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I

(Acts whose publication is obligatory)

REGULATION (EC) No 273/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 11 February 2004
on drug precursors
(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 95 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

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

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 19 December 1988, hereinafter referred to as the 'United Nations Convention', was concluded by the Community by Council Decision 90/611/EEC ⁽⁴⁾.
- (2) The requirements of Article 12 of the United Nations Convention in respect of trade in drug precursors (i.e. substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances) have been implemented, as far as trade between the Community and third countries is concerned, by Council Regulation (EEC) No 3677/90 of 13 December 1990 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances ⁽⁵⁾.
- (3) Article 12 of the United Nations Convention envisages adoption of appropriate measures to monitor the manufacture and distribution of precursors. This requires the adoption of measures relating to the trade in precursors among Member States. Such measures were introduced

by Council Directive 92/109/EEC of 14 December 1992 on the manufacture and the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances ⁽⁶⁾. To better ensure that harmonised rules are applied at the same time in all Member States, a regulation is considered to be more adequate than the current Directive.

- (4) In the context of the enlargement of the European Union, it is important to replace Directive 92/109/EEC by a regulation, as each modification of that Directive and its Annexes would trigger national implementation measures in 25 Member States.
- (5) By decisions taken at its 35th session in 1992, the United Nations Commission on Narcotic Drugs included additional substances in the tables of the Annex to the United Nations Convention. Corresponding provisions should be laid down in this Regulation in order to detect possible cases of illicit diversion of drug precursors in the Community and to ensure that common monitoring rules are applied in the Community market.
- (6) The provisions of Article 12 of the United Nations Convention are based on a system of monitoring trade in the substances in question. Most trade in these substances is entirely lawful. The documentation of consignments and labelling of these substances should be sufficiently explicit. It is furthermore important, whilst providing competent authorities with the necessary means of action, to develop, within the spirit of the United Nations Convention, mechanisms based on close cooperation with the operators concerned and on the development of intelligence gathering.
- (7) The measures applicable to sassafras oil are currently interpreted in different ways in the Community, since in some Member States it is regarded as a mixture containing Safrole and is therefore controlled, while other Member States regard it as a natural product not subject to controls. Inserting a reference to natural products in the definition of 'scheduled substances' will resolve this discrepancy and therefore allow controls to be applied to sassafras oil; only natural products from which scheduled substances can be extracted easily should be covered by the definition.

⁽¹⁾ OJ C 20 E, 28.1.2003, p. 160.

⁽²⁾ OJ C 95, 23.4.2003, p. 6.

⁽³⁾ Opinion of the European Parliament of 11 March 2003 (not yet published in the Official Journal), Council common position of 29 September 2003 (OJ C 277 E, 18.11.2003, p. 31) and position of the European Parliament of 16 December 2003 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 326, 24.11.1990, p. 56.

⁽⁵⁾ OJ L 357, 20.12.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1232/2002 (OJ L 180, 10.7.2002, p. 5).

⁽⁶⁾ OJ L 370 19.12.1992, p. 76. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

- (8) Substances commonly used in the illicit manufacture of narcotic drugs or psychotropic substances should be listed in an Annex.
- (9) It should be ensured that the manufacture or use of certain scheduled substances listed in Annex I is subject to possession of a licence. In addition, the supply of such substances should be permitted only where the persons to whom they are to be supplied are holders of a licence and have signed a customer declaration. The detailed rules concerning the customer declaration should be laid down in Annex III.
- (10) Measures should be adopted to encourage operators to notify the competent authorities of suspect transactions involving scheduled substances listed in Annex I.
- (11) Measures should be adopted in order to guarantee better control of intra-Community trade in scheduled substances listed in Annex I.
- (12) All transactions leading to the placing on the market of scheduled substances of categories 1 and 2 of Annex I should be properly documented. Operators should notify the competent authorities of any suspect transactions involving the substances listed in Annex I. However, exemptions should apply to transactions involving substances of category 2 of Annex I where the quantities involved do not exceed those indicated in Annex II.
- (13) A significant number of other substances, many of them traded legally in large quantities, have been identified as precursors to the illicit manufacture of synthetic drugs and psychotropic substances. To subject these substances to the same strict controls as those listed in Annex I would present an unnecessary obstacle to trade involving licences to operate and documentation of transactions. Therefore, a more flexible mechanism at Community level should be established whereby the competent authorities in the Member States are notified of such transactions.
- (14) The introduction of a cooperation procedure is provided for in the European Union action plan against drugs approved by the European Council of Santa Maria da Feira on 19 and 20 June 2000. In order to support cooperation between the competent authorities of the Member States and the chemicals industry, in particular with regard to substances which, although not referred to in this Regulation, might be used in the illicit manufacture of synthetic drugs and psychotropic substances, guidelines should be drawn up aimed at helping the chemical industry.
- (15) It is appropriate to make provision for the Member States to lay down rules on penalties applicable for infringement of the provisions of this Regulation. Given that the trade in drug precursors may lead to the illicit manufacture of synthetic drugs and psychotropic substances, Member States should be free to choose the most dissuasive penalties available under their national legislation.
- (16) 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 ⁽¹⁾.
- (17) Since the objectives of this Regulation, namely the harmonised monitoring of the trade in drug precursors and the avoidance of its diversion to the illicit manufacture of synthetic drugs and psychotropic substances, cannot be sufficiently achieved by the Member States and can therefore, by reason of the international and changeable nature of such trade, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (18) Council Directive 92/109/EEC, Commission Directives 93/46/EEC ⁽²⁾, 2001/8/EC ⁽³⁾ and 2003/101/EC ⁽⁴⁾ and Commission Regulations (EC) No 1485/96 ⁽⁵⁾ and (EC) No 1533/2000 ⁽⁶⁾ should be repealed,
- ⁽¹⁾ OJ L 184, 17.7.1999, p. 23.
- ⁽²⁾ Commission Directive 93/46/EEC of 22 June 1993 replacing and modifying the Annexes to Council Directive 92/109/EEC on the manufacture and placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances (OJ L 159, 1.7.1993, p. 134).
- ⁽³⁾ Commission Directive 2001/8/EC of 8 February 2001 replacing Annex I to Council Directive 92/109/EEC on the manufacture and placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances (OJ L 39, 9.2.2001, p. 31).
- ⁽⁴⁾ Commission Directive 2003/101/EC of 3 November 2003 amending Council Directive 92/109/EEC on the manufacture and placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances (OJ L 286, 4.11.2003, p. 14).
- ⁽⁵⁾ Commission Regulation (EC) No 1485/96 of 26 July 1996 laying down detailed rules for the application of Council Directive 92/109/EEC, as regards customer declarations of specific use relating to certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances (OJ L 188, 27.7.1996, p. 28). Regulation as amended by Regulation (EC) No 1533/2000 (OJ L 175, 14.7.2000, p. 75).
- ⁽⁶⁾ Commission Regulation (EC) No 1533/2000 of 13 July 2000 amending Regulation (EC) No 1485/96 laying down detailed rules for the application of Council Directive 92/109/EEC, as regards customer declarations of specific use relating to certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances.

HAVE ADOPTED THIS REGULATION:

Article 1

Scope and objectives

This Regulation establishes harmonised measures for the intra-Community control and monitoring of certain substances frequently used for the illicit manufacture of narcotic drugs or psychotropic substances with a view to preventing the diversion of such substances.

Article 2

Definitions

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

- (a) 'scheduled substance' means any substance listed in Annex I, including mixtures and natural products containing such substances. This excludes medicinal products as defined by Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use⁽¹⁾, pharmaceutical preparations, mixtures, natural products and other preparations containing scheduled substances that are compounded in such a way that they cannot be easily used or extracted by readily applicable or economically viable means;
- (b) 'non-scheduled substance' means any substance which, although not listed in Annex I, is identified as having been used for the illicit manufacture of narcotic drugs or psychotropic substances;
- (c) 'placing on the market' means any supply, whether in return for payment or free of charge, of scheduled substances in the Community; or the storage, manufacture, production, processing, trade, distribution or brokering of these substances for the purpose of supply in the Community;
- (d) 'operator' means any natural or legal person engaged in the placing on the market of scheduled substances;
- (e) 'International Narcotics Control Board' means the Board established by the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol;
- (f) 'special licence' means a licence that is granted to a particular type of operator;
- (g) 'special registration' means a registration that is made for a particular type of operator.

Article 3

Requirements for the placing on the market of scheduled substances

1. Operators wishing to place on the market scheduled substances of categories 1 and 2 of Annex I shall be required to appoint an officer responsible for the trade in scheduled

substances, to notify the competent authorities of the name and contact details of that officer and to notify them immediately of any subsequent modification of this information. The officer shall ensure that the trade in scheduled substances conducted by the operator takes place in compliance with this Regulation. The officer shall be empowered to represent the operator and to take the decisions necessary for performing the tasks specified above.

2. Operators shall be required to obtain a licence from the competent authorities before they may possess or place on the market scheduled substances of category 1 of Annex I. Special licences may be granted by the competent authorities to pharmacies, dispensaries of veterinary medicine, certain types of public authorities or armed forces. Such special licences shall only be valid for the use of precursors within the scope of the official duties of the operators concerned.

3. Any operator holding a licence referred to in paragraph 2 shall supply scheduled substances of category 1 of Annex I only to natural or legal persons who hold such a licence and have signed a customer declaration as provided for in Article 4(1).

4. When considering whether to grant a licence, the competent authorities shall take into account in particular the competence and integrity of the applicant. The licence is to be refused if there are reasonable grounds for doubting the suitability and reliability of the applicant or of the officer responsible for the trade in scheduled substances. The licence may be suspended or revoked by the competent authorities whenever there are reasonable grounds for believing that the holder is no longer a fit and proper person to hold a licence, or that the conditions under which the licence was granted are no longer fulfilled.

5. Without prejudice to Article 14, the competent authorities may either limit the validity of the licence to a period not exceeding three years or may oblige the operators to demonstrate at intervals not exceeding three years that the conditions under which the licence was granted are still fulfilled. The licence shall mention the operation or operations for which it is valid, as well as the substances concerned. Special licences within the meaning of paragraph 2 shall be granted in principle for an unlimited duration but may be suspended or revoked by the competent authorities under the conditions of paragraph 4, third sentence.

6. Without prejudice to Article 6, operators engaged in the placing on the market of scheduled substances of category 2 of Annex I shall be required to register and update with the competent authorities without delay the addresses of the premises at which they manufacture or from which they trade in these substances, before placing them on the market. Pharmacies, dispensaries of veterinary medicine, certain types of public authorities or the armed forces may be made subject to a special registration. Such registrations shall be considered valid only for the use of precursors within the scope of the official duties of the operators concerned.

⁽¹⁾ OJ L 311, 28.11.2001, p. 67. Directive as last amended by Commission Directive 2003/63/EC (OJ L 159, 27.6.2003, p. 46).

7. The competent authorities may require operators to pay a fee for the application for a licence or a registration. Such fees shall be levied in a non-discriminatory way and shall not exceed the cost of processing the application.

Article 4

Customer declaration

1. Without prejudice to Articles 6 and 14, any operator established within the Community who supplies a customer with a scheduled substance of categories 1 or 2 of Annex I shall obtain a declaration from the customer which shows the specific use or uses of the scheduled substances. A separate declaration shall be required for each scheduled substance. This declaration shall conform to the model set out in point 1 of Annex III. In the case of legal persons, the declaration shall be made on headed notepaper.

2. As an alternative to the above declaration for an individual transaction, an operator who regularly supplies a customer with a scheduled substance of category 2 of Annex I may accept a single declaration in respect of a number of transactions involving this scheduled substance over a period not exceeding one year, provided that the operator is satisfied that the following criteria have been met:

- (a) the customer has been supplied by the operator with the substance on at least three occasions in the preceding 12 months;
- (b) the operator has no reason to suppose that the substance will be used for illicit purposes;
- (c) the quantities ordered are consistent with the usual consumption for that customer.

This declaration shall conform to the model set out in point 2 of Annex III. In the case of legal persons, the declaration shall be made on headed notepaper.

3. An operator supplying scheduled substances of category 1 of Annex I shall stamp and date a copy of the declaration, certifying it to be a true copy of the original. Such copy must always accompany category 1 substances being moved within the Community and must be presented on request to the authorities responsible for checking vehicle contents during transport operations.

Article 5

Documentation

1. Without prejudice to Article 6, operators shall ensure that all transactions leading to the placing on the market of scheduled substances of categories 1 and 2 of Annex I are properly documented in accordance with paragraphs 2 to 5 below. This obligation shall not apply to those operators who hold special licences or are subject to special registration pursuant to Article 3(2) and (6) respectively.

2. Commercial documents such as invoices, cargo manifests, administrative documents, transport and other shipping documents shall contain sufficient information to identify positively:

- (a) the name of the scheduled substance as given in categories 1 and 2 of Annex I;
- (b) the quantity and weight of the scheduled substance and, where a mixture or natural product is concerned, the quantity and weight, if available, of the mixture or natural product as well as the quantity and weight, or the percentage by weight, of any substance or substances of categories 1 and 2 of Annex I which are contained in the mixture;
- (c) the name and address of the supplier, distributor, consignee, and, if possible, of other operators directly involved in the transaction, as referred to in Article 2(c) and (d).

3. The documentation must also contain a customer declaration as referred to in Article 4.

4. Operators shall keep such detailed records of their activities as are required to comply with their obligations under paragraph 1.

5. The documentation and records referred to in paragraphs 1 to 4 shall be kept for at least three years from the end of the calendar year in which the transaction referred to in paragraph 1 took place, and must be readily available for inspection by the competent authorities upon request.

6. The documentation may also be kept in the form of reproductions on an image medium or other data media. It must be ensured that the data stored:

- (a) match the documentation in appearance and content when made readable, and
- (b) are readily available at all times, can be made readable without delay and can be analysed by automated means for the duration of the period specified in paragraph 5.

Article 6

Exemptions

The obligations according to Articles 3, 4 and 5 shall not apply to transactions involving scheduled substances of category 2 of Annex I where the quantities involved do not exceed those indicated in Annex II over a period of one year.

Article 7

Labelling

Operators shall ensure that labels are affixed to scheduled substances of categories 1 and 2 of Annex I before they are supplied. The labels must show the names of the substances as given in Annex I. Operators may in addition affix their customary labels.

Article 8

Notification of the competent authorities

1. Operators shall notify the competent authorities immediately of any circumstances, such as unusual orders or transactions involving scheduled substances to be placed on the market, which suggest that such substances might be diverted for the illicit manufacture of narcotic drugs or psychotropic substances.

2. Operators shall provide the competent authorities in summary form with such information about their transactions involving scheduled substances as is specified in implementing measures adopted pursuant to Article 14.

Article 9

Guidelines

1. In order to facilitate cooperation between the competent authorities, the operators, and the chemical industry, in particular as regards non-scheduled substances, the Commission shall, in accordance with the procedure referred to in Article 15(2), draw up and update guidelines to assist the chemical industry.

2. The guidelines shall provide in particular:

- (a) information on how to recognise and notify suspect transactions;
- (b) a regularly updated list of non-scheduled substances to enable the industry to monitor on a voluntary basis the trade in such substances;
- (c) other information which may be deemed useful.

3. The competent authorities shall ensure that the guidelines and the list of non-scheduled substances are regularly disseminated in a manner deemed appropriate by the competent authorities in accordance with the objectives of the guidelines.

Article 10

Powers and obligations of competent authorities

1. In order to ensure the correct application of Articles 3 to 8, each Member State shall adopt the measures necessary to enable its competent authorities to perform their control and monitoring duties, and in particular:

- (a) to obtain information on any orders for scheduled substances or operations involving scheduled substances;
- (b) to enter operators' business premises in order to obtain evidence of irregularities;
- (c) where necessary, to detain consignments that fail to comply with this Regulation.

2. The competent authorities shall respect confidential business information.

Article 11

Cooperation between the Member States and the Commission

1. Each Member State shall designate the competent authority or authorities responsible for ensuring the application of this Regulation and shall inform the Commission thereof.

2. For the purposes of applying this Regulation and without prejudice to Article 15, the provisions of 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 in particular those on confidentiality, shall apply *mutatis mutandis*. The competent authority or authorities designated under paragraph 1 of this Article shall act as competent authorities within the meaning of Article 2(2) of Regulation (EC) No 515/97.

Article 12

Penalties

The Member State shall lay down the rules on penalties applicable for infringement of the provisions 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.

Article 13

Communications from Member States

1. To permit any necessary adjustments to the arrangements for monitoring trade in scheduled substances and non-scheduled substances, the competent authorities in each Member State shall each year communicate to the Commission all information on the implementation of the monitoring measures laid down in this Regulation, in particular as regards substances frequently used for the illicit manufacture of narcotic drugs or psychotropic substances and methods of diversion and illicit manufacture.

2. A summary of the communications made pursuant to paragraph 1 shall be submitted by the Commission to the International Narcotics Control Board in accordance with Article 12(12) of the United Nations Convention and in consultation with the Member States.

Article 14

Implementation

Where necessary, the following measures for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 15(2):

- (a) determination of the requirements and conditions for the granting of the licence as provided for in Article 3 and the details pertaining to the licence;
- (b) determination, whenever necessary, of the conditions which shall apply to the documentation and labelling of mixtures and preparations containing substances listed in Annex I, as provided for in Articles 5 to 7;

⁽¹⁾ OJ L 82, 22.3.1997, p. 1. Regulation as amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

- (c) any amendments to Annex I made necessary by amendments to the tables in the Annex to the United Nations Convention;
- (d) amendments to the thresholds set in Annex II;
- (e) determination of the requirements and conditions for customer declarations referred to in Article 4, as well as the detailed rules concerning their use. This shall include rules on how to provide customer declarations in electronic form, where appropriate;
- (f) other measures needed for the efficient implementation of this Regulation.

Article 15

Committee

1. The Commission shall be assisted by the committee set up by Article 10 of Regulation (EEC) No 3677/90.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

Article 16

Information about measures adopted by Member States

Each Member State shall inform the Commission of the measures it adopts pursuant to this Regulation, and in particular of the measures adopted pursuant to Articles 10 and 12. They shall also notify any subsequent amendments thereof.

The Commission shall communicate this information to the other Member States. It shall evaluate the implementation of the Regulation three years after its entry into force.

Article 17

Repeals

1. Council Directive 92/109/EEC, Commission Directives 93/46/EEC, 2001/8/EC and 2003/101/EC and Commission Regulations (EC) No 1485/96 and (EC) No 1533/2000 are hereby repealed.

2. References to the repealed directives or regulations shall be construed as being made to this Regulation.

3. The validity of any register established, any licences granted and any customer declarations issued under the repealed directives or regulations shall not be affected.

Article 18

Entry into force

This Regulation shall enter into force on 18 August 2005, except for Articles 9, 14 and 15, which shall enter into force on the day of publication of this Regulation in the *Official Journal of the European Union*, in order to permit the adoption of the measures provided for in those Articles. Such measures shall enter into force at the earliest on 18 August 2005.

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

Done at Strasbourg, 11 February 2004.

For the European Parliament
The President
P. COX

For the Council
The President
M. McDOWELL

ANNEX I

Scheduled substances within the meaning of Article 2(a)

CATEGORY 1

Substance	CN designation (if different)	CN code ⁽¹⁾	CAS No ⁽²⁾
1-phenyl-2-propanone	Phenylacetone	2914 31 00	103-79-7
N-acetylthranilic acid	2-acetamidobenzoic acid	2924 23 00	89-52-1
Isosafrol (cis + trans)		2932 91 00	120-58-1
3,4-methylenedioxyphenyl-propan-2-one	1-(1,3-Benzodioxol-5-yl)propan-2-one	2932 92 00	4676-39-5
Piperonal		2932 93 00	120-57-0
Safrole		2932 94 00	94-59-7
Ephedrine		2939 41 00	299-42-3
Pseudoephedrine		2939 42 00	90-82-4
Norephedrine		ex 2939 49 00	14838-15-4
Ergometrine		2939 61 00	60-79-7
Ergotamine		2939 62 00	113-15-5
Lysergic acid		2939 63 00	82-58-6

The stereoisomeric forms of the substances listed in this category not being cathine ⁽³⁾, whenever the existence of such forms is possible.

The salts of the substances listed in this category, whenever the existence of such salts is possible and not being the salts of cathine.

⁽¹⁾ OJ L 290, 28.10.2002, p. 1.

⁽²⁾ The CAS No is the 'chemical abstracts service registry number', which is a unique numeric identifier specific to each substance and its structure. The CAS No is specific to each isomer and to each salt of each isomer. It must be understood that the CAS Nos for the salts of the substances listed above will be different to those given.

⁽³⁾ Also named (+)-norpseudoephedrine, CN code 2939 43 00, CAS No 492-39-7.

CATEGORY 2

Substance	CN designation (if different)	CN code ⁽¹⁾	CAS No ⁽²⁾
Acetic anhydride		2915 24 00	108-24-7
Phenylacetic acid		2916 34 00	103-82-2
Anthranilic acid		2922 43 00	118-92-3
Piperidine		2933 32 00	110-89-4
Potassium permanganate		2841 61 00	7722-64-7

The salts of the substances listed in this category, whenever the existence of such salts is possible.

⁽¹⁾ OJ L 290, 28.10.2002, p. 1.

⁽²⁾ The CAS No is the 'chemical abstracts service registry number', which is a unique numeric identifier specific to each substance and its structure. The CAS No is specific to each isomer and to each salt of each isomer. It must be understood that the CAS Nos for the salts of the substances listed above will be different to those given.

CATEGORY 3

Substance	CN designation (if different)	CN code ⁽¹⁾	CAS No ⁽²⁾
Hydrochloric acid	Hydrogen chloride	2806 10 00	7647-01-0
Sulphuric acid		2807 00 10	7664-93-9
Toluene		2902 30 00	108-88-3
Ethyl ether	Diethyl ether	2909 11 00	60-29-7
Acetone		2914 11 00	67-64-1
Methylethylketone	Butanone	2914 12 00	78-93-3

The salts of the substances listed in this category, whenever the existence of such salts is possible and not being the salts of hydrochloric acid and sulphuric acid.

⁽¹⁾ OJ L 290, 28.10.2002, p. 1.

⁽²⁾ The CAS No is the 'chemical abstracts service registry number', which is a unique numeric identifier specific to each substance and its structure. The CAS No is specific to each isomer and to each salt of each isomer. It must be understood that the CAS Nos for the salts of the substances listed above will be different to those given.

ANNEX II

Substance	Threshold
Acetic anhydride	100 l
Potassium permanganate	100 kg
Anthranilic acid and its salts	1 kg
Phenylacetic acid and its salts	1 kg
Piperidine and its salts	0,5 kg

ANNEX III

1. Model declaration relating to individual transactions (category 1 or 2)

<p style="text-align: center;">CUSTOMER DECLARATION OF SPECIFIC USE(S) OF THE SCHEDULED CATEGORY 1 OR 2 SUBSTANCE (individual transactions)</p>	
I/We,	
Name:	
Address:	
.....	
Reference number of authorisation/licence/registration: (delete as appropriate)	
issued on.....	by (name and address of the authority)
.....	
and without time limit/valid until (delete as appropriate)	
have ordered from	
Name:	
Address:	
.....	
the following substance	
Description:	
.....	
Combined nomenclature (CN) code:	Quantity:
The substance will be used solely for	
.....	
I/We hereby certify that the substance referred to above will not be re-sold or otherwise supplied to any other customer unless the latter furnishes a declaration of use in accordance with this model or, for category 2 substances, a declaration relating to multiple transactions.	
Signature .	Name: (in block capitals)
Position:	Date:

2. Model declaration relating to multiple transactions (category 2)

<p style="text-align: center;">CUSTOMER DECLARATION OF SPECIFIC USE(S) OF THE SCHEDULED CATEGORY 2 SUBSTANCE (multiple transactions)</p>	
I/We,	
Name:	
Address:	
.....	
Registration reference number:	
issued on	by (name and address of the authority)
.....	
and without time limit/valid until (delete as appropriate)	
intend to order from	
Name:	
Address:	
.....	
the following substance	
Description:	
.....	
Combined nomenclature (CN) code:	Quantity:
The substance will be used solely for.....	
.....	
and represents a quantity that is normally considered sufficient for months (up to a maximum of 12 months)	
I/We hereby certify that the substance referred to above will not be re-sold or supplied to any other customer unless the latter submits a similar declaration of use or a declaration relating to individual transactions.	
Signature:	Name: (in block capitals)
Position:	Date:

COMMISSION REGULATION (EC) No 274/2004
of 17 February 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 February 2004.

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

Done at Brussels, 17 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

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

ANNEX

to the Commission Regulation of 17 February 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	75,8
	204	39,5
	212	114,0
	624	109,5
	999	84,7
0707 00 05	052	147,8
	204	43,2
	999	95,5
0709 10 00	220	80,1
	999	80,1
0709 90 70	052	78,1
	204	78,5
	999	78,3
0805 10 10, 0805 10 30, 0805 10 50	052	46,1
	204	44,8
	212	52,4
	220	39,0
	600	41,4
	624	57,6
	999	46,9
0805 20 10	204	101,3
	999	101,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,8
	204	110,4
	220	74,5
	464	74,2
	600	70,2
	624	78,0
	999	79,7
0805 50 10	600	65,3
	999	65,3
0808 10 20, 0808 10 50, 0808 10 90	052	65,0
	060	41,6
	400	111,3
	404	86,5
	512	89,9
	524	85,9
	528	109,3
	720	80,6
	999	83,8
0808 20 50	060	63,8
	388	85,1
	400	87,6
	512	68,1
	528	78,8
	720	94,5
	800	77,5
	999	79,3

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

**COMMISSION REGULATION (EC) No 275/2004
of 17 February 2004**

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1796/1999 on imports of steel ropes and cables originating in the People's Republic of China, by imports of steel ropes and cables consigned from Morocco, whether declared as originating in Morocco or not and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

D. GROUNDS

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Council Regulation (EC) No 1972/2002 ⁽²⁾ (the basic Regulation) and in particular Article 13(3), Article 14(3) and Article 14(5) thereof,

After having consulted the Advisory Committee,

Whereas:

A. REQUEST

- (1) The Commission has received a request pursuant to Article 13(3) of Regulation (EC) No 384/96, 'the basic Regulation', to investigate the possible circumvention of the anti-dumping measures imposed on imports of steel ropes and cables originating in the People's Republic of China.
- (2) The request was lodged on 5 January 2004 by EWRIS, liaison committee of EU wire rope industries, on behalf of 19 Community producers.

B. PRODUCT

- (3) The product concerned by possible circumvention is steel ropes and cables originating in the People's Republic of China, normally declared under CN codes ex 7312 10 82, ex 7312 10 84, ex 7312 10 86, ex 7312 10 88 and ex 7312 10 99 (the product concerned). These codes are given for information only.
- (4) The product under investigation is steel ropes and cables consigned from Morocco (the product under investigation) normally declared under the same codes as the product concerned.

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 1796/1999 ⁽³⁾ as last amended by Regulation (EC) No 1674/2003 ⁽⁴⁾.

- (6) The request contains sufficient prima facie evidence that the anti-dumping measures in force on imports of steel ropes and cables originating in the People's Republic of China are being circumvented by means of the transshipment via Morocco of steel ropes and cables.

- (7) The evidence submitted is as follows:

A significant change in the pattern of trade involving exports from the People's Republic of China and Morocco to the Community has taken place following the imposition of measures on the product concerned, and there is insufficient due cause or justification other than the imposition of the duty for such a change.

This change in the pattern of trade appears to stem from the transshipment of steel ropes and cables originating in the People's Republic of China via Morocco.

Furthermore, the request contains sufficient evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of steel ropes and cables from Morocco appear to have replaced imports from the People's Republic of China of the product concerned. In addition, there is sufficient evidence that this increase in imports is made at prices well below the non-injurious price established in the investigation that led to the existing measures.

Finally, the request contains sufficient evidence that the prices of steel ropes and cables are dumped in relation to the normal value previously established for the product concerned.

E. PROCEDURE

- (8) In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of steel ropes and cables consigned from Morocco, whether declared as originating in Morocco or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 217, 17.8.1999, p. 1.

⁽⁴⁾ OJ L 238, 25.9.2003, p. 1.

(a) Questionnaires

- (9) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers and to the associations of exporters/producers in Morocco, the exporters/producers and to the associations of exporters/producers in the People's Republic of China, to the importers and to the associations of importers in the Community which cooperated in the investigation that led to the existing measures or which are listed in the request and to the authorities of the People's Republic of China and Morocco. Information, as appropriate, may also be sought from the Community industry.
- (10) In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation in order to find out whether they are listed in the request and, if necessary, to request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (11) The authorities of the People's Republic of China and Morocco will be notified of the initiation of the investigation and provided with a copy of the request.

(b) Collection of information and holding of hearings

- (12) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

- (13) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.
- (14) The possible circumvention takes place outside the Community. Article 13 of the basic Regulation is aiming at countering circumvention practices without affecting operators which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of producers in the countries concerned which could establish that they are not involved in circumvention practices. Therefore, it appears necessary to introduce a possibility for producers concerned to request an exemption from the registration of imports of their exported products or from measures on these imports.

- (15) Producers wishing to obtain an exemption should apply for it and submit any requested questionnaire reply within the appropriate time limits, in order for it to be established that they are not circumventing the anti-dumping duties within the meaning of Article 13(1) of the basic Regulation. Importers could still benefit from exemption from registration or measures to the extent that their imports are from producers which are granted such an exemption, and in accordance with Article 13(4) of the basic Regulation.

F. REGISTRATION

- (16) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied retroactively from the date of registration of steel ropes and cables consigned from Morocco.

G. TIME LIMITS

- (17) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.
- (18) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

H. NON-COOPERATION

- (19) In cases in which any interested party refuses access to or otherwise does not provide necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (20) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of facts available. If an interested party does not cooperate, or cooperates only partially, and use of the best facts available is made, the result may be less favourable than if it had cooperated,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 384/96, in order to determine if imports into the Community of steel ropes and cables consigned from Morocco, whether originating in Morocco or not, and falling within CN codes ex 7312 10 82, ex 7312 10 84, ex 7312 10 86, ex 7312 10 88 and ex 7312 10 99 (TARIC codes 7312 10 82 12, 7312 10 84 12, 7312 10 86 12, 7312 10 88 12, 7312 10 99 12), are circumventing the measures imposed by Regulation (EC) No 1796/1999 on imports of steel ropes and cables originating in the People's Republic of China.

Article 2

The Customs authorities are hereby directed, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports into the Community identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by Regulation, may direct Customs authorities to cease registration in respect of imports into the Community of products manufactured by producers having applied for an exemption of registration and having been found not to be circumventing the anti-dumping duties.

Article 3

1. Questionnaires should be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 40 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Interested parties may also apply to be heard by the Commission within the same 40-day time limit.

4. Any information relating to the matter, any request for a hearing or for a questionnaire as well as any request for authorisation of certificates of non-circumvention must be made in writing (not in electronic format, unless otherwise specified), must indicate the name, address, e-mail address, telephone, fax and/or telex numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties' and should be sent to the following address:

European Commission
Directorate General for Trade
Directorate B
J-79 5/16
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEU B 21877

Article 4

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

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

Done at Brussels, 17 February 2004.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Regulation (EC) No 384/96 and Article 6 of the WTO Agreement of implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

COMMISSION REGULATION (EC) No 276/2004
of 17 February 2004
on periodical sales by tender of beef held by certain intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) The application of intervention measures in respect of beef has resulted in a build-up of stocks in several Member States. In order to prevent storage being prolonged excessively, part of those stocks should be put up for sale by periodical tender.
- (2) The sale should be conducted in accordance with Commission Regulation (EEC) No 2173/79 of 4 October 1979 on detailed rules of application for the disposal of beef bought in by intervention agencies and repealing Regulation (EEC) No 216/69 ⁽²⁾, and in particular Titles II and III thereof.
- (3) In the light of the frequency and nature of tenders pursuant to this Regulation it is necessary to derogate from Articles 6 and 7 of Regulation (EEC) No 2173/79 with regard to the information and deadlines to be provided by the notice of invitation to tender.
- (4) In order to ensure that the sales by tender are conducted properly and uniformly, measures in addition to those provided for in Article 8(1) of Regulation (EEC) No 2173/79 should be adopted.
- (5) Provisions should be made for derogations from Article 8(2)(b) of Regulation (EEC) No 2173/79 in view of the administrative difficulties which the application of that point is creating in the Member States concerned.
- (6) In order to ensure a proper functioning of the tender arrangements it is necessary to provide for a higher amount of security than the one fixed in Article 15(1) of Regulation (EEC) No 2173/79.
- (7) On the basis of experience gained with regard to the disposal of bone-in intervention beef, it is necessary to reinforce the quality controls of the products before their delivery to the purchasers, in particular to ensure that the products comply with the provisions in Annex

III to Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽³⁾.

- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following approximate quantities of intervention beef shall be put up for sale:

- 1,6 tonnes of bone-in hindquarters held by the French intervention agency,
- 4,5 tonnes of bone-in hindquarters held by the Italian intervention agency,
- 5 tonnes of bone-in forequarters held by the French intervention agency,
- 8,2 tonnes of bone-in forequarters held by the Italian intervention agency,
- 17,9 tonnes of boneless beef held by the French intervention agency.

Detailed information concerning quantities is given in Annex I.

2. Subject to the provisions of this Regulation, the sale shall be conducted in accordance with Regulation (EEC) No 2173/79, and in particular Titles II and III thereof.

Article 2

1. Tenders shall be submitted for the following closing dates:

- (a) 23 February 2004;
- (b) 8 March 2004;
- (c) 22 March 2004;
- (d) 13 April 2004,

until the quantities put up for sale are used up.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 251, 5.10.1979, p. 12. Regulation as last amended by Regulation (EC) No 2417/95 (OJ L 248, 14.10.1995, p. 39).

⁽³⁾ OJ L 68, 16.3.2000, p. 22. Regulation as last amended by Regulation (EC) No 1564/2001 (OJ L 208, 1.8.2001, p. 14).

2. Notwithstanding Articles 6 and 7 of Regulation (EEC) No 2173/79, this Regulation shall serve as a general notice of invitation to tender.

The intervention agencies concerned shall draw up notices of invitation to tender for each sale, setting out in particular:

- the quantities of beef put up for sale, and
- the deadline and place for the submission of tenders.

3. Particulars of the quantities and the places where the products are stored may be obtained by the parties concerned at the addresses set out in Annex II. The intervention agencies shall, in addition, display the notices referred to in paragraph 2 at their head offices and may also publish them in other ways.

4. The intervention agencies concerned shall sell first meat which has been in storage for the longest time. However, Member States may in exceptional cases and after having obtained authorisation from the Commission derogate from that obligation.

5. Only tenders reaching the intervention agencies concerned by 12 noon on the relevant closing date for each sale by tender shall be considered.

6. Notwithstanding Article 8(1) of Regulation (EEC) No 2173/79, tenders must be submitted to the intervention agency concerned in sealed envelopes bearing a reference to this Regulation and the relevant date. The sealed envelopes must not be opened by the intervention agency before the deadline for submission, as referred to in paragraph 5, has expired.

7. Notwithstanding Article 8(2)(b) of Regulation (EEC) No 2173/79, tenders shall not specify the store or stores where the products are held.

8. Notwithstanding Article 15(1) of Regulation (EEC) No 2173/79, the security shall be EUR 12 per 100 kilograms.

Article 3

1. Not later than the day following the closing date for the submission of tenders, the Member States shall send the Commission details of tenders received.

2. Following scrutiny of the tenders, a minimum selling price shall be set or no award shall be made.

Article 4

The intervention agency shall send each tenderer the information referred to in Article 11 of Regulation (EEC) No 2173/79 by fax.

Article 5

1. The Member States shall take all necessary measures to ensure that bone-in intervention products delivered to the purchasers are presented in a state which fully complies with Annex III to Regulation (EC) No 562/2000 and in particular with the sixth indent of point 2(a) of that Annex.

2. The costs related to the measures referred to in paragraph 1 shall be borne by the Member States and shall, in particular, not be imposed on the purchaser or any other third party.

3. Member States shall notify the Commission ⁽¹⁾ of all cases where a bone-in intervention quarter has been identified as not complying with Annex III, as referred to in paragraph 1, specifying the quality and quantity of the quarter as well as the slaughterhouse where it was produced.

Article 6

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

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

Done at Brussels, 17 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ DG Agriculture, D2: fax (32-2) 295 36 13.

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I —
ANEXO I — LIITE I — BILAGA I

Estado miembro	Productos ⁽¹⁾	Cantidad aproximada (toneladas)
Medlemsstat	Produkter ⁽¹⁾	Tilnærmet mængde (tons)
Mitgliedstaat	Erzeugnisse ⁽¹⁾	Ungefähre Mengen (Tonnen)
Κράτος μέλος	Προϊόντα ⁽¹⁾	Κατά προσέγγιση ποσότητα (τόνοι)
Member State	Products ⁽¹⁾	Approximate quantity (tonnes)
État membre	Produits ⁽¹⁾	Quantité approximative (tonnes)
Stato membro	Prodotti ⁽¹⁾	Quantità approssimativa (tonnellate)
Lidstaat	Producten ⁽¹⁾	Hoeveelheid bij benadering (ton)
Estado-Membro	Produtos ⁽¹⁾	Quantidade aproximada (toneladas)
Jäsenvaltio	Tuotteet ⁽¹⁾	Arvioitu määrä (tonneina)
Medlemsstat	Produkter ⁽¹⁾	Ungefärlig kvantitet (ton)

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Εμπρόσθια τέταρτα με κόκαλα — Bone-in Beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

FRANCE	— Quartiers arrière	1,579 ⁽²⁾
	— Quartiers avant	5,000 ⁽²⁾
ITALIA	— Quarti posteriori	4,5 ⁽²⁾
	— Quarti anteriori	8,2 ⁽²⁾

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

FRANCE	— Jarret arrière d'intervention (INT 11)	0,527 ⁽²⁾
	— Tranche grasse d'intervention (INT 12)	0,759 ⁽²⁾
	— Tranche d'intervention (INT 13)	0,225 ⁽²⁾
	— Semelle d'intervention (INT 14)	1,023 ⁽²⁾
	— Rumsteck d'intervention (INT 16)	12,664 ⁽²⁾
	— Faux-filet d'intervention (INT 17)	1,547 ⁽²⁾
	— Flanchet d'intervention (INT 18)	0,575 ⁽²⁾
	— Jarret avant d'intervention (INT 21)	0,476 ⁽²⁾
	— Épaule d'intervention (INT 22)	0,016 ⁽²⁾
	— Poitrine d'intervention (INT 23)	0,035 ⁽²⁾

⁽¹⁾ Véanse los anexos III y V del Reglamento (CE) n° 562/2000.

⁽²⁾ Se bilag III og V til forordning (EF) nr. 562/2000.

⁽³⁾ Vgl. Anhänge III und V der Verordnung (EG) Nr. 562/2000.

⁽⁴⁾ Βλέπε παραρτήματα III και V του κανονισμού (ΕΚ) αριθ. 562/2000.

⁽⁵⁾ See Annexes III and V to Regulation (EC) No 562/2000.

⁽⁶⁾ Voir annexes III et V du règlement (CE) n° 562/2000.

⁽⁷⁾ Cfr. allegati III e V del regolamento (CE) n. 562/2000.

⁽⁸⁾ Zie de bijlagen III en V van Verordening (EG) nr. 562/2000.

⁽⁹⁾ Ver anexos III e V do Regulamento (CE) n.º 562/2000.

⁽¹⁰⁾ Katso asetuksen (EY) N:o 562/2000 liitteet III ja V.

⁽¹¹⁾ Se bilagorna III och V i förordning (EG) nr 562/2000.

⁽¹²⁾ Para ser vendido en un lote — Sælges samlet som én mængde — Zu verkaufen in einer Menge — Προς πώληση σαν μία παρτίδα — To be sold as one lot — À vendre dans un lot — Da vendersi in un unico lotto — Te verkopen als één partij — Para ser vendido em um lote — Myytävä yhtenä eränä — Säljs tillsammans som en enhet.

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II — LIITE II — BILAGA II

Direcciones de los organismos de intervención — Interventionsorganernes adresser — Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρέμβασης — Addresses of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de intervenção — Interventioelinten osoitteet — Interventionsorgans adresser

FRANCE

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COMMISSION REGULATION (EC) No 277/2004
of 17 February 2004
concerning the authorisation without a time limit of an additive in feedingstuffs
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1756/2002 ⁽²⁾, and in particular Article 3 and Article 9d(1) thereof,

Whereas:

- (1) Directive 70/524/EEC provides that no additive may be put into circulation unless a Community authorisation has been granted.
- (2) Article 3a of Directive 70/524 lays down the requirements for Community authorisation of an additive in feedingstuffs.
- (3) The use of the enzyme 3-phytase produced by *Aspergillus niger* (CBS 114.94) is already authorised without a time limit for the animal categories piglets, pigs for fattening, sows, chickens for fattening and laying hens by Commission Regulation (EC) No 1353/2000 ⁽³⁾.
- (4) This additive was provisionally authorised for turkeys for fattening by Commission Regulation (EC) No 2316/98 ⁽⁴⁾.
- (5) New data were submitted by the producing company in support of an application for authorisation without a time limit of this additive for turkeys for fattening in June 2003.
- (6) The assessment of this application for authorisation in respect of the use of this additive for turkeys for fattening shows that the conditions provided for in Directive 70/524/EEC for authorisation without time limit are satisfied.

(7) The use of this additive for turkeys should therefore be authorised without a time limit.

(8) The assessment of the application shows that certain procedures should be required to protect workers from exposure to the additive set out in the Annex. Such protection should be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁵⁾, as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ⁽⁶⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The preparation belonging to the group 'Enzymes' as set out in the Annex is authorised for use as additive in animal nutrition under the conditions laid down in that Annex.

Article 2

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

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

Done at Brussels, 17 February 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 270, 14.12.1970, p. 1.

⁽²⁾ OJ L 265, 3.10.2002, p. 1.

⁽³⁾ OJ L 155, 28.6.2000, p. 15.

⁽⁴⁾ OJ L 289, 28.10.1998, p. 4.

⁽⁵⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁶⁾ OJ L 284, 31.10.2003, p. 1.

ANNEX

No (or EC No)	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
‘Enzymes								
E 1600	3-phytase EC 3.1.3.8 [Natuphos FTU-8]	Preparation of 3-phytase produced by <i>Aspergillus niger</i> (CBS 114.94) having a minimum activity of: Solid form: 5 000 FTU (1)/g Liquid form: 5 000 FTU/ml	Turkeys fattening for	—	250 FTU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and the stabi- lity to pelleting. 2. Recommended dose per kg of complete feedingstuff: 500 FTU. 3. For use in compound feed containing more than 0,23 % phytin-bound phos- phorus.	Without a time limit

⁽¹⁾ 1 FTU is the amount of enzyme which liberates 1 micromole of inorganic phosphate per minute from sodium phytate at pH 5,5 and 37 °C

COMMISSION REGULATION (EC) No 278/2004
of 17 February 2004
concerning the provisional authorisation of a new use of an additive already authorised in feeding-
stuffs
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, as last amended by Council Regulation (EC) No 1756/2002 ⁽²⁾, and in particular Article 3 and Article 9(e)(1) thereof,

Whereas:

(1) Directive 70/524/EEC provides that no additive may be put into circulation unless a Community authorisation has been granted.

(2) In the case of additives referred to in Part II of Annex C to Directive 70/524/EEC, which includes enzymes, provisional authorisation of a new use of an additive already authorised may be given if the conditions laid down in that Directive are satisfied, and if it is reasonable to assume, in view of the available results, that when used in animal nutrition it has one of the effects referred to in Article 2(a) of that Directive. Such provisional authorisation may be given for a period not exceeding four years in the case of additives referred to in Part II of Annex C to that Directive.

(3) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105) and subtilisin produced by *Bacillus subtilis* (ATCC 2107), as set out in the Annex, has been provisionally authorised for chickens for fattening and for turkeys by Commission Regulation (EC) No 1636/1999 ⁽³⁾, for the first time.

(4) New data were submitted by the producing company in support of an application to extend the authorisation of this additive to laying hens.

(5) The assessment of the application for authorisation submitted in respect of the new use of this additive shows that the conditions provided for in Directive 70/524/EEC for provisional authorisation are satisfied.

(6) The European Food Safety Authority (Scientific Panel on Additives and Products or substances used in Animal Feed) delivered a favourable opinion of this additive on the safety for laying hens under the conditions of use set out in the Annex to this Regulation.

(7) The use of this additive for laying hens should therefore be provisionally authorised for a period of four years.

(8) The assessment of the application shows that certain procedures should be required to protect workers from exposure to the additive set out in the Annex. Such protection should be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁴⁾, as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ⁽⁵⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The preparation belonging to the group 'Enzymes' as set out in the Annex is provisionally authorised for use as additive in animal nutrition under the conditions laid down in that Annex.

Article 2

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

⁽¹⁾ OJ L 270, 14.12.1970, p. 1.

⁽²⁾ OJ L 265, 3.10.2002, p. 1.

⁽³⁾ OJ L 194, 27.7.1999, p. 17.

⁽⁴⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁵⁾ OJ L 284, 31.10.2003, p. 1.

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

Done at Brussels, 17 February 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

No (or EC No)	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
‘Enzymes								
37	Endo-1,4-beta-xyla- nase EC 3.2.1.8 Subtilisin EC 3.4.21.62 [Avizyme 1300]	Preparation of endo-1,4-beta-xyla- nase produced by <i>Trichoderma long- ibrachiatum</i> (ATCC 2105) and subtilisin produced by <i>Bacillus subtilis</i> (ATCC 2107), with a minimum activity of: — endo-1,4-beta-xylanase: 2 500 U ⁽¹⁾ /g — subtilisin: 800 U ⁽²⁾ /g	Laying hens	—	endo-1,4-beta-xyla- nase: 1 875 U subtilisin: 600 U	— —	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: — endo-1,4-beta-xylanase: 1 875 U — subtilisin: 600 U. 3. For use in compound feed e.g. containing more than 65 % wheat.	18.2.2008

⁽¹⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 5,3 and 50 °C.
⁽²⁾ 1 U is the amount of enzyme which liberates 1 microgram of phenolic compound (tyrosine equivalents) from a casein substrate per minute at pH 7,5 and 40 °C.'

COMMISSION REGULATION (EC) No 279/2004
of 17 February 2004
providing for a further allocation of import rights under Regulation (EC) No 977/2003 for young
male bovine animals for fattening

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 977/2003 of 6 June 2003 opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2003 to 30 June 2004) ⁽¹⁾, and in particular Article 9(3) thereof,

Whereas:

Article 1 of Regulation (EC) No 977/2003 provides for the opening for the period 1 July 2003 to 30 June 2004 of a tariff quota of 169 000 young male bovine animals of a weight not exceeding 300 kilograms and intended for fattening. Article 9

of that Regulation provides for a further allocation of quantities not covered by import licence applications by 6 February 2004,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities referred to in Article 9(1) of Regulation (EC) No 977/2003 shall be 11 565 head.

Article 2

This Regulation shall enter into force on 18 February 2004.

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

Done at Brussels, 17 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 141, 7.6.2003, p. 5.

DIRECTIVE 2004/12/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 11 February 2004
amending Directive 94/62/EC on packaging and packaging waste

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95(1) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

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

Acting in accordance with the procedure laid down in Article 251 of the Treaty, in the light of the joint text approved by the Conciliation Committee on 17 December 2003 ⁽³⁾,

Whereas:

- (1) Pursuant to Directive 94/62/EC ⁽⁴⁾ the Council is required, no later than six months before the end of a five-year phase starting from the date by which that Directive should have been implemented in national law, to fix targets for the next five-year phase.
- (2) The definition of 'packaging' laid down in Directive 94/62/EC should be further clarified through the introduction of certain criteria and an annex containing illustrative examples. It is necessary, in order to achieve the ambitious recycling targets, to encourage the development of innovative, environmentally sound and viable recycling processes. An evaluation of the different recycling methods should be made with a view to drawing up definitions for these methods.
- (3) Recycling targets for each specific waste material should take account of life-cycle assessments and cost-benefit analysis, which have indicated clear differences both in the costs and in the benefits of recycling the various packaging materials, and should improve the coherence of the internal market for the recycling of these materials.
- (4) Recovery and recycling of packaging waste should be further increased to reduce its environmental impact.

(5) Certain Member States which, on account of their special circumstances, were allowed to postpone the date fixed for achievement of the recovery and recycling targets set in Directive 94/62/EC should be granted a further, but limited, postponement.

(6) The European Parliament, the Council and the Commission agree on the need for temporary derogations for the acceding States with respect to the targets of this Directive. This should be decided on the basis of the requests from the acceding States for derogations to run in principle until not later than 2012 for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Slovakia and Slovenia; 2013 for Malta; 2014 for Poland and 2015 for Latvia.

(7) This agreement will be finalised in accordance with the appropriate legal procedure before the expiry of the deadline for the transposition of this Directive.

(8) The management of packaging and packaging waste requires the Member States to set up return, collection and recovery systems. Such systems should be open to the participation of all interested parties and be designed to avoid discrimination against imported products and barriers to trade or distortions of competition and to guarantee the maximum possible return of packaging and packaging waste, in accordance with the Treaty. Discrimination against materials on the basis of their weight should be avoided. The operators in the packaging chain as a whole should shoulder their shared responsibility to ensure that the environmental impact of packaging and packaging waste throughout its life cycle is reduced as far as possible.

(9) Annual Community-wide data on packaging and packaging waste, including on waste exported for recycling and recovery outside the Community, are needed in order to monitor the implementation of the objectives of this Directive. This requires a harmonised reporting technique and clear guidelines for data providers.

(10) The Commission should examine and report on the implementation of this Directive and its impact on both the environment and the internal market. This report should also cover the issues of essential requirements, waste prevention measures, a possible packaging indicator, waste prevention plans, reuse, producer responsibility and heavy metal and should, as appropriate, be accompanied by proposals for revision.

⁽¹⁾ OJ C 103 E, 30.4.2002, p. 17.

⁽²⁾ OJ C 221, 17.9.2002, p. 31.

⁽³⁾ Opinion of the European Parliament of 3 September 2002 (OJ C 272 E, 13.11.2003, p. 287), Council Common Position of 6 March 2003 (OJ C 107 E, 6.5.2003, p. 17), Position of the European Parliament of 2 July 2003 (not yet published in the Official Journal). Legislative resolution of the European Parliament of 29 January 2004 and Council Decision of 26 January 2004.

⁽⁴⁾ OJ L 365, 31.12.1994, p. 10. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

- (11) Member States should promote relevant consumer information and awareness campaigns and encourage other prevention instruments.
- (12) In addition to the environmental and internal market objectives of this Directive, recycling may also have the effect of providing jobs which have declined elsewhere in society, and may thus help prevent exclusion.
- (13) Since the objectives of the proposed action, namely to harmonise national targets for the recycling of packaging waste, taking into account individual circumstances of each Member State, and to provide further clarification on definitions, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (14) The measures necessary for the implementation of this Directive 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 ⁽¹⁾.
- (15) Directive 94/62/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 94/62/EC is hereby amended as follows:

1. the following subparagraphs shall be added to point 1 of Article 3:

'The definition of "packaging" shall be further based on the criteria set out below. The items listed in Annex I are illustrative examples of the application of these criteria.

 - (i) Items shall be considered to be packaging if they fulfil the abovementioned definition without prejudice to other functions which the packaging might also perform, unless the item is an integral part of a product and it is necessary to contain, support or preserve that product throughout its lifetime and all elements are intended to be used, consumed or disposed of together.
 - (ii) Items designed and intended to be filled at the point of sale and "disposable" items sold, filled or designed and intended to be filled at the point of sale shall be considered to be packaging provided they fulfil a packaging function.
 - (iii) Packaging components and ancillary elements integrated into packaging shall be considered to be part of the packaging into which they are integrated. Ancil-

lary elements hung directly on, or attached to, a product and which perform a packaging function shall be considered to be packaging unless they are an integral part of this product and all elements are intended to be consumed or disposed of together.

The Commission shall, as appropriate, in accordance with the procedure referred to in Article 21, examine and, where necessary, review the illustrative examples for the definition of packaging given in Annex I. As a priority, the following items shall be addressed: CD and video cases, flower pots, tubes and cylinders around which flexible material is wound, release paper of self-adhesive labels and wrapping paper.'

2. Article 4 shall be replaced by the following:

'Article 4

Prevention

1. Member States shall ensure that, in addition to the measures to prevent the formation of packaging waste taken in accordance with Article 9, other preventive measures are implemented.

Such other measures may consist of national programmes, projects to introduce producer responsibility to minimise the environmental impact of packaging or similar actions adopted, if appropriate in consultation with economic operators, and designed to bring together and take advantage of the many initiatives taken within Member States as regards prevention. They shall comply with the objectives of this Directive as defined in Article 1(1).

2. The Commission shall help to promote prevention by encouraging the development of suitable European standards, in accordance with Article 10. The standards shall aim to minimise the environmental impact of packaging in accordance with Articles 9 and 10.

3. The Commission shall, as appropriate, present proposals for measures to strengthen and complement the enforcement of the essential requirements and to ensure that new packaging is put on the market only if the producer has taken all necessary measures to minimise its environmental impact without compromising the essential functions of the packaging.'

3. Article 6 shall be replaced by the following:

'Article 6

Recovery and recycling

1. In order to comply with the objectives of this Directive, Member States shall take the necessary measures to attain the following targets covering the whole of their territory:

- (a) no later than 30 June 2001 between 50 % as a minimum and 65 % as a maximum by weight of packaging waste will be recovered or incinerated at waste incineration plants with energy recovery;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

- (b) no later than 31 December 2008 60 % as a minimum by weight of packaging waste will be recovered or incinerated at waste incineration plants with energy recovery;
- (c) no later than 30 June 2001 between 25 % as a minimum and 45 % as a maximum by weight of the totality of packaging materials contained in packaging waste will be recycled with a minimum of 15 % by weight for each packaging material;
- (d) no later than 31 December 2008 between 55 % as a minimum and 80 % as a maximum by weight of packaging waste will be recycled;
- (e) no later than 31 December 2008 the following minimum recycling targets for materials contained in packaging waste will be attained:
 - (i) 60 % by weight for glass;
 - (ii) 60 % by weight for paper and board;
 - (iii) 50 % by weight for metals;
 - (iv) 22,5 % by weight for plastics, counting exclusively material that is recycled back into plastics;
 - (v) 15 % by weight for wood.

2. Packaging waste exported out of the Community in accordance with Council Regulations (EEC) No 259/93 (*), (EC) No 1420/1999 (**) and Commission Regulation (EC) No 1547/1999 (***), shall only count for the achievement of the obligations and targets of paragraph 1 if there is sound evidence that the recovery and/or recycling operation took place under conditions that are broadly equivalent to those prescribed by the Community legislation on the matter.

3. Member States shall, where appropriate, encourage energy recovery, where it is preferable to material-recycling for environmental and cost-benefit reasons. This could be done by considering a sufficient margin between national recycling and recovery targets.

4. Member States shall, where appropriate, encourage the use of materials obtained from recycled packaging waste for the manufacturing of packaging and other products by:

- (a) improving market conditions for such materials;
- (b) reviewing existing regulations preventing the use of those materials.

5. Not later than 31 December 2007, the European Parliament and the Council shall, acting by qualified majority and on a proposal from the Commission, fix targets for the third five-year phase 2009 until 2014, based on the practical experience gained in the Member States in pursuit of the targets laid down in paragraph 1

and the findings of scientific research and evaluation techniques such as life-cycle assessments and cost-benefit analysis.

This process shall be repeated every five years.

6. The measures and targets referred to in paragraph 1 shall be published by the Member States and shall be the subject of an information campaign for the general public and economic operators.

7. Greece, Ireland and Portugal may, because of their specific situations, namely respectively the large number of small islands, the presence of rural and mountain areas and the current low level of packaging consumption, decide to:

- (a) attain, no later than 30 June 2001, lower targets than those fixed in paragraphs 1(a) and (c), but shall at least attain 25 % for recovery or incineration at waste incineration plants with energy recovery;
- (b) postpone at the same time the attainment of the targets in paragraphs 1(a) and (c) to a later deadline which shall not, however, be later than 31 December 2005;
- (c) postpone the attainment of the targets referred to in paragraphs 1(b), (d) and (e) until a date of their own choice which shall not be later than 31 December 2011.

8. The Commission shall, as soon as possible and no later than 30 June 2005, present a report to the European Parliament and the Council on the progress of the implementation of this Directive and its impact on the environment, as well as on the functioning of the internal market. The report shall take into account individual circumstances in each Member State. It shall cover the following:

- (a) an evaluation of the effectiveness, implementation and enforcement of the essential requirements;
- (b) additional prevention measures to reduce the environmental impact of packaging as far as possible without compromising its essential functions;
- (c) the possible development of a packaging environment indicator to render packaging waste prevention simpler and more effective;
- (d) packaging waste prevention plans;
- (e) encouragement of reuse and, in particular, comparison of the costs and benefits of reuse and those of recycling;
- (f) producer responsibility including its financial aspects;
- (g) efforts to reduce further and, if appropriate, ultimately phase out heavy metals and other hazardous substances in packaging by 2010.

This report shall, as appropriate, be accompanied by proposals for revision of the related provisions of this Directive, unless such proposals have, by that time, been presented.

9. The report shall address the issues in paragraph 8 as well as other relevant issues in the framework of the different elements of the Sixth Environmental Action Programme, in particular the thematic strategy on recycling and the thematic strategy on the sustainable use of resources.

The Commission and the Member States shall, as appropriate, encourage studies and pilot projects concerning points 8(b), (c), (d), (e) and (f) and other prevention instruments.

10. Member States which have, or will, set programmes going beyond the maximum targets of paragraph 1 and which provide to this effect appropriate capacities for recycling and recovery shall be permitted to pursue those targets in the interest of a high level of environmental protection, on condition that these measures avoid distortions of the internal market and do not hinder compliance by other Member States with this Directive. Member States shall inform the Commission of such measures. The Commission shall confirm these measures, after having verified, in cooperation with the Member States, that they are consistent with the abovementioned considerations and do not constitute an arbitrary means of discrimination or a disguised restriction on trade between Member States.

(*) OJ L 30, 6.2.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2557/2001 (OJ L 349, 31.12.2001, p. 1).

(**) OJ L 166, 1.7.1999, p. 6. Regulation as last amended by Commission Regulation (EC) No 2118/2003 (OJ L 318, 3.12.2003, p. 5).

(***) OJ L 185, 17.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2118/2003.

4. Article 8(2) shall be replaced by the following:

'2. To facilitate collection, reuse and recovery including recycling, packaging shall indicate for the purposes of its identification and classification by the industry concerned the nature of the packaging material(s) used on the basis of Commission Decision 97/129/EC (*).

(*) OJ L 50, 20.2.1997, p. 28.'

5. The following paragraph shall be added to Article 13:

'Member States shall also promote consumer information and awareness campaigns.'

6. Article 19 shall be replaced by the following:

'Article 19

Adaptation to scientific and technical progress

The amendments necessary for adapting to scientific and technical progress the identification system (as referred to

in Article 8(2) and Article 10, second subparagraph, last indent), the formats relating to the database system (as referred to in Article 12(3) and Annex III) as well as the illustrative examples on the definition of packaging (as referred to in Annex I) shall be adopted in accordance with the procedure referred to in Article 21(2).'

7. Article 20(1) shall be replaced by the following:

'1. The Commission, in accordance with the procedure referred to in Article 21, shall determine the technical measures necessary to deal with any difficulties encountered in applying the provisions of this Directive in particular to inert packaging materials, put on the market in very small quantities (i.e. approximately 0,1 % by weight) in the European Union, primary packaging for medical devices and pharmaceutical products, small packaging and luxury packaging.'

8. Article 21 shall be replaced by the following:

'Article 21

Committee procedure

1. The Commission shall be assisted by a committee.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC (*) shall apply, having regard to the provisions of Article 8 thereof.

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

3. The Committee shall adopt its rules of procedure.

(*) OJ L 184, 17.7.1999, p. 23.'

9. The following paragraph shall be inserted in Article 22:

'3a. Provided that the objectives set out in Article 6 are achieved, Member States may transpose the provisions of Article 7 by means of agreements between the competent authorities and the economic sectors concerned.

Such agreements shall meet the following requirements:

- (a) agreements shall be enforceable;
- (b) agreements shall specify objectives with the corresponding deadlines;
- (c) agreements shall be published in the national official journal or an official document equally accessible to the public, and transmitted to the Commission;
- (d) the results achieved shall be monitored regularly, reported to the competent authorities and the Commission and made available to the public under the conditions set out in the agreement;
- (e) the competent authorities shall ensure that the progress achieved under the agreement is examined;

- (f) in the event of non-compliance with the agreement, Member States shall implement the relevant provisions of this Directive by legislative, regulatory or administrative measures.'

10. Annex I shall be replaced by the annex which appears in the Annex hereto.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 18 August 2005. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Strasbourg, 11 February 2004.

For the European Parliament

The President

P. COX

For the Council

The President

M. McDOWELL

ANNEX

'ANNEX I

ILLUSTRATIVE EXAMPLES FOR CRITERIA REFERRED TO IN ARTICLE 3(1)

Illustrative examples for criterion (i)*Packaging*

Sweet boxes

Film overwrap around a CD case

Non-packaging

Flower pots intended to stay with the plant throughout its life

Tool boxes

Tea bags

Wax layers around cheese

Sausage skins

Illustrative examples for criterion (ii)*Packaging, if designed and intended to be filled at the point of sale*

Paper or plastic carrier bags

Disposable plates and cups

Cling film

Sandwich bags

Aluminium foil

Non-packaging

Stirrer

Disposable cutlery

Illustrative examples for criterion (iii)*Packaging*

Labels hung directly on or attached to a product

Part of packaging

Mascara brush which forms part of the container closure

Sticky labels attached to another packaging item

Staples

Plastic sleeves

Device for measuring dosage which forms part of the container closure for detergents.'

STATEMENT BY THE COUNCIL, THE COMMISSION AND THE EUROPEAN PARLIAMENT

Noting the European Court of Justice's interpretation of the recovery definition in Judgments C-458/00, C-228/00 and C-116/01, and the effects of this interpretation on the fulfilment of recovery targets, the European Parliament, the Council and the Commission declare their common intention to review this issue at the earliest opportunity.

In the light of the concerns which have been expressed, the Commission states its intention to propose amendments, as appropriate, to the relevant legislation. The Council and the Parliament undertake to act expeditiously on any such proposal in accordance with their respective procedures.

This shall be without prejudice to any future revision of the definition of recovery in the framework of the thematic strategy on waste prevention and recycling and, as appropriate, in the framework of horizontal waste legislation.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 February 2004

amending Decision 97/467/EC as regards the inclusion of establishments in Bulgaria and Hungary in provisional lists of third country establishments from which Member States authorise imports of ratite meat

(notified under document number C(2004) 346)

(Text with EEA relevance)

(2004/144/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs ⁽¹⁾, and in particular Article 2(1) and (4) thereof,

Whereas:

- (1) Provisional lists of establishments in third countries from which the Member States authorise imports of ratite meat have been drawn up by Commission Decision 97/467/EC ⁽²⁾.
- (2) Bulgaria and Hungary have sent lists of establishments producing ratite meat for which the responsible authorities certify that the establishments comply with the Community rules.
- (3) Those establishments should be included in the lists drawn up by Decision 1997/467/EC.
- (4) As on-the-spot inspections have not yet been carried out, imports from such establishments are not eligible for reduced physical checks in accordance with Article 2(4) of Decision 95/408/EC.

(5) Decision 97/467/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 97/467/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 25 February 2004.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 12 February 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 243, 11.10.1995, p. 17. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 199, 26.7.1997, p. 57. Decision as last amended by Decision 2002/797/EC (OJ L 277, 15.10.2002, p. 23).

ANNEX

Annex II is amended as follows:

1. The following text is inserted in Annex II in the part concerning Bulgaria in accordance with the national reference:

'1	2	3	4	5	6
BG 1901021	Mecom Ltd	Silistra	Silistra	SH, CP, CS'	

2. The following text is inserted in Annex II in the part concerning Hungary in accordance with the national reference:

'1	2	3	4	5	6
HU-356	Kukori Kft.	Szatymaz	Csongrád megye	SH, CP'	

COMMISSION DECISION

of 12 February 2004

on financial assistance from the Community for the operation of certain Community reference laboratories in the field of veterinary public health (biological risks) for the year 2004

(notified under document number C(2004) 349)

(Only the Spanish, German, English, French and Dutch texts are authentic)

(2004/145/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 of 14 April 2003 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

(1) Community financial assistance should be granted to the Community reference laboratories designated to carry out the functions and duties laid down in the following Directives, Decisions and Regulation:

— Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products ⁽³⁾,

— Council Directive 92/117/EEC of 17 December 1992 concerning measures for protection against certain zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications ⁽⁴⁾,

— Council Decision 93/383/EEC of 14 June 1993 on reference laboratories for the monitoring of marine biotoxins ⁽⁵⁾,

— Council Decision 1999/313/EC of 29 April 1999 on reference laboratories for monitoring bacteriological and viral contamination of bivalve molluscs ⁽⁶⁾,

— Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽⁷⁾.

(2) The financial contribution from the Community should be granted provided that the actions planned are efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.

(3) Additional financial assistance should also be provided for the organisation of workshops in the area of responsibility of the Community reference laboratories; derogations to the maximum eligible attendance rule laid down by Commission Regulation (EC) No 156/2004 of 29 January 2004 on the Community's financial assistance to Community reference laboratories pursuant Article 28 of Council Decision 90/424/EEC ⁽⁸⁾ should be provided to two Community reference laboratories that need support for attendance by more than 30 participants in order to support the best outcome of their workshops.

(4) The work programmes and corresponding budget estimates submitted by the Community reference laboratories for 2004 have been assessed by the Commission.

(5) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽⁹⁾, the veterinary and plant health measures undertaken in accordance with Community rules are financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund; for financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 268, 14.9.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁴⁾ OJ L 62, 15.3.1993, p. 38. Directive as last amended by Regulation (EC) No 806/2003.

⁽⁵⁾ OJ L 166, 8.7.1993, p. 31. Decision as last amended by Decision 1999/312/EC (OJ L 120, 8.5.1999, p. 37).

⁽⁶⁾ OJ L 120, 8.5.1999, p. 40.

⁽⁷⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 2245/2003 (OJ L 333, 20.12.2003, p. 28).

⁽⁸⁾ OJ L 27, 30.1.2004, p. 5.

⁽⁹⁾ OJ L 160, 26.6.1999, p. 103.

- (6) Regulation (EC) No 156/2004 establishes the provisions on the Community's financial assistance to Community reference laboratories pursuant to Article 28 of Decision 90/424/EEC.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

2. The financial assistance referred to in paragraph 1 shall amount to a maximum of EUR 212 000 for the period 1 January 2004 to 31 December 2004.

3. The Community's additional financial assistance for the organisation of a technical workshop shall amount to a maximum of EUR 30 000.

Article 4

HAS ADOPTED THIS DECISION:

Article 1

1. The Community grants financial assistance to France for the functions and duties referred to in Chapter II of Annex D to Directive 92/46/EEC to be carried out by the Laboratoire d'Etudes et de Recherches sur la Qualité des Aliments et sur les Procédés Agro-alimentaires, of the Agence Française de Sécurité Sanitaire des Aliments (formerly the Laboratoire d'Etudes et de Recherches sur l'Hygiène et la Qualité des Aliments), Maisons-Alfort, France, for the analysis and testing of milk and milk products.

2. The financial assistance referred to in paragraph 1 shall amount to a maximum of EUR 203 000 for the period 1 January 2004 to 31 December 2004.

3. The Community's additional financial assistance for the organisation of a technical workshop shall amount to a maximum of EUR 27 000.

Article 2

1. The Community grants financial assistance to Germany for the functions and duties referred to in Chapter II of Annex IV to Directive 92/117/EEC to be carried out by the Bundesinstitut für Risikobewertung (formerly the Bundesinstitut für gesundheitlichen Verbraucherschutz und Veterinärmedizin), Berlin, Germany, for the epidemiology of zoonoses.

2. The financial assistance referred to in paragraph 1 shall amount to a maximum of EUR 220 000 for the period 1 January 2004 to 31 December 2004.

3. The Community's additional financial assistance for the organisation of technical workshops shall amount to a maximum of EUR 62 000. Pursuant to Article 4 of Regulation (EC) No 156/2004 and by way of derogation, the laboratory mentioned in paragraph 1 above is entitled to claim financial assistance for attendance to its general workshop for up to 50 participants.

Article 3

1. The Community grants financial assistance to the Netherlands for the functions and duties referred to in Chapter II of Annex IV to Directive 92/117/EEC to be carried out by the Rijksinstituut voor Volksgezondheid en Milieu, Bilthoven, Netherlands, in respect of salmonella.

1. The Community grants financial assistance to Spain for the functions and duties referred to in Article 4 of Decision 93/383/EEC to be carried out by the Laboratorio de biotoxinas marinas del Área de Sanidad, Vigo, Spain, for the control of marine biotoxins.

2. The financial assistance referred to in paragraph 1 shall amount to a maximum of EUR 201 000 for the period 1 January 2004 to 31 December 2004.

3. The Community's additional financial assistance for the organisation of a technical workshop shall amount to a maximum of EUR 33 000.

Article 5

1. The Community grants financial assistance to the United Kingdom for the functions and duties referred to in Article 4 of Decision 1999/313/EC to be carried out by the laboratory of the Centre for Environment, Fisheries and Aquaculture Science, Weymouth, United Kingdom, for the monitoring of bacteriological and viral contamination of bivalve molluscs.

2. The financial assistance referred to in paragraph 1 shall amount to a maximum of EUR 228 000 for the period 1 January 2004 to 31 December 2004.

3. The Community's additional financial assistance for the organisation of a technical workshop shall amount to a maximum of EUR 38 000.

Article 6

1. The Community grants financial assistance to the United Kingdom for the functions and duties referred to in Chapter B of Annex X to Regulation (EC) No 999/2001 to be carried out by the laboratory of the Veterinary Laboratories Agency, Addlestone, United Kingdom, for the monitoring of transmissible spongiform encephalopathies.

2. The financial assistance referred to in paragraph 1 shall amount to a maximum of EUR 380 000 for the period 1 January 2004 to 31 December 2004.

3. The Community's financial assistance for the organisation of technical workshops shall amount to a maximum of EUR 61 000. Pursuant to Article 4 of Regulation (EC) No 156/2004 and by way of derogation, the laboratory mentioned in paragraph 1 above is entitled to claim financial assistance for attendance at its general workshop for up to 50 participants.

Article 7

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 12 February 2004.

For the Commission

David BYRNE

Member of the Commission
