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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 411/2004**

**of 26 February 2004**

**repealing Regulation (EEC) No 3975/87 and amending Regulations (EEC) No 3976/87 and (EC) No 1/2003, in connection with air transport between the Community and third countries**

**(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 83 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) Neither Council Regulation (EEC) No 3975/87 of 14 December 1987 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector <sup>(3)</sup>, nor Regulation (EC) No 1/2003 itself applies to air transport between the Community and third countries.
- (2) Consequently, the Commission does not enjoy powers of investigation and enforcement with regard to infringements of Articles 81 and 82 of the Treaty in respect of air transport between the Community and third countries equivalent to those enjoyed as regards air transport within the Community. In particular, the Commission lacks the requisite fact-finding tools and the powers to impose remedies which are necessary to bring infringements to an end or to impose penalties in respect of proven infringements. Furthermore, the specific rights, powers and obligations assigned to national courts and the competition authorities of the Member States by Regulation (EC) No 1/2003 do not apply to air transport between the Community and third countries; the same holds true for the mechanism for cooperation between the Commission and the competition authorities of the Member States provided for in Regulation (EC) No 1/2003.
- (3) Anti-competitive practices in air transport between the Community and third countries may affect trade between Member States. Since the mechanisms enshrined in Regulation (EC) No 1/2003, the function of which is to implement the rules on competition under Articles 81 and 82 of the Treaty, are equally appropriate

for applying the competition rules to air transport between the Community and third countries, the scope of that regulation should be extended to cover such transport.

- (4) When Articles 81 and 82 of the Treaty are applied in proceedings on the basis of Regulation (EC) No 1/2003 and in accordance with the case-law of the Court of Justice, air services agreements concluded between the Member States and/or the European Community on the one hand and third countries on the other hand should be duly considered, in particular for the purpose of assessing the degree of competition in the relevant air transport markets. This Regulation does, however, not affect the rights and obligations of the Member States under the Treaty with respect to the conclusion and application of such agreements.
- (5) Article 2 of Regulation (EEC) No 3975/87 is of a purely declaratory nature and should therefore be deleted. With the exception of Article 6(3), which should continue to apply to decisions adopted pursuant to Article 81(3) of the Treaty prior to the date of application of Regulation (EC) No 1/2003 until the date of expiry of those decisions, Regulation (EEC) No 3975/87 will, following the deletion of most of its provisions by Regulation (EC) No 1/2003, cease to serve any further purpose; it should therefore be repealed.
- (6) By the same token, an equivalent amendment should also be made to Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector <sup>(4)</sup>. That regulation, which empowers the Commission to declare by way of regulation that the provisions of Article 81(1) do not apply to certain categories of agreements between undertakings, decisions by associations of undertakings and concerted practices, is at present explicitly limited to air transport between Community airports.

<sup>(1)</sup> Proposal of 24 February 2003.

<sup>(2)</sup> Opinion of 23 September 2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 374, 31.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 1/2003 (OJ L 1, 4.1.2003, p. 1).

<sup>(4)</sup> OJ L 374, 31.12.1987, p. 9. Regulation as last amended by Regulation (EC) No 1/2003.

(7) The Commission should be empowered to grant block exemptions in the air transport sector in respect of traffic between the Community and third countries as well as in respect of traffic within the Community. Accordingly, the scope of Regulation (EEC) No 3976/87 should be broadened by abolishing its limitation to air transport between Community airports.

(8) Consequently, Regulation (EEC) No 3975/87 should be repealed, and Regulations (EEC) No 3976/87 and (EC) No 1/2003 should be amended accordingly,

#### Article 2

In Article 1 of Regulation (EEC) No 3976/87, 'between Community airports' shall be deleted.

#### Article 3

In Article 32 of Regulation (EC) No 1/2003, point (c) shall be deleted.

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EEC) No 3975/87 shall be repealed, with the exception of Article 6(3), which shall continue to apply to decisions adopted pursuant to Article 81(3) of the Treaty prior to the date of application of Regulation (EC) No 1/2003 until the date of expiry of those decisions.

#### Article 4

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

It shall apply from 1 May 2004.

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

Done at Brussels, 26 February 2004.

*For the Council*  
*The President*  
N. DEMPSEY

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**COMMISSION REGULATION (EC) No 412/2004****of 5 March 2004****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 6 March 2004.

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

Done at Brussels, 5 March 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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

## ANNEX

**to the Commission Regulation of 5 March 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	107,1
	204	57,8
	212	115,9
	999	93,6
0707 00 05	052	146,1
	068	106,2
	204	59,6
	999	104,0
0709 90 70	052	103,5
	204	53,5
	628	136,0
	999	97,7
0805 10 10, 0805 10 30, 0805 10 50	052	40,3
	204	51,9
	212	62,9
	220	45,8
	400	44,5
	624	61,4
	999	51,1
0805 50 10	052	50,0
	600	57,6
	999	53,8
0808 10 20, 0808 10 50, 0808 10 90	052	60,0
	060	36,5
	388	116,3
	400	103,5
	404	98,8
	508	78,5
	512	85,9
	524	80,9
	528	89,6
	720	75,5
0808 20 50	999	82,6
	060	59,0
	388	74,0
	400	84,3
	512	57,3
	528	77,1
	720	70,3
	999	70,3

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

**COMMISSION REGULATION (EC) No 413/2004**  
**of 5 March 2004**  
**prohibiting fishing for blue ling by vessels flying the flag of Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>(1)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2340/2002 of 16 December 2002 fixing for 2003 and 2004 the fishing opportunities for deep-sea fish stocks<sup>(2)</sup> lays down quotas for blue ling for 2004.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of blue ling in the waters of ICES divisions VI and VII (EC waters and waters not falling under the sovereignty or within the jurisdiction of third countries), by vessels flying the flag of Spain or registered in Spain have exhausted the quota allocated for 2004. Spain has

prohibited fishing for this stock from 26 January 2004. This date should consequently be adopted in this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of blue ling in the waters of ICES divisions VI and VII (EC waters and waters not falling under the sovereignty or within the jurisdiction of third countries), by vessels flying the flag of Spain or registered in Spain are hereby deemed to have exhausted the quota allocated to Spain for 2004.

Fishing for blue ling in the waters of ICES divisions VI and VII (EC waters and waters not falling under the sovereignty or within the jurisdiction of third countries), by vessels flying the flag of Spain or registered in Spain is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*Article 2*

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

It shall apply from 26 January 2004.

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

Done at Brussels, 5 March 2004.

*For the Commission*

Jörgen HOLMQUIST

*Director-General for Fisheries*

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

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



**COMMISSION REGULATION (EC) No 414/2004****of 5 March 2004****adopting specific measures with a view to adapting the arrangements for administering tariff quotas on banana imports as a result of the accession of new Member States on 1 May 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas <sup>(1)</sup>, and in particular Article 20 thereof,

Whereas:

(1) Commission Regulation (EC) No 896/2001 <sup>(2)</sup> lays down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community. Titles I and II of that Regulation define the categories of traditional and non-traditional operators who may supply the Community under the tariff quotas opened each year.

(2) In view of the accession to the Community of 10 new Member States on 1 May 2004, it is necessary to identify the operators established in the Community as constituted on 30 April 2004, whether or not already registered, who have supplied the markets of the countries acceding on 1 May 2004 and who meet the conditions laid down in Articles 3 and 4 of Regulation (EC) No 896/2001, in the case of traditional operators, and Articles 6 to 12 of that Regulation, in the case of non-traditional operators.

(3) In order to draw up a list of operators who qualify to participate in the tariff quota arrangements for banana imports in accordance with the criteria laid down by Community law, reference periods should be adopted which are representative of developments in trade. To that end, the three-year period 2000 to 2002, for which import statistics are available, should be used for traditional operators. For non-traditional operators, 2002 and 2003, which immediately precede the year of registration, may be used for the purposes of Article 6 of Regulation (EC) No 896/2001.

(4) In the case of traditional importers, it should be made clear that only primary imports within the meaning of Article 3(1) of Regulation (EC) No 896/2001 which have actually been used to supply accession countries and which have resulted in quantities of bananas being released for free circulation in an accession country may be taken into account for determining a specific additional reference quantity. Such operators should therefore be required to produce the customs documents attesting to release for free circulation in the accession countries.

(5) In the case of non-traditional operators, in order to avoid excessive applications for allocations bearing no relation to their actual capacity, a maximum limit should be set for each application for an allocation, expressed as a percentage of the quantities actually released for free circulation during one of the years preceding registration and for which the operator must produce the appropriate supporting documents.

(6) In order to facilitate the scrutiny of operators' applications and harmonise how they are processed, the main supporting documents which may be produced as evidence that the requirements have been met for admission to each of the two categories of operators should be specified.

(7) The necessary provisions should also be laid down to ensure adequate communication between the Member States and the Commission and to organise the additional verifications and checks needed to detect and prevent false claims, prevent irregularities and ensure the smooth functioning of the arrangements for administering tariff quotas for banana imports.

(8) This Regulation will apply without prejudice to any rules which the Commission might subsequently adopt with a view to full application of the arrangements introduced by Regulations (EEC) No 404/93 and (EC) No 896/2001 in the enlarged Community.

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

<sup>(1)</sup> OJ L 47, 25.2.1993, p. 1. Regulation as last amended by Regulation (EC) No 2587/2001 (OJ L 345, 29.12.2001, p. 13).

<sup>(2)</sup> OJ L 126, 8.5.2001, p. 6. Regulation as last amended by Regulation (EC) No 1439/2003 (OJ L 204, 13.8.2003, p. 30).



HAS ADOPTED THIS REGULATION:

### Article 1

#### Definitions

For the purposes of this Regulation:

- (a) 'Community of 15' means the Community as constituted on 30 April 2004;
- (b) 'new Member States' means the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia;
- (c) 'the enlarged Community' means the Community as constituted on 1 May 2004;
- (d) 'primary import' means the economic operation defined in the first subparagraph of Article 3(1) of Regulation (EC) No 896/2001;
- (e) 'minimum quantity' means the minimum quantity defined in the third subparagraph of Article 3(1) of Regulation (EC) No 896/2001;
- (f) 'competent authorities' means the competent authorities listed in the Annex to Regulation (EC) No 896/2001.

### Article 2

This Regulation determines the operators established in the Community as constituted on 30 April 2004 who may be given access to participate in the tariff quota arrangements for banana imports on the basis of their activities in supplying the markets of the new Member States prior to their accession.

### Article 3

#### Traditional operators

1. Traditional operators established in the Community of 15 during the years referred to below and meeting the requirements laid down in Article 3(1) of Regulation (EC) No 896/2001 who have carried out a minimum quantity of primary imports of bananas with a view to their sale in one or more of the new Member States during either 2000, 2001 or 2002 may submit a written application for allocation of a specific reference quantity with a view to the issue of import licences from 1 May 2004 under the tariff quota arrangements for banana imports.

Compliance with the minimum quantity requirement shall be established on the basis of all primary imports carried out with a view to supplying the markets of the new Member States.

2. For the purposes of paragraph 1:

- traditional operators registered in a Member State shall submit a written application for allocation of a specific reference quantity to the competent authorities of that Member State;
- operators not registered in a Member State shall submit a written application for registration and allocation of a specific reference quantity to the competent authorities of the Member State of their choice.

Applications shall be submitted no later than 15 March 2004.

3. Applications as referred to in paragraph 2 shall indicate:

- (a) for 2000, 2001 and 2002, the quantities of primary imports of bananas carried out and followed by release for free circulation in the new Member States,
- (b) the respective quantities released for free circulation in the different new Member States for each of the years concerned.

### Article 4

#### Non-traditional operators

1. Non-traditional operators established in the Community of 15 at the time of registration and meeting the requirements laid down in Article 6 of Regulation (EC) No 896/2001 who have been engaged in the commercial activity of importing fresh bananas falling within CN code 0803 00 19 into one or more of the new Member States to a declared customs value of EUR 1 200 000 or more during either 2002 or 2003 may submit an application for registration in the Member State of their choice with a view to the issue of import licences from 1 May 2004 under the tariff quota arrangements for imports of bananas.

To that end, operators shall address their application for registration together with an application for a specific allocation to the competent authorities of the Member State of their choice.

Applications shall be submitted no later than 15 March 2004.

2. To be accepted, applications for registration as referred to in paragraph 1:

- (a) may not cover a quantity greater than 70 % of the quantity for which proof of import has been supplied under Article 6(3);
- (b) shall be accompanied by proof that a security of EUR 150 per tonne requested has been lodged in accordance with title III of Commission Regulation (EEC) No 2220/85<sup>(1)</sup>, together with the appropriate supporting documents.

<sup>(1)</sup> OJ L 205, 3.8.1985, p. 5.

*Article 5*

1. Operators may not apply to be registered as both a traditional and a non-traditional operator under this Regulation.
2. Bananas re-exported outside the new Member States shall not be taken into account for the purposes of this Regulation.

*Article 6***Supporting documents**

1. Operators shall provide the necessary supporting documents along with their applications as referred to in Articles 3 and 4.
  2. For primary imports, operators must provide proof that they have, on their own account, purchased bananas from the producers, dispatched and sold them with a view to their release for free circulation in one of the new Member States. To that end, the following documents in particular may be supplied in support of applications as referred to in Article 3:
    - (a) the purchase contract in the producer country;
    - (b) the bill of lading and the ship's manifest;
    - (c) the insurance policy covering sea transport;
    - (d) the invoices and proof of payment for the purchase of the goods;
    - (e) the invoices and proof of payment of sea transport;
    - (f) the proof of payment of the insurance policy covering sea transport;
    - (g) the invoices and/or sales documents relating to the supply of the new Member States;
- and any other document attesting to the performance of a primary import.

Proof of release for free circulation in the new Member States shall take the form of import declarations or other appropriate customs documents.

The supporting documents to be produced shall be original documents or certified copies thereof.

3. The supporting documents to be provided for applications as referred to in Article 4 shall be those referred to in Article 7(2) of Regulation (EC) No 896/2001.

*Article 7***Checks and verifications by the Member States**

1. The Member States shall make the necessary checks to ensure that operators meet all the necessary conditions for recognition as either a traditional or a non-traditional operator in accordance with Regulation (EC) No 896/2001 and this Regulation.
2. Following the checks referred to in paragraph 1, the Member States shall draw up a list of traditional operators within the meaning of Article 3(1) of Regulation (EC) No 896/2001 who have carried out primary imports followed by release for free circulation in the new Member States during 2000, 2001 and 2002, and a list of non-traditional operators.
3. The Member States shall forward the lists referred to in paragraph 2 to the Commission no later than 15 April 2004, together with the following information:
  - (a) for each traditional operator, the average of primary imports during 2000 to 2002 as referred to in Article 3(1);
  - (b) for each operator, the quantities actually released for free circulation in the new Member States each year during 2000, 2001 and 2002, in the case of traditional operators, and during 2002 and 2003 in the case of non-traditional operators.

*Article 8***Additional notifications and checks**

The Commission shall notify the lists of traditional and non-traditional operators to all the Member States.

The Commission shall request that the Member States make any necessary additional verifications and, as and when required, organise the appropriate checks in collaboration with the competent national authorities with a view to detecting and preventing false claims by operators.

*Article 9*

Articles 3 to 10 in title II of Regulation (EC) No 896/2001 shall apply subject to this Regulation.

For the purposes of this Regulation, Articles 11 and 12 of Regulation (EC) No 896/2001 shall apply to operators as referred to in Articles 3 and 4.

*Article 10***Entry into force**

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

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

Done at Brussels, 5 March 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 415/2004****of 5 March 2004****amending Regulation (EC) No 2099/2002 of the European Parliament and of the Council establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the regulations on maritime safety and the prevention of pollution from ships****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the regulations on maritime safety and the prevention of pollution from ships <sup>(1)</sup>, and in particular Article 7 thereof,

Whereas:

- (1) Regulation (EC) No 2099/2002 has established the COSS Committee.
- (2) The role of the COSS Committee is to centralise the tasks of the committees set up under the Community legislation on maritime safety, the prevention of pollution from ships and the protection of shipboard living and working conditions.
- (3) All new Community legislation adopted in the field of maritime safety should provide for recourse to the COSS.
- (4) Article 6 of Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community <sup>(2)</sup> provides that the Commission shall be assisted by the Committee set up pursuant to Article 12(1) of Council Directive 93/75/EEC <sup>(3)</sup>. That Committee has been replaced by the COSS under Regulation (EC) No 2099/2002.
- (5) Article 28 of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC <sup>(4)</sup> provides that the Commission shall be assisted by a Committee.
- (6) Article 9 of Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships provides that the Commission shall be assisted by the COSS <sup>(5)</sup>.

(7) Article 11 of Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships provides that the Commission shall be assisted by the COSS <sup>(6)</sup>.

(8) Pursuant to Article 7 of Regulation (EC) No 2099/2002, Article 2(2) of that Regulation should be amended in order to include a reference to the Community acts conferring implementing powers on COSS that have entered into force following the adoption of that Regulation.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following points shall be added to Article 2(2) of Regulation (EC) No 2099/2002:

- '(p) Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community (\*);
- (q) Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (\*\*);
- (r) Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships (\*\*\*);
- (s) Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships (\*\*\*\*).

(\*) OJ L 67, 9.3.2002, p. 31.

(\*\*) OJ L 208, 5.8.2002, p. 10.

(\*\*\*) OJ L 115, 9.5.2003, p. 1.

(\*\*\*\*) OJ L 123, 17.5.2003, p. 22.'

<sup>(1)</sup> OJ L 324, 29.11.2002, p. 1.

<sup>(2)</sup> OJ L 67, 9.3.2002, p. 31.

<sup>(3)</sup> OJ L 247, 5.10.1993, p. 19.

<sup>(4)</sup> OJ L 208, 5.8.2002, p. 10.

<sup>(5)</sup> OJ L 115, 9.5.2003, p. 1.

<sup>(6)</sup> OJ L 123, 17.5.2003, p. 22.

*Article 2*

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

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

Done at Brussels, 5 March 2004.

*For the Commission*  
Loyola DE PALACIO  
Vice-President

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**COMMISSION REGULATION (EC) No 416/2004  
of 5 March 2004**

**laying down transitional measures for the application of Council Regulation (EC) No 2201/96 and Regulation (EC) No 1535/2003 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Transitional measures should be adopted to allow producers and processors in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereafter the new Member States) to benefit from the provisions of Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products <sup>(1)</sup>.
- (2) Under Commission Regulation (EC) No 1535/2003 of 29 August 2003 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables <sup>(2)</sup> contracts must be concluded for tomatoes, peaches and pears between processors approved by the competent authorities and producer organisations granted recognition or preliminary recognition. A temporary derogation should be made from the timetable for concluding contracts laid down in Regulation (EC) No 1535/2003. Otherwise, and particularly in the case of tomatoes, for which contracts must be concluded before 15 February, the parties concerned would be unable to benefit from the aid scheme during the first marketing year.
- (3) The mechanism for examining compliance with the national processing thresholds provided for in Article 5 of Regulation (EC) No 2201/96 does not apply immediately to the new Member States. Transitional measures for its application should therefore be laid down. For the first marketing year of application, for which there are no data for the calculation, the aid should be paid in full. However, as a precautionary measure, a prior reduction should be made to be reimbursed if there is no

overrun at the end of the marketing year. For subsequent marketing years, provision should be made for the gradual application of the system for examining compliance with the threshold.

- (4) Since the aid for tomatoes is published in the January preceding the marketing year concerned, transitional measures should also be laid down for examining compliance with the threshold for the purposes of fixing the level of aid for the 2007/08 marketing year.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

Notwithstanding Article 6(1)(a) of Regulation (EC) No 1535/2003, in the case of tomatoes in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereafter the new Member States) during the 2004/05 marketing year, contracts between recognised producer organisations within the meaning of paragraph 1(1)(a) of the said Regulation and approved processors shall be concluded by 15 July and at least 10 days before deliveries are to commence.

*Article 2*

For the 2004/05 marketing year and for the new Member States, the aid provided for in Article 4(2) of Regulation (EC) No 2201/96 shall be:

- EUR 25,88/tonne for tomatoes,
- EUR 35,78/tonne for peaches,
- EUR 121,28/tonne for pears.

*Article 3*

1. Where the examination of compliance with the threshold for the purpose of fixing the aid for the 2005/06 marketing year shows that the Community threshold has not been exceeded, an additional amount equal to 25 % of the aid provided for in Article 4(2) of Regulation (EC) No 2201/96 shall be paid in all the new Member States after the end of the 2004/05 marketing year.

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 453/2002 (OJ L 72, 14.3.2002, p. 9).

<sup>(2)</sup> OJ L 218, 30.8.2003, p. 14.

2. Where the examination of compliance with the threshold for the purpose of fixing the aid for the 2005/06 marketing year shows that the Community threshold has been exceeded, in those new Member States in which the threshold has not been exceeded or in which the threshold has been exceeded by less than 25 % an additional amount shall be paid after the end of the 2004/05 marketing year.

The additional amount referred to in the first subparagraph shall be based on the amount by which the national threshold concerned has been exceeded, up to a maximum of 25 % of the aid laid down in Article 4(2) of Regulation (EC) No 2201/96.

#### *Article 4*

In examining compliance with the national processing thresholds for tomatoes, peaches and pears in the new Member States, the calculation shall be based:

- (a) for the 2005/06 marketing year:
  - (i) in the case of tomatoes, on the quantities for which aid applications were submitted for the 2004/05 marketing year;
  - (ii) in the case of peaches and pears, on the quantities for which aid was actually paid during the 2004/05 marketing year;
- (b) for the 2006/07 marketing year:
  - (i) in the case of tomatoes, on the average of the quantities for which aid was actually paid during the 2004/05 marketing year and the quantities for which aid applications were submitted for the 2005/06 marketing year;
  - (ii) in the case of peaches and pears, on the average quantities for which aid was actually paid during the 2004/05 and 2005/06 marketing years;
- (c) for the 2007/08 marketing year in the case of tomatoes, the average of the quantities for which aid was actually paid during the 2004/05 and 2005/06 marketing years and the quantities for which aid applications were submitted for the 2006/07 marketing year.

The quantity obtained when examining compliance with the national threshold shall be added to the amounts for all the other Member States for the purposes of examining compliance with the Community threshold.

#### *Article 5*

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

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

Done at Brussels, 5 March 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 417/2004****of 5 March 2004****on the issue of system B export licences in the fruit and vegetables sector (oranges and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(2)</sup>, and in particular Article 6(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2214/2003 <sup>(3)</sup> fixes the indicative quantities for which system B export licences may be issued.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for oranges and

apples will shortly be exceeded. This overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for oranges and apples after 5 March 2004 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for system B export licences for oranges and apples submitted pursuant to Article 1 of Regulation (EC) No 2214/2003, export declarations for which are accepted after 5 March and before 16 March 2004, are hereby rejected.

*Article 2*

This Regulation shall enter into force on 6 March 2004.

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

Done at Brussels, 5 March 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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

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

<sup>(3)</sup> OJ L 332, 19.12.2003, p. 7.

**COMMISSION REGULATION (EC) No 418/2004****of 5 March 2004****fixing the maximum export refund on wholly milled and parboiled long grain B rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1877/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1877/2003 <sup>(2)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(3)</sup> allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled and parboiled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1877/2003 is hereby fixed on the basis of the tenders submitted from 1 to 4 March 2004 at 242,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 6 March 2004.

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

Done at Brussels, 5 March 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

<sup>(2)</sup> OJ L 275, 25.10.2003, p. 20.

<sup>(3)</sup> OJ L 61, 7.3.1975, p. 25. Regulation as last amended by Regulation (EC) No 1948/2002 (OJ L 299, 1.11.2002, p. 18).

**COMMISSION REGULATION (EC) No 419/2004****of 5 March 2004****fixing the maximum export refund on wholly milled round grain rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1875/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1875/2003 <sup>(2)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(3)</sup> allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1875/2003 is hereby fixed on the basis of the tenders submitted from 1 to 4 March 2004 at 104,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 6 March 2004.

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

Done at Brussels, 5 March 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

<sup>(2)</sup> OJ L 275, 25.10.2003, p. 14.

<sup>(3)</sup> OJ L 61, 7.3.1975, p. 25. Regulation as last amended by Regulation (EC) No 1948/2002 (OJ L 299, 1.11.2002, p. 27).

**COMMISSION REGULATION (EC) No 420/2004****of 5 March 2004****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1876/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1876/2003 <sup>(2)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(3)</sup> allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1876/2003 is hereby fixed on the basis of the tenders submitted from 1 to 4 March 2004 at 104,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 6 March 2004.

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

Done at Brussels, 5 March 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

<sup>(2)</sup> OJ L 275, 25.10.2003, p. 17.

<sup>(3)</sup> OJ L 61, 7.3.1975, p. 25. Regulation as last amended by Regulation (EC) No 1948/2002 (OJ L 299, 1.11.2002, p. 18).

**COMMISSION REGULATION (EC) No 421/2004****of 5 March 2004****amending representative prices and additional duties for the import of certain products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses <sup>(2)</sup>, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1166/2003 <sup>(3)</sup>.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 6 March 2004.

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

Done at Brussels, 5 March 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

<sup>(2)</sup> OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

<sup>(3)</sup> OJ L 162, 1.7.2003, p. 57. Regulation as last amended by Regulation (EC) No 319/2004 (OJ L 55, 24.2.2004, p. 50).

## ANNEX

**to the Commission Regulation of 5 March 2004 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99**

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 <sup>(1)</sup>	15,17	9,03
1701 11 90 <sup>(1)</sup>	15,17	15,33
1701 12 10 <sup>(1)</sup>	15,17	8,79
1701 12 90 <sup>(1)</sup>	15,17	14,81
1701 91 00 <sup>(2)</sup>	18,61	17,38
1701 99 10 <sup>(2)</sup>	18,61	11,93
1701 99 90 <sup>(2)</sup>	18,61	11,93
1702 90 99 <sup>(3)</sup>	0,19	0,45

<sup>(1)</sup> For the standard quality as defined in Annex I, point II, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

<sup>(2)</sup> For the standard quality as defined in Annex I, point I, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

<sup>(3)</sup> By 1 % sucrose content.

## II

(Acts whose publication is not obligatory)

## COUNCIL

**COUNCIL DECISION**  
**of 19 February 2004**  
**appointing an Austrian member of the Committee of the Regions**  
(2004/218/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Austrian Government,

Whereas:

- (1) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions <sup>(1)</sup>.
- (2) A seat as a member of the Committee of the Regions has become vacant following the resignation of Ms Helga MACHNE, notified to the Council on 26 January 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Bernd VÖGERLE, Bürgermeister, Vizepräsident des Österreichischen Gemeindebundes and alternate member of the Committee of the Regions, is hereby appointed a member of the Committee of the Regions in place of Ms Helga MACHNE for the remainder of her term of office, which runs until 25 January 2006.

Done at Brussels, 19 February 2004.

*For the Council*  
*The President*  
M. McDOWELL

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<sup>(1)</sup> OJ L 24, 26.1.2002, p. 38.



**COUNCIL DECISION**  
**of 19 February 2004**  
**appointing an Austrian alternate member of the Committee of the Regions**

(2004/219/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Austrian Government,

Whereas:

- (1) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions <sup>(1)</sup>,
- (2) A seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Bernd VÖGERLE, notified to the Council on 9 February 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Andreas SCHIEDER, Gemeinderat (Vienna), is hereby appointed an alternate member of the Committee of the Regions in place of Mr Bernd VÖGERLE for the remainder of his term of office, which runs until 25 January 2006.

Done at Brussels, 19 February 2004.

*For the Council*

*The President*

M. McDOWELL

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<sup>(1)</sup> OJ L 24, 26.1.2002, p. 38.

**COUNCIL DECISION**  
**of 19 February 2004**  
**appointing a Spanish member of the Committee of the Regions**

(2004/220/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions <sup>(1)</sup>.
- (2) A seat as a member of the Committee of the Regions has fallen vacant following the expiry of the mandate of Mr Jordi PUJOL I SOLEY, of which the Council was notified on 4 February 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Pascual MARAGALL I MIRA, Presidente — Gobierno de la Comunidad Autónoma de Cataluña, is hereby appointed a member of the Committee of the Regions in place of Mr Jordi PUJOL I SOLEY for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 19 February 2004.

*For the Council*

*The President*

M. McDOWELL

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<sup>(1)</sup> OJ L 24, 26.1.2002, p. 38.

**COUNCIL DECISION**  
**of 19 February 2004**  
**appointing a Spanish alternate member of the Committee of the Regions**

(2004/221/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions <sup>(1)</sup>.
- (2) A seat as an alternate member of the Committee of the Regions has fallen vacant following the expiry of the mandate of Mr Joaquim LLIMONA I BALCELLS, of which the Council was notified on 4 February 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Joan CARRETERO I GRAU, Consejero de Gobernación y Administraciones Públicas — Gobierno de la Comunidad Autónoma de Cataluña, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Joaquim LLIMONA I BALCELLS for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 19 February 2004.

*For the Council*  
*The President*  
M. McDOWELL

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<sup>(1)</sup> OJ L 24, 26.1.2002, p. 38.

**COUNCIL DECISION**  
**of 19 February 2004**  
**appointing an Austrian alternate member of the Committee of the Regions**

(2004/222/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Austrian Government,

Whereas:

- (1) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions <sup>(1)</sup>.
- (2) A seat as an alternate member of the Committee of the Regions has fallen vacant following the resignation of Mr Ernst WOLLER, of which the Council was notified on 20 January 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Markus LINHART, Bürgermeister (Bregenz), is hereby appointed an alternate member of the Committee of the Regions in place of Mr Ernst WOLLER for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 19 February 2004.

*For the Council*  
*The President*  
M. McDOWELL

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<sup>(1)</sup> OJ L 24, 26.1.2002, p. 38.

**COUNCIL DECISION**  
**of 26 February 2004**  
**laying down the Rules of the Advisory Committee on Vocational Training**

(2004/223/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 63/266/EEC of 2 April 1963 laying down general principles for implementing a common vocational training policy <sup>(1)</sup>, and in particular the last subparagraph of the fourth principle thereof,

Having regard to the opinion of the Commission,

Whereas:

- (1) On the basis of Decision 63/266/EEC, the Council on 18 December 1963 adopted the Rules of the Advisory Committee on Vocational Training (63/688/EEC) <sup>(2)</sup>.
- (2) Over the forty years since its creation, the Advisory Committee on Vocational Training provided the Commission with opinions on vocational training issues, including opinions on communications and other strategic documents, on specific undertakings such as the establishment of the European Centre for the Development of Vocational Training, and on the preparation, evaluation and optimisation of Community action programmes in the field of vocational training.
- (3) The social, political and institutional changes which have taken place since the creation of the Advisory Committee on Vocational Training and the new prospects opened up by the forthcoming accessions require a constructive re-examination of the composition of the Advisory Committee on Vocational Training and its organisational framework. The Rules of the Advisory Committee on Vocational Training (63/688/EEC) and Decision 68/189/EEC should therefore be repealed and replaced.
- (4) The tripartite structure of the Advisory Committee on Vocational Training and its tasks should be substantially retained, but accompanied by the introduction of a number of changes to streamline its operation,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The Advisory Committee on Vocational Training (hereinafter called the Committee) shall consist of three members for each Member State, there being one representative for each interest group of national governments, trade unions and employers' organisations.

<sup>(1)</sup> OJ 63, 20.4.1963, p. 1338/63.

<sup>(2)</sup> OJ 190, 30.12.1963, p. 3090/63. Rules as amended by Decision 68/189/EEC (OJ L 91, 12.4.1968, p. 26).

2. Each Member State may nominate a second representative of national governments. However, each interest group will be entitled to only one vote per Member State.

3. An alternate member shall be appointed for each member.

Without prejudice to Article 7(3), the alternate member shall attend Committee meetings only when the member for whom he or she deputises is unable to be present.

4. Members of the Committee shall be nominated by Member States and appointed by the Commission.

The Member States shall endeavour to ensure a balanced representation of men and women in the composition of the Committee and shall ensure that the necessary range of skills is available to enable the Committee to accomplish its tasks.

*Article 2*

1. The Committee shall have the task of assisting the Commission in implementing a Community vocational training policy.

2. Specifically, the Committee shall provide the Commission with opinions on the following matters:

- (a) questions of general importance or of principle concerning vocational training;
- (b) questions related to the preparation, implementation, evaluation and optimisation of activities carried out or planned by the Commission in the field of vocational training.

It shall also conduct exchanges of views and experience in relation to vocational training.

3. The Commission shall provide the Committee with the necessary information.

*Article 3*

1. The term of office of members shall be three years. Their appointments shall be renewable.

2. On expiry of their term of office, the members shall remain in office until they are replaced or their appointments are renewed.

3. A member's term of office may end before the expiry of the three-year period through his or her resignation or following a communication from the Member State concerned indicating that the term of office is terminated.

For the remainder of the term of office, the member shall be replaced in accordance with the procedure laid down in Article 1.

#### Article 4

1. Within the Committee, there shall be three interest groups, made up of representatives of national governments, trade unions and employers respectively.

2. Each interest group shall select one of its members to be its spokesperson.

3. Each interest group shall designate a coordinator who will take part in meetings of the Committee, the Bureau set up in Article 5 and the interest group.

#### Article 5

1. A Bureau shall be formed to organise the Committee's activities.

2. The Bureau shall be made up of two representatives of the Commission and the spokespersons and coordinators nominated by the interest groups, or their delegates as laid down in the rules of procedure referred to in Article 8.

#### Article 6

1. The Committee shall be chaired by the Director-General in charge of Vocational Training at the Commission or, where he or she is prevented from so doing, by one of the Directorate-General's directors to be nominated by the Director General. The Chair shall not vote.

2. The Committee shall meet at least twice a year.

3. It shall be convened by the Chair, either at his or her initiative or at the request of at least one-third of its members.

4. The Chair may, on his or her own initiative, invite experts to participate in Committee meetings.

5. The Committee may set up working parties, in accordance with the provisions set out in the rules of procedure referred to in Article 8.

6. Representatives of any Commission department concerned shall participate in meetings of the Committee, the Bureau and the working parties.

7. The Commission shall provide secretarial services for the Committee, the Bureau and the working parties.

8. The following persons may attend meetings of the Committee as observers:

(a) the Director of the European Centre for the Development of Vocational Training (Cedefop), or a representative delegated by him/her;

(b) the Director of the European Training Foundation, or a representative delegated by him/her;

(c) a representative for each interest group of the Member States of the European Economic Area.

The Chair may authorise other persons to attend meetings of the Committee as observers.

#### Article 7

1. An opinion delivered by the Committee shall not be valid unless two-thirds of its voting members are present or represented.

2. Opinions of the Committee shall state the reasons on which they are based. They shall be delivered by an absolute majority of the votes validly cast. They shall be accompanied by a written statement of the views expressed by the minority, when the latter so requests.

3. The rules of procedure referred to in Article 8 shall define fast-track decision-making procedures.

#### Article 8

The Committee shall, having received an opinion from the Commission, adopt its rules of procedure, which shall lay down the practical arrangements for its activities.

#### Article 9

Pursuant to Article 287 of the Treaty, Committee members shall be required not to disclose information to which they have gained access through Committee, Bureau or working party proceedings, if the Commission informs them that the opinion requested or the question raised is of a confidential nature.

In such cases, only Committee members and representatives of the Commission shall attend the meetings concerned.

#### Article 10

The Rules of the Advisory Committee on Vocational Training (63/688/EEC) and Decision 68/189/EEC shall be repealed on the date of the publication of this Decision.

#### Article 11

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

Done at Brussels, 26 February 2004.

For the Council  
The President  
N. DEMPSEY

# COMMISSION

## COMMISSION DECISION

of 20 February 2004

**laying down arrangements for the submission of information on plans or programmes required under Council Directive 96/62/EC in relation to limit values for certain pollutants in ambient air**

(notified under document number C(2004) 491)

(Text with EEA relevance)

(2004/224/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management <sup>(1)</sup>, and in particular Article 12(1) thereof,

Whereas:

- (1) Pursuant to Article 8(3) of Directive 96/62/EC, plans or programmes for attaining the limit values established by Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air <sup>(2)</sup> and by Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air <sup>(3)</sup> must be prepared in the Member States for those zones and agglomerations where the limit values plus the margin of tolerance are exceeded. Those plans and programmes must include at least the information listed in Annex IV to Directive 96/62/EC. The Commission must regularly check the implementation of those plans and programmes.
- (2) Article 11 of Directive 96/62/EC requires Member States to submit their plans and programmes to the Commission annually.
- (3) While the plans and programmes would be drafted according to the specific administrative requirements in each Member State, the information submitted to the

Commission should be harmonised and structured in accordance with the detailed arrangements laid down in the present Decision.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 12 of Directive 96/62/EC,

HAS ADOPTED THIS DECISION:

### Article 1

When submitting the information on the plans or programmes referred to in Article 8(3) of Directive 96/62/EC, as required by Article 11(1)(a)(iii) thereof, with regard to the limit values established by Directives 1999/30/EC and 2000/69/EC, Member States shall present that information in accordance with the structure set out in the Annex to this Decision.

The full plans and programmes shall be made available to the Commission on request.

### Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 February 2004.

For the Commission

Margot WALLSTRÖM

Member of the Commission

<sup>(1)</sup> OJ L 296, 21.11.1996, p. 55. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ L 163, 29.6.1999, p. 41. Directive as amended by Commission Decision 2001/744/EC (OJ L 278, 23.10.2001, p. 35).

<sup>(3)</sup> OJ L 313, 13.12.2000, p. 12.



## ANNEX

## INTRODUCTION

The report to the Commission shall be given in the seven forms specified below. For each plan or programme a full set of forms has to be filled in. Form 1 sets out general information on the plan or programme concerned. In forms 2 to 6, each column describes an exceedance situation addressed by the plan or programme. An exceedance situation is defined by an exceedance area and the limit value (LV) plus the margin of tolerance (LV+MOT) that has been exceeded in that area. An exceedance area is a location or a collection of locations where the levels have been found to exceed an LV+MOT in the reference year. The reference year is the year in which the exceedance occurred that, following Article 8 of Directive 96/62/EC, gave rise to the obligation to prepare or implement the PP. Each row in forms 2 to 6 contains a descriptive element for the exceedance situation.

An exceedance area may be a composite of several locations where exceedance of the LV+MOT has been found in the reference year, provided that certain descriptive elements of these locations are comparable or identical. These descriptive elements are indicated in forms 2 to 6 by a merging code that is specified in box 1. For the descriptive elements that are allowed to be different for the locations, other codes are given in box 1; these codes specify how the different elements are to be aggregated.

Summary descriptions of individual measures are given in form 7.

## BOX 1

**Specification of how locations where the levels have been found to exceed an LV+MOT can be merged into a single exceedance situation: merging codes, which are given for each entry in the forms below**

Merging code	Meaning of merging code
N.A.	Not applicable
S	This entry should be a single description (not a list, range or total), that applies to all locations that have been merged
L	If merged, the entry shall be a list <sup>(1)</sup> of all entries of the locations
LS	If merged, the entry shall be a list <sup>(1)</sup> of all entries of the locations or a single description
R	If merged, the entry shall be the range of the entries of the different locations: minimum value — maximum value
T	If merged, the entry shall be the summed total of all entries of the locations

<sup>(1)</sup> All lists shall have the same sequence of locations. Entries for separate locations shall be separated by a double slash '//'.  
 \_\_\_\_\_

## FORM 1

## General information on the plan or programme

a. Reference year	N.A.
b. Member State	N.A.
c. Reference to the plan or programme	N.A.
d. List of the code numbers of the exceedance situations described in forms 2 to 6	N.A.
e. Name of the authority responsible for drafting the plan or programme addressing the exceedance situation	N.A.
f. Postal address of the responsible authority	N.A.
g. Name of the contact person	N.A.
h. Postal address of the contact person	N.A.

i. Telephone number of the contact person	N.A.
j. Fax number of the contact person	N.A.
k. E-mail address of the contact person	N.A.
l. Comments for clarification if needed	N.A.

*Notes to Form 1:*

- Sub b:* The Member State shall be indicated using the following codes: Austria: AT; Belgium: BE; Denmark: DK; Finland: FI; France: FR; Germany: DE; Greece: EL; Ireland: IE; Italy: IT; Luxembourg: LU; Netherlands: NL; Portugal: PT; Spain: ES; Sweden: SE; United Kingdom: UK.
- Sub c:* The reference to the plan or programme shall be a complete and detailed reference to the document(s) in which the plan or programme is fully described. In addition, a web address may be given.
- Sub g:* The contact person is the person that the Commission must approach if it requires further information on any aspect of this reporting sheet.

FORM 2

**Description of the exceedance of the limit value**

a. Code number of the exceedance situation	N.A.
b. Pollutant	S
c. Zone code	L
d. Name of the city(-ies) or municipality(-ies)	L
e. To be filled in only if the pollutant is SO <sub>2</sub> , NO <sub>2</sub> or PM <sub>10</sub> ; limit value for which the LV+MOT was exceeded [h/d/a]	S
f. Concentration level in the reference year:	
— Concentration in µg/m <sup>3</sup> if applicable, or	R
— Maximum 8-hour mean CO concentration in mg/m <sup>3</sup> if applicable, or	R
— Total number of exceedances expressed in relation to the LV+MOT if applicable	R
g. To be filled in only if the LV is expressed as number of exceedances of a numerical concentration: total number of exceedances in the reference year expressed in relation to the LV	R
h. Concentration level in the reference year expressed in relation to the other health related LV of the pollutant concerned, if such an LV exists:	
— Concentration in µg/m <sup>3</sup> if applicable, or	R
— Total number of exceedances expressed in relation to the LV if applicable	R
i. Concentrations observed in previous years if available and not previously communicated to the Commission	
— Year and concentration in µg/m <sup>3</sup> if applicable, or	L
— Year and maximum 8-hour mean CO concentration in mg/m <sup>3</sup> if applicable, or	L
— Year and total number of exceedances expressed in relation to the LV+MOT if applicable	L
j. If the exceedance was found by measurement:	
— Code of the station where the exceedance was observed	L
— Geographical coordinates of the station	L
— Classification of the station	S

k.	If the exceedance was found by model calculation:	
	— Indication of the location of the exceedance area	LS
	— Classification of the area	S
l.	Estimate of the surface area (km <sup>2</sup> ) where the level was above the LV in the reference year	T
m.	Estimate of the length of road (km) where the level was above the LV in the reference year	T
n.	Estimate of the total population exposed to a level above the LV in the reference year	T
o.	Comments for clarification if needed	N.A.

## Notes to Form 2:

1. Sub a: Each exceedance situation shall be given a code number that is unique within the Member State.
2. Sub b: The pollutant shall be indicated by 'SO<sub>2</sub>', 'NO<sub>2</sub>', 'PM<sub>10</sub>', 'Pb' for lead, 'C<sub>6</sub>H<sub>6</sub>' for benzene and 'CO'.
3. Sub c: The zone code shall be identical to the one submitted in the annual questionnaire 2001/839/EC of the reference year.
4. Sub d: If the exceedance area extends over more than one city or municipality, all cities and municipalities where exceedance was found shall be mentioned, separated by a semicolon.
5. Sub e: The limit value for which the LV+MOT was exceeded shall be identified as 'h' (based on hourly means), 'd' (daily means) or 'a' (annual means).
6. Sub f and h: If the exceedance has been found by modelling, the highest level in the exceedance area shall be given in this and the following forms.
7. Sub i: The information should be given in the form 'year: concentration'. Entries for several years should be separated by a semicolon. Non-availability of data shall be indicated by 'n.a.', earlier communication by 'com.'.
8. Sub j: 'Code of the station where the exceedance was observed' shall be the code that has been used in the annual questionnaire of the reference year (Commission Decision 2001/839/EC).
9. Sub j: For 'geographical coordinates of the station' and 'classification of the station', the specifications that are already in use for the exchange of data under the exchange of information Decision 97/101/EC shall be used.
10. Sub k: The codes for 'classification of station' shall also be used for 'classification of the area'. If the exceedance area found by modelling includes more than one class, the class codes shall be given, separated by a semicolon.
11. Sub l and m: The 'surface area (km<sup>2</sup>) above the LV' indicates the size of the exceedance area concerned. It may be left blank for traffic stations or traffic areas. The 'length of road (km) where the level was above the LV' shall only be given for exceedances at traffic stations or, in case of modelling, traffic areas. It indicates the total length of road sections where exceedance occurred on one or both sides.
12. Sub n: 'Population exposure above the LV' indicates an estimate of the average number of people present during the exceedance of the limit value.

## FORM 3

## Analysis of the causes of exceedance of the limit value in the reference year

a.	Code number of the exceedance situation	N.A.
b.	Estimate of the regional background level	
	— Annual mean concentration in µg/m <sup>3</sup> if applicable, or	R
	— Maximum 8-hour mean CO concentration in mg/m <sup>3</sup> if applicable, or	R
	— Total number of exceedances expressed in relation to the LV if applicable	R
c.	Estimate of the total background level	
	— Annual mean concentration in µg/m <sup>3</sup> if applicable, or	R
	— Maximum 8-hour mean CO concentration in mg/m <sup>3</sup> if applicable, or	R
	— Total number of exceedances expressed in relation to the LV if applicable	R
d.	Indication of the contribution of local sources to exceedances of the limit value:	
	— Traffic	S
	— Industry including heat and power production	S

— Agriculture	S
— Commercial and residential sources	S
— Natural sources	S
— Other	S
e. Reference to the emission inventory used in the course of the analysis	N.A.
f. If exceptional: indication of local climatology	S
g. If exceptional: indication of local topography	S
h. Comments for clarification if needed	N.A.

## Notes to Form 3:

1. *Sub b and c:* The background level is the concentration of pollutants on a larger scale than the exceedance area. The regional background level is the level that is estimated to occur in the absence of sources within a distance of the order of 30 km. For locations in a city, this would be the background level in the absence of the city. For exceedance due to long-range transport of air pollution, the regional background can be equal to the exceedance reported in form 2. The total background is the level that is estimated to occur in the absence of local sources (with high chimneys within about 5 km and low sources within roughly 0.3 km — this distance could be smaller, e.g. for residential heating, or larger, e.g. for steel mills). The total background level includes the regional background level. In a city, the total background is the urban background, i.e. the level that would occur in the absence of significant sources in the immediate vicinity. In a rural area, the total background level is about equal to the regional background level.
2. *Sub d:* The contributions of the local sources shall be expressed as a sequential number, using '1' for the largest contributor, '2' for the second largest contributor etc. Sources that do not contribute significantly shall be indicated by '-'.
3. *Sub d:* If the contribution of 'other' sources has been indicated as significant, the source type(s) shall be clarified at the entry 'Comments for clarification'.
4. *Sub f:* Exceptional local climatology shall be indicated by '+'.
5. *Sub g:* Exceptions local topography shall be indicated by '+'.

## FORM 4

### Baseline level

a. Code number of the exceedance situation	N.A.
b. Short description of the emission scenario used for the baseline analysis:	
— Sources contributing to the regional background level	S
— Regional sources contributing to the total background level but not to the regional background level	S
— Local sources as far as relevant	S
c. Expected levels in the first year in which the limit value has to be met:	
— Regional background baseline level:	
Annual mean concentration in $\mu\text{g}/\text{m}^3$ if applicable, or	R
Maximum 8-hour mean CO concentration in $\text{mg}/\text{m}^3$ if applicable, or	R
Total number of exceedances expressed in relation to the LV if applicable	R
— Total background baseline level:	
Annual mean concentration in $\mu\text{g}/\text{m}^3$ if applicable, or	R
Maximum 8-hour mean CO concentration in $\text{mg}/\text{m}^3$ if applicable, or	R
Total number of exceedances expressed in relation to the LV if applicable	R

— Baseline level at location of exceedance:	
Annual mean concentration in $\mu\text{g}/\text{m}^3$ if applicable, or	R
Maximum 8-hour mean CO concentration in $\text{mg}/\text{m}^3$ if applicable, or	R
Total number of exceedances expressed in relation to the LV if applicable	R
d. Are any measures beyond those resulting from existing legislation needed to ensure that the limit value will be met by the compliance date? [y/n]	S
e. Comments for clarification if needed	N.A.

## Notes to Form 4:

- Form 4 shall be filled in for the limit value(s) whose LV+MOT has been exceeded.
- The baseline level is the concentration to be expected in the year when the limit value comes into force without any measures beyond those already agreed or implied by existing legislation.

## FORM 5

## Details of measures beyond those already required by existing legislation

a. Code number of the exceedance situation	N.A.
b. Code(s) of the measure(s)	S
c. Planned timetable of implementation	L
d. Indicator(s) for monitoring the progress	S
e. Funding allocated (years; amount in EUR)	T
f. Estimated total costs (amount in EUR)	T
g. Estimated level in the years when the limit value has to be met, taking the additional measures into account	R
h. Comments for clarification if needed	N.A.

## Note to Form 5:

- Form 5 is to be completed only if the analysis required by form 4 shows that it is not expected that the limit values will be attained by measures already required by existing legislation.
- Sub b: Each measure must be indicated by a code, which refers to a measure described in form 7.
- Sub c: Keywords on the various implementation steps must be given followed by a date or period in the form 'mm/yy'. Entries must be separated by a semicolon.
- Sub e and f: The funding allocated refers to public funds alone; the estimated total costs include also the costs borne by the sector(s) affected.

## FORM 6

## Possible measures that have not yet been taken and long-term measures (optional)

a. Code number of the exceedance situation	N.A.
b. Code(s) of the possible measure(s) that have not yet been taken	LS
c. For measures that have not been taken:	
administrative level at which the measure could be taken	LS
reason for not taking the measure	LS

d. Code(s) of the long-term measure(s)	LS
e. Comments for clarification if needed	N.A.

*Notes to Form 6:*

1. *Sub b and d:* Each measure must be indicated by a code, which refers to a measure described in form 7. If more than one measure is indicated, the codes must be separated by a semicolon.
2. *Sub c:* The following codes are to be used to characterise the administrative level at which the measure could be taken: A: local; B: regional; C: national; D: European Union; E: international beyond European Union. If more than one level is appropriate, the codes must be separated by a semicolon.

## FORM 7

**Summary of measures**

a. Code of the measure	N.A.
b. Title	N.A.
c. Description	N.A.
d. Administrative level at which the measure could be taken	LS
e. Type of measure	N.A.
f. Is the measure regulatory? [y/n]	N.A.
g. Time scale of reduction	N.A.
h. Source sector(s) affected	N.A.
i. Spatial scale of the sources affected	N.A.
j. Comments for clarification if needed	N.A.

*Notes to Form 7:*

1. Form 7 is to be used to describe the measures mentioned in forms 5 or 6. One column of Form 7 must be completed for each measure.
2. *Sub a:* Each measure must be given a unique code.
3. *Sub c:* The description of the measure is a free text of typically 100 to 200 words.
4. *Sub d:* The following codes must be used to characterise the administrative level at which the measure could be taken: A: local; B: regional; C: national.
5. *Sub e:* The following codes must be used to characterise the type of measure: A: economic/fiscal; B: technical; C: education/information; D: other.
6. *Sub g:* The following codes must be used to characterise the time scale of the concentration reduction achieved by the measure: A: short term; B: medium term (about a year); C: long term.
7. *Sub h:* The following codes must be used to characterise the source sector affected by the measure: A: transport; B: industry including heat and power production; C: agriculture; D: commercial and residential sources; E: other.
8. *Sub e and h:* If the code for 'other' is used, it must be clarified at the entry 'Comments for clarification'.
9. *Sub i:* The following codes must be used to characterise the spatial scale of the sources affected by the measure:
10. *Sub d-i:* If more than one code applies, they must be separated by a semicolon.

## COMMISSION DECISION

of 2 March 2004

## on protective measures with regard to certain live animals and animal products originating in or coming from Albania

(notified under document number C(2004) 618)

(Text with EEA relevance)

(2004/225/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(1)</sup>, and in particular Article 18(1) thereof,Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(2)</sup>, and in particular Article 22(1) thereof,

Whereas:

- (1) Commission Decision 94/621/EC of 20 September 1994 on protective measures with regard to certain live animals and animal products originating in or coming from Albania <sup>(3)</sup> has been substantially amended several times <sup>(4)</sup>. In the interests of clarity and rationality the said Decision should be codified.
- (2) Cases of cholera have been found in Albania.
- (3) The presence of cholera in Albania is likely to constitute a serious danger to public health.
- (4) In the absence of health guarantees from the Albanian authorities, it is necessary to prohibit imports of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form, as well as live fish and shellfish carried in water, originating in or coming from Albania.

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

HAS ADOPTED THIS DECISION:

## Article 1

Member States shall prohibit the importation of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form, as well as live fish and shellfish carried in water, originating in or coming from Albania.

## Article 2

Decision 94/621/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex II.

## Article 3

This Decision is addressed to the Member States.

Done at Brussels, 2 March 2004.

For the Commission

David BYRNE

Member of the Commission

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56; Directive as amended by Directive 96/43/EC (OJ L 162, 1.7.1996, p. 1).

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 9.

<sup>(3)</sup> OJ L 246, 21.9.1994, p. 25; Decision as last amended by Decision 95/89/EC (OJ L 70, 30.3.1995, p. 25).

<sup>(4)</sup> See Annex I.



## ANNEX I

**Repealed Decision with its successive amendments**

Decision 94/621/EC	(OJ L 246, 21.9.1994, p. 25)
Decision 94/671/EC	(OJ L 265, 15.10.1994, p. 62)
Decision 94/702/EC	(OJ L 284, 1.11.1994, p. 64)
Decision 95/89/EC	(OJ L 70, 30.3.1995, p. 25)

## ANNEX II

**Correlation Table**

Decision 94/621/EC	This Decision
Article 1	Article 1
Article 2	—
—	Article 2
Article 4	Article 3
—	Annex I
—	Annex II

**COMMISSION DECISION**  
**of 4 March 2004**  
**approving tests for the detection of antibodies against bovine brucellosis within the framework of**  
**Council Directive 64/432/EEC**

(notified under document number C(2004) 654)

(Text with EEA relevance)

(2004/226/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine <sup>(1)</sup>, and in particular Article 6(2)(b) thereof,

Whereas:

- (1) Commission Decision 2000/330/EC of 18 April 2000 approving tests for the detection of antibodies against bovine brucellosis within the framework of Council Directive 64/432/EEC <sup>(2)</sup> has been substantially amended <sup>(3)</sup>. In the interests of clarity and rationality the said Decision should be codified.
- (2) Bovine animals intended for intra-Community trade must, with regard to bovine brucellosis, come from a holding officially free of bovine brucellosis and, in addition, be tested within 30 days of dispatch by use of either a serum-agglutination test or any other test approved by the Standing Committee on the Food Chain and Animal Health procedure following the adoption of the relevant protocols.
- (3) In accordance with Article 16 of Directive 64/432/EEC, the Commission, in accordance with the procedures of Article 17 and on the basis of the opinion of the Scientific Committee on Veterinary Measures relating to Public Health, is to update and if necessary amend Annexes B, C and D (Chapter II) to adapt them to scientific developments.
- (4) The Commission has received the final report of the Scientific Committee on Animal Health and Animal Welfare on the modification of the technical Annexes to Directive 64/432/EEC to take account of scientific developments regarding tuberculosis, brucellosis and enzootic bovine leucosis <sup>(4)</sup>.

(5) In that report the Scientific Committee recommended the preferential use of ELISA tests, the complement fixation test and the buffered brucella antigen tests for the detection of antibodies against bovine brucellosis, carried out, *inter alia*, on samples of blood taken from individual bovine animals. The recommended procedures are in line with the internationally recognised standards set out by the Manual of standards for diagnostic tests and vaccines, third edition, 1996, of the Office International des Epizooties (OIE).

(6) In August 2001 the OIE published the fourth edition 2000 of the said manual, including certain modifications in the description of tests for brucellosis.

(7) It was therefore necessary to amend Annex C to Directive 64/432/EEC so as to lay down test procedures applicable for surveillance and trade purposes within the Community which reflect as much as possible the OIE standards but take also into account the advice of the Scientific Committee and of the national reference laboratories in the Member States cooperating within the framework of the European Union network of national reference laboratories for brucellosis.

(8) It appears appropriate to recognise for certification purposes the brucellosis test results produced by use of ELISA tests, the complement fixation test and the buffered brucella antigen tests, if the tests were carried out in accordance with the approved protocols on samples of blood taken from individually identified bovine animals within the 30 days prior to certification of the tested animals for intra-Community trade.

(9) Therefore, pending the update of the technical Annex D (Chapter II) in accordance with Article 16 of Directive 64/432/EEC, the ELISA tests, as specified in the report of the Scientific Committee, and the complement fixation test and the buffered brucella antigen tests, as specified in Annex C to that Directive, should be approved for brucellosis testing for certification purposes as provided for in Article 6(2)(b) and the animal health certificate in Annex F, model 1.

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

<sup>(1)</sup> OJ L21, 29.7.1964, p. 1977/64. Directive as last amended by Regulation (EC) No 21/2004 (OJ L 5, 9.1.2004, p. 8).

<sup>(2)</sup> OJ L 114, 13.5.2000, p. 37. Decision as amended by Regulation (EC) No 535/2002 (OJ L 80, 23.3.2002, p. 22).

<sup>(3)</sup> See Annex I.

<sup>(4)</sup> Doc. SANCO/B3/R10/1999.

HAS ADOPTED THIS DECISION:

*Article 3*

Decision 2000/330/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex II.

*Article 4*

This Decision is addressed to the Member States.

*Article 2*

Where, for the purposes referred to in Article 6(2)(b) of Directive 64/432/EEC, a test referred to in Article 1 of this Decision is used, the test shall be specified in the column 'Test' of the tables in point 3, second indent, and in point 5 of Section A in Annex F, Model 1 (health certificate) to Directive 64/432/EEC.

Done at Brussels, 4 March 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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ANNEX I

**Repealed Decision with its amendment**

Commission Decision 2000/330/EC

(OJ L 114, 13.5.2000, p. 37)

Commission Regulation (EC) No 535/2002 (Article 2 only)

(OJ L 80, 23.3.2002, p. 22)

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ANNEX II

**Correlation Table**

Decision 2000/330/EC	This Decision
Articles 1 and 2	Articles 1 and 2
—	Article 3
Article 3	Article 4
—	Annex I
—	Annex II