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I

(Acts whose publication is obligatory)

**REGULATION (EC) No 491/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 10 March 2004
establishing a programme for financial and technical assistance to third countries in the areas of
migration and asylum (AENEAS)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Articles 179(1) and 181a
thereof,

Having regard to the proposal from the Commission,

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

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

Whereas:

- (1) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, underlined the need for a comprehensive approach to migration addressing political, human rights and development issues in third countries and regions and called for greater coherence between the internal and external policies of the European Union. It stressed the need for more efficient management of migration flows at all their stages and the fact that partnership with third countries would be a key element for the success of such a policy, with a view to promoting co-development.
- (2) The European Council of Seville on 21 and 22 June 2002 highlighted the integration of immigration into the Union's relations with third countries and the importance of intensified cooperation with third countries for the management of migration, including the prevention and combating of illegal migration and trafficking in human beings.
- (3) In its conclusions of 18 November 2002, the Council asked the Community to consider making appropriate assistance available to third countries for implementing the clause on joint management of migratory flows and compulsory readmission in cases of illegal immigration to be included in any future cooperation, association or equivalent agreement.

- (4) Improved management of migratory flows, especially certain aspects of migration such as the emigration of highly skilled nationals and the movement of refugees between neighbouring countries, is also a matter of major concern for the development of some countries.
- (5) The Community's external cooperation and development programmes and policies contribute indirectly to dealing with the main factors causing migratory pressure. More specifically, since the Tampere European Council, the Commission has been trying to incorporate migration-related concerns into the programming of the Community's external aid in order to give direct support to third countries in their efforts to deal with the problems arising from legal, illegal or forced migration.
- (6) To underpin this programming, the budgetary authority entered specific appropriations in the general budgets of the European Union from 2001 to 2003 for the financing of preparatory actions carried out in partnership with third countries and regions in connection with issues of migration and asylum.
- (7) Taking account of those preparatory actions, and referring to the Commission Communication on integrating migration issues in the European Union's relations with third countries, it is considered necessary to endow the Community from 2004 with a multiannual programme designed to provide a specific additional response to the needs of third countries in their efforts to manage more effectively all aspects of migratory flows, and in particular to stimulate third countries' readiness to conclude readmission agreements, and to assist them in coping with the consequences of such agreements.
- (8) To ensure the consistency of the Community's external action, operations financed under this new instrument should be specific and complementary to operations financed under other Community development cooperation instruments.

⁽¹⁾ OJ C 32, 5.2.2004, p. 49.

⁽²⁾ Opinion of the European Parliament of 4 December 2003 (not yet published in the Official Journal) and decision of the Council of 19 February 2004.

- (9) In its conclusions on migration and development of 19 May 2003, the Council affirmed the need for greater coordination between these separate but interrelated policy areas. The Conclusions highlighted a number of areas of potential synergy where the European Union could focus its activities in support of both policy fields.
- (10) The issues arising from migration call for effective, flexible and in some cases prompt decision-making with a view to financing Community operations.
- (11) The implementation of this programme will benefit from the evaluation of the preparatory actions.
- (12) 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⁾.
- (13) This Regulation lays down, for the entire duration of the programme, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽²⁾, for the budgetary authority during the annual budgetary procedure.
- (14) Since the objectives of the proposed action, namely to promote, within the framework of a comprehensive approach to migration, a more efficient management of migration flows in close cooperation with the third countries concerned, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or impact 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 Regulation does not go beyond what is necessary in order to achieve those objectives.
- (15) The protection of the Community's financial interests and the fight against fraud and irregularities form an integral part of this Regulation. In particular, contracts concluded pursuant to this Regulation should authorise the Commission to carry out the measures provided for in Council Regulation (EC, Euratom) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽³⁾,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

OBJECTIVES AND ACTIONS

Article 1

1. The Community hereby establishes a cooperation programme (hereinafter referred to as 'the programme') which aims to give specific and complementary financial and technical aid to third countries in order to support their efforts to improve the management of migratory flows in all their dimensions.

2. The programme is particularly, but not exclusively, intended for those third countries actively engaged in preparing or implementing a readmission agreement initialled, signed or concluded with the European Community.

3. The programme shall finance appropriate actions which bring together, in a coherent and complementary way, the general principles of Community cooperation and development policy and national and regional Community cooperation and development strategies regarding the third countries concerned and which supplement the actions — in particular in the fields of management of migratory flows, return and reintegration of migrants in their country of origin, asylum, border control, refugees and displaced people — provided for in the implementation of those strategies and financed from other Community instruments in the field of cooperation and development. The actions financed on the basis of the programme shall be consistent with the Community efforts which contribute to addressing the root causes of migration.

4. The respect of democratic principles and the rule of law, as well as of human and minority rights and fundamental freedoms, constitutes an essential element for the application of this Regulation. If necessary, and as far as possible, the actions financed under this Regulation shall be associated with measures aimed at strengthening democracy, human rights and the rule of law.

Article 2

1. The programme aims to promote cooperation between the Community and third countries by contributing in the third countries concerned, and in partnership with those countries, to the following objectives:

- (a) the development of their legislation in the field of legal immigration, in particular as regards admission rules, the rights and status of persons admitted, equal treatment of legal residents, integration and non-discrimination as well as measures to combat racism and xenophobia;
- (b) the development of legal migration, in accordance with an analysis of the demographic, economic and social situation in the countries of origin and in the host countries and of the host countries' reception capacity, as well as the raising of public awareness of the advantages of legal migration and the consequences of illegal migration;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

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

⁽³⁾ OJ L 292, 15.11.1996, p. 2.

- (c) the development of their legislation and national practices as regards international protection, with a view to their complying with the provisions of the Geneva Convention of 1951 on the status of refugees and of the Protocol of 1967 and other relevant international instruments, to ensuring observance of the principle of 'non refoulement' and to improving the capacity of the third countries concerned which receive asylum seekers and refugees;
 - (d) the establishment in the third countries concerned of an effective and preventive policy in the fight against illegal migration, including the fight against trafficking in human beings and smuggling of migrants, and the development of relevant legislation;
 - (e) the readmission, in full respect of the law, and durable reintegration, into the third country concerned of persons who have illegally entered or remained on the territory of Member States or of persons who have unsuccessfully applied for asylum in the European Union or benefited from international protection there.
2. In order to achieve these objectives, the programme may in particular support the following actions:
- (a) setting-up of information campaigns, and provision of legal advice, on the consequences of illegal immigration, trafficking in human beings and smuggling of migrants, and clandestine employment in the European Union;
 - (b) dissemination of information and legal advice on the possibilities of working legally in the European Union, both on a short and long-term basis, and on the procedures to be followed to this end;
 - (c) development of actions aimed at maintaining links between local communities in the country of origin and their legal emigrants and facilitating the contribution of migrants to the social and economic development of communities in their country of origin, including facilitating the use of remittances for productive investments and development initiatives, as well as providing support to microcredit programmes;
 - (d) facilitation of dialogue and exchange of information between the institutions of the third country and the nationals of that country who are considering emigrating;
 - (e) support for capacity-building in the field of drafting, implementing and ensuring the effectiveness of national legislation and management systems as regards asylum, migration and the fight against criminal activities, including organised crime and corruption, connected with illegal immigration, and development of the training of staff working in the areas of migration and asylum;
 - (f) evaluation, and possible improvement, of the institutional and administrative framework and of the capacity to implement border controls as well as improvement in the management of border controls, including by means of operational cooperation;
 - (g) capacity-building in the areas of security of travel documents and visas, including their conditions of issue, identification and documentation of illegal migrants, including own nationals, and detection of false documents and visas;
 - (h) introduction of systems for data collection; observation and analysis of migratory phenomena; identification of the root causes of migratory movements and the definition of measures aimed at tackling them; facilitation of the exchange of information on migratory movements, in particular on migratory flows towards the European Union;
 - (i) development of regional and subregional dialogue on asylum and migration, including illegal migration;
 - (j) assistance in the negotiation by the third countries concerned of their own readmission agreements with relevant countries;
 - (k) support for capacity-building in the third countries concerned in the fields of reception conditions and protection capacity for asylum seekers, of readmission and the durable reintegration of returnees and of resettlement programmes;
 - (l) support for targeted socioeconomic reintegration of returnees into their country of origin, including training and capacity-building aimed at facilitating their integration into the labour market.
- Article 3*
- With a view to pursuing the objectives and actions laid down in Article 2, the programme may support, including, *inter alia*:
1. measures necessary for the identification and preparation of actions, including, *inter alia*:
 - (a) feasibility studies;
 - (b) the exchange of technical know-how and experience between Member States, third countries, European organisations and bodies and international organisations;
 - (c) general studies concerning the Community's action within the scope of this Regulation;
 2. implementation of projects:
 - (a) technical assistance to help implement the actions, including from expatriate and local staff;
 - (b) training and other services;
 - (c) purchasing and/or providing any product or equipment, supplies and investment expenditure strictly necessary for the implementation of the actions, including, in exceptional circumstances and when duly justified, the purchasing or leasing of premises;
 3. measures for the monitoring, auditing and evaluation of actions;
 4. activities to explain the objectives and results of these actions to the general public;

5. actions, including technical assistance, to assess for the benefit of either the Community or third countries the implementation of these operations.

The necessary measures shall be taken to emphasise the Community character of the assistance provided under this Regulation.

CHAPTER II

PROCEDURES FOR THE IMPLEMENTATION OF THE PROGRAMME

Article 4

1. Partners eligible for financial support under the programme may include regional and international organisations and agencies (in particular, UN agencies), as well as non-governmental organisations or other non-State actors, federal, national, provincial and local governments, their departments and agencies, institutes, associations and public and private operators, both in the European Union and in the third countries concerned, with the emphasis being placed on partnership between them.

2. Operations financed by the Community pursuant to this Regulation shall be implemented by the Commission.

Article 5

Without prejudice to the institutional and political environment in which the partners referred to in Article 4 operate, the following factors shall in particular be considered when determining a body's suitability for Community funding:

1. its experience in the matters referred to in Article 2(1) and especially with actions in the areas of asylum and migration;
2. its commitment to defending, respecting and promoting human rights and democratic principles in a non-discriminatory manner;
3. its administrative and financial management capacities;
4. its technical and logistical capacity in relation to the planned action;
5. the results, where relevant, of any previous actions carried out, in particular those financed by the Community, the Member States and international organisations.

CHAPTER III

PROCEDURES FOR THE IMPLEMENTATION OF OPERATIONS

Article 6

1. The financial framework for the implementation of this Regulation for the period from 1 January 2004 to 31 December 2008 is set at EUR 250 million, of which EUR 120 million is for the period until 31 December 2006.

For the period following 31 December 2006, the amount shall be deemed to be confirmed if it is consistent for this phase with the financial perspectives in force for the period commencing in 2007, in light of information made available pursuant to Article 10(2) and (3).

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspectives.

3. The Community co-financing of an action under the programme shall not exceed 80 %, without prejudice to other applicable provisions of Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾ (hereinafter referred to as the Financial Regulation) and, in particular, Article 169 thereof. It shall be exclusive of any other financing by another programme financed by the general budget of the European Union.

4. Community funding under this Regulation shall be awarded in accordance with the provisions of the Financial Regulation. The financing decisions and contracts arising therefrom shall be subject to financial control by the Commission and to audits by the Court of Auditors.

5. The Commission shall take any necessary initiative with a view to ensuring proper coordination with other donors.

Article 7

1. The Commission shall ensure overall consistency and complementarity with other relevant Community policies, instruments, actions and programmes.

2. In order to strengthen consistency and complementarity between actions financed by the Community and those financed by Member States with the aim of guaranteeing optimal effectiveness of these actions, the Commission shall take all necessary coordination measures.

Article 8

1. The Commission shall be responsible for the management and implementation of the programme.

2. The Commission shall manage the programme in accordance with the Financial Regulation and Commission Regulation (EC, Euratom) No 2342/2002 ⁽²⁾ laying down detailed rules for the implementation of the Financial Regulation, in particular as regards procurement and grants.

⁽¹⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1).

⁽²⁾ OJ L 357, 31.12.2002, p. 1.

3. To implement the programme, the Commission shall, in accordance with the procedure referred to in Article 9(2), produce an annual work programme. In accordance with the objectives and criteria of this Regulation, the work programme shall establish the priorities for the actions to be supported in terms of potential geographic and thematic areas of intervention, the specific objectives, the anticipated results as well as the indicative amount. As far as possible, a general balance between these priorities shall be sought for the establishment of the work programme. The Commission may consult other interested parties in relation to the work programme.

4. The work programme must be consistent with and complementary to the Country Strategy Papers and the Regional Strategy Papers and the development cooperation programmes drawn up in the framework of the Community policy for cooperation and development.

5. The Commission shall adopt the list of selected projects in accordance with the procedure referred to in Article 9(2).

Article 9

1. The Commission shall be assisted by a Committee.
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.

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

Done at Strasbourg, 10 March 2004.

For the European Parliament
The President
P. COX

CHAPTER IV

REPORTING

Article 10

1. The Commission shall constantly monitor and regularly evaluate the implementation of the programme.
2. The Commission shall submit a preliminary interim evaluation report to the European Parliament and the Council on the implementation of the programme by 31 December 2006 at the latest, and a final report by 31 December 2010 at the latest. In addition, the Commission shall communicate to the budgetary authority, at the same time as the preliminary draft general budget of the European Union is presented, the state of implementation of the programme.
3. At the request of the Member States or the European Parliament, in particular in the context of the negotiations on the future financial perspectives, the Commission may also evaluate the results of the Community's actions and programmes under this Regulation.

CHAPTER V

FINAL PROVISIONS

Article 11

The programme established by this Regulation shall operate from 1 January 2004 to 31 December 2008.

Article 12

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

For the Council
The President
D. ROCHE

COUNCIL REGULATION (EC) No 492/2004**of 8 March 2004****amending Regulation (EC) No 1338/2002 imposing a definitive countervailing duty on imports of sulphanilic acid originating in India and amending Regulation (EC) No 1339/2002 imposing a definitive anti-dumping duty on imports of sulphanilic acid originating, *inter alia*, in India**

THE COUNCIL OF THE EUROPEAN UNION,

B. VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

Having regard to the Treaty establishing the European Community,

- (4) Kokan Synthetics & Chemicals Pvt. Ltd advised the Commission in December 2003 that it wished to withdraw its undertaking voluntarily.

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⁾, and in particular Articles 8 and 9 thereof,

- (5) Accordingly, Decision 2002/611/EC has been repealed.

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽²⁾, and in particular Articles 13 and 15 thereof,

C. DEFINITIVE COUNTERVAILING AND ANTI-DUMPING DUTIES

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

- (6) The investigation which led to the undertaking offered by the Company was concluded by (i) a final determination as to subsidisation and injury by Regulation (EC) No 1338/2002 and (ii) a final determination as to dumping and injury by Regulation (EC) No 1339/2002.

Whereas:

- (7) Pursuant to Article 13(9) of Regulation (EC) No 2026/97 and Article 8(9) of Regulation (EC) No 384/96, the rate of the countervailing and anti-dumping duty to be imposed on imports produced and exported by the Company must be based on the facts established within the context of the investigations which led to the undertaking. In this regard, in view of recital 67 of Regulation (EC) No 1338/2002 and recital 46 of Regulation (EC) No 1339/2002, it is considered appropriate that the definitive countervailing duty rate be set at a level of 7,1 % *ad valorem* and the definitive anti-dumping duty rate at the level of 18,3 % *ad valorem*.

A. PREVIOUS PROCEDURE

- (1) In July 2002, the Council, by Regulation (EC) No 1338/2002 ⁽³⁾, imposed definitive countervailing duties on imports of sulphanilic acid originating in India. On the same day, the Council, by Regulation (EC) No 1339/2002 ⁽⁴⁾, imposed definitive anti-dumping duties on imports of sulphanilic acid originating in the People's Republic of China and India.

D. AMENDMENT OF REGULATIONS (EC) No 1338/2002 AND (EC) No 1339/2002

- (2) Within the framework of these proceedings, the Commission, by Decision 2002/611/EC ⁽⁵⁾, accepted a price undertaking offered by the Indian company Kokan Synthetics & Chemicals Pvt. Ltd (the Company).

- (8) In view of the above, Article 1(3) and Article 2 of Regulation (EC) No 1338/2002, as well as Article 1(3) and Article 2 of Regulation (EC) No 1339/2002 and their corresponding Annexes should be repealed,

- (3) Imports of sulphanilic acid originating in India, exported to the Community by the Company (TARIC additional code A 398), were exempted from the countervailing and anti-dumping duties by Article 2 of Regulations (EC) No 1338/2002 and (EC) No 1339/2002.

HAS ADOPTED THIS REGULATION:

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 288, 21.10.1997, p. 1. Regulation as last amended by Regulation (EC) 1973/2002 (OJ L 305, 7.11.2002, p. 4).

⁽³⁾ OJ L 196, 25.7.2002, p. 1.

⁽⁴⁾ OJ L 196, 25.7.2002, p. 11, Regulation as amended by Regulation (EC) No 236/2004, (OJ L 40, 12.2.2004, p. 17).

⁽⁵⁾ OJ L 196, 25.7.2002, p. 36.

Article 1

Article 1(3) and Article 2 of Regulation (EC) No 1338/2002 and its Annex are hereby repealed.

Article 2

Article 1(3) and Article 2 of Regulation (EC) No 1339/2002 and its Annex are hereby repealed.

Article 3

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, 8 March 2004.

For the Council

The President

D. AHERN

COMMISSION REGULATION (EC) No 493/2004
of 17 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 ⁽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 March 2004.

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

Done at Brussels, 17 March 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 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 ⁽¹⁾	Standard import value
0702 00 00	052	95,6
	204	81,9
	212	125,1
	999	100,9
0707 00 05	052	142,2
	068	141,1
	096	88,7
	204	27,9
	220	147,3
	999	109,4
0709 10 00	220	77,3
	999	77,3
0709 90 70	052	106,5
	204	48,0
	999	77,3
0805 10 10, 0805 10 30, 0805 10 50	052	68,2
	204	47,5
	212	61,4
	220	48,5
	400	65,3
	624	60,1
	999	58,5
0805 50 10	400	46,9
	600	51,3
	999	49,1
0808 10 20, 0808 10 50, 0808 10 90	060	45,0
	388	81,5
	400	91,9
	404	94,5
	508	78,6
	512	86,2
	524	69,7
	528	82,1
	720	85,9
	999	79,5
0808 20 50	388	65,3
	512	66,3
	528	73,2
	999	68,3

⁽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 494/2004
of 17 March 2004

fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

(1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75.

(2) In accordance Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

(3) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) In accordance with Council Regulation (EC) No 1039/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Estonia and the exportation of certain agricultural products to Estonia ⁽³⁾, Council Regulation (EC) No 1086/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Slovenia and the exportation of certain processed agricultural products to Slovenia ⁽⁴⁾, Council Regulation (EC) No 1087/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Latvia and the exportation of certain processed agricultural products to Latvia ⁽⁵⁾, Council Regulation (EC) No 1088/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Lithuania and the exportation of certain processed agricultural products to Lithuania ⁽⁶⁾, Council Regulation (EC) No 1089/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Slovak Republic and the exportation of certain processed agricultural products to the Slovak Republic ⁽⁷⁾ and Council Regulation (EC) No 1090/2003 of 18 June 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in the Czech Republic and the exportation of certain processed agricultural products to the Czech Republic ⁽⁸⁾ with effect from 1 July 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Estonia, Slovenia, Latvia, Lithuania, Slovakia or the Czech Republic are not eligible for export refunds.

(5) In accordance with Council Regulation (EC) No 999/2003 of 2 June 2003 adopting autonomous and transitional measures concerning the import of certain processed agricultural products originating in Hungary and the export of certain processed agricultural products to Hungary ⁽⁹⁾, with effect from 1 July 2003, the goods referred to in its Article 1(2) which are exported to Hungary shall not be eligible for export refunds.

⁽³⁾ OJ L 151, 19.6.2003, p. 1.

⁽⁴⁾ OJ L 163, 1.7.2003, p. 1.

⁽⁵⁾ OJ L 163, 1.7.2003, p. 19.

⁽⁶⁾ OJ L 163, 1.7.2003, p. 38.

⁽⁷⁾ OJ L 163, 1.7.2003, p. 56.

⁽⁸⁾ OJ L 163, 1.7.2003, p. 73.

⁽⁹⁾ OJ L 146, 13.6.2003, p. 10.

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 740/2003 (OJ L 106, 29.4.2003, p. 16).

- (6) In accordance with Council Regulation (EC) No 1890/2003 of 27 October 2003 adopting autonomous and transitional measures concerning the importation of certain processed agricultural products originating in Malta and the exportation of certain processed agricultural products to Malta⁽¹⁾, with effect from 1 November 2003, processed agricultural products not listed in Annex I to the Treaty which are exported to Malta are not eligible for export refunds.
- (7) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex A to Regulation (EC) No 1520/2000 and in Article 1(1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 March 2004.

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

Done at Brussels, 17 March 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 278, 29.10.2003, p. 1.

ANNEX

Rates of the refunds applicable from 18 March 2004 to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)			
CN code	Description	Destination ⁽¹⁾	Rate of refund ⁽²⁾
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	(a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	6,00
		03	25,00
		04	3,00
	(b) On exportation of other goods	01	3,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption: not sweetened	01	40,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid: not sweetened	01	20,00
ex 0408 19 89	– – – – Frozen: not sweetened	01	20,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption: not sweetened	01	75,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption: not sweetened	01	19,00

⁽¹⁾ The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines,

04 All destinations except Switzerland and those of 02 and 03.

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

COMMISSION REGULATION (EC) No 495/2004
of 17 March 2004
fixing the export refunds on eggs applicable from 18 March 2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that regulation and prices for those products on the Community market may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.
- (3) The present market situation in certain third countries and that regarding competition makes it necessary to fix a refund differentiated by destination for certain products in the egg sector.
- (4) Article 21 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down detailed rules for the application of the system of export refunds on agricultural products ⁽²⁾ stipulates that no refund is granted if the products are not of sound and fair marketable

quality on the date on which the export declaration is accepted. In order to ensure uniform application of the rules in force, it should be stated that, in order to qualify for the refund, the egg products listed in Article 1 of Regulation (EEC) No 2771/75 must bear the health mark laid down in Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products ⁽³⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted and the amount of that refund shall be as shown in the Annex hereto.

However, in order to qualify for the refund, products falling within the scope of Chapter XI of the Annex to Directive 89/437/EEC must also satisfy the health marking conditions laid down in that Directive.

Article 2

This Regulation shall enter into force on 18 March 2004.

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

Done at Brussels, 17 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 444/2003 (OJ L 67, 12.3.2003, p. 3).

⁽³⁾ OJ L 212, 22.7.1989, p. 87. Directive as last amended by Regulation (EC) No 806/2003.

ANNEX

Export refunds on eggs applicable from 18 March 2004

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	E12	EUR/100 pcs	1,70
0407 00 19 9000	E12	EUR/100 pcs	0,80
0407 00 30 9000	E09	EUR/100 kg	6,00
	E10	EUR/100 kg	25,00
	E13	EUR/100 kg	3,00
0408 11 80 9100	E14	EUR/100 kg	40,00
0408 19 81 9100	E14	EUR/100 kg	20,00
0408 19 89 9100	E14	EUR/100 kg	20,00
0408 91 80 9100	E15	EUR/100 kg	75,00
0408 99 80 9100	E14	EUR/100 kg	19,00

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

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

The other destinations are defined as follows:

E09 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR, Russia and Turkey.

E10 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines.

E12 all destinations except the United States of America, Estonia, Lithuania and Bulgaria.

E13 all destinations except Switzerland, Estonia, Lithuania, Bulgaria and those of E09 and E10.

E14 all destinations except Switzerland, Estonia and Bulgaria.

E15 all destinations except Switzerland, Estonia, Lithuania and Bulgaria.

COMMISSION REGULATION (EC) No 496/2004
of 17 March 2004
fixing the export refunds on poultrymeat applicable from 18 March 2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾, and in particular the third subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time.
- (3) Article 21 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down detailed rules for the application of the system of export refunds on agricultural products ⁽²⁾ stipulates that no refund is granted if the products are not of sound and fair marketable quality on the date on which the export declaration is

accepted. In order to ensure uniform application of the rules in force, it should be stated that, in order to qualify for the refund, the poultrymeat listed in Article 1 of Regulation (EC) No 2777/75 must bear the health mark as laid down in Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat ⁽³⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted and the amount of that refund shall be as shown in the Annex hereto.

However, in order to qualify for the refund, products falling within the scope of Chapter XII of the Annex to Directive 71/118/EEC must also satisfy the health marking conditions laid down in that Directive.

Article 2

This Regulation shall enter into force on 18 March 2004.

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

Done at Brussels, 17 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 77, Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 102, 17.4.1999, p. 11, Regulation as last amended by Regulation (EC) No 444/2003 (OJ L 67, 12.3.2003, p. 3).

⁽³⁾ OJ L 55, 8.3.1971, p. 23, Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

ANNEX

Export refunds on poultrymeat applicable from 18 March 2004

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	V04	EUR/100 pcs	0,80
0105 11 19 9000	V04	EUR/100 pcs	0,80
0105 11 91 9000	V04	EUR/100 pcs	0,80
0105 11 99 9000	V04	EUR/100 pcs	0,80
0207 12 10 9900	V01	EUR/100 kg	43,50
0207 12 10 9900	A24	EUR/100 kg	43,50
0207 12 90 9190	V01	EUR/100 kg	43,50
0207 12 90 9190	A24	EUR/100 kg	43,50
0207 12 90 9990	V01	EUR/100 kg	43,50
0207 12 90 9990	A24	EUR/100 kg	43,50

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

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

The other destinations are defined as follows:

V01 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

V04 All destinations except the United States of America and Estonia.

COMMISSION REGULATION (EC) No 497/2004**of 17 March 2004****on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽²⁾,

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 ⁽³⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1159/2003 stipulates how the delivery obligations at zero duty of products of CN code 1701, expressed in white sugar equivalent, are to be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.
- (2) Article 16 of Regulation (EC) No 1159/2003 stipulates how the zero duty tariff quotas for products of CN code 1701 11 10, expressed in white sugar equivalent, are to be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.

(3) Article 22 of Regulation (EC) No 1159/2003 opens tariff quotas at a duty of EUR 98 per tonne for products of CN code 1701 11 10 for imports originating in Brazil, Cuba and other third countries.

(4) In the week of 8 to 12 March 2004 applications were presented to the competent authorities in line with Article 5(1) of Regulation (EC) No 1159/2003 for import licences for a total quantity exceeding the allocation by country of origin for CXL concessions sugar specified in Article 22(2) of that regulation.

(5) In these circumstances the Commission must set reduction coefficients to be used so that licences are issued for quantities scaled down in proportion to the total available and must indicate that the limit in question has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of import licence applications presented from 8 to 12 March 2004 in line with Article 5(1) of Regulation (EC) No 1159/2003, licences shall be issued for the quantities indicated in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 March 2004.

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

Done at Brussels, 17 March 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ 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. 2).

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25.

ANNEX

ACP-India Preferential Sugar**Title II of Regulation (EC) No 1159/2003****2003/04 marketing year**

Country	Week of 8 to 12 March 2004: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	0	reached
Congo	0	reached
Fiji	100	
Guyana	100	
India	0	reached
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	100	
Mauritius	100	
Saint Kitts and Nevis	100	
Swaziland	100	
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	0	reached

Special Preferential Sugar**Title III of Regulation (EC) No 1159/2003****2003/04 marketing year**

Quota opened for the Member States referred to in Article 39 of Regulation (EC) No 1260/2001, except Slovenia

Country	Week of 8 to 12 March 2004: percentage of requested quantity to be granted	Limit
India	100	
Other countries	100	

Special Preferential Sugar**Title III of Regulation (EC) No 1159/2003****2003/04 marketing year****Quota opened for Slovenia**

Country	Week of 8 to 12 March 2004: percentage of requested quantity to be granted	Limit
ACP	100	

CXL concessions sugar**Title IV of Regulation (EC) No 1159/2003****2003/04 marketing year**

Country	Week of 8 to 12 March 2004: percentage of requested quantity to be granted	Limit
Brazil	0	reached
Cuba	100	
Other third countries	100	

**COMMISSION REGULATION (EC) No 498/2004
of 17 March 2004**

adapting several regulations concerning the market of products processed from fruit and vegetables 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 Article 57(2) thereof,

Whereas:

- (1) Certain technical amendments are necessary in several Commission Regulations of the common organisation of the market in products processed from fruit and vegetables in order to carry out the necessary adaptations by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter the new Member States) to the European Union.
- (2) Article 3(3) of Commission Regulation (EC) No 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars ⁽¹⁾ contains certain entries in all the languages of the Member States. These provisions should include the language versions of the new Member States.
- (3) Article 2 of Commission Regulation (EC) No 1591/95 of 30 June 1995 laying down detailed rules for the application of export refunds to glucose and glucose syrup used in certain products processed from fruit and vegetables ⁽²⁾ contains certain entries in all the languages of the Member States. These provisions should include the language versions of the new Member States.
- (4) Article 5 of Commission Regulation (EC) No 2125/95 of 6 September 1995 opening and providing for the administration of tariff quotas for preserved mushrooms ⁽³⁾ contains a reference to Poland. This reference should be deleted upon the accession of the new Member States.

- (5) Article 11 of Regulation (EC) No 2125/95 contains certain entries in all the languages of the Member States. These provisions should include the language versions of the new Member States.
- (6) Article 2(1)(b) of Commission Regulation (EC) No 2315/95 of 29 September 1995 laying down detailed rules for the application of export refunds to certain sugars covered by the common organisation of the market in sugar used in certain products processed from fruit and vegetables ⁽⁴⁾ contains certain entries in all the languages of the Member States. These provisions should include the language versions of the new Member States.
- (7) The title and Annex II of Commission Regulation (EC) No 1599/97 of 28 July 1997 laying down detailed rules for the application of the system of minimum import prices for certain soft fruits originating in Bulgaria, Hungary, Poland, Romania, Slovakia and the Czech Republic ⁽⁵⁾ contain references to several new Member States. These references should be deleted upon the accession of the new Member States.
- (8) Regulations (EC) No 1429/95, (EC) No 1591/95, (EC) No 2125/95, (EC) No 2315/95 and (EC) No 1599/97 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 of Regulation (EC) No 1429/95, paragraph 3 is replaced by the following:

- ‘3. One of the following entries shall be made in box 22 of the licence:
- Restitución válida para ... (cantidad por la que se haya expedido el certificado) como máximo
 - Náhrada platná pro nejvýše ... (množství, na které byla licence udělena)

⁽¹⁾ OJ L 141, 24.6.1995, p. 28, Regulation last amended by Regulation (EC) No 1176/2002 (OJ L 170, 29.6.2002, p. 69).

⁽²⁾ OJ L 150, 1.7.1995, p. 91, Regulation amended by Regulation (EC) No 2625/95 (OJ L 269, 11.11.1995, p. 3).

⁽³⁾ OJ L 212, 7.9.1995, p. 16, Regulation last amended by Regulation (EC) No 1142/2003 (OJ L 160, 28.6.2003, p. 39).

⁽⁴⁾ OJ L 233, 30.9.1995, p. 70.

⁽⁵⁾ OJ L 216, 8.8.1997, p. 63, Regulation last amended by Regulation (EC) No 2153/2002 (OJ L 327, 4.12.2002, p. 4).

- Restitutionen omfatter højst ... (den mængde, licensen er udstedt for)
- Erstattung gültig für höchstens ... (Menge, für die die Lizenz erteilt wurde)
- Επιστροφή που ισχύει για ... (ποσότητα για την οποία εκδίδεται το πιστοποιητικό) κατ' ανώτατο όριο
- Refund valid for not more than ... (quantity for which licence issued)
- Toetus kehtib maksimaalselt ... (kogus, mille jaoks litsents on välja antud) toote kohta
- Restitution valable pour ... (quantité pour laquelle le certificat est délivré) au maximum
- A visszatérítés az alábbi maximális mennyiségre érvényes: ... (az a mennyiség, amelyre az engedélyt kiállítják)
- Restituzione valida al massimo per ... (quantitativo per il quale è rilasciato il titolo)
- GrąŜinamoji išmoka taikoma ne daugiau nei ... (kiekis, kuriam išduota licencija)
- Kompensācija attiecas uz ne vairāk kā ... (daudzums, par ko izsniegta atļauja)
- Rifuzjoni valida għal mhux aktar minn ... (kwantità li għaliha giet mahruġa l-licenzja)
- Restitutie voor ten hoogste ... (hoeveelheid waarvoor het certificaat is afgegeven)
- Pozwolenie ważne dla nie więcej niż ... (ilość, dla której wydano pozwolenie)
- Restituição válida para ... (quantidade em relação à qual é emitido o certificado), no máximo
- Náhrada platná pre maximálne ... (množstvo, pre ktoré je povolenie vydané)
- Nadomestilo, veljavno za največ ... (količina, za katero je bilo izdano dovoljenje)
- Vientituki voimassa enintään ... (määrä, jolle todistus on annettu) osalta
- Bidrag som gäller för högst ... (kvantitet för vilken licensen skall utfärdas).'
- Glucose anvendt i et eller flere af de produkter, der er nævnt i artikel 1, stk. 1, litra b), i forordning (EØF) nr. 426/86
- Glukose, einem oder mehreren der in Artikel 1 Absatz 1 Buchstabe b) der Verordnung (EWG) Nr. 426/86 genannten Erzeugnisse zugesetzt
- Γλυκόζη η οποία χρησιμοποιείται σε ένα ή περισσότερα των προϊόντων που απαριθμούνται στο άρθρο 1 παράγραφος 1 στοιχείο β) του κανονισμού (ΕΟΚ) αριθ. 426/86
- Glucose used in one or more products as listed in Article 1(1)(b) of Regulation (EEC) No 426/86
- Glükoos, mida on kasutatud ühes või mitmes määruse (EMÜ) nr 426/86 artikli 1 lõike 1 punktis b loetletud tootes
- Glucose mis en œuvre dans un ou plusieurs produits énumérés à l'article 1^{er}, paragraphe 1, point b), du règlement (CEE) n° 426/86
- A 426/86/EGK rendelet 1. cikke (1) bekezdésének b) pontjában felsorolt egy vagy több termékben felhasznált glükóz
- Glucosio incorporato in uno o più prodotti di cui all'articolo 1, paragrafo 1, lettera b), del regolamento (CEE) n. 426/86
- Gliukozė naudojama viename ar daugiau produktų išvardytų Reglamento (EEB) Nr. 426/86 1 straipsnio 1 dalies b punkte
- Glikoze, ko izmanto vienā vai vairākos produkto, kuri uzskaitīti Regulas (EEK) Nr. 426/86 1. panta 1. punkta b) apakšpunktā
- Glukožu wżat f' prodott wiehed jew aktar elenkati fl-Artikolu 1 (1) (b) tar-Regolament (KEE) Nru 426/86
- Glucose, verwerkt in een of meer van de in artikel 1, lid 1, onder b), van Verordening (EEG) nr. 426/86 genoemde producten
- Glukoza zastosowana w jednym lub więcej produktach wymienionych w art. 1 ust. 1 lit. b) rozporządzenia (EWG) nr 426/86.
- Glicose utilizada num ou mais produtos enumerados no n.º 1, alínea b), do artigo 1.º do Regulamento (CEE) n.º 426/86
- V jednom alebo viacerých produktoch vymenovaných v článku 1, odsek 1, bod b) nariadenia (EHS) č. 426/86 sa použila glukóza
- Glukoza, dodana enemu ali več proizvodov, navedenih v členu 1(1)(b) Uredbe (EGS) št. 425/86
- Yhdessä tai useammassa asetuksen (ETY) N:o 426/86 1 artiklan 1 kohdan b alakohdassa luetellussa tuotteessa käytetty glukoosi
- Glukos som tillsätts i en eller flera av produkterna i artikel 1.1 b i förordning (EEG) nr 426/86.'

Article 2

In Article 2 of Regulation (EC) No 1591/95, the second paragraph is replaced by the following:

- '2. However, for the purpose of applying this Regulation, section 20 of the licence application and of the licence shall contain one of the following indications:
- Glucosa utilizada en uno o varios productos enumerados en la letra b) del apartado 1 del artículo 1 del Reglamento (CEE) n° 426/86
 - Glukosa používaná v jednom nebo více produktech uvedených v čl. 1 odst. 1 písm. b) nařízení (EHS) č. 426/86

- V jednom alebo viacerých produktoch vymenovaných v článku 1, odsek 1, bod b) nariadenia (EHS) č. 426/86 sa použila glukóza
- Glukoza, dodana enemu ali več proizvodov, navedenih v členu 1(1)(b) Uredbe (EGS) št. 425/86
- Yhdessä tai useammassa asetuksen (ETY) N:o 426/86 1 artiklan 1 kohdan b alakohdassa luetellussa tuotteessa käytetty glukoosi
- Glukos som tillsätts i en eller flera av produkterna i artikel 1.1 b i förordning (EEG) nr 426/86.'

Article 3

Regulation (EC) No 2125/95 is amended as follows:

1. in Article 5(1), the word 'Poland' is deleted;
2. in Article 11, paragraph 1 is replaced by the following:

'1. Import licences shall show the following in box 24, in one of the official languages of the European Union:

 - Derecho de aduana ... % — Reglamento (CE) n° 2125/95
 - Celní sazba ... % — nařízení (ES) č. 2125/95
 - Toldsats ... % — förordning (EF) nr. 2125/95
 - Zollsatz ... % — Verordnung (EG) Nr. 2125/95
 - Δασμός ... % — Κανονισμός (ΕΚ) αριθ. 2125/95
 - Customs duty ... % — Regulation (EC) No 2125/95
 - Tollimaks ... % — määrus (EÜ) nr 2125/95
 - Droit de douane: ... % — Règlement (CE) n° 2125/95
 - Vám: ... % — 2125/95/EK rendelet
 - Dazio: ... % — Regolamento (CE) n. 2125/95
 - Muito mokestis ... % — Direktyva (EB) Nr. 2125/95
 - Muitas nodoklis ... % — Regula (EK) Nr. 2125/95
 - Dazju Doganali ... % — Regolament (KE) Nru 2125/95
 - Douanerecht: ... % — Verordening (EG) nr. 2125/95
 - cło ... % — Rozporządzenie (WE) nr 2125/95
 - Direito aduaneiro: ... % — Regulamento (CE) n.º 2125/95
 - Clo ... % — nariadenie (ES) č. 2125/95
 - Carina: ... % — Uredba (ES) št. 2125/95
 - Tulli ... prosenttia — Asetus (EY) N:o 2125/95
 - Tull ... % — Förordning (EG) nr 2125/95.'

Article 4

In Article 2(1) of Regulation (EC) No 2315/95, point (b) is replaced by the following:

- '(b) Section 20 of the licence application and of the licence shall contain one of the following indications:
- Azúcar utilizado en uno o varios productos enumerados en la letra b) del apartado 1 del artículo 1 del Reglamento (CEE) n° 426/86
 - Cukr používaný v jednom nebo více produktech uvedených v čl. 1 odst. 1 písm. b) nařízení (EHS) č. 426/86
 - Sukker anvendt i et eller flere af de produkter, der er nævnt i artikel 1, stk. 1, litra b), i forordning (EØF) nr. 426/86

- Zucker, einem oder mehreren der in Artikel 1 Absatz 1 Buchstabe b) der Verordnung (EWG) Nr. 426/86 genannten Erzeugnissen zugesetzt
- Ζάχαρη που χρησιμοποιείται σε ένα ή περισσότερα των προϊόντων που απαριθμούνται στο άρθρο 1 παράγραφος 1 στοιχείο β) του κανονισμού (ΕΟΚ) αριθ. 426/86
- Sugar used in one or more products as listed in Article 1(1)(b) of Regulation (EEC) No 426/86
- Suhkur, mida on kasutatud ühes või mitmes määruse (EMÜ) nr 426/86 artikli 1 lõike 1 punktis b loetletud tootes
- Sucre mis en œuvre dans un ou plusieurs produits énumérés à l'article 1^{er}, paragraphe 1, point b), du règlement (CEE) n° 426/86
- A 426/86/EGK rendelet 1. cikke (1) bekezdésének b) pontjában felsorolt egy vagy több termékben felhasznált cukor
- Zucchero incorporato in uno o più prodotti di cui all'articolo 1, paragrafo 1, lettera b), del regolamento (CEE) n. 426/86
- Cukrus naudojamas viename ar daugiau produktų išvardytų Reglamento (EEB) Nr. 426/86 1 straipsnio 1 dalies b punkte
- Cukurs, ko izmanto vienā vai vairākos produktos, kuri uzskaitīti Regulas (EEK) Nr. 426/86 1. panta 1. punkta b) apakšpunktā
- Zokkor užat fprodott wiehed jew aktar kif elenkat fl-Artikolu 1 (1) (b) tar-Regolament (KEE) Nru 426/86
- Suiker, verwerkt in een of meer van de in artikel 1, lid 1, onder b), van Verordening (EEG) nr. 426/86 genoemde producten
- Cukier zastosowany w jednym lub więcej produktach wymienionych w art. 1 ust. 1 lit. b) rozporządzenia (EWG) nr 426/86
- Açúcar utilizado num ou mais produtos enumerados no n.º 1, alínea b), do artigo 1.º do Regulamento (CEE) n.º 426/86
- V jednom alebo viacerých produktoch vymenovaných v článku 1, odsek 1, bod b) nariadenia (EHS) č. 426/86 sa použil cukor
- Sladkor, dodan enemu ali več proizvodov, navedenih v členu 1(1)(b) Uredbe (EGS) št. 426/86,
- Yhdessä tai useammassa asetuksen (ETY) N:o 426/86 1 artiklan 1 kohdan b alakohdassa luetellussa tuotteessa käytetty sokeri.
- Socker som tillsätts i en eller flera av produkterna i artikel 1.1 b i förordning (EEG) nr 426/86.'

Article 5

Regulation (EC) No 1599/97 is amended as follows:

1. the title is replaced by the following:

‘Commission Regulation (EC) No 1599/97 of 28 July 1997 laying down detailed rules for the application of the system of minimum import prices for certain soft fruits originating in Bulgaria and Romania.’;

2. in Annex II, the rows concerning Hungary, Poland, Slovakia, the Czech Republic, Estonia, Latvia and Lithuania are deleted.

Article 6

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

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

Done at Brussels, 17 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 499/2004
of 17 March 2004
amending Regulation (EC) No 1082/2003 as regards the time limit and the model for reporting in
the bovine sector
(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 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 ⁽¹⁾, and in particular Article 10(d) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1082/2003 ⁽²⁾ lays down detailed rules for the implementation of Regulation (EC) No 1760/2000 as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals.
- (2) The deadline for reporting the annual controls under Regulation (EC) No 1082/2003 should be aligned with the deadline for submission of reports on annual premiums under Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92 ⁽³⁾.
- (3) With a view to securing efficient cooperation between Member States and the Commission regarding the presentation to the Commission of the results of the

controls in the bovine sector in the framework of the annual reports foreseen in Article 5(1) of Regulation (EC) No 1082/2003, it is important to improve the existing model for the transmission of these reports in order to enhance the informative capability and comparability of these reports.

- (4) Regulation (EC) No 1082/2003 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the European Agricultural Guidance and Guarantee Fund Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1082/2003 is amended as follows:

1. in Article 5(1) '1 July' is replaced by '31 August'.
2. Annex I is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth 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 March 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 204, 11.8.2000, p. 1.

⁽²⁾ OJ L 156, 25.6.2003, p. 9.

⁽³⁾ OJ L 327, 12.12.2001, p. 11, Regulation as last amended by Regulation (EC) No 118/2004 (OJ L 17, 24.1.2004, p. 7).

ANNEX

'ANNEX I

Report on the results of controls made in the bovine sector regarding Community provisions for identification and registration

1. General information on animals and inspections

Total number of holdings ⁽¹⁾ registered in Member State's territory as registered at the beginning of the reporting/inspection period	
Total number of holdings inspected	
Total number of inspections made	
Total number of bovine livestock as registered at the beginning of the reporting/inspection period	
Total number of bovines in inspected holdings	
⁽¹⁾ As defined in the second indent of Article 2 of Regulation (EC) No 1760/2000.	

2. Breaches found by category

	Affected animals	Affected holdings
1. Animal identification failure		
2. Holding register discrepancies		
3. Failure to notify birth, death or movement		
4. Passport anomalies ⁽²⁾		
5. Animals/holdings with only 1 breach as listed in point 1-4		
6. Animals/holdings with more than 1 breach as listed in point 1-4		
7. Animals/holdings with breaches in total (points 5 and 6)		
⁽²⁾ Not applicable in Member States having decided that passports are to be issued only for animals intended for intra-Community trade in accordance with Article 6(3) of Regulation (EC) No 1760/2000.		

3. Sanctions imposed according to Regulation (EC) No 494/98 ⁽³⁾

	Affected animals	Affected holdings
1. Restriction of movements of individual bovines		
2. Restriction of movements of all bovines on the holding		
3. Destruction of animals		
In total		
⁽³⁾ OJ L 60, 28.2.1998, p. 78.		

COMMISSION REGULATION (EC) No 500/2004
of 17 March 2004
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.
- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.

- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of the second subparagraph of Article 4(1) of Regulation (EC) No 1503/96 results in an adjustment of the import duties that have been fixed as from 15 May 2003 by Commission Regulation (EC) No 832/2003 ⁽³⁾ as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be adjusted in compliance with Article 4 of Regulation (EC) No 1503/96 and fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 18 March 2004.

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

Done at Brussels, 17 March 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

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

⁽²⁾ OJ L 189, 30.7.1996, p. 71. Regulation as last amended by Regulation (EC) No 2294/2003 (OJ L 340, 24.12.2003, p. 12).

⁽³⁾ OJ L 120, 15.5.2003, p. 15.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽⁵⁾				
	Third countries (except ACP and Bangla- desh) ⁽⁷⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	192,48	63,03	91,90		144,36
1006 20 13	192,48	63,03	91,90		144,36
1006 20 15	192,48	63,03	91,90		144,36
1006 20 17	238,39	79,10	114,85	0,00	178,79
1006 20 92	192,48	63,03	91,90		144,36
1006 20 94	192,48	63,03	91,90		144,36
1006 20 96	192,48	63,03	91,90		144,36
1006 20 98	238,39	79,10	114,85	0,00	178,79
1006 30 21	359,34	113,38	164,76		269,51
1006 30 23	359,34	113,38	164,76		269,51
1006 30 25	359,34	113,38	164,76		269,51
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	359,34	113,38	164,76		269,51
1006 30 44	359,34	113,38	164,76		269,51
1006 30 46	359,34	113,38	164,76		269,51
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	359,34	113,38	164,76		269,51
1006 30 63	359,34	113,38	164,76		269,51
1006 30 65	359,34	113,38	164,76		269,51
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	359,34	113,38	164,76		269,51
1006 30 94	359,34	113,38	164,76		269,51
1006 30 96	359,34	113,38	164,76		269,51
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 2286/2002 (OJ L 348, 21.12.2002, p. 5) and amended Commission Regulation (EC) No 638/2003 (OJ L 93, 10.4.2003, p. 3).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	238,39	416,00	192,48	359,34	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	298,64	232,09	368,42	437,25	—
(b) fob price (EUR/tonne)	—	—	—	344,13	412,96	—
(c) Sea freight (EUR/tonne)	—	—	—	24,29	24,29	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 March 2004

repealing Decision 2002/611/EC accepting an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of sulphanilic acid originating in India

(2004/255/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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⁾, and in particular Articles 8 and 9 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽²⁾, and in particular Articles 13 and 15 thereof,

After consulting the Advisory Committee,

Whereas:

- (2) Within the framework of these proceedings, the Commission, by Decision 2002/611/EC ⁽³⁾, accepted a price undertaking offered by the Indian company Kokan Synthetics & Chemicals Pvt Ltd (the 'Company').

B. VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

- (3) The Company advised the Commission in December 2003 that it wished to withdraw its undertaking.

C. REPEAL OF DECISION 2002/611/EC

- (4) In view of the above, Decision 2002/611/EC should be repealed.

- (5) In parallel to this Decision, the Council, by Regulation (EC) No 492/2004 ⁽⁶⁾ has withdrawn the exemption from the anti-dumping and countervailing duties granted to the exports manufactured by the Company and has imposed a definitive anti-dumping and countervailing duty on them,

A. PREVIOUS PROCEDURE

- (1) In July 2002, the Council, by Regulation (EC) No 1338/2002 ⁽³⁾, imposed definitive countervailing duties on imports of sulphanilic acid originating in India. On the same day, the Council, by Regulation (EC) No 1339/2002 ⁽⁴⁾ imposed definitive anti-dumping duties on imports of sulphanilic acid originating in the People's Republic of China and India.

HAS DECIDED:

Article 1

Decision 2002/611/EC is hereby repealed.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 288, 21.10.1997, p. 1. Regulation as last amended by Regulation (EC) No 1973/2002 (OJ L 305, 7.11.2002, p. 4).

⁽³⁾ OJ L 196, 25.7.2002, p. 1.

⁽⁴⁾ OJ L 196, 25.7.2002, p. 11. Regulation as last amended by Regulation (EC) No 236/2004 (OJ L 40, 12.2.2004, p. 17).

⁽⁵⁾ OJ L 196, 25.7.2002, p. 36.

⁽⁶⁾ See page 6 of this Official Journal.

Article 2

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

Done at Brussels, 17 March 2004.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION DECISION
of 17 March 2004
concerning protection measures in relation to highly pathogenic avian influenza in the United States of America

(notified under document number C(2004) 835)

(Text with EEA relevance)

(2004/256/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 ⁽¹⁾, and in particular Article 18(6) and (7) 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 ⁽²⁾, and in particular Article 22(1) and (6) thereof,

Whereas:

- (1) Avian influenza is a highly contagious viral disease in poultry and birds, which can quickly take epizootic proportions liable to present a serious threat to animal and public health and reduce sharply the profitability of poultry farming.
- (2) There is a risk that the disease agent might be introduced via international trade in live poultry and poultry products.
- (3) On 23 February 2004 the United States of America has confirmed one outbreak of highly pathogenic avian influenza in a poultry flock in the State of Texas (Gonzales County), which has been detected as positive during surveillance carried out on 17 February 2004.
- (4) This detected avian influenza virus strain is of subtype H5N2 and therefore different from the strain currently causing the epidemic in Asia. Current knowledge suggests that the risk for public health in relation to this subtype is inferior to the risk of the strain circulating in Asia, which is an H5N1 virus subtype.

(5) However, in view of the animal health risk of disease introduction into the Community, imports of live poultry, ratites, farmed and wild feathered game birds and hatching eggs of these species and of fresh meat of poultry, ratites, wild and farmed feathered game, meat preparations and meat products consisting of, or containing meat of those species, obtained from birds slaughtered after 27 January 2004, and imports of eggs for human consumption, have been suspended from the United States of America as of 25 February 2004 by Commission Decision 2004/187/EC ⁽³⁾.

(6) In accordance with Commission Decision 2000/666/EC ⁽⁴⁾ importation of birds other than poultry is authorised from all member countries of the OIE (World Organisation for Animal Health) subject to animal health guarantees provided by the country of origin, and to strict post-import quarantine measures implemented in the Member States.

(7) However, the importation of birds other than poultry, including pet birds accompanying their owners has also been suspended from the United States of America by Decision 2004/187/EC as an additional measure in order to exclude any possible risk for disease occurrence in quarantine stations under the authority of the Member States.

(8) Commission Decision 97/222/EC ⁽⁵⁾, lays down the list of third countries from which Member States may authorise the importation of meat products, and establishes treatment regimes in order to prevent the risk of disease transmission via such products. The treatment that must be applied to the product depends on the health status of the country of origin, in relation to the species the meat is obtained from; in order to avoid an unnecessary burden on trade, imports of poultry meat products originating in the United States of America treated to a temperature of at least 70 ° Celsius throughout the product should continue to be authorised.

⁽³⁾ OJ L 57, 25.2.2004, p. 35.

⁽⁴⁾ OJ L 278, 31.10.2000, p. 26. Decision as last amended by Decision 2002/279/EC (OJ L 99, 16.4.2002, p. 17).

⁽⁵⁾ OJ L 98, 4.4.1997, p. 39. Decision as last amended by Decision 2003/826/EC (OJ L 311, 27.11.2003, p. 29).

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

⁽²⁾ OJ L 24, 31.1.1998, p. 9.

- (9) Sanitary control measures applicable to raw material for the manufacture of animal feedingstuffs and pharmaceutical or technical products allow the exclusion from the scope of this Decision of channelled imports of such products.
- (10) The United States of America has signed an Agreement with the European Community on sanitary measures to protect public and animal health in trade in live animals and animal products⁽¹⁾.
- (11) The United States of America has communicated some additional information on the disease situation and the control measures taken in this respect with a view to obtain the implementation by the Community of regionalisation measures in accordance with the provisions in the Veterinary Agreement; however, the information available at present still does not allow to reduce the protection measures laid down in the present Decision to a confined area.
- (12) Therefore the protection measures applicable to the whole territory of the United States of America should be prolonged and Decision 2004/187/EC should be repealed.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall suspend the importation from the territory of the United States of:

- live poultry, ratites, farmed and wild feathered game, and hatching eggs of these species,
- birds other than poultry including pet birds accompanying their owners,
- eggs for human consumption.

Article 2

Member States shall suspend the importation from the territory of the United States of:

- fresh meat of poultry, ratites, farmed and wild feathered game,
- meat preparations and meat products consisting of, or containing meat of those species.

Article 3

1. By derogation from Article 2, Member States shall authorise the importation of the products covered by that Article which have been obtained from birds slaughtered before 27 January 2004.

2. In the veterinary certificates accompanying consignments of the products mentioned in paragraph 1 the following words as appropriate to the species concerned shall be included:

'Fresh poultrymeat/Fresh ratite meat/Fresh meat of wild feathered game/Fresh meat of farmed feathered game/meat product consisting of, or containing meat of poultry, of ratites, or of farmed or wild feathered game/meat preparation consisting of, or containing meat of poultry, of ratites, or of farmed or wild feathered game (*), which has been obtained from birds slaughtered before 27 January 2004, in accordance with Article 3(1) of Decision 2004/256/EC.

(*) Delete as appropriate.'

3. By derogation from Article 2, Member States shall authorise the importation of meat products consisting of, or containing meat of poultry, of ratites, or of farmed and wild feathered game, when the meat of these species has undergone one of the specific treatments referred to under points B, C or D in part IV of the Annex to Decision 97/222/EC.

Article 4

Decision 2004/187/EC is repealed.

Article 5

The Member States shall amend the measures they apply to imports so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 6

This Decision shall be reviewed in the light of the disease evolution and information supplied by the veterinary authorities of the United States of America.

Article 7

This Decision shall apply until 23 March 2004.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 17 March 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ Council Decision 98/258/EC (OJ L 118, 21.4.1998, p. 1).

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK of 19 February 2004 adopting the Rules of Procedure of the European Central Bank

(ECB/2004/2)

(2004/257/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to Article 12.3 thereof;

HAS DECIDED AS FOLLOWS:

Sole Article

The Rules of Procedure of the European Central Bank as amended on 22 April 1999, as further amended by Decision ECB/1999/6 of 7 October 1999 amending the Rules of Procedure of the European Central Bank ⁽¹⁾, shall be replaced by the following which shall enter into force on 1 March 2004.

RULES OF PROCEDURE OF THE EUROPEAN CENTRAL BANK

PRELIMINARY CHAPTER

Article 1

Definitions

These Rules of Procedure shall supplement the Treaty establishing the European Community and the Statute of the European System of Central Banks and of the European Central Bank. The terms in these Rules of Procedure shall have the same meaning as in the Treaty and the Statute. The term 'Eurosystème' shall mean the European Central Bank (ECB) and the national central banks of those Member States whose currency is the euro.

CHAPTER I

THE GOVERNING COUNCIL

Article 2

Date and place of Governing Council meetings

2.1. The Governing Council shall decide on the dates of its meetings on a proposal from the President. The Governing Council shall, in principle, meet regularly following a schedule that it shall determine in good time before the start of each calendar year.

2.2. The President shall convene a meeting of the Governing Council if a request for a meeting is submitted by at least three members of the Governing Council.

⁽¹⁾ OJ L 314, 8.12.1999, p. 32.

2.3. The President may also convene meetings of the Governing Council whenever he/she deems it necessary.

2.4. The Governing Council shall normally hold its meetings on the premises of the ECB.

2.5. Meetings may also be held by means of teleconferencing, unless at least three Governors object.

Article 3

Attendance at Governing Council meetings

3.1. Except as provided herein, attendance at meetings of the Governing Council shall be restricted to its members, the President of the Council of the European Union and a member of the Commission of the European Communities.

3.2. Each Governor may normally be accompanied by one person.

3.3. If a Governor is unable to attend, he/she may appoint, in writing, an alternate without prejudice to Article 4. This written communication shall be sent to the President in due time before the meeting. Such an alternate may normally be accompanied by one person.

3.4. The President shall appoint a member of staff of the ECB as Secretary. The Secretary shall assist the Executive Board in preparing the meetings of the Governing Council and shall draft the minutes thereof.

3.5. The Governing Council may also invite other persons to attend its meetings if it deems it appropriate to do so.

Article 4

Voting

4.1. In order for the Governing Council to vote, there shall be a quorum of two-thirds of the members. If the quorum is not met, the President may convene an extraordinary meeting at which decisions may be taken without regard to the quorum.

4.2. The Governing Council shall proceed to vote at the request of the President. The President shall also initiate a voting procedure upon request from any member of the Governing Council.

4.3. Abstentions shall not prevent the adoption by the Governing Council of decisions under Article 41.2 of the Statute.

4.4. If a member of the Governing Council is prevented from voting for a prolonged period (i.e. more than one month), he/she may appoint an alternate as a member of the Governing Council.

4.5. In accordance with Article 10.3 of the Statute, if a Governor is unable to vote on a decision to be taken under Articles 28, 29, 30, 32, 33 and 51 of the Statute, his/her appointed alternate may cast his/her weighted vote.

4.6. The President may initiate a secret ballot if requested to do so by at least three members of the Governing Council. If members of the Governing Council are personally affected by a proposal for a decision under Articles 11.1, 11.3 or 11.4 of the Statute, a secret ballot shall be held. In such cases the members of the Governing Council concerned shall not participate in the vote.

4.7. Decisions may also be taken by written procedure, unless at least three members of the Governing Council object. A written procedure shall require: (i) normally not less than five working days for consideration by every member of the Governing Council; and (ii) the personal signature of each member of the Governing Council (or his/her alternate in accordance with Article 4.4); and (iii) a record of any such decision in the minutes of the subsequent meeting of the Governing Council.

Article 5

Organisation of Governing Council meetings

5.1. The Governing Council shall adopt the agenda for each meeting. A provisional agenda shall be drawn up by the Executive Board and shall be sent, together with the related documents, to the members of the Governing Council and other authorised participants at least eight days before the relevant meeting, except in emergencies, in which case the Executive Board shall act appropriately having regard to the circumstances. The Governing Council may decide to remove items from or add items to the provisional agenda on a proposal from the President or from any other member of the Governing Council. An item shall be removed from the agenda at the request of at least three of the members of the Governing Council if the related documents were not submitted to the members of the Governing Council in due time.

5.2. The minutes of the proceedings of the Governing Council shall be submitted to its members for approval at the subsequent meeting (or where necessary earlier by written procedure) and shall be signed by the President.

5.3. The Governing Council may lay down internal rules on decision-making in emergency situations.

CHAPTER II

THE EXECUTIVE BOARD

Article 6

Date and place of Executive Board meetings

6.1. The date of the meetings shall be decided by the Executive Board on a proposal from the President.

6.2. The President may also convene meetings of the Executive Board whenever he/she deems it necessary.

Article 7

Voting

7.1. In order for the Executive Board to vote, in accordance with Article 11.5 of the Statute, there shall be a quorum of two-thirds of the members. If the quorum is not met, the President may convene an extraordinary meeting at which decisions may be taken without regard to the quorum.

7.2. Decisions may also be taken by written procedure, unless at least two members of the Executive Board object.

7.3. Members of the Executive Board personally affected by a prospective decision under Articles 11.1, 11.3 or 11.4 of the Statute shall not participate in the vote.

Article 8

Organisation of Executive Board meetings

The Executive Board shall decide on the organisation of its meetings.

CHAPTER III

THE ORGANISATION OF THE EUROPEAN CENTRAL BANK

Article 9

Eurosystem/ESCB Committees

9.1. The Governing Council shall establish and dissolve committees. They shall assist in the work of the decision-making bodies of the ECB and shall report to the Governing Council via the Executive Board.

9.2. Committees shall be composed of up to two members from each of the Eurosystem NCBs and the ECB, appointed by each Governor and the Executive Board respectively. The Governing Council shall lay down the mandates of the committees and appoint their chairpersons. As a rule, the chairperson shall be a staff member from the ECB. Both the Governing Council and the Executive Board shall have the right to request studies of specific topics by committees. The ECB shall provide secretarial assistance to the committees.

9.3. The national central bank of each non-participating Member State may also appoint up to two staff members to take part in the meetings of a committee whenever it deals with matters falling within the field of competence of the General Council and whenever the chairperson of a committee and the Executive Board deems this appropriate.

9.4. Representatives of other Community institutions and bodies and any other third party may also be invited to take part in the meetings of a committee whenever the chairperson of a committee and the Executive Board deems this appropriate.

Article 9a

The Governing Council may decide to establish ad hoc committees in charge of specific advisory tasks.

Article 10

Internal structure

10.1. Having consulted the Governing Council, the Executive Board shall decide upon the number, name and respective competence of each of the work units of the ECB. This decision shall be made public.

10.2. All work units of the ECB shall be placed under the managing direction of the Executive Board. The Executive Board shall decide upon the individual responsibilities of its members with respect to the work units of the ECB, and shall inform the Governing Council, the General Council and the staff of the ECB thereof. Any such decision shall be taken only in the presence of all the members of the Executive Board, and may not be taken against the vote of the President.

Article 11

Staff of the ECB

11.1. Each member of the staff of the ECB shall be informed of his/her position within the structure of the ECB, his/her reporting line and his/her professional responsibilities.

11.2. Without prejudice to Articles 36 and 47 of the Statute, the Executive Board shall enact organisational rules (hereinafter referred to as Administrative Circulars) which are binding on the staff of the ECB.

11.3. The Executive Board shall adopt and up-date a Code of Conduct for the guidance of its members and of the members of staff of the ECB.

CHAPTER IV

INVOLVEMENT OF THE GENERAL COUNCIL IN THE TASKS OF THE EUROPEAN SYSTEM OF CENTRAL BANKS

Article 12

Relationship between the Governing Council and the General Council

12.1. The General Council of the ECB shall be given the opportunity to submit observations before the Governing Council adopts:

- opinions under Articles 4 and 25.1 of the Statute,
- recommendations in the statistical field, under Article 42 of the Statute,
- the annual report,
- the rules on the standardisation of accounting rules and reporting of operations,
- the measures for the application of Article 29 of the Statute,
- the conditions of employment of the staff of the ECB,
- in the context of the preparations for the irrevocable fixing of exchange rates, an ECB opinion either under Article 123(5) of the Treaty or concerning Community legal acts to be adopted when a derogation is abrogated.

12.2. Whenever the General Council is requested to submit observations under the first paragraph of this Article, it shall be given a reasonable period of time within which to do so, which may not be less than ten working days. In a case of urgency to be justified in the request, the period may be reduced to five working days. The President may decide to use the written procedure.

12.3. The President shall inform the General Council, in accordance with Article 47.4 of the Statute, of decisions adopted by the Governing Council.

*Article 13***Relationship between the Executive Board and the General Council**

13.1. The General Council of the ECB shall be given the opportunity to submit observations before the Executive Board:

- implements legal acts of the Governing Council for which, in accordance with Article 12.1 above, the contribution of the General Council is required,
- adopts, by virtue of powers delegated by the Governing Council in accordance with Article 12.1 of the Statute, legal acts for which, in accordance with Article 12.1 of these Rules, the contribution of the General Council is required.

13.2. Whenever the General Council is requested to submit observations under the first paragraph of this Article, it shall be given a reasonable period of time within which to do so, which may not be less than ten working days. In a case of urgency to be justified in the request, the period may be reduced to five working days. The President may decide to use written procedure.

CHAPTER V

SPECIFIC PROCEDURAL PROVISIONS*Article 14***Delegation of powers**

14.1. The delegation of powers of the Governing Council to the Executive Board under the last sentence of the second paragraph of Article 12.1 of the Statute shall be notified to the parties concerned, or published if appropriate, where decisions taken by means of delegation have legal effects on third parties. The Governing Council shall be promptly informed of any act adopted by way of delegation.

14.2. The Book of Authorised Signatories of the ECB, established pursuant to decisions adopted under Article 39 of the Statute, shall be circulated to interested parties.

*Article 15***Budgetary procedure**

15.1. The Governing Council, acting upon a proposal from the Executive Board in accordance with any principles laid down by the former, shall adopt, before the end of each financial year, the budget of the ECB for the subsequent financial year.

15.2. For assistance in matters related to the budget of the ECB, the Governing Council shall establish a Budget Committee and lay down its mandate and composition.

*Article 16***Reporting and annual accounts**

16.1. The Governing Council shall adopt the annual report required under Article 15.3 of the Statute.

16.2. The competence to adopt and publish the quarterly reports under Article 15.1 of the Statute, the weekly consolidated financial statements under Article 15.2 of the Statute, the consolidated balance sheets under Article 26.3 of the Statute and other reports shall be delegated to the Executive Board.

16.3. The Executive Board shall, in accordance with the principles established by the Governing Council, prepare the annual accounts of the ECB within the first month of the subsequent financial year. These shall be submitted to the external auditor.

16.4. The Governing Council shall adopt the annual accounts of the ECB within the first quarter of the subsequent year. The external auditor's report shall be submitted to the Governing Council before their adoption.

Article 17

Legal instruments of the ECB

17.1. ECB Regulations shall be adopted by the Governing Council and signed on its behalf by the President.

17.2. ECB Guidelines shall be adopted by the Governing Council, and thereafter notified, in one of the official languages of the European Communities, and signed on the Governing Council's behalf by the President. They shall state the reasons on which they are based. Notification of the national central banks may take place by means of telefax, electronic mail or telex or in paper form. Any ECB Guideline that is to be officially published shall be translated into the official languages of the European Communities.

17.3. The Governing Council may delegate its normative powers to the Executive Board for the purpose of implementing its regulations and guidelines. The regulation or guideline concerned shall specify the issues to be implemented as well as the limits and scope of the delegated powers.

17.4. ECB Decisions and Recommendations shall be adopted by the Governing Council or the Executive Board in their respective domain of competence, and shall be signed by the President. ECB Decisions imposing sanctions on third parties shall be signed by the President, the Vice-President or any two other members of the Executive Board. ECB Decisions and Recommendations shall state the reasons on which they are based. The Recommendations for secondary Community legislation under Article 42 of the Statute shall be adopted by the Governing Council.

17.5. Without prejudice to the second paragraph of Article 44 and the first indent of Article 47.1 of the Statute, ECB opinions shall be adopted by the Governing Council. However, in exceptional circumstances and unless not less than three Governors state their wish to retain the competence of the Governing Council for the adoption of specific opinions, ECB opinions may be adopted by the Executive Board, in line with comments provided by the Governing Council and taking into account the contribution of the General Council. ECB opinions shall be signed by the President.

17.6. ECB Instructions shall be adopted by the Executive Board, and thereafter notified, in one of the official languages of the European Communities, and signed on the Executive Board's behalf by the President or any two Executive Board members. Notification of the national central banks may take place by means of telefax, electronic mail or telex or in paper form. Any ECB Instruction that is to be officially published shall be translated into the official languages of the European Communities.

17.7. All ECB legal instruments shall be numbered sequentially for ease of identification. The Executive Board shall take steps to ensure the safe custody of the originals, the notification of the addressees or consulting authorities, and the publication in all the official languages of the European Union in the *Official Journal of the European Union* in the case of ECB Regulations, ECB opinions on draft Community legislation and those ECB legal instruments whose publication has been expressly decided.

17.8. The principles of Council Regulation (EC) No 1 determining the language to be used by the European Economic Community ⁽¹⁾ of 15 April 1958 shall apply to the legal acts specified in Article 34 of the Statute.

Article 18

Procedure under Article 106(2) of the Treaty

The approval provided for in Article 106(2) of the Treaty shall be adopted for the following year by the Governing Council in a single decision for all participating Member States within the final quarter of every year.

Article 19

Procurement

19.1. Procurement of goods and services for the ECB shall give due regard to the principles of publicity, transparency, equal access, non-discrimination and efficient administration.

19.2. Except for the principle of efficient administration, derogations may be made from the above principles in cases of urgency; for reasons of security or secrecy; where there is a sole supplier; for supplies from the national central banks to the ECB; to ensure the continuity of a supplier.

Article 20

Selection, appointment and promotion of staff

20.1. All members of staff of the ECB shall be selected, appointed and promoted by the Executive Board.

20.2. All members of staff of the ECB shall be selected, appointed and promoted with due regard to the principles of professional qualification, publicity, transparency, equal access and non-discrimination. The rules and procedures for recruitment and for internal promotion shall be further specified by means of Administrative Circulars.

Article 21

Conditions of Employment

21.1. The Conditions of Employment and the Staff Rules shall determine the employment relationship between the ECB and its staff.

21.2. The Governing Council, upon a proposal from the Executive Board and following consultation of the General Council shall adopt the Conditions of Employment.

21.3. The Executive Board shall adopt the Staff Rules, that shall implement the Conditions of Employment.

⁽¹⁾ OJ 17, 6.10.1958, p. 385.

21.4. The Staff Committee shall be consulted before the adoption of new Conditions of Employment or Staff Rules. Its opinion shall be submitted to the Governing Council or the Executive Board respectively.

Article 22

Communications and announcements

General communications and announcements of decisions taken by the decision-making bodies of the ECB may be published on the ECB website, in the *Official Journal of the European Union*, or by means of wire services common to financial markets or any other media.

Article 23

Confidentiality of and access to ECB documents

23.1. The proceedings of the decision-making bodies of the ECB and of any committee or group established by them shall be confidential unless the Governing Council authorises the President to make the outcome of their deliberations public.

23.2. Public access to documents drawn up or held by the ECB shall be governed by a decision of the Governing Council.

23.3. Documents drawn up by the ECB shall be classified and handled in accordance with the rules laid down in an Administrative Circular. They shall be freely accessible after a period of 30 years unless decided otherwise by the decision making bodies.

CHAPTER VI

FINAL PROVISION

Article 24

Amendments to these Rules of Procedure

The Governing Council may amend these Rules of Procedure. The General Council may propose amendments and the Executive Board may adopt supplementary rules within its field of competence.

Done at Frankfurt am Main, 19 February 2004.

The President of the ECB
Jean-Claude TRICHET

DECISION OF THE EUROPEAN CENTRAL BANK
of 4 March 2004
on public access to European Central Bank documents

(ECB/2004/3)

(2004/258/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular to Article 12.3 thereof,

Having regard to the Rules of Procedure of the European Central Bank ⁽¹⁾, and in particular to Article 23 thereof,

Whereas:

(1) The second subparagraph of Article 1 of the Treaty on European Union enshrines the concept of openness, stating that the Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen. Openness enhances the administration's legitimacy, effectiveness and accountability, thus strengthening the principles of democracy.

(2) In the Joint Declaration ⁽²⁾ relating to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽³⁾, the European Parliament, the Council and the Commission call on the other institutions and bodies of the Union to adopt internal rules on public access to documents which take account of the principles and limits set out in the Regulation. The regime on public access to ECB documents as laid down in Decision ECB/1998/12 of 3 November 1998 concerning public access to documentation and the archives of the European Central Bank ⁽⁴⁾ should be revised accordingly.

(3) Wider access should be granted to ECB documents, while at the same time protecting the independence of the ECB and of the national central banks (NCBs) foreseen by Article 108 of the Treaty and Article 7 of the Statute, and the confidentiality of certain matters specific to the performance of the ECB's tasks. In order to safeguard the effectiveness of its decision-making process, including its internal consultations and preparations, the proceedings of the meetings of the ECB's decision-making bodies are confidential, unless the relevant body decides to make the outcome of its deliberations public.

(4) However, certain public and private interests should be protected by way of exceptions. Furthermore, the ECB needs to protect the integrity of euro banknotes as a means of payment including, without limitation, the security features against counterfeiting, the technical production specifications, the physical security of stocks and the transportation of euro banknotes.

(5) When NCBs handle requests for ECB documents that are in their possession, they should consult the ECB in order to ensure the full application of this Decision unless it is clear whether or not the document may be disclosed.

(6) In order to bring about greater openness, the ECB should grant access not only to documents drawn up by it, but also to documents received by it while at the same time preserving the right for the third parties concerned to express their positions with regard to access to documents originating from those parties.

(7) In order to ensure that good administrative practice is respected, the ECB should apply a two-stage procedure,

HAS DECIDED AS FOLLOWS:

Article 1

Purpose

The purpose of this Decision is to define the conditions and limits according to which the ECB shall give public access to ECB documents and to promote good administrative practice on public access to such documents.

Article 2

Beneficiaries and scope

1. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to ECB documents, subject to the conditions and limits defined in this Decision.

⁽¹⁾ Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank. See page 33 of this Official Journal.

⁽²⁾ OJ L 173, 27.6.2001, p. 5.

⁽³⁾ OJ L 145, 31.5.2001, p. 43.

⁽⁴⁾ OJ L 110, 28.4.1999, p. 30.

2. The ECB may, subject to the same conditions and limits, grant access to ECB documents to any natural or legal person not residing or not having its registered office in a Member State.

3. This Decision shall be without prejudice to rights of public access to ECB documents which might follow from instruments of international law or acts which implement them.

Article 3

Definitions

For the purpose of this Decision:

- (a) 'document' and 'ECB document' shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) drawn up or held by the ECB and relating to its policies, activities or decisions, as well as documents originating from the European Monetary Institute (EMI) and from the Committee of Governors of the central banks of the Member States of the European Economic Community (Committee of Governors);
- (b) 'third party' shall mean any natural or legal person, or any entity outside the ECB.

Article 4

Exceptions

1. The ECB shall refuse access to a document where disclosure would undermine the protection of:

- (a) the public interest as regards:
 - the confidentiality of the proceedings of the ECB's decision-making bodies,
 - the financial, monetary or economic policy of the Community or a Member State,
 - the internal finances of the ECB or of the NCBs,
 - protecting the integrity of euro banknotes,
 - public security,
 - international financial, monetary or economic relations;
- (b) the privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data;
- (c) the confidentiality of information that is protected as such under Community law.

2. The ECB shall refuse access to a document where disclosure would undermine the protection of:

- the commercial interests of a natural or legal person, including intellectual property,

— court proceedings and legal advice,

— the purpose of inspections, investigations and audits,

unless there is an overriding public interest in disclosure.

3. Access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the ECB or with NCBs shall be refused even after the decision has been taken, unless there is an overriding public interest in disclosure.

4. As regards third-party documents, the ECB shall consult the third party concerned with a view to assessing whether an exception in this Article is applicable, unless it is clear that the document shall or shall not be disclosed.

5. If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released.

6. The exceptions as laid down in this Article shall only apply for the period during which protection is justified on the basis of the content of the document. The exceptions may apply for a maximum period of 30 years unless specifically provided otherwise by the ECB's Governing Council. In the case of documents covered by the exceptions relating to privacy or commercial interests, the exceptions may continue to apply after this period.

Article 5

Documents at the NCBs

Documents that are in the possession of an NCB and have been drawn up by the ECB as well as documents originating from the EMI or the Committee of Governors may be disclosed by the NCB only subject to prior consultation of the ECB concerning the scope of access, unless it is clear that the document shall or shall not be disclosed.

Alternatively the NCB may refer the request to the ECB.

Article 6

Applications

1. An application for access to a document shall be made to the ECB ⁽¹⁾ in any written form, including electronic form, in one of the official languages of the Union and in a sufficiently precise manner to enable the ECB to identify the document. The applicant is not obliged to state the reasons for the application.

2. If an application is not sufficiently precise, the ECB shall ask the applicant to clarify the application and shall assist the applicant in doing so.

⁽¹⁾ Addressed to the European Central Bank, Secretariat Division, Kaiserstrasse 29, D-60311 Frankfurt am Main. Fax: + 49 (69) 1344 6170. E-mail: ecb.secretariat@ecb.int.

3. In the event of an application relating to a very long document or to a very large number of documents, the ECB may confer with the applicant informally, with a view to finding a fair solution.

Article 7

Processing of initial applications

1. An application for access to a document shall be handled promptly. An acknowledgement of receipt shall be sent to the applicant. Within 20 working days from the receipt of the application, or on receipt of the clarifications requested in accordance with Article 6(2), the Director General Secretariat and Language Services of the ECB shall either grant access to the document requested and provide access in accordance with Article 9 or, in a written reply, state the reasons for total or partial refusal and inform the applicant of their right to make a confirmatory application in accordance with paragraph 2.

2. In the event of total or partial refusal, the applicant may, within 20 working days of receiving the ECB's reply, make a confirmatory application asking the ECB's Executive Board to reconsider its position. Furthermore, failure by the ECB to reply within the prescribed 20 working days' time limit for handling the initial application shall entitle the applicant to make a confirmatory application.

3. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, or if the consultation of a third party is required, the ECB may extend the time limit provided for in paragraph 1 by 20 working days, provided that the applicant is notified in advance and that detailed reasons are given.

4. Paragraph 1 shall not apply in case of excessive or unreasonable applications, in particular when they are of a repetitive nature.

Article 8

Processing of confirmatory applications

1. A confirmatory application shall be handled promptly. Within 20 working days from the receipt of such application, the Executive Board shall either grant access to the document requested and provide access in accordance with Article 9 or, in a written reply, state the reasons for the total or partial refusal. In the event of a total or partial refusal, the ECB shall inform the applicant of the remedies open to them in accordance with Articles 230 and 195 of the Treaty.

2. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the ECB may extend the time limit provided for in paragraph 1 by 20 working days, provided that the applicant is notified in advance and that detailed reasons are given.

3. Failure by the ECB to reply within the prescribed time limit shall be considered to be a negative reply and shall entitle the applicant to institute court proceedings and/or submit a complaint to the European Ombudsman, under Articles 230 and 195 of the Treaty, respectively.

Article 9

Access following an application

1. Applicants may consult documents to which the ECB has granted access either at its premises or by receiving a copy, including, where available, an electronic copy. The costs of producing and sending copies may be charged to the applicant. This charge shall not exceed the real cost of producing and sending the copies. Consultation on the spot, copies of less than 20 A4 pages and direct access in electronic form shall be free of charge.

2. If a document has already been released by the ECB and is easily accessible, the ECB may fulfil its obligation of granting access to it by informing the applicant how to obtain the requested document.

3. Documents shall be supplied in an existing version and format (including electronically or in an alternative format) as requested by the applicant.

Article 10

Reproduction of documents

1. Documents released in accordance with this Decision shall not be reproduced or exploited for commercial purposes without the ECB's prior specific authorisation. The ECB may withhold such authorisation without stating reasons.

2. This Decision shall be without prejudice to any existing rules on copyright which may limit a third party's right to reproduce or exploit released documents.

Article 11

Final provisions

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

Decision ECB/1998/12 shall be repealed.

Done at Frankfurt am Main, 4 March 2004.

The President of the ECB
Jean-Claude TRICHET