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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 57/2004**

**of 27 October 2003**

**amending Commission Decision 2002/602/ECSC on administering certain restrictions on imports of certain steel products from the Russian Federation**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part <sup>(1)</sup>, entered into force on 1 December 1997.
- (2) Article 21 of the Partnership and Cooperation Agreement provides that trade in European Coal and Steel Community (hereinafter referred to as 'the ECSC') products shall be governed by Title III, save for Article 15 thereof, and by the provisions of an agreement.
- (3) On 9 July 2002 the ECSC and the Government of the Russian Federation concluded such an Agreement on trade in certain steel products <sup>(2)</sup>, approved on behalf of the ECSC by Commission Decision 2002/603/ECSC <sup>(3)</sup>.
- (4) The ECSC Treaty expired on 23 July 2002. The Parties agreed pursuant to Article 10(2) of the Agreement on trade in certain steel products that it should be continued and that all rights and obligations should be maintained after such expiry.
- (5) The Government of the Russian Federation has requested, in accordance with Article 3(3) of the Agreement, to carry over certain amounts of the quantitative limits not used during the year 2002; the authorised carryover for each product group is as follows: 2 186 980 kg for SA1, 10 802 830 kg for SA1a, 4 200 000 kg for SA2, 2 505 046 kg for SA3, 0 for SA4, 272 850 kg for SB1, 4 200 000 for SB2 and 11 550 000 for SB3.

- (6) In accordance with Article 3(4) of the Agreement, the Government of the Russian Federation has requested the transfer of 4 000 tonnes from product group SB2 and 6 000 tonnes from product group SB3 to product group SA1a.
- (7) The Parties entered into consultations as provided for in Agreed Minute No 2 of the abovementioned Agreement and concluded that the product coverage of the Agreement has to be extended to include also product groups SA5 and SA6, such extension being the subject of a new agreement amending the previous Agreement.
- (8) The Community approved the conclusion of the new Agreement, which entered into force on the day of its signature <sup>(4)</sup>.
- (9) It is necessary to amend accordingly Commission Decision 2002/602/ECSC on administering certain restrictions on imports of certain steel products from the Russian Federation <sup>(5)</sup> to take account of the request for carryover, the request for the transfer and the new Agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

Decision 2002/602/ECSC shall be amended as follows:

1. Annex I is replaced by the text of Annex I hereto.
2. Annex IV is replaced by the text of Annex II hereto.

*Article 2*

Imports into the Community of goods falling within product groups SA5 and SA6 accompanied by a surveillance document <sup>(6)</sup> issued before the date of entry into force of this Regulation shall not require an import authorisation as referred to in Commission Decision 2002/602/ECSC, notably in Article 2 thereof.

<sup>(4)</sup> See page 21 of this Official Journal.

<sup>(5)</sup> OJ L 195, 24.7.2002, p. 38.

<sup>(6)</sup> Issued in accordance with Commission Regulation (EC) No 76/2002 (OJ L 16, 18.1.2002, p. 3). Regulation as last amended by Regulation (EC) No 2385/2002 (OJ L 358, 31.12.2002, p. 125).

<sup>(1)</sup> OJ L 327, 28.11.1997, p. 3.

<sup>(2)</sup> OJ L 195, 24.7.2002, p. 55.

<sup>(3)</sup> OJ L 195, 24.7.2002, p. 54.

*Article 3*

The products listed in product groups SA5 and SA6 as defined in Annex I originating in the Russian Federation and imported into the Community as from 1 January 2003 shall be counted against the respective quantitative limits set out in Annex II for the year 2003.

*Article 4*

This Regulation shall enter into force on the 10th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Luxembourg, 27 October 2003.

*For the Council*

*The President*

A. MATTEOLI

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## ANNEX I

## 'ANNEX I

SA — FLAT-ROLLED PRODUCTS	7209 18 99	SA5 — Alloyed quarto plates	7207 19 16
	7209 25 00		7207 20 51
SA1 — Coils	7209 26 10		7207 20 55
	7209 26 90	7225 40 20	7207 20 57
7208 10 00	7209 27 10	7225 40 50	
7208 25 00	7209 27 90	7225 99 10	7214 20 00
7208 26 00	7209 28 10		7214 30 00
7208 27 00	7209 28 90	SA6 — Alloyed cold-rolled and coated sheets	7214 91 10
7208 36 00	7209 90 10		7214 91 90
7208 37 90			7214 99 10
7208 38 90	7210 11 10		7214 99 31
7208 39 90	7210 12 11		7214 99 39
	7210 12 19	7225 50 00	7214 99 50
	7210 20 10	7225 91 10	7214 99 61
7211 14 10	7210 30 10	7225 92 10	7214 99 69
7211 19 20	7210 41 10		7214 99 80
	7210 49 10	7226 92 10	7214 99 90
7219 11 00	7210 50 10		
7219 12 10	7210 61 10		7215 90 10
7219 12 90	7210 69 10	SB — LONG PRODUCTS	
7219 13 10	7210 70 31		7216 10 00
7219 13 90	7210 70 39	SB1 — Beams	7216 21 00
7219 14 10	7210 90 31		7216 22 00
7219 14 90	7210 90 33		7216 40 10
	7210 90 38		7216 40 90
7225 20 20		7207 19 31	7216 50 10
7225 30 00	7211 14 90	7207 20 71	7216 50 91
	7211 19 90		7216 50 99
SA1a — Hot-rolled coils for re-rolling	7211 23 51	7216 31 11	7216 99 10
	7211 29 20	7216 31 19	
	7211 90 11	7216 31 91	
		7216 31 99	7218 99 20
7208 37 10	7212 10 10	7216 32 11	
7208 38 10	7212 10 91	7216 32 19	7222 11 11
7208 39 10	7212 20 11	7216 32 91	7222 11 19
	7212 30 11	7216 32 99	7222 11 21
	7212 40 10	7216 33 10	7222 11 29
SA2 — Heavy plate	7212 40 91	7216 33 90	7222 11 91
	7212 50 31		7222 11 99
7208 40 10	7212 50 51	SB2 — Wire rod	7222 19 10
7208 51 10	7212 60 11		7222 19 90
7208 51 30	7212 60 91		7222 30 10
7208 51 50		7213 10 00	7222 40 10
7208 51 91	7219 21 10	7213 20 00	7222 40 30
7208 51 99	7219 21 90	7213 91 10	
7208 52 10	7219 22 10	7213 91 20	
7208 52 91	7219 22 90	7213 91 41	7224 90 31
7208 52 99	7219 23 00	7213 91 49	7224 90 39
7208 53 10	7219 24 00	7213 91 70	
	7219 31 00	7213 91 90	7228 10 10
7211 13 00	7219 32 10	7213 99 10	7228 10 30
	7219 32 90	7213 99 90	7228 20 11
SA3 — Other flat-rolled products	7219 33 10		7228 20 19
	7219 33 90	7221 00 10	7228 20 30
7208 40 90	7219 34 10	7221 00 90	7228 30 20
7208 53 90	7219 34 90		7228 30 41
7208 54 10	7219 35 10	7227 10 00	7228 30 49
7208 54 90	7219 35 90	7227 20 00	7228 30 61
7208 90 10		7227 90 10	7228 30 69
	7225 40 80	7227 90 50	7228 30 70
		7227 90 95	7228 30 89
7209 15 00	SA4 — Alloyed products		7228 60 10
7209 16 10		SB3 — Other long products	7228 70 10
7209 16 90	7226 20 20		7228 70 31
7209 17 10	7226 91 10	7207 19 11	7228 80 10
7209 17 90	7226 91 90	7207 19 14	7228 80 90
7209 18 10	7226 99 20		
7209 18 91			7301 10 00'

## ANNEX II

## ‘ANNEX IV

## QUANTITATIVE LIMITS

(kg)			
Products	2002	2003	2004
<b>SA — Flat products</b>			
SA1 — Coils	259 000 000	258 436 980	262 660 000
SA1.a — Hot-rolled coils for re-rolling	485 000 000	517 932 830	509 550 000
SA2 — Heavy plate	60 000 000	65 700 000	63 040 000
SA3 — Other flat products	80 000 000	84 505 046	84 050 000
SA4 — Alloyed products	90 000 000	92 250 000	94 560 000
SA5 — Alloyed quarto plates	—	20 000 000	20 500 000
SA6 — Alloyed cold rolled and coated sheets	—	95 000 000	97 375 000
<b>SB — Long products</b>			
SB1 — Beams	15 000 000	15 652 850	15 760 000
SB2 — Wire rod	60 000 000	61 700 000	63 040 000
SB3 — Other long products	165 000 000	174 680 000	173 350 000

Note:

SA and SB are product categories

SA1 to SA6 and SB1 to SB3 are product groups.’

**COMMISSION REGULATION (EC) No 58/2004**  
**of 14 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 15 January 2004.

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

Done at Brussels, 14 January 2004.

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

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 14 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 <sup>(1)</sup>	Standard import value
0702 00 00	052	90,0
	204	38,4
	999	64,2
0707 00 05	052	137,8
	204	122,9
	220	255,9
	999	172,2
0709 90 70	052	116,7
	204	63,0
	999	89,9
0805 10 10, 0805 10 30, 0805 10 50	052	53,3
	204	49,1
	212	67,3
	220	39,3
	388	23,8
	421	33,9
	999	44,5
0805 20 10	052	77,9
	204	98,0
	999	88,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	81,0
	204	86,3
	464	88,5
	600	69,6
	624	70,4
	999	79,2
0805 50 10	052	74,3
	600	70,8
	999	72,6
0808 10 20, 0808 10 50, 0808 10 90	060	39,9
	400	120,1
	404	93,1
	720	72,6
	800	131,2
	999	91,4
0808 20 50	052	41,8
	060	57,4
	064	60,0
	400	90,1
	528	96,9
	720	36,7
	999	63,8

<sup>(1)</sup> 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 59/2004**  
**of 14 January 2004**  
**on the issue of import licences for certain preserved mushrooms for the period from 1 January to 30 April 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2125/95 of 6 September 1995 opening and providing for the administration of tariff quotas for preserved mushrooms <sup>(1)</sup>, and in particular Article 6(4) thereof,

Whereas:

- (1) The quantities applied for on 2 and 5 January 2004 pursuant to Article 4(1)(a) and (b) of Regulation (EC) No 2125/95 exceed the available quantities. The extent to which licences may be issued should therefore be determined.
- (2) As a result of the adoption of Commission Regulation (EC) No 2334/2003 of 30 December 2003 derogating for the year 2004 from Regulation (EC) No 2125/95 opening and providing for the administration of tariff quotas for preserved mushrooms <sup>(2)</sup> and because of the accession to the Community on 1 May 2004 of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania,

Hungary, Malta, Poland, Slovenia and Slovakia, this Regulation should remain applicable only until 30 April 2004,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Import licences applied for pursuant to Article 4(1)(a) of Regulation (EC) No 2125/95 on 2 and 5 January 2004 and submitted to the Commission on 7 and 8 January 2004 shall be issued for 100 % of the quantity applied for.
2. Import licences applied for pursuant to Article 4(1)(b) of Regulation (EC) No 2125/95 on 2 and 5 January 2004 and submitted to the Commission on 7 and 8 January 2004 shall be issued for 8,41 % of the quantity applied for.

*Article 2*

This Regulation shall enter into force on 15 January 2004.

It shall apply until 30 April 2004.

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

Done at Brussels, 14 January 2004.

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

<sup>(1)</sup> OJ L 212, 7.9.1995, p. 16. Regulation as last amended by Regulation (EC) No 1142/2003 (OJ L 160, 28.6.2003, p. 39).

<sup>(2)</sup> OJ L 346, 31.12.2003, p. 15.

**COMMISSION REGULATION (EC) No 60/2004  
of 14 January 2004**

**laying down transitional measures in the sugar sector by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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, 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, and in particular the first subparagraph of Article 41 thereof,

Whereas:

- (1) The rules concerning production and trade arrangements for the sugar market inserted in Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup> by the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as the Act of Accession), will be applicable as from 1 May 2004, which is two months before the expiry of the marketing year 2003/2004. Transitional measures are therefore required to change over from the production and trade arrangements in force in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as the new Member States) to those provided for in Regulation (EC) No 1260/2001.
- (2) For the marketing year 2003/2004, the entire sugar production of the new Member States is produced under national arrangements, and the main quantities of their production will be disposed of before 1 May 2004. Consequently, the provisions on prices, inter-professional agreements and self-financing provided for in Articles 2 to 6 and 10 to 21 of Regulation (EC) No 1260/2001 should not apply before 1 July 2004. The non application of the self-financing arrangements and the provision on prices to sugar produced before 1 July 2004 means that the export refund arrangement provided for in Articles 27 to 31 of Regulation (EC) No 1260/2001 and the intervention and production refund arrangements provided for in Articles 7, 8 and 9 of that Regulation should not apply before 1 July 2004.
- (3) In the case of isoglucose, production is steady and in keeping with demand and it is therefore necessary to determine an appropriate share of the basic isoglucose quantities defined for the new Member States producing isoglucose in order to facilitate the transition and to ensure the balance between production and consumption in the enlarged Community. However, for the purposes of ensuring the same treatment for isoglucose and sugar, Articles 2 to 21 and 27 to 31 of Regulation (EC) No 1260/2001 should only become applicable to isoglucose in the new Member States from 1 July 2004.
- (4) The Act of Accession defines a maximum supply need for the sugar-producing undertaking in Slovenia of 19 585 tonnes. In order to guarantee the supply of that undertaking with raw sugar for refining between 1 May and 30 June 2004, an appropriate share of the maximum supply need should be determined for that period.
- (5) There is a considerable risk of disruption on the markets in the sugar sector by products being introduced into the new Member States before their accession for speculation purposes. Provisions facilitating the transition should therefore be made to avoid such speculative movements in view of the accession of the new Member States. Similar provisions have already been taken in respect of trade in agricultural products on account of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia by Regulation (EC) No 1972/2003 <sup>(2)</sup>. Separate rules are necessary in order to take into account the particularities of the sugar sector.
- (6) Chapter 5 of Annex IV to the Act of Accession foresees that goods which are under different types of suspensive regime on the date of accession are exempted from customs duties when released for free circulation provided that certain circumstances are complied with. However, in the sugar sector there is a high risk that this possibility will be used for speculative purposes. In addition, it would allow operators to circumvent the obligation laid down in this regulation to eliminate from the market at their expense the quantities of surplus sugar or isoglucose identified by the authorities of the new member States or to pay charges of the proof of elimination of these quantities cannot be provided. Products which present such a risk should therefore be subject to import duties on the date of release for free circulation.

<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1. Regulation as last amended by the Act of Accession.

<sup>(2)</sup> OJ L 293, 11.11.2003, p. 3.

(7) Furthermore, and in accordance with the Act of Accession, quantities of stocks of sugar or isoglucose exceeding the normal carry-over stock should be eliminated from the market at the expense of the new Member States. Determination of the surplus stocks will be carried out by the Commission on the basis of trade developments, production and consumption trends in the new Member States during the period of 1 May 2000 to 30 April 2004. For this procedure, besides sugar and isoglucose, other products with a significant sugar equivalent content should be also considered as they could also be possible targets of speculation. In case the determined surplus quantity of sugar and isoglucose is not eliminated from the Community market by 30 April 2005 at the latest, the new Member State concerned will be made financially responsible for the relevant quantity. The amount to be charged for a new Member State and payable for the Community budget in case of non elimination of surplus stocks should be the highest export refund applicable during the period of 1 May 2004 and 30 April 2005.

(8) It is the interest of both the Community and the new Member States to preferably prevent the accumulation of surplus stocks and in any case be able to identify those operators or individuals involved in major speculative trade movements. For that purpose new Member States should dispose of a system on 1 May 2004 that enables them to identify those responsible for such developments.

(9) For the determination of surplus stocks and the elimination of identified surplus stocks new Member States should provide for the Commission most recent statistics of trade, production and consumption of the products considered, as well as proof of elimination from market of the identified surplus stocks by the set deadline.

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

HAS ADOPTED THIS REGULATION:

#### SECTION 1

#### TRANSITIONAL MEASURES IN VIEW OF ACCESSION

##### Article 1

#### Applicability of certain provisions of Regulation (EC) No 1260/2001

Articles 2 to 21 and 27 to 31 of Regulation (EC) No 1260/2001 shall not apply from 1 May 2004 to 30 June 2004 to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as the new Member States).

##### Article 2

#### Isoglucose quotas

For the period from 1 May 2004 to 30 June 2004, the basic quantities of A and B isoglucose for the new Member States producing isoglucose shall be as follows:

	Basic quantity A in tonnes of dry matter	Basic quantity B in tonnes of dry matter
Hungary	21 271	1 667
Poland	4 152	312
Slovakia	6 254	837

##### Article 3

#### Preferential import of cane sugar

In order to cover its demand for the refining of raw cane sugar for the period from 1 May 2004 to 30 June 2004, Slovenia is authorised to issue licences during that period for 'special preferential sugar' within the limit of 3 264 tonnes, expressed in white sugar equivalent and under the conditions provided for in Commission Regulation (EC) No 1159/2003<sup>(1)</sup>.

#### SECTION 2

#### TRANSITIONAL MEASURES TO AVOID SPECULATION

##### Article 4

#### Definitions

For the purposes of this Section, the following definitions shall apply:

- 'Sugar' means:
  - beet sugar and cane sugar, in solid form, falling within CN code 1701;
  - sugar syrup falling within CN codes 1702 60 95, 1702 90 99 and 2106 90 59;
  - inulin syrup falling within CN codes 1702 60 80 and 1702 90 80;
- 'Isoglucose' means the product falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10, 1702 90 30 and 2106 90 30;
- 'Processed products' means products having an added sugar/sugar equivalent content exceeding 10 %, which have resulted from the processing of agricultural products;
- 'Fructose' means chemically pure fructose under CN code 1702 50 00.

<sup>(1)</sup> OJ L 162, 1.7.2003, p. 25.

## Article 5

**Suspensive regime**

1. By way of derogation from Chapter 5 of Annex IV to the Act of Accession and from Articles 20 and 214 of Council Regulation (EEC) No 2913/92 <sup>(1)</sup>, products falling within CN codes 1701, 1702, 1704, 1904, 1905, 2006, 2007, 2009, 2101 12 92, 2101 20 92, 2105 and 2202 except those listed in Article 4(5) of Commission Regulation (EC) No 1972/2003, shall be subjected to the *erga omnes* import duty rate, including any additional import duty applicable on the date of release for free circulation, provided that:

- (a) before 1 May 2004, they have been in free circulation in the Community as constituted on 30 April 2004 or in a new Member State and;
- (b) on 1 May 2004, they are:
  - (i) in temporary storage, or
  - (ii) under one of the customs treatments or procedures referred to in Article 4(15)(b) and Article 4(16)(b) to (g) of Regulation (EEC) No 2913/92 in the Community, or
  - (iii) in transport after having been subject to export formalities within the enlarged Community.

This first subparagraph shall not apply to products, with the exception of refined beet C sugar, C isoglucose syrup and C inulin syrup falling within CN codes 1701 99 10, 1701 99 90, 1702 30 10, 1702 40 10, 1702 60 10, 1702 90 30, 1702 60 80 and 1702 90 80 respectively, exported from the Community of Fifteen if the importer gives evidence that no export refund has been sought for the products of the country of export. Upon the importer's request, the exporter shall arrange to obtain an endorsement by the competent authority on the export declaration that an export refund has not been sought for the products of the country of export.

2. By way of derogation from Chapter 5 of Annex IV to the Act of Accession and from Articles 20 and 214 of Regulation (EEC) No 2913/92, products falling within CN codes 1701, 1702, 1704, 1904, 1905, 2006, 2007, 2009, 2101 12 92, 2101 20 92, 2105 and 2202 except those listed in Article 4(5) of Regulation (EC) No 1972/2003, coming from third countries shall be subjected to the import duty, including any additional import duty, applicable on the date of release for free circulation, provided that:

- (a) they are under inward processing referred to in Article 4(16)(d) or temporary admission referred to in Article 4(16)(f) of Regulation (EEC) No 2913/92 in a new Member State on 1 May 2004;

- (b) they are released for free circulation on or after 1 May 2004.

## Article 6

**Abnormal stocks**

1. The Commission determines by 31 October 2004 at the latest, for each new Member State, in accordance with the procedure referred to in Article 42(2) of Regulation (EC) No 1260/2001, the quantity of sugar as such or in processed products, isoglucose and fructose exceeding the quantity considered as being normal carry-over stock at 1 May 2004 and which has to be eliminated from the market at the expense of the new Member States.

To determine this surplus quantity, account is in particular taken of the development during the year preceding accession in relation to the previous years of:

- (a) imported and exported quantities of sugar as such or in processed products, isoglucose and fructose;
- (b) production, consumption and stocks of sugar and isoglucose;
- (c) the circumstances in which stocks were built up.

2. The new Member State concerned ensures the elimination from the market of a quantity of sugar or isoglucose, without Community intervention, equal to the surplus quantity referred to in paragraph 1, by 30 April 2005 at the latest:

- (a) by export without refund from the Community;
- (b) by use in the sector of combustibles;
- (c) by denaturation without aid for animal feed in accordance with Titles III and IV of Commission Regulation (EEC) No 100/72 <sup>(2)</sup>.

3. For the application of paragraph 2, the competent authorities of the new Member States shall dispose on 1 May 2004 of a system for the identification of traded or produced surplus quantities of sugar as such or in processed products, isoglucose or fructose, at the level of the main operators concerned. That system may in particular rely on import tracking, fiscal monitoring, surveys based on operators' accounts and physical stocks, and include measures such as risk guarantees. The system of identification shall be based on risk assessment that takes due account in particular of the following criteria:

- type of activity of the operators concerned,
- capacity of storage facilities,
- level of activities.

<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(2)</sup> OJ L 12, 15.1.1972, p. 15.

The new Member State shall use that system to compel the operators concerned to eliminate from the market at their own expense an equivalent quantity of sugar or isoglucose of their determined individual surplus quantity. The operators concerned shall provide the proof, to the satisfaction of the new Member State, that products were eliminated from the market by 30 April 2005 at the latest.

In case such proof is not provided, the new Member State shall charge an amount equal to the quantity in question multiplied by the highest import charges applicable to the product concerned during the period from 1 May 2004 to 30 April 2005, increased by EUR 1,21/100 kg in white sugar or dry matter equivalent.

The amount referred to in the third subparagraph shall be assigned to the national budget of the new Member State.

4. When the sugar or isoglucose is eliminated in accordance with paragraph 2(a), the operators concerned shall provide the proof of export by 31 July 2005 at the latest by the presentation of:

- (a) export licences issued in accordance with Commission Regulations (EC) No 1291/2000<sup>(1)</sup> and (EC) No 1464/95<sup>(2)</sup>.
- (b) relevant documents referred to in Articles 32 and 33 of Regulation (EC) No 1291/2000 necessary for the release of the guarantee.

The application for the export licence referred to in (a) shall comprise in box 20 the following indication: 'for export in accordance with article 6(2)(a) of Regulation (EC) No 60/2004'.

The export licence referred to in (a) shall comprise in box 22 the following indication: 'to be exported without refund or levy ..... (quantity for which this certificate was issued) kg; the certificate is valid only in ..... (new Member State issuing it)'.

The export licence referred to in (a) shall be valid from the date of its issue until 1 May 2005.

#### Article 7

#### Proof of elimination by new Member States

1. By 31 July 2005 at the latest, the new Member States shall provide proof to the Commission, that the surplus quantity referred to in Article 6 (1) was eliminated from the market in accordance with Article 6(2) and specify for each method the quantity eliminated.

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

<sup>(2)</sup> OJ L 144, 28.6.1995, p. 14.

2. In case the proof of elimination from the market is not provided in accordance with paragraph 1, for a part or the totality of the surplus quantity, the new Member State is charged an amount equal to the quantity not eliminated multiplied by the highest export refunds applicable to white sugar falling within CN code 1701 99 10 during the period from 1 May 2004 to 30 April 2005. This amount will be assigned to the Community budget by 30 November 2005 at the latest and will be taken into account for the calculation of the production levies for the marketing year 2004/2005.

#### Article 8

#### Control

1. The new Member States shall take all the necessary measures for the application of this Section and establish in particular the control procedures which prove necessary for the elimination of the surplus quantity referred to in Article 6(1).

2. The new Member States communicate to the Commission by 31 July 2004 at the latest:

- (a) information on the system established for the identification of surplus quantities referred to in the first subparagraph of Article 6(3);
- (b) quantities of sugar, isoglucose, fructose and processed products imported and exported monthly for the period from 1 May 2000 to 30 April 2004, communicated separately for imports and exports to the Community as constituted on 30 April 2004, the new Member States and third countries;
- (c) for the period from 1 May 2000 to 30 April 2004, the quantities of sugar and isoglucose produced annually, broken down, as the case may be, by production under quota and out of quota, and consumed annually;
- (d) for the period from 1 May 2000 to 1 May 2004, the stocks of sugar and isoglucose held on 1 May of each year.

#### SECTION 3

#### FINAL PROVISION

#### Article 9

#### 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.

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

Done at Brussels, 14 January 2004.

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

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**COMMISSION REGULATION (EC) No 61/2004**  
**of 13 January 2004**  
**establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(1)</sup>, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup>, as last amended by Regulation (EC) No 2286/2003 <sup>(4)</sup>, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 16 January 2004.

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

Done at Brussels, 13 January 2004.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(2)</sup> OJ L 311, 12.12.2000, p. 17.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(4)</sup> OJ L 343, 31.12.2003, p. 1.

## ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	53,15	395,84	484,28	36,91
1.30	Onions (other than seed) 0703 10 19	23,82	177,40	217,04	16,54
1.40	Garlic 0703 20 00	113,90	848,29	1 037,83	79,09
1.50	Leeks ex 0703 90 00	49,76	370,58	453,38	34,55
1.80	White cabbages and red cabbages 0704 90 10	130,24	970,00	1 186,73	90,44
1.90	Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43	457,52	559,74	42,66
1.100	Chinese cabbage ex 0704 90 90	54,27	404,19	494,50	37,69
1.130	Carrots ex 0706 10 00	18,15	135,18	165,38	12,60
1.140	Radishes ex 0706 90 90	75,65	563,40	689,29	52,53
1.160	Peas ( <i>Pisum sativum</i> ) 0708 10 00	408,06	3 039,16	3 718,21	283,36
1.170	Beans:				
1.170.1	— Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	139,24	1 037,03	1 268,73	96,69
1.170.2	— Beans ( <i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	167,45	1 247,13	1 525,79	116,28
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	321,35	2 393,37	2 928,13	223,15
1.200.2	— other 0709 20 00	577,22	4 299,02	5 259,57	400,82
1.210	Aubergines (eggplants) 0709 30 00	143,21	1 066,63	1 304,95	99,45
1.220	Ribbed celery ( <i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	88,93	662,30	810,28	61,75
1.230	Chantarelles 0709 59 10	994,91	7 409,89	9 065,52	690,87
1.240	Sweet peppers 0709 60 10	165,65	1 233,73	1 509,39	115,03
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	86,38	643,33	787,07	59,98
2.30	Pineapples, fresh ex 0804 30 00	151,42	1 127,78	1 379,76	105,15



Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.40	Avocados, fresh ex 0804 40 00	131,69	980,84	1 199,99	91,45
2.50	Guavas and mangoes, fresh ex 0804 50 00	—	—	—	—
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	—	—	—	—
2.60.3	— Others 0805 10 50	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	—	—	—	—
2.70.2	— Monreales and satsumas ex 0805 20 30	—	—	—	—
2.70.3	— Mandarines and wilkings ex 0805 20 50	—	—	—	—
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	—	—	—	—
2.85	Limes ( <i>Citrus aurantifolia</i> , <i>Citrus latifolia</i> ), fresh 0805 50 90	106,13	790,45	967,07	73,70
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	57,63	429,24	525,14	40,02
2.90.2	— pink ex 0805 40 00	53,41	397,76	486,63	37,09
2.100	Table grapes 0806 10 10	193,65	1 442,28	1 764,54	134,47
2.110	Water melons 0807 11 00	53,54	398,76	487,85	37,18
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	52,74	392,79	480,55	36,62
2.120.2	— Other ex 0807 19 00	101,46	755,62	924,45	70,45
2.140	Pears				
2.140.1	— Pears — nashi ( <i>Pyrus pyrifolia</i> ), Pears — Ya ( <i>Pyrus bretschneideri</i> ) ex 0808 20 50	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—
2.150	Apricots 0809 10 00	122,15	909,72	1 112,99	84,82
2.160	Cherries 0809 20 95 0809 20 05	424,70	3 163,12	3 869,87	294,92

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.170	Peaches 0809 30 90	237,61	1 769,67	2 165,07	165,00
2.180	Nectarines ex 0809 30 10	290,81	2 165,88	2 649,81	201,94
2.190	Plums 0809 40 05	212,56	1 583,11	1 936,83	147,60
2.200	Strawberries 0810 10 00	386,11	2 875,67	3 518,19	268,11
2.205	Raspberries 0810 20 10	304,95	2 271,21	2 778,67	211,76
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 520,61	11 325,20	13 855,65	1 055,91
2.220	Kiwi fruit ( <i>Actinidia chinensis</i> Planch.) 0810 50 00	145,75	1 085,52	1 328,06	101,21
2.230	Pomegranates ex 0810 90 95	134,60	1 002,50	1 226,50	93,47
2.240	Khakis (including sharon fruit) ex 0810 90 95	207,75	1 547,29	1 893,01	144,26
2.250	Lychees ex 0810 90 30	—	—	—	—

**COMMISSION REGULATION (EC) No 62/2004**  
**of 14 January 2004**  
**on the issuing of system A3 export licences in the fruit and vegetables sector (tomatoes, lemons and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 47/2003 <sup>(2)</sup>, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1913/2003 <sup>(3)</sup> opens an invitation to tender setting the indicative refund rates and indicative quantities for system A3 export licences, which may be issued, other than those tendered for as part of food aid.
- (2) In the light of the tenders submitted, the maximum refund rates and the percentages of quantities to be awarded for tenders quoting those maximum rates should be set.

- (3) In the case of tomatoes, lemons and apples the maximum rate necessary to award licences for the indicative quantity up to the quantities tendered for is not more than one-and-a-half times the indicative refund rate,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the case of tomatoes, lemons and apples, the maximum refund rates and the percentages for reducing the quantities awarded under the invitation to tender opened by Regulation (EC) No 1913/2003 shall be fixed in the Annex.

*Article 2*

This Regulation shall enter into force on 15 January 2004.

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

Done at Brussels, 14 January 2004.

*For the Commission*

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

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<sup>(1)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(2)</sup> OJ L 7, 11.1.2003, p. 64.

<sup>(3)</sup> OJ L 283, 31.10.2003, p. 25.

## ANNEX

**Issuing of system A3 export licences in the fruit and vegetable sector (tomatoes, lemons and apples)**

Product	Maximum refund rate (EUR/t net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Tomatoes	25	100 %
Lemons	36	41 %
Apples	32	24 %

**COMMISSION REGULATION (EC) No 63/2004**  
**of 14 January 2004**  
**on the issuing of system A3 export licences in the fruit and vegetables sector (oranges)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 47/2003 <sup>(2)</sup>, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1913/2003 <sup>(3)</sup> opens a tendering procedure setting the indicative refund rates and indicative quantities for which system A3 export licences may be issued.
- (2) In the light of the tenders submitted, the maximum refund rates and the percentages of quantities to be awarded for tenders quoting those maximum rates should be set.
- (3) In the case of oranges, the maximum rate necessary to award licences for the indicative quantity up to the quantities tendered for is more than one-and-a-half times the indicative refund rate. The rate must therefore be set

in accordance with Article 4(4) of Commission Regulation (EC) No 1961/2001 of 8 October 2001 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(4)</sup>, as last amended by Regulation (EC) No 1176/2002 <sup>(5)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In the case of oranges, the maximum refund rate and the percentage of quantities to be awarded under the tendering procedure opened by Regulation (EC) No 1913/2003 shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 15 January 2004.

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

Done at Brussels, 14 January 2004.

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

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 7, 11.1.2002, p. 64.

<sup>(3)</sup> OJ L 283, 31.10.2003, p. 25.

<sup>(4)</sup> OJ L 268, 9.10.2001, p. 8.

<sup>(5)</sup> OJ L 170, 29.6.2002, p. 69.

## ANNEX

**Issuing of system A3 export licences in the fruit and vegetables sector (oranges)**

Product	Maximum refund rate (EUR/ tonne net)	Percentage awarded of quantities tendered for quoting the maximum refund rate
Oranges	35	100 %

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 27 October 2003

**on the conclusion of an agreement between the European Community and the Russian Federation amending the Agreement between the European Coal and Steel Community and the Government of the Russian Federation on trade in certain steel products of 9 July 2002**

(2004/42/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part <sup>(1)</sup>, entered into force on 1 December 1997.
- (2) Article 21 of the Partnership and Cooperation Agreement provides that trade in European Coal and Steel Community (hereinafter referred to as 'the ECSC') products shall be governed by Title III, save for Article 15 thereof, and by the provisions of an agreement.
- (3) On 9 July 2002 the ECSC and the Government of the Russian Federation concluded such an Agreement on trade in certain steel products <sup>(2)</sup>, approved on behalf of the ECSC by Commission Decision 2002/603/ECSC <sup>(3)</sup>.
- (4) The ECSC Treaty expired on 23 July 2002. The Parties agreed in accordance with Article 10(2) of the Agreement on trade in certain steel products that it should be continued and that all rights and obligations should be maintained after such expiry.

- (5) The Parties entered into consultations as provided for in Agreed Minute No 2 of the abovementioned Agreement and concluded that the product coverage of the Agreement has to be extended to include also product groups SA5 and SA6 with corresponding quantitative limits,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The Agreement between the European Community and the Government of the Russian Federation amending the Agreement between the ECSC and the Government of the Russian Federation concerning trade in certain steel products of 9 July 2002 is hereby approved on behalf of the Community.
2. The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement referred to in Article 1.

Done at Luxembourg, 27 October 2003.

*For the Council*

*The President*

A. MATTEOLI

<sup>(1)</sup> OJ L 327, 28.11.1997, p. 3.

<sup>(2)</sup> OJ L 195, 24.7.2002, p. 55.

<sup>(3)</sup> OJ L 195, 24.7.2002, p. 54.

**AGREEMENT****between the European Community and the Government of the Russian Federation amending the Agreement between the European Coal and Steel Community and the Government of the Russian Federation on trade in certain steel products of 9 July 2002**

THE EUROPEAN COMMUNITY,

of the one part, and

THE GOVERNMENT OF THE RUSSIAN FEDERATION,

of the other part,

being the Parties to this Agreement,

WHEREAS the Parties are desirous of promoting the orderly and equitable development of trade in steel between the European Community (hereinafter referred to as 'the Community') and the Russian Federation (hereinafter referred to as 'Russia'),

WHEREAS the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, entered into force on 1 December 1997,

WHEREAS Article 21 of the Partnership and Cooperation Agreement provides that trade in European Coal and Steel Community (hereinafter referred to as 'the ECSC') products is to be governed by Title III, save for Article 15 thereof, and by the provisions of an agreement,

WHEREAS the ECSC and the Government of the Russian Federation concluded on 9 July 2002 such an Agreement on trade in certain steel products, hereinafter referred to as 'the Agreement',

WHEREAS the ECSC Treaty expired on 23 July 2002; whereas the Community took over all rights and obligations contracted by the ECSC; whereas the Agreement is not affected by such expiry as further stipulated in Article 10 thereof,

WHEREAS in order to address the concerns raised by the Community in view of the important increase of imports into the Community of boron-alloyed steel products from Russia, the Parties entered into consultations as provided for in Agreed Minute No 2 of the Agreement and concluded that the product coverage of the Agreement has to be extended to include also product groups SA5 and SA6,

HAVE AGREED AS FOLLOWS:

*Article 1*

The Agreement is amended as follows:

1. Annex I is replaced by the text of Annex I hereto.
2. Annex II is replaced by the text of Annex II hereto.

*Article 2*

The Parties agree that imports into the Community from Russia of products falling within product groups SA5 and SA6 as defined in Annex I, as from 1 January 2003 until the entry into force of this Agreement, shall be deducted from the quantitative limits of those product groups for the year 2003 set out in Annex II.

*Article 3*

Imports into the Community of goods from Russia falling within product groups SA5 and SA6 accompanied by a surveillance document <sup>(1)</sup> issued before the date of entry into force of this Agreement shall not require an import authorisation as referred to in the Agreement, notably in Article 9(2) of Protocol A thereto.

*Article 4*

This Agreement shall enter into force on the day of its signature.

*Article 5*

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Russian languages, each of these texts being equally authentic.

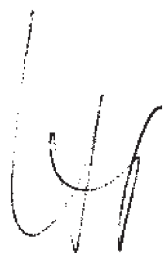
<sup>(1)</sup> Issued in accordance with Commission Regulation (EC) No 76/2002 (OJ L 16, 18.1.2002, p. 3). Regulation as last amended by Regulation (EC) No 2385/2002 (OJ L 358, 31.12.2002, p. 125).



Hecho en Moscú, el  
Udfærdiget i Moskva, den  
Geschehen zu Moskau am  
Έγινε στη Μόσχα, στις  
Done at Moscow,  
Fait à Moscou, le  
Fatto a Mosca, addì  
Gedaan te Moskou,  
Feito em Moscovo, em  
Tehty Moskovassa  
Utfärdat i Moskva den  
Совершено в Москве

26. XII. 2003

Por la Comunidad Europea  
For Det Europæiske Fællesskab  
Für die Europäische Gemeinschaft  
Για την Ευρωπαϊκή Κοινότητα  
For the European Community  
Pour la Communauté européenne  
Per la Comunità europea  
Voor de Europese Gemeenschap  
Pela Comunidade Europeia  
Euroopan yhteisön puolesta  
På Europeiska gemenskapens vägnar  
За Европейское сообщество



Per el Gobierno de la Federación de Rusia  
For regeringen for Den Russiske Føderation  
Für die Regierung der Russischen Föderation  
Για την Κυβέρνηση της Ρωσικής Ομοσπονδίας  
For the Government of the Russian Federation  
Pour le gouvernement de la Fédération de Russie  
Per il governo della Federazione russa  
Voor de regering van de Russische Federatie  
Pelo Governo da Federação da Rússia  
Venäjän federaation hallituksen puolesta  
För Ryska federationens regering  
За Правительство Российской Федерации

A handwritten signature in black ink, consisting of stylized, cursive letters, likely representing the name of the official representing the Russian Federation.

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## ANNEX I

## ‘ANNEX I

SA — FLAT-ROLLED PRODUCTS	7209 18 99	SA5 — Alloyed quarto plates	7207 19 16
	7209 25 00		7207 20 51
SA1 — Coils	7209 26 10		7207 20 55
	7209 26 90	7225 40 20	7207 20 57
7208 10 00	7209 27 10	7225 40 50	
7208 25 00	7209 27 90	7225 99 10	7214 20 00
7208 26 00	7209 28 10		7214 30 00
7208 27 00	7209 28 90	SA6 — Alloyed cold-rolled and coated sheets	7214 91 10
7208 36 00	7209 90 10		7214 91 90
7208 37 90			7214 99 10
7208 38 90	7210 11 10		7214 99 31
7208 39 90	7210 12 11		7214 99 39
	7210 12 19	7225 50 00	7214 99 50
	7210 20 10	7225 91 10	7214 99 61
7211 14 10	7210 30 10	7225 92 10	7214 99 69
7211 19 20	7210 41 10		7214 99 80
	7210 49 10	7226 92 10	7214 99 90
7219 11 00	7210 50 10		
7219 12 10	7210 61 10		7215 90 10
7219 12 90	7210 69 10	SB — LONG PRODUCTS	
7219 13 10	7210 70 31		7216 10 00
7219 13 90	7210 70 39	SB1 — Beams	7216 21 00
7219 14 10	7210 90 31		7216 22 00
7219 14 90	7210 90 33		7216 40 10
	7210 90 38	7207 19 31	7216 40 90
7225 20 20		7207 20 71	7216 50 10
7225 30 00	7211 14 90		7216 50 91
	7211 19 90	7216 31 11	7216 50 99
SA1a — Hot-rolled coils for re-rolling	7211 23 51	7216 31 19	7216 99 10
	7211 29 20	7216 31 91	
	7211 90 11	7216 31 99	7218 99 20
7208 37 10	7212 10 10	7216 32 11	
7208 38 10	7212 10 91	7216 32 19	7222 11 11
7208 39 10	7212 20 11	7216 32 91	7222 11 19
	7212 30 11	7216 32 99	7222 11 21
SA2 — Heavy plate	7212 40 10	7216 33 10	7222 11 29
	7212 40 91	7216 33 90	7222 11 91
7208 40 10	7212 50 31		7222 11 99
7208 51 10	7212 50 51	SB2 — Wire rod	7222 19 10
7208 51 30	7212 60 11		7222 19 90
7208 51 50	7212 60 91	7213 10 00	7222 30 10
7208 51 91		7213 20 00	7222 40 10
7208 51 99	7219 21 10	7213 91 10	7222 40 30
7208 52 10	7219 21 90	7213 91 20	
7208 52 91	7219 22 10	7213 91 41	7224 90 31
7208 52 99	7219 22 90	7213 91 49	7224 90 39
7208 53 10	7219 23 00	7213 91 70	
	7219 24 00	7213 91 90	7228 10 10
7211 13 00	7219 31 00	7213 99 10	7228 10 30
	7219 32 10	7213 99 90	7228 20 11
SA3 — Other flat-rolled products	7219 32 90		7228 20 19
	7219 33 10	7221 00 10	7228 20 30
7208 40 90	7219 33 90	7221 00 90	7228 30 20
7208 53 90	7219 34 10		7228 30 41
7208 54 10	7219 34 90	7227 10 00	7228 30 49
7208 54 90	7219 35 10	7227 20 00	7228 30 61
7208 90 10	7219 35 90	7227 90 10	7228 30 69
		7227 90 50	7228 30 70
		7227 90 95	7228 30 89
7209 15 00	SA4 — Alloyed products		7228 60 10
7209 16 10		SB3 — Other long products	7228 70 10
7209 16 90	7226 20 20		7228 70 31
7209 17 10	7226 91 10	7207 19 11	7228 80 10
7209 17 90	7226 91 90	7207 19 14	7228 80 90
7209 18 10	7226 99 20		
7209 18 91			7301 10 00'

## ANNEX II

## ‘ANNEX IV

## QUANTITATIVE LIMITS

(tonnes)			
Products	2002	2003	2004
<b>SA — Flat products</b>			
SA1 — Coils	259 000	256 250	262 660
SA1.a — Hot-rolled coils for re-rolling	485 000	497 130	509 550
SA2 — Heavy plate	60 000	61 500	63 040
SA3 — Other flat products	80 000	82 000	84 050
SA4 — Alloyed products	90 000	92 250	94 560
SA 5 — Alloyed quarto plates	—	20 000	20 500
SA 6 — Alloyed cold-rolled and coated sheets	—	95 000	97 375
<b>SB — Long products</b>			
SB1 — Beams	15 000	15 380	15 760
SB2 — Wire rod	60 000	61 500	63 040
SB3 — Other long products	165 000	169 130	173 350

Notes:

SA and SB are product categories.

SA1 to SA6 and SB1 to SB3 are product groups.’

# EUROPEAN CENTRAL BANK

## DECISION OF THE EUROPEAN CENTRAL BANK

of 18 December 2003

on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital

(ECB/2003/17)

(2004/43/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

HAS ADOPTED THIS DECISION:

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Articles 29.3 and 29.4 thereof,

### Article 1

Having regard to the contribution of the General Council of the European Central Bank (ECB) in accordance with the fourth indent of Article 47.2 of the Statute,

### Rounding

Whereas:

Where the European Commission provides revised statistical data to be used in adjusting the capital key and the figures do not total 100 %, the difference shall be compensated for: (i) if the total is below 100 %, by adding 0,0001 of a percentage point to the smallest share(s) in ascending order until exactly 100 % is reached, or (ii) if the total is above 100 %, by subtracting 0,0001 of a percentage point in descending order from the largest share(s) until exactly 100 % is reached.

### Article 2

#### Capital key weightings

The weighting assigned to each NCB in the capital key described in Article 29 of the Statute shall be as follows with effect from 1 January 2004:

- (1) Decision ECB/1998/13 of 1 December 1998 on the national central banks' percentage shares in the key for the capital of the European Central Bank <sup>(1)</sup> laid down with effect from 1 June 1998 the weightings assigned to the national central banks (NCBs) in the key for subscription to the ECB's capital (hereinafter the capital key weightings and the capital key respectively).
- (2) Article 29.3 of the Statute requires the capital key weightings to be adjusted every five years after the establishment of the European System of Central Banks by analogy with the provisions laid down in Article 29.1 of the Statute. The adjusted capital key applies with effect from the first day of the year following the year in which the adjustment occurs.
- (3) In accordance with Council Decision 2003/517/EC of 15 July 2003 on the statistical data to be used for the adjustment of the key for subscription to the capital of the European Central Bank <sup>(2)</sup>, the European Commission provided the ECB with the statistical data to be used in determining the adjusted capital key.
- (4) The ECB's net profits or losses (if any) for the financial year 2003 should be allocated and distributed pursuant to Article 33.1(b) and Article 33.2 of the Statute and in accordance with the capital key weightings applicable on 31 December 2003. The same should apply to the allocation of the NCBs' monetary income pursuant to Article 32.1 of the Statute, the distribution of the ECB's seigniorage income, the remuneration on the NCBs' claims equivalent to the foreign reserve assets transferred to the ECB and the remuneration on the intra-Eurosystem balances on euro banknotes in circulation,

— Nationale Bank van België/Banque Nationaux de Belgique	2,8297 %
— Danmarks Nationalbank	1,7216 %
— Deutsche Bundesbank	23,4040 %
— Bank of Greece	2,1614 %
— Banco de España	8,7801 %
— Banque de France	16,5175 %
— Central Bank and Financial Services Authority of Ireland	1,0254 %
— Banca d'Italia	14,5726 %
— Banque centrale du Luxembourg	0,1708 %
— De Nederlandsche Bank	4,4323 %

<sup>(1)</sup> OJ L 125, 19.5.1999, p. 33.

<sup>(2)</sup> OJ L 181, 19.7.2003, p. 43.

— Oesterreichische Nationalbank	2,3019 %
— Banco de Portugal	2,0129 %
— Suomen Pankki	1,4298 %
— Sveriges Riksbank	2,6636 %
— Bank of England	15,9764 %

system balances on euro banknotes in circulation, in relation to the financial year 2003 shall be allocated and distributed in accordance with the capital key weightings applicable on 31 December 2003.

3. This Decision shall enter into force on 19 December 2003.

4. This Decision will be published in the *Official Journal of the European Union*.

*Article 3*

**Final and transitional provisions**

1. Decision ECB/1998/13 is hereby repealed with effect from 1 January 2004.

2. Each of the ECB's net profits or losses (if any), the NCBs' monetary income, the ECB's seigniorage income, the remuneration on the NCBs' claims equivalent to the foreign reserve assets transferred to the ECB and the remuneration on the intra-Euro-

Done at Frankfurt am Main, 18 December 2003.

*For the Governing Council of the ECB*  
Jean-Claude TRICHET

## DECISION OF THE EUROPEAN CENTRAL BANK

of 18 December 2003

laying down the measures necessary for the paying-up of the European Central Bank's capital by the participating national central banks

(ECB/2003/18)

(2004/44/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 28.3 thereof,

- (4) The adjusted capital key requires the adoption of a new ECB decision repealing Decision ECB/1998/2 and Article 2 of Decision ECB/2000/14 with effect from 1 January 2004 and determining how and to what extent the NCBs of the Member States that have adopted the euro (hereinafter the participating NCBs) should pay up the ECB's capital on 1 January 2004,

Whereas:

HAS ADOPTED THIS DECISION:

## Article 1

- (1) Decision ECB/1998/2 of 9 June 1998 laying down the measures necessary for the paying-up of the capital of the European Central Bank<sup>(1)</sup> determined how and to what extent the national central banks (NCBs) of the Member States intending to adopt the euro on 1 January 1999 should pay up the European Central Bank's (ECB's) capital.

- (2) Article 2 of Decision ECB/2000/14 of 16 November 2000 providing for the paying-up of capital and the contribution to the reserves and provisions of the ECB by the Bank of Greece, and for the initial transfer of foreign-reserve assets to the ECB by the Bank of Greece and related matters<sup>(2)</sup>, in conjunction with Decision ECB/1998/14 of 1 December 1998 laying down the measures necessary for the paying-up of the capital of the European Central Bank by the non-participating national central banks<sup>(3)</sup>, determined how and to what extent the Bank of Greece should pay up the ECB's capital on 1 January 2001 in view of Greece's adoption of the euro.

- (3) Decision ECB/2003/17 of 18 December 2003 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital<sup>(4)</sup> adjusts the weightings assigned to the NCBs in the key for subscription to the ECB's capital (hereinafter the capital key weightings and the capital key respectively) with effect from 1 January 2004.

## Extent and form of paid-up capital

Each participating NCB shall pay up its subscription to the ECB's capital in full on 1 January 2004. Taking into account the capital key weightings described in Article 2 of Decision ECB/2003/17, each participating NCB shall therefore pay up on 1 January 2004 the amount shown next to its name in the following table:

Participating NCB	
— Nationale Bank van België/Banque Nationale de Belgique:	EUR 141 485 000
— Deutsche Bundesbank:	EUR 1 170 200 000
— Bank of Greece:	EUR 108 070 000
— Banco de España:	EUR 439 005 000
— Banque de France:	EUR 825 875 000
— Central Bank and Financial Services Authority of Ireland:	EUR 51 270 000
— Banca d'Italia:	EUR 728 630 000
— Banque centrale du Luxembourg:	EUR 8 540 000
— De Nederlandsche Bank:	EUR 221 615 000
— Oesterreichische Nationalbank:	EUR 115 095 000
— Banco de Portugal:	EUR 100 645 000
— Suomen Pankki:	EUR 71 490 000

<sup>(1)</sup> OJ L 8, 14.1.1999, p. 33.

<sup>(2)</sup> OJ L 336, 30.12.2000, p. 110.

<sup>(3)</sup> OJ L 110, 28.4.1999, p. 33.

<sup>(4)</sup> See page 27 of this Official Journal.

## Article 2

**Adjustment of paid-up capital**

Each participating NCB has already paid up its share of the ECB's subscribed capital under Decision ECB/1998/2 and, for the Bank of Greece, under Article 2 of Decision ECB/2000/14 and Decision ECB/1998/14. In view of this fact, either a participating NCB shall transfer an additional amount to the ECB, or the ECB shall transfer an amount back to a participating NCB, as appropriate, in order to arrive at the amounts set out in the table in Article 1. These transfers shall be made according to the terms and conditions set out in Decision ECB/2003/20 of 18 December 2003 laying down the terms and conditions for transfers of the European Central Bank's capital shares between the national central banks and adjustment of the paid-up capital <sup>(1)</sup>.

## Article 3

**Final provisions**

1. Decision ECB/1998/2 and Article 2 of Decision ECB/2000/14 are hereby repealed with effect from 1 January 2004.
2. This Decision shall enter into force on 19 December 2003.
3. This Decision will be published in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 18 December 2003.

*For the Governing Council of the ECB*  
Jean-Claude TRICHET

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<sup>(1)</sup> See page 32 of this Official Journal.



# DECISION OF THE EUROPEAN CENTRAL BANK

of 18 December 2003

laying down the measures necessary for the paying-up of the European Central Bank's capital by the non-participating national central banks

(ECB/2003/19)

(2004/45/EC)

THE GENERAL COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 48 thereof,

Whereas:

- (1) Decision ECB/1998/14 of 1 December 1998 laying down the measures necessary for the paying-up of the capital of the European Central Bank by the non-participating national central banks <sup>(1)</sup>, determined the percentage of the subscription to the European Central Bank's (ECB's) capital which the national central banks (NCBs) of the Member States not intending to adopt the euro on 1 January 1999 had to pay up as a contribution to the ECB's operational costs.
- (2) Decision ECB/2003/17 of 18 December 2003 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital <sup>(2)</sup> adjusts with effect from 1 January 2004 the weightings assigned to the NCBs in the key for subscription to the ECB's capital (hereinafter the capital key weightings and the capital key respectively).
- (3) The adjusted capital key requires the adoption of a new ECB decision repealing Decision ECB/1998/14 with effect from 1 January 2004 and determining the percentage of the subscription to the ECB's capital which the NCBs of the Member States that will not have adopted the euro by 1 January 2004 (hereinafter the non-participating NCBs) should pay up on 1 January 2004,

HAS ADOPTED THIS DECISION:

## Article 1

### Extent and form of paid-up capital

Each non-participating NCB shall pay up 5 % of its subscription to the ECB's capital on 1 January 2004. Taking into account the capital key weightings described in Article 2 of Decision

ECB/2003/17, each non-participating NCB shall therefore pay up on 1 January 2004 the amount shown next to its name in the following table:

Non-participating NCB

— Danmarks Nationalbank:	EUR 4 304 000
— Sveriges Riksbank:	EUR 6 659 000
— Bank of England:	EUR 39 941 000

## Article 2

### Adjustment of paid-up capital

Each non-participating NCB has already paid up 5 % of its share in the ECB's subscribed capital on 1 June 1998 under Decision ECB/1998/14. In view of this, either a non-participating NCB shall transfer an additional amount to the ECB, or the ECB shall transfer an amount back to a non-participating NCB, as appropriate, in order to arrive at the amounts set out in the table in Article 1. These transfers shall be made according to the terms and conditions set out in Decision ECB/2003/20 of 18 December 2003 laying down the terms and conditions for transfers of the European Central Bank's capital shares between the national central banks and adjustment of the paid-up capital <sup>(3)</sup>.

## Article 3

### Final provisions

1. Decision ECB/1998/14 is hereby repealed with effect from 1 January 2004.
2. This Decision shall enter into force on 19 December 2003.
3. This Decision will be published in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 18 December 2003.

For the General Council of the ECB  
Jean-Claude TRICHET

<sup>(1)</sup> OJ L 110, 28.4.1999, p. 33.

<sup>(2)</sup> See page 27 of this Official Journal.

<sup>(3)</sup> See page 32 of this Official Journal.

# DECISION OF THE EUROPEAN CENTRAL BANK

of 18 December 2003

laying down the terms and conditions for transfers of the European Central Bank's capital shares between the national central banks and adjustment of the paid-up capital

(ECB/2003/20)

(2004/46/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 28.5 thereof,

Whereas:

- (1) The adjustment of the weightings assigned to the national central banks (NCBs) in the key for subscription to the European Central Bank's (ECB's) capital (hereinafter the capital key weightings and the capital key respectively) as provided for in Decision ECB/2003/17 of 18 December 2003 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital<sup>(1)</sup> requires the Governing Council to determine the terms and conditions for transfers of capital shares between the NCBs in order to ensure that the distribution of these shares corresponds to the adjustments made.
- (2) Decision ECB/2003/18 of 18 December 2003 laying down the measures necessary for the paying-up of the European Central Bank's capital by the participating national central banks<sup>(2)</sup> determines how and to what extent the NCBs of the Member States that have adopted the euro (hereinafter the participating NCBs) should pay up the ECB's capital in view of the adjusted capital key. Decision ECB/2003/19 of 18 December 2003 laying down the measures necessary for the paying-up of the European Central Bank's capital by the non-participating national central banks<sup>(3)</sup> determines the percentage that the NCBs of the Member States that have not adopted the euro (hereinafter the non-participating NCBs) should pay up on 1 January 2004 in view of the adjusted capital key.
- (3) The participating NCBs paid up their shares in the ECB's subscribed capital as required under Decision ECB/1998/2<sup>(4)</sup> and, in the case of the Bank of Greece, under Article 2 of Decision ECB/2000/14<sup>(5)</sup> and Decision ECB/1998/14<sup>(6)</sup>. In view of this fact, Article 2 of Decision ECB/2003/18 states that either a participating NCB should transfer an additional amount to the ECB, or the ECB should transfer an amount back to a participating NCB, as appropriate, in order to arrive at the amounts set out in the table in Article 1 of Decision ECB/2003/18. Likewise, the non-participating NCBs paid up their shares in the ECB's subscribed capital as required under Decision

ECB/1998/14. In view of this fact, Article 2 of Decision ECB/2003/19 states that either a non-participating NCB should transfer an additional amount to the ECB, or the ECB should transfer an amount back to a non-participating NCB, as appropriate, in order to arrive at the amounts set out in the table in Article 1 of Decision ECB/2003/19,

HAS ADOPTED THIS DECISION:

## Article 1

### Transfer of capital shares

Considering the share in the ECB's capital that each NCB will have subscribed on 31 December 2003 and the share in the ECB's capital that each NCB will subscribe from 1 January 2004 as a consequence of the adjustment of the capital key weightings as described in Article 2 of Decision ECB/2003/17, the NCBs shall transfer capital shares among themselves via transfers to and from the ECB to ensure that the distribution of capital shares on 1 January 2004 corresponds to the adjusted weightings. To this effect, each NCB shall, by virtue of this Article and without any further formality or act being required, either transfer or receive on 1 January 2004 the share in the ECB's subscribed capital set out next to its name in the fourth column of the table in Annex I to this Decision, whereby '+' shall refer to a capital share that the ECB shall transfer to the NCB and '-' to a capital share that the NCB shall transfer to the ECB.

## Article 2

### Adjustment of the paid-up capital

1. Considering the amount of the ECB's capital that each NCB has paid up and the amount of the ECB's capital that each NCB shall pay up on 1 January 2004, as set out in Article 1 of Decision ECB/2003/18 for the participating NCBs and Article 1 of Decision ECB/2003/19 for the non-participating NCBs respectively, each NCB shall on 2 January 2004 either transfer or receive the net amount (in euro) set out next to its name in the fourth column of the table in Annex II to this Decision, whereby '+' shall refer to an amount that the NCB shall transfer to the ECB and '-' to an amount that the ECB shall transfer to that NCB.

<sup>(1)</sup> See page 27 of this Official Journal.

<sup>(2)</sup> See page 29 of this Official Journal.

<sup>(3)</sup> See page 31 of this Official Journal.

<sup>(4)</sup> OJ L 8, 14.1.1999, p. 33.

<sup>(5)</sup> OJ L 336, 30.12.2000, p. 110.

<sup>(6)</sup> OJ L 110, 28.4.1999, p. 33.

2. On 2 January 2004, the ECB and the NCBs that are under an obligation to transfer an amount under paragraph 1 shall each separately transfer any interest accruing over the period from 1 January 2004 until 2 January 2004 on the respective amounts due from the ECB and such NCBs under paragraph 1. The transferors and recipients of this interest shall be the same as the transferors and recipients of the amounts on which the interest accrues.

#### Article 3

##### General provisions

1. The transfers described in Article 2 shall take place through the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET).

2. Any interest accruing under Article 2(2) shall be calculated on a daily basis, using the actual 360-day method of calculation, at a rate equal to the marginal interest rate used by the European System of Central Banks in its most recent main refinancing operation.

3. The ECB and NCBs that are under an obligation to make a transfer under Article 2 shall, in due course, give the necessary instructions for duly executing such transfer on time.

#### Article 4

##### Final provisions

1. This Decision shall enter into force on 19 December 2003.

2. This Decision will be published in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 18 December 2003.

*For the Governing Council of the ECB*  
Jean-Claude TRICHET

## ANNEX I

## NCBs' SUBSCRIBED CAPITAL

(in EUR)

NCB	Share subscribed on 31 December 2003	Share subscribed from 1 January 2004	Share to be transferred
Nationale Bank van België/Banque Nationale de Belgique	143 290 000	141 485 000	– 1 805 000
Deutsche Bundesbank	1 224 675 000	1 170 200 000	– 54 475 000
Bank of Greece	102 820 000	108 070 000	+ 5 250 000
Banco de España	444 675 000	439 005 000	– 5 670 000
Banque de France	841 685 000	825 875 000	– 15 810 000
Central Bank and Financial Services Authority of Ireland	42 480 000	51 270 000	+ 8 790 000
Banca d'Italia	744 750 000	728 630 000	– 16 120 000
Banque centrale du Luxembourg	7 460 000	8 540 000	+ 1 080 000
De Nederlandsche Bank	213 900 000	221 615 000	+ 7 715 000
Oesterreichische Nationalbank	117 970 000	115 095 000	– 2 875 000
Banco de Portugal	96 160 000	100 645 000	+ 4 485 000
Suomen Pankki	69 850 000	71 490 000	+ 1 640 000
Danmarks Nationalbank	83 545 000	86 080 000	+ 2 535 000
Sveriges Riksbank	132 685 000	133 180 000	+ 495 000
Bank of England	734 055 000	798 820 000	+ 64 765 000
<b>Total:</b>	<b>5 000 000 000</b>	<b>5 000 000 000</b>	<b>0</b>

## ANNEX II

## NCBs' PAID UP CAPITAL

(in EUR)

NCB	Share paid up on 31 December 2003	Share paid up from 1 January 2004	Amount of transfer payment
Nationale Bank van België/Banque Nationale de Belgique	143 290 000	141 485 000	– 1 805 000
Deutsche Bundesbank	1 224 675 000	1 170 200 000	– 54 475 000
Bank of Greece	102 820 000	108 070 000	+ 5 250 000
Banco de España	444 675 000	439 005 000	– 5 670 000
Banque de France	841 685 000	825 875 000	– 15 810 000
Central Bank and Financial Services Authority of Ireland	42 480 000	51 270 000	+ 8 790 000
Banca d'Italia	744 750 000	728 630 000	– 16 120 000
Banque centrale du Luxembourg	7 460 000	8 540 000	+ 1 080 000
De Nederlandsche Bank	213 900 000	221 615 000	+ 7 715 000
Oesterreichische Nationalbank	117 970 000	115 095 000	– 2 875 000
Banco de Portugal	96 160 000	100 645 000	+ 4 485 000
Suomen Pankki	69 850 000	71 490 000	+ 1 640 000
Danmarks Nationalbank	4 177 250	4 304 000	+ 126 750
Sveriges Riksbank	6 634 250	6 659 000	+ 24 750
Bank of England	36 702 750	39 941 000	+ 3 238 250
<b>Total</b>	<b>4 097 229 250</b>	<b>4 032 824 000</b>	<b>– 64 405 250</b>

**DECISION OF THE EUROPEAN CENTRAL BANK****of 18 December 2003****laying down the measures necessary for the contribution to the European Central Bank's reserves and provisions and for adjusting the national central banks' claims equivalent to the transferred foreign reserve assets****(ECB/2003/21)****(2004/47/EC)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

NCBs for the purpose of calculating the adjustment of the value of each participating NCB's share in the ECB's accumulated equity value,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 30 thereof,

HAS ADOPTED THIS DECISION:

Whereas:

*Article 1***Definitions**

For the purposes of this Decision:

- (a) The 'accumulated equity value' shall mean the total of the ECB's reserves, revaluation accounts and provisions equivalent to reserves as stated in the ECB's annual accounts and approved by the Governing Council for the financial year 2003. The ECB's reserves and those provisions equivalent to reserves shall include, without limitation to the generality of the 'accumulated equity value', the general reserve fund and the provisions equivalent to reserves for valuation losses with respect to foreign exchange rates and market prices.
- (b) The 'transfer date' shall mean the second business day following the Governing Council's approval of the ECB's annual accounts for the financial year 2003.

*Article 2***Contribution to the ECB's reserves and provisions**

- 1. This Article shall only apply if the accumulated equity value is greater than zero.
- 2. If a participating NCB's share in the accumulated equity value increases due to the increase in its capital key weighting from 1 January 2004, such an NCB shall transfer to the ECB on the transfer date the amount determined pursuant to paragraph 4.
- 3. If a participating NCB's share in the accumulated equity value decreases due to the decrease in its capital key weighting from 1 January 2004, such an NCB shall receive from the ECB on the transfer date the amount determined pursuant to paragraph 4.

- (1) The adjustment of the key for subscription to the European Central Bank's (ECB's) capital (hereinafter the capital key) results in adjustments to the weightings assigned to the national central banks of the Member States that have adopted the euro (hereinafter the participating NCBs) in the ECB's capital key (hereinafter the capital key weightings) as provided for in Decision ECB/2003/17 of 18 December 2003 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital<sup>(1)</sup>. The adjustments to the capital key weightings and the resulting changes in the participating NCBs' shares in the ECB's subscribed capital make it necessary to adjust the claims which the ECB has credited under Article 30.3 of the Statute to the participating NCBs and which are equivalent to the participating NCBs' contributions of foreign reserve assets to the ECB (hereinafter the claims).
- (2) Those participating NCBs whose percentage share in the adjusted capital key increases due to the adjustment should therefore effect a compensatory transfer to the ECB, while the ECB should effect a compensatory transfer to those participating NCBs whose percentage share in the adjusted capital key decreases.
- (3) In accordance with the general principles of fairness, equal treatment and the protection of legitimate expectations underlying the Statute, those participating NCBs whose relative share in the ECB's accumulated equity value increases due to the abovementioned adjustments should also effect a compensatory transfer to those participating NCBs whose relative share decreases.
- (4) The respective capital key weightings of each participating NCB until 31 December 2003 and from 1 January 2004 should be expressed as a percentage of the ECB's total capital as subscribed to by all participating

<sup>(1)</sup> See page 27 of this Official Journal.

4. The ECB shall, in due course, calculate and confirm to each participating NCB either the amount to be transferred by that NCB to the ECB where paragraph 2 applies, or the amount to be received by that NCB from the ECB where paragraph 3 applies. Subject to rounding, each amount to be transferred or received shall be calculated by multiplying the accumulated equity value by the absolute difference between each participating NCB's capital key weighting on 31 December 2003 and its capital key weighting from 1 January 2004 and dividing the result by 100.

5. Each amount described in paragraph 4 shall be due in euro on 1 January 2004 but shall be effectively transferred on the transfer date.

6. On the transfer date, a participating NCB or the ECB having to transfer an amount under paragraph 2 or paragraph 3 shall also separately transfer any interest accruing over the period from 1 January 2004 until the transfer date on each of the respective amounts due from such participating NCB and the ECB. The transferors and recipients of this interest shall be the same as the transferors and recipients of the amounts on which the interest accrues.

#### Article 3

#### **Adjustment of the claims equivalent to the transferred foreign reserve assets**

1. The participating NCBs' claims shall be adjusted on 1 January 2004 in accordance with their adjusted capital key weightings. The value of the participating NCBs' claims from 1 January 2004 is set out in the third column of the table in the Annex to this Decision.

2. Each participating NCB shall, by virtue of this provision and without any further formality or act being required, be considered to have either transferred or received on 1 January 2004 the absolute value of the claim (in euro) set out next to its name in the fourth column of the table in the Annex to this Decision, whereby '-' shall refer to a claim that the NCB shall transfer to the ECB and '+' to a claim that the ECB shall transfer to the NCB.

3. On 2 January 2004, each participating NCB shall either transfer or receive the absolute value of the amount (in euro) set out next to its name in the fourth column of the table in

the Annex to this Decision, whereby '+' shall refer to an amount that the NCB shall transfer to the ECB and '-' to an amount that the ECB shall transfer to the NCB.

4. On 2 January 2004, the ECB and the participating NCBs that are under an obligation to transfer amounts under paragraph 3 shall also separately transfer any interest accruing over the period from 1 January 2004 until 2 January 2004 on the respective amounts due from the ECB and such NCBs. The transferors and recipients of this interest shall be the same as the transferors and recipients of the amounts on which the interest accrues.

#### Article 4

#### **General provisions**

1. The interest accruing under paragraph 6 of Article 2 and paragraph 4 of Article 3 shall be calculated on a daily basis, using the actual 360-day method of calculation, at a rate equal to the marginal interest rate used by the European System of Central Banks in its most recent main refinancing operation.

2. Each transfer pursuant to paragraphs 2, 3 and 6 of Article 2 and paragraphs 3 and 4 of Article 3 shall take place separately through the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET).

3. The ECB and the participating NCBs that are under an obligation to make any of the transfers referred to in paragraph 2 shall, in due course, give the necessary instructions for duly executing such transfers on time.

#### Article 5

#### **Final provisions**

1. This Decision shall enter into force on 19 December 2003.

2. This Decision will be published in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 18 December 2003.

*For the Governing Council of the ECB*  
Jean-Claude TRICHET



## ANNEX

## CLAIMS EQUIVALENT TO THE FOREIGN RESERVE ASSETS TRANSFERRED TO THE ECB

(in EUR)

Participating NCB	Claim equivalent to the foreign reserve assets transferred to the ECB, on 31 December 2003	Claim equivalent to the foreign reserve assets transferred to the ECB, from 1 January 2004	Amount of transfer
Nationale Bank van België/Banque Nationale de Belgique	1 432 900 000	1 414 850 000	– 18 050 000
Deutsche Bundesbank	12 246 750 000	11 702 000 000	– 544 750 000
Bank of Greece	1 028 200 000	1 080 700 000	+ 52 500 000
Banco de España	4 446 750 000	4 390 050 000	– 56 700 000
Banque de France	8 416 850 000	8 258 750 000	– 158 100 000
Central Bank and Financial Services Authority of Ireland	424 800 000	512 700 000	+ 87 900 000
Banca d'Italia	7 447 500 000	7 286 300 000	– 161 200 000
Banque centrale du Luxembourg	74 600 000	85 400 000	+ 10 800 000
De Nederlandsche Bank	2 139 000 000	2 216 150 000	+ 77 150 000
Oesterreichische Nationalbank	1 179 700 000	1 150 950 000	– 28 750 000
Banco de Portugal	961 600 000	1 006 450 000	+ 44 850 000
Suomen Pankki	698 500 000	714 900 000	+ 16 400 000
<b>Total:</b>	<b>40 497 150 000</b>	<b>39 819 200 000</b>	<b>– 677 950 000</b>



# DECISION OF THE EUROPEAN CENTRAL BANK

of 18 December 2003

amending Article 1(f) of Decision ECB/2001/16 of 6 December 2001 on the allocation of monetary income of the national central banks of participating Member States from the financial year 2002

(ECB/2003/22)

(2004/48/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 32 thereof,

Having regard to Decision ECB/2001/16 of 6 December 2001 on the allocation of monetary income of the national central banks of participating Member States from the financial year 2002 <sup>(1)</sup>,

Whereas:

- (1) Article 1(f) of Decision ECB/2001/16 defines 'subscribed capital key' by reference to Decision ECB/1998/13 of 1 December 1998 on the national central banks' percentage shares in the key for the capital of the European Central Bank <sup>(2)</sup>.
- (2) Decision ECB/2003/17 of 18 December 2003 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital <sup>(3)</sup> repeals Decision ECB/1998/13 with effect from 1 January 2004 and lays down the new weightings assigned to the national central banks (NCBs) in the key for subscription to the European Central Bank's (ECB's) capital (hereinafter capital key weightings).
- (3) Article 1(f) of Decision ECB/2001/16 needs to be amended accordingly for the purpose of allocating monetary income of the NCBs of Member States that have adopted the euro from the financial year 2004. This amendment should introduce a general definition of the term 'subscribed capital key' in order to avoid future amendments to Decision ECB/2001/16 each time the ECB's capital key is adjusted.
- (4) In order to achieve consistency between the ECB's income earned in the first quarter of the first year with effect from which each quinquennial adjustment applies and the ECB's income distributed at the end of such quarter, it is necessary to derogate from the first subparagraph of Article 2(1) of Decision ECB/2001/16 to

ensure that the income earned in January of such quarter is also calculated on the basis of the new capital key weightings,

HAS ADOPTED THIS DECISION:

## Article 1

### Amendments to Decision ECB/2001/16

Decision ECB/2001/16 is amended as follows:

1. Article 1(f) is replaced by the following:  
'(f) "subscribed capital key" shall mean the NCBs' shares (expressed as percentages) in the ECB's subscribed capital that result from applying to the NCBs the weightings in the key referred to in Article 29.1 of the Statute and as applicable for the relevant financial year.'
2. The following subparagraph is added to Article 2(1):  
'The intra-Eurosystem balances on euro banknotes in circulation shall, for the period from 1 January until 31 January of the first year with effect from which each quinquennial adjustment pursuant to Article 29.3 of the Statute applies, be calculated on the basis of the adjusted subscribed capital key applied to balances on the total euro banknotes in circulation on 31 December of the previous year.'

## Article 2

### Final provisions

1. This Decision shall enter into force on 1 January 2004.
2. This Decision will be published in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 18 December 2003.

For the Governing Council of the ECB

Jean-Claude TRICHET

<sup>(1)</sup> OJ L 337, 20.12.2001, p. 55.

<sup>(2)</sup> OJ L 125, 19.5.1999, p. 33.

<sup>(3)</sup> See page 27 of this Official Journal.

**DECISION OF THE EUROPEAN CENTRAL BANK**  
**of 18 December 2003**  
**amending Decision ECB/2001/15 of 6 December 2001 on the issue of euro banknotes**  
**(ECB/2003/23)**  
(2004/49/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

'subscribed capital key' in order to avoid future amendments to Decision ECB/2001/15 each time the ECB's capital key is adjusted,

Having regard to the Treaty establishing the European Community and in particular Article 106(1) thereof, and to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 16 thereof,

HAS ADOPTED THIS DECISION:

Having regard to Decision ECB/2001/15 of 6 December 2001 on the issue of euro banknotes <sup>(1)</sup>,

Whereas:

*Article 1*

**Amendments to Decision ECB/2001/15**

- (1) Article 1(c) of Decision ECB/2001/15 defines 'subscribed capital key' by reference to Decision ECB/1998/13 of 1 December 1998 on the national central banks' percentage shares in the key for the capital of the European Central Bank <sup>(2)</sup>.
- (2) Article 1(d) of Decision ECB/2001/15 defines the 'banknote allocation key' by reference to the Annex to Decision ECB/2001/15 which specifies the key applying on 1 January 2002.
- (3) Decision ECB/2003/17 of 18 December 2003 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital <sup>(3)</sup> repeals Decision ECB/1998/13 with effect from 1 January 2004 and lays down the new weightings assigned to the national central banks (NCBs) in the key for subscription to the ECB's capital.
- (4) Decision ECB/2001/15 needs to be amended accordingly in order to determine the banknote allocation key applying from 1 January 2004. The amendment should also introduce a general definition of the term

Decision ECB/2001/15 is amended as follows:

1. Article 1(c) is replaced by the following:

'(c) "subscribed capital key" shall mean the NCBs' shares (expressed as percentages) in the ECB's subscribed capital that result from applying to the NCBs the weightings in the key referred to in Article 29.1 of the Statute and as applicable for the relevant financial year;'

2. Article 1(d) is replaced by the following:

'(d) "banknote allocation key" shall mean the percentages that result from taking into account the ECB's share in the total euro banknote issue and applying the subscribed capital key (rounded to the nearest multiple of 0,0005 percentage point) to the NCBs' share in such total. Where the resulting percentages do not total 100 %, the difference shall be compensated for: (i) if the total is below 100 %, by adding 0,0005 of a percentage point to the smallest share(s) in ascending order until exactly 100 % is reached, or (ii) if the total is above 100 %, by subtracting 0,0005 of a percentage point in descending order from the largest share(s) until exactly 100 % is reached. The Annex to this Decision specifies the banknote allocation key applying from 1 January 2004.'

3. The Annex to Decision ECB/2001/15 is replaced by the text set out in the Annex to this Decision.

<sup>(1)</sup> OJ L 337, 20.12.2001, p. 52.

<sup>(2)</sup> OJ L 125, 19.5.1999, p. 33.

<sup>(3)</sup> See page 27 of this Official Journal.

## Article 2

**Final provisions**

1. This Decision shall enter into force on 1 January 2004.
2. This Decision will be published in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 18 December 2003.

*For the Governing Council of the ECB*

Jean-Claude TRICHET

## ANNEX

**BANKNOTE ALLOCATION KEY ON 1 JANUARY 2004**

		(in %)
European Central Bank		8,0000
Nationale Bank van België/Banque Nationale de Belgique		3,2690
Deutsche Bundesbank		27,0365
Bank of Greece		2,4970
Banco de España		10,1430
Banque de France		19,0815
Central Bank and Financial Services Authority of Ireland		1,1845
Banca d'Italia		16,8345
Banque centrale du Luxembourg		0,1975
De Nederlandsche Bank		5,1205
Oesterreichische Nationalbank		2,6590
Banco de Portugal		2,3255
Suomen Pankki		1,6515
Total		100,0000