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⁽¹⁾ Text with EEA relevance

Price: EUR 18

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 588/2004
of 30 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 31 March 2004.

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

Done at Brussels, 30 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 30 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	83,1
	204	38,5
	212	120,5
	999	80,7
0707 00 05	052	129,4
	068	105,0
	096	88,7
	204	19,6
	220	135,1
	999	95,6
0709 90 70	052	117,9
	204	115,4
	999	116,7
0805 10 10, 0805 10 30, 0805 10 50	052	39,4
	204	44,9
	212	57,4
	220	40,5
	400	44,9
	624	63,0
	999	48,4
0805 50 10	052	47,5
	400	51,0
	999	49,3
0808 10 20, 0808 10 50, 0808 10 90	060	27,3
	388	84,8
	400	121,2
	404	89,2
	508	76,7
	512	83,7
	524	78,3
	528	80,5
	720	72,4
	804	101,1
	999	81,5
0808 20 50	388	78,3
	512	82,9
	528	63,4
	720	35,3
	999	65,0

⁽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 589/2004
of 30 March 2004**

**laying down temporary provisions concerning the notification of licence applications provided for
by Regulation (EC) No 1961/2001 laying down detailed rules for implementing Council Regulation
(EC) No 2200/96 as regards export refunds on fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

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

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽²⁾, and in particular Article 7(3)(b) thereof,

Whereas:

- (1) Regulation (EC) No 1961/2001 lays down that Member States are to notify licence applications to the Commission on Mondays and Thursdays each week.
- (2) Thursday 8, Friday 9 and Monday 12 April 2004 are Commission holidays. The notification of licence applications submitted on Monday 5 and Tuesday 6 April 2004 should therefore be brought forward to Wednesday 7 April 2004 while the notification of licence applications submitted from Wednesday 7 to Monday 12 April 2004 should be put back to Tuesday 13 April 2004.
- (3) Thursday 20, Friday 21 and Monday 31 May 2004 are Commission holidays. The notification of licence applications submitted on Monday 17 and Tuesday 18 May 2004 should therefore be brought forward to Wednesday 19 May 2004 while the notification of licence applications submitted from Wednesday 19 to Saturday 22 May 2004 should be put back to Monday 24 May 2004 and the notification of licence applications submitted from Thursday 27 to Monday 31 May 2004 should be put back to Tuesday 1 June 2004,

1. The notification, referred to in Article 7(3)(b) of Regulation (EC) No 1961/2001, of licence applications submitted on Monday 5 and Tuesday 6 April 2004 shall be made no later than 12.00 (Brussels time) on Wednesday 7 April 2004 rather than on Thursday 8 April 2004.

2. The notification, referred to in Article 7(3)(b) of Regulation (EC) No 1961/2001, of licence applications submitted from Wednesday 7 to Monday 12 April 2004 shall be made no later than 12.00 (Brussels time) on Tuesday 13 April 2004 rather than on Monday 12 April 2004.

Article 2

1. The notification, referred to in Article 7(3)(b) of Regulation (EC) No 1961/2001, of licence applications submitted on Monday 17 and Tuesday 18 May 2004 shall be made no later than 12.00 (Brussels time) on Wednesday 19 May 2004 rather than on Thursday 20 May 2004.

2. The notification, referred to in Article 7(3)(b) of Regulation (EC) No 1961/2001, of licence applications submitted from Wednesday 19 to Saturday 22 May 2004 shall be made no later than 12.00 (Brussels time) on Monday 24 May 2004.

3. The notification, referred to in Article 7(3)(b) of Regulation (EC) No 1961/2001, of licence applications submitted from Thursday 27 to Monday 31 May 2004 shall be made no later than 12.00 (Brussels time) on Tuesday 1 June 2004.

Article 3

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

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

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

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

Done at Brussels, 30 March 2004.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 590/2004
of 30 March 2004**

**amending Regulation (EEC) No 2921/90 as regards the amount of the aid for the production of
casein and caseinates from skimmed milk**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 15(b) thereof,

Whereas:

- (1) Article 2(1) of Commission Regulation (EEC) No 2921/90 of 10 October 1990 on aid for the production of casein and caseinates from skimmed milk ⁽²⁾ sets the amount of aid for the production of casein and caseinates from skimmed milk. In view of the development in the price of casein and caseinates on the Community and world markets, the amount of the aid should be reduced.

- (2) Regulation (EEC) No 2921/90 should be amended accordingly.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2(1) of Regulation (EEC) No 2921/90, 'EUR 6,30' is hereby replaced by 'EUR 6,00'.

Article 2

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, 30 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 279, 11.10.1990, p. 22. Regulation as last amended by Regulation (EC) No 2208/2003 (OJ L 330, 18.12.2003, p. 19).

**COMMISSION REGULATION (EC) No 591/2004
of 30 March 2004**

adopting temporary provisions for the issue of import licences applied for pursuant to Regulation (EC) No 565/2002 establishing the method for managing tariff quotas and introducing a system of certificates of origin for garlic imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular Article 31(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 565/2002 ⁽²⁾ lays down that Member States are to notify licence applications to the Commission on Mondays and Thursdays each week and issue the licences on the fifth working day following the date on which the application was lodged, provided that the Commission has not taken any measures during that period.
- (2) Thursday 8, Friday 9 and Monday 12 April 2004 are Commission holidays. The issue of licences applied for between Monday 5 and Friday 9 April 2004 should therefore be postponed.

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

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for between Monday 5 and Friday 9 April 2004 pursuant to Regulation (EC) No 565/2002 shall be issued on Thursday 15 April 2004, provided that the Commission has not taken any measures during that period in accordance with Article 8(2) of that Regulation.

Article 2

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

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

Done at Brussels, 30 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 86, 3.4.2002, p. 11.

COMMISSION REGULATION (EC) No 592/2004
of 30 March 2004
amending Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards
the lists of countries and territories
(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 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽¹⁾, and in particular Articles 10 and 21 thereof,

Whereas:

- (1) Regulation (EC) No 998/2003 lays down the animal health requirements applicable to the non-commercial movement of pet animals and the rules applying to checks on such movement.
- (2) Under Regulation (EC) No 998/2003 a list of third countries is to be drawn up before 3 July 2004. To be included on that list, a third country must demonstrate its rabies status and that it complies with certain conditions relating to notification, monitoring, veterinary services, prevention and control of rabies and regulation of vaccines.
- (3) In order to avoid any unnecessary disturbance in the movements of pet animals, and to allow time for the third countries to provide additional guarantees, where necessary, it is appropriate to establish a provisional list of third countries. That list should be based on the data available through the International Office of Epizootic Diseases (OIE-World Organisation for Animal Health), the results of inspections carried out by the Commission's Food and Veterinary Office in the third countries concerned and information gathered by Member States.

- (4) The provisional list of third countries should include countries which are free of rabies and countries in respect of which the risk of rabies entering the Community as a result of movements from their territories has been found to be no higher than the risk associated with movements between Member States.
- (5) Regulation (EC) No 998/2003 should therefore be amended accordingly. In the interests of clarity the list of countries and territories set out in that Regulation should be replaced in its entirety.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 998/2003 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 3 July 2004.

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

Done at Brussels, 30 March 2004.

For the Commission
David BYRNE
Member of the Commission

⁽¹⁾ OJ L 146, 13.6.2003, p. 1.

ANNEX

‘ANNEX II

LIST OF COUNTRIES AND TERRITORIES

PART A

IE Ireland
SE Sweden
UK United Kingdom

PART B

Section 1

- (a) DK Denmark, including GL — Greenland and FO — Faroe Islands
- (b) ES Spain, including the continental territory, Balearic Islands and Canary Islands, and excluding Ceuta-Melilla;
- (c) FR France, including GF- French Guiana, GP — Guadeloupe, MQ — Martinique and RE — Réunion;
- (d) GI Gibraltar;
- (e) PT Portugal, including the continental territory, Azores and Madeira;
- (f) Member States other than those listed in Part A and points (a), (b) (c) and (e) of this section.

Section 2

AD Andorra
CH Switzerland
IS Iceland
LI Liechtenstein
MC Monaco
NO Norway
SM San Marino
VA Vatican City State

PART C

AC Ascension Island
AG Antigua and Barbuda
AN Netherlands Antilles
AU Australia
AW Aruba
BB Barbados
BH Bahrain
BM Bermuda
CA Canada
FJ Fiji
FK Falkland Islands
HR Croatia
JM Jamaica
JP Japan
KN Saint Kitts and Nevis
KY Cayman Islands
MS Montserrat
MU Mauritius
NC New Caledonia
NZ New Zealand

PF French Polynesia
PM Saint Pierre et Miquelon
SG Singapore
SH Saint Helena
US United States of America
VC Saint Vincent and the Grenadines
VU Vanuatu
WF Wallis and Futuna
YT Mayotte'.

COMMISSION REGULATION (EC) No 593/2004**of 30 March 2004****opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin**

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⁾, as last amended by Commission Regulation (EC) No 493/2002 ⁽²⁾, and in particular Article 3(2), Article 6(1) and Article 15 thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 2(2), Article 4(1) and Article 10 thereof,

Whereas,

(1) Commission Regulation (EC) No 1474/95 of 28 June 1995 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin ⁽⁵⁾, has been substantially amended several times ⁽⁶⁾. In the interests of clarity and rationality the said regulation should be codified.

(2) In the framework of the World Trade Organisation (WTO), the Community has undertaken to open tariff quotas for certain products in the egg sector and for egg albumin. As a result, detailed rules for the application of those quotas should be laid down.

(3) The administration of the arrangements should be based on import licences. To that end, the detailed rules for submission of the applications and the information which must appear on the applications and licences, by way of derogation from Article 8 of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁷⁾, as last amended by Regulation (EC) No 325/2003 ⁽⁸⁾, should be laid down. In addition, provision should be made for the licences to be issued after a period of consideration, applying, where necessary, a single percentage of acceptance. It is

in the interest of importers and exporters to allow the licence application to be withdrawn after the coefficient of acceptance has been fixed.

(4) In order to ensure the regularity of imports, the quantity referred to in Annex I should be staggered over one year.

(5) In order to ensure proper administration of the system, the security for import licences under the said system should be fixed at EUR 20 per 100 kg (shell egg equivalent).

(6) In order to ensure that the system is working properly and in particular to eliminate the risk of speculation inherent in the system in the egg and albumin sector, precise conditions governing access by traders to the system should be laid down aiming at ensuring the seriousness of their activities in this sector.

(7) The attention of the operators should be drawn to the fact that licences may only be used for products which comply with all veterinary provisions in force in the Community.

(8) To ensure sound administration of the import arrangements, the Commission should have at its disposal accurate information provided by the Member States on quantities actually imported. In the interest of clarity, a single model should be used by the Member States for notifying quantities to the Commission.

(9) 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 import tariff quotas listed in Annex I are opened annually for the period from 1 July to 30 June for the product groups and under the conditions indicated therein.

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 77, 20.3.2002, p. 7.

⁽³⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁴⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁵⁾ OJ L 145, 29.6.1995, p. 19.

⁽⁶⁾ See Annex V.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁸⁾ OJ L 47, 21.2.2003, p. 21.

Article 2

The quotas referred to in Article 1 shall be staggered as follows:

for group E 1:

- 20 % in the period from 1 July to 30 September,
- 30 % in the period from 1 October to 31 December,
- 30 % in the period from 1 January to 31 March,
- 20 % in the period from 1 April to 30 June,

for groups E 2 and E 3:

- 25 % in the period from 1 July to 30 September,
- 25 % in the period from 1 October to 31 December,
- 25 % in the period from 1 January to 31 March,
- 25 % in the period from 1 April to 30 June.

Article 3

All imports into the Community under the quotas referred to in Article 1 shall be subject to the presentation of an import licence.

Article 4

The import licences referred to in Article 3 shall be subject to the following provisions:

- (a) applicants for import licences shall be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have imported not less than 50 tonnes (shell egg equivalent) of products falling within the scope of Regulations (EEC) No 2771/75 (excluding hatching eggs) and (EEC) No 2783/75 in each of the two calendar years preceding the year in which the licence application is lodged, or who are approved in accordance with Article 6(1) of Council Directive 89/437/EEC⁽¹⁾ for the treatment of egg products. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this system;
- (b) licence applications shall not involve more than one of the groups referred to in Annex I. They may involve several products covered by different CN codes and originating in one single country; in such cases, all the CN codes shall be indicated in section 16 and their descriptions in section 15. Regarding groups E2 and E3, the total quantity shall be converted into shell egg equivalent.

Licence applications shall relate to at least one tonne and to a maximum of 10 % of the quantity available for the group concerned and the periods specified in Article 2;

- (c) section 8 of licence applications and licences shall show the country of origin;

- (d) section 20 of licence applications and licences shall show one of the following:

Reglamento (CE) n° 593/2004

Forordning (EF) nr. 593/2004

Verordnung (EG) Nr. 593/2004

Κανονισμός (ΕΚ) αριθ. 593/2004

Regulation (EC) No 593/2004

Règlement (CE) n° 593/2004

Regolamento (CE) n. 593/2004

Verordening (EG) nr. 593/2004

Regulamento (CE) n.º 593/2004

Asetus (EY) N:o 593/2004

Förordning (EG) nr 593/2004

- (e) section 24 of licences shall show one of the following:

Reducción del derecho del AAC conforme a lo establecido en el Reglamento (CE) n° 593/2004

Reduktion i toldsatsen i henhold til forordning (EF) nr. 593/2004

Ermäßigung des Zollsatzes gemäß Verordnung (EG) Nr. 593/2004

Μείωση του δασμού του ΚΑ, όπως προβλέπεται στον κανονισμό (ΕΚ) αριθ. 593/2004

Reduction of CCT duty pursuant to Regulation (EC) No 593/2004

Réduction du droit du tarif douanier commun comme prévu au règlement (CE) n° 593/2004

Riduzione del dazio TDC come prevede il regolamento (CE) n. 593/2004

Verlaging van het GDT-recht op grond van Verordening (EG) nr. 593/2004

Redução do direito da PAC previsto no Regulamento (CE) n.º 593/2004

Yhteisön yhteisen tullitariffin maksua alennettu seuraavan mukaisesti: Asetus (EY) N:o 593/2004

Reduktion av Gemensamma tulltaxans tariffer enligt förordning (EG) nr 593/2004.

Article 5

1. Licence applications shall be lodged during the first seven days of the month preceding each period as specified in Article 2.

2. Licence applications shall be submitted to the competent authority of the Member State in which the applicant is established or has set up his/her registered office. Applications shall be admissible only where the applicant declares in writing that he/she has not submitted and undertakes not to submit any other applications, in respect of the same period, concerning products in the same group.

Where the same applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.

⁽¹⁾ OJ L 212, 22.7.1989, p. 87.

However, each applicant may lodge more than one application for import licences for products in one group, where such products originate in more than one country. Separate applications for each country of origin shall be submitted simultaneously to the competent authority of a Member State. They shall be considered, as regards the maximum referred to in Article 4(b) as well as application of the rule in the second subparagraph, as single applications.

3. A security of EUR 20 per 100 kilograms shell egg equivalent shall be lodged for import licence applications for all products referred to in Article 1.

4. Member States shall notify the Commission, on the fifth working day following the end of the application submission period, of applications lodged for each of the products in the group in question. Such notification shall include a list of applicants and a statement of the quantities applied for in the group.

All notifications, including 'nil' notifications, shall be made by telex or fax on the working day stipulated, drawn up on the model shown in Annex II in cases where no application is made, and the models shown in Annexes II and III in cases where applications have been made.

5. The Commission shall decide as quickly as possible to what extent quantities may be awarded in respect of applications as referred to in Article 4.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage of acceptance for the quantities applied for. Where this percentage is less than 5 %, the Commission may decide not to award the quantities applied for; the securities shall be released immediately.

Operators may withdraw their licence applications within 10 working days following publication of the single percentage of acceptance in the *Official Journal of the European Union* if application of the percentage results in the fixing of a quantity less than 20 tonnes shell egg equivalent. The Member States shall inform the Commission thereof within five working days following the withdrawal of the licence application and shall release the security immediately.

The Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following quarterly period of the annual quota period referred to in Article 1.

6. Licences shall be issued as quickly as possible after the Commission has taken its decision.

7. Licences may only be used for products which comply with all veterinary provisions in force in the Community.

8. Member States shall notify the Commission, before the end of the fourth month following each annual period referred to in Article 1, of the total volume of products imported for each of the groups pursuant to this Regulation during that period.

All notifications, including 'nil' ones, shall be made using the model in Annex IV.

Article 6

For the purposes of applying Article 23(2) of Regulation (EC) No 1291/2000, import licences shall be valid for 150 days from the date of actual issue, but not beyond the end of the period specified in Article 1.

Import licences issued pursuant to this Regulation shall not be transferable.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EC) No 1291/2000 shall apply.

However, Article 8(4) of that regulation notwithstanding, the quantity imported in accordance with this Regulation may not exceed that shown in sections 17 and 18 of the import licence. The figure '0' shall accordingly be entered in section 19 of the licence.

Article 8

Regulation (EC) No 1474/95 is repealed.

References to the repealed regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VI.

Article 9

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

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

Done at Brussels, 30 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Group number	CN code	Duty applicable, EUR/tonne product weight	(tonnes)
			Annual tariff quotas (Article 1)
E1	0407 00 30	152	135 000
E2	0408 11 80	711	7 000 ⁽¹⁾
	0408 19 81	310	
	0408 19 89	331	
	0408 91 80	687	
	0408 99 80	176	
E3	3502 11 90	617	15 500 ⁽¹⁾
	3502 19 90	83	

⁽¹⁾ Shell egg equivalent. Conversion according to the rates of yield fixed in Annex 69 to Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1).

ANNEX II

Application of Regulation (EC) No 593/2004

COMMISSION OF THE EUROPEAN COMMUNITIES DG AGRI/D/2 — Egg sector

Application for import licences at reduced duty – GATT

Date:

Period:

Member State:

Sender:

Person to contact:

Telephone:

Fax:

Address: DG AGRI/D/2

Fax (32-2) 298 87 97

(e-mail: AGRI-POULTRY-IMPORT@cec.eu.int)

Group number	Quantity applied for	
	Product weight	Shell egg equivalent
E 1		
E 2		
E 3		

ANNEX III

Application of Regulation (EC) No 593/2004

COMMISSION OF THE EUROPEAN COMMUNITIES DG AGRI/D/2 — Egg sector

Application for import licences at reduced duty — GATT	Date	Period
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Member State:

(tonnes)

Group number	CN code	Applicant (name and address)	Quantity		Country of origin
			Product weight	Shell egg equivalent	
E 1					
		Total per group			
E 2					
		Total per group			
E 3					
		Total per group			

ANNEX IV

NOTIFICATION CONCERNING ACTUAL IMPORTS

Member State :

Application of Article of Regulation

Quantity of products (in kg) actually imported :

Send to: DG AGRI/D/2 — Fax (32-2) 298 87 97
(e-mail: AGRI-POULTRY-IMPORT@cec.eu.int)

Group No	Quantity actually imported	Country of origin

ANNEX V

Repealed regulation with its successive amendments

Commission Regulation (EC) No 1474/95	(OJ L 145, 29.6.1995, p. 19)
Commission Regulation (EC) No 2916/95, only Article 1(5) concerning Regulation (EC) No 1474/95	(OJ L 305, 19.12.1995, p. 49)
Commission Regulation (EC) No 573/96	(OJ L 80, 30.3.1996, p. 54)
Commission Regulation (EC) No 876/96	(OJ L 118, 15.5.1996, p. 17)
Commission Regulation (EC) No 937/96	(OJ L 127, 25.5.1996, p. 26)
Commission Regulation (EC) No 1102/96	(OJ L 146, 20.6.1996, p. 30)
Commission Regulation (EC) No 1219/96	(OJ L 161, 29.6.1996, p. 55)
Commission Regulation (EC) No 997/97, only Article 2 and Article 4(3)	(OJ L 144, 4.6.1997, p. 11)
Commission Regulation (EC) No 1242/97	(OJ L 173, 1.7.1997, p. 77)
Commission Regulation (EC) No 1514/97, only Article 3 concerning Regulation (EC) No 1474/95	(OJ L 204, 31.7.1997, p. 16)
Commission Regulation (EC) No 1371/98	(OJ L 185, 30.6.1998, p. 17)
Commission Regulation (EC) No 1323/1999	(OJ L 157, 24.6.1999, p. 29)
Commission Regulation (EC) No 1356/2000	(OJ L 155, 28.6.2000, p. 36)
Commission Regulation (EC) No 1043/2001, only Articles 3 and 5 concerning Regulation (EC) No 1474/95	(OJ L 145, 31.5.2001, p. 24)

ANNEX VI

Correlation table

Regulation (EC) No 1474/95	This Regulation
Articles 1 — 7	Articles 1 — 7
—	Article 8
Article 8	Article 9
Annexes I — IV	Annexes I — IV
—	Annex V
—	Annex VI

**COMMISSION REGULATION (EC) No 594/2004
of 30 March 2004**

**determining the operative events applicable to products in the fruit and vegetables sector and to
processed fruit and vegetable products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Regulation (EC) No 2799/98 introduced new agrimonetary arrangements from 1 January 1999. The detailed rules for applying those arrangements are laid down in Commission Regulation (EC) No 2808/98 ⁽²⁾. That Regulation determines the operative events for the applicable conversion rates on the basis of the criteria set out in Article 3 of Regulation (EC) No 2799/98, without prejudice to further details to be specified or derogations to be provided for, where necessary, by regulations covering the product groups concerned. The operative events for the conversion rates applicable to products in the fruit and vegetables sector and to processed fruit and vegetable products should therefore be laid down and grouped in a single regulation.
- (2) Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽³⁾ and Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽⁴⁾ have been frequently amended. In the interests of clarity, Commission Regulation (EC) No 293/98 of 4 February 1998 determining the operative events applicable to products in the fruit and vegetables sector, to processed fruit and vegetable products and partly to live plants and floricultural products and to certain products listed in Annex II to the EC Treaty, and repealing Regulation (EC) No 1445/93 ⁽⁵⁾ should be repealed and replaced by a new regulation.

- (3) The second subparagraph of Article 4(1) of Commission Regulation (EC) No 1432/2003 of 11 August 2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 regarding the conditions for recognition of producer organisations and preliminary recognition of producer groups ⁽⁶⁾ fixes the minimum volume of marketable production required of recognised producer organisations pursuant to Article 11(2)(a) of Regulation (EC) No 2200/96. Since the volumes concerned are annual, the operative event for the agricultural conversion rate for these volumes should be defined under Article 3(2) of Regulation (EC) No 2799/98 as falling on 1 January of the relevant year.

- (4) Article 15(3) of Regulation (EC) No 2200/96 lays down the conditions in which Member States may set a limit on the supplement to the Community withdrawal compensation paid by the operational funds. These maximum national supplements are set out in Annex II to Commission Regulation (EC) No 103/2004 of 21 January 2004 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards intervention arrangements and market withdrawals in the fruit and vegetable sector ⁽⁷⁾. The operative event applicable to the corresponding withdrawal compensation should apply to the conversion rate of this limit and maximum supplement.

- (5) Point 3 of Annex I to Commission Regulation (EC) No 1433/2003 of 11 August 2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operational programmes, operational funds and Community financial assistance ⁽⁸⁾ determines the maximum amount of overheads eligible for inclusion in an operational programme. Since the amount concerned is annual, the conversion rate applicable to the other elements of the operational fund concerned pursuant to Article 3(2) of Regulation (EC) No 2799/98, and, as an exception, to Article 4(2) of Regulation (EC) No 2808/98, should apply to that amount.

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 349, 24.12.1998, p. 36. Regulation as last amended by Regulation (EC) No 2304/2003 (OJ L 342, 30.12.2003, p. 6).

⁽³⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽⁴⁾ OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).

⁽⁵⁾ OJ L 30, 5.2.1998, p. 16. Regulation as last amended by Regulation (EC) No 1410/1999 (OJ L 164, 30.6.1999, p. 53).

⁽⁶⁾ OJ L 203, 12.8.2003, p. 18.

⁽⁷⁾ OJ L 16, 23.1.2004, p. 3.

⁽⁸⁾ OJ L 203, 12.8.2003, p. 25.

- (6) The fourth indent of Article 3(1) of Regulation (EC) No 2808/98 provides that in the case of withdrawals of products in the fruit and vegetables sector the operative event for the conversion rate falls on the first day of the month in which the withdrawal takes place. That rule should apply not only to withdrawal operations carried out in accordance with Article 23(1) of Regulation (EC) No 2200/96, but also because related or similar operations are involved, to the aid towards the cost of transport of fruit and vegetables distributed free as provided for by Article 16(1) of Regulation (EC) No 103/2004 in accordance with Article 30(6) of Regulation (EC) No 2200/96, and to the maximum costs of sorting and packaging of products distributed free borne by the Community as provided for in Article 17 of Regulation (EC) No 103/2004 in accordance with Article 30(6) of Regulation (EC) No 2200/96.
- (7) Article 2(3) of 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⁾ provides for a flat-rate amount to be deducted from prices recorded in accordance with Article 2(2) where those prices are established at the wholesaler/retailer stage. Article 5(2) of Regulation (EEC) No 2808/98 should apply in this case by analogy.
- (8) Article 5(2) of Regulation (EC) No 2808/98 should apply to the calculation of the standard import value referred to in Article 4(1) of Regulation (EC) No 3223/94.
- (9) For the purpose of applying Article 5(1)(a) and Article 5(1a)(a) of Regulation (EC) No 3223/94 (invoice method), the entry price of the lot concerned must be expressed in euro. By analogy with Article 2 of Regulation (EC) No 2808/98, the conversion rates applicable must be those in force on the date of acceptance of the customs declaration.
- (10) Export refunds as provided for in Article 35 of Regulation (EC) No 2200/96 are included in the arrangements for trade with third countries introduced by Title V of that Regulation. Article 2 of Regulation (EC) No 2808/98 should therefore apply.
- (11) Article 2 of Regulation (EC) No 2201/96 introduces a production aid scheme for certain products processed from tomatoes, peaches and pears. That scheme provides for aid to be granted to producer organisations. Similarly, Article 6a of that Regulation introduces a production aid scheme for dried figs and prunes. That scheme provides for aid to be granted to processors provided they pay a minimum price to producers. Owing to the very large number of operators, processors and producers involved, the operative event for the conversion rate pursuant to Article 3(2) of Regulation (EC) No 2799/98, and as an exception to Article 3(2) of Regulation (EC) No 2808/98, should fall on the first day of the month in which the processor takes over the products. This taking-over should be defined.
- (12) Article 3(1) of Regulation (EC) No 2808/98 should apply to the buying-in price for dried grapes and dried figs as referred to in Article 9(2) of Regulation (EC) No 2201/96.
- (13) Article 9(4) of Regulation (EC) No 2201/96 provides for storage aid for dried grapes and figs. That aid is granted for the actual duration of storage. For reasons of administrative practicability, a monthly operative event should be determined in accordance with Article 3(2) of Regulation (EC) No 2799/98 for granting the aid.
- (14) Article 3(1) of Regulation (EEC) No 2808/98 should apply to the selling prices fixed in advance in euro pursuant to Article 9(7) of Regulation (EC) No 2201/96 for dried grapes and figs held by the storage agencies.
- (15) The second indent of Article 5(4) of Regulation (EEC) No 2808/98 should apply to the securities referred to in the second subparagraph of Article 9(3) and the second subparagraph of Article 9(7) of Regulation (EC) No 2201/96.
- (16) Export refunds as provided for in Article 16 of Regulation (EC) No 2201/96 and export levies on certain products containing added sugar as provided for in Article 20 of that regulation are part of the arrangements for trade with third countries introduced by Title II of that regulation. Article 2 of Regulation (EC) No 2808/98 should therefore apply.
- (17) The scheme introduced by Council Regulation (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits ⁽²⁾ provides for aid to producer organisations for lemons, grapefruit, oranges, mandarins, clementines and satsumas supplied to processors under contracts. Owing to the very large number of operators, processors and producers involved, the operative event for the conversion rate pursuant to Article 3(2) of Regulation (EC) No 2799/98, and as an exception to Article 3(2) of Regulation (EC) No 2808/98, should fall on the first day of the month in which the processor takes over the products. Taking over occurs when a delivery certificate as provided for in Article 17(2) of Commission Regulation (EC) No 2111/2003 of 1 December 2003 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits ⁽³⁾ is drawn up.

⁽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).

⁽²⁾ OJ L 297, 21.11.1996, p. 49. Regulation as last amended by Commission Regulation (EC) No 1933/2001 (OJ L 262, 2.10.2001, p. 6).

⁽³⁾ OJ L 317, 2.12.2003, p. 5.

(18) The measures provided for in this Regulation are in accordance with the joint opinion of the Management Committee for Fresh Fruit and Vegetables and the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

CHAPTER I

DEFINITIONS

Article 1

Definitions

1. The definitions contained in Article 1 of Regulation (EEC) No 2799/98 shall apply for the purposes of this Regulation.
2. For the purposes of this Regulation, 'taking-over of a lot' means the commencement of its physical delivery.

CHAPTER II

FRESH FRUIT AND VEGETABLES

Article 2

Producer organisations

The operative event for the rate for converting the minimum volume of marketable production fixed in the second subparagraph of Article 4(1) of Regulation (EC) No 1432/2003 into euro shall fall on 1 January of the relevant year.

Article 3

Operational funds

1. For the purpose of applying the second subparagraph of Article 15(3) of Regulation (EC) No 2200/96, the conversion rate for the maximum supplements fixed in Annex II to Regulation (EC) No 103/2004 shall be the rate applicable to the Community withdrawal compensation concerned, as fixed pursuant to Article 4(1) of this Regulation.
2. The operative event for the conversion rate applicable to the lump sum fixed in point 3 of the Annex to Regulation (EC) No 1433/2003 shall fall on 1 January in the year to which that amount applies.

Article 4

Intervention, withdrawals, transport, sorting and packing costs

1. The operative event for the conversion rate for Community withdrawal compensation fixed in Annex V to Regulation (EC) No 2200/96 shall fall on the first day of the month in which the withdrawal takes place.
2. The conversion rate applicable to the flat-rate transport costs referred to in Article 16(1) of Regulation (EC) No 103/2004 and fixed in Annex V to that Regulation shall be the rate determined in accordance with paragraph 1 above.

3. The conversion rate applicable to the flat-rate sorting and packing costs fixed in Article 17(1) of Regulation (EC) No 103/2004 shall be the rate determined in accordance with paragraph 1 above.

Article 5

Entry prices

1. The operative event for the rate applicable to the conversion into the national currency of a non-participating Member State of the flat-rate amount referred to in Article 2(3) of Regulation (EC) No 3223/94 shall fall on the day on which the relevant price was recorded.
2. For the purpose of calculating the standard import value referred to in Article 4(1) of Regulation (EC) No 3223/94, the operative event for the conversion rate of the representative prices shall fall on the day to which those prices apply.
3. For the purpose of applying Article 5(1)(a) and Article 5(1a)(a) of Regulation (EC) No 3223/94, the operative event for the conversion rate shall be the acceptance of the customs declaration.

Article 6

Refunds

Article 2 of Regulation (EC) No 2808/98 shall apply to the export refunds provided for in Article 35(1) of Regulation (EC) No 2200/96.

CHAPTER III

PROCESSED FRUIT AND VEGETABLE PRODUCTS

Article 7

Processing aid for tomatoes, peaches, pears, figs and prunes

1. The operative event for the conversion rate applicable to the aid to producer organisations referred to in Article 2 of Regulation (EC) No 2201/96 for tomatoes, peaches and pears and the production aid for dried figs and prunes as referred to in Article 6a(1) of that Regulation shall fall on the first day of the month in which the processor takes over the products.
2. The operative event for the conversion rate applicable to minimum prices as referred to in Article 6a(2) of Regulation (EC) No 2201/96 shall fall on the first day of the month in which the processor takes over the products.

Article 8

Aid for dried grapes and dried figs

1. The operative event for the conversion rate applicable to the buying-in price referred to in Article 9(2) of Regulation (EC) No 2201/96 shall fall on the day on which the products are taken over by the storage agency within the meaning of paragraph 1 of that Article.

2. The operative event for the conversion rate applicable to the storage aid referred to in Article 9(4) of Regulation (EC) No 2201/96 shall fall on the first day of the month for which the aid is granted.

3. The operative event for the conversion rate applicable to the selling prices fixed in advance according to Article 9(7) of Regulation (EC) No 2201/96 for dried grapes and dried figs held by the storage agencies shall fall on the day on which the purchaser takes over the products, or on the day of payment if this takes place first.

4. The operative event for the conversion rate applicable to the amount in euro of the securities referred to in the second subparagraph of Article 9(3) and the second subparagraph of Article 9(7) of Regulation (EC) No 2201/96 shall fall on the day on which the tender or purchase application is submitted.

Article 9

Refunds

The operative event for the conversion rate applicable to export refunds as provided for in Article 16 of Regulation (EC) No 2201/96 and export levies as provided for in Article 20 of that Regulation shall be the acceptance of the customs declaration.

CHAPTER IV

CITRUS FRUIT FOR PROCESSING

Article 10

Aid to producer organisations for citrus fruit

The operative event for the conversion rate applicable to the aid to producer organisations provided for in Article 3 of Regulation (EC) No 2202/96 shall fall on the first day of the month in which the products are delivered to the processing plant within the meaning of Article 17(2) of Regulation (EC) No 2111/2003.

CHAPTER V

REPEAL AND FINAL PROVISION

Article 11

Entry into force

Regulation (EC) No 293/98 is hereby repealed.

References to the repealed regulation shall be construed as reference to this Regulation and should be read in accordance with the correlation table in the Annex.

Article 12

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

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

Done at Brussels, 30 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

CORRELATION TABLE

Regulation (EC) No 293/98	This Regulation
Article 1	Article 2
Article 2(1)	Article 3(1)
Article 2(2)	—
Article 2(3)	—
Article 2(4)	Article 3(2)
Article 3(1)	Article 4(1)
Article 3(2)	Article 4(2)
Article 3(3)	—
Article 3(4)	Article 4(3)
Article 4(1)	Article 5(1)
Article 4(2)	Article 5(2)
Article 4(3)	Article 5(3)
Article 5	Article 6
Article 6	—
Article 7(1)	Article 7(1) and (2)
Article 7(2)	—
Article 8(1)	—
Article 8(2)	Article 8(1)
Article 8(3)	Article 8(2)
Article 8(4)	—
Article 8(5)	Article 8(3)
Article 8(6)	—
Article 8(7)	Article 8(4)
Article 9	—
First indent of Article 10	—
Second indent of Article 10	Article 9
Third indent of Article 10	—
Article 11	Article 10
Article 12	—
Article 13	—
Article 14	—
Article 15	—
Article 16	—
Article 17	—
Article 18	Article 11
Article 19	—
Article 20	Article 12

**COMMISSION REGULATION (EC) No 595/2004
of 30 March 2004**

**laying down detailed rules for applying Council Regulation (EC) No 1788/2003 establishing a levy
in the milk and milk products sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector ⁽¹⁾, and in particular Article 24 thereof,

Whereas:

- (1) The scheme for a levy in the milk and milk products sector has been extended in accordance with Regulation (EC) No 1788/2003 for a further 11 consecutive 12-month periods from 1 April 2004. Detailed rules should be laid down to take account of the new provisions of that Regulation. Those detailed rules should also incorporate, to a great extent, provisions of Commission Regulation (EC) No 1392/2001 of 9 July 2001 laying down detailed rules for applying Council Regulation (EEC) No 3950/92 establishing an additional levy on milk and milk products ⁽²⁾. Regulation (EC) No 1392/2001 should therefore be repealed.
- (2) Rules should be laid down making it possible to divide the national quantities between deliveries and direct sales for each Member State. To that end, the new definitions of 'deliveries' and 'direct sales' in Article 5(f) and (g) of Regulation (EC) No 1788/2003 should be taken into consideration by the Member States, which should inform the producers affected by those new definitions.
- (3) This Regulation should also specify the additional factors necessary for the final calculation of the levy payable for deliveries and that for direct sales, the measures to ensure payment of the levy in good time by the Member State to the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section, and lastly, the rules on checks to ensure that contributions to the payment of the levy have been correctly collected.
- (4) The way the fat content of milk is to be taken into account when drawing up the definitive statement of quantities delivered should be specified. Special provisions are needed to cover cases where the reference quantity for deliveries is amended or where reference quantities are allocated from the national reserve.
- (5) As Regulation (EC) No 1788/2003 has fixed the reference fat content rates for each Member State, rules for adjusting the individual reference rates whenever necessary should be laid down.
- (6) It is vital, on the one hand, to check that the data communicated by purchasers and producers are accurate and, on the other hand, to ensure that the burden of the levy actually falls on the producers responsible for the overrun of the national reference quantities. To that end, Member States should play a greater role in the controls and penalties they are required to introduce to ensure that contributions to the payment of the levy are collected correctly. In particular, Member States should draw up a national control plan for each 12-month period on the basis of risk analysis and should carry out controls at farm level, at transport level and at purchaser level with the aim to combat possible irregularities and frauds. It is also necessary to specify the deadlines and number of checks needed to allow verification within a given time limit that the arrangements have been complied with by all the parties involved. Penalties are also needed where those basic requirements are not met.
- (7) It is also necessary for Member States to approve the purchasers operating in their territory and for detailed rules to be laid down for cases where purchasers fail to comply with this Regulation.
- (8) Communications to the Commission play an important part in the administration of the scheme and should therefore be increased. In particular, communications on the division between deliveries and direct sales and replies to an annual questionnaire are essential for the Commission's administration of the scheme. Compliance with the dates laid down is also a factor promoting its effective management. It is also appropriate for the Commission to be informed in detail of implementation at national level so as to have a better knowledge of the various systems used in the Member States.
- (9) This Regulation should apply from the same date as Regulation (EC) No 1788/2003.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

⁽¹⁾ OJ L 270, 21.10.2003, p. 123.

⁽²⁾ OJ L 187, 10.7.2001, p. 19.

HAS ADOPTED THIS REGULATION:

Article 5

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

This Regulation lays down detailed rules for applying Regulation (EC) No 1788/2003 as regards the division of national reference quantities between deliveries and direct sales, the calculation and payment of the levy, control measures and communications from the Member States.

Article 2

Division of national reference quantities between deliveries and direct sales

Each year, after the receipt of the communications referred to in Article 21, the Commission shall divide the national reference quantity laid down for each Member State in Annex I of Regulation (EC) No 1788/2003 between deliveries and direct sales in accordance with Article 1(2) of that Regulation.

The division shall be published in the *Official Journal of the European Union*.

Article 3

Conversions

Conversions referred to in Article 6(2) of Regulation (EC) No 1788/2003 may be temporary or definitive.

Temporary conversions of individual reference quantities are conversions where, for a specific 12-month period, the producer requests to convert a quantity of milk from one reference quantity to the other.

Definitive conversions are conversions where, for a 12-month period and for the subsequent 12-month periods, the producer requests to convert a quantity of milk from one reference quantity to the other.

Article 4

Information about new definitions of deliveries and direct sales

1. Member States shall inform the producers concerned of the new definitions of the terms 'deliveries' and 'direct sales' as introduced by Article 5(f) and (g) of Regulation (EC) No 1788/2003.

2. A definitive conversion from one reference quantity to the other by reason of the definitions referred to in paragraph 1 shall be done on the request of the producer in accordance with Article 6(2) of Regulation No 1788/2003.

Communication of individual reference quantities

Member States shall notify to the producers each new allocation or modification of their individual reference quantity by the means they consider the most appropriate, provided that it ensures that the producers have an effective knowledge of the reference quantity allocated.

CHAPTER II

CALCULATION OF THE LEVY

SECTION 1

GENERAL RULES

Article 6

Method for the calculation of the levy

Milk or milk products marketed within the meaning of Article 5(h) of Regulation (EC) No 1788/2003 shall be taken into account for calculating the levy at the moment they leave any holding on the territory of the Member State or are used at the holding for commercial purposes.

Where milk or milk products leave the holding for the purpose of destruction in application of sanitary measures pursuant to a decision of the competent authority of the Member State, the quantities concerned shall not be taken into account as deliveries or direct sales.

Milk which leaves the holding for treatment or processing under contract shall be deemed deliveries.

Article 7

Amendments to the individual reference fat content

1. Where additional reference quantities are allocated from the national reserve, the reference fat content referred to in Article 9 of Regulation (EC) No 1788/2003 shall remain unchanged.

2. Where the reference quantity for deliveries is increased or established on the basis of conversions under Article 6(2) of Regulation No 1788/2003, the reference fat content associated with the reference quantity converted into deliveries shall be 3,8 %.

However, the reference fat content of the reference quantity for deliveries shall remain unchanged if the producer provides justification therefore to the satisfaction of the competent authority.

3. In cases referred to in Articles 16, 17 and 18(1)(d), (e) and (f) of Regulation (EC) No 1788/2003, the reference fat content shall be transferred together with the reference quantity with which it is associated.

4. In cases referred to in Article 18(1)(b) and (c) of Regulation (EC) No 1788/2003, the overall reference fat content of the reference quantities allocated or transferred shall not be increased in relation to that of the quantities released. Without prejudice to Article 6(5) of Regulation No 1788/2003, the quantity of milk available for reallocation or transfer may be recalculated at a given reference fat content or, conversely, the reference fat content may be recalculated at a given available quantity of milk.

5. In the cases referred to in the first subparagraph of paragraph 2 and in paragraphs 3 and 4, the resulting reference fat content shall be equal to the average of the initial and transferred or converted reference rates, weighted by the initial and transferred or converted reference quantities.

6. In the case of producers whose entire reference quantity comes from the national reserve and who commenced production after 1 April 2004, the reference fat content shall be equal to the national reference fat content laid down in Annex II to Regulation (EC) No 1788/2003.

SECTION 2

DELIVERIES

Article 8

Statement of deliveries

1. At the end of each 12-month period, purchasers shall draw up a statement for each producer showing at least the quantity and fat content of the milk delivered by the latter during that period.

In the case of leap years, the quantity of milk shall be reduced by 1/60 of the quantities delivered in February and March.

2. Before 15 May each year, purchasers shall forward to the competent authority of the Member State a declaration summarising the statements referred to in paragraph 1, showing at least the total quantity and the average fat content of the milk delivered to them and, where so required by decision of the Member State, for each producer, the reference quantity and the representative fat content, the quantity corrected in accordance with Article 10(1), the sum of the individual reference quantities and the corrected quantities and the average fat content of those producers' production.

Where applicable, purchasers shall declare that they have received no deliveries during the period concerned.

3. The Member State shall require purchasers who fail to comply with the time limit referred to in paragraph 2 to pay an amount equal to the levy due for a 0,01 % overrun of the

quantities of milk delivered to them by producers for each calendar day of delay. Where those quantities are not known because no declaration has been made, they shall be estimated by the competent authority. That amount may not be less than EUR 100 nor more than EUR 100 000.

4. Where no declaration is submitted before 1 July, Member States shall either withdraw approval or require payment of an amount in proportion to the volume of milk involved and the seriousness of the irregularity.

The first subparagraph shall apply 30 days after the Member State has served notice.

Paragraph 3 shall continue to apply during the period of notice.

5. The penalties referred to in paragraphs 3 and 4 shall not be imposed where the Member State recognises a case of *force majeure* or establishes that the irregularity was not committed deliberately or as a result of serious negligence, or where the irregularity is negligible in terms of the functioning of the scheme or the effectiveness of the checks.

Article 9

Adjustment of individual reference fat content

1. For the application of Article 9(5) of Regulation (EC) No 1788/2003, Member States shall record before 1 July each year of any overrun of the national reference fat content for the 12-month period ending 31 March of that year.

2. The individual reference fat content shall be adjusted by the same coefficient for all producers so that for each Member State the weighted average of the individual representative fat contents does not exceed by more than 0,1 gram per kg the reference fat content set in Annex II to Regulation (EC) No 1788/2003. The adjustment shall be notified to producers before 1 August and shall apply from the 12-month period starting 1 April of that year.

Article 10

Comparisons of the reference and real fat content

1. In order to enable each producer to draw up the statement referred to in Article 8(1) of this Regulation and pursuant to Article 10(1) of Regulation (EC) No 1788/2003, the average fat content of the milk delivered by the producer shall be compared with the producer's reference fat content referred to in Article 9(1) of that Regulation.

If a positive difference is found, the quantity of milk delivered shall be increased by 0,18 % per 0,1 gram of additional fat per kilogram of milk.

If a negative difference is found, the quantity of milk delivered shall be decreased by 0,18 % per 0,1 gram of fat less per kilogram of milk.

Where the quantity of milk delivered is expressed in litres, the 0,18 % adjustment per 0,1 gram of fat content shall be multiplied by the coefficient 0,971.

2. The Member States shall establish the adjustment of deliveries at national level in accordance with Article 10(2) of Regulation (EC) No 1788/2003.

SECTION 3

DIRECT SALES

Article 11

Declarations of direct sales

1. At the end of each 12-month period, each producer shall make a declaration summarising by product any of his direct sales.

In the case of leap years, the quantity of milk or milk equivalent shall be reduced by 1/60 of the quantities sold in February and March or by 1/366 of the quantities sold in the 12-month period concerned.

2. Before 15 May each year, producers shall forward the declaration provided for in paragraph 1 to the competent authority of the Member State.

The Member State may require producers with reference quantities for direct sales to declare that they have not sold or transferred any milk or other milk products during the period concerned, where such is the case.

3. Member States shall require producers who fail to comply with the time limit referred to in paragraph 2 to pay an amount equal to the levy due for a 0,01 % overrun of their reference quantity for direct sales for each calendar day of delay. However, that amount may not be less than EUR 100 nor more than EUR 1 000.

Where the national reference quantity for direct sales has also been overrun, producers who have overrun their reference quantity shall also be required to pay a contribution to the levy calculated on the full overrun of their reference quantity and may not benefit from any reallocation of unused reference quantities as provided for in Article 12(1) of Regulation (EC) No 1788/2003.

Where producers submit incorrect declarations, the Member State shall require them to pay an amount in proportion to the quantity of milk concerned and the seriousness of the irregularity, up to a maximum amount equal to the theoretical levy applicable to the quantity of milk resulting once the correction is applied, multiplied by 1,5.

4. Where no declaration is submitted before 1 July, the reference quantity for direct sales of the producer concerned shall revert to the national reserve 30 days after the Member State has served notice. The first subparagraph of paragraph 3 of this Article shall continue to apply during the period of notice.

5. Penalties referred to in paragraphs 3 and 4 shall not be imposed where the Member State recognises a case of *force majeure* or establishes that the irregularity was not committed deliberately or as a result of serious negligence, or where the irregularity is negligible in terms of the functioning of the scheme or the effectiveness of the checks.

Article 12

Equivalences

1. For products marketed other than milk, the Member States shall establish the quantities of milk used for processing. To that end, the equivalence formulae to be used shall be:

(a) 1 kg cream = 0,263 kg milk × % fat content of cream, expressed as mass;

(b) 1 kg butter = 22,5 kg milk.

In the case of cheese and all other milk products, Member States shall determine equivalences using, in particular, the dry-matter content and the fat content of the types of cheese or products concerned.

If the producer can provide proof to the satisfaction of the competent authority of the quantities actually used for processing of the products concerned, the Member State can use such proof in place of the equivalences referred to in the first and second subparagraphs.

2. If it proves difficult to determine the quantities of milk used for processing on the basis of the products marketed, the Member States may fix the quantities of milk equivalent on a flat-rate basis by reference to the number of dairy cows held by the producer and an average milk yield per cow representative of the herd.

CHAPTER III

PAYMENT OF THE LEVY

Article 13

Notification of the levy

1. In the case of deliveries, the competent authority shall notify or confirm to purchasers the contributions to the levy payable by them after reallocating, or not, by decision of the Member State, all or part of the unused reference quantities either directly to the producers concerned or, as the case may be, to purchasers with a view to their subsequent allocation among the producers concerned.

2. In the case of direct sales, the competent authority shall notify to producers the contributions to the levy payable by them after reallocating, or not, by decision of the Member State, all or part of the unused reference quantities directly to the producers concerned.

3. No reallocation shall be made at national level of unused quantities between delivery and direct sales reference quantities.

Article 14

Exchange rates

The operative event for the conversion rate for the payment of the levy for a given period shall be 31 March of the period concerned.

Article 15

Time limit for payment

1. Before 1 September each year, purchasers and, in the case of direct sales, producers liable for the levy shall pay the competent authority the amount due in accordance with rules laid down by the Member State.

2. Where the time limit for payment referred to in paragraph 1 is not complied with, the sums due shall bear interest annually at the three-month reference rates applicable on 1 September each year, as referred to in Annex II, plus one percentage point.

The interest shall be paid to the Member State.

3. The Member States shall declare to the European Agricultural Guidance and Guarantee Fund (EAGGF) the amounts resulting from the application of Article 3 of Regulation (EC) No 1788/2003 together with the expenditure declared in respect of September each year at the latest.

4. Where the set of documents referred to in Article 3(5) of Commission Regulation (EC) No 296/96 ⁽¹⁾ shows that the time limit referred to in paragraph 3 of this Article has not been met, the Commission shall reduce advances on entry in the accounts of agricultural expenditure in proportion to the amount due or an estimate thereof, in accordance with Article 3(2) of Regulation No 1788/2003.

Article 16

Criteria for redistributing the excess levy

1. Where appropriate, Member States shall determine the priority categories of producers referred to in Article 13(1)(b) of Regulation (EC) No 1788/2003, on the basis of one or more of the following objective criteria, in order of priority:

- (a) formal acknowledgement by the competent authority of the Member State that all or part of the levy has been wrongly charged;

- (b) the geographical location of the holding, and primarily mountain areas within the meaning of Article 18 of Council Regulation (EC) No 1257/1999 ⁽²⁾;

- (c) the maximum stocking density on the holding for the purposes of extensive livestock production;

- (d) the percentage by which the individual reference quantity is exceeded;

- (e) the producer's reference quantity.

2. Where the excess levy, referred to in Article 13(1) of Regulation (EC) No 1788/2003, available for a given period, is not used up after redistribution in accordance with the criteria set out in paragraph 1 of this Article, the Member State shall adopt other objective criteria after consulting the Commission.

The redistribution of the excess levy shall be completed 15 months after the end of the 12-month period in question at the latest.

Article 17

Charge of the levy

Member States shall take all the measures necessary to ensure that the levy is correctly charged and that it falls on the producers who contributed to the overrun.

CHAPTER IV

CONTROLS BY THE MEMBER STATES AND OBLIGATIONS OF PURCHASERS AND PRODUCERS

SECTION 1

CONTROLS

Article 18

National control measures

Member States shall take all the control measures in order to ensure that this Regulation is complied with and in particular the measures referred to in Articles 19 to 22.

Article 19

Control plan

1. Member States shall draw up a general control plan for each 12-month period on the basis of risk analysis. This control plan shall include at least:

- (a) the criteria adopted for drawing up the plan;
- (b) the purchasers and producers selected;
- (c) on-the-spot checks to be executed regarding the 12-month period;

⁽¹⁾ OJ L 39, 17.2.1996, p. 5.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

- (d) the controls of transport between producers and purchasers;
- (e) the controls of the yearly declarations of producers or purchasers.

Member States may decide to update the general control plan by more detailed periodic plans.

The representativeness of the operators active in the milk sector shall be taken into consideration as regards the risk analysis as well as seasonality of production for the timing of the controls.

2. Controls shall be carried out partly during the 12-month period in question, partly after the 12-month period on the basis of the yearly declarations.

3. Controls shall be deemed to be completed once an inspection report of the controls is available.

All inspection reports shall be completed no later than 18 months after the end of the 12-month period concerned.

However where the controls as foreseen in Article 20 are combined with other controls, the time limits laid down for other controls and the establishment of the respective inspection reports have to be respected.

Article 20

On-the spot-checks

On-the-spot checks shall be unannounced. However, provided that the purpose of the control is not jeopardised, advance notice limited to the strict minimum necessary may be given.

Where appropriate, on-the-spot checks provided for in this Regulation, as well as any other checks provided for in Community rules, shall be carried out at the same time.

Article 21

Controls on deliveries and direct sales

1. As regards deliveries, controls shall be executed at farm level, during transport of the milk and at purchaser level. At all stages Member States shall physically check by means of on-the-spot checks the accuracy of registration and accounting of the milk marketed and in particular:

- (a) at farm level, the status of producer within the meaning of Article 5(c) of Regulation (EC) No 1788/2003 as well as the compatibility between deliveries and production capacity;
- (b) at transport level, the document referred to in Article 24(4) of this Regulation, the accuracy of the instruments for measuring milk volume and quality, the accuracy of the collection method, including possible intermediate collection points, the accuracy of quantity of collected milk at unloading;
- (c) at purchaser level, the accuracy of declarations referred to in Article 8 of this Regulation, in particular by cross-checks to documents referred to in Article 24(2) to (5) of this

Regulation as well as the credibility of the records of stocks and deliveries referred to in Article 24(2) and (3) of this Regulation in the light of the commercial documents and other documents showing how the milk collected has been used.

2. As regards direct sales, controls shall cover in particular:

- (a) at farm level, the status of producer within the meaning of Article 5(c) of Regulation (EC) No 1788/2003 as well as the compatibility between direct sales and production capacity;
- (b) the accuracy of the declaration referred to in Article 11(1) of this Regulation, in particular by means of documents referred to in Article 24(6) of this Regulation.

Article 22

Intensity of controls

1. The controls referred to in Article 21(1) shall cover at least:

- (a) 1 % of producers for the 12-month period 2004/05, 2 % of producers for the following 12-month periods;
- (b) 40 % of the quantity of milk declared before correction for the period concerned;
- (c) a representative sample of transport of milk between selected producers and purchasers.

The transport controls referred to in point (c) shall be carried out in particular at unloading at the dairies.

2. Controls referred to in Article 21(2) shall cover at least 5 % of producers.

3. Each purchaser shall be controlled at least once in five years.

SECTION 2

OBLIGATIONS

Article 23

Approval of purchasers

1. To be able to buy milk from producers and to operate in the territory of a Member State, purchasers must be approved by that Member State.

2. Without prejudice to stricter rules laid down by the Member State concerned, purchasers shall be approved only where they:

- (a) provide proof of their status as dealers under national provisions;
- (b) have premises in the Member State concerned where the stock records, registers and other documents referred to in Article 24(2) may be consulted by the competent authority;

- (c) undertake to keep up to date the stock records, registers and other documents referred to in Article 24(2);
- (d) undertake to forward the statements and declarations provided for in Article 8(2) to the competent authority of the Member State concerned at least once a year.

3. Without prejudice to the penalties laid down by the Member State concerned, approval shall be withdrawn where the conditions laid down in paragraph 2(a) and (b) are no longer met.

Where it is found that a purchaser has forwarded an incorrect statement or declaration, or has failed to comply with the undertaking referred to in paragraph 2(c) or has repeatedly failed to comply with any other obligation imposed under Regulation (EC) No 1788/2003, this Regulation or the relevant national rules, the Member State shall either withdraw approval or require payment of an amount in proportion to the volume of milk involved and the seriousness of the irregularity.

4. Approval may be reinstated at the request of the purchaser after a period of at least six months, provided that a further thorough inspection gives satisfactory results.

The penalties referred to in paragraph 3 shall not be imposed where the Member State recognises a case of *force majeure* or establishes that the irregularity was not committed deliberately or as a result of serious negligence, or where the irregularity is negligible in terms of the functioning of the scheme or the effectiveness of the checks.

Article 24

Obligations of purchasers and producers

1. Producers shall ensure that purchasers to whom they deliver are approved. The Member States shall lay down penalties where deliveries are made to non-approved purchasers.

2. Purchasers shall keep available for the competent authority of the Member State, for at least three years from the end of the year in which the documents are drawn up, stock records per 12-month period with details of the name and address of each producer, the information referred to in Article 8(2), entered every month or four-week period in the case of quantities delivered and annually in the case of the other data, together with the commercial documents, correspondence and other information referred to in Council Regulation (EEC) No 4045/89 ⁽¹⁾, permitting such stock records to be verified.

3. Purchasers shall be responsible for recording all quantities of milk delivered to them. To that end, they shall keep available for the competent authority, for at least three years from the end of the year in which the documents are drawn up, the list

of purchasers and undertakings treating or processing milk supplying them with milk and, for each month, the quantities delivered by each supplier.

4. On collection at holdings, milk shall be accompanied by a document identifying the delivery. In addition, purchasers shall keep a record of each individual delivery for at least three years from the end of the year in which the record is drawn up.

5. Producers making deliveries shall keep available for the competent authority of the Member State, for at least three years from the end of the year in which the documents are drawn up, the documents regarding the quantities of milk delivered to the purchasers. The producer in question shall also keep available for the competent authority the registers of live-stock held on holdings and used for milk production, in accordance with Article 7 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council ⁽²⁾.

6. Producers making direct sales shall keep available for the competent authority of the Member State, for at least three years from the end of the year in which the documents are drawn up, stock records drawn up by 12-month period and giving details, per month and per product, of any sale or transfer of milk or milk products as well as of products which have been produced but not sold or transferred.

They shall also keep available for the competent authority the registers of livestock held on holdings and used for milk production, in accordance with Article 7 of Regulation (EC) No 1760/2000, and supporting documents enabling such stock records to be verified.

CHAPTER V

COMMUNICATIONS

Article 25

Communications for the division between deliveries and direct sales

1. Before 1 July 2004, the Member States shall notify to the Commission the division between deliveries and direct sales of individual reference quantities resulting from the application of Article 6(1) of Regulation (EC) No 1788/2003, converted if necessary in accordance with Article 4(2) of this Regulation.

2. Before 1 February each year, in accordance with Article 8(2)(a) of Regulation (EC) No 1788/2003, the Member States shall notify the quantities which have been definitively converted at the request of the producers between individual reference quantities for deliveries and for direct sales.

⁽¹⁾ OJ L 388, 30.12.1989, p. 18.

⁽²⁾ OJ L 204, 11.8.2000, p. 1.

*Article 26***Questionnaire**

1. Before 1 September each year the Member States shall communicate to the Commission the questionnaire set out in Annex I, duly completed pursuant to Article 8(2)(b) of Regulation (EC) No 1788/2003.

Portugal shall complete the questionnaire providing additional information in order to distinguish calculation of the levy between mainland and Azores pursuant to Council Regulation (EC) No 1453/2001 ⁽¹⁾.

2. Where the requirements of paragraph 1 are not met, the Commission shall withhold a flat-rate amount, in accordance with Article 14 of Council Regulation (EC) No 2040/2000 ⁽²⁾, from advances on the entry in the accounts of the agricultural expenditure of the Member States. That amount shall be equal to the levy payable for a theoretical overrun of the overall reference quantity concerned calculated as follows:

- (a) where the questionnaire is not forwarded by 1 September or if data essential for calculating the levy are missing, the percentage of the theoretical overrun shall be 0,005 % for each week of delay;
- (b) if a discrepancy of more than 10 % is found between the sum of the quantities delivered or sold directly, as notified in the updates provided for in paragraph 3 of this Article, and those given in the initial response to the questionnaire, the percentage of the theoretical overrun shall be 0,05 %.

3. Where the information required by the questionnaire changes, in particular as a result of the checks provided for in Articles 18 to 21, the Member State concerned shall communicate an update of the questionnaire to the Commission before 1 December, 1 March, 1 June and 1 September each year.

*Article 27***Other communications**

1. Member States shall notify to the Commission measures adopted to apply Regulation (EC) No 1788/2003 and this Regulation, and any amendments thereto, within one month following their adoption. In case of measures adopted pursuant to Articles 16, 17 and 18 of Regulation (EC) No 1788/2003 or

pursuant to Article 7 of this Regulation, an explanation of the measures adopted and of their aim shall be joint to the notification.

2. Member States shall notify to the Commission the method(s) used for the purposes of this Regulation to measure mass or, where applicable, to convert volume into mass, the reasoning behind the coefficients selected, and the exact circumstances in which they apply, together with any subsequent amendments thereto.

3. Before 1 September 2004, Member States shall notify to the Commission a short report on the system for administering their national references quantities, and before 1 September of each following year, in case of changes to that system, an update of that report.

The report shall comprise a description of the current situation, in particular as regards the measures adopted in case of temporary transfers, transfers with land, other specific transfer measures, the use of the re-allocation of unused quantities and the recourse to the national reserve.

CHAPTER VI

FINAL PROVISIONS*Article 28***Repeal**

Regulation (EC) No 1392/2001 is repealed.

However, it shall continue to apply in respect of the period 2003/04, and, where necessary, previous periods unless otherwise provided by Council Regulation (EC) No 1788/2003.

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

*Article 29***Entry into force**

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

It shall apply from 1 April 2004.

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

Done at Brussels, 30 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 21.7.2001, p. 26.

⁽²⁾ OJ L 244, 29.9.2000, p. 27.

ANNEX I

Annual questionnaire on the application of arrangements for the levy in the milk sector introduced by Regulation (EC) No 1788/2003

PERIOD OF APPLICATION:

MEMBER STATE:

1. **Deliveries**

- 1.1. Number of approved purchasers:
of which groups of purchasers:
- 1.2. Sum of the individual reference quantities allocated for deliveries before the quantities under 1.4 are taken into account (kilograms)
- 1.3. Number of producers who have made deliveries:
of which producers with reference quantities for direct sales also:
- 1.4. Number of temporary conversions of the reference quantities requested pursuant to Article 6(2) of Regulation (EC) No 1788/2003
 - deliveries into direct sales and quantities concerned (kilograms)
 - direct sales into deliveries and quantities concerned (kilograms)
- 1.5. Average reference fat content (*)
- 1.6. Quantities of milk delivered (kilograms)
- 1.7. Average real fat content of the deliveries (g/kg)
- 1.8. Adjustment of deliveries to the reference fat content (kilograms)
- 1.9. Number of temporary transfers of reference quantities recorded at 31 March and quantities concerned (kilograms)
- 1.10. Unused reference quantities before possible reallocation (kilograms)
- 1.11. Number of producers benefiting under Article 13(1) of Regulation (EC) No 1788/2003:
 - amounts redistributed (national currency):
 - amounts allocated to finance measures under Article 18(1)(a) of Regulation (EC) No 1788/2003 (national currency)

2. **Direct sales**

- 2.1. Sum of the individual reference quantities allocated for direct sales before the quantities under 1.4 are taken into account (kilograms):
- 2.2. Number of producers:
- 2.3. Quantities of milk and milk equivalent sold directly (kilograms):
 - of which milk products in milk equivalent (kilograms):
 - of which
 - cream and butter:
 - cheese:
 - yoghurt:
 - other:

(*) Weighted average of the individual representative fat contents as referred in Article 9(5) of Regulation (EC) No 1788/2003.

- 2.4. Unused reference quantities before possible reallocation (kilograms)
- 2.5. Number of producers benefiting under Article 18(1) of Regulation (EC) No 1788/2003 (national currency):
- amounts redistributed (national currency)
 - amounts allocated to finance measures under Article 13(1)(a) of Regulation (EC) No 1788/2003

ANNEX II

Reference interest rates referred to in Article 15(2)

- For Member States in the euro zone
 - Euro interbank borrowing offered rate (EURIBOR)
 - For Denmark
 - Copenhagen interbank borrowing offered rate (CIBOR)
 - For Sweden
 - Stockholm interbank borrowing offered rate (STIBOR)
 - For the United Kingdom
 - London interbank borrowing offered rate (LIBOR)
 - For Cyprus
 - Nicosia interbank borrowing offered rate (NIBOR)
 - For Czech Republic
 - Prague interbank borrowing offered rate (PRIBOR)
 - For Estonia
 - Tallinn interbank borrowing offered rate (TALIBOR)
 - For Hungary
 - Budapest interbank borrowing offered rate (BUBOR)
 - For Lithuania
 - Vilnius interbank borrowing offered rate (VILIBOR)
 - For Latvia
 - Riga interbank borrowing offered rate (RIGIBOR)
 - For Malta
 - Malta interbank borrowing offered rate (MIBOR)
 - For Poland
 - Warsaw interbank borrowing offered rate (WIBOR)
 - For Slovenia
 - Slovenian interbank borrowing offered rate (SITIBOR)
 - For Slovakia
 - Bratislava interbank borrowing offered rate (BRIBOR)
-

ANNEX III

Correlation table

This Regulation	Regulation (EC) No 1392/2001
Article 1	Article 1
Article 2	—
Article 3	—
Article 4	—
Article 5	—
Article 6	Article 2(1) and (2)
Article 7	Article 3
Article 8	Article 5
Article 9	Article 4
Article 10	—
Article 11	Article 6
Article 12	Article 2(3)
Article 13	Article 7
Article 14	—
Article 15	Article 8
Article 16	Article 9
Article 17	Article 11(1)
Article 18	—
Article 19(1)	Article 12(1)
Article 19(2)	—
Article 19(3)	Article 12(2)
Article 20	—
Article 21(1)(2)	Article 11(3)
Article 22	Article 12(2)
Article 23	Article 13
Article 24	Article 14
Article 25	Article 15(1)(c)
Article 26	Article 15(1)(e), (2) and (3)
Article 27	Article 15(1)(a), (b), (d) and (f)
Article 28	Article 16
Article 29	Article 17
Annex I: Annual questionnaire	Annex I
Annex II: Reference interest rates	Annex II
Annex III: Correlation table	Annex III

**COMMISSION REGULATION (EC) No 596/2004
of 30 March 2004**

laying down detailed rules for implementing the system of export licences in the egg sector

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⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Articles 3(2), 8(12) and 15 thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations ⁽³⁾, as last amended by Regulation (EC) No 1340/98 ⁽⁴⁾, and in particular Article 3(1) thereof,

Whereas

- (1) Commission Regulation (EC) No 1371/95 of 16 June of 1995 laying down detailed rules for implementing the system of export licences in the egg sector ⁽⁵⁾ has been substantially amended several times ⁽⁶⁾. In the interest of clarity and rationality the said Regulation should be codified.
- (2) Regulation (EEC) No 2771/75 provides that all exports for which export refunds are requested, with the exception of exports of hatching eggs, shall be subject to the presentation of an export licence with advance fixing of the refund. Therefore specific implementing rules should be laid down for the egg sector which should, in particular, include provisions for the submission of the applications and the information which must appear on the applications and licences, in addition to those contained in Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁷⁾, as last amended by Regulation (EC) No 322/2004 ⁽⁸⁾.
- (3) In order to assure proper administration of the system, the rate of the security for export licences under the said system should be fixed. In view of the risk of speculation inherent in the system in the egg sector, export licences should not be transferable and precise conditions governing access by traders to the said system should be laid down.

(4) Article 8(12) of Regulation (EEC) No 2771/75 provides that compliance with the obligations arising from agreements concluded during the Uruguay Round of multilateral trade negotiations regarding the export volume shall be ensured on the basis of the export licences. Therefore a detailed schedule for the lodging of applications and for the issuing of licences should be laid down.

(5) In addition, the decision regarding applications for export licences should be communicated only after a period of consideration. This period would allow the Commission to appreciate the quantities applied for as well as the expenditure involved and, if appropriate, to take specific measures applicable in particular to the applications which are pending. It is in the interest of traders to allow the licence application to be withdrawn after the acceptance coefficient has been fixed.

(6) In the case of applications concerning quantities equal to or less than 25 tonnes, the export licence should be issued immediately if the trader requests it. However, such licences should be restricted to short-term commercial transactions in order to prevent the mechanism provided for in this Regulation from being circumvented.

(7) In order to ensure an exact follow up of the quantities to be exported, a derogation from the rules regarding the tolerances laid down in Regulation (EC) No 1291/2000 should be laid down.

(8) The Commission should dispose of precise information concerning applications for licences and of the use of licences issued, in order to be able to manage this system. In the interest of efficient administration, the notifications from Member States to the Commission should be made according to a uniform model.

(9) Article 8(6) of Regulation (EEC) No 2771/75 provides that for hatching eggs export refunds may be granted on the basis of an *ex post* export licence. Therefore implementing rules for such a system should be laid down with the aim of ensuring efficient verification with the obligations arising from the agreements concluded in the framework of the Uruguay Round negotiations are complied with. However, it would appear unnecessary to require the lodging of a security in the case of licences applied for after exportation.

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁴⁾ OJ L 184, 27.6.1998, p. 1.

⁽⁵⁾ OJ L 133, 17.6.1995, p. 16.

⁽⁶⁾ See Annex IV.

⁽⁷⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁸⁾ OJ L 58, 26.2.2004, p. 3.

- (10) 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

All exports of products in the egg sector for which an export refund is requested, with the exception of hatching eggs falling within CN codes 0407 00 11 and 0407 00 19, shall be subject to the presentation of an export licence with advance fixing of the refund, in accordance with the provisions of Articles 2 to 8.

Article 2

1. Export licences shall be valid for 90 days from their actual day of issue within the meaning of Article 23(2) of Regulation (EC) No 1291/2000.

2. Applications for licences and licences shall bear, in section 15, the description of the product and, in section 16, the 12-digit product code of the agricultural product nomenclature for export refunds.

3. The categories of products referred to in the second paragraph of Article 14 of Regulation (EC) No 1291/2000, as well as the rate of the security for export licences are given in Annex I.

4. Applications for licences and licences shall bear, in section 20, at least one of the following:

- Reglamento (CE) n° 596/2004
- Forordning (EF) nr. 596/2004
- Verordnung (EG) Nr. 596/2004
- Κανονισμός (ΕΚ) αριθ. 596/2004
- Regulation (EC) No 596/2004
- Règlement (CE) n° 596/2004
- Regolamento (CE) n. 596/2004
- Verordening (EG) nr. 596/2004
- Regulamento (CE) n.º 596/2004
- Asetus (EY) N:o 596/2004
- Förordning (EG) nr 596/2004.

Article 3

1. Applications for export licences may be lodged with the competent authorities from Monday to Friday of each week.

2. Applicants for export licences shall be natural or legal persons who, at the time applications are submitted, are able to prove to the satisfaction of the competent authorities in the

Member States that they have been engaged in trade in the egg sector for at least 12 months. However, retail establishments or restaurants selling their products to end consumers may not lodge applications.

3. Export licences are issued on the Wednesday following the period referred to in paragraph 1, provided that none of the particular measures referred to in paragraph 4 have since been taken by the Commission.

4. Where applications for export licences concern quantities and/or expenditure which exceed the normal trade patterns, or where there is a risk that they will be exceeded, taking account of the limits referred to in Article 8(12) of Regulation (EEC) No 2771/75 and/or the corresponding expenditure during the period in question, the Commission may:

- (a) set a single percentage by which the quantities applied for are accepted;
- (b) refuse the applications for which export licences have not yet been awarded;
- (c) suspend the lodging of applications for export licences for a maximum of five working days. A suspension for a longer period may be decided in accordance with the procedure provided for in Article 17 of Regulation (EEC) No 2771/75. In these cases, applications for export licences lodged during the suspension period shall be inadmissible.

These measures may be adjusted according to the category of product and to destination.

5. Where quantities applied for are rejected or reduced, the security shall be released immediately for all quantities for which an application was not satisfied.

6. Notwithstanding paragraph 3, where a single percentage of acceptance less than 80 % is set, the licence shall be issued at the latest by the 11th working day following publication of that percentage in the *Official Journal of the European Union*. During the 10 working days following its publication, the operator may:

- either withdraw his application, in which case the security is released immediately,
- or request immediate issuing of the licence, in which case the competent authority shall issue it without delay but no sooner than the normal issue date for the relevant week.

7. By way of derogation from paragraph 3, the Commission can set a day other than Wednesday for the issuing of export licences when it is not possible to respect this day.

Article 4

1. On application by the operator, licence applications for up to 25 tonnes of products shall not be subject to any special measures as referred to in Article 3(4) and the licences applied for shall be issued immediately.

In such cases, notwithstanding Article 2(1), the term of validity of the licences shall be limited to five working days from their actual day of issue within the meaning of Article 23 (2) of Regulation (EC) No 1291/2000 and section 20 of licence applications and of licences shall show at least one of the following:

- Certificado válido durante cinco días hábiles y no utilizable para la aplicación del artículo 5 del Reglamento (CEE) n.º 565/80
 - Licens, der er gyldig i fem arbejdsdage, og som ikke kan benyttes til at anvende artikel 5 i forordning (EØF) nr. 565/80
 - Fünf Werkstage gültige und für die Anwendung von Artikel 5 der Verordnung (EWG) Nr. 565/80 nicht verwendbare Lizenz
 - Πιστοποιητικό που ισχύει για πέντε εργάσιμες ημέρες και δεν χρησιμοποιείται για την εφαρμογή του άρθρου 5 του κανονισμού (ΕΟΚ) αριθ. 565/80
 - Licence valid for five working days and not useable for application of Article 5 of Regulation (EEC) No 565/80
 - Certificat valable 5 jours ouvrables et non utilisable pour l'application de l'article 5 du règlement (CEE) n.º 565/80
 - Titolo valido cinque giorni lavorativi e non utilizzabile ai fini dell'applicazione dell'articolo 5 del regolamento (CEE) n. 565/80
 - Certificaat met een geldigheidsduur van vijf werkdagen en niet te gebruiken voor de toepassing van artikel 5 van Verordening (EEG) nr. 565/80
 - Certificado de exportação válido durante cinco dias úteis, não utilizável para a aplicação do artigo 5.º do Regulamento (CEE) n.º 565/80
 - Todistus on voimassa viisi työpäivää eikä sitä voi käyttää sovellettaessa asetuksen (ETY) N:o 565/80 5 artiklaa
 - Licensen är giltig fem arbetsdagar men gäller inte vid tillämpning av artikel 5 i förordning (EEG) nr 565/80.
2. The Commission may, where necessary, suspend the application of this Article.

Article 5

Export licences shall not be transferable.

Article 6

1. The quantity exported within the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 shall not give entitlement to payment of the refund.
2. In section 22 of the licence, at least one of the following shall be indicated:
 - Restitución válida por [...] toneladas (cantidad por la que se expida el certificado)
 - Restitutionen omfatter [...] t (den mængde, licensen vedrører)

- Erstattung gültig für [...] Tonnen (Menge, für welche die Lizenz ausgestellt wurde)
- Επιστροφή ισχύουσα για [...] τόνους (ποσότητα για την οποία έχει εκδοθεί το πιστοποιητικό)
- Refund valid for [...] tonnes (quantity for which the licence is issued)
- Restitution valable pour [...] tonnes (quantité pour laquelle le certificat est délivré)
- Restituzione valida per [...] t (quantitativo per il quale il titolo è rilasciato)
- Restitutie geldig voor [...] ton (hoeveelheid waarvoor het certificaat wordt afgegeven)
- Restituição válida para [...] toneladas (quantidade relativamente à qual é emitido o certificado)
- Tuki on voimassa [...] tonnille (määrä, jolle todistus on myönnetty)
- Ger rätt till exportbidrag för (...) ton (den kvantitet för vilken licensen utfärdats).

Article 7

1. Each Friday from 13.00 hours, Member States shall send the Commission the following by fax in respect of the preceding period:
 - (a) the applications for export licences as referred to in Article 1 lodged from Monday to Friday of the same week, stating whether they fall within the scope of Article 4 or not;
 - (b) the quantities covered by export licences issued on the preceding Wednesday, not including those issued immediately under Article 4;
 - (c) the quantities covered by export licence applications withdrawn pursuant to Article 3(6) during the preceding week.
2. The notification of the applications referred to in paragraph 1(a) shall specify:
 - (a) the quantity in product weight for each category referred to in Article 2(3);
 - (b) the breakdown by destination of the quantity for each category in the case where the rate of refund varies according to the destination;
 - (c) the rate of refund applicable;
 - (d) the total amount of refund prefixed in euro per product category.
3. Member States shall communicate to the Commission on a monthly basis following the expiry of validity of export licences the quantity of unused export licences.
4. All notifications referred to in paragraphs 1 and 3, including 'nil' notifications, shall be made in accordance with the model set out in Annex II.

Article 8

1. For hatching eggs falling within CN codes 0407 00 11 and 0407 00 19, operators shall declare at the time when customs formalities for exports are fulfilled, that they intend to claim an export refund.

2. Not later than two working days after exporting, operators shall lodge with the competent authority the application for an *ex post* export licence for the hatching eggs exported. In section 20 of the licence application and of the licence, shall be indicated the term *ex post* together with the customs office where customs formalities have been fulfilled as well as the date of export within the meaning of Article 5(1) of Commission Regulation (EC) No 800/1999 ⁽¹⁾.

By derogation from Article 15(2) of Regulation (EC) No 1291/2000 no security shall be required.

3. Member States shall communicate to the Commission, each Friday from 13.00 hours, by fax, the number of *ex post* export licences applied for or the absence of such applications, during the current week. The notifications shall be made in accordance with the model set out in Annex II and shall specify, where applicable, the details referred to in Article 7(2).

4. *Ex post* export licences shall be issued each following Wednesday, provided that none of the particular measures referred to in Article 3(4) are taken by the Commission after the export concerned. Where such measures are taken they shall apply to the exports already carried out.

This licence accords entitlement to payment of the refund applicable on the day of export within the meaning of Article 5(1) of Regulation (EC) No 800/1999.

5. Article 24 of Regulation (EC) No 1291/2000 shall not apply to the *ex post* licences referred to in paragraphs 1 to 4.

The licences shall be presented directly by the interested party to the agency in charge of the payment of export refunds. This agency shall attribute and stamp the licence.

Article 9

Regulation (EC) No 1371/95 is repealed.

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

Article 10

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

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

Done at Brussels, 30 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 102, 17.4.1999, p. 11.

ANNEX I

Product code of the agricultural product nomenclature for export refunds ⁽¹⁾	Category	Rate of the security (EUR/100 kg net weight)
0407 00 11 9000	1	—
0407 00 19 9000	2	—
0407 00 30 9000	3	3 ⁽²⁾ 2 ⁽³⁾
0408 11 80 9100	4	10
0408 19 81 9100 0408 19 89 9100	5	5
0408 91 80 9100	6	15
0408 99 80 9100	7	4

⁽¹⁾ Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), part 8.

⁽²⁾ For destinations shown in Annex III.

⁽³⁾ Other destinations.

ANNEX II

Application of Regulation (EC) No 596/2004

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI/D/2 — Eggs sector

Application for export licences — Eggs

Sender:

Date:

Period: Monday ... to Friday ...

Member State:

Person to contact:

Telephone

Fax

Addressee: DG AGRI/D/2 — fax (32-2) 298 87 86
 (e-mail: AGRI-POULTRY-EXPORT@cec.eu.int)

— Part A — Weekly notification (to be completed separately for each category)

Category	Quantity		Geonomenclature code	Rate of refund (EUR/100 kg or 100 pieces)	Total amount of prefixed refunds
	Article 4	Other			
Total per category					

Category	Total quantities applied for by categories and by destination

— Part B — Weekly notification

Category	Total quantities issued by categories and by destination on Wednesday

— Part C — Weekly notification

Category	Total quantities withdrawn by categories and by destination during the previous week

— Part D — Monthly notification

Category	Unused quantities by categories and by destination

ANNEX III

Bahrain
Egypt
Hong Kong
Japan
Kuwait
Malaysia
Oman
Philippines
Qatar
Russia
South Korea
Taiwan
Thailand
United Arab Emirates
Yemen, Republic of

ANNEX IV

Repealed Regulation with its successive amendments

Commission Regulation (EC) No 1371/95	(OJ L 133, 17.6.1995, p. 16)
Commission Regulation (EC) No 2522/95	(OJ L 258, 28.10.1995, p. 39)
Commission Regulation (EC) No 2840/95	(OJ L 296, 9.12.1995, p. 5)
Commission Regulation (EC) No 1157/96	(OJ L 153, 27.6.1996, p. 19)
Commission Regulation (EC) No 1008/98	(OJ L 145, 15.5.1998, p. 6)
Commission Regulation (EC) No 2336/1999	(OJ L 281, 4.11.1999, p. 16)
Commission Regulation (EC) No 2260/2001	(OJ L 305, 22.11.2001, p. 11)

ANNEX V

Correlation table

Regulation (EC) No 1371/95	This Regulation
Articles 1 and 2	Articles 1 and 2
Article 3(1) to (3)	Article 3(1) to (3)
Article 3(4) first indent	Article 3(4)(a)
Article 3(4) second indent	Article 3(4)(b)
Article 3(4) third indent	Article 3(4)(c)
Article 3(5) to (7)	Article 3(5) to (7)
Article 4 first and second subparagraphs	Article 4(1)
Article 4 third subparagraph	Article 4(2)
Article 5	Article 5
Article 6 first subparagraph	Article 6(1)
Article 6 second subparagraph	Article 6(2)
Article 7(1)	Article 7(1)
Article 7(2) first indent	Article 7(2)(a)
Article 7(2) second indent	Article 7(2)(b)
Article 7(2) third indent	Article 7(2)(c)
Article 7(2) fourth indent	Article 7(2)(d)
Article 7(3) and (4)	Article 7(3) and (4)
Article 8	—
Article 9	Article 8
Article 10	—
—	Article 9
Article 11	Article 10
Annexes I to III	Annexes I to III
—	Annex IV
—	Annex V

**COMMISSION REGULATION (EC) No 597/2004
of 30 March 2004**

**derogating from and amending Regulation (EC) No 174/1999 as regards export licences for milk
powder exported to the Dominican Republic**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 30(1) thereof,

Whereas:

- (1) Article 20a of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽²⁾ lays down the rules for administering the milk powder quota for exports to the Dominican Republic under the Memorandum of Understanding between the European Community and the Dominican Republic, approved by Council Decision 98/486/EC ⁽³⁾.
- (2) To enable operators of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to apply for export licences for the quota for exports to the Dominican Republic for the period from 1 July 2004 to 30 June 2005, the application period should be postponed.
- (3) In order to ensure a more accurate checking of products exported and to minimise the risk of speculation, export licences issued in accordance with Article 20a(12) of Regulation (EC) No 174/1999 should be valid only for the product code for which they are issued. Therefore

the exceptions provided for in Article 5(2) and (3) should no longer apply to licences issued as from the next quota year.

- (4) Regulation (EC) No 174/1999 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 20a(7) of Regulation (EC) No 174/1999, for the period from 1 July 2004 to 30 June 2005, licence applications shall be lodged from 10 to 15 May 2004.

Article 2

In Article 20a of Regulation (EC) No 174/1999, paragraph 17 is replaced by the following:

‘17. Chapter 1 shall apply, with the exception of Article 5(2) and (3) and Articles 6, 9 and 10.’

Article 3

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

However, Article 2 shall only apply to export licences issued from 1 June 2004.

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

Done at Brussels, 30 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1948/2003 (OJ L 287, 5.11.2003, p. 13).

⁽³⁾ OJ L 218, 6.8.1998, p. 45.

COMMISSION REGULATION (EC) No 598/2004
of 30 March 2004
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 31,873/100 kg.

Article 2

This Regulation shall enter into force on 31 March 2004.

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

Done at Brussels, 30 March 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

COMMISSION REGULATION (EC) No 599/2004
of 30 March 2004
concerning the adoption of a harmonised model certificate and inspection report linked to intra-
Community trade in animals and products of animal origin
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 20(3) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽²⁾, and in particular Article 16(3) thereof,

Having regard to Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC ⁽³⁾, and in particular Article 15 thereof,

Having regard to Council Decision 92/438/EEC of 13 July 1992 on computerisation of veterinary import procedures (Shift project), amending Directives 90/675/EEC, 91/496/EEC, 91/628/EEC and Decision 90/424/EEC, and repealing Decision 88/192/EEC ⁽⁴⁾, and in particular Article 12 thereof,

Whereas:

- (1) Harmonisation of the presentation of the health certificates required in intra-Community trade is vital to the introduction of the Traces system, as provided for in Commission Decision 2003/623/EC concerning the development of an integrated computerised veterinary system known as Traces ⁽⁵⁾, so that the data gathered can be properly managed and processed in order to improve health safety in the Community.

- (2) The introduction of a harmonised model to collect the results of inspections carried out under Directives 89/662/EEC, 91/628/EEC and 90/425/EEC is necessary so that data can be processed by electronic means, and constitutes the basis of a standardised presentation of results, as required by those Directives.

- (3) The presentation of the models of documents required by Community legislation in the following acts must be harmonised:

— Annex F to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽⁶⁾,

— Annexes D1 and D2 to Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species ⁽⁷⁾;

— Annex C to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species ⁽⁸⁾;

— Annex C to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae ⁽⁹⁾;

— Annex D to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species ⁽¹⁰⁾;

— Annex IV to Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ⁽¹¹⁾;

⁽¹⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council.

⁽²⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Council Regulation (EC) No 806/2003.

⁽³⁾ OJ L 340, 11.12.1991, p. 17. Directive as last amended by Council Regulation (EC) No 806/2003.

⁽⁴⁾ OJ L 243, 25.8.1992, p. 27. Decision as last amended by Decision 95/1/EC.

⁽⁵⁾ OJ L 216, 28.8.2003, p. 58.

⁽⁶⁾ OJ L 121, 29.7.1964, p. 1977/64. Directive as last amended by Council Regulation (EC) No 21/2004.

⁽⁷⁾ OJ L 194, 22.7.1988, p. 10. Directive as last amended by Commission Decision 2004/101/EC.

⁽⁸⁾ OJ L 302, 19.10.1989, p. 1. Directive as last amended by Council Regulation (EC) No 806/2003.

⁽⁹⁾ OJ L 224, 18.8.1990, p. 42. Directive as last amended by Council Regulation (EC) No 806/2003.

⁽¹⁰⁾ OJ L 224, 18.8.1990, p. 62. Directive as last amended by Council Regulation (EC) No 806/2003.

⁽¹¹⁾ OJ L 303, 31.10.1990, p. 6. Directive as last amended by Council Regulation (EC) No 806/2003.

- Annex E to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾;
 - Annex E to Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals ⁽²⁾;
 - Annex E to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC ⁽³⁾;
 - the Annex to Commission Decision 94/273/EC of 18 April 1994 concerning veterinary certification for placing on the market in the United Kingdom and Ireland of dogs and cats not originating in those countries ⁽⁴⁾;
 - the Annex to Commission Decision 95/294/EC of 24 July 1995 determining the specimen animal health certificate for trade in ova and embryos of the equine species ⁽⁵⁾;
 - the Annex to Commission Decision 95/307/EC of 24 July 1995 determining the specimen animal health certificate for trade in semen of the equine species ⁽⁶⁾;
 - Annexes I and II to Commission Decision 95/388/EC of 19 September 1995 determining the specimen certificate for intra-Community trade in semen, ova and embryos of the ovine and caprine species ⁽⁷⁾;
 - the Annex to Commission Decision 95/483/EC of 9 November 1995 determining the specimen certificate for intra-Community trade in ova and embryos of swine ⁽⁸⁾;
 - Annexes I and II to Commission Decision 1999/567/EC of 27 July 1999 laying down the model of the certificate referred to in Article 16(1) of Council Directive 91/67/EEC ⁽⁹⁾;
 - Annex I to Commission Decision 2003/390/EC of 23 May 2003 establishing special conditions for placing on the market of aquaculture animals species considered not susceptible to certain diseases and the products thereof ⁽¹⁰⁾;
 - Annex IV to Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat ⁽¹¹⁾;
 - Annex VI to Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat ⁽¹²⁾;
 - Annex D to Council Directive 77/99/EEC of 21 December 1976 on health problems affecting the production and marketing of meat products and certain other products of animal origin ⁽¹³⁾;
 - Annex IV to Council Directive 91/495/EEC of 27 November 1990 concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat ⁽¹⁴⁾;
 - Annex II to Council Directive 92/45/EEC of 16 June 1992 on public health and animal health problems relating to the killing of wild game and the placing on the market of wild-game meat ⁽¹⁵⁾;
 - Annex V to Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations ⁽¹⁶⁾.
- (4) The exchanges of information between competent authorities provided for in Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption ⁽¹⁷⁾ should also be harmonised as regards the dispatch of animal by-products and processed products.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 46, 19.2.1991, p. 1. Directive as last amended by Council Regulation (EC) No 806/2003.

⁽²⁾ OJ L 46, 19.2.1991, p. 19. Directive as last amended by Commission Decision 2003/708/EC.

⁽³⁾ OJ L 268, 14.9.1992, p. 54. Directive as last amended by Commission Regulation (EC) No 1398/2003.

⁽⁴⁾ OJ L 102, 12.4.2001, p. 63. Directive as last amended by Commission Decision 2001/298/EC.

⁽⁵⁾ OJ L 182, 2.8.1995, p. 27.

⁽⁶⁾ OJ L 185, 4.8.1995, p. 58.

⁽⁷⁾ OJ L 234, 3.10.1995, p. 30.

⁽⁸⁾ OJ L 275, 18.11.1995, p. 30.

⁽⁹⁾ OJ L 216, 14.8.1999, p. 13.

⁽¹⁰⁾ OJ L 135, 3.6.2003, p. 19.

⁽¹¹⁾ OJ 121, 29.7.1964, p. 2012/64. Directive as last amended by Council Regulation (EC) No 806/2003.

⁽¹²⁾ OJ L 55, 8.3.1971, p. 23. Directive as last amended by Council Regulation (EC) No 807/2003.

⁽¹³⁾ OJ L 26, 31.1.1977, p. 85. Directive as last amended by Council Regulation (EC) No 807/2003.

⁽¹⁴⁾ OJ L 268, 24.9.1991, p. 41. Directive as last amended by Council Regulation (EC) No 806/2003.

⁽¹⁵⁾ OJ L 268, 14.9.1992, p. 35. Directive as last amended by Council Regulation (EC) No 806/2003.

⁽¹⁶⁾ OJ L 368, 31.12.1994, p. 10. Directive as last amended by Council Regulation (EC) No 806/2003.

⁽¹⁷⁾ OJ L 273, 10.10.2002, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

The various health certificates required in the context of intra-Community trade, with the exception of health certificates for registered equidae, shall be presented on the basis of the harmonised model annexed hereto.

These model certificates comprise:

1. a standardised part I, 'details of the consignment',

2. part II, 'certification', designed to show the requirements under the legislation specific to each species, type of production and type of product, and
3. a standardised part III, 'checks', recording the results of the inspections carried out in accordance with the rules in force.

Article 2

This Regulation shall enter into force on 31 December 2004.

However, the Member States which so wish may use this presentation of certificates from 1 April 2004 onwards in the context of the Traces system.

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

Done at Brussels, 30 March 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

EUROPEAN COMMUNITY

Intra trade certificate

Part I : Details of consignment presented

I.1. Consignor <input type="checkbox"/> Name Address Postal code		I.2. Certificate reference number		I.2.a. Local reference number:	
		I.3. Central Competent Authority			
		I.4. Local Competent Authority			
I.5. Consignee Name Address Postal code		I.6. No.(s) of related original certificates No.(s) of accompanying documents			
		I.7. Dealer Name Approval number			
I.8. Country of origin	ISO code	I.9. Region of origin	Code	I.10. Country of destination	ISO code
				I.11. Region of destination	Code
I.12. Place of origin/Place of harvest Holding <input type="checkbox"/> Assembly centre <input type="checkbox"/> Dealer's premise <input type="checkbox"/> Approved body <input type="checkbox"/> Semen centre <input type="checkbox"/> Approved aquaculture holding <input type="checkbox"/> Embryo team <input type="checkbox"/> Establishment <input type="checkbox"/> Other <input type="checkbox"/> Name Approval number Address Postal code			I.13. Place of destination Holding <input type="checkbox"/> Assembly centre <input type="checkbox"/> Dealer's premise <input type="checkbox"/> Approved body <input type="checkbox"/> Semen centre <input type="checkbox"/> Approved aquaculture holding <input type="checkbox"/> Embryo team <input type="checkbox"/> Establishment <input type="checkbox"/> Other <input type="checkbox"/> Name Approval number Address Postal code		
I.14. Place of loading Postal code			I.15. Date and time of departure		
I.16. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification:			I.17. Transporter Name Approval number Address Postal code Member state		
I.18. Animal species/Product				I.19. Commodity code (CN code)	
				I.20. Number/Quantity	
I.21. Temperature of products Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>				I.22. Number of packages	
I.23. Identification of container/Seal number				I.24. Type of packaging	
I.25. Animals certified as/products certified for: Breeding <input type="checkbox"/> Fattening <input type="checkbox"/> Slaughter <input type="checkbox"/> Transhumance <input type="checkbox"/> Approved body <input type="checkbox"/> Artificial reproduction <input type="checkbox"/> Registered equidae <input type="checkbox"/> Game restocking <input type="checkbox"/> Pets <input type="checkbox"/> Human consumption <input type="checkbox"/> Animal feedingstuff <input type="checkbox"/> Pharmaceutical use <input type="checkbox"/> Technical use <input type="checkbox"/> Other <input type="checkbox"/>					
I.26. Transit through 3rd country <input type="checkbox"/>			I.27. Transit through Member states <input type="checkbox"/>		
3rd country ISO code		Member state ISO code			
Exit point Code		Member state ISO code			
Entry point BIP unit no.:		Member state ISO code			
I.28. Export <input type="checkbox"/>			I.29. Estimated journey time		
3rd country ISO code					
Exit point Code					
I.30. Route plan Yes <input type="checkbox"/> No <input type="checkbox"/>					
I.31. Identification of the animals					

Part II: Certification	II. Health information *	II.a. Certificat reference number	II.b.Local reference number:
	<div></div>		
<div>Official veterinarian or official inspector</div> <div><div><div>Name (in Capital):</div><div>Local Veterinary Unit</div><div>Date:</div><div>Stamp</div></div><div><div>Qualification and title</div><div>N° of the related LVU</div><div>Signature:</div></div></div>			

* Specific sanitary requirement to be completed

Part III: Control

III.1. Date of the inspection <input type="text"/>		III.2. Certificate Reference Number:	
III.3. Documentary Check: No <input type="text"/> Yes <input type="text"/> EU Standard Satisfactory <input type="text"/> Not satisfactory <input type="text"/> Additional guarantees Satisfactory <input type="text"/> Not satisfactory <input type="text"/> National requirements Satisfactory <input type="text"/> Not satisfactory <input type="text"/>		III.4. Identity Check: No <input type="text"/> Yes <input type="text"/> Satisfactory <input type="text"/> Not satisfactory <input type="text"/>	
III.5. Physical Check: No <input type="text"/> Total animals checked <input type="text"/> Satisfactory <input type="text"/> Not satisfactory <input type="text"/>		III.6. Laboratory Tests: No <input type="text"/> Yes <input type="text"/> Date: <input type="text"/> Tested for: Random <input type="text"/> Suspicion <input type="text"/> Results: Satisfactory <input type="text"/> Not satisfactory <input type="text"/>	
III.7. Welfare check No <input type="text"/> Yes <input type="text"/> Satisfactory <input type="text"/> Not satisfactory <input type="text"/>			
III.8. Infringement of welfare regulation: III.8.1. Transporter authorisation invalid <input type="text"/> III.8.2. Non-compliance of the means of transport <input type="text"/> III.8.3. Stocking density exceeded <input type="text"/> Average space <input type="text"/> III.8.4. Travel times exceeded <input type="text"/> III.8.5. Watering and feeding not fulfilled <input type="text"/> III.8.6. Mishandling or negligence to the animals <input type="text"/> III.8.7. Other <input type="text"/>		III.9. Infringement of health legislation III.9.1. Absence/Invalid certificate <input type="text"/> III.9.2. Mis-match with documents <input type="text"/> III.9.3. Non authorised country <input type="text"/> III.9.4. Non approved region/ zone <input type="text"/> III.9.5. Prohibited species <input type="text"/> III.9.6. Absence of additional guarantee <input type="text"/> III.9.7. Non approved holding <input type="text"/> III.9.8. Diseased or suspect animals <input type="text"/> III.9.9. Unsatisfactory tests <input type="text"/> III.9.10. Absence or non legal identification <input type="text"/> III.9.11. National requirements not fulfilled <input type="text"/> III.9.12. Address of destination invalid <input type="text"/> III.9.13. Other <input type="text"/>	
III.10. Impact of the transport on animals Number of dead animals: <input type="text"/> Estimation <input type="text"/> Number of unfit animals : <input type="text"/> Estimation <input type="text"/> Number of birth or abortion <input type="text"/>			
III.11. Corrective action III.11.1. Delayed departure <input type="text"/> III.11.2. Transfer procedure <input type="text"/> III.11.3. Quarantine <input type="text"/> III.11.4. Humane killing/Euthanasia <input type="text"/> III.11.5. Destruction of carcasses/products <input type="text"/> III.11.6. Return of consignment <input type="text"/> III.11.7. Treatment of products <input type="text"/> III.11.8.7. Use of products for other purpose <input type="text"/> Identification: <input type="text"/>		III.12. Follow-up of quarantine III.12.1. Humanely killing/Euthanasia <input type="text"/> III.12.2. Release <input type="text"/>	
III.13. Place of inspection Establishment <input type="text"/> Holding <input type="text"/> Assembly centre <input type="text"/> Dealer's premise <input type="text"/> Approved body <input type="text"/> Semen centre <input type="text"/> Port <input type="text"/> Airport <input type="text"/> Exit point <input type="text"/> Enroute <input type="text"/> Other <input type="text"/>			
III.14. Official veterinarian or official inspector Local Veterinary Unit Name (in Capital): Qualification and title Date: N° of the related LVU Signature:			

Notes for guidance on the intra-Community certificate

General: Please complete the certificate in capitals. To confirm an option, tick the box or mark with a cross (X).

"ISO codes" means the international standard two-letter code for a country.

Principles:

This certificate relates to intra-Community trade in all animals and products referred to in Council Directive 90/425/EEC, all products of animal origin referred to in Council Directive 89/662/EEC for which a health certificate is required, and all animal by-products referred to in Regulation (EC) No 1774/2002 of the European Parliament and of the Council for which the rules require prior notification.

This certificate is valid for ten days from the date of the health inspection carried out in the Member State of origin.

The certificate is valid for only one species or one type of product at a time.

The signature and the stamp must be in a colour different to that of the printing.

The original of this certificate must accompany the consignment to the final destination.

The holding or establishment must keep the original or a copy of the certificate for at least three years.

Certificates may be drawn up only for animals which are to be transported in the same railway wagon, truck/lorry, aircraft or boat/ship, which originate from the same holding and which are being sent to the same consignee. The same applies to products.

The certificate must be issued within 24 hours of the departure of the consignment.

Part 1 This part may be completed by the consignor or the dealer, or by an official veterinarian or an official inspector in the case of aquaculture animals

Box I.1. Consignor: give the name and address of the natural or legal person dispatching the consignment.

Box I.2. The certificate reference number is a unique reference number given by the Traces system.

Box I.2.a. The local reference number is a number which the competent authority may give in accordance with its own classification.

Box I.3. Competent central authority: name and number of the competent central authority in the country of origin as published in the Official Journal.

Box I.4. Competent local authority: name and number of the competent local authority in the country of origin as published in the Official Journal.

Box I.5. Consignee: Indicate the name and address of the natural or legal person responsible for receiving the consignment in the country of destination.

Box I.6. Number(s) of related original certificates: concerns only those animals passing through an assembly centre (bovine, porcine, ovine and caprine animals and equidae): give the reference number of each certificate constituting the new consignment.

Accompanying documents: concerns only those equidae and animals listed in the Washington Convention on protected species and products thereof.

For equidae and animals listed in the Washington Convention on protected species give the passport or CITES permit number.

For products and by-products give the commercial document number.

- Box I.7. Dealer: concerns only consignments of bovine, porcine, ovine or caprine animals: give the official registration number and name of the approved dealer.
- Box I.8. Country of origin: give the name of the country from which the animals or products originate.
- Box I.9. Region of origin: concerns only bovine and porcine animals and aquaculture animals in the context of regionalisation measures.
- For bovine and porcine animals: indicate the administrative regions.
- For aquaculture animals: indicate the approved zones and coastal zones.
- Code as given in the relevant rules.
- Box I.10. Country of destination: give the name of the country to which the animals are destined.
- Box I.11. Region of destination: Cf. box I.9.
- Box I.12. Place of origin/place of harvest: place in which the animals or products originate.
- Holding: as defined in Article 2 of Directive 90/425/EEC.
- Approved aquaculture holding: concerns only those aquaculture animals as defined in Article 2(5) of Directive 91/67/EEC.
- Assembly centre: concerns only bovine, porcine, ovine and caprine animals and equidae: as defined in Article 2(b)(9) and (10) of Directive 91/68/EEC and in Article 2(o) of Directive 64/432/EEC.
- Dealer's premises: concerns only those ovine and caprine animals as defined in Article 2(b)(12) of Directive 91/68/EEC.
- Approved body: officially approved body, institute or centre as defined in Article 2(1)(c) of Directive 92/65/EEC, and in particular approved zoos and research laboratories.
- Semen centre: semen collection and storage centre as defined in Article 2(b) of Directive 88/407/EEC.
- Embryo team: approved structure for the collection, processing and storage of embryos and ova as defined in Article 2(b) of Directive 89/556/EEC.
- Establishment: concerns only the products and by-products of animal origin as defined Article 2(3) of Directive 89/662/EEC.
- Give the name, address and approval or registration number of these structures when required under the rules.
- Box I.13. Place of destination: place to where the animals or products are being taken for final unloading (i.e. not counting staging points) and kept in accordance with the current rules. Cf. box I.12.
- Box I.14. Place of loading: concerns animals only: give the town and postal code of the place where the animals are loaded.
- Box I.15. Date and time of departure: concerns animals only: give the date and time when animals are expected to leave.
- Box I.16. Means of transport: give details of the means of transport.
- Means of transport (aeroplane, ship, railway wagon, road vehicle).
- Identification of the means of transport: for air transport, the flight number; for maritime transport, the name of the vessel; for rail transport, the number of the train and the wagon and for road transport, the registration number of the road vehicle and the number of the trailer where used. "Other" means modes of transport not covered by Directive 91/628/EEC which deals with the welfare of animals during transport.

- Box I.17. Transporter: concerns animals only: in accordance with Article 5 of Directive 91/628/EEC concerning the protection of animals during transport, give the transporter's approval number.
- Box I.18. Animal species/products: for animals: state the species of animal by giving the common name as classified in the tariff nomenclature; for animal products (semen, ova, embryos) give the species and nature. For products of animal origin state the type of product as classified in the tariff nomenclature.
- Box I.19. CN code: Give as a minimum the first 4 digits of the relevant Combined Nomenclature code (CN code), established under Council Regulation (EEC) No 2658/87 as last amended.
- Box I.20. Number/Quantity:
- For animals and animal products (semen, ova, embryos) give the number of heads or straws expressed as units.
- For aquaculture animals and products give the total weight in kg.
- Box I.21. Temperature of products: concerns only products of animal origin: give the method of conservation.
- Box I.22. Number of packages: give the number of boxes, cages or stalls in which the animals are being transported or the number of containers for products.
- Box I.23. Identification of container/seal number: give all identification numbers for the seals and the container for products in particular.
- Box I.24. Type of packaging: concerns products only.
- Box I.25. Animals certified as/products certified for: give exclusive destination of the animals or products.
- Breeding: for animals for breeding and production.
- Fattening: concerns ovine and caprine animals only.
- Slaughter: for animals destined for a slaughterhouse.
- Transhumance: concerns only bovine animals which graze in mountain areas.
- Approved body: an officially approved body, institute or centre under Directive 92/65/EEC.
- Artificial reproduction: concerns only semen, ova and embryos.
- Registered equidae: in accordance with Directive 90/426/EEC.
- Restocking of game: concerns only game for the purpose of rebuilding stocks.
- Pets: pets which are the subject of commercial transactions.
- Human consumption: concerns only products intended for human consumption for which a health certificate is required under the rules.
- Animal feedingstuffs: concerns only products intended for animal feed as referred to in Regulation (EC) No 1774/2002 of the European Parliament and of the Council.
- Pharmaceutical use.
- Technical use: products unfit for human or animal consumption and destined for an industrial use as referred to in Regulation (EC) No 1774/2002 of the European Parliament and of the Council.
- "Other": intended for purposes not listed elsewhere in this classification.

- Box I.26. Transit through a third country: give the name of the country with its ISO code and the exit point as defined in Article 1 of Decision 93/444/EEC and the name and number of the border inspection post of entry of the animals into the European Union.
- Box I.27. Transit through Member States: give the ISO code of EU/EEA countries crossed by a consignment of animals or products.
- Box I.28. Export: give the exit point from the EU/EEA.
- Box I.29. Estimated journey time: give the estimated time required under Directive 91/628/EEC.
- Box I.30. Route plan: state, in accordance with the requirements, whether there is a route plan.
- Box I.31. Identification of animals/products: please enter any specific requirements relating to the species or to the nature of the products.

Part 2. This part may only be completed by an official veterinarian or an official inspector in the case of aquaculture animals

- Box II. Health information: please complete this part in accordance with the relevant rules.
- Box II.a. Reference number: cf. box I.2.
- Box II.b. Local reference number: cf. box I.2.a.

Part 3 Checks: this part must be completed by an official veterinarian or an official inspector when carrying out the destination check or during transport for animals and during dispatch of products concerned by Regulation (EC) No 1774/2002

- Box III.1. Date of inspection:
- Box III.2. Certificate reference number: cf. box I.2.
- Box III.3. Documentary check: This also includes checking compliance with Community standards and the additional guarantees for some Member States and, as regards species not listed in Annex A to Directive 90/425/EEC, this includes compliance with national requirements regardless of the final destination. Non-compliance with an additional guarantee requirement or with a national requirement means that the consignment is not satisfactory.
- Box III.4. Identity check: compare the consignment with the certificate and the accompanying documents.
- Box III.5. Physical check: these refer to the results of the clinical examination undertaken, mortality and morbidity in the consignment. State the number of animals checked.
- Box III.6. Laboratory tests:
- Tested for: state the category of substance or pathogen for which an investigation procedure is undertaken.
- "Based on suspicions" includes cases where animals are suspected of having a disease or show signs of disease or are tested under safeguard clauses in force.
- Box III.7. Welfare check: describe the transport conditions and the welfare status of the animals on arrival.
- Box III.8. Infringement of welfare legislation: please complete one or more boxes depending on the nature of the infringement(s).

- Box III.9. Infringement of health legislation: complete the appropriate box depending on the nature of the infringement.
- III.9.1. Absence of certificate: when a consignment is travelling with no certification or prior notification.
- III.9.2. Mis-match with documents: signifies that the elements making up the consignment do not correspond to the certification.
- III.9.3. Non-authorised country: when a safeguard measure affects the country for the species under consideration.
- III.9.5. Prohibited species: animals of a non-standard species banned in a Member State or animals of a species protected under the Washington Convention infringing the relevant rules.
- III.9.12 Address invalid: when the address given does not exist or does not correspond to the species or product concerned or the consignment never arrived at the given address.
- Box III.10. Impact of the transport on animals: concerns animals only: state how many animals have died, how many are unfit to travel and how many females gave birth or miscarried during transport. In the case of animals consigned in large numbers (day-old chicks, fish, molluscs, etc.) give an estimate of the number of dead or unfit animals as appropriate.
- Box III.11. Corrective action: indicate any decisions taken to put an end to the infringement in accordance with Directives 91/628/EEC, 90/425/EEC or 89/662/EEC.
- III.11.1. Delayed departure: delay the transport to ensure animals are fit for departure.
- III.11.2. Transfer procedure: transfer the animals from a means of transport which does not meet the requirements to one that does.
- Box III.12. Follow-up of quarantine: concerns animals only: slaughter or release of animals depending on the results of examinations.
- Box III.13. Place of inspection.
- Box III.14. Signature of official veterinarian or inspector: state which local veterinary unit the signatory is attached to.
-

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 March 2004

concerning the partial release of the conditional amount of EUR 1 billion under the ninth European Development Fund for cooperation with African, Caribbean and Pacific countries in order to establish a water facility

(2004/289/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310, in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to Article 1 of the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽¹⁾,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000,

Having regard to the Internal Agreement on the financing and administration of Community aid under the Financial Protocol to the ACP-EC Partnership Agreement, signed on 18 September 2000, and in particular Article 2(2) thereof (Internal Agreement),

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with paragraph 1 of the Financial Protocol to the ACP-EC Partnership Agreement (Financial Protocol) the period covered by the Financial Protocol is five years commencing 1 March 2000. Paragraph 5 of the Financial Protocol, however, specifies that its overall amount, supplemented by the transferred balances from previous European Development Funds (EDFs), will cover the period from 2000 to 2007.
- (2) In accordance with Article 2(2) of the Internal Agreement, as well as the EU Declaration on the Financial Protocol, attached as Declaration XVIII to the ACP-EC Partnership Agreement, out of the total amount of

EUR 13,5 billion of the ninth EDF for African, Caribbean and Pacific countries (ACP countries), only EUR 12,5 billion were released upon the entry into force of the Financial Protocol on 1 April 2003. This amount is broken down in three envelopes: EUR 9,259 billion for long-term development, EUR 1,204 billion for regional cooperation and integration and EUR 2,037 billion for the investment facility.

- (3) In accordance with Article 2(2) of the Internal Agreement an amount of EUR 1 billion may be released only following a performance review undertaken by the Council in 2004, on the basis of a proposal from the Commission. Paragraph 7 of the Financial Protocol as well as Declaration XVIII specify that this performance review shall be an assessment of the degree of realisation of commitments and disbursements.
- (4) The level of commitments and disbursements at the end of the year 2003 in conjunction with forecasts for the period 2004 to 2007 presented by the Commission indicate that ninth EDF resources for ACP countries can be fully committed, and a first tranche of the conditional billion be released on the basis of the performance to date.
- (5) On 19 May 2003 the Council recognised the need to mobilise a significant level of resources for water and sanitation and invited the Commission to draw up practical proposals for discussion within the EU and the ACP-EC Council of Ministers.
- (6) It is important to consider financial needs to achieve the millennium development goals on access to water and sanitation, and the need for innovative instruments to leverage additional resources for this purpose,

⁽¹⁾ OJ L 317, 15.12.2000, p. 376.

HAS DECIDED AS FOLLOWS:

Article 1

The Council agrees on the establishment of a water facility for ACP countries.

Article 2

The Council agrees to consider an amount of EUR 500 million out of the conditional EUR 1 billion referred to in Article 2(2) of the Internal Agreement, for this water facility.

A first allocation of EUR 250 million shall be released and be distributed as follows:

1. EUR 185 million to the envelope for support for long-term development, referred to in Article 2(1)(a) of the Internal Agreement as well as paragraph 3(a) of the Financial Protocol, bringing this envelope to a total amount of EUR 9,444 billion;
2. EUR 24 million to the envelope for regional cooperation and integration, referred to in Article 2(1)(b) of the Internal Agreement as well as paragraph 3(b) of the Financial Protocol, bringing this envelope to a total amount of EUR 1,228 billion;
3. EUR 41 million to the Investment Facility, referred to in Article 2(1)(c) of the Internal Agreement as well as paragraph 3(c) of the Financial Protocol, bringing this envelope to a total amount of EUR 2,078 billion.

Article 3

In the light of the outcome of the mid-term reviews of the country strategies and of the Council's performance review of the EDF by the end of 2004, the Council will decide by March 2005:

1. on the mobilisation of a second allocation of EUR 250 million;
2. on the use of the remaining EUR 500 million of the conditional EUR 1 billion referred to in Article 2(2) of the Internal Agreement for purposes to be agreed.

Article 4

This Decision shall be communicated to the ACP Council of Ministers.

Article 5

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 22 March 2004.

For the Council

The President

B. COWEN

COUNCIL DECISION

of 30 March 2004

authorising Germany to apply a measure derogating from Article 21 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2004/290/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment⁽¹⁾, and in particular Article 27(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) In a request submitted in the form of two letters addressed to the Commission, registered by the Commission's General-Secretariat on 1 September 2003 and 12 November 2003, the German Government sought authorisation to introduce three measures derogating from Article 21(1)(a) of Directive 77/388/EEC in order to prevent tax evasion and avoidance.

(2) Considerable value added tax (VAT) losses were established in the construction and in the building-cleaning businesses, where VAT was openly invoiced but not paid to the fiscal authorities, while the recipient exercised his right to deduct. The non-compliant operators could not be identified or identification was achieved too late to recover lost VAT. The number of such cases has increased to an extent requiring legal measures. The envisaged liability of the recipient for VAT only concerns businesses which can exercise their right to deduct and does not cover private persons. It is limited to two specific branches, where the losses in terms of VAT have achieved an intolerable dimension. A similar derogation has already been granted to Austria by Decision 2002/880/EC⁽²⁾.

(3) VAT losses were also identified for supplies of immovable property pursuant to Article 13(B)(g) and (h), appearing particularly vulnerable to fraud and avoidance of VAT, where the supplier has exercised the option to make the supply taxable. Immovable property is a high-value good; thus the taxable amount and the losses in terms of VAT — even on one single transaction — are particularly high. The maintaining of the option to render a supply of immovable property taxable is necessary to keep the VAT system neutral. In the specific circumstances of the supply of immovable property, the

envisaged liability of the recipient for VAT appears the most appropriate solution for addressing the particularly high risk involved. It avoids a double tax responsibility of supplier and recipient, which would involve a higher economic risk for the recipient and burdensome recovery procedures for the fiscal authorities, and prevents fiscal responsibility of a third person, like a notary, resulting in higher economic charges for suppliers and recipients. In practice the derogation will only cover supplies between taxable persons and is therefore limited to specific cases.

- (4) The derogation does not affect the amount of value added tax due at the final consumption stage and has no impact on the Communities' own resources from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 21(1)(a) of Directive 77/388/EEC, as worded in Article 28(g) thereof, the Federal Republic of Germany is hereby authorised, with effect from 1 April 2004, to designate the recipients of the supplies of goods and services referred to in Article 2 of this Decision as the persons liable to pay VAT.

Article 2

In the following instances the recipient of the supply of goods and services may be designated as the person liable to pay VAT:

1. where building-cleaning services are supplied to a taxable person, except where the recipient of the supply exclusively rents not more than two residences or where construction work is supplied to a taxable person;
2. where immovable property is supplied to a taxable person under Article 13(B)(g) and (h) and where the supplier has exercised his right to tax the supply.

Article 3

This Decision shall expire on 31 December 2008.

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/15/EC (OJ L 52, 21.2.2004, p. 61).

⁽²⁾ OJ L 306, 8.11.2002, p. 24.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 30 March 2004.

For the Council

The President

M. McDOWELL

COMMISSION

COMMISSION DECISION

of 30 March 2004

amending Decision 96/228/EC on a long-term national aid scheme to assist farmers in northern areas of Sweden

(notified under document number C(2004) 966)

(Only the Swedish text is authentic)

(2004/291/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Austria, Finland and Sweden, and in particular Article 142 thereof,

Whereas:

- (1) Sweden, acting in accordance with Article 143 of the Act of Accession, notified the Commission on 11 May 1995 of the aid scheme proposed under Article 142.
- (2) The aid scheme was approved by Commission Decision 96/228/EC ⁽¹⁾.
- (3) Sweden requested on 8 July 2002 and 30 June 2003 that the Commission amend certain aspects of Decision 96/228/EC and subsequently presented additional information in support of its requests.
- (4) In the abovementioned letters Sweden requested that certain unit aid levels should be increased. These modifications take account the change in the level of compensatory allowances and are not likely to lead to any increase in overall support.
- (5) Experience has shown that the precautionary measure to prevent possible increases in production that benefit from aid is no longer needed. Furthermore, limitations in aid amounts and the number of units covered by aid supply the same need.
- (6) The rates of Community aid foreseen have been modified. Thus, they do not serve the original purpose anymore and there is no need to define them beforehand.

(7) Decision 96/228/EC should be amended accordingly.

(8) In view of the nature and scope of the amendments, and at the request of Sweden, it should be provided that the amendment takes effect from 1 January 2003.

HAS ADOPTED THIS DECISION:

Article 1

Decision 96/228/EC is amended as follows:

1. Article 2(2) is deleted;
2. third paragraph of Article 3(1) is replaced by following:
'The aid shall be authorised taking into account the Community aid and shall in no case be granted on the basis of quantity produced with the exception of aid for cow's milk.';
3. third paragraph of Article 4 is deleted;
4. Article 6 is replaced by the following:
'Article 6
If the Commission reviews this Decision, in particular on the basis of trends in the value of the national currency or of the trends in the Community aid, any amendments to the aid authorised by this Decision shall apply only from the year following that in which the amendment was adopted.';
5. Annexes II and V are deleted;
6. Annex III is replaced by the Annex to this Decision.

⁽¹⁾ OJ L 76, 26.3.1996, p. 29; Decision as last amended by Decision 2000/411/EC (OJ L 155, 28.6.2000, p. 60).

Article 2

This Decision shall apply from 1 January 2003.

Article 3

This Decision is addressed to the Kingdom of Sweden.

Done at Brussels, 30 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Provided for in the first subparagraph of Article 3(1)

	Unit aid authorised in SEK/unit				National aid authorised per subregion in SEK million/year				Total
	Subregions				Subregions				
	1	2A	2B	3	1	2A	2B	3	
Cow's milk (SEK/kg)	1,07	0,71	0,47	0,09	54,00	158,00	56,37	7,50	275,87
Goats (SEK/head) ⁽¹⁾	508	430	430	430	0,60	0,40		0,20	1,20
Pigs (SEK/head)									
— pigs for slaughter	222	143	143	23	0,46	13,05		0,66	14,17
— sows	1 043	637	637	300	0,22	3,79		0,39	4,40
Laying hens (SEK/head)	13,45	13,45	13,45	4,90	0,67	1,69		0,048	2,40
Soft fruits and vegetables (SEK/ha) ⁽²⁾	2 850	2 850	2 850	1 850	1,84			0,19	2,03
Transport aid for cow's milk (SEK/kg) ⁽³⁾	0,043	0,039	0,039	0,030	2,20	8,70	4,90	2,80	18,60
Total									318,67

⁽¹⁾ Only goats used for milk production.

⁽²⁾ Excluding potatoes.

⁽³⁾ Between the farm and the collection centre or first processing centre.

COMMISSION DECISION
of 30 March 2004
on the introduction of the Traces system and amending Decision 92/486/EEC

(notified under document number C(2004) 1282)

(Text with EEA relevance)

(2004/292/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Articles 37 and 37a thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 20(3) thereof,

Having regard to Council Decision 92/438/EEC of 13 July 1992 on computerisation of veterinary import procedures (Shift project), amending Directives 90/675/EEC, 91/496/EEC, 91/628/EEC and Decision 90/424/EEC, and repealing Decision 88/192/EEC ⁽³⁾, and in particular Article 12 thereof,

Whereas:

(1) Commission Decision 91/398 of 19 July 1991 on a computerised network linking veterinary authorities (Animo) ⁽⁴⁾ defines the principles governing the communications network linking the veterinary units listed in Decision 2002/459/EC ⁽⁵⁾.

(2) Commission Decision 2003/24/EC ⁽⁶⁾ lays down that the Traces computer system integrating the functions of the Animo and Shift systems into a single architecture is to be developed.

(3) Commission Decision 92/486/EEC of 25 September 1992 establishing the form of cooperation between the Animo host centre and Member States ⁽⁷⁾ lays down that the contracts between Member States and the Animo host centre are to lapse on 31 March 2004. That date should therefore serve as the starting point for Traces to avoid the need for contracts to be renewed.

(4) Some Member States are not able to use Traces from the date set by the Commission, i.e. 1 April 2004, as they are not yet ready to make the switch from Animo to Traces. Provision should therefore be made for a transition period to allow those Member States to complete their migration to Traces.

(5) Decision 92/486/EEC should be amended to enable contracts between those Member States availing themselves of a transition period and the Animo host centre to be renewed.

(6) The contracts between the Animo host centre and the border inspection posts located in Germany, Austria and Italy listed in Annex II to Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community ⁽⁸⁾ will have to be adapted to take account of the scheduled disappearance of those border inspection posts in connection with the accession of new Member States.

(7) To enable the first group of Member States migrating to Traces to adjust to it, the functions of the new system should be introduced in stages, while ensuring that as soon as it is introduced the level of information is the same as that achieved by the Animo system.

(8) All the information contained in the common veterinary entry documents provided for in Commission Regulation (EC) No 136/2004 ⁽⁹⁾ for products, in the common veterinary entry documents provided for in Regulation (EC) No 282/2004 for animals and in the certificates for intra-Community trade as harmonised by Commission Regulation (EC) No 599/2004 ⁽¹⁰⁾ must be transmitted via the Traces system.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Decision 2001/572/EC (OJ L 203, 28.7.2001, p. 16).

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽³⁾ OJ L 243, 25.08.1992, p. 27. Decision as last amended by Decision 95/1/EC (OJ L 1, 1.1.1995, p. 113).

⁽⁴⁾ OJ L 221, 9.8.1991, p. 30.

⁽⁵⁾ OJ L 159, 17.6.2002, p. 27. Decision as last amended by Decision 2003/831/EEC (OJ L 313, 28.11.2003, p. 61).

⁽⁶⁾ OJ L 8, 14.1.2003, p. 44.

⁽⁷⁾ OJ L 291, 7.10.1992, p. 20. Decision as amended by Decision 2003/236/EC (OJ L 87, 4.4.2003, p. 12).

⁽⁸⁾ OJ L 49, 19.2.2004, p. 11.

⁽⁹⁾ OJ L 21, 28.1.2004, p. 11.

⁽¹⁰⁾ See page 44 of this Official Journal.

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

HAS ADOPTED THIS DECISION:

Article 1

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

- (a) 'Animo': the computerised network linking veterinary authorities, provided for in Decision 91/398/EEC;
- (b) 'Traces': the integrated computerised veterinary system provided for in Decision 2003/24/EC.

Article 2

Member States shall use the Traces system from 1 April 2004 and shall cease entering messages in the Animo system from that date.

Article 3

1. Member States shall ensure that the following data is entered in Traces from 1 April 2004:

- (a) Part I of certificates relating to intra-Community trade in animals and products of animal origin for which the rules require prior notification;
- (b) The common veterinary entry documents for animals entering a Member State and destined for another Member State, and
- (c) The common veterinary entry documents for products in transit within the Community and for products admitted under the procedures referred to in Articles 8, 12(4) and 13 of Directive 97/78/EC.

2. Member States shall ensure that the following data is entered in Traces from 31 December 2004:

- (a) Parts I and II of health certificates relating to trade and Part III where a check is undertaken;
- (b) Common veterinary entry documents for all animals entering the Community, and
- (c) Common veterinary entry documents for all products entering the Community whatever the customs arrangements to which they are subject.

Article 4

In Community legislation any reference to Animo shall be construed as a reference to Traces with effect from:

- (a) 1 April 2004 for those Member States not availing themselves of the derogation provided for in Article 5;

- (b) 31 December 2004 for those Member States availing themselves of the derogation provided for in Article 5.

Article 5

By way of derogation from Article 2, Member States which so wish may introduce Traces no later than 31 December 2004. In that case they must extend their contracts with the Animo host centre. They must also authorise the Animo host centre to provide the Commission with a copy of all the messages they send.

Article 6

In Article 2a of Decision 92/486/EC the following paragraph 8 is added:

'8. The coordinating authorities in those Member States availing themselves of the derogation provided for in Article 5 of Decision 2004/292/EC (*) shall ensure that the contracts referred to in Article 1 of this Decision are extended for the period from 1 April 2004 to 31 December 2004 except in the case of those border inspection posts listed in Annex II to Regulation (EC) No 282/2004 for which the period shall be from 1 April 2004 to 30 April 2004.

In connection with this paragraph the following charges shall apply:

- EUR 290 per unit (central unit, local unit, border inspection post).
- EUR 32 per border inspection post listed in Annex II to Regulation (EC) No 282/2004.

(*) OJ L 94, 31.3.2004, p. 63.'

Article 7

The Commission shall develop an IT application for recovering messages sent by Member States participating in the Animo system and integrating them into the Traces system.

For such development and the Commission's participation in the Animo system the Commission shall be allocated an amount of EUR 48 000.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 30 March 2004.

For the Commission

David BYRNE

Member of the Commission

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL COMMON POSITION 2004/293/CFSP
of 30 March 2004
renewing measures in support of the effective implementation of the mandate of the International
Criminal Tribunal for the former Yugoslavia (ICTY)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 16 April 2003, the Council adopted Common Position 2003/280/CFSP in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) ⁽¹⁾.
- (2) On 27 June 2003, the Council adopted Council Decision 2003/484/CFSP ⁽²⁾ implementing Common Position 2003/280/CFSP by replacing the list of persons set out in the Annex to the Common Position by the list set out in the Annex to that Decision.
- (3) Common Position 2003/280/CFSP expires on 15 April 2004.
- (4) Persons indicted by the ICTY are still at large, and there is evidence that they are being assisted in their efforts to continue to evade justice.
- (5) Against this background, the Council considers it necessary to renew Common Position 2003/280/CFSP for a further 12 months and to update the list of names to be subject to this Common Position,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who are engaged in activities which help persons at large continue to evade justice for crimes for which the ICTY has indicted them or are otherwise acting in a manner which could obstruct the ICTY's effective implementation of its mandate.

2. Paragraph 1 will not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country of an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the United Nations; or
- (c) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the European Union, where a political dialogue is conducted that directly assists the ICTY in the implementation of its mandate.

6. A Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption will be deemed to be granted unless one or more of the Council Members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. In the event that one or more of the Council members raises an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

7. In cases where pursuant to paragraphs 3, 4, 5 and 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 2

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications to the list contained in Annex as required.

⁽¹⁾ OJ L 101, 23.4.2003, p. 22.

⁽²⁾ OJ L 162, 1.7.2003, p. 77.

Article 3

In order to maximise the impact of the abovementioned measures, the European Union shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

Article 4

This Common Position shall take effect on the date of its adoption. It shall apply for a 12-month period. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 5

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 30 March 2004.

For the Council

The President

M. McDOWELL

ANNEX

List of persons referred to in Article 1

1. BJELICA, Milovan

Date of birth/Place of birth: 19.10.1958, Rogatica, Bosnia and Herzegovina, SFRY

Passport No: 0000148 issued 26.7.1998 in Srpsko Sarajevo

National ID No: 1910958130007

Aliases: Cicko

Address: CENTREK Company in Pale

2. ECIM, Ljuban

Date of birth/Place of birth: 6.1.1964, Sviljanac, Bosnia and Herzegovina, SFRY.

Passport No: 0144290 issued 21.11.1998 in Banja Luka. Date of expiry 21.11.2003.

ID: 601964100083

Aliases:

Address: Ulica Stevana Mokranjca 26, Banja Luka, BiH

3. KARADZIC, Aleksandar

Date of birth/Place of birth: 14.5.1973, Sarajevo Centar, Bosnia and Herzegovina, SFRY

Passport No: 0036395. Expired 12.10.1998

Aliases: Sasa

Address:

4. KARADZIC, Ljiljana (maiden name: ZELEN)

Date of birth/Place of birth: 27.11.1945, Sarajevo Centar, Bosnia and Herzegovina, SFRY

Daughter of Vojo and Anka

Passport No/ID No:

Aliases:

Address:

5. KOJIC, Radomir

Date of birth/Place of birth: 23.11.1950, Bijela Voda, Sokolac Canton, Bosnia and Herzegovina, SFRY

Son of Milanko and Zlatana

Passport/ID: Passport 4742002 Issued on 2002 in Sarajevo. Date of expiry 2007;

ID 03DYA1935. Issued on 7 July 2003 in Sarajevo.

Aliases: Mineur or Ratko

Address: 115 Trifka Grabeza, Pale or Hotel KRISTAL, Jahorina

6. KOVAC, Tomislav

Date of birth/Place of birth: 4.12.1959, Sarajevo, Bosnia and Herzegovina, SFRY

Son of Vaso

ID No: 412959171315

Aliases: Tomo

Address: Bijela, Montenegro; and Pale, Bosnia and Herzegovina

7. KRASIC, Petar

Date of birth/Place of birth:

Passport No/ID No:

Aliases:

Address:

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8. KUJUNDZIC, Predrag
Date of birth/Place of birth: 30.1.1961, Suho Pole, Doboj, Bosnia and Herzegovina, SFRY
Son of Vasilija
ID No: 30011961120044
Alias: Predo
Address: Doboj, Bosnia and Herzegovina
9. LUKOVIC, Milorad Ulemek
Date of birth/Place of birth: 15.5.1968, Belgrade, Serbia, SFRY
Passport No/ID No:
Aliases: Legija (Forged ID as IVANIC, Zeljko)
Address: on the run
10. MANDIC, Momcilo
Date of birth/Place of birth: 1.5.1954, Kalinovik, Bosnia and Herzegovina, SFRY
Passport No 0121391 issued 12.5.1999 in Srpsko Sarajevo, Bosnia and Herzegovina
National ID No: JMB 0105954171511
Aliases: Momo
Address: GITROS Discotheque in Pale
11. MICEVIC, Jelenko
Date of birth/Place of birth: 8.8.1947, Borci near Konjic, Bosnia and Herzegovina, SFRY
Son of Luka and Desanka, maiden name: Simic
Passport No/ID No:
Aliases: Filaret
Address: Milesevo monastery, Serbia and Montenegro
12. RATIC, Branko
Date of birth/Place of birth: 26.11.1957, MIHALJEVCI SL POZEGA, Bosnia and Herzegovina, SFRY
Passport No: 0442022 issued 17.9.1999 in Banja Luka. Date of expiry 17.9.2003
ID No: 2611957173132
Aliases:
Address: Ulica Krfska 42, Banja Luka, Bosnia and Herzegovina
13. ROGULJIC, Slavko
Date of birth/Place of birth: 15.5.1952, SRPSKA CRNJA HETIN, Serbia, SFRY
Passport No/ID No: Valid passport 3747158 issued 12.4.2002 in Banja Luka. Date of expiry: 12.4.2007. Non-valid passport 0020222 issued 25.8.1988 in Banja Luka. Date of expiry: 25.8.2003
ID No: 1505952103022. Two children on ID
Aliases:
Address: 21 Vojvode Misica, Laktasi, Bosnia and Herzegovina
14. VRACAR, Milenko
Date of birth/Place of birth: 15.5.1956, Nisavici, Prijedor, Bosnia and Herzegovina, SFRY
Passport No/ID No: Valid passport 3965548 issued 29.8.2002 in Banja Luka. Date of expiry: 29.8.2007. Non-valid passports 0280280 issued 4.12.1999 in Banja Luka (date of expiry 4.12.2004) and 0062130 issued 16.9.1998 in Banja Luka (date of expiry 16.9.2003)
Aliases:
Address: 14 Save Ljuboje, Banja Luka, Bosnia and Herzegovina.
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CORRIGENDA

Corrigendum to Council Regulation (EC) No 1771/2003 of 7 October 2003 amending Regulation (EC) No 2803/2000 as regards the opening and increase of autonomous Community tariff quotas for certain fishery products*(Official Journal of the European Union L 258 of 10 October 2003)*

On page 2, in the Annex:

1. Quota with Order No 09.2760. Entries in second column entitled 'CN code' and third column entitled 'TARIC code':

<i>for:</i>	'ex 0303 78 11	10
	ex 0303 78 12	10
	ex 0303 78 13	10
	ex 0303 78 19	11 81'

<i>read:</i>	'ex 0303 78 11	10
	ex 0303 78 12	10
	ex 0303 78 13	10
	ex 0303 78 19	11 81
	ex 0303 78 90	10'

2. Quota with Order No 09.2761. Entries in second column entitled 'CN code' and third column entitled 'TARIC code':

<i>for:</i>	'ex 0304 20 95	70
	ex 0304 90 97	60'

<i>read:</i>	'ex 0304 20 95	41 81
	ex 0304 90 97	60 86'

3. Quota with Order No 09.2762. Entry in second column entitled 'CN code' and third column entitled 'TARIC code':

<i>for:</i>	'ex 0306 11 90	60'
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<i>read:</i>	'ex 0306 11 90	10'
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4. Quota with Order Nos 09.2759, 09.2760, 09.2761 and 09.2762. Entries in seventh column entitled 'Quota period':

for: '1.1.2003 — 31.12.2003',
read: '13.10.2003 — 31.12.2003'.

Corrigendum to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001

(Official Journal of the European Union L 270 of 21 October 2003)

On page 7, in Article 1, first indent:

for: '... common rules on direct payments ... (EAGGF), except those provided for under Regulation (EC) No 1257/1999',

read: '... common rules on direct payments ... (EAGGF) listed in Annex I, except those provided for under Regulation (EC) No 1257/1999'.

On page 16, in Article 43(1), third subparagraph:

for: '... and Article 42(6) shall apply to these payment entitlements.',

read: '... and Article 42(8) shall apply to these payment entitlements.'

On pages 17 and 18, in Article 46(3):

for: '... acting in compliance with the general principle of Community law, ...',

read: '... acting in compliance with the general principles of Community law, ...'.

On page 22, in Article 62, first subparagraph:

for: '... shall be included, in part or in full, in the single payment scheme ...',

read: '... shall be included at national or regional level, in part or in full, in the single payment scheme ...'.

On page 23, in Article 63(3):

for: '... acting in compliance with the general principle of Community law, ...',

read: '... acting in compliance with the general principles of Community law, ...'.

On page 32, in Article 102(1):

for: '... for all the payments granted under this Regulation in the region ...',

read: '... for all the payments granted under this Chapter in the region ...'.

On page 52, in Article 155:

for: '... and those related to the improvement plans referred to in Article 86 of this Regulation, ...',

read: '... and from the provisions related to the improvement plans provided for in Regulation (EEC) No 1035/72 to those referred to in Articles 83 to 87 of this Regulation, ...'.

On page 53, in Annex I, title:

for: 'List of support schemes fulfilling the criteria set out in Article 1',

read: 'List of direct payments referred to in Article 1'.

Corrigendum to Council Regulation (EC) No 1783/2003 of 29 September 2003 amending Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)

(Official Journal of the European Union L 270 of 21 October 2003)

On page 73, in Article 1, point 9 (Article 21b(2), third subparagraph of Regulation (EC) No 1257/1999):

for: 'from 25 October 2003.'

read: 'from 28 October 2003.'

Corrigendum to Council Regulation (EC) No 1786/2003 of 29 September 2003 on the common organisation of the market in dried fodder

(Official Journal of the European Union L 270 of 21 October 2003)

On page 115, in Article 1, Table, under (b):

for: '(b) ex 2309 90 98 Protein concentrates obtained from lucerne juice and grass juice
Dehydrated products obtained exclusively from solid residues and juice resulting from preparation of the concentrates in the first indent'

read: '(b) ex 2309 90 99 Protein concentrates obtained from lucerne juice and grass juice
Dehydrated products obtained exclusively from solid residues and juice resulting from preparation of the abovementioned concentrates'

Corrigendum to Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector

(Official Journal of the European Union L 270 of 21 October 2003)

On page 125, in Article 3(1):

for: '... national reference quantity fixed in Annex I, determined nationally ...',

read: '... national reference quantity, determined nationally ...'.
