(a) shall be replaced by the following:

'(a) animal shall mean any animal of the species referred to in Directive 64/432/EEC (*) other than bovine animals.

(*) OJ 121, 29.7.1964, p. 1977/64.'

2. Article 3(2) shall be replaced by the following:

'Member States may be authorised under the procedure laid down in Article 18 of Directive 90/425/EEC to exclude from the list in paragraph 1(a) natural persons who keep one single pig which is intended for their own use or consumption, or to take account of particular circumstances, provided that this animal is subjected to the controls laid down in this Directive before any movement.'

(1) OJ L 31, 1.2.2002, p. 1.

3. Article 4 shall be amended as follows:

- (a) paragraph 1(a) shall be amended as follows:
- in the first subparagraph, the words ‘bovine or’ shall be deleted,
 - in the second subparagraph, the words ‘of all births, deaths and movements’ shall be replaced by ‘of movements’,
 - the fourth subparagraph shall be deleted;
- (b) paragraph 1(b) shall be deleted;
- (c) the first subparagraph of paragraph 3(b) shall be replaced by the following:
- ‘any keeper of animals to be moved to or from a market or collection centre provides a document, containing details of the animals in question, to the operator, on the market or in the collection centre, who is a keeper of the animals on a temporary basis.’;

4. Article 5 shall be amended as follows:

- (a) paragraph 2 shall be deleted;
- (b) paragraph 3 shall be amended as follows:
- in the first subparagraph, the words ‘other than bovine animals’ shall be deleted,
 - the second subparagraph shall be replaced by the following text:
- ‘Member States may, pending the decision provided for in Article 10 of this Directive and by derogation from the second subparagraph of Article 3(1)(c) of Directive 90/425/EEC, apply their national systems for all movements of animals in their territories. Such systems must enable the holding from which

they came and the holding on which they were born to be identified. Member States shall notify the Commission of the systems which they intend to introduce for this purpose, as from 1 July 1993 for pigs. In accordance with the procedure laid down in Article 18 of Directive 90/425/EEC, a Member State may be asked to make amendments to its system where it does not fulfil the aforementioned requirement.’,

— the fourth subparagraph shall be deleted;

(c) paragraph 4 shall be deleted;

5. the first and third indents of Article 11(1) shall be deleted.

Article 16

Article 3(2)(d) of Directive 64/432/EEC shall be replaced by the following text:

- ‘(d) be identified in accordance with the provisions of Directive 92/102/EEC, in the case of swine and in accordance with the provisions of Regulation (EC) No 1760/2000 in the case of bovine animals.’

Article 17

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Articles 14, 15 and 16 shall apply with effect from 9 July 2005.

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

Done at Brussels, 17 December 2003.

For the Council
The President
G. ALEMANNIO

ANNEX

A. Means of identification

1. The eartags must be applied in a position where they are easily visible at a distance.
2. The eartags and the other means of identification must contain the following characters:
 - the first characters identify the Member State of the holding where the animal was first identified. For this purpose two-letter or three-digit country codes ⁽¹⁾ are to be used in accordance with ISO 3166,
 - the country code is followed by an individual one of no more than 13 digits.

In addition to the information provided for in this paragraph, the competent authorities of the Member States may authorise a bar code and the addition of supplementary information by the keeper, provided that the legibility of the identification number is not affected.

3. The first means of identification referred to in Article 4(2)(a) must consist in an eartag approved by the competent authority, applied to one ear, and made of non-degradable material, tamper-proof and easy to read throughout the lifetime of the animal and designed to remain attached to the animal without being harmful to it. The eartag may not be reusable and the inscriptions provided for in point 3 must be non-removable.
4. The second means of identification referred to in Article 4(2)(b) may consist in:
 - an eartag with the same characteristics as described in point 3,
 - or
 - a tattoo, except for animals involved in intra-Community trade,
 - or
 - solely in the case of caprine animals, a mark on the pastern,
 - or
 - an electronic transponder in accordance with the characteristics listed in point 6.
5. The system referred to in Article 4(2)(c) requires the identification of the animals both by holding and individually, provides for a replacement procedure where a means of identification has become illegible or has been lost, under the control of the competent authority and without compromising traceability between holdings, the objective being to control epizootic diseases, and allows the animals' movements to be traced within the national territory, with the same objective.
6. The electronic identifier must conform to the following technical characteristics:
 - read-only passive transponders applying HDX- or FDX-B technology, complying with ISO standards 11784 and 11785,
 - electronic identifiers must be readable by reading devices, complying with ISO standard 11785, capable of reading HDX and FDX-B transponders,
 - the reading distance for portable readers must be a minimum of 12 cm for eartags and a minimum of 20 cm for ruminal boluses, and, for stationary readers, a minimum of 50 cm for both eartags and ruminal boluses.

⁽¹⁾ Austria	AT	040
Belgium	BE	056
Denmark	DK	208
Finland	FI	246
France	FR	250
Germany	DE	276
Greece	EL	300
Ireland	IE	372
Italy	IT	380
Luxembourg	LU	442
Netherlands	NL	528
Portugal	PT	620
Spain	ES	724
Sweden	SE	752
United Kingdom	UK	826.

7. The identification method referred to in Article 4(3) is as follows:
- the animals are identified by an eartag approved by the competent authority, applied to one ear,
 - the eartag must be of non-degradable material, tamper-proof, easy to read and designed to remain attached to the animal without being harmful to it. The eartag may not be re-usable and must bear only non-removable inscriptions,
 - the eartag must contain at least the two-letter country code and the identification code of the holding of birth.

Member States using this method must inform the Commission and Member States in the framework of the Committee referred to in Article 13(1). If animals identified in accordance with this point are kept beyond the age of 12 months or are intended for intra-Community trade or export to third countries, they must be identified in accordance with points 1 to 4.

B. Holding register

The holding register must contain at least the following information:

1. From 9 July 2005,
 - the identification code of the holding,
 - the address of the holding and the geographical coordinates or equivalent indication of the geographical location of the holding,
 - the type of production,
 - the result of the latest inventory referred to in Article 7 and the date on which it was carried out,
 - the name and address of the keeper,
 - in the case of animals leaving the holding, the name of the transporter, the registration number of the part of the means of transport carrying the animals, the identification code or the name and address of the holding of destination or, in the case of animals moved to a slaughterhouse, the identification code or name of the slaughterhouse and the date of departure, or a duplicate or a certified copy of the movement document referred to in Article 6,
 - in the case of animals arriving on the holding, the identification code of the holding from which the animal was transferred and the date of arrival,
 - information on any replacement of tags or electronic devices.
2. From the date set pursuant to Article 9(3), for each animal born after that date, the following up-to-date information:
 - the identification code of the animal,
 - the year of birth and date of identification,
 - the month and the year of death of the animal on the holding,
 - the race and, if known, the genotype.

However, for animals identified in accordance with point 7 of Section A, the information referred to in point 2 of that Section must be provided for each batch of animals having the same identification and must include the number of animals.

3. The name and signature of the representative of the competent authority who has checked the register and the date on which the check was carried out.

C. Movement document

1. The movement document must be completed by the keeper on the basis of a model drawn up by the competent authority; it must contain at least the following information:
 - the identification code of the holding,
 - the name and address of the keeper,
 - the total number of animals moved,
 - the identification code of the holding of destination or of the next keeper of the animals or, when animals are moved to a slaughterhouse, the identification code or the name and location of the slaughterhouse, or, in the event of transhumance, the place of destination,
 - the data concerning the means of transport and the transporter, including the transporter's permit number,
 - the date of departure,
 - the signature of the keeper.
2. With effect from the date set pursuant to Article 9(3), for animals identified in accordance with Section A, points 1 to 6, in addition to the information mentioned in paragraph 1 above, the movement document must contain the individual identification code for each animal.

D. Computer database

1. The computer database must contain at least the following information for each holding:
 - the identification code of the holding,
 - the address of the holding and the geographical coordinates or equivalent indication of the geographical location of the holding,
 - the name and address and occupation of the keeper,
 - the species of animals,
 - the type of production,
 - the result of the inventory of animals mentioned in Article 7(2), and the date when the inventory was carried out,
 - a data field reserved for the competent authority in which it may enter animal health information, for example restrictions on movements, status or other relevant information in the context of Community or national programmes.
 2. In accordance with Article 8, there must be an entry in the database for each separate movement of animals. The entry must comprise at least the following information:
 - the number of animals being moved,
 - the identification code of the holding of departure,
 - the date of departure,
 - the identification code of the holding of arrival,
 - the date of arrival.
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COMMISSION REGULATION (EC) No 22/2004
of 8 January 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, 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 9 January 2004.

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

Done at Brussels, 8 January 2004.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 8 January 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	106,6
	204	44,2
	624	193,8
	999	114,9
0707 00 05	052	82,5
	220	255,9
	999	169,2
0709 90 70	052	79,8
	204	62,5
	999	71,2
0805 10 10, 0805 10 30, 0805 10 50	052	55,0
	204	51,2
	220	46,6
	388	23,8
	999	44,2
0805 20 10	052	78,8
	204	86,2
	999	82,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	89,8
	999	89,8
0805 50 10	052	76,4
	400	38,7
	600	54,1
	999	56,4
0808 10 20, 0808 10 50, 0808 10 90	060	39,0
	400	92,6
	404	95,4
	720	81,7
	800	131,2
	999	88,0
0808 20 50	052	51,1
	060	60,8
	064	63,6
	400	95,1
	528	96,7
	720	62,4
	999	71,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 23/2004
of 8 January 2004**

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation (EC) No 2196/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, as amended by Regulation (EC) No 79/2003 ⁽⁴⁾, and in particular Article 1(2) and Article 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁵⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 January 2004.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 328, 17.12.2003, p. 17.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 13, 18.1.2003, p. 4.

⁽⁵⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 8 January 2004.

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

ANNEX

to the Commission Regulation of 8 January 2004 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,03	0,32	—
1703 90 00 ⁽¹⁾	8,28	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

**COMMISSION REGULATION (EC) No 24/2004
of 8 January 2004**

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.
- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) Import duties and export refunds still apply to certain sugar products traded between the Community, of the one part, and the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, hereinafter referred to as 'new Member States', of the other part, and the level of export refunds is appreciably greater than the level of import duties. In view of the accession of these countries to the Community on 1 May 2004, the appreciable gap between the level of import duties and the level of export refunds granted for the products in question may result in speculative trade flows.
- (10) To prevent any abuse through the re-import or re-introduction into the Community of sugar products in receipt of an export refund, no refund or levy should be set for all the new Member States for the products covered by this Regulation.
- (11) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 January 2004.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 680/2002 (OJ L 104, 20.4.2002, p. 26).

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

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

Done at Brussels, 8 January 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 9 JANUARY 2004**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	45,93 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	46,03 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	45,93 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	46,03 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4993
1701 99 10 9100	S00	EUR/100 kg	49,93
1701 99 10 9910	S00	EUR/100 kg	50,04
1701 99 10 9950	S00	EUR/100 kg	50,04
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4993

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

The numeric destination codes are set out in Commission Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

**COMMISSION REGULATION (EC) No 25/2004
of 8 January 2004**

fixing the maximum export refund for white sugar to certain third countries for the 18th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1290/2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 2196/2003 ⁽²⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1290/2003 of 18 July 2003 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, for the 2003/2004 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1290/2003 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the 18th partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 18th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1290/2003 the maximum amount of the export refund to certain third countries is fixed at 53,164 EUR/100 kg.

Article 2

This Regulation shall enter into force on 9 January 2004.

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

Done at Brussels, 8 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 328, 17.12.2003, p. 17.

⁽³⁾ OJ L 181, 19.7.2003, p. 7.

COMMISSION REGULATION (EC) No 26/2004
of 30 December 2003
on the Community fishing fleet register

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽¹⁾, and in particular Article 15(3) and (4) thereof,

Whereas:

- (1) For the application of the rules of the common fisheries policy, in accordance with Article 15 of Regulation (EC) No 2371/2002, each Member State is required to keep a register of vessels flying its flag and the Commission is required to set up a Community fishing fleet register on the basis of the national registers.
- (2) If it is to be an effective and comprehensive tool for implementing the rules of the common fisheries policy, the Community fishing fleet register should include all Community fishing vessels, including those used exclusively in aquaculture.
- (3) In order to have available the information essential for the management of the capacity of fishing fleets and their activity, the information on vessel characteristics which has to appear in the register for each Member State in accordance with Article 15(1) of Regulation (EC) No 2371/2002 should be identified.
- (4) The definition of the procedures for forwarding to the Commission the data appearing in the register of each Member State is needed to ensure a regular updating of the Community fishing fleet register.
- (5) The characteristics and external markings recorded in the register kept by each Member State should be specified in accordance with Council Regulation (EEC) 2930/86 of 22 September 1986 defining characteristics for fishing vessels ⁽²⁾, as amended by Regulation (EC) No 3259/94 ⁽³⁾, and with Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels ⁽⁴⁾.
- (6) The Member States should constantly monitor the quality of the information given in their national registers and ensure that it is checked by the Commission as soon as it is received.
- (7) In order to monitor the movements of vessels between Member States and to ensure an unequivocal link between the information contained in the Community fishing fleet register and the data from other information systems relating to fishing activities, it is important to allocate a unique identification number to each Community fishing vessel, which under no circumstances may be reassigned or altered.
- (8) To ensure the effective application of this Regulation and to simplify data management, the communication tools to be used between Member States and the Commission should be defined.
- (9) It should be stipulated that the Commission is to ensure access by the Member States to all the information in the Community fishing fleet register in compliance with the provisions relating to the protection of personal data set out in Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽⁵⁾.
- (10) In the light of the changes made by Article 15 of Regulation (EC) No 2371/2002 to the method for managing fishing vessel registers, Commission Regulation (EC) No 2090/98 of 30 September 1998 concerning the fishing vessel register of the Community ⁽⁶⁾, as amended by Regulation (EC) No 839/2002 ⁽⁷⁾, should be repealed.
- (11) The measures provided for in this Regulation are in accordance with the opinion of Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Subject

1. This Regulation:
- (a) determines the minimum information on vessel characteristics and activity which must figure in the register which each Member State keeps of the fishing vessels flying its flag (hereinafter called 'the national register');
- (b) lays down the obligations of Member States regarding the collection, validation and transmission of the data from their national register to the Commission;
- (c) lays down the obligations of the Commission regarding the management of the Community fishing fleet register (hereinafter called 'the Community register').

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 274, 25.9.1986, p. 1.

⁽³⁾ OJ L 339, 29.12.1994, p. 11.

⁽⁴⁾ OJ L 132, 21.5.1987, p. 9.

⁽⁵⁾ OJ L 8, 12.1.2001, p. 1.

⁽⁶⁾ OJ L 266, 1.10.1998, p. 27.

⁽⁷⁾ OJ L 134, 22.5.2002, p. 5.

2. The data from the Community register shall serve as reference for the application of the rules of the common fisheries policy.

Article 2

Scope

This Regulation shall apply to all Community fishing vessels, including those used exclusively in aquaculture as defined in point 2.2 of Annex III to Council Regulation (EC) No 2792/1999⁽¹⁾.

Article 3

Definitions

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

1. 'event': any entry to or exit from the fleet of a vessel or registration or change in one of its characteristics as defined in Annex I;
2. 'transmission': digital transfer of one or more events on the telecommunications network set up between the national administrations and the Commission;
3. 'snapshot': all the events recorded for the vessels comprising the fleet of a Member State between the date of the census referred to in Annex I and the date of transmission;
4. 'personal data': the names and addresses of the agents and owners of fishing vessels.

Article 4

Data collection

Each Member State shall collect without delay the data referred to in Annex II for the Community fishing vessels flying its flag.

Article 5

Recording in the national register

Each Member State shall validate the data collected in accordance with Article 4 and record them in its national register.

Article 6

Periodic transmission

Each Member State shall transmit a snapshot to the Commission on the first working day of March, June, September and December each year.

Article 7

Recording in the Community register

1. On receiving the snapshot, the Commission shall check the data it contains and enter them in the Community register. If no error is detected this snapshot shall replace the previous one.

If errors are detected, the Commission shall send its observations to the Member State which shall make the necessary corrections in its national register and send the Commission a new snapshot within 10 working days of the Commission's notification.

2. After receiving and checking the new snapshot, the Commission shall register or reject it if the snapshot contains errors not compatible with the correct implementation of the common fisheries policy.

If the snapshot accepted still contains errors, they shall be notified to the Member State which shall undertake to correct them forthwith in accordance with the procedure laid down in Article 8.

3. The Community register shall be available to the Member States, in accordance with the rules established by Article 11, some 20 working days after the snapshot's periodic transmission date.

Article 8

Interim transmission

1. Where the implementation of special measures under the common fisheries policy so requires, a Member State, either of its own accord, or at the Commission's request, shall transmit without delay from its national register the updated data for the vessels concerned.

2. The data transmitted must contain for each vessel particulars of all the events from the date of its entry to the fleet up to the transmission date.

3. On receiving the snapshot, the Commission shall check the data and substitute them in the Community register.

Article 9

Communication tools between the Commission and the Member States

1. The transmission of data between the Commission and the Member States shall be managed by means of an IT application developed by the Commission.

2. The Community register and the data concerning the checks and the monitoring of transmissions shall be accessible to the Member States on the Internet.

⁽¹⁾ OJ L 337, 30.12.1999, p. 10.

*Article 10***'CFR' identification number**

The CFR number referred to in Annex I shall identify fishing vessels in a unique way. It shall be included in all transmissions of data between the Member States and the Commission concerning the characteristics and activities of fishing vessels.

The number shall be assigned definitively when a vessel is first registered in a national register. It may not be altered or re-assigned to another vessel.

*Article 11***Access**

1. The Member States shall have access to all the information contained in the Community register on condition that they comply with the provisions relating to the protection of personal data arising from Regulation (EC) No 45/2001, and in particular Article 8 thereof.

2. The public shall have access to a version of the Community register which does not contain personal data.

3. Requests for access to personal data in the Community register shall be dealt with by the Commission in accordance with the provisions of Regulation (EC) No 45/2001.

*Article 12***Repeal**

Commission Regulation (EC) No 2090/98 is hereby repealed.

*Article 13***Entry into force**

This Regulation shall enter into force on 1 September 2004.

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

Done at Brussels, 30 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

DEFINITION OF DATA AND DESCRIPTION OF A REGISTRATION

Name of zone	Maximum number of characters	Alignment ⁽¹⁾ L(left)/R(ight)	Definition and comments
Country of registration	3	—	Member State (Alpha—3 ISO code) in which vessel is registered for fishing pursuant to Regulation (EC) No 2371/2002. Always the reporting country.
CFR ⁽²⁾	12	—	(Community fleet register number). Unique identification number of a fishing vessel. Member State (Alpha—3 ISO code) followed by an identifying series (nine characters). Where a series has fewer than nine characters, additional zeros must be inserted on the left hand side.
Event code	3	—	Code identifying the type of event reported. (Table 1)
Date of event ⁽³⁾	8	—	Date (YYYYMMDD) on which event occurred
Licence indicator	1	—	Vessel with a fishing licence according to Regulation (EC) No 3690/93: Y(yes)/N(No)
Registration number	14	L	
External marking	14	L	Pursuant to Regulation (EEC) No 1381/87
Name of vessel	40	L	
Port of registration	5	L	National code ⁽⁴⁾
IRCS indicator	1	—	Vessel with an international radio on board: Y(Yes)/N(No)/U(Unknown) ⁽⁷⁾
IRCS	7	L	(International radio call sign). International radio call sign
VMS indicator	1	—	(Vessel monitoring system) Vessel with a satellite monitoring system in accordance with Article 22 of Regulation (EC) No 2371/2002: Y(yes)/N(No)
Main fishing gear ⁽⁵⁾	3	L	Code of main gear (Table 3)
Subsidiary fishing gear	3	L	Code of subsidiary gear (Table 3)
LOA	6	R	(Length over all) Length over all in metres, defined in accordance with Regulation (EEC) No 2930/86.
LBP	6	R	(Length between perpendiculars) Length between perpendiculars in metres, defined in accordance with Regulation (EEC) No 2930/86.

Name of zone	Maximum number of characters	Alignment ⁽¹⁾ L(eft)/R(ight)	Definition and comments
Tonnage GT	8	R	In GT, defined in accordance with Regulation (EEC) No 2930/86.
Other tonnage ⁽⁶⁾	8	R	In tonnes according to the Oslo Convention or in accordance with a definition to be laid down by the Member State.
GTs ⁽⁶⁾	7	R	In GT, an increase in tonnage permitted on grounds of safety pursuant to Article 11 of Regulation (EC) No 2371/2002.
Power of main engine ⁽⁶⁾	8	R	In kW, in accordance with Regulation (EEC) No 2930/86.
Power of auxiliary engine ⁽⁶⁾	8	R	In kW. Includes all installed engine power not included under the heading 'Power of main engine.'
Hull material	1	—	Code (Table 4)
Year of commissioning	4	—	In accordance with Regulation (EEC) No 2930/86.
Month of commissioning	2	—	In accordance with Regulation (EEC) No 2930/86.
Day of commissioning	2	—	In accordance with Regulation (EEC) No 2930/86.
Segment	3	—	Code (Table 5)
Country of importation/ exportation	3	—	Alpha—3 ISO code for the importing or exporting country.
Type of export	2	—	Code (Table 6)
Code for public aid	2	—	Code (Table 7)
Date of administrative decision	8	—	Date (YYYYMMDD) of the administrative decision referred to in Regulation (EC) No 1438/2003, Article 6.
Segment covered by administrative decision	3	—	Code of MAGP segment to be notified in accordance with Regulation (EC) No 1438/2003.
Year of construction	4	—	
Place of construction	100	L	Free text. Name of shipyard, town and country where hull was built.
Name of vessel agent	100	L	Vessel agent: Natural person: name, first name Legal person: name
Address of vessel agent	100	L	Free text. The address must be sufficiently clear for the agent to be contacted: street, number, box, postal code, town and country.
Indicator of owner	1	—	Vessel of which agent is also owner Y(yes)/N(No)

Name of zone	Maximum number of characters	Alignment ⁽¹⁾ L(eft)/R(ight)	Definition and comments
Name of owner	100	L	Owner of vessel: Natural person: name, first name Legal person: name
Address of owner	100	L	Free text. The address must be sufficiently clear for the owner to be contacted: street, number, box, postal code, town and country.

⁽¹⁾ Relevant information for transmission of data by fixed—length formatting

⁽²⁾ Formerly Internal No.

⁽³⁾ In the case of a fleet census, this is the date of the census in the Member State (Table 2). For all other types of event, the date of the official document recording the event must be notified.

⁽⁴⁾ All national code changes require Commission approval.

⁽⁵⁾ Fishing gear considered to be the one most frequently used on board the vessel for a fishing period of a year or for a fishing campaign.

⁽⁶⁾ Numeric value with two optional decimal places. The separator for the decimal places is the point. No separator accepted for thousands.

⁽⁷⁾ Not valid for all vessels in fleet or reported from 1 January 2003.

Table 1

Code for type of event

Entry to fleet	Census	CEN
	New construction	CST
	Change of activity	CHA
	Intra-Community import, transfer	IMP
Within fleet	Modification	MOD
Exit from fleet	Break-up, shipwreck	DES
	Change of activity	RET
	Intra-Community export, transfer	EXP

Table 2

Date of census fixed by country

BEL, DNK, FRA, GBR, PRT	1.1.1989
NLD	1.9.1989
DEU, ESP	1.1.1990
IRL	1.10.1990
ITA	1.1.1991
GRC	1.7.1991
SWE, FIN	1.1.1995
CYP, EST, LTU, LVA, MLT, POL, SVN	1.5.2004

Table 3

Code for fishing gear

Gear category	Gear	Code	Static (S) or towed gear (T)	Pelagic (P) or demersal (D)
Surrounding nets	Purse seines	PS	T	P
	Lampara nets	LA	T	P
Seines	Beach seines	SB	T	D/P
	Danish seines	SDN	T	D/P
	Scottish seines	SSC	T	D/P
	Pair seines	SPR	T	D/P
Trawls	Beam trawl	TBB	T	D
	Bottom otter trawl	OTB	T	D
	Bottom pair trawls	PTB	T	D
	Midwater otter trawls	OTM	T	D/P
	Pelagic pair trawls	PTM	T	D/P
	Otter twin trawls	OTT	T	D/P
Dredges	Boat dredges	DRB	T	D
	Hand dredges used on board a vessel	DRH	T	D
	Mechanised dredges including suction dredges	HMD	T	D
Lift nets	Boat operated lift nets	LNB	S	P
	Shore operated stationary lift nets	LNS	S	P
Gill nets and entangling nets	Set (anchored) gillnets	GNS	S	D
	Driftnet	GND	S	D/P
	Encircling gillnets	GNC	S	D/P
	Trammel nets	GTR	S	D/P
	Combined trammel and gillnets	GTN	S	D/P
Traps	Pots (traps)	FPO	S	D

Gear category	Gear	Code	Static (S) or towed gear (T)	Pelagic (P) or demersal (D)
Hooks and lines	Hand lines and pole lines (hand operated)	LHP	S	D/P
	Hand lines and pole lines (mechanised)	LHM	S	D/P
	Set longlines	LLS	S	D
	Longlines (drifting)	LLD	S	P
	Troll lines	LTL	T	P
Gear unknown ⁽¹⁾		NK		
No gear ⁽²⁾		NO		

⁽¹⁾ Not valid for all vessels in fleet or reported from 1 January 2003.

⁽²⁾ Valid only for subsidiary fishing gear.

Table 4

Code for hull material

Wood	1
Metal	2
Fibreglass/plastic	3
Other	4
Unknown ⁽¹⁾	5

⁽¹⁾ Not valid for all vessels in fleet or reported from 1 January 2003.

Table 5

Segmentation codes

Date of event before 31.12.2002	MAGP codes		
Date of event from 1.1.2003	Mainland fleet	MFL	
	Outermost region ⁽¹⁾	France	Code MAGP IV
		Portugal	Code MAGP IV
		Spain	CAN1 à CANn
Aquaculture	AQU		

⁽¹⁾ Provisional codes subject to the adoption of a segmentation for the Canary Islands and segmentations different from those of MAGPs IV for the outermost regions of France and Portugal following the adoption of the draft Council regulation on the management of fleets registered in the outermost regions (COM(2003) 175 final).

Table 6

Codes for types of export

Intra-Community export or transfer	EX
Exportation within a joint venture	SM

Table 7

Codes for public aid

Aid not part-financed by the Community	AE
Aid part-financed by the Community pursuant to Regulation (EC) No 2792/1999	AC
No public aid	PA

ANNEX II

DATA TO BE PROVIDED DEPENDING ON THE TYPE OF EVENT DEFINED IN ANNEX I, TABLE I

	Entry to fleet				Within fleet	Exit from fleet		
	CEN	CST	CHA	IMP		MOD	DES	RET
Country of registration	X	X	X	X	X	X	X	X
CFR	X	X	X	X	X	X	X	X
Event code	X	X	X	X	X	X	X	X
Date of event	X	X	X	X	X	X	X	X
Licence indicator ⁽¹⁾	X	X	X	X	X	X	X	X
Registration number	X	X	X	X	X	X	X	X
External marking	X	X	X	X	X	X	X	X
Name of vessel	X	X	X	X	X	X	X	X
Port of registration	X	X	X	X	X	X	X	X
IRCS indicator	X	X	X	X	X	X	X	X
IRCS ⁽²⁾	X	X	X	X	X	X	X	X
VMS indicator ⁽¹⁾	X	X	X	X	X	X	X	X
Main fishing gear	X	X	X	X	X	X	X	X
Subsidiary fishing gear	X	X	X	X	X	X	X	X
LOA ⁽¹⁾ ⁽³⁾	X	X	X	X	X	X	X	X
LBP ⁽³⁾	X	X	X	X	X	X	X	X
Gross tonnage GT ⁽⁴⁾ ⁽⁵⁾	X	X	X	X	X	X	X	X
Other tonnage ⁽⁴⁾	X	X	X	X	X	X	X	X
GTs	X	X	X	X	X	X	X	X
Power of main engine	X	X	X	X	X	X	X	X
Power of auxiliary engine	X	X	X	X	X	X	X	X
Hull material	X	X	X	X	X	X	X	X
Year of commissioning ⁽⁶⁾	X	⁽¹⁾	⁽¹⁾	⁽¹⁾	X	X	X	X
Month of commissioning	X	⁽¹⁾	⁽¹⁾	⁽¹⁾	X	X	X	X
Day of commissioning	X	⁽¹⁾	⁽¹⁾	⁽¹⁾	X	X	X	X
Segment	X	X	X	X	X	X	X	X
Country of importation/exportation	—	—	—	X	—	—	—	X
Type of export ⁽¹⁾	—	—	—	—	—	—	—	X
Code for public aid	—	X	X	X	⁽¹¹⁾	X	X	X
Date of administrative decision ⁽¹²⁾	—	X	X	X	—	—	—	—
Segment covered by administrative decision ⁽¹⁰⁾	—	X	X	X	—	—	—	—

	Entry to fleet				Within fleet	Exit from fleet		
	CEN	CST	CHA	IMP		MOD	DES	RET
Year of construction ⁽⁶⁾	X	X	X	X	X	X	X	X
Place of construction ⁽⁵⁾ ⁽⁸⁾	X	X	X	X	X	X	X	X
Name of agent ⁽⁵⁾ ⁽⁷⁾	X	X	X	X	X	X	X	X
Address of agent ⁽⁵⁾ ⁽⁷⁾	X	X	X	X	X	X	X	X
Indicator of owner	X	X	X	X	X	X	X	X
Name of owner ⁽⁵⁾ ⁽⁸⁾ ⁽⁹⁾	X	X	X	X	X	X	X	X
Address of owner ⁽⁵⁾ ⁽⁸⁾ ⁽⁹⁾	X	X	X	X	X	X	X	X

⁽¹⁾ Data mandatory for all vessels in fleet or reported from 1 January 2003.

⁽²⁾ Field empty if 'IRCS indicator' is 'N'.

⁽³⁾ One of two lengths must be reported for all events before 31 December 2002.

⁽⁴⁾ One of two gross tonnages must be reported for all events before 31 December 2003.

⁽⁵⁾ Data mandatory for all vessels in fleet or reported from 1 January 2004.

⁽⁶⁾ The year of commissioning or of construction must be reported for all events before 31 December 2002.

⁽⁷⁾ Data mandatory for all vessels in fleet or reported from 1 January 2003 with an overall length of not less than 15 metres or a length between perpendiculars of not less than 12 metres.

⁽⁸⁾ Data mandatory for all vessels in fleet or reported from 1 January 2003 with an overall length of not less than 27 metres or a length between perpendiculars of not less than 24 metres.

⁽⁹⁾ Field empty if 'Owner indicator' is 'Y'.

⁽¹⁰⁾ To be completed only for entries to fleet from 1 January 2003 following an administrative decision taken between 1 January 2000 and 31 December 2002.

⁽¹¹⁾ Data mandatory only where an increase in tonnage is authorised on grounds of safety.

⁽¹²⁾ To be completed only for entries to fleet from 1 January 2003 following an administrative decision taken as from 1 January 2000.

**COMMISSION REGULATION (EC) No 27/2004
of 5 January 2004**

laying down transitional detailed rules for the application of Council Regulation (EC) No 1257/1999 as regards the financing by the EAGGF Guarantee Section of rural development measures in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ⁽¹⁾, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ⁽²⁾, and in particular the first paragraph of Article 41 thereof,

Whereas:

- (1) Articles 47a(2) and (3) and 47b 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 ⁽³⁾, as amended by the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, lay down special rules for the financing by the EAGGF Guarantee Section of the rural development measures referred to in Article 47a(1) of that Regulation. In particular, they lay down that certain provisions of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽⁴⁾, as last amended by that Act of Accession, should apply.
- (2) These rules enter into force on the accession of the new Member States. In order to facilitate the transition between the existing rules on the operation of the EAGGF Guarantee Section, laid down in particular in Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽⁵⁾ and the rules of application, and the special rules laid down by Regulation (EC) No 1257/1999, implementing measures should be laid down.
- (3) Since the new Member States have not adopted the single currency, special provisions should be laid down on, among other things, the exchange rate to be used for declarations of expenditure, in derogation from

Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture ⁽⁶⁾.

- (4) Commission Regulation (EC) No 445/2002 of 26 February 2002 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽⁷⁾ lays down financial provisions that are incompatible with the special rules laid down in Articles 47a and 47b of Regulation (EC) No 1257/1999. Those provisions should not be applied to the rural development programming documents of the new Member States.
- (5) Articles 33h and 33i of Regulation (EC) No 1257/1999 provide respectively for part-financing under rural development programming of complements to direct payments and complements to State aid in Malta. Given the very specific nature of these measures, special provisions should be laid down for their administration and control.
- (6) Since the accession of the new Member States will take place on 1 May 2004 rather than at the beginning of the year, special measures should be laid down for the submission of applications for support for aid to less-favoured areas in 2004 so as to ensure that the new Member States fulfil their obligations as regards controls.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

Article 1

Field of application

This Regulation lays down transitional detailed rules for the application of the financial provisions laid down in Articles 47a and 47b of Regulation (EC) No 1257/1999 applicable to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereafter referred to as the 'new Member States').

⁽¹⁾ OJ L 236, 23.9.2003, p. 17.

⁽²⁾ OJ L 236, 23.9.2003, p. 33.

⁽³⁾ OJ L 160, 26.6.1999, p. 80.

⁽⁴⁾ OJ L 161, 26.6.1999, p. 1.

⁽⁵⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁶⁾ OJ L 349, 24.12.1998, p. 36. Regulation last amended by Regulation (EC) No 816/2003 (OJ L 116, 13.5.2003, p. 12).

⁽⁷⁾ OJ L 74, 15.3.2002, p. 1. Regulation last amended by Regulation (EC) No 963/2003 (OJ L 138, 5.6.2003, p. 32).

*Article 2***Eligibility of expenditure**

1. For the purposes of the second subparagraph of Article 30(2) of Regulation (EC) No 1260/1999, the final date for the eligibility of expenditure laid down in the Commission decisions approving the rural development programming documents of the new Member States shall relate to payments made by the paying agencies referred to in Article 4 of Regulation (EC) No 1258/1999.

2. Without prejudice to Article 33(5) of the Act of Accession, only expenditure relating to operations selected for part-financing under Regulation (EC) No 1257/1999 in accordance with the selection criteria and procedures laid down and which have been subject to Community rules over the whole period during which they have been incurred shall be eligible.

*Article 3***Payments**

1. References to the paying authority in Article 32 of Regulation (EC) No 1260/1999 shall be understood as being references to the paying agencies referred to in Article 4 of Regulation (EC) No 1258/1999.

2. For the purpose of Article 32(1) of Regulation (EC) No 1260/1999, interim payments and payments of the final balance shall relate to payments actually made by the paying agencies.

3. For the application of Article 32(3) of Regulation (EC) No 1260/1999, interim payments under rural development programming documents shall be subject to the following conditions:

(a) submission to the Commission of the latest annual implementation report due, provided for in the third subparagraph of Article 48(2) of Regulation (EC) No 1257/1999;

(b) submission of the latest annual accounts due as required under Article 6(1)(b) of Regulation (EC) No 1258/1999.

4. For the purposes of Article 32(4) of Regulation (EC) No 1260/1999, the final balance under rural development programming documents shall be paid on the basis of the latest clearance of accounts decision provided for in Article 7(3) of Regulation (EC) No 1258/1999.

5. Certified payment applications shall be presented in accordance with the model given in the Annex hereto.

*Article 4***Paying agencies**

1. Each paying agency shall keep accounts covering exclusively the use of the funds made available to it to defray expenditure on the measures provided for in the rural development programming documents.

2. The paying agencies shall ensure that the Community contribution is paid to the beneficiary at the same time as or after the national contribution is paid.

*Article 5***Use of the euro**

Commission decisions, commitments, declarations of expenditure in support of payment applications and payments shall be expressed in euro in accordance with Commission Regulation (EC) No 643/2000 ⁽¹⁾.

However, in the case of the measure provided for in Articles 33h of Regulation (EC) No 1257/1999, the new Member States shall convert expenditure incurred in national currency into euro using the exchange rate applicable to direct support schemes.

*Article 6***Statements and forecasts of expenditure**

Articles 47, 48 and 49 of Regulation (EC) No 445/2002 shall not apply to the rural development programming documents of the new Member States.

*Article 7***Clearance of accounts**

1. For the purposes of Article 5(1) of Commission Regulation (EC) No 1663/95 ⁽²⁾, the accounts referred to in Article 4(1) thereof shall include:

(a) annual expenditure summarised by rural development measure;

(b) a table showing the differences between the expenditure declared under (a) and that declared for the purpose of the interim payments referred to in Article 3(3) of this Regulation;

(c) a table, extracted from the debtors' ledger, showing the total debts identified but not yet recovered at the end of the financial year for rural development measures.

2. For the purposes of the second subparagraph of Article 7(1) of Regulation (EC) No 1663/95, amounts recoverable or payable under the clearance of accounts decision referred to in Article 7(3) of Regulation (EC) No 1258/1999 shall be deducted from or added to subsequent payments made by the Commission.

⁽¹⁾ OJ L 78, 29.3.2000, p. 4.

⁽²⁾ OJ L 158, 8.7.1995, p. 6. Regulation last amended by Regulation (EC) No 2025/2001 (OJ L 274, 17.10.2001, p. 3).

Article 8

Complements to direct payments

1. Notwithstanding Article 58 of Regulation (EC) No 445/2002, payments by the paying agency relating to the complement to direct payments provided for in Article 33h of Regulation (EC) No 1257/1999 shall be made on the basis of the payment application submitted for the complementary national direct payment or the complementary national direct aid provided for in Article 1c of Council Regulation (EC) No 1259/1999⁽¹⁾. In the case of the new Member States who apply Article 1a of Regulation (EC) No 1259/1999, the paying agency shall ensure that the complement to direct payments is paid at the same time as or after the Community direct payment under the support schemes referred to in Article 1 of Regulation (EC) No 1259/1999.

2. Notwithstanding Articles 59 to 64 of Regulation (EC) No 445/2002, the Member States shall apply Council Regulation (EEC) No 3508/92⁽²⁾ and Commission Regulation (EC) No 2419/2001⁽³⁾ in the case of the measure provided for in Article 33h of Regulation (EC) No 1257/1999.

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

Done at Brussels, 5 January 2004.

Article 9

Complements to State aid in Malta

Notwithstanding Article 58 of Regulation (EC) No 445/2002, payments by the paying agency relating to the complements to State aid in Malta provided for in Article 33i of Regulation (EC) No 1257/1999 shall be made on the basis of the payment application submitted for State aid.

Article 10

Transitional provisions for 2004

Beneficiaries must submit applications for the compensatory allowances provided for in Chapter V of Regulation (EC) No 1257/1999 for 2004 to the competent authorities before 1 July 2004 or by a later date to be laid down by the new Member States compatible with their control obligations under Section 6 of Chapter II of Regulation (EC) No 445/2002.

Article 11

Entry into force

This Regulation shall enter into force on 1 May 2004 subject to the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 113.

⁽²⁾ OJ L 355, 5.12.1992, p. 1.

⁽³⁾ OJ L 327, 12.12.2001, p. 11.

ANNEX

CERTIFICATE AND STATEMENT OF EXPENDITURE AND APPLICATION FOR PAYMENT

EUROPEAN COMMISSION

EAGGF-GUARANTEE

Certificate and statement of expenditure and application for payment

(to be sent to unit F2 of DG AGRI through official channels)

Name of the programming document

Commission Decision : _____ of _____

Commission reference (CCI) No: _____

National reference: _____ (if any)

CERTIFICATE

I, the undersigned, _____ ,
 representing the paying authority designated by ⁽¹⁾

certify that all eligible expenditure included in the attached statement, representing the contributions of the EAGGF Guarantee Section and national public and/or private funding, and paid as the assistance has progressed, was paid

after ⁽²⁾: ____/____/20__ and amounts to: EUR _____
 (exact amount to two decimal places)

The attached statement of expenditure broken down by measure is based on accounts provisionally closed on:

____/____/20__

and is an integral part of this certificate.

I also certify that operations are progressing in accordance with the provisions of Regulations (EC) No 1257/1999 and (EC) No 1258/1999, in particular as regards:

1. compliance with the provisions of the Treaty and instruments adopted pursuant to it and with Community policies, in particular the rules on competition, the award of public contracts, environmental protection and elimination of inequalities and the promotion of equality between men and women (Article 37 of Regulation (EC) No 1257/1999);
2. application of management and control procedures to the assistance, in particular to verify the delivery of the products and services co-financed and the reality of expenditure claimed and to prevent, detect and correct irregularities, pursue fraud, and recover unduly paid amounts (Article 8(1) of Regulation (EC) No 1258/1999).

⁽¹⁾ Indicate the administrative instrument of designation, in accordance with Article 4 of Regulation (EC) No 1258/1999, with appropriate references and the date.

⁽²⁾ Reference date in accordance with the decision, meeting the requirements of Article 47b(1), third subparagraph, of Regulation (EC) No 1257/1999.

The supporting documents are and will continue to be available for a minimum period of three years in accordance with Article 6 of Commission Regulation (EC) No 1663/95.

I certify that:

1. the statement of expenditure is accurate and results from accounting systems based on verifiable supporting documents;
2. the statement of expenditure and the application for payment take account, when relevant, of the financial consequences of the clearance of accounts decisions, of any recoveries made, revenue accruing to operations financed under the assistance and interest income;
3. details of the underlying transactions are recorded on computer files and are available on request to the Commission departments responsible.

Date ____/____/20__

APPLICATION FOR PAYMENT

Name of the programming document: _____

Commission reference (CCI) No: _____

Pursuant to Article 32 of Regulation (EC) No 1260/1999, I, the undersigned (name in capitals, stamp, position and signature of payment agency) request payment of the amount of EUR _____ as an interim/final payment ⁽³⁾. This application meets the admissibility requirements because:

- the latest annual report on implementation required by Article 48(2) of Regulation (EC) No 1257/1999 has been supplied/is enclosed/is not due;
- the latest annual accounts has been supplied/is enclosed/is not due.

Payment should be made to:

Beneficiary	
Bank	
Account No	
Account holder (if different from beneficiary)	

Date ____/____/20__

Name in capitals, stamp, position and signature
of the paying agency

⁽³⁾ Delete as appropriate.

COMMISSION REGULATION (EC) No 28/2004
of 5 January 2004

implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the detailed content of intermediate and final quality reports

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1177/2003 of the European Parliament and the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC) ⁽¹⁾, and in particular Article 15(2)(b) thereof,

Whereas:

- (1) Regulation (EC) No 1177/2003 established a common framework for the systematic production of Community statistics on income and living conditions, encompassing comparable and timely cross-sectional and longitudinal data on income and on the level and composition of poverty and social exclusion at national and European Union levels.
- (2) Pursuant to Article 15(2)(b) of Regulation (EC) No 1177/2003, implementing measures are necessary to determine the detailed content of the intermediate report, relating to the common cross-sectional EU indicators based on the EU-SILC cross-sectional component, and the detailed content of the final quality report focusing on internal accuracy, which covers both cross-sectional and longitudinal components.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The definitions to be applied to the intermediate and final quality reports of the Community statistics on income and living conditions (EU-SILC) shall be as laid down in Annex I.

Article 2

Quality evaluation criteria and the detailed content of the intermediate quality report to be produced by Member States, relating to the common cross-sectional EU indicators based on the cross-sectional component of the EU-SILC shall be as laid down in Annex II.

Article 3

Quality evaluation criteria and the detailed content of the final quality report to be produced by Member States, relating to the EU-SILC cross-sectional and longitudinal components focussing on internal accuracy shall be as laid down in Annex III.

Article 4

The content of the comparative intermediate and final quality reports to be produced by the Commission (Eurostat) shall be as laid down in Annex IV.

Article 5

This Regulation shall enter into force on the 20th 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, 5 January 2004.

For the Commission
Pedro SOLBES MIRA
Member of the Commission

⁽¹⁾ OJ L 165, 3.7.2003, p. 1.

ANNEX I

DEFINITIONS

- (a) 'Substitution' refers to replacement by other units of the original units selected in the sample which do not supply the required information, either because the address cannot be located or is inaccessible, or because the household refuses to cooperate, the entire household is temporarily away or the household is unable to respond
- (b) 'Imputation' means estimating plausible (but artificial) substitute values for missing values
- (c) 'Equivalised disposable income' is defined as the household's total disposable income divided by its 'equivalent size'
- (d) 'Equivalent size' refers to the OECD modified scale (which gives a weight of 1,0 to the first adult, 0,5 to other persons aged 14 or over who are living in the household and 0,3 to each child aged under 14)
- (e) 'Sampling frame' is the population of units from which a sample can be selected
- (f) 'Accuracy' denotes the closeness of computations or estimates to the exact or true values
- (g) 'Sampling errors' refers to the variability that occurs at random because of the use of a sample rather than a census
- (h) 'Non-sampling errors' are errors that occur in all phases of the data collection and production process

Non-sampling errors are basically of four types:

- 'Coverage errors' are errors due to differences between the target population and the sampling frame. Coverage errors include over-coverage, under-coverage and misclassification:
 - 'over-coverage' relates either to wrongly classified units that are in fact out of scope, or to units that do not exist in practice
 - 'under-coverage' refers to units not included in the sampling frame
 - 'misclassification' refers to incorrect classification of units that belong to the target population
- 'Measurement errors' are errors that occur at the time of data collection. There are a number of sources for these errors, such as the survey instrument, the information system, the interviewer and the mode of collection
- 'Processing errors' are errors in post-data-collection processes such as data entry, keying, editing and weighting
- 'Non-response errors' are errors due to an unsuccessful attempt to obtain the desired information from an eligible unit. Two main types of non-response errors are considered:
 - 'unit non-response' refers to the absence of information of the whole units (households and/or persons) selected into the sample
 - 'item non-response' refers to the situation where a sample unit has been successfully enumerated, but not all the required information has been obtained
- (i) 'Relevance' is the degree to which statistics meet current and potential users' needs. It refers to whether all statistics that are needed are produced and the extent to which concepts used (definitions, classifications, etc.) reflect users' needs
- (j) 'Timeliness and punctuality':
 - 'Timeliness of information' reflects the length of time between its availability and the event or phenomenon it describes
 - 'Punctuality' refers to the time lag existing between the actual Eurostat delivery date of data and the target date when it should have been delivered, for instance, with reference to dates announced in some official release calendar, laid down by regulations or previously agreed among partners
- (k) 'Accessibility and clarity':
 - 'Accessibility' refers to the physical conditions in which users can obtain data: where to go, how to order, delivery time, clear pricing policy, convenient marketing conditions (copyright, etc.), availability of micro or macro data, various formats (paper, files, CD-ROM, internet), etc.
 - 'Clarity' refers to the data's information environment whether data are accompanied with appropriate metadata, illustrations such as graphs and maps, whether information on their quality also available (including limitation in use) and the extent to which additional assistance is provided by the National Statistical Institutes

ANNEX II

Quality evaluation criteria and content of the intermediate quality report to be produced by Member States

1. COMMON CROSS-SECTIONAL EUROPEAN UNION INDICATORS

1.1. **Common cross-sectional EU indicators based on the cross-sectional component of EU-SILC**

Members States will provide the common cross-sectional EU indicators, based on the cross-sectional sample of year N, which will be included in the annual spring report of year (N + 2) to the European Council.

The common cross-sectional EU indicators refer to those indicators adopted by the Council in the context of the open method of coordination, which can be derived from the EU-SILC instrument.

1.2. **Other indicators**1.2.1. *Equivalised disposable income*1.2.2. *The unadjusted gender pay gap*

Members States that compute the unadjusted gender pay gap indicator on the basis of EU-SILC will provide that indicator.

2. ACCURACY

2.1. **Sample design**

The following information will be provided:

2.1.1. *Type of sampling design (stratified, multi-stage, clustered)*2.1.2. *Sampling units (one stage, two stages)*2.1.3. *Stratification and substratification criteria*2.1.4. *Sample size and allocation criteria*2.1.5. *Sample selection schemes*2.1.6. *Sample distribution over time*2.1.7. *Renewal of sample: rotational groups*2.1.8. *Weightings*2.1.8.1. *Design factor*2.1.8.2. *Non-response adjustments*2.1.8.3. *Adjustments to external data (level, variables used and sources)*2.1.8.4. *Final cross-sectional weight*

2.1.9. Substitutions

For Member States where substitution is applied in cases of unit non-response, the following information will be provided:

2.1.9.1. Method of selection of substitutes

2.1.9.2. Main characteristics of substituted units compared to original units, by region (NUTS 2) if available

2.1.9.3. Distribution of substituted units by record of contact at address (DB120), household questionnaire result (DB130) and household interview acceptance (DB135) of the original units

2.2. Sampling errors

2.2.1. Standard error and effective sample size

The following information will be provided:

- effective sample size for the common cross-sectional EU indicators based on the cross-sectional component of EU-SILC, for equivalised disposable income and for the unadjusted gender pay gap (if applicable),
- standard errors for the common cross-sectional EU indicators based on the cross-sectional component of EU-SILC, for equivalised disposable income and for the unadjusted gender pay gap (if applicable).

2.3. Non-sampling errors

2.3.1. Sampling frame and coverage errors

A description of the sampling frame (including information on the procedure used to update the frame, frequency and duplicates), and a description of the main coverage problems (misclassification, under-coverage and over-coverage), if available, will be provided.

For Member States using a rotational design, information on the sampling frame will be provided for the new replications only.

2.3.2. Measurement and processing errors

2.3.2.1. Measurement errors

The following information will be provided:

- a description of different sources of measurement errors likely to be found in the survey,
- a description of the way the questionnaire was built up, the use of a cognitive laboratory (if applicable), field testing of the questionnaire, the effect of its design, content and wording,
- information on the intensity and efficiency of interview training: number of training days, skills testing before starting the fieldwork (rate of success and so on),
- information on studies, such as re-interviews, record check studies, or split-sample experiments, if available,
- results from models, for instance to assess the impact of using a financial year instead of a calendar year, if available.

2.3.2.2. Processing errors

The following information will be provided:

- a description of data entry controls, coding controls and the editing system applied to the data. Main errors detected in the post-data-collection process,
- the rates of failed edits for income variables.

2.3.3. Non-response errors

The following information will be provided:

2.3.3.1. Achieved sample size

- number of households for which an interview is accepted for the database. Rotational group breakdown (if applicable) and total,
- number of persons of 16 years or older who are members of the households for which the interview is accepted for the database, and who completed a personal interview. Rotational group breakdown (if applicable) and total,
- number of selected respondents (if applicable) who are members of the households for which the interview is accepted for the database, and who completed a personal interview. Rotational group breakdown (if applicable) and total.

2.3.3.2. Unit non-response

For Member States using a rotational design, information on unit non-response will be provided for the new replications in accordance with the formulas described below.

For the total sample, the unit non-response will be calculated by removing, from the numerator and the denominator of the formulas described below, those units that according to the tracing rules are out of scope.

- Household non-response rates (*NRh*) will be computed as follows:

$$NRh = (1 - (Ra * Rh)) * 100$$

Where:

$$Ra = \frac{\text{Number of addresses successfully contacted}}{\text{Number of valid addresses selected}} = \frac{\sum[DB120 = 11]}{\sum[DB120 = \text{all}] - \sum[DB120 = 23]}$$

Ra is the address contact rate

$$Rh = \frac{\text{Number of household interviews completed and accepted for database}}{\text{Number of eligible households at contacted addresses}} = \frac{\sum[DB135 = 1]}{\sum[DB130 = \text{all}]}$$

Rh is the proportion of complete household interviews accepted for the database

DB120 is the record of contact at the address

DB130 is the household questionnaire result, and

DB135 is the household interview acceptance result.

For those Member States where substitutions are made in case of unit non-response, non-response rates will be calculated before and after substitutions.

- Individual non-response rates (*NRp*) will be computed as follows:

$$NRp = (1 - (Rp)) * 100$$

Where:

$$Rp = \frac{\text{Number of personal interviews completed}}{\text{Number of eligible individuals in the households whose interviews were completed and accepted for the database}} = \frac{\sum[RB250 = 11 + 12 + 13]}{\sum[RB245 = 1 + 2 + 3]}$$

Rp is the proportion of complete personal interviews within the households accepted for the database

RB245 is the respondent status, and

RB250 is the data status.

- Overall individual non-response rates (**NRp*) will be computed as follows:

$$*NRp = (1 - (Ra * Rh * Rp)) * 100$$

For those Member States where substitutions are made in cases of unit non-response, non-response rates will be calculated before and after substitutions.

For those Member States where a sample of persons rather than a sample of households (addresses) was selected, the individual non-response rates will be calculated for 'the selected respondent' (RB245 = 2), for all individuals aged 16 years or older (RB245 = 2 + 3) and for the non-selected respondent (RB245 = 3).

2.3.3.3. Distribution of households (original units) by 'record of contact at address' (DB120), by 'household questionnaire result' (DB130) and by 'household interview acceptance' (DB135), for each rotational group (if applicable) and for the total

2.3.3.4. Distribution of substituted units (if applicable) by 'record of contact at address' (DB120), by 'household questionnaire result' (DB130) and by 'household interview acceptance' (DB135), for each rotational group (if applicable) and for the total

2.3.3.5. Item non-response

For income variables the following information will be provided:

- percentages of households (per income components collected or compiled at household level)/persons (per income components collected or compiled at personal level) having received an amount for each income component,
- percentage of missing values for each income component collected or compiled at household/personal level,
- percentage of partial information for each income component collected or compiled at household/personal level.

Item non-response	(A)	(B)	(C)
	% of households having received an amount	% of households with missing values (before imputation)	% of households with partial information (before imputation)
Total household gross income ⁽¹⁾			
Total disposable household income			
Total disposable household income before social transfers other than old-age and survivors' benefits			
Total disposable household income including old-age and survivors' benefits			
Net income components at household level ⁽²⁾			
(a row for each income component collected at household level)			
Gross income component at household level ⁽³⁾			
(a row for each income component provided at household level)			
	% of persons 16+ having received an amount	% of persons with missing values (before imputation)	% of persons with partial information (before imputation)
Net income components at personal level ⁽²⁾			
(a row for each income component collected at personal level)			
Gross income components at personal level ⁽³⁾			
(a row for each income component provided at personal level)			

⁽¹⁾ Mandatory from 2007.

⁽²⁾ Only for Member States which collect net income at component level.

⁽³⁾ For Member States which provide gross income at component level. For the rest of the Member States: mandatory from 2007.

- 2.3.3.6. Total item non-response and number of observations in the sample at unit level of the common cross-sectional European Union indicators based on the cross-sectional component of EU-SILC, for equalised disposable income and for the unadjusted gender pay gap (if applicable)

2.4. **Mode of data collection**

For Member States using a sample of addresses/households, the distribution of household members aged 16 or over by 'data status' (RB250) and by 'type of interview' (RB260) will be provided, for each rotational group (if applicable) and for the total.

For Member States using a sample of persons, the distribution of 'selected respondent', the distribution of 'household members aged 16 or over', and the distribution of 'non-selected respondent' by 'data status' (RB250) and by 'type of interview' (RB260) will be provided, for each rotational group (if applicable) and for the total.

2.5. **Interview duration**

The mean household interview duration will be provided.

The mean interview duration per household will be calculated as the sum of the duration of all household interviews plus the sum of the duration of all personal interviews, divided by the number of household questionnaires completed and accepted for the database.

3. **COMPARABILITY**

3.1. **Basic concepts and definitions**

The national concepts used, the differences between the national concepts and standard EU-SILC concepts, and an assessment, if available, of the consequences of the differences mentioned will be reported for the following areas:

- the reference population,
- the private household definition,
- the household membership,
- the income reference period(s) used,
- the period for taxes on income and social insurance contributions,
- the reference period for taxes on wealth,
- the lag between the income reference period and current variables,
- the total duration of the data collection of the sample,
- basic information on activity status during the income reference period.

3.2. **Components of income**

- 3.2.1. *Differences between the national definitions and standard EU-SILC definitions, and an assessment, if available, of the consequences of the differences mentioned will be reported for the following target variables:*

- total household gross income,
- total disposable household income,
- total disposable household income, before social transfers other than old-age and survivors' benefits,
- total disposable household income, before social transfers including old-age and survivors' benefits,
- imputed rent ⁽¹⁾,
- income from rental of property or land,
- family/children-related allowances,
- social exclusion payments not elsewhere classified,

⁽¹⁾ Mandatory from 2007.

- housing allowances,
- regular inter-household cash transfers received,
- interest, dividends, profit from capital investments in unincorporated businesses,
- interest paid on mortgages ⁽¹⁾,
- income received by people aged under 16,
- regular taxes on wealth,
- regular inter-household transfers paid,
- tax on income and social insurance contributions,
- repayments/receipts for tax adjustments,
- cash or near-cash employee income,
- non-cash employee income ⁽²⁾,
- employers' social insurance contributions ⁽³⁾,
- cash profits or losses from self-employment (including royalties);
- value of goods produced for own consumption ⁽¹⁾,
- unemployment benefits,
- old-age benefits,
- survivors' benefits,
- sickness benefits,
- disability benefits,
- education-related allowances,
- gross monthly earnings for employees ⁽⁴⁾.

3.2.2. *The source or procedure used for the collection of income variables*

3.2.3. *The form in which income variables at component level have been obtained (e.g. gross, net of taxes on income at source and social contributions, net of tax on income at source, net of social contributions)*

3.2.4. *The method used for obtaining income target variables in the required form (i.e. as gross values)*

4. COHERENCE

4.1. **Comparison of income target variables and number of persons who receive income from each 'income component', with external sources**

A comparison with external sources for all income target variables and the number of persons who receive income from each 'income component'

⁽¹⁾ Mandatory from 2007.

⁽²⁾ This variable (with the exception of company car) will be collected only from 2007 onwards.

⁽³⁾ This variable will be recorded only from 2007 if feasibility studies show it is possible.

⁽⁴⁾ Compulsory only for Member States that have no other source than EU-SILC to calculate the gender pay gap.

ANNEX III

Quality evaluation criteria and content of the final quality report to be produced by member states**1. COMMON LONGITUDINAL EUROPEAN UNION INDICATORS BASED ON THE LONGITUDINAL COMPONENT OF EU-SILC**

Member States will provide common longitudinal EU indicators, based on the longitudinal sample of EU-SILC.

The longitudinal common EU indicators refer to those indicators adopted by the Council in the context of the open method of coordination, which can be derived from the EU-SILC instrument.

2. ACCURACY**2.1. Sample design**

For the first wave of the EU-SILC longitudinal component the following information will be provided:

2.1.1. *Type of sample design (stratified, multi-stage, clustered)*

2.1.2. *Sampling units (one stage, two stages)*

2.1.3. *Stratification and substratification criteria*

2.1.4. *Sample size and allocation criteria*

2.1.5. *Sample selection schemes*

2.1.6. *Sample distribution over time*

2.1.7. *Renewal of the sample: rotational groups*

2.1.8. *Weightings*

2.1.8.1. Design factor

2.1.8.2. Non-response adjustments

2.1.8.3. Adjustment to external data (level, variables used and sources)

2.1.8.4. Final longitudinal weight

For the second and following waves of the EU-SILC longitudinal component the following information will be provided:

2.1.8.5. Non-response adjustments

2.1.8.6. Adjustments to external data (level, variables used and sources)

2.1.8.7. Final longitudinal weight

2.1.8.8. Final household cross-sectional weight

For the first wave of the EU-SILC longitudinal component, the following information will be provided for Members States where substitutions are applied in cases of unit non-response.

2.1.9. *Substitutions*

2.1.9.1. Method of selection of substitutes

2.1.9.2. Main characteristics of substituted units compared to original units, by region (NUTS 2) if available

2.1.9.3. Distribution of substituted units by record of contact at address (DB120), household questionnaire result (DB130) and household interview acceptance (DB135) of the original units

2.2. Sampling errors

For the EU-SILC cross-sectional component and for each wave of the EU-SILC longitudinal component, the following information will be provided:

— The mean, the total number of observations (before and after imputation) and the standard errors for the following income components:

Income components	Mean	Number of observations		Standard error
		Before imputation	After imputation	
Total household gross income ⁽¹⁾				
Total disposable household income				
Total disposable household income before social transfers other than old-age and survivors' benefits				
Total disposable household income including old-age and survivors' benefits				
Net income components at household level ⁽²⁾				
(a row for each income component collected at household level)				
Gross income component at household level ⁽³⁾				
(a row for each income component provided at household level)				
Net income components at personal level ⁽²⁾				
(a row for each income component collected at personal level)				
Gross income components at personal level ⁽³⁾				
(a row for each income component provided at personal level)				

⁽¹⁾ Mandatory from 2007.

⁽²⁾ Only for Member States which collect net income at component level.

⁽³⁾ For Member States which provide gross income at component level. For the rest of the Member States: mandatory from 2007.

— The mean, the number of observations (before and after imputations) and the standard error for the equivalised disposable income breakdown by sex, agegroups and household size:

Equivalised disposable income	Mean	Number of observations		Standard error
		Before imputation	After imputation	
Subclasses by household size				
1 household member				
2 household members				
3 household members				
4 and more				
Population by age group				
< 25				
25 to 34				
35 to 44				
45 to 54				
55 to 64				
65+				
Population by sex				
Male				
Female				

2.3. Non-sampling errors

2.3.1. Sampling frame and coverage errors

For the first wave of the EU-SILC longitudinal component, the information on sampling frame and coverage errors as defined in Annex II, point 2.3.1, of the present Regulation will be provided.

2.3.2. Measurement and processing errors

For each wave of the EU-SILC longitudinal component, information on measurement and processing errors as defined in Annex II, point 2.3.2, of the present Regulation will be provided.

2.3.3. Non-response errors

2.3.3.1. Achieved sample size

For each wave of the EU-SILC longitudinal component the following information will be provided:

- number of households for which an interview is accepted for the database;
- number of persons 16 years or older, number of sample persons and number of co-residents, who are members of the households for which the interview is accepted for the database, and who completed a personal interview.

2.3.3.2. Unit non-response

For the first wave of the EU-SILC longitudinal component, the following information will be provided:

- household non-response rates (*NR_h*) as defined in Annex II, point 2.3.3.2, of the present Regulation,
- individual non-response rates (*NR_p*) as defined in Annex II, point 2.3.3.2, of the present Regulation,
- overall individual non-response rates (**NR_p*) as defined in Annex II, point 2.3.3.2, of the present Regulation.

The following information will be provided for the second and following waves of the EU-SILC longitudinal component:

- Response rate for households
 - Wave response rate

Percentage of households successfully interviewed (*DB135 = 1*) which were passed on to wave *t* (from wave *t-1*) or newly created or added during wave *t*, excluding those out of scope (under the tracing rules) or non-existent.
 - Longitudinal follow-up rate

Percentage of households which are passed on to wave *t+1* for follow-up within the households received into wave *t* from wave *t-1*, excluding those out of scope (under the tracing rules) or non-existent.
 - Follow-up ratio

Number of households passed on from wave *t* to wave *t+1* in comparison to the number of households received for follow-up at wave *t* from wave *t-1*.
 - Achieved sample size ratio

Ratio of the number of households accepted for the database (*DB135 = 1*) in wave *t* to the number of households accepted for the database (*DB135 = 1*) in wave *t-1*.
- Response rate for persons
 - Wave response rate

Percentage of sample persons successfully interviewed (*RB250 = 11,12,13*) among those passed on to wave *t* (from wave *t-1*) or newly created or added during wave *t*, excluding those out of scope (under the tracing rules).

Percentage of co-residents selected in wave 1 successfully interviewed (*RB = 11,12,13*) among those passed on to wave *t* (from wave *t-1*).

- Longitudinal follow-up rate
Percentage of sample persons successfully interviewed (RB250 = 11,12,13) in wave t out of all of sample persons selected, excluding those who have died or been found ineligible (out of scope), breakdown by causes of non-response.
- Achieved sample size ratio
Ratio of the number of completed personal interviews (RB250 = 11,12,13) in wave t to the number of completed personal interviews in wave $t-1$.
This ratio will be defined for sample persons and for all persons including non-sample persons aged 16+ and for co-residents aged 16+ selected in first wave.
- Response rate for non-sample persons
Ratio of the number of completed personal interviews (RB250 = 11,12,13) of non-sample persons aged 16+ in wave t to all non-sample persons aged 16+ listed in the households accepted for the database (DB135 = 1) in wave t or listed in the most recently conducted household interviews for households, which were forwarded from wave $t-1$ to wave t for follow-up, but could not be successfully interviewed in wave t .

2.3.3.3. Distribution of households by household status (DB110), by record of contact at address (DB120), by household questionnaire result (DB130) and by household interview acceptance (DB135)

For each wave of EU-SILC longitudinal component, the distribution of households by household status, by record of contact at address, by household questionnaire result and by household interview acceptance will be provided.

2.3.3.4. Distribution of persons for membership status (RB110)

For the second and following waves of the EU-SILC longitudinal component, the distribution of persons by membership status will be provided.

2.3.3.5. Item non-response

For income variables, the following information will be provided for each wave of the EU-SILC longitudinal component:

- percentages of households (per income components collected or compiled at household level)/persons (per income components collected or compiled at personal level) having received an amount for each income component,
- percentage of missing values for each income component collected or compiled at household/personal level,
- percentage of partial information for each income component collected or compiled at household/personal level.

2.4. **Mode of data collection**

For each wave of EU-SILC longitudinal component, the distribution of household members aged 16 or over by 'data status' (RB250) and by 'type of interview' (RB260) will be provided, for each sample person, for co-residents and for the total.

2.5. **Imputation procedure**

For the EU-SILC cross-sectional component and for each wave of the EU-SILC longitudinal component, a description of the imputation procedure used for item non-response, when different from the Eurostat method, the variables imputed and the percentage of imputation over the total number of observations per target variable will be reported.

2.6. **Imputed rent**

For the EU-SILC cross-sectional component and for each wave of the EU-SILC longitudinal component, a description of the method used to calculate imputed rent, when different from the Eurostat method, will be reported.

2.7. **Company cars**

For the EU-SILC cross-sectional component and for each wave of the EU-SILC longitudinal component, a description of the method used to impute a value to the private use of a 'company car' will be reported.

3. COMPARABILITY

3.1. **Basic concepts and definitions**

For the first wave of the EU-SILC longitudinal component, the information on basic concepts and definitions (described in Annex II, point 3.1, of the present Regulation), differences between the national definitions and standard EU-SILC definitions, and an assessment, if available, of the consequences of the differences mentioned will be provided.

For the second and following waves any changes in basic concepts and definitions from first wave will be reported.

3.2. **Components of income**

3.2.1. *Differences between the national definitions and standard EU-SILC definitions, and an assessment (if available) of the consequences of the differences mentioned*

For the first wave of the EU-SILC longitudinal component, the information on components of income, described in Annex II, point 3.2.1, of the present Regulation (with the exception of 'gross monthly earnings for employees'), will be provided.

For the second and following waves, any changes in the definition of income components from first wave will be reported.

3.2.2. *The source or procedure used for the collection of income variables*

For the first wave of the EU-SILC longitudinal component, the source or procedure used for the collection of income variables will be provided.

For the second and following waves, any changes in the source or procedure used for the collection of income variables will be reported.

3.2.3. *The form in which income variables at component level have been obtained*

For the first wave of the EU-SILC longitudinal component, the form in which income variables at component level have been obtained (e.g. gross, net of taxes on income at source and social contributions, net of tax on income at source, net of social contributions) will be provided.

For the second and following waves any changes in the form in which income variables at component level have been obtained will be reported.

3.2.4. *The method used for obtaining the income target variables in the required form (i.e. as gross values)*

For the first wave of the EU-SILC longitudinal component, the method used for obtaining the income target variables in the required form (i.e. as gross values) will be provided.

For the second and following waves any changes in the source or procedure used for the collection of income variables will be reported.

3.3. **Tracing rules**

For the EU-SILC longitudinal component, differences between the national tracing rules and the standard EU-SILC tracing rules will be reported.

4. COHERENCE

4.1. **Comparison with external sources of income target variables and number of persons who receive income from each 'income component'**

For each wave of the EU-SILC longitudinal component, a comparison with external sources of income target variables and the number of persons who receive income from each 'income component' will be provided, where the Member States concerned consider such external data to be sufficiently reliable.

ANNEX IV

The content of the comparative intermediate and final quality reports to be produced by the Commission (Eurostat)

COMPARATIVE INTERMEDIATE QUALITY REPORT

Based on the intermediate quality reports provided by Member States, the Commission (Eurostat) shall produce a comparative intermediate quality report containing the following quality criteria:

1. Accuracy
 - 1.1. Sample design
 - 1.2. Sampling errors
 - 1.2.1. The estimated value, the coefficient of variation, the 95 % confidence interval and effective sample size for the common cross-sectional EU indicators based on the cross-sectional component of EU-SILC, for the equivalised disposable income, and for the unadjusted gender pay gap (if applicable)
 - 1.3. Non-sampling errors
 - 1.4. Mode of data collection
 - 1.5. Interview duration
2. Comparability
 - 2.1. Basic concepts and definitions
 - 2.2. Components of income
3. Coherence

COMPARATIVE FINAL QUALITY REPORT

Based on the final quality reports provided by Member States, the Commission (Eurostat) shall produce a comparative final quality report containing the following quality criteria:

1. Relevance
 - a description and classification of users
 - a description of the variety of users' needs (by class of users)
2. Accuracy
 - 2.1. Sample design
 - 2.2. Sampling errors

For EU-SILC cross-sectional component and for each wave of the EU-SILC longitudinal component the following information shall be provided:

- the mean, the total number of observations (before and after imputation), the coefficient of variation and the 95 % confidence interval for income components
 - the mean, the total number of observations (before and after imputation), the coefficient of variation and the 95 % confidence interval for the equivalised disposable income breakdown by sex, age groups and household size
- 2.3. Non-sampling errors
 - 2.4. Mode of data collection
 - 2.5. Imputation procedure
 - 2.6. Imputed rent
 - 2.7. Company cars

3. Timeliness and punctuality
 - the average timeliness of data
 - the data frequency and average data freshness
 - the percentage of late data releases, based on scheduled dissemination dates laid out in the EU-SILC Framework Regulation
 - the mean delay of data non-punctually delivered (in number of weeks)
 - the reasons for late delivery
 4. Accessibility and clarity
 - a description of the conditions of data access (media, support, marketing conditions, restrictions, confidentiality, etc.)
 - a description of the conditions of data publication
 5. Comparability
 - 5.1. Basic concepts and definitions
 - 5.2. Components of income
 - 5.3. Tracing rules
 6. Coherence
-

COMMISSION REGULATION (EC) No 29/2004
of 8 January 2004
adopting the specifications of the 2005 ad hoc module on reconciliation between work and family
life provided for by Council Regulation (EC) No 577/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 246/2003 ⁽²⁾ adopting the 2004 to 2006 programme of ad hoc modules to the labour force sample survey, includes an ad hoc module on reconciliation between work and family life.
- (2) In accordance with Article 4(2) of Regulation (EC) No 577/98 the detailed list of information to be collected in an ad hoc module must be drawn up at least 12 months before the beginning of the reference period for that module.

- (3) There is a need for a comprehensive and comparable set of data on reconciliation between work and family life, as referred to in the EU gender policy objectives on employment indicated in the 2003 Employment Guidelines with the specific guideline on 'Gender equality' as adopted by the Council on 22 July 2003 ⁽³⁾.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The detailed list of information to be collected in 2005 by the ad hoc module is set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 8 January 2004.

For the Commission
Pedro SOLBES MIRA
Member of the Commission

⁽¹⁾ OJ L 77, 14.3.1998, p. 3. Regulation as last amended by Regulation (EC) No 2257/2003 of the European Parliament and of the Council (OJ L 336, 23.12.2003, p. 6).

⁽²⁾ OJ L 34, 11.2.2003, p. 3.

⁽³⁾ OJ L 197, 5.8.2003, p. 13.

ANNEX

LABOUR FORCE SURVEY

Specifications of the 2005 ad hoc module on reconciliation between work and family life

1. Member States and regions concerned: all.
2. The variables will be coded as follows:

Column	Code	Description	Filter
237		<i>Main type of childcare used for own/spouse's children up to 14 while person is working (apart from compulsory school; normal week omitting school holidays and emergency arrangements)</i>	Everybody aged 15 to 64 with at least one own/spouse's child up to 14 living in the household and C24 = 1, 2
	1	Childcare services (including paid childminders), pre-school	
	2	Partner who is living in the household	
	3	Relatives/neighbours/friends (unpaid)	
	4	No childcare used	
	9	Not applicable (not included in the filter)	
	Blank	No answer	
238		<i>Person takes regularly care of other children up to 14 or of ill, disabled, elderly relatives/friends aged 15 or more in need of care</i>	Everybody aged 15 to 64
	1	Yes, of other children up to 14	
	2	Yes, of relatives/friends aged 15 or more in need of care	
	3	Yes, of other children up to 14 <u>and</u> of relatives/friends aged 15 or more in need of care	
	4	No	
	9	Not applicable (person aged less than 15 or more than 64)	
	Blank	No answer	
239		<i>Wish to change the organisation of his/her working life <u>and</u> his/her care responsibilities</i>	Everybody aged 15 to 64 and ((has at least one own/spouse's child up to 14 living in the household) or (C238 = 1, 2, 3))
	1	No	
	2	Wish to work or to work more (and reduce caring time)	
	3	Wish to work less to have more time for caring	
	9	Not applicable (not included in the filter)	
	Blank	No answer	
240		<i>Main reason (linked with childcare) for not working or not working more</i>	C239 = 2 and ((has at least one own/spouse's child up to 14 living in the household) or (C238 = 1, 3))
	1	Lack of childcare services during the day	
	2	Lack of childcare services at special times	
	3	Lack of childcare services during the day or at special times	
	4	Childcare services are too expensive	

Column	Code	Description	Filter
241	5	Available childcare services are not of sufficient quality	Everybody aged 15 to 64 with at least one own/spouse's child up to 14 living in the household and C24 = 1, 2
	6	Other reason not linked with the lack of suitable childcare services	
	9	Not applicable (not included in the filter)	
	Blank	No answer	
		<i>During school holidays or when the usual childcare services are closed or when the carer is on holidays: Person took days off or reduced the number of hours worked or took other special arrangements at work over the last 12 months to care for the children</i>	
	1	No	
	2	Yes, because of lack of alternative childcare services during the day	
	3	Yes, because of lack of alternative childcare services at special times	
	4	Yes, because alternative childcare services too expensive	
	5	Yes, because alternative childcare services not of sufficient quality	
	6	Yes, always because of other reasons	
242	9	Not applicable (not included in the filter)	C239 = 2 and (C238 = 2, 3)
	Blank	No answer	
		<i>Main reason (linked with care of ill, disabled, elderly relatives/friends aged 15 or more in need of care) for not working or not working more</i>	
	1	Lack of care services during the day	
	2	Lack of care services at special times	
	3	Lack of care services during the day or at special times	
	4	Care services are too expensive	
	5	Available care services are not of sufficient quality	
	6	Other reason not linked with the lack of suitable care services	
	9	Not applicable (not included in the filter)	
	243	Blank	
		<i>Possible to vary start or/and end of working day for family reasons (at least one hour)</i>	
1		Generally possible	
2		Rarely possible	
3		Not possible	
9		Not applicable (not included in the filter)	
Blank	No answer		

Column	Code	Description	Filter
244		<i>Possible to organise working time in order to take whole days off for family reasons (without using holidays and special leave)</i>	Everybody aged 15 to 64 and C24 = 1, 2
	1	Generally possible	
	2	Rarely possible	
	3	Not possible	
	9	Not applicable (not included in the filter)	
	Blank	No answer	
245		<i>Time off from work taken over the last 12 months for family sickness or emergencies (without using holidays)</i>	Everybody aged 15 to 64 and C24 = 1, 2
	1	No	
	2	Yes, 'special leave' days remunerated	
	3	Yes, 'special leave' days not at all remunerated	
	4	Yes, other arrangements always used	
	9	Not applicable (not included in the filter)	
	Blank	No answer	
246		<i>Parental leave (Council Directive 96/34/EC (OJ L 145, 19.6.1996, p. 4)) taken over the last 12 months for own children living in the household</i>	Everybody aged 15 to 64
	1	No	
	2	Yes, taken in one block full-time and remunerated	For C246/247, the countries can filter the questions according to the national rules for parental leave. The excluded subpopulations shall be coded in the relevant categories.
	3	Yes, taken in one block full-time and not at all remunerated	
	4	Yes, taken in part-time and remunerated	
	5	Yes, taken in part-time and not at all remunerated	
	6	Yes, taken in another arrangement or combinations and remunerated	
	7	Yes, taken in another arrangement or combinations and not at all remunerated	
	9	Not applicable (person aged less than 15 or more than 64)	
	Blank	No answer	
247		<i>Main reason for not having taken parental leave for own children living in the household over the last 12 months</i>	C246 = 1
	1	Had no legal right to take parental leave	
	2	No remuneration or too low	
	3	Not enough flexibility in choice of the parental leave period	
	4	Negative effects on social security	
	5	Negative effects on the career/negative perception from the employer	
	6	Preference for work for other reasons than codes 2 to 5	
	7	Other reason	
	9	Not applicable (C246 not equal to 1)	
	Blank	No answer	

COMMISSION REGULATION (EC) No 30/2004
of 8 January 2004
fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of

the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 9 January 2004.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 8 January 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 8 January 2004 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	48,68	1104 23 10 9300	C10	EUR/t	39,99
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	41,72	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	41,72	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	8,69
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	62,59	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	48,68	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	41,72	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	41,72	1108 12 00 9200	C10	EUR/t	55,63
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	55,63
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	55,63
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	55,63
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	48,64
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	48,64
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	54,50
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	41,72
1104 19 50 9110	C10	EUR/t	55,63	1702 30 91 9000	C10	EUR/t	54,50
1104 19 50 9130	C10	EUR/t	45,20	1702 30 99 9000	C10	EUR/t	41,72
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	41,72
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	54,50
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	41,72
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	57,11
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	39,64
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	41,72
1104 23 10 9100	C10	EUR/t	52,16				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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

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

The other destinations are as follows:

C10 All destinations except for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovenia and Slovakia.

C11 All destinations except for Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovenia and Slovakia.

C12 All destinations except for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Romania, Slovenia and Slovakia.

C13 All destinations except for Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Romania, Slovenia and Slovakia.

COMMISSION REGULATION (EC) No 31/2004
of 8 January 2004
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 649/2003 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2003 to 30 June 2004 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 January 2004 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of February 2004 for 5 945,337 t.

Article 2

This Regulation shall enter into force on 9 January 2004.

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

Done at Brussels, 8 January 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 95, 11.4.2003, p. 13.

**COMMISSION REGULATION (EC) No 32/2004
of 8 January 2004**

fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1784/2003 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as last amended by Regulation (EC) No 740/2003 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.

- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Commission Regulation (EC) No 1786/2001 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.

- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 to the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.

- (8) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia ⁽¹⁰⁾, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia ⁽¹¹⁾, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia ⁽¹²⁾, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania ⁽¹³⁾, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 270, 21.10.2003, p. 78.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 117, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 106, 29.4.2003, p. 12.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

⁽¹⁰⁾ OJ L 151, 19.6.2003, p. 1.

⁽¹¹⁾ OJ L 163, 1.7.2003, p. 1.

⁽¹²⁾ OJ L 163, 1.7.2003, p. 19.

⁽¹³⁾ OJ L 163, 1.7.2003, p. 38.

Republic ⁽¹⁾ and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic ⁽²⁾ with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or the Czech Republic are not eligible for export refunds.

- (9) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary ⁽³⁾, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary are not eligible for export refunds.
- (10) In accordance with Council Regulation (EC) No 1890/2003 of 27 October 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Malta and the exportation of certain processed agricultural products to Malta ⁽⁴⁾, with effect from 1

November 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Malta, are not eligible for export refunds.

- (11) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (12) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 respectively, are fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 9 January 2004.

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

Done at Brussels, 8 January 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 163, 1.7.2003, p. 56.

⁽²⁾ OJ L 163, 1.7.2003, p. 73.

⁽³⁾ OJ L 146, 13.6.2003, p. 10.

⁽⁴⁾ OJ L 278, 29.10.2003, p. 1.

ANNEX

Rates of the refunds applicable from 8 January 2004 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	—	—
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	3,477	3,477
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	0,930	0,930
	– – in other cases	3,477	3,477
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁵⁾ :		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	2,608	2,608
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	0,698	0,698
	– – in other cases	2,608	2,608
	– where goods falling within subheading 2208 ⁽⁴⁾ are exported	0,930	0,930
	– other (including unprocessed)	3,477	3,477
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽³⁾	3,477	3,477
	– – where goods falling within subheading 2208 ⁽⁴⁾ are exported	0,930	0,930
	– in other cases	3,477	3,477

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	12,400	12,400
	– medium grain	12,400	12,400
	– long grain	12,400	12,400
1006 40 00	Broken rice	3,200	3,200
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E to Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(2) of Regulation (EC) No 999/2003 when exported to Hungary. With effect from 1 November 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to Malta.

⁽³⁾ The goods concerned fall under CN code 3505 10 50.

⁽⁴⁾ Goods listed in Annex B to Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁵⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 33/2004

of 8 January 2004

fixing the export refunds on rice and broken rice and suspending the issue of export licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.

(4) Export possibilities exist for a quantity of 8 800 tonnes of rice to certain destinations. The procedure laid down in Article 8(3) of Commission Regulation (EC) No 1342/2003 ⁽⁴⁾ should be used. Account should be taken of this when the refunds are fixed.

(5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.

(8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.

(9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.

(10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 8 800 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 9 January 2004.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 189, 29.7.2003, p. 12.

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

Done at Brussels, 8 January 2004.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 8 January 2004 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾	Product code	Destination	Unit of measurement	Amount of refunds ⁽¹⁾
1006 20 11 9000	R01	EUR/t	94	1006 30 65 9900	R01	EUR/t	118
1006 20 13 9000	R01	EUR/t	94		064 and 066	EUR/t	144
1006 20 15 9000	R01	EUR/t	94		A97	EUR/t	124
1006 20 17 9000	—	EUR/t	—	1006 30 67 9100	021 and 023	EUR/t	124
1006 20 92 9000	R01	EUR/t	94		064 and 066	EUR/t	144
1006 20 94 9000	R01	EUR/t	94	1006 30 67 9900	064 and 066	EUR/t	144
1006 20 96 9000	R01	EUR/t	94	1006 30 92 9100	R01	EUR/t	118
1006 20 98 9000	—	EUR/t	—		R02	EUR/t	124
1006 30 21 9000	R01	EUR/t	94		R03	EUR/t	129
1006 30 23 9000	R01	EUR/t	94		064 and 066	EUR/t	144
1006 30 25 9000	R01	EUR/t	94		A97	EUR/t	124
1006 30 27 9000	—	EUR/t	—		021 and 023	EUR/t	124
1006 30 42 9000	R01	EUR/t	94	1006 30 92 9900	R01	EUR/t	118
1006 30 44 9000	R01	EUR/t	94		A97	EUR/t	124
1006 30 46 9000	R01	EUR/t	94		064 and 066	EUR/t	144
1006 30 48 9000	—	EUR/t	—	1006 30 94 9100	R01	EUR/t	118
1006 30 61 9100	R01	EUR/t	118		R02	EUR/t	124
	R02	EUR/t	124		R03	EUR/t	129
	R03	EUR/t	129		064 and 066	EUR/t	144
	064 and 066	EUR/t	144		A97	EUR/t	124
	A97	EUR/t	124		021 and 023	EUR/t	124
1006 30 61 9900	021 and 023	EUR/t	124	1006 30 94 9900	R01	EUR/t	118
	R01	EUR/t	118		A97	EUR/t	124
	A97	EUR/t	124		064 and 066	EUR/t	144
1006 30 63 9100	064 and 066	EUR/t	144	1006 30 96 9100	R01	EUR/t	118
	R01	EUR/t	118		R02	EUR/t	124
	R02	EUR/t	124		R03	EUR/t	129
	R03	EUR/t	129		064 and 066	EUR/t	144
	064 and 066	EUR/t	144		A97	EUR/t	124
	A97	EUR/t	124		021 and 023	EUR/t	124
1006 30 63 9900	021 and 023	EUR/t	124	1006 30 96 9900	R01	EUR/t	118
	R01	EUR/t	118		A97	EUR/t	124
	064 and 066	EUR/t	144		064 and 066	EUR/t	144
	A97	EUR/t	124		021 and 023	EUR/t	124
1006 30 65 9100	R01	EUR/t	118	1006 30 94 9100	R01	EUR/t	118
	R02	EUR/t	124		A97	EUR/t	124
	R03	EUR/t	129		064 and 066	EUR/t	144
	064 and 066	EUR/t	144	1006 30 94 9900	—	EUR/t	—
	A97	EUR/t	124	1006 40 00 9000	—	EUR/t	—
	021 and 023	EUR/t	124				

⁽¹⁾ The procedure laid down in Article 8(3) of Regulation (EC) No 1342/2003 applies to licences applied for under that Regulation for quantities according to the destination:

destination R01: 2 000 t,
all destinations R02 and R03: 2 000 t,
destinations 021 and 023: 500 t,
destinations 064 and 066: 4 000 t,
destination A97: 300 t.

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

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

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Former Yugoslav Republic of Macedonia, Albania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40 except the Netherlands Antilles, Aruba, Turks and Caicos Islands, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 34/2004
of 8 January 2004
concerning tenders notified in response to the invitation to tender for the export of oats issued in
Regulation (EC) No 1814/2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1431/2003 ⁽⁴⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1814/2003 of 15 October 2003 on a special intervention measure for cereals in Finland and Sweden for the marketing year 2003/04 ⁽⁵⁾, and in particular Article 9 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland and Sweden to all third countries, with the exception of Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Romania, Slovakia and Slovenia was opened pursuant to Regulation (EC) No 1814/2003.

- (2) According to Article 9 of Regulation (EC) No 1814/2003 the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.
- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 2 to 8 January 2004 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1814/2003.

Article 2

This Regulation shall enter into force on 9 January 2004.

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

Done at Brussels, 8 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 203, 12.8.2003, p. 16.

⁽⁵⁾ OJ L 265, 16.10.2003, p. 25.

COMMISSION REGULATION (EC) No 35/2004
of 8 January 2004
concerning tenders notified in response to the invitation to tender for the import of maize issued
in Regulation (EC) No 2315/2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 2315/2003⁽³⁾.
- (2) Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 2 to 8 January 2004 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 2315/2003.

Article 2

This Regulation shall enter into force on 9 January 2004.

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

Done at Brussels, 8 January 2004.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 342, 30.12.2003, p. 34.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

II

(Acts whose publication is not obligatory)

COUNCIL

**COUNCIL DECISION
of 22 December 2003****amending the third subparagraph (Basic criteria for examining applications) of Part V of the
Common Consular Instructions**

(2004/14/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to 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 ⁽¹⁾,

Having regard to the initiative of the Italian Republic,

Whereas:

- (1) The European Councils of Tampere, Laeken, Seville and Thessaloniki have called on the Member States to develop their common visa policy further and to step up local consular cooperation between their representations in third countries.
- (2) An analysis of the data concerning illegal immigration has shown that short-term visas (tourism, business, study, work or family visits) are the ones most often used for the purpose of regularly entering the territory of the Contracting Parties to the Schengen Convention and then going underground when the visa expires.
- (3) In order to assess an immigration risk, it appears necessary further to step up local consular cooperation in determining what supplementary and/or additional documents should be required for issuing visas and as regards the adoption of common mechanisms for detecting false or falsified documents more effectively.
- (4) Among the various factors on which the assessment of an immigration risk must be based, the outcome of the interview to which the visa applicant is subjected by the diplomatic mission or consular post is also of fundamental importance.
- (5) Diplomatic missions and consular posts should therefore be in a position to exercise more effectively the powers they possess to assess an immigration risk.

- (6) 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 is not taking part in the adoption of this Decision, and is not bound by it or subject to its application. As this Decision builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether or not it will transpose it into its national law.
- (7) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽²⁾, which falls within the area referred to in Article 1, point A of Council Decision 1999/437/EC ⁽³⁾ on certain arrangements for the application of that Agreement.
- (8) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 19 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽⁴⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

⁽¹⁾ OJ L 116, 26.4.2001, p. 2.

⁽²⁾ OJ L 176, 10.7.1999, p. 36.

⁽³⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁴⁾ OJ L 131, 1.6.2000, p. 43.

- (9) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (10) This Decision constitutes an act building upon the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession,

tional supporting documentation, agreed through local consular cooperation if possible, may also be required. The diplomatic mission or consular post must also draw on local consular cooperation to enhance its capacity to detect false or falsified documents submitted in support of some visa applications. If there is any doubt as to the authenticity of the papers and supporting documents submitted, including doubt as to the veracity of their contents, or over the reliability of statements collected during interview, the diplomatic mission or consular post shall refrain from issuing the visa.'

HAS ADOPTED THIS DECISION:

Article 1

The third subparagraph (Basic criteria for examining applications) of Part V of the Common Consular Instructions shall be replaced by the following:

'The diplomatic mission or consular post shall assume full responsibility in assessing whether there is an immigration risk. The purpose of examining applications is to detect those applicants who are seeking to immigrate to the Member States and set themselves up there, using grounds such as tourism, business, study, work or family visits as a pretext. Therefore, it is necessary to be particularly vigilant when dealing with "risk categories", unemployed persons, those with no regular income, etc. To the same end, fundamental importance attaches to the interview held with the applicant to determine the purpose of the journey. Addi-

Article 2

This Decision shall apply as from the date of its publication in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 22 December 2003.

For the Council
The President
A. MATTEOLI

⁽¹⁾ OJ L 64, 7.3.2002, p. 20.

**COUNCIL DECISION
of 22 December 2003**

amending point 1.2 of Part II of the Common Consular Instructions and drawing up a new Annex thereto

(2004/15/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to 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 ⁽¹⁾,

Having regard to the initiative of the French Republic,

Whereas:

- (1) The possibility of a Member State being represented by another Member State in a third country, as provided for in point 1.2 of Part II of the Common Consular Instructions (CCI), is currently confined to situations where the Member State asking to be represented has no representation in that third country.
- (2) Owing to the large increase in applications for entry visas into the Schengen area there is now a need, with regard to the issuing of uniform visas in third countries, for synergy in the means deployed by the Member States and for coordination and rationalisation of the location of services whose task it is to examine visa applications. It would thus appear necessary to provide for the possibility of a Member State to be represented in a third country by another Member State even when it already has representation in that third country, subject to fair distribution between the Member States.
- (3) It is appropriate moreover, for reasons of transparency, to draw up a new Annex to these CCI, concerning a table of representations for issuing uniform visas.
- (4) 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 is not taking part in the adoption of this Decision, and is not bound by it or subject to its application. As this Decision builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether or not it will transpose it in into its national law.

- (5) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽²⁾, which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC on certain arrangements for the application of that Agreement ⁽³⁾.
- (6) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽⁴⁾. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (7) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽⁵⁾. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (8) This Decision constitutes an act building upon the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession,

HAS ADOPTED THIS DECISION:

Article 1

Point 1.2 of Part II of the Common Consular Instructions shall be amended as follows:

⁽²⁾ OJ L 176, 10.7.1999, p. 36.

⁽³⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁴⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁵⁾ OJ L 64, 7.3.2002, p. 20.

⁽¹⁾ OJ L 116, 26.4.2001, p. 2.

1. Points (a) to (d) shall be replaced by the following:

(a) If the State responsible has no diplomatic mission or consular post in a given State, the uniform visa may be issued by the mission or post of the State representing the State responsible. The visa is issued on behalf of the State that is being represented, subject to its prior authorisation, and where necessary, to consultation between the central authorities. If one of the Benelux States has a diplomatic mission or consular post, it shall in principle automatically represent the other Benelux States, unless the Benelux State concerned is in practice unable to represent the other Benelux States, in which case the latter may call upon another partner State to represent them on visa matters in the third country in question.

(b) Even if a State has a diplomatic mission or consular post in a third country, it may ask another State having a consular post in that third country to represent it. The uniform visa is issued on behalf of the State that is being represented, subject to its prior authorisation, and where necessary, to consultation between the central authorities.

(c) When uniform visas are issued pursuant to (a) and (b), the form of representation shall be agreed between the State or States being represented and the State representing that or those State(s), and shall specify:

— the duration of such representation and the conditions for its termination;

— and, for the application of point (b), the arrangements for implementing such representation, including the conditions governing the provision of premises by the representing State or the provision of staff by the representing State and the State being represented, and the possible financial contribution of the State being represented to the costs involved in issuing visas incurred by the representing State.

(d) When uniform visas are issued pursuant to (a) and (b), the representation shall be reflected in the table of representation for the issuing of uniform visas set out in Annex 18.'

2. In point (e), the words 'in non-member countries in which not all Schengen States are represented' shall be replaced by 'in the event of representation pursuant to (a) and (b).'

3. The last indent of point (e) shall be replaced by the following:

— at local level, diplomatic missions or consular posts shall, in the framework of local consular cooperation, ensure that appropriate information on the responsibilities arising from the use of representation pursuant to (a) and (b) is made available to visa applicants.'

Article 2

An Annex, numbered 18 and entitled 'Table of representations for issuing uniform visas', shall be added to the CCI. This Annex shall be drawn up and updated on the basis of information communicated to the General Secretariat of the Council pursuant to the procedure referred to in Article 2 of Regulation (EC) No 789/2001 for amendments to the manual concerning the issuance of Schengen visas in third States in which not all the Schengen States are represented and shall replace the manual.

Article 3

This Decision shall apply as from the date of its publication in the *Official Journal of the European Union*.

Article 4

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 22 December 2003.

For the Council

The President

A. MATTEOLI

**COUNCIL DECISION
of 22 December 2003**

on downgrading Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual and on declassifying Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual

(2004/16/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207 thereof,

Whereas:

- (1) Pursuant to its Decisions of 14 December 1993 (SCH/Com-ex (93)22 rev) and of 23 June 1998 (SCH/Com-ex (98)17), the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985, classified as 'Confidential' Annexes 5, 9 and 10 to the Common Consular Instructions and all Annexes of the Common Manual ⁽¹⁾, a new version of which was adopted by the Decision of the said Executive Committee on 28 April 1999 (SCH/Com-ex (99)13).
- (2) The Common Consular Instructions and the Common Manual and the Decisions of the Executive Committee on their classification form part of the Schengen *acquis* as defined by the Council in its Decision 1999/435/EC ⁽²⁾.
- (3) Part I and several Annexes to the Common Manual have been declassified in accordance with Council Decision 2000/751/EC ⁽³⁾ and Part II to the Common Manual has been declassified in accordance with Council Decision 2002/353/EC ⁽⁴⁾.
- (4) Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual should be downgraded and Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual should be declassified.
- (5) It is appropriate to repeal the Executive Committee decisions (SCH/Com-ex (93)22 rev) and (SCH/Com-ex (98)17), and to take future decisions on classification of documents constituting part of the Schengen *acquis* in accordance with the rules on the classification of documents set out in Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ⁽⁵⁾,

HAS DECIDED AS FOLLOWS:

Article 1

Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual shall be downgraded to 'RESTREINT EU' and Annexes 9 and 10 to the Common Consular Instructions, as well as the corresponding Annexes 6b and 6c to the Common Manual, shall be declassified.

Article 2

Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual shall be published in the *Official Journal of the European Union*.

Article 3

The decisions of the Schengen Executive Committee of 14 December 1993 (SCH/Com-ex (93)22 rev) and of 23 June 1998 (SCH/Com-ex (98)17) are repealed.

Article 4

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

Done at Brussels, 22 December 2003.

For the Council
The President
A. MATTEOLI

⁽¹⁾ OJ C 313, 16.12.2002, p. 97. The Common Manual as amended by Council Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 8).

⁽²⁾ OJ L 176, 10.7.1999, p. 1.

⁽³⁾ OJ L 303, 2.12.2000, p. 29.

⁽⁴⁾ OJ L 123, 9.5.2002, p. 49.

⁽⁵⁾ OJ L 101, 11.4.2001, p. 1.

COUNCIL DECISION
of 22 December 2003

amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa

(2004/17/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to 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 ⁽¹⁾,

Having regard to 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 ⁽²⁾,

Having regard to the initiative of the Hellenic Republic,

Whereas:

- (1) Point 22 of the Tampere European Council conclusions stressed that 'a common active policy on visas and false documents should be further developed, including closer cooperation between EU consulates in third countries ...'
- (2) An essential condition for the application of a common policy on the issuing of visas is the greatest possible harmonisation of the conditions for the issuing of visas, in particular as regards the supporting documents relating to means of subsistence which are submitted in support of applications.
- (3) It is necessary for visa applicants to be in possession, among the supporting documents they are required to produce, of evidence of individual or group travel insurance to cover any expenses which might arise in connection with repatriation for medical reasons, urgent medical attention and/or emergency hospital treatment during their stay in the territory of the Member States applying in full the provisions of the Schengen *acquis*.
- (4) Applicants should in principle underwrite insurance in their State of residence. Where this is not possible, they should seek to obtain insurance in any other country.
- (5) It is advisable to provide for the possibility of exceptions to the requirement to be in possession of travel insurance in the case of holders of diplomatic, official duty

and other official passports and to provide for the possibility of establishing, in the framework of local consular cooperation, that nationals of certain third States should not have to comply with this requirement. In addition, it should be possible for the diplomatic or consular post examining the application to waive this requirement in specific cases where it considers it appropriate to do so.

- (6) It is advisable for a comment to be made in the national entries section of the visa sticker in order to make it clear whether the holder of the visa has been exempted from the requirement to possess travel insurance. The Common Manual should be amended to provide that where the holder cannot produce evidence of such insurance at the border crossing point, the responsible officer must check whether such a comment has been made.
- (7) 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 is not taking part in the adoption of this Decision, and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark will, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will implement it in its national law.
- (8) As regards the Republic of Iceland and the Kingdom of Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽³⁾, which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC on certain arrangements for the application of that Agreement ⁽⁴⁾.

⁽¹⁾ OJ L 116, 26.4.2001, p. 2.

⁽²⁾ OJ L 116, 26.4.2001, p. 5.

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

- (9) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (10) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽²⁾, Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (11) This Decision constitutes an act building upon the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession,

HAS ADOPTED THIS DECISION:

Article 1

The following shall be added to the third indent, after the words '(see Annex 7) ⁽¹⁾'; of the second subparagraph of point 1.4 of Part V of the Common Consular Instructions:

'In addition, in support of an application for a short-term or travel visa, applicants must show that they are in possession of adequate and valid individual or group travel insurance to cover any expenses which might arise in connection with repatriation for medical reasons, urgent medical attention and/or emergency hospital treatment.

Applicants should in principle underwrite insurance in their State of residence. Where this is not possible, they should seek to obtain insurance in any other country. If the host underwrites insurance for the applicant, he should do this in his own place of residence.

The insurance must be valid throughout the territory of the Member States applying in full the provisions of the Schengen *acquis* and cover the entire period of the person's stay. The minimum coverage shall be EUR 30 000.

In principle, the proof of this insurance shall be submitted when the visa is issued.

The diplomatic mission or consular post competent to examine a visa application may decide that this requirement has been met where it is established that an adequate level of insurance may be assumed in the light of the applicant's professional situation.

Diplomatic missions or consular posts may, on a case by case basis, decide to make an exception from this requirement for holders of diplomatic, official duty and other official passports, or when this protects national interests in the field of foreign policy, development policy or other areas of vital public interest.

Exceptions from the requirement to produce evidence of travel insurance may also be made when, in the framework of local consular cooperation, it is established that it is impossible for nationals of certain third States to acquire such insurance.

When assessing whether an insurance is adequate, Member States may ascertain whether claims against the insurance company would be recoverable in a Member State, Switzerland or Liechtenstein.'

Article 2

The following subparagraphs shall be added at the end of point 4.1.2 of Part I of the Common Manual:

'In accordance with Part V, point 1.4, second paragraph, third indent of the Common Consular Instructions applicants must show, in support of an application for a short-term or travel visa, that they are in possession of adequate and valid individual or group travel insurance to cover any expenses which might arise in connection with repatriation for medical reasons, urgent medical attention and/or emergency hospital treatment.

However, a third-country national subject to the visa requirement may have been exempted from the abovementioned requirement. In such cases, the diplomatic mission, consular representation or border control authority will affix a comment — "NO INSURANCE REQUIRED" — to that effect in the national entries section of the visa sticker.'

Article 3

This Decision shall apply from 1 June 2004.

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 22 December 2003.

For the Council

The President

A. MATTEOLI

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 64, 7.3.2002, p. 20.

COMMISSION

COMMISSION DECISION

of 23 December 2003

amending Decision 2003/749/EC on a first financial contribution from the Community towards the eligible costs of the eradication of avian influenza in Belgium in 2003

(notified under document number C(2003) 5010)

(Only the Dutch and French texts are authentic)

(Text with EEA relevance)

(2004/18/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Articles 3(3) and 5(3) thereof,

Whereas:

- (1) Since 25 April 2003 measures have been taken to prevent the spread of avian influenza in Belgium pursuant to Commission Decision 2003/289/EC of 25 April 2003 concerning protection measures in relation to avian influenza in Belgium ⁽²⁾.
- (2) In Decision 2003/289/EC, Belgium was required to ensure the preventive depopulation of poultry holdings at risk and the culling of other poultry and birds which are considered to be at risk within restricted zones and in fixed delimited zones.
- (3) Belgium took the necessary precautionary measures in order to avoid the spread of avian influenza.
- (4) Avian influenza represents a serious danger to Community stocks. Accordingly, to prevent the spread of that disease and contribute to its eradication, the Community should contribute to eligible expenditures incurred by Belgium. It is therefore appropriate that a financial contribution from the Community should be granted to Belgium in accordance with Decision 90/424/EEC to cover the costs related to these precautionary measures taken in 2003.

- (5) Commission Decision 2003/749/EC of 10 October 2003 on a first financial contribution from the Community towards the eligible costs of the eradication of avian influenza in Belgium in 2003 ⁽³⁾ provided for an advance of EUR 1,250 million for the compulsory culling of the animals and the compulsory destruction of the eggs in 2003. However, it is now possible to estimate with a greater degree of certainty how much compensation will be payable.

- (6) Belgium provided also data on the costs incurred for the execution of the measures imposed by Decision 2003/289/EC.

- (7) According to the information made available, the total estimated cost for the compensation of the owners of the animals and the eggs is EUR 6 160 017.

- (8) On condition that the necessary credits are made available in 2003, it is appropriate for the Community to contribute to the costs incurred by Belgium and to increase the advance payment to EUR 3 million.

- (9) Belgium introduced on 4 September 2003 a justified request for the extension of the deadline for the presentation of the claim for the compensations granted for the destroyed hatching eggs and culled one-day-old chickens following the restrictions imposed to the transport pursuant to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽⁴⁾; the provisions of Article 3(3) should be updated accordingly.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 105, 26.4.2003, p. 24. Decision as last amended by Decision 2003/388/EC (OJ L 133, 29.5.2003, p. 92).

⁽³⁾ OJ L 271, 22.10.2003, p. 19.

⁽⁴⁾ OJ L 224, 18.8.1990, p. 2. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

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

— 100 % for payments beyond 136 days after the culling of the animals or the destruction of the eggs.

HAS DECIDED AS FOLLOWS:

Article 1

Decision 2003/749/EC is amended as follows:

1. The title of Decision 2003/749/EC is replaced by the following:

'Decision 2003/749/EC on the financial contribution from the Community towards the eligible costs of the eradication of avian influenza in Belgium in 2003'.

2. Article 1(a) is replaced by:

'(a) the swift and adequate compensation of the owners for their animals killed and their eggs destroyed pursuant to:

- Article 10 of Directive 90/425/EEC,
- Article 5 of Directive 92/40/EEC and
- Article 3 of Decision 2003/289/EC

under compulsory eradication measures mentioned under the first and seventh indents of Article 3(2) of Decision 90/424/EEC, related to outbreaks of avian influenza which occurred in 2003, taken pursuant to the above provisions, and in accordance with the present Decision'.

3. Article 3(3) is replaced by the following:

'3. When the compensation payments made by Belgium pursuant to Article 5 of Directive 90/425/EEC and Article 3 of Decision 2003/289/EC are effected after the 90 days deadline laid down in Article 2(a), the eligible amounts shall be reduced for expenditure effected after the deadline as follows:

- 25 % for payments made between 91 and 105 days after the culling of the animals or the destruction of the eggs,
- 50 % for payments made between 106 and 120 days after the culling of the animals or the destruction of the eggs,
- 75 % for payments made between 121 and 135 days after the culling of the animals or the destruction of the eggs,

When the compensation payments made by Belgium pursuant to Article 10 of Directive 90/425/EEC are effected more than 60 days after the notification of this Decision, the eligible amounts shall be reduced for expenditure effected after the deadline in accordance with the following:

- 25 % for payments made between 61 and 75 days,
- 50 % for payments made between 76 and 90 days,
- 75 % for payments made between 91 and 105 days,
- 100 % for payments beyond 106 days.'

4. Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Subject to the results of the eventual checks referred to in Article 5 and on condition the necessary credits are made available, an advance of EUR 3 million shall be paid on the basis of supporting documents submitted by Belgium concerning the swift and adequate compensation of owners for the compulsory culling of the animals and compulsory destruction of the eggs in 2003 pursuant to Article 10 of Directive 90/425/EEC, Article 5 of Directive 92/40/EEC and Article 3 of Decision 2003/289/EC.'

(b) paragraph 3 is replaced by the following:

'3. The claim referred to in paragraph 2 shall be provided in computerised form in accordance with:

- Annexes Ia and Ib, 60 calendar days for the compensations referred to the second indent of Article 1(a) after the lifting of the restrictions as provided for by Commission Decision 2003/428/EC (*) and within 90 days for the compensations referred to in the first and third indents of Article 1(a) after notification of the present Decision,
- Annex II within six months after the lifting of the restrictions referred to in the first indent.

When these deadlines are not observed, the financial contribution from the community shall be reduced by 25 % for each month of delay. However, at the justified request of Belgium, the Commission may extend these deadlines.

(*) OJ L 144, 12.6.2003, p. 15.'

Article 2

Addressee

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 23 December 2003.

For the Commission
David BYRNE
Member of the Commission

COMMISSION DECISION
of 23 December 2003

amending Decision 2003/812/EC drawing up lists of third countries from which Member States are to authorise imports of certain products for human consumption subject to Council Directive 92/118/EEC

(notified under document number C(2003) 5046)

(Text with EEA relevance)

(2004/19/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC ⁽¹⁾, as last amended by Commission Decision 2003/721/EC ⁽²⁾, and in particular Article 10(2)(a) thereof,

Whereas:

- (1) Commission Decision 2003/812/EC ⁽³⁾ draws up lists of third countries from which Member States are to authorise imports of certain products for human consumption subject to Council Directive 92/118/EEC.
- (2) In order to bring this legislation into force at the same time as other legislation laying down the lists of countries and certification for animal by-products not intended for human consumption it is necessary to postpone the date of application of Decision 2003/812/EC from 1 January 2004 to 1 May 2004.

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

HAS ADOPTED THIS DECISION:

Article 1

In Article 3 of Decision 2003/812/EC '1 January 2004' is replaced by '1 May 2004'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 62, 15.3.1993, p. 49.

⁽²⁾ OJ L 260, 11.10.2003, p. 21.

⁽³⁾ OJ L 305, 22.11.2003, p. 17.

COMMISSION DECISION

of 23 December 2003

setting up an executive agency, the 'Intelligent Energy Executive Agency', to manage Community action in the field of energy in application of Council Regulation (EC) No 58/2003

(2004/20/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

(1) In the framework of the sustainable development strategy, the European Union has taken measures aimed at promoting and developing renewable energy and energy efficiency in order to contribute in a balanced way to achieving the following general objectives: security of energy supply, competitiveness and environmental protection.

(2) These measures include Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: 'Intelligent Energy — Europe' (2003-2006) ⁽²⁾, the areas of action of which are the development of renewable energy and energy efficiency, including in the transport sector, and their promotion in developing countries.

(3) Regulation (EC) No 58/2003 empowers the Commission to set up executive agencies in accordance with the general statute laid down by that Regulation and to entrust them with certain management tasks relating to one or more Community programmes.

(4) The purpose of empowering the Commission to set up executive agencies is to allow it to focus on core activities and functions which cannot be outsourced, without relinquishing control over, or ultimate responsibility for, activities managed by those executive agencies.

(5) Management of the Intelligent Energy — Europe programme involves implementation of technical projects which do not entail political decision-making and requires a high level of technical and financial expertise throughout the project cycle.

(6) The delegation to an executive agency of tasks related to programme implementation is possible with a clear separation between programming, establishing priorities and evaluating the programme, which would be carried out by the Commission, and project implementation, which would be entrusted to the executive agency.

(7) A cost-benefit analysis carried out for that purpose has showed that certain management tasks, such as budget implementation, technical and financial monitoring of projects and the dissemination and use of results could be carried out by an executive agency more efficiently whilst ensuring the implementation by the Commission of the Intelligent Energy — Europe programme in accordance with the Decision adopting the programme, as well as the programme's work programme and the guidelines adopted by the Commission with the assistance of the Management Committee provided for in Article 8 of the Decision.

(8) The use of an executive agency would mean that the new programme, which is significantly larger than its predecessor, could be managed more efficiently.

(9) The performance of the identified tasks by an executive agency would allow the Commission to focus on strategic and regulatory questions, whilst increasing Community aid to multinational actions in the Member States. This is the best way to achieve the energy objectives set in the various legislative texts and other measures in the areas of renewable energy and energy efficiency, including in the transport sector.

(10) The implementation of the Commission's priorities and, in particular, the sustainable development strategy may result in measures being adopted as part of the Community policy in the areas cited entailing Commission action which could be implemented by the agency. Provision should be made for the possibility of assigning additional management and implementation tasks to the agency.

(11) The measures provided for by this Decision are in accordance with the opinion of the Committee of the Executive Agencies,

⁽¹⁾ OJ L 11, 16.1.2003, p. 1.

⁽²⁾ OJ L 176, 15.7.2003, p. 29.

HAS DECIDED AS FOLLOWS:

Article 1

Establishment of the Agency

1. An executive agency (hereinafter referred to as 'the Agency') for the management of Community action in the field of energy, the statute of which is laid down in Council Regulation (EC) No 58/2003, is hereby established.
2. The name of the Agency shall be the 'Intelligent Energy Executive Agency'.

Article 2

Location

The agency shall be located in Brussels.

Article 3

Duration

The Agency is hereby established for a period beginning on 1 January 2004 and ending on 31 December 2008.

Article 4

Objectives and tasks

1. Under the Community programme Intelligent Energy — Europe, established by Decision No 1230/2003/EC, the Agency is responsible for implementing the tasks concerning Community aid under the programme, except for programme evaluation, monitoring of legislation and strategic studies, or any other action which comes under the exclusive competence of the Commission. It shall be responsible for the following tasks:
 - (a) managing all the phases in the lifetime of specific projects in the context of implementing the Community programme Intelligent Energy — Europe on the basis of Decision 1230/2003/EC and the work programme provided for in this Decision and adopted by the Commission following the advice of the executive committee of the programme, as well as the necessary checks to that end, by adopting the relevant decisions where the Commission has empowered it to do so;
 - (b) adopting the instruments of budget implementation for revenue and expenditure and carrying out, where the Commission has empowered it to do so, all the operations necessary to manage the Community programme and, in particular, those linked to the award of contracts and grants;
 - (c) gathering, analysing and passing on to the Commission all the information needed to guide the implementation of the Community programme, as well as any other information or report for the Commission provided for in the work programme or in the instrument of delegation.
2. The Agency may be charged by the Commission following the opinion of the committee as established by Article 24 of Regulation (EC) No 58/2003, to carry out tasks of

the same type under other Community programmes, within the meaning of Article 2 of that Regulation, as the programme referred to in paragraph 1, provided that these programmes or projects remain within the limits of the development of renewable energy and energy efficiency, including in the transport sector, and their promotion and provided that they do not constitute a significant increase of the tasks of the Agency.

3. The Commission decision delegating authority to the Agency shall set out in detail all the tasks entrusted to it and shall be adapted in the light of any additional tasks which may be entrusted to the Agency. The Commission decision will be transmitted, for information, to the committee established by Article 24 of Regulation (EC) No 58/2003.

Article 5

Organisational structure

1. The Agency shall be managed by a Steering Committee and a Director appointed by the Commission.
2. The members of the Steering Committee shall be appointed for three years.
3. The Director shall be appointed for five years.

Article 6

Grants

The Agency shall receive a grant which shall be entered in the general budget of the European Communities from the funds allocated to the Community programme Intelligent Energy — Europe and, where appropriate, other Community programmes or actions entrusted to the Agency for implementation pursuant to Article 4(2).

Article 7

Supervision and reporting requirement

The Agency shall be subject to supervision by the Commission and shall report regularly on progress in implementing the programmes for which it is responsible in accordance with the arrangements and at the intervals stipulated in the instrument of delegation.

Article 8

Implementation of the administrative budget

The Agency shall implement its administrative budget in accordance with the provisions of the standard Financial Regulation.

Done at Brussels, 23 December 2003.

For the Commission
Loyola DE PALACIO
Vice-President

COMMISSION DECISION

of 29 December 2003

fixing indicative allocations to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia under the European Agricultural Guidance and Guarantee Fund, Guarantee Section, for rural development measures for the period 2004 to 2006

(2004/21/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽¹⁾, and in particular Article 46(2) thereof,

Whereas:

- (1) The allocation of commitment appropriations for rural development measures integrated into Objective 1 programmes shall be co-financed by the EAGGF Guidance Section in accordance with Article 35(2), first indent, of Regulation (EC) No 1257/1999.
- (2) Community support for other rural development measures shall be co-financed by the EAGGF Guarantee Section in accordance with Article 47a(1) of Regulation (EC) No 1257/1999.
- (3) The European Council at its meeting in Copenhagen in December 2002 fixed the financial perspective pertaining to rural development and accompanying measures financed by the EAGGF Guarantee Section for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia for the period 2004 to 2006 (Annex I of the Presidency Conclusions).
- (4) According to Article 46(2) of Regulation (EC) No 1257/1999, the Commission shall make initial allocations to Member States for rural development measures co-financed under the EAGGF Guarantee Section, broken down on an annual basis and using objective criteria

which take into account particular situations and needs, and efforts to be undertaken especially for the environment, job creation and maintenance of the landscape.

- (5) The indicative allocations expressed in 1999 prices appearing in the declaration annexed to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ⁽²⁾ have been converted to current prices,

HAS DECIDED AS FOLLOWS:

Article 1

The initial allocations to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia for rural development support co-financed by the EAGGF Guarantee Section for the period 2004 to 2006 shall be as set out in the Annex.

Article 2

This Decision shall enter into force subject to and on the date of entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

Done at Brussels, 29 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 80. Regulation as last amended by Regulation (EC) No 1783/2003 (OJ L 270, 21.10.2003, p. 70).

⁽²⁾ OJ L 236, 23.9.2003, p. 974.

ANNEX

Support for rural development (2004 to 2006)**Annual allocation***(in EUR million)*

Initial allocation in current prices				
	2004	2005	2006	2004 to 2006
Czech Republic	163,3	182,0	197,5	542,8
Estonia	45,3	50,4	54,8	150,5
Cyprus	22,5	25,1	27,2	74,8
Latvia	98,7	110,0	119,4	328,1
Lithuania	147,3	164,1	178,1	489,5
Hungary	181,2	201,9	219,2	602,3
Malta	8,1	9,0	9,8	26,9
Poland	862,4	961,0	1 043,0	2 866,4
Slovenia	84,7	94,4	102,5	281,6
Slovakia	119,5	133,1	144,5	397,1

COMMISSION DECISION

of 29 December 2003

amending Decision 94/83/EC on Community financial assistance to improve the system of veterinary controls at the Community's external frontier in Germany

(notified under document number C(2003) 5201)

(Only the German text is authentic)

(2004/22/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 38 thereof,

Whereas:

- (1) The Commission, in its Decision 94/83/EC ⁽³⁾, established the Community's financial participation in the programme presented by Germany to improve the system of veterinary controls at the Community's external frontier in Germany.
- (2) The German authorities have requested an extension of the deadline for the completion of their programme in order to compensate for delays in the building and renovation of infrastructure, and, in this context, the above-mentioned Decision should therefore be amended to extend the deadline established for the completion of the programme and to allow time for the necessary testing.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 94/83/EC is hereby amended as follows:

1. Article 2(2), second indent: the date 30 June 1995 is replaced by the date 31 December 2000.
2. The following paragraph 4 is added to Article 3:
'The Commission, in collaboration with the competent German authorities, may carry out *in situ* checks relating to expenditure incurred pursuant to this Decision.'

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 December 2003.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 224, 18.8.1990, p. 19.⁽²⁾ OJ L 122, 16.5.2003, p. 1.⁽³⁾ OJ L 42, 15.2.1994, p. 18.

COMMISSION DECISION
of 29 December 2003

providing for the initiation of an investigation pursuant to Article 27(2) of Council Regulation (EC) No 2501/2001 with respect to the violation of freedom of association in Belarus

(2004/23/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 ⁽¹⁾, as last amended by Commission Regulation (EC) No 1686/2003 ⁽²⁾, and in particular Article 27(2) thereof,

Whereas:

- (1) The Commission has received information on alleged violations of freedom of association in Belarus. The information was jointly supplied by the International Confederation of Free Trade Unions (ICFTU), the European Trade Union Confederation (ETUC) and the World Confederation of Labour (WCL).
- (2) Article 26(1)(b) provides for the temporary withdrawal of tariff preferences, in respect of all or of certain products, originating in a beneficiary country for 'serious and systematic violation of the freedom of association, the right to collective bargaining or the principle of non-discrimination in respect of employment and occupation, or use of child labour, as defined in the relevant ILO Conventions'.
- (3) The Commission has examined the submitted information pertaining to alleged violations of freedom of association in Belarus. The alleged violations relate to restrictions upon the right of workers and employers to estab-

lish organisations of their own choosing without interference by the public authorities, interference by the public authorities in trade union elections, limitation of trade union activities and repression of trade union leaders and activists, as defined in the Freedom of Association and Protection of the Right to Organise Convention No 87 and the Right to Organise and Collective Bargaining Convention No 98 of the International Labour Organisation. The Commission considers that there are sufficient grounds for an investigation.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Generalised Preferences Committee,

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission shall initiate an investigation into alleged violations of freedom of association in Belarus.

Done at Brussels, 29 December 2003.

For the Commission
Pascal LAMY
Member of the Commission

⁽¹⁾ OJ L 346, 31.12.2001, p. 1.

⁽²⁾ OJ L 240, 26.9.2003, p. 8.