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## Legislation

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<sup>(1)</sup> Text with EEA relevance

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## I

(Acts whose publication is obligatory)

# COUNCIL REGULATION (EC) No 769/2004

of 21 April 2004

**amending Regulations (EEC) No 3906/89, (EC) No 555/2000, (EC) No 2500/2001, (EC) No 1268/1999 and (EC) No 1267/1999 in order to allow the Stabilisation and Association Process countries to participate in tenders organised under the pre-accession Community assistance programmes**

THE COUNCIL OF THE EUROPEAN UNION,

21 June 1999 establishing an instrument for structural policies for pre-accession <sup>(6)</sup> should be amended accordingly,

Having regard to the Treaty establishing the European Community, and in particular the first sentence of Article 181a(2) thereof,

Having regard to the proposal from the Commission,

HAS ADOPTED THIS REGULATION:

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

## Article 1

Whereas:

Regulation (EEC) No 3906/89 is hereby amended as follows:

Article 7 is replaced by the following:

- (1) On 20 June 2003 the European Council in Thessaloniki endorsed 'The Thessaloniki agenda for the Western Balkans: Moving towards European Integration', and invited the Commission to consider taking appropriate measures to allow Stabilisation and Association Process countries to participate in tenders organised under the pre-accession (Phare, ISPA and Sapard) Community assistance programmes.
- (2) Therefore, Council Regulations (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of central and eastern Europe <sup>(2)</sup>, (EC) No 555/2000 of 13 March 2000 on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta <sup>(3)</sup>, (EC) No 2500/2001 of 17 December 2001 concerning pre-accession financial assistance for Turkey <sup>(4)</sup>, (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period <sup>(5)</sup> and (EC) No 1267/1999 of

## 'Article 7

1. Participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons from the Member States coming within the scope of the Treaties, from candidate countries for accession to the European Union as well as from countries benefiting from assistance in accordance with Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia <sup>(\*)</sup>. The contracting authority may, in duly substantiated cases and on a case-by-case basis, authorise the participation of natural and legal persons from third countries in invitations to tender and contracts.

2. Supplies shall, within the scope of the Treaties, originate in the Member States, in candidate countries for accession to the European Union or in countries benefiting from assistance in accordance with Regulation (EC) No 2666/2000. In duly substantiated cases and on a case-by-case basis, the contracting authority may give derogation from this requirement.

<sup>(1)</sup> Opinion of 9 March 2004 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 807/2003 (OJ L 22, 16.5.2003, p. 36).

<sup>(3)</sup> OJ L 68, 16.03.2000, p. 3. Regulation as amended by Regulation (EC) No 2500/2001 (OJ L 342, 27.12.2001, p. 1).

<sup>(4)</sup> OJ L 342, 27.12.2001, p. 1.

<sup>(5)</sup> OJ L 161, 26.6.1999, p. 87. Regulation as last amended by Regulation (EC) 696/2003 (OJ L 99, 17.4.2003, p. 24).

<sup>(\*)</sup> OJ L 306, 7.12.2000, p. 1. Regulation as last amended by Regulation (EC) No 2415/2001 (OJ L 327, 13.12.2001, p. 3).

<sup>(6)</sup> OJ L 161, 26.6.1999, p. 73. Regulation as last amended by Regulation (EC) 2500/2001 (OJ L 342, 27.12.2001, p. 1).

## Article 2

Regulation (EC) No 555/2000 is hereby amended as follows:

In Article 7, paragraphs 9 and 10 are replaced by the following:

‘9. Participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons from the Member States coming within the scope of the Treaties, from candidate countries for accession to the European Union as well as from countries benefiting from assistance in accordance with Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia (\*). The contracting authority may, in duly substantiated cases and on a case-by-case basis, authorise the participation of natural and legal persons from third countries in invitations to tender and contracts.

10. Supplies shall, within the scope of the Treaties, originate in the Member States, in candidate countries for accession to the European Union or in countries benefiting from assistance in accordance with Regulation (EC) No 2666/2000. In duly substantiated cases and on a case-by-case basis, the contracting authority may give derogation from this requirement.

(\*) OJ L 306, 7.12.2000, p. 1. Regulation as last amended by Regulation (EC) No 2415/2001 (OJ L 327, 13.12.2001, p. 3).’

## Article 3

Regulation (EC) No 2500/2001 is hereby amended as follows:

In Article 8:

(a) paragraph 7 is replaced by the following:

‘7. Participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons from the Member States coming within the scope of the Treaties, from candidate countries for accession to the European Union and countries benefiting from assistance in accordance with Council Regulation (EC) No 1488/96 of 23 July 1996 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership (\*) and in accordance with Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia (\*\*). The contracting authority may, in duly substantiated cases and on a case-by-case basis, authorise the participation of natural and legal persons from third countries in invitations to tender and contracts.

Supplies shall, within the scope of the Treaties, originate in the Member States, in candidate countries for accession to the European Union or in countries bene-

fitting from assistance pursuant to Regulation (EC) No 1488/96 and pursuant to Regulation (EC) No 2666/2000. In duly substantiated cases and on a case-by-case basis, the contracting authority may give derogation from this requirement.

(\*) OJ L 189, 30.7.1996, p. 1. Regulation as last amended by Regulation (EC) No 2698/2000 (OJ L 311, 12.12.2000, p. 1).

(\*\*) OJ L 306, 7.12.2000, p. 1. Regulation as amended by Regulation (EC) No 2415/2001 (OJ L 327, 13.12.2001, p. 3).’

(b) paragraph 8 is deleted.

## Article 4

Regulation (EC) No 1268/1999 is hereby amended as follows:

In Article 3, paragraph 3 is replaced by the following:

‘3. Natural and legal persons from Cyprus, Malta and Turkey as well as from the countries benefiting from assistance pursuant to Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia (\*) may participate in invitations to tender and contracts on the same terms that apply to all natural and legal persons from the Member States coming within the scope of the Treaties and the beneficiary countries.

(\*) OJ L 306, 7.12.2000, p. 1. Regulation as amended by Regulation (EC) No 2415/2001 (OJ L 327, 13.12.2001, p. 3).’

## Article 5

Regulation (EC) No 1267/1999 is hereby amended as follows:

In Article 6a, paragraph 1 is replaced by the following:

‘1. In the case of measures for which the Community is the sole source of external aid, participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons of the Member States coming within the scope of the Treaties and of the countries referred to in the second subparagraph of Article 1(1), as well as of countries benefiting from assistance pursuant to Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia (\*).

(\*) OJ L 306, 7.12.2000, p. 1. Regulation as amended by Regulation (EC) No 2415/2001 (OJ L 327, 13.12.2001, p. 3).’

## Article 6

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 Luxembourg, 21 April 2004.

*For the Council*

*The President*

J. WALSH

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**COUNCIL REGULATION (EC) No 770/2004  
of 21 April 2004**

**amending Regulation (EC) No 2791/1999 laying down certain control measures applicable in the area covered by the Convention on future multilateral cooperation in the north-east Atlantic fisheries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

(6) To ensure continuity with the provisions in force until 31 December 2002, it is necessary that application of Articles 6(3), 8, 10 and 11 should start immediately after that date.

(7) Regulation (EC) No 2791/1999 should therefore be amended,

HAS ADOPTED THIS REGULATION:

- (1) Council Regulation (EC) No 2791/1999 of 16 December 1999 laying down certain control measures applicable in the area covered by the Convention on future multilateral cooperation in the north-east Atlantic fisheries <sup>(2)</sup> lays down the general rules and conditions for the application of the Scheme of control and enforcement in respect of fishing vessels fishing in areas beyond the limits of national fisheries jurisdiction in the North East Atlantic Fisheries Commission (NEAFC) Convention area (the Scheme).
- (2) NEAFC adopted a recommendation to amend the Scheme to add haddock as a regulated resource and adopted recommendations in November 2002 to amend the Scheme with regard to transshipments and joint fishing operations.
- (3) Under the NEAFC Convention, these recommendations have become binding on the Contracting Parties. The Community should apply these recommendations.
- (4) Article 30 of Regulation (EC) No 2791/1999 provides for certain Articles to remain in force on an ad hoc basis until 31 December 2002, with the Commission committing itself to submit, before 30 September 2002 at the latest, any appropriate proposals providing for a definitive regime.
- (5) Pending a proposal providing for a definitive regime, the ad hoc application of Articles 6(3), 8, 10 and 11 should be extended until 31 December 2005.

*Article 1*

Regulation (EC) No 2791/1999 is amended as follows:

1. in Article 2 the following points are added:

- ‘11. “fishing vessel” means any vessel equipped for commercial exploitation of living aquatic resources, including fish processing vessels and vessels engaged in transhipment;
12. “transhipment operation” means the transfer, over the side, of any quantity of fish, molluscs, crustaceans and/or fishery products retained on board, from one fishing vessel to another;
13. “joint fishing operation” means any operations between two or more vessels where catch is taken from the fishing gear of one fishing vessel to another.’

2. in Article 4 paragraph 1 is replaced by the following:

‘1. Only Community fishing vessels which have been issued a special fishing permit by their flag Member state shall be authorised, on the conditions set out in the permit, to fish, keep on board, engage in transhipment or joint fishing operations and land fishery resources from the Regulatory Area.’

3. in Article 5(2) the following subparagraph is added:

‘By way of derogation from paragraph 1, Member States may exempt from keeping a logbook a Community fishing vessel engaged in transhipment operations which on-loads quantities on board. Vessels benefiting from this derogation shall record in a production logbook or storage plan:

- (a) the date and time (UTC) of transmission of a report;

<sup>(1)</sup> Opinion delivered on 10 February 2004 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 337, 30.12.1999, p. 1. Regulation as amended by Regulation (EC) No 215/2001 (OJ L 31, 2.2.2001, p. 1).



- (b) in case of radio transmission, the name of the radio station through which the report is transmitted;
  - (c) the date and time (UTC) of transshipment operation;
  - (d) the location (longitude/latitude) of the transshipment operation;
  - (e) the quantities of species on-loaded;
  - (f) the name and international radio call sign of the fishing vessel from which the catch has been off-loaded.
4. in Article 6(1) points (c) and (d) are replaced by the following:
- '(c) the quantities held on board when a vessel leaves the Regulatory Area. These reports shall be transmitted no earlier than eight hours and no later than six hours in advance of each departure from the Regulatory Area. They shall include where appropriate, the number of fishing days and the catches taken in the Regulatory Area since the commencement of fishing, or since the last catch report;
  - (d) the quantities loaded and unloaded for each transshipment of fish and the catch taken on board in joint fishing operations during the vessel's stay in the Regulatory Area. These reports shall be transmitted no later than 24 hours after the completion of the transshipment or joint fishing operation.'

5. in Article 9 the following subparagraph shall be added:
- 'A master of a Community fishing vessel engaged in transshipment operations which on-loads quantities on board shall not engage in other fishing activities, including joint fishing operations, during the same trip.'

6. Article 24 is replaced by the following:

*'Article 24*

**Transshipments and joint fishing operations**

A master of a Community fishing vessel shall not engage in transshipment or joint fishing operations with non-Contracting Party vessels.'

7. in Article 30, the date '31 December 2002' is replaced each time by '31 December 2005' and the date '30 September 2002' is replaced by '30 September 2004';
8. the Annex is replaced by the text appearing in the Annex to this Regulation.

*Article 2*

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

Article 1(7) shall apply from 1 January 2003.

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

Done at Luxembourg, 21 April 2004.

*For the Council*  
*The President*  
J. WALSH



ANNEX

‘ANNEX

REGULATED RESOURCES

Stock		Geographical area/ICES area
(Common name)	(Scientific name)	
Redfish	<i>Sebastes mentella</i>	V, XII, XIV
Norwegian Spring-spawning (Atlanto-scandian) herring	<i>Clupea harengus</i>	I, II
Blue whiting	<i>Micromesistius poutassou</i>	IIa, IVa, Vb, VII, XII, XIV
Mackerel	<i>Scomber scombrus</i>	IIa, IVa, Vb, VI, VII, XII, XIV
Haddock	<i>Melanogrammus Aeglefinus</i>	VIIb'

## COMMISSION REGULATION (EC) No 771/2004

of 23 April 2004

laying down transitional measures with regard to continued use of plant protection products containing certain active substances following the accession of new Member States to the European Union

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 42 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 2076/2002 <sup>(2)</sup> and Commission Decision 2002/928/EC <sup>(3)</sup>, contain provisions for the non-inclusion of certain active substances in Annex I to Directive 91/414/EEC and for the withdrawal by Member States of all authorisations for plant protection products containing those active substances.

(2) Hungary applied for transitional measures for certain active substances in order to ensure that the production may be phased out gradually or that a dossier satisfying the requirements of Directive 91/414/EEC may be presented.

(3) Any transitional measure necessary to facilitate the transition from the existing regime in the new Member States to that resulting from the application of phytosanitary rules shall be limited to a period of three years following the date of accession.

(4) Several new Member States have informed the Commission that there are active substances on their market which were not on the market in the current Member States. It is appropriate to provide that these active substances may remain on the market in order to allow them to be reviewed in the fourth phase of the review programme.

(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,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Member State specified in column B of Annex I shall ensure that authorisations for plant protection products containing the active substances listed in column A are withdrawn at the latest by the date listed in column C.

It shall ensure that the continued use is only accepted as far as it does not have any harmful effect on human or animal health and no unacceptable influence on the environment.

*Article 2*

Member States may authorise or authorise again the placing on the market of plant protection products containing the active substances referred to in Annex II until 30 April 2007, unless a decision is taken before that date not to include the active substance in Annex I to Directive 91/414/EEC.

*Article 3*

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

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/30/EC, (OJ L 77, 13.3.2004, p. 50).

<sup>(2)</sup> OJ L 319, 23.11.2002, p. 3. Regulation as last amended by Regulation (EC) Nr. 1336/2003, (OJ L 187, 26.7.2003, p. 21).

<sup>(3)</sup> OJ L 322, 27.11.2002, p. 53.

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

Done at Brussels, 23 April 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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ANNEX I

**List referred to in Article 1**

Column A Active substance	Column B Member State	Column C Date
benomyl	Hungary	31.12.2005
beta-cypermethrin	Hungary	31.12.2005
butylate	Hungary	30.4.2006
cycloate	Hungary	30.4.2006
EPTC (ethyl dipropylthiocarbamate)	Hungary	30.4.2006

## ANNEX II

- (1R)-1,3,3-trimethyl-4,6-dioxatricyclo[3.3.1.0<sup>2,7</sup>]nonane (lineatin)
- (3-benzyloxycarbonyl-methyl)-2-benzothiazolinone (benzolinone)
- (E)-2-Methyl-6-methylene-2,7-octadien-1-ol (myrcenol)
- (E)-2-Methyl-6-methylene-3,7-octadien-2-ol (isomyrcenol)
- (E,Z)-8,10-tetradecadienyl
- 1, 3, 5-tri-(2-hydroxyethyl)-hexa-hydro-s-triazine
- 1-Methoxy-4-propenylbenzene (anethole)
- 1-Methyl-4-isopropylidenecyclohex-1-ene (terpinolene)
- 2,6,6-Trimethylbicyclo[3.1.1]hept-2-ene (alpha-pinen)
- 2-ethyl-1,6-dioxaspiro (4,4) nonan (chalcogran)
- 2-hydroxyethyl butyl sulfide
- 2-Mercaptobenzothiazole
- 2-methoxy-5-nitrophenol sodium salt
- 2-methoxypropan-1-ol
- 2-methoxypropan-2-ol
- 2-Methyl-6-methylene-2,7-octadien-4-ol (ipsdienol)
- 2-Methyl-6-methylene-7-octen-4-ol (ipsenol)
- 3,7,7-Trimethylbicyclo[4.1.0]hept-3-ene (3-carene)
- 3-Methyl-3-buten-1-ol
- 3-phenyl-2-propenal (cinnamaldehyde)
- 4,6,6-Trimethyl-bicyclo[3.1.1]hept-3-en-ol,((S)-cis-verbenol)
- *Agrobacterium radiobacter* K 84
- asphalts
- *Bacillus subtilis* strain IBE 711
- *Baculovirus* GV
- benzothiadiazole
- biohumus
- calcium carbonate
- calcium polysulphid
- carbon monoxide
- casein
- Chinin hydrochlorid
- citrus extract/grapefruit extract
- conifer needle powder
- Copper complex: 8-hydroxyquinolin with salicylic acid
- cumylphenol
- di-1-p-menthene
- dodecan-1-yl acetate
- ethanedial (glyoxal)
- Ethyl 2,4-decadienoate
- extract from the plants red oak, Prickly pear cactus, fragrant sumac, red mangrove
- extract from *Mentha piperata*
- extract from *Equisetum*
- extract from tea tree
- fat distillation residues

- Fatty acids/isobutyric acid
  - Fatty acids/isovaleric acid
  - Fatty acids/lauric acid
  - Fatty acids/valeric acid
  - flufenzin
  - flumetsulam
  - garlic pulp
  - hexamethylene tetramine (urotropin)
  - ichthyol complex
  - iron pyrophosphate
  - jasmonic acid
  - lactofen
  - lanolin
  - Methyl p-hydroxybenzoate
  - milk albumin
  - mustard powder
  - N-phenylphthalamic acid
  - olein
  - p-Hydroxybenzoic acid
  - polyvinyl acetate
  - propisochlor
  - propolis
  - *Pythium oligandrum*
  - repellent (by taste) of vegetal and animal origin/extract of food grade/phosphoric acid and fish flour
  - repellents (by smell) of animal or plant origin/tall oil
  - resins
-

**COMMISSION REGULATION (EC) No 772/2004**  
**of 27 April 2004**  
**on the application of Article 81(3) of the Treaty to categories of technology transfer agreements**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 19/65/EEC of 2 March 1965 on application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices <sup>(1)</sup>, and in particular Article 1 thereof,

Having published a draft of this Regulation <sup>(2)</sup>,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

- (1) Regulation No 19/65/EEC empowers the Commission to apply Article 81(3) of the Treaty by Regulation to certain categories of technology transfer agreements and corresponding concerted practices to which only two undertakings are party which fall within Article 81(1).
- (2) Pursuant to Regulation No 19/65/EEC, the Commission has, in particular, adopted Regulation (EC) No 240/96 of 31 January 1996 on the application of Article 85(3) of the Treaty to certain categories of technology transfer agreements <sup>(3)</sup>.
- (3) On 20 December 2001 the Commission published an evaluation report on the transfer of technology block exemption Regulation (EC) No 240/96 <sup>(4)</sup>. This generated a public debate on the application of Regulation (EC) No 240/96 and on the application in general of Article 81(1) and (3) of the Treaty to technology transfer agreements. The response to the evaluation report from Member States and third parties has been generally in favour of reform of Community competition policy on technology transfer agreements. It is therefore appropriate to repeal Regulation (EC) No 240/96.

(4) This Regulation should meet the two requirements of ensuring effective competition and providing adequate legal security for undertakings. The pursuit of these objectives should take account of the need to simplify the regulatory framework and its application. It is appropriate to move away from the approach of listing exempted clauses and to place greater emphasis on defining the categories of agreements which are exempted up to a certain level of market power and on specifying the restrictions or clauses which are not to be contained in such agreements. This is consistent with an economics-based approach which assesses the impact of agreements on the relevant market. It is also consistent with such an approach to make a distinction between agreements between competitors and agreements between non-competitors.

(5) Technology transfer agreements concern the licensing of technology. Such agreements will usually improve economic efficiency and be pro-competitive as they can reduce duplication of research and development, strengthen the incentive for the initial research and development, spur incremental innovation, facilitate diffusion and generate product market competition.

(6) The likelihood that such efficiency-enhancing and pro-competitive effects will outweigh any anti-competitive effects due to restrictions contained in technology transfer agreements depends on the degree of market power of the undertakings concerned and, therefore, on the extent to which those undertakings face competition from undertakings owning substitute technologies or undertakings producing substitute products.

(7) This Regulation should only deal with agreements where the licensor permits the licensee to exploit the licensed technology, possibly after further research and development by the licensee, for the production of goods or services. It should not deal with licensing agreements for the purpose of subcontracting research and development. It should also not deal with licensing agreements to set up technology pools, that is to say, agreements for the pooling of technologies with the purpose of licensing the created package of intellectual property rights to third parties.

<sup>(1)</sup> OJ 36, 6.3.1965, p. 533/65. Regulation as last amended by Regulation (EC) No 1/2003 (OJ L 1, 4.1.2003, p. 1).

<sup>(2)</sup> OJ C 235, 1.10.2003, p. 10.

<sup>(3)</sup> OJ L 31, 9.2.1996, p. 2. Regulation as amended by the 2003 Act of Accession.

<sup>(4)</sup> COM(2001) 786 final.

- (8) For the application of Article 81(3) by regulation, it is not necessary to define those technology transfer agreements that are capable of falling within Article 81(1). In the individual assessment of agreements pursuant to Article 81(1), account has to be taken of several factors, and in particular the structure and the dynamics of the relevant technology and product markets.
- (9) The benefit of the block exemption established by this Regulation should be limited to those agreements which can be assumed with sufficient certainty to satisfy the conditions of Article 81(3). In order to attain the benefits and objectives of technology transfer, the benefit of this Regulation should also apply to provisions contained in technology transfer agreements that do not constitute the primary object of such agreements, but are directly related to the application of the licensed technology.
- (10) For technology transfer agreements between competitors it can be presumed that, where the combined share of the relevant markets accounted for by the parties does not exceed 20 % and the agreements do not contain certain severely anti-competitive restraints, they generally lead to an improvement in production or distribution and allow consumers a fair share of the resulting benefits.
- (11) For technology transfer agreements between non-competitors it can be presumed that, where the individual share of the relevant markets accounted for by each of the parties does not exceed 30 % and the agreements do not contain certain severely anti-competitive restraints, they generally lead to an improvement in production or distribution and allow consumers a fair share of the resulting benefits.
- (12) There can be no presumption that above these market-share thresholds technology transfer agreements do fall within the scope of Article 81(1). For instance, an exclusive licensing agreement between non-competing undertakings does often not fall within the scope of Article 81(1). There can also be no presumption that, above these market-share thresholds, technology transfer agreements falling within the scope of Article 81(1) will not satisfy the conditions for exemption. However, it can also not be presumed that they will usually give rise to objective advantages of such a character and size as to compensate for the disadvantages which they create for competition.
- (13) This Regulation should not exempt technology transfer agreements containing restrictions which are not indispensable to the improvement of production or distribution. In particular, technology transfer agreements containing certain severely anti-competitive restraints such as the fixing of prices charged to third parties should be excluded from the benefit of the block exemption established by this Regulation irrespective of the market shares of the undertakings concerned. In the case of such hardcore restrictions the whole agreement should be excluded from the benefit of the block exemption.
- (14) In order to protect incentives to innovate and the appropriate application of intellectual property rights, certain restrictions should be excluded from the block exemption. In particular exclusive grant back obligations for severable improvements should be excluded. Where such a restriction is included in a licence agreement only the restriction in question should be excluded from the benefit of the block exemption.
- (15) The market-share thresholds, the non-exemption of technology transfer agreements containing severely anti-competitive restraints and the excluded restrictions provided for in this Regulation will normally ensure that the agreements to which the block exemption applies do not enable the participating undertakings to eliminate competition in respect of a substantial part of the products in question.
- (16) In particular cases in which the agreements falling under this Regulation nevertheless have effects incompatible with Article 81(3), the Commission should be able to withdraw the benefit of the block exemption. This may occur in particular where the incentives to innovate are reduced or where access to markets is hindered.
- (17) Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty <sup>(1)</sup> empowers the competent authorities of Member States to withdraw the benefit of the block exemption in respect of technology transfer agreements having effects incompatible with Article 81(3), where such effects are felt in their respective territory, or in a part thereof, and where such territory has the characteristics of a distinct geographic market. Member States must ensure that the exercise of this power of withdrawal does not prejudice the uniform application throughout the common market of the Community competition rules or the full effect of the measures adopted in implementation of those rules.
- (18) In order to strengthen supervision of parallel networks of technology transfer agreements which have similar restrictive effects and which cover more than 50 % of a given market, the Commission should be able to declare this Regulation inapplicable to technology transfer agreements containing specific restraints relating to the market concerned, thereby restoring the full application of Article 81 to such agreements.

<sup>(1)</sup> OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).



(19) This Regulation should cover only technology transfer agreements between a licensor and a licensee. It should cover such agreements even if conditions are stipulated for more than one level of trade, by, for instance, requiring the licensee to set up a particular distribution system and specifying the obligations the licensee must or may impose on resellers of the products produced under the licence. However, such conditions and obligations should comply with the competition rules applicable to supply and distribution agreements. Supply and distribution agreements concluded between a licensee and its buyers should not be exempted by this Regulation.

(20) This Regulation is without prejudice to the application of Article 82 of the Treaty,

HAS ADOPTED THIS REGULATION:

#### Article 1

#### Definitions

1. For the purposes of this Regulation, the following definitions shall apply:

- (a) 'agreement' means an agreement, a decision of an association of undertakings or a concerted practice;
- (b) 'technology transfer agreement' means a patent licensing agreement, a know-how licensing agreement, a software copyright licensing agreement or a mixed patent, know-how or software copyright licensing agreement, including any such agreement containing provisions which relate to the sale and purchase of products or which relate to the licensing of other intellectual property rights or the assignment of intellectual property rights, provided that those provisions do not constitute the primary object of the agreement and are directly related to the production of the contract products; assignments of patents, know-how, software copyright or a combination thereof where part of the risk associated with the exploitation of the technology remains with the assignor, in particular where the sum payable in consideration of the assignment is dependent on the turnover obtained by the assignee in respect of products produced with the assigned technology, the quantity of such products produced or the number of operations carried out employing the technology, shall also be deemed to be technology transfer agreements;
- (c) 'reciprocal agreement' means a technology transfer agreement where two undertakings grant each other, in the same or separate contracts, a patent licence, a know-how

licence, a software copyright licence or a mixed patent, know-how or software copyright licence and where these licences concern competing technologies or can be used for the production of competing products;

- (d) 'non-reciprocal agreement' means a technology transfer agreement where one undertaking grants another undertaking a patent licence, a know-how licence, a software copyright licence or a mixed patent, know-how or software copyright licence, or where two undertakings grant each other such a licence but where these licences do not concern competing technologies and cannot be used for the production of competing products;
- (e) 'product' means a good or a service, including both intermediary goods and services and final goods and services;
- (f) 'contract products' means products produced with the licensed technology;
- (g) 'intellectual property rights' includes industrial property rights, know-how, copyright and neighbouring rights;
- (h) 'patents' means patents, patent applications, utility models, applications for registration of utility models, designs, topographies of semiconductor products, supplementary protection certificates for medicinal products or other products for which such supplementary protection certificates may be obtained and plant breeder's certificates;
- (i) 'know-how' means a package of non-patented practical information, resulting from experience and testing, which is:
  - (i) secret, that is to say, not generally known or easily accessible,
  - (ii) substantial, that is to say, significant and useful for the production of the contract products, and
  - (iii) identified, that is to say, described in a sufficiently comprehensive manner so as to make it possible to verify that it fulfils the criteria of secrecy and substantiality;
- (j) 'competing undertakings' means undertakings which compete on the relevant technology market and/or the relevant product market, that is to say:
  - (i) competing undertakings on the relevant technology market, being undertakings which license out competing technologies without infringing each others' intellectual property rights (actual competitors on the technology market); the relevant technology market includes technologies which are regarded by the licensees as interchangeable with or substitutable for the licensed technology, by reason of the technologies' characteristics, their royalties and their intended use,

- (ii) competing undertakings on the relevant product market, being undertakings which, in the absence of the technology transfer agreement, are both active on the relevant product and geographic market(s) on which the contract products are sold without infringing each others' intellectual property rights (actual competitors on the product market) or would, on realistic grounds, undertake the necessary additional investments or other necessary switching costs so that they could timely enter, without infringing each others' intellectual property rights, the(se) relevant product and geographic market(s) in response to a small and permanent increase in relative prices (potential competitors on the product market); the relevant product market comprises products which are regarded by the buyers as interchangeable with or substitutable for the contract products, by reason of the products' characteristics, their prices and their intended use;
  - (k) 'selective distribution system' means a distribution system where the licensor undertakes to license the production of the contract products only to licensees selected on the basis of specified criteria and where these licensees undertake not to sell the contract products to unauthorised distributors;
  - (l) 'exclusive territory' means a territory in which only one undertaking is allowed to produce the contract products with the licensed technology, without prejudice to the possibility of allowing within that territory another licensee to produce the contract products only for a particular customer where this second licence was granted in order to create an alternative source of supply for that customer;
  - (m) 'exclusive customer group' means a group of customers to which only one undertaking is allowed actively to sell the contract products produced with the licensed technology;
  - (n) 'severable improvement' means an improvement that can be exploited without infringing the licensed technology.
2. The terms 'undertaking', 'licensor' and 'licensee' shall include their respective connected undertakings.
- 'Connected undertakings' means:
- (a) undertakings in which a party to the agreement, directly or indirectly:
    - (i) has the power to exercise more than half the voting rights, or
    - (ii) has the power to appoint more than half the members of the supervisory board, board of management or bodies legally representing the undertaking, or
    - (iii) has the right to manage the undertaking's affairs;
  - (b) undertakings which directly or indirectly have, over a party to the agreement, the rights or powers listed in (a);
  - (c) undertakings in which an undertaking referred to in (b) has, directly or indirectly, the rights or powers listed in (a);
  - (d) undertakings in which a party to the agreement together with one or more of the undertakings referred to in (a), (b) or (c), or in which two or more of the latter undertakings, jointly have the rights or powers listed in (a);
  - (e) undertakings in which the rights or the powers listed in (a) are jointly held by:
    - (i) parties to the agreement or their respective connected undertakings referred to in (a) to (d), or
    - (ii) one or more of the parties to the agreement or one or more of their connected undertakings referred to in (a) to (d) and one or more third parties.

#### Article 2

### Exemption

Pursuant to Article 81(3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 81(1) of the Treaty shall not apply to technology transfer agreements entered into between two undertakings permitting the production of contract products.

This exemption shall apply to the extent that such agreements contain restrictions of competition falling within the scope of Article 81(1). The exemption shall apply for as long as the intellectual property right in the licensed technology has not expired, lapsed or been declared invalid or, in the case of know-how, for as long as the know-how remains secret, except in the event where the know-how becomes publicly known as a result of action by the licensee, in which case the exemption shall apply for the duration of the agreement.

#### Article 3

### Market-share thresholds

1. Where the undertakings party to the agreement are competing undertakings, the exemption provided for in Article 2 shall apply on condition that the combined market share of the parties does not exceed 20 % on the affected relevant technology and product market.

2. Where the undertakings party to the agreement are not competing undertakings, the exemption provided for in Article 2 shall apply on condition that the market share of each of the parties does not exceed 30 % on the affected relevant technology and product market.

3. For the purposes of paragraphs 1 and 2, the market share of a party on the relevant technology market(s) is defined in terms of the presence of the licensed technology on the relevant product market(s). A licensor's market share on the relevant technology market shall be the combined market share on the relevant product market of the contract products produced by the licensor and its licensees.

## Article 4

**Hardcore restrictions**

1. Where the undertakings party to the agreement are competing undertakings, the exemption provided for in Article 2 shall not apply to agreements which, directly or indirectly, in isolation or in combination with other factors under the control of the parties, have as their object:

- (a) the restriction of a party's ability to determine its prices when selling products to third parties;
- (b) the limitation of output, except limitations on the output of contract products imposed on the licensee in a non-reciprocal agreement or imposed on only one of the licensees in a reciprocal agreement;
- (c) the allocation of markets or customers except:
  - (i) the obligation on the licensee(s) to produce with the licensed technology only within one or more technical fields of use or one or more product markets,
  - (ii) the obligation on the licensor and/or the licensee, in a non-reciprocal agreement, not to produce with the licensed technology within one or more technical fields of use or one or more product markets or one or more exclusive territories reserved for the other party,
  - (iii) the obligation on the licensor not to license the technology to another licensee in a particular territory,
  - (iv) the restriction, in a non-reciprocal agreement, of active and/or passive sales by the licensee and/or the licensor into the exclusive territory or to the exclusive customer group reserved for the other party,
  - (v) the restriction, in a non-reciprocal agreement, of active sales by the licensee into the exclusive territory or to the exclusive customer group allocated by the licensor to another licensee provided the latter was not a competing undertaking of the licensor at the time of the conclusion of its own licence,
  - (vi) the obligation on the licensee to produce the contract products only for its own use provided that the licensee is not restricted in selling the contract products actively and passively as spare parts for its own products,
  - (vii) the obligation on the licensee, in a non-reciprocal agreement, to produce the contract products only for a particular customer, where the licence was granted in order to create an alternative source of supply for that customer;

- (d) the restriction of the licensee's ability to exploit its own technology or the restriction of the ability of any of the parties to the agreement to carry out research and development, unless such latter restriction is indispensable to prevent the disclosure of the licensed know-how to third parties.

2. Where the undertakings party to the agreement are not competing undertakings, the exemption provided for in Article 2 shall not apply to agreements which, directly or indirectly, in isolation or in combination with other factors under the control of the parties, have as their object:

- (a) the restriction of a party's ability to determine its prices when selling products to third parties, without prejudice to the possibility of imposing a maximum sale price or recommending a sale price, provided that it does not amount to a fixed or minimum sale price as a result of pressure from, or incentives offered by, any of the parties;
- (b) the restriction of the territory into which, or of the customers to whom, the licensee may passively sell the contract products, except:
  - (i) the restriction of passive sales into an exclusive territory or to an exclusive customer group reserved for the licensor,
  - (ii) the restriction of passive sales into an exclusive territory or to an exclusive customer group allocated by the licensor to another licensee during the first two years that this other licensee is selling the contract products in that territory or to that customer group,
  - (iii) the obligation to produce the contract products only for its own use provided that the licensee is not restricted in selling the contract products actively and passively as spare parts for its own products,
  - (iv) the obligation to produce the contract products only for a particular customer, where the licence was granted in order to create an alternative source of supply for that customer,
  - (v) the restriction of sales to end-users by a licensee operating at the wholesale level of trade,
  - (vi) the restriction of sales to unauthorised distributors by the members of a selective distribution system;
- (c) the restriction of active or passive sales to end-users by a licensee which is a member of a selective distribution system and which operates at the retail level, without prejudice to the possibility of prohibiting a member of the system from operating out of an unauthorised place of establishment.

3. Where the undertakings party to the agreement are not competing undertakings at the time of the conclusion of the agreement but become competing undertakings afterwards, paragraph 2 and not paragraph 1 shall apply for the full life of the agreement unless the agreement is subsequently amended in any material respect.

*Article 5***Excluded restrictions**

1. The exemption provided for in Article 2 shall not apply to any of the following obligations contained in technology transfer agreements:

- (a) any direct or indirect obligation on the licensee to grant an exclusive licence to the licensor or to a third party designated by the licensor in respect of its own severable improvements to or its own new applications of the licensed technology;
- (b) any direct or indirect obligation on the licensee to assign, in whole or in part, to the licensor or to a third party designated by the licensor, rights to its own severable improvements to or its own new applications of the licensed technology;
- (c) any direct or indirect obligation on the licensee not to challenge the validity of intellectual property rights which the licensor holds in the common market, without prejudice to the possibility of providing for termination of the technology transfer agreement in the event that the licensee challenges the validity of one or more of the licensed intellectual property rights.

2. Where the undertakings party to the agreement are not competing undertakings, the exemption provided for in Article 2 shall not apply to any direct or indirect obligation limiting the licensee's ability to exploit its own technology or limiting the ability of any of the parties to the agreement to carry out research and development, unless such latter restriction is indispensable to prevent the disclosure of the licensed know-how to third parties.

*Article 6***Withdrawal in individual cases**

1. The Commission may withdraw the benefit of this Regulation, pursuant to Article 29(1) of Regulation (EC) No 1/2003, where it finds in any particular case that a technology transfer agreement to which the exemption provided for in Article 2 applies nevertheless has effects which are incompatible with Article 81(3) of the Treaty, and in particular where:

- (a) access of third parties' technologies to the market is restricted, for instance by the cumulative effect of parallel networks of similar restrictive agreements prohibiting licensees from using third parties' technologies;
- (b) access of potential licensees to the market is restricted, for instance by the cumulative effect of parallel networks of similar restrictive agreements prohibiting licensors from licensing to other licensees;
- (c) without any objectively valid reason, the parties do not exploit the licensed technology.

2. Where, in any particular case, a technology transfer agreement to which the exemption provided for in Article 2 applies has effects which are incompatible with Article 81(3) of the

Treaty in the territory of a Member State, or in a part thereof, which has all the characteristics of a distinct geographic market, the competition authority of that Member State may withdraw the benefit of this Regulation, pursuant to Article 29(2) of Regulation (EC) No 1/2003, in respect of that territory, under the same circumstances as those set out in paragraph 1 of this Article.

*Article 7***Non-application of this Regulation**

1. Pursuant to Article 1a of Regulation No 19/65/EEC, the Commission may by regulation declare that, where parallel networks of similar technology transfer agreements cover more than 50 % of a relevant market, this Regulation is not to apply to technology transfer agreements containing specific restraints relating to that market.

2. A regulation pursuant to paragraph 1 shall not become applicable earlier than six months following its adoption.

*Article 8***Application of the market-share thresholds**

1. For the purposes of applying the market-share thresholds provided for in Article 3 the rules set out in this paragraph shall apply.

The market share shall be calculated on the basis of market sales value data. If market sales value data are not available, estimates based on other reliable market information, including market sales volumes, may be used to establish the market share of the undertaking concerned.

The market share shall be calculated on the basis of data relating to the preceding calendar year.

The market share held by the undertakings referred to in point (e) of the second subparagraph of Article 1(2) shall be apportioned equally to each undertaking having the rights or the powers listed in point (a) of the second subparagraph of Article 1(2).

2. If the market share referred to in Article 3(1) or (2) is initially not more than 20 % respectively 30 % but subsequently rises above those levels, the exemption provided for in Article 2 shall continue to apply for a period of two consecutive calendar years following the year in which the 20 % threshold or 30 % threshold was first exceeded.

*Article 9***Repeal**

Regulation (EC) No 240/96 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

*Article 10***Transitional period**

The prohibition laid down in Article 81(1) of the Treaty shall not apply during the period from 1 May 2004 to 31 March 2006 in respect of agreements already in force on 30 April 2004 which do not satisfy the conditions for exemption provided for in this Regulation but which, on 30 April 2004, satisfied the conditions for exemption provided for in Regulation (EC) No 240/96.

*Article 11***Period of validity**

This Regulation shall enter into force on 1 May 2004.

It shall expire on 30 April 2014.

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

Done at Brussels, 27 April 2004.

*For the Commission*

Mario MONTI

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 773/2004****of 7 April 2004****relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement on the European Economic Area,

Having regard to Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty <sup>(1)</sup>, and in particular Article 33 thereof,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

- (1) Regulation (EC) No 1/2003 empowers the Commission to regulate certain aspects of proceedings for the application of Articles 81 and 82 of the Treaty. It is necessary to lay down rules concerning the initiation of proceedings by the Commission as well as the handling of complaints and the hearing of the parties concerned.
- (2) According to Regulation (EC) No 1/2003, national courts are under an obligation to avoid taking decisions which could run counter to decisions envisaged by the Commission in the same case. According to Article 11(6) of that Regulation, national competition authorities are relieved from their competence once the Commission has initiated proceedings for the adoption of a decision under Chapter III of Regulation (EC) No 1/2003. In this context, it is important that courts and competition authorities of the Member States are aware of the initiation of proceedings by the Commission. The Commission should therefore be able to make public its decisions to initiate proceedings.
- (3) Before taking oral statements from natural or legal persons who consent to be interviewed, the Commission should inform those persons of the legal basis of the interview and its voluntary nature. The persons interviewed should also be informed of the purpose of the interview and of any record which may be made. In order to enhance the accuracy of the statements, the persons interviewed should also be given an opportunity to correct the statements recorded. Where information gathered from oral statements is exchanged pursuant to Article 12 of Regulation (EC) No 1/2003, that information should only be used in evidence to impose sanctions on natural persons where the conditions set out in that Article are fulfilled.

(4) Pursuant to Article 23(1)(d) of Regulation (EC) No 1/2003 fines may be imposed on undertakings and associations of undertakings where they fail to rectify within the time limit fixed by the Commission an incorrect, incomplete or misleading answer given by a member of their staff to questions in the course of inspections. It is therefore necessary to provide the undertaking concerned with a record of any explanations given and to establish a procedure enabling it to add any rectification, amendment or supplement to the explanations given by the member of staff who is not or was not authorised to provide explanations on behalf of the undertaking. The explanations given by a member of staff should remain in the Commission file as recorded during the inspection.

(5) Complaints are an essential source of information for detecting infringements of competition rules. It is important to define clear and efficient procedures for handling complaints lodged with the Commission.

(6) In order to be admissible for the purposes of Article 7 of Regulation (EC) No 1/2003, a complaint must contain certain specified information.

(7) In order to assist complainants in submitting the necessary facts to the Commission, a form should be drawn up. The submission of the information listed in that form should be a condition for a complaint to be treated as a complaint as referred to in Article 7 of Regulation (EC) No 1/2003.

(8) Natural or legal persons having chosen to lodge a complaint should be given the possibility to be associated closely with the proceedings initiated by the Commission with a view to finding an infringement. However, they should not have access to business secrets or other confidential information belonging to other parties involved in the proceedings.

(9) Complainants should be granted the opportunity of expressing their views if the Commission considers that there are insufficient grounds for acting on the complaint. Where the Commission rejects a complaint on the grounds that a competition authority of a Member State is dealing with it or has already done so, it should inform the complainant of the identity of that authority.

<sup>(1)</sup> OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

- (10) In order to respect the rights of defence of undertakings, the Commission should give the parties concerned the right to be heard before it takes a decision.
- (11) Provision should also be made for the hearing of persons who have not submitted a complaint as referred to in Article 7 of Regulation (EC) No 1/2003 and who are not parties to whom a statement of objections has been addressed but who can nevertheless show a sufficient interest. Consumer associations that apply to be heard should generally be regarded as having a sufficient interest, where the proceedings concern products or services used by the end-consumer or products or services that constitute a direct input into such products or services. Where it considers this to be useful for the proceedings, the Commission should also be able to invite other persons to express their views in writing and to attend the oral hearing of the parties to whom a statement of objections has been addressed. Where appropriate, it should also be able to invite such persons to express their views at that oral hearing.
- (12) To improve the effectiveness of oral hearings, the Hearing Officer should have the power to allow the parties concerned, complainants, other persons invited to the hearing, the Commission services and the authorities of the Member States to ask questions during the hearing.
- (13) When granting access to the file, the Commission should ensure the protection of business secrets and other confidential information. The category of 'other confidential information' includes information other than business secrets, which may be considered as confidential, insofar as its disclosure would significantly harm an undertaking or person. The Commission should be able to request undertakings or associations of undertakings that submit or have submitted documents or statements to identify confidential information.
- (14) Where business secrets or other confidential information are necessary to prove an infringement, the Commission should assess for each individual document whether the need to disclose is greater than the harm which might result from disclosure.
- (15) In the interest of legal certainty, a minimum time-limit for the various submissions provided for in this Regulation should be laid down.
- (16) This Regulation replaces Commission Regulation (EC) No 2842/98 of 22 December 1998 on the hearing of parties in certain proceedings under Articles 85 and 86 of the EC Treaty <sup>(1)</sup>, which should therefore be repealed.

- (17) This Regulation aligns the procedural rules in the transport sector with the general rules of procedure in all sectors. Commission Regulation (EC) No 2843/98 of 22 December 1998 on the form, content and other details of applications and notifications provided for in Council Regulations (EEC) No 1017/68, (EEC) No 4056/86 and (EEC) No 3975/87 applying the rules on competition to the transport sector <sup>(2)</sup> should therefore be repealed.
- (18) Regulation (EC) No 1/2003 abolishes the notification and authorisation system. Commission Regulation (EC) No 3385/94 of 21 December 1994 on the form, content and other details of applications and notifications provided for in Council Regulation No 17 <sup>(3)</sup> should therefore be repealed,

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### SCOPE

##### Article 1

#### Subject-matter and scope

This regulation applies to proceedings conducted by the Commission for the application of Articles 81 and 82 of the Treaty.

#### CHAPTER II

#### INITIATION OF PROCEEDINGS

##### Article 2

#### Initiation of proceedings

1. The Commission may decide to initiate proceedings with a view to adopting a decision pursuant to Chapter III of Regulation (EC) No 1/2003 at any point in time, but no later than the date on which it issues a preliminary assessment as referred to in Article 9(1) of that Regulation or a statement of objections or the date on which a notice pursuant to Article 27(4) of that Regulation is published, whichever is the earlier.

2. The Commission may make public the initiation of proceedings, in any appropriate way. Before doing so, it shall inform the parties concerned.

<sup>(1)</sup> OJ L 354, 30.12.1998, p. 18.

<sup>(2)</sup> OJ L 354, 30.12.1998, p. 22.

<sup>(3)</sup> OJ L 377, 31.12.1994, p. 28.



3. The Commission may exercise its powers of investigation pursuant to Chapter V of Regulation (EC) No 1/2003 before initiating proceedings.

4. The Commission may reject a complaint pursuant to Article 7 of Regulation (EC) No 1/2003 without initiating proceedings.

#### CHAPTER III

### INVESTIGATIONS BY THE COMMISSION

#### Article 3

##### Power to take statements

1. Where the Commission interviews a person with his consent in accordance with Article 19 of Regulation (EC) No 1/2003, it shall, at the beginning of the interview, state the legal basis and the purpose of the interview, and recall its voluntary nature. It shall also inform the person interviewed of its intention to make a record of the interview.

2. The interview may be conducted by any means including by telephone or electronic means.

3. The Commission may record the statements made by the persons interviewed in any form. A copy of any recording shall be made available to the person interviewed for approval. Where necessary, the Commission shall set a time-limit within which the person interviewed may communicate to it any correction to be made to the statement.

#### Article 4

##### Oral questions during inspections

1. When, pursuant to Article 20(2)(e) of Regulation (EC) No 1/2003, officials or other accompanying persons authorised by the Commission ask representatives or members of staff of an undertaking or of an association of undertakings for explanations, the explanations given may be recorded in any form.

2. A copy of any recording made pursuant to paragraph 1 shall be made available to the undertaking or association of undertakings concerned after the inspection.

3. In cases where a member of staff of an undertaking or of an association of undertakings who is not or was not authorised by the undertaking or by the association of undertakings to provide explanations on behalf of the undertaking or association of undertakings has been asked for explanations, the Commission shall set a time-limit within which the undertaking or the association of undertakings may communicate to the Commission any rectification, amendment or supplement to the explanations given by such member of staff. The rectification, amendment or supplement shall be added to the explanations as recorded pursuant to paragraph 1.

#### CHAPTER IV

### HANDLING OF COMPLAINTS

#### Article 5

##### Admissibility of complaints

1. Natural and legal persons shall show a legitimate interest in order to be entitled to lodge a complaint for the purposes of Article 7 of Regulation (EC) No 1/2003.

Such complaints shall contain the information required by Form C, as set out in the Annex. The Commission may dispense with this obligation as regards part of the information, including documents, required by Form C.

2. Three paper copies as well as, if possible, an electronic copy of the complaint shall be submitted to the Commission. The complainant shall also submit a non-confidential version of the complaint, if confidentiality is claimed for any part of the complaint.

3. Complaints shall be submitted in one of the official languages of the Community.

#### Article 6

##### Participation of complainants in proceedings

1. Where the Commission issues a statement of objections relating to a matter in respect of which it has received a complaint, it shall provide the complainant with a copy of the non-confidential version of the statement of objections and set a time-limit within which the complainant may make known its views in writing.

2. The Commission may, where appropriate, afford complainants the opportunity of expressing their views at the oral hearing of the parties to which a statement of objections has been issued, if complainants so request in their written comments.

#### Article 7

##### Rejection of complaints

1. Where the Commission considers that on the basis of the information in its possession there are insufficient grounds for acting on a complaint, it shall inform the complainant of its reasons and set a time-limit within which the complainant may make known its views in writing. The Commission shall not be obliged to take into account any further written submission received after the expiry of that time-limit.

2. If the complainant makes known its views within the time-limit set by the Commission and the written submissions made by the complainant do not lead to a different assessment of the complaint, the Commission shall reject the complaint by decision.

3. If the complainant fails to make known its views within the time-limit set by the Commission, the complaint shall be deemed to have been withdrawn.

*Article 8***Access to information**

1. Where the Commission has informed the complainant of its intention to reject a complaint pursuant to Article 7(1) the complainant may request access to the documents on which the Commission bases its provisional assessment. For this purpose, the complainant may however not have access to business secrets and other confidential information belonging to other parties involved in the proceedings.

2. The documents to which the complainant has had access in the context of proceedings conducted by the Commission under Articles 81 and 82 of the Treaty may only be used by the complainant for the purposes of judicial or administrative proceedings for the application of those Treaty provisions.

*Article 9***Rejections of complaints pursuant to Article 13 of Regulation (EC) No 1/2003**

Where the Commission rejects a complaint pursuant to Article 13 of Regulation (EC) No 1/2003, it shall inform the complainant without delay of the national competition authority which is dealing or has already dealt with the case.

## CHAPTER V

**EXERCISE OF THE RIGHT TO BE HEARD***Article 10***Statement of objections and reply**

1. The Commission shall inform the parties concerned in writing of the objections raised against them. The statement of objections shall be notified to each of them.

2. The Commission shall, when notifying the statement of objections to the parties concerned, set a time-limit within which these parties may inform it in writing of their views. The Commission shall not be obliged to take into account written submissions received after the expiry of that time-limit.

3. The parties may, in their written submissions, set out all facts known to them which are relevant to their defence against the objections raised by the Commission. They shall attach any relevant documents as proof of the facts set out. They shall provide a paper original as well as an electronic copy or, where they do not provide an electronic copy, 28 paper copies of their submission and of the documents attached to it. They may propose that the Commission hear persons who may corroborate the facts set out in their submission.

*Article 11***Right to be heard**

1. The Commission shall give the parties to whom it has addressed a statement of objections the opportunity to be heard before consulting the Advisory Committee referred to in Article 14(1) of Regulation (EC) No 1/2003.

2. The Commission shall, in its decisions, deal only with objections in respect of which the parties referred to in paragraph 1 have been able to comment.

*Article 12***Right to an oral hearing**

The Commission shall give the parties to whom it has addressed a statement of objections the opportunity to develop their arguments at an oral hearing, if they so request in their written submissions.

*Article 13***Hearing of other persons**

1. If natural or legal persons other than those referred to in Articles 5 and 11 apply to be heard and show a sufficient interest, the Commission shall inform them in writing of the nature and subject matter of the procedure and shall set a time-limit within which they may make known their views in writing.

2. The Commission may, where appropriate, invite persons referred to in paragraph 1 to develop their arguments at the oral hearing of the parties to whom a statement of objections has been addressed, if the persons referred to in paragraph 1 so request in their written comments.

3. The Commission may invite any other person to express its views in writing and to attend the oral hearing of the parties to whom a statement of objections has been addressed. The Commission may also invite such persons to express their views at that oral hearing.

*Article 14***Conduct of oral hearings**

1. Hearings shall be conducted by a Hearing Officer in full independence.

2. The Commission shall invite the persons to be heard to attend the oral hearing on such date as it shall determine.

3. The Commission shall invite the competition authorities of the Member States to take part in the oral hearing. It may likewise invite officials and civil servants of other authorities of the Member States.

4. Persons invited to attend shall either appear in person or be represented by legal representatives or by representatives authorised by their constitution as appropriate. Undertakings and associations of undertakings may also be represented by a duly authorised agent appointed from among their permanent staff.

5. Persons heard by the Commission may be assisted by their lawyers or other qualified persons admitted by the Hearing Officer.

6. Oral hearings shall not be public. Each person may be heard separately or in the presence of other persons invited to attend, having regard to the legitimate interest of the undertakings in the protection of their business secrets and other confidential information.

7. The Hearing Officer may allow the parties to whom a statement of objections has been addressed, the complainants, other persons invited to the hearing, the Commission services and the authorities of the Member States to ask questions during the hearing.

8. The statements made by each person heard shall be recorded. Upon request, the recording of the hearing shall be made available to the persons who attended the hearing. Regard shall be had to the legitimate interest of the parties in the protection of their business secrets and other confidential information.

#### CHAPTER VI

### ACCESS TO THE FILE AND TREATMENT OF CONFIDENTIAL INFORMATION

#### Article 15

##### Access to the file and use of documents

1. If so requested, the Commission shall grant access to the file to the parties to whom it has addressed a statement of objections. Access shall be granted after the notification of the statement of objections.

2. The right of access to the file shall not extend to business secrets, other confidential information and internal documents of the Commission or of the competition authorities of the Member States. The right of access to the file shall also not extend to correspondence between the Commission and the competition authorities of the Member States or between the latter where such correspondence is contained in the file of the Commission.

3. Nothing in this Regulation prevents the Commission from disclosing and using information necessary to prove an infringement of Articles 81 or 82 of the Treaty.

4. Documents obtained through access to the file pursuant to this Article shall only be used for the purposes of judicial or administrative proceedings for the application of Articles 81 and 82 of the Treaty.

#### Article 16

### Identification and protection of confidential information

1. Information, including documents, shall not be communicated or made accessible by the Commission in so far as it contains business secrets or other confidential information of any person.

2. Any person which makes known its views pursuant to Article 6(1), Article 7(1), Article 10(2) and Article 13(1) and (3) or subsequently submits further information to the Commission in the course of the same procedure, shall clearly identify any material which it considers to be confidential, giving reasons, and provide a separate non-confidential version by the date set by the Commission for making its views known.

3. Without prejudice to paragraph 2 of this Article, the Commission may require undertakings and associations of undertakings which produce documents or statements pursuant to Regulation (EC) No 1/2003 to identify the documents or parts of documents which they consider to contain business secrets or other confidential information belonging to them and to identify the undertakings with regard to which such documents are to be considered confidential. The Commission may likewise require undertakings or associations of undertakings to identify any part of a statement of objections, a case summary drawn up pursuant to Article 27(4) of Regulation (EC) No 1/2003 or a decision adopted by the Commission which in their view contains business secrets.

The Commission may set a time-limit within which the undertakings and associations of undertakings are to:

- (a) substantiate their claim for confidentiality with regard to each individual document or part of document, statement or part of statement;
- (b) provide the Commission with a non-confidential version of the documents or statements, in which the confidential passages are deleted;
- (c) provide a concise description of each piece of deleted information.

4. If undertakings or associations of undertakings fail to comply with paragraphs 2 and 3, the Commission may assume that the documents or statements concerned do not contain confidential information.

#### CHAPTER VII

### GENERAL AND FINAL PROVISIONS

#### Article 17

### Time-limits

1. In setting the time-limits provided for in Article 3(3), Article 4(3), Article 6(1), Article 7(1), Article 10(2) and Article 16(3), the Commission shall have regard both to the time required for preparation of the submission and to the urgency of the case.

2. The time-limits referred to in Article 6(1), Article 7(1) and Article 10(2) shall be at least four weeks. However, for proceedings initiated with a view to adopting interim measures pursuant to Article 8 of Regulation (EC) No 1/2003, the time-limit may be shortened to one week.

3. The time-limits referred to in Article 3(3), Article 4(3) and Article 16(3) shall be at least two weeks.

4. Where appropriate and upon reasoned request made before the expiry of the original time-limit, time-limits may be extended.

#### *Article 18*

##### **Repeals**

Regulations (EC) No 2842/98, (EC) No 2843/98 and (EC) No 3385/94 are repealed.

References to the repealed regulations shall be construed as references to this regulation.

#### *Article 19*

##### **Transitional provisions**

Procedural steps taken under Regulations (EC) No 2842/98 and (EC) No 2843/98 shall continue to have effect for the purpose of applying this Regulation.

#### *Article 20*

##### **Entry into force**

This Regulation shall enter into force on 1 May 2004.

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

Done at Brussels, 7 April 2004.

*For the Commission*

Mario MONTI

*Member of the Commission*

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## ANNEX

**FORM C****COMPLAINT PURSUANT TO ARTICLE 7 OF REGULATION (EC) No 1/2003****I. Information regarding the complainant and the undertaking(s) or association of undertakings giving rise to the complaint**

1. Give full details on the identity of the legal or natural person submitting the complaint. Where the complainant is an undertaking, identify the corporate group to which it belongs and provide a concise overview of the nature and scope of its business activities. Provide a contact person (with telephone number, postal and e-mail-address) from which supplementary explanations can be obtained.
2. Identify the undertaking(s) or association of undertakings whose conduct the complaint relates to, including, where applicable, all available information on the corporate group to which the undertaking(s) complained of belong and the nature and scope of the business activities pursued by them. Indicate the position of the complainant vis-à-vis the undertaking(s) or association of undertakings complained of (e.g. customer, competitor).

**II. Details of the alleged infringement and evidence**

3. Set out in detail the facts from which, in your opinion, it appears that there exists an infringement of Article 81 or 82 of the Treaty and/or Article 53 or 54 of the EEA agreement. Indicate in particular the nature of the products (goods or services) affected by the alleged infringements and explain, where necessary, the commercial relationships concerning these products. Provide all available details on the agreements or practices of the undertakings or associations of undertakings to which this complaint relates. Indicate, to the extent possible, the relative market positions of the undertakings concerned by the complaint.
4. Submit all documentation in your possession relating to or directly connected with the facts set out in the complaint (for example, texts of agreements, minutes of negotiations or meetings, terms of transactions, business documents, circulars, correspondence, notes of telephone conversations...). State the names and address of the persons able to testify to the facts set out in the complaint, and in particular of persons affected by the alleged infringement. Submit statistics or other data in your possession which relate to the facts set out, in particular where they show developments in the marketplace (for example information relating to prices and price trends, barriers to entry to the market for new suppliers etc.).
5. Set out your view about the geographical scope of the alleged infringement and explain, where that is not obvious, to what extent trade between Member States or between the Community and one or more EFTA States that are contracting parties of the EEA Agreement may be affected by the conduct complained of.

**III. Finding sought from the Commission and legitimate interest**

6. Explain what finding or action you are seeking as a result of proceedings brought by the Commission.
7. Set out the grounds on which you claim a legitimate interest as complainant pursuant to Article 7 of Regulation (EC) No 1/2003. State in particular how the conduct complained of affects you and explain how, in your view, intervention by the Commission would be liable to remedy the alleged grievance.

**IV. Proceedings before national competition authorities or national courts**

8. Provide full information about whether you have approached, concerning the same or closely related subject-matters, any other competition authority and/or whether a lawsuit has been brought before a national court. If so, provide full details about the administrative or judicial authority contacted and your submissions to such authority.

Declaration that the information given in this form and in the Annexes thereto is given entirely in good faith.

Date and signature.

**COMMISSION REGULATION (EC) No 774/2004**  
**of 26 April 2004**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 27 April 2004.

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

Done at Brussels, 26 April 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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

## ANNEX

**to the Commission Regulation of 26 April 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	121,1
	204	39,4
	212	120,5
	999	93,7
0707 00 05	052	129,4
	096	84,2
	999	106,8
0709 90 70	052	83,6
	204	70,6
	999	77,1
0805 10 10, 0805 10 30, 0805 10 50	052	52,0
	204	40,4
	212	102,8
	220	36,4
	400	43,1
	600	30,7
	624	67,9
	999	53,3
0805 50 10	400	48,2
	999	48,2
0808 10 20, 0808 10 50, 0808 10 90	388	84,0
	400	136,3
	404	72,0
	508	62,1
	512	76,0
	524	67,5
	528	76,2
	720	89,8
	804	107,4
	999	85,7
0808 20 50	388	76,0
	512	75,2
	524	83,4
	528	71,4
	720	39,9
	999	69,2

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



## COMMISSION REGULATION (EC) No 775/2004

of 26 April 2004

## amending Annex I to Regulation (EC) No 304/2003 of the European Parliament and of the Council concerning the export and import of dangerous chemicals

(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 304/2003 of the European Parliament and of the Council of 28 January 2003 concerning the export and import of dangerous chemicals <sup>(1)</sup>, and in particular Article 22(1) thereof,

Whereas:

- (1) Regulation (EC) No 304/2003 implements the Rotterdam Convention on the Prior Informed Consent Procedure (PIC procedure) for Certain Hazardous Chemicals and pesticides in International Trade, signed on 11 September 1998 and approved by the Community by Council Decision 2003/106/EC <sup>(2)</sup>.
- (2) Annex I to Regulation (EC) No 304/2003 consists of three parts containing, respectively, the list of chemicals subject to the export notification procedure, the list of chemicals qualifying for PIC notification and the list of chemicals subject to the PIC procedure in accordance with the Rotterdam Convention.
- (3) In the light of Commission Decisions 2004/141/EC <sup>(3)</sup>, 2004/248/EC <sup>(4)</sup>, 2004/140/EC <sup>(5)</sup> and 2004/247/EC <sup>(6)</sup>, taken within the framework of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(7)</sup>, which ban or severely restrict the chemicals amitraz, atrazine, fenthion and simazine respectively, these chemicals should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EC) No 304/2003.

- (4) The chemicals nonylphenol and nonylphenol ethoxylate are severely restricted for industrial use by Directive 2003/53/EC of the European Parliament and of the Council of 18 June 2003 relating to restrictions on the marketing and use of certain dangerous substances and preparations <sup>(8)</sup>. Furthermore, pursuant to Commission Regulation (EC) No 2076/2002 of 20 November 2002 extending the time period referred to in Article 8(2) of Council Directive 91/414/EEC and concerning the non-inclusion of certain active substances in Annex I to that Directive and the withdrawal of authorisation for plant protection products containing these substances <sup>(9)</sup>, nonylphenol ethoxylate has been excluded from Annex I to Directive 91/414/EEC and authorisations for plant protection products containing it were to be withdrawn by 25 July 2003. Accordingly, both chemicals should be added to the list of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EC) No 304/2003.

- (5) At its 10th session from 17 to 21 November 2003, the Intergovernmental Negotiating Committee (INC) for the Convention decided that the chemicals DNOC and the asbestos fibres amosite, antophyllite, actinolite and tremolite should also be subject to the interim PIC procedure. Accordingly, these substances should be added to the list of chemicals contained in Part 3 of Annex I to Regulation (EC) No 304/2003 and the existing entries in Parts 1 and 2 should be amended.
- (6) At the same session, the INC decided that the dustable powder formulations containing a combination of benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiram at or above 15 per cent should also become subject to the interim PIC procedure. Accordingly such formulations should also be added to the list of chemicals contained in Parts 1 and 3 of Annex I to Regulation (EC) No 304/2003.
- (7) Annex I to Regulation (EC) No 304/2003 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up pursuant to Article 29 of Council Directive 67/548/EEC <sup>(10)</sup>,

<sup>(1)</sup> OJ L 63, 6.3.2003, p. 1. Regulation as amended by Commission Regulation (EC) No 1213/2003 (OJ L 169, 8.7.2003, p. 27).

<sup>(2)</sup> OJ L 63, 6.3.2003, p. 27.

<sup>(3)</sup> OJ L 46, 17.2.2004, p. 35.

<sup>(4)</sup> OJ L 78, 16.3.2004, p. 53.

<sup>(5)</sup> OJ L 46, 17.2.2004, p. 32.

<sup>(6)</sup> OJ L 78, 16.3.2004, p. 50.

<sup>(7)</sup> OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/30/EC (OJ L 77, 13.3.2004, p. 50).

<sup>(8)</sup> OJ L 178, 17.7.2003, p. 24.

<sup>(9)</sup> OJ L 319, 23.11.2002, p. 3.

<sup>(10)</sup> OJ L 196, 16.8.1967, p. 1. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 304/2003 is amended in accordance with 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*.

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

Done at Brussels, 26 April 2004.

*For the Commission*  
Margot WALLSTRÖM  
*Member of the Commission*

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## ANNEX

Annex I to Regulation (EC) No 304/2003 is amended as follows:

1. Part 1 is amended as follows:

(a) the following entries are added:

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Amitraz +	33089-61-1	251-375-4	2925 20 00	p(1)	sr	
Atrazine +	1912-24-9	217-617-8	2933 69 10	p(1)	sr	
Fenthion +	55-38-9	200-231-9	2930 90 70	p(1)	sr	
Simazine +	122-34-9	204-535-2	2933 69 10	p(1)	sr	
Nonylphenol + C <sub>6</sub> H <sub>4</sub> (OH)C <sub>9</sub> H <sub>19</sub>	25154-52-3	246-672-0	2907 13 00	i(1)	sr	
Nonylphenol ethoxylate + (C <sub>2</sub> H <sub>4</sub> O) <sub>n</sub> C <sub>15</sub> H <sub>24</sub> O				i(1) p(1)	sr b	
Dustable powder formulations containing a combination of:						Please refer to PIC circular at <a href="http://www.pic.int/">www.pic.int/</a>
benomyl at or above 7 %	17804-35-2	241-775-7	2933 90 80			
carbofuran at or above 10 %	1563-66-2	216-353-0	2932 90 90			
and thiram at or above 15 % #	137-26-8	205-286-2	2930 30 00			

(b) the entry for asbestos fibres is replaced by the following:

'Asbestos fibres:		310-127-6				Please refer to PIC circular at <a href="http://www.pic.int/">www.pic.int/</a>
Crocidolite #	12001-28-4		2524 00	i	b	
Amosite #	12172-73-5		2524 00	i	b	
Antophyllite #	77536-67-5		2524 00	i	b	
Actinolite #	77536-66-4		2524 00	i	b	
Tremolite #	77536-68-6		2524 00	i	b	
Chrysotile +	12001-29-5 or 132207-32-0		2524 00	i	b	

(c) the entry for DNOC is replaced by the following:

'DNOC #	534-52-1	208-601-1	2908 90 00	p(1)	b	Please refer to PIC circular at <a href="http://www.pic.int/">www.pic.int/</a>
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## 2. Part 2 is amended as follows:

## (a) the following entries are added:

Chemical	CAS No	Einecs No	CN code	Category (*)	Use limitation (*)
'Amitraz	33089-61-1	251-375-4	2925 20 00	p	sr
Atrazine	1912-24-9	217-617-8	2933 69 10	p	sr
Fenthion	55-38-9	200-231-9	2930 90 70	p	sr
Simazine	122-34-9	204-535-2	2933 69 10	p	sr
Nonylphenol C <sub>6</sub> H <sub>4</sub> (OH)C <sub>9</sub> H <sub>19</sub>	25154-52-3	246-672-0	2907 13 00	i	sr
Nonylphenol ethoxylate (C <sub>2</sub> H <sub>4</sub> O) <sub>n</sub> C <sub>15</sub> H <sub>24</sub> O				i p	sr b'

## (b) the following entry is deleted:

Chemical	CAS No	Einecs No	CN code	Category (*)	Use limitation(**)
'DNOC	534-52-1	208-601-1	2908 90 00	p	b'

## (c) the entry for asbestos fibres is replaced by the following:

'Asbestos fibres:					
Chrysotile	12001-29-5 or 132207-32-0		2524 00	i	b'

## 3. Part 3 is amended as follows:

## (a) the following entries are added:

Chemical	Relevant CAS number(s)	Category
'Asbestos fibres:		
Actinolite	77536-66-4	Industrial
Anthophyllite	77536-67-5	Industrial
Amosite	12172-73-5	Industrial
Crocidolite	12001-28-4	Industrial
Tremolite	77536-68-6	Industrial
DNOC and its salts (such as ammonium salt, potassium salt and sodium salt)	534-52-1, 2980-64-5, 5787-96-2, 2312-76-7	Pesticide
Dustable powder formulations containing a combination of:		'Severely hazardous pesticide formulation'
benomyl at or above 7 %,	17804-35-2	
carbofuran at or above 10 %	1563-66-2	
and thiram at or above 15 %	137-26-8	

## (b) the following entry is deleted:

'Crocidolite	12001-28-4	Industrial'
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**COMMISSION REGULATION (EC) No 776/2004**  
**of 26 April 2004**  
**amending Regulation (EC) No 349/2003 suspending the introduction into the Community of**  
**specimens of certain species of wild fauna and flora**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein <sup>(1)</sup>, and in particular Article 19(2) thereof,

After consulting the Scientific Review Group,

Whereas:

- (1) Article 4(6) of Regulation (EC) No 338/97 provides that the Commission may establish restrictions to the introduction of certain species into the Community in accordance with the conditions laid down in points (a) to (d) thereof.
- (2) A list of species for which the introduction into the Community is suspended was last established in Commission Regulation (EC) No 349/2003 of 25 February 2003 suspending the introduction into the Community of specimens of certain species of wild fauna and flora <sup>(2)</sup>.
- (3) On the basis of recent information, the Scientific Review Group has concluded that the conservation status of certain species listed in Annexes A and B to Regulation (EC) No 338/97 will be seriously jeopardised if their introduction into the Community from certain countries of origin is not suspended.
- (4) On the basis of further recent information, the Scientific Review Group has also concluded that the suspension of the introduction into the Community of the *Lama guanicoe* from Chile is no longer warranted by virtue of its conservation status.

(5) The countries of origin of the species subject to the new restrictions referred to in paragraph 3 have been consulted.

(6) Article 41 of Commission Regulation (EC) No 1808/2001 of 30 August 2001, laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 of the protection of species of wild fauna and flora by regulating trade therein <sup>(3)</sup>, contains provisions for the implementation by the Member States of the restrictions established by the Commission.

(7) Regulation (EC) No 349/2003 should therefore be amended accordingly.

(8) The necessity to avoid the disturbance of trade justifies that this Regulation enters into force on the third day following its publication.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 349/2003 is replaced by the Annex to this Regulation

*Article 2*

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, 26 April 2004.

*For the Commission*  
Margot WALLSTRÖM  
*Member of the Commission*

<sup>(1)</sup> OJ L 61, 3. 3. 1997, p. 1. Regulation as last amended by Commission Regulation (EC) No 1497/2003 (OJ L 251, 27.8.2003, p. 3).  
<sup>(2)</sup> OJ L 51, 26.2.2003, p. 3.

<sup>(3)</sup> OJ L 250, 30.8.2001, p. 1.

## ANNEX

## Specimens of species included in Annex A to Regulation (EC) No 338/97 whose introduction into the Community is suspended

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<b>FAUNA</b>				
<b>CHORDATA MAMMALIA</b>				
CARNIVORA				
<b>Canidae</b>				
<i>Canis lupus</i>	Wild	Hunting trophies	Kyrgyzstan, Turkey	a
<i>Canis lupus</i>	Wild	Hunting trophies	Belarus	a
<b>Felidae</b>				
<i>Lynx lynx</i>	Wild	Hunting trophies	Azerbaijan, Moldova, Lithuania, Ukraine	a
ARTIODACTYLA				
<b>Bovidae</b>				
<i>Ovis ammon nigrimontana</i>	Wild	Hunting trophies	Kazakhstan	a
<b>AVES</b>				
FALCONIFORMES				
<b>Accipitridae</b>				
<i>Leucopternis occidentalis</i>	Wild	Hunting trophies	Ecuador, Peru	a

## Specimens of species included in Annex B to Regulation (EC) No 338/97 whose introduction into the Community is suspended

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<b>FAUNA</b>				
<b>CHORDATA MAMMALIA</b>				
MONOTREMATA				
<b>Tachyglossidae</b>				
<i>Zaglossus bruijni</i>	Wild	All	All	b
PRIMATES				
<b>Loridae</b>				
<i>Arctocebus aureus</i>	Wild	All	Central African Republic, Gabon	b
<i>Arctocebus calabarensis</i>	Wild	All	Nigeria	b
<i>Nycticebus pygmaeus</i>	Wild	All	Cambodia, Laos	b
<i>Perodicticus potto</i>	Wild	All	Togo	b
<b>Galagonidae</b>				
<i>Euoticus pallidus</i> (synonym <i>Galago elegantulus pallidus</i> )	Wild	All	Nigeria	b
<i>Galago matschiei</i> (synonym <i>G. inustus</i> )	Wild	All	Rwanda	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Galago senegalensis</i>	Wild	All	Djibouti	b
<i>Galagoides demidoff</i> (synonym <i>Galago demidovii</i> )	Wild	All	Burkina Faso, Central African Republic, Kenya, Senegal	b
<i>Galagoides zanzibaricus</i> (synonym <i>Galago zanzibaricus</i> )	Wild	All	Malawi	b
<b>Callitrichidae</b>				
<i>Callithrix argentata</i>	Wild	All	Paraguay	b
<i>Callithrix geoffroyi</i> (synonym <i>C. jacchus geoffroyi</i> )	Wild	All	Brazil	b
<i>Saguinus labiatus</i>	Wild	All	Colombia	b
<b>Cebidae</b>				
<i>Alouatta fusca</i>	Wild	All	All	b
<i>Alouatta seniculus</i>	Wild	All	Trinidad and Tobago	b
<i>Ateles belzebuth</i>	Wild	All	All	b
<i>Ateles fusciceps</i>	Wild	All	All	b
<i>Ateles geoffroyi</i>	Wild	All	All	b
<i>Ateles paniscus</i>	Wild	All	Peru	b
<i>Callicebus torquatus</i>	Wild	All	Ecuador	b
<i>Cebus albifrons</i>	Wild	All	Guyana	b
<i>Cebus capucinus</i>	Wild	All	Belize, Venezuela	b
<i>Cebus olivaceus</i>	Wild	All	Peru	b
<i>Chiropotes satanas</i>	Wild	All	Brazil, Guyana	b
<i>Lagothrix lagotricha</i>	Wild	All	All	b
<i>Pithecia pithecia</i>	Wild	All	Guyana	b
<b>Cercopithecidae</b>				
<i>Allenopithecus nigroviridis</i>	Wild	All	All	b
<i>Cercocebus torquatus</i>	Wild	All	Ghana	b
<i>Cercopithecus ascanius</i>	Wild	All	Burundi	b
<i>Cercopithecus cephus</i>	Wild	All	Central African Republic	b
<i>Cercopithecus dryas</i> (including <i>C. salongo</i> )	Wild	All	Democratic Republic of the Congo	b
<i>Cercopithecus erythrogaster</i>	Wild	All	All	b
<i>Cercopithecus erythrotis</i>	Wild	All	All	b
<i>Cercopithecus hamlyni</i>	Wild	All	All	b
<i>Cercopithecus mona</i>	Wild	All	Togo	b
<i>Cercopithecus petaurista</i>	Wild	All	Togo	b
<i>Cercopithecus pogonias</i>	Wild	All	Cameroon, Equatorial Guinea, Nigeria	b



Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Cercopithecus preussi</i> (synonym <i>C. lhoesti preussi</i> )	Wild	All	Cameroon, Equatorial Guinea, Nigeria	b
<i>Colobus guereza</i>	Wild	All	Equatorial Guinea	b
<i>Colobus polykomos</i>	Wild	All	Côte d'Ivoire, Ghana, Nigeria, Togo	b
<i>Lophocebus albigena</i> (synonym <i>Cercocebus albigena</i> )	Wild	All	Kenya, Nigeria	b
<i>Macaca arctoides</i>	Wild	All	India, Malaysia, Thailand	b
<i>Macaca assamensis</i>	Wild	All	Nepal	b
<i>Macaca cyclopis</i>	Wild	All	All	b
<i>Macaca fascicularis</i>	Wild	All	Bangladesh, India	b
<i>Macaca maura</i>	Wild	All	Indonesia	b
<i>Macaca nemestrina</i>	Wild	All	China	b
<i>Macaca nemestrina pagensis</i>	Wild	All	Indonesia	b
<i>Macaca nigra</i>	Wild	All	Indonesia	b
<i>Macaca ochreata</i>	Wild	All	Indonesia	b
<i>Macaca sylvanus</i>	Wild	All	Algeria, Morocco	b
<i>Papio hamadryas</i>	Wild	All	Guinea-Bissau, Liberia, Libya	b
<i>Procolobus badius</i> (synonym <i>Colobus badius</i> )	Wild	All	All	b
<i>Procolobus verus</i> (synonym <i>Colobus verus</i> )	Wild	All	Benin, Côte d'Ivoire, Ghana, Sierra Leone, Togo	b
<i>Trachypithecus phayrei</i> (synonym <i>Presbytis phayrei</i> )	Wild	All	Cambodia, China, India	b
<i>Trachypithecus vetulus</i> (synonym <i>Presbytis senex</i> )	Wild	All	Sri Lanka	b
XENARTHRA				
<b>Myrmecophagidae</b>				
<i>Myrmecophaga tridactyla</i>	Wild	All	Belize, Uruguay	b
RODENTIA				
<b>Sciuridae</b>				
<i>Ratufa affinis</i>	Wild	All	Singapore	b
<i>Ratufa bicolor</i>	Wild	All	China	b
CARNIVORA				
<b>Canidae</b>				
<i>Chrysocyon brachyurus</i>	Wild	All	Bolivia, Peru	b
<b>Mustelidae</b>				
<i>Lutra maculicollis</i>	Wild	All	Tanzania	b
<b>Viverridae</b>				
<i>Cynogale bennettii</i>	Wild	All	Brunei, China, Indonesia, Malaysia, Singapore, Thailand	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Eupleres goudotii</i>	Wild	All	Madagascar	b
<i>Fossa fossana</i>	Wild	All	Madagascar	b
<b>Felidae</b>				
<i>Leptailurus serval</i>	Wild	All	Algeria	b
<i>Oncifelis colocolo</i>	Wild	All	Chile	b
<i>Prionailurus bengalensis</i>	Wild	All	Macao	b
<i>Profelis aurata</i>	Wild	All	Togo	b
PERISSODACTYLA				
<b>Equidae</b>				
<i>Equus zebra hartmannae</i>	Wild	All	Angola	b
ARTIODACTYLA				
<b>Hippopotamidae</b>				
<i>Hexaprotodon liberiensis</i> (synonym <i>Choeropsis liberiensis</i> )	Wild	All	Côte d'Ivoire, Guinea, Guinea-Bissau, Nigeria, Sierra Leone	b
<i>Hippopotamus amphibius</i>	Wild	All	Democratic Republic of the Congo, Gambia, Liberia, Malawi, Niger, Nigeria, Rwanda, Sierra Leone, Togo	b
<b>Camelidae</b>				
<i>Lama guanicoe</i>	Wild	All, except: — specimens that form part of the registered stock in Argentina, provided that permits are confirmed by that Secretariat before being accepted by the Member State of import — products obtained from the shearing of live animals carried out under the approved management programme, appropriately marked and registered non-commercial exports of limited quantities of wool for industrial testing, up to 500 kg annually	Argentina	b
<b>Moschidae</b>				
<i>Moschus chrysogaster</i>	Wild	All	China	b
<i>Moschus berezovskii</i>	Wild	All	China	b
<i>Moschus fuscus</i>	Wild	All	China	b
<i>Moschus moschiferus</i>	Wild	All	China, Russia	b
<b>Cervidae</b>				
<i>Cervus elaphus bactrianus</i>	Wild	All	Uzbekistan	b
<b>Bovidae</b>				
<i>Saiga tatarica</i>	Wild	All	Kazakhstan, Russia	b
<b>AVES</b>				
<i>Ciconiiformes</i>				
<b>Balaenicipitidae</b>				
<i>Balaeniceps rex</i>	Wild	All	Zambia	b
ANSERIFORMES				
<b>Anatidae</b>				
<i>Anas bernieri</i>	Wild	All	Madagascar	b
FALCONIFORMES				
<b>Accipitridae</b>				
<i>Accipiter brachyurus</i>	Wild	All	Papua New Guinea	b
<i>Accipiter gundlachi</i>	Wild	All	Cuba	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Accipiter imitator</i>	Wild	All	Papua New Guinea, Solomon Islands	b
<i>Buteo albonotatus</i>	Wild	All	Peru	b
<i>Buteo galapagoensis</i>	Wild	All	Ecuador	b
<i>Buteo platypterus</i>	Wild	All	Peru	b
<i>Buteo ridgwayi</i>	Wild	All	Dominican Republic, Haiti	b
<i>Erythrorhynchus radiatus</i>	Wild	All	Australia	b
<i>Gyps bengalensis</i>	Wild	All	All	b
<i>Gyps coprotheres</i>	Wild	All	Mozambique, Namibia, Swaziland	b
<i>Gyps indicus</i>	Wild	All	All	b
<i>Gyps rueppellii</i>	Wild	All	Guinea	b
<i>Harpyopsis novaeguineae</i>	Wild	All	Indonesia, Papua New Guinea	b
<i>Leucopternis lacernulata</i>	Wild	All	Brazil	b
<i>Lophoictinia isura</i>	Wild	All	Australia	b
<i>Polemaetus bellicosus</i>	Wild	All	Guinea	b
<i>Spizaetus bartelsi</i>	Wild	All	Indonesia	b
<i>Stephanoaetus coronatus</i>	Wild	All	Guinea	b
<i>Terathopius ecaudatus</i>	Wild	All	Guinea	b
<i>Trigonoceps occipitalis</i>	Wild	All	Guinea, Côte d'Ivoire	b
<b>Falconidae</b>				
<i>Falco deiroleucus</i>	Wild	All	Belize, Guatemala	b
<i>Falco fasciinucha</i>	Wild	All	Botswana, Ethiopia, Kenya, Malawi, Mozambique, South Africa, Sudan, Tanzania, Zambia, Zimbabwe	b
<i>Falco hypoleucos</i>	Wild	All	Australia, Papua New Guinea	b
<i>Micrastur plumbeus</i>	Wild	All	Colombia, Ecuador	b
<b>Sagittariidae</b>				
<i>Sagittarius serpentarius</i>	Wild	All	Guinea	b
<b>GALLIFORMES</b>				
<b>Phasianidae</b>				
<i>Polyplectron schlieirmacheri</i>	Wild	All	Indonesia, Malaysia	b
<b>GRUIFORMES</b>				
<b>Gruidae</b>				
<i>Balearica pavonina</i>	Wild	All	Guinea, Mali	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Balearica regulorum</i>	Wild	All	Angola, Botswana, Burundi, Democratic Republic of the Congo, Kenya, Lesotho, Malawi, Mozambique, Namibia, Rwanda, South Africa, Swaziland, Uganda, Zambia, Zimbabwe	b
<i>Grus carunculatus</i>	Wild	All	South Africa	b
<i>Grus virgo</i>	Wild	All	Sudan	b
<b>COLUMBIFORMES</b>				
<b>Columbidae</b>				
<i>Goura cristata</i>	Wild	All	Indonesia	b
<i>Goura scheepmakeri</i>	Wild	All	Indonesia	b
<i>Goura victoria</i>	Wild	All	Indonesia	b
<b>PSITTACIFORMES</b>				
<b>Psittacidae</b>				
<i>Agapornis fischeri</i>	Wild	All	Tanzania	b
	<i>Ranched</i>	All	Mozambique	b
<i>Agapornis lilianae</i>	Wild	All	Tanzania	b
<i>Agapornis nigrigenis</i>	Wild	All	All	b
<i>Agapornis pullarius</i>	Wild	All	Angola, Guinea, Kenya, Mali, Togo	b
<i>Agapornis roseicollis</i>	Wild	All	Botswana	b
<i>Alisterus chloropterus chloropterus</i>	Wild	All	Indonesia	b
<i>Amazona agilis</i>	Wild	All	Jamaica	b
<i>Amazona autumnalis</i>	Wild	All	Ecuador	b
<i>Amazona collaria</i>	Wild	All	Jamaica	b
<i>Amazona mercenaria</i>	Wild	All	Venezuela	b
<i>Amazona xanthops</i>	Wild	All	Bolivia, Paraguay	b
<i>Ara ararauna</i>	Wild	All	Trinidad and Tobago	b
<i>Ara chloroptera</i>	Wild	All	Argentina, Panama	b
<i>Ara severa</i>	Wild	All	Guyana	b
<i>Aratinga acuticaudata</i>	Wild	All	Uruguay	b
<i>Aratinga aurea</i>	Wild	All	Argentina	b
<i>Aratinga auricapilla</i>	Wild	All	All	b
<i>Aratinga erythrogenys</i>	Wild	All	Peru	b
<i>Aratinga euops</i>	Wild	All	Cuba	b
<i>Aratinga solstitialis</i>	Wild	All	Venezuela	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Bolborhynchus ferrugineifrons</i>	Wild	All	Colombia	b
<i>Cacatua sanguinea</i>	Wild	All	Indonesia	b
<i>Cacatua sulphurea</i>	Wild	All	Indonesia	b
<i>Charmosyna amabilis</i>	Wild	All	Fiji	b
<i>Charmosyna diadema</i>	Wild	All	All	b
<i>Cyanoliseus patagonus</i>	Wild	All	Chile, Uruguay	b
<i>Deropterus accipitrinus</i>	Wild	All	Peru, Surinam	b
<i>Eclectus roratus</i>	Wild	All	Indonesia	b
<i>Eunymphicus cornutus</i>	Wild	All	New Caledonia	b
<i>Forpus xanthops</i>	Wild	All	Peru	b
<i>Hapalopsittaca amazonina</i>	Wild	All	All	b
<i>Hapalopsittaca fuertesi</i>	Wild	All	Colombia	b
<i>Hapalopsittaca pyrrhops</i>	Wild	All	All	b
<i>Leptosittaca branickii</i>	Wild	All	All	b
<i>Lorius domicella</i>	Wild	All	Indonesia	b
<i>Nannopsittaca panychlora</i>	Wild	All	Brazil	b
<i>Neophema splendida</i>	Wild	All	Australia	b
<i>Pionus chalcopterus</i>	Wild	All	Peru	b
<i>Poicephalus cryptoxanthus</i>	Wild	All	Tanzania	b
<i>Poicephalus gulielmi</i>	Wild	All	Democratic Republic of the Congo, Côte d'Ivoire	b
<i>Poicephalus meyeri</i>	Wild	All	Tanzania	b
<i>Poicephalus robustus</i>	Wild	All	Botswana, Democratic Republic of the Congo, Gambia, Guinea, Mali, Namibia, Nigeria, Senegal, South Africa, Swaziland, Togo, Uganda	b
<i>Poicephalus rufiventris</i>	Wild	All	Tanzania	b
<i>Polytelis alexandrae</i>	Wild	All	Australia	b
<i>Prioniturus luconensis</i>	Wild	All	Philippines	b
<i>Psittacula alexandri</i>	Wild	All	Indonesia	b
<i>Psittacula finschii</i>	Wild	All	Bangladesh, Cambodia	b
<i>Psittacula roseata</i>	Wild	All	China	b
<i>Psittacus erithacus</i>	Wild	All	Benin, Burundi, Democratic Republic of the Congo, Liberia, Mali, Togo	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Psittacus erithacus timneh</i>	Wild	All	Guinea, Guinea-Bissau	b
<i>Psittarchas fulgidus</i>	Wild	All	All	b
<i>Pyrrhura albipectus</i>	Wild	All	Ecuador	b
<i>Pyrrhura calliptera</i>	Wild	All	Colombia	b
<i>Pyrrhura leucotis</i>	Wild	All	Brazil	b
<i>Pyrrhura orcesi</i>	Wild	All	Ecuador	b
<i>Pyrrhura picta</i>	Wild	All	Colombia	b
<i>Pyrrhura viridicata</i>	Wild	All	Colombia	b
<i>Tanygnathus gramineus</i>	Wild	All	Indonesia	b
<i>Touit melanonota</i>	Wild	All	Brazil	b
<i>Touit surda</i>	Wild	All	Brazil	b
<i>Trichoglossus johnstoniae</i>	Wild	All	Philippines	b
<i>Triclaria malachitacea</i>	Wild	All	Argentina, Brazil	b
CUCULIFORMES				
<b>Musophagidae</b>				
<i>Musophaga porphyreolopha</i>	Wild	All	Uganda	b
<i>Tauraco corythaix</i>	Wild	All	Mozambique	b
<i>Tauraco fischeri</i>	Wild	All	Tanzania	b
<i>Tauraco macrorhynchus</i>	Wild	All	Guinea	b
STRIGIFORMES				
<b>Tytonidae</b>				
<i>Phodilus prigoginei</i>	Wild	All	Democratic Republic of Congo	b
<i>Tyto aurantia</i>	Wild	All	Papua New Guinea	b
<i>Tyto inexpectata</i>	Wild	All	Indonesia	b
<i>Tyto manusi</i>	Wild	All	Papua New Guinea	b
<i>Tyto nigrobrunnea</i>	Wild	All	Indonesia	b
<i>Tyto sororcula</i>	Wild	All	Indonesia	b
<b>Strigidae</b>				
<i>Asio clamator</i>	Wild	All	Peru	b
<i>Bubo philippensis</i>	Wild	All	Philippines	b
<i>Bubo vosseleri</i>	Wild	All	Tanzania	b
<i>Glaucidium albertinum</i>	Wild	All	Democratic Republic of the Congo, Rwanda	b
<i>Ketupa blakistoni</i>	Wild	All	China, Japan, Russia	b
<i>Ketupa ketupu</i>	Wild	All	Singapore	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Nesasio solomonensis</i>	Wild	All	Papua New Guinea, Solomon Islands	b
<i>Ninox affinis</i>	Wild	All	India	b
<i>Ninox rudolfi</i>	Wild	All	Indonesia	b
<i>Otus angelinae</i>	Wild	All	Indonesia	b
<i>Otus fuliginosus</i>	Wild	All	Philippines	b
<i>Otus longicornis</i>	Wild	All	Philippines	b
<i>Otus magicus</i>	Wild	All	Seychelles	b
<i>Otus mindorensis</i>	Wild	All	Philippines	b
<i>Otus mirus</i>	Wild	All	Philippines	b
<i>Otus pauliani</i>	Wild	All	Comoros	b
<i>Otus roboratus</i>	Wild	All	Peru	b
<i>Otus rutilus</i>	Wild	All	Comoros	b
<i>Pulsatrix melanota</i>	Wild	All	Peru	b
<i>Scotopelia ussheri</i>	Wild	All	Côte d'Ivoire, Ghana, Guinea, Liberia, Sierra Leone	b
<i>Strix davidi</i>	Wild	All	China	b
<i>Strix woodfordii</i>	Wild	All	Guinea	b
<b>APODIFORMES</b>				
<b>Trochilidae</b>				
<i>Chalcostigma olivaceum</i>	Wild	All	Peru	b
<i>Heliodoxa rubinoides</i>	Wild	All	Peru	b
<b>CORACIIFORMES</b>				
<b>Bucerotidae</b>				
<i>Buceros rhinoceros</i>	Wild	All	Thailand	b
<b>PASSERIFORMES</b>				
<b>Pittidae</b>				
<i>Pitta nympha</i>	Wild	All	All (except Vietnam)	b
<b>Pycnonotidae</b>				
<i>Pycnonotus zeylanicus</i>	Wild	All	Malaysia	b
<b>REPTILIA</b>				
<b>TESTUDINES</b>				
<b>Emydidae</b>				
<i>Callagur borneoensis</i>	Wild	All	All	b
<i>Cuora amboinensis</i>	Wild	All	Malaysia	b
<i>Trachemys scripta elegans</i>	All	Live	All	d



Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<b>Testudinidae</b>				
<i>Geochelone chilensis</i>	Wild	All	Argentina	b
	Wild	Live	All	c
<i>Geochelone denticulata</i>	Wild	All	Bolivia, Ecuador	b
	Wild	Live	All	c
<i>Geochelone elegans</i>	Wild	All	Bangladesh, Pakistan	b
	Wild	Live	All	c
<i>Geochelone gigantea</i>	Wild	All	Seychelles	b
<i>Geochelone pardalis</i>	Wild	All	Democratic Republic of the Congo, Mozambique, Tanzania	b
<i>Geochelone platynota</i>	Wild	All	Myanmar	b
<i>Gopherus agassizii</i>	Wild	All	All	b
<i>Gopherus berlandieri</i>	Wild	All	All	b
<i>Gopherus polyphemus</i>	Wild	All	United States of America	b
<i>Homopus areolatus</i>	Wild	Live	All	c
<i>Homopus boulengeri</i>	Wild	Live	All	c
<i>Homopus femoralis</i>	Wild	Live	All	c
<i>Homopus signatus</i>	Wild	Live	All	c
<i>Indotestudo elongata</i>	Wild	All	Bangladesh, China, India	b
<i>Indotestudo forstenii</i>	Wild	All	All	b
<i>Kinixys belliana</i>	Wild	All	Mozambique	b
	<i>Ranched</i>	All	Benin, Mozambique	b
	<i>Wild</i>	Live	All	c
<i>Kinixys erosa</i>	Wild	All	Togo	b
	Wild	Live	All	c
<i>Kinixys homeana</i>	<i>Ranched</i>	All	Benin	b
	Wild	Live	All	c
<i>Kinixys natalensis</i>	Wild	Live	All	c
<i>Manouria emys</i>	Wild	All	Bangladesh, Brunei, Cambodia, China, India, Indonesia, Laos, Myanmar, Thailand	b
	Wild	Live	All	c
<i>Manouria impressa</i>	Wild	All	All (except Vietnam)	b
	Wild	Live	All	c

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Psammobates</i> spp.	Wild	Live	All	c
<i>Pyxis arachnoides</i>	Wild	All	All	b
	Wild	Live	All	c
<i>Testudo horsfieldii</i>	Wild	Live	All	c
	Wild	All	China, Pakistan	b
<b>Pelomedusidae</b>				
<i>Erymnochelys madagascariensis</i>	Wild	All	Madagascar	b
<i>Podocnemis erythrocephala</i>	Wild	All	Colombia, Venezuela	b
<i>Podocnemis expansa</i>	Wild	All	Colombia, Ecuador, Guyana, Peru, Trinidad and Tobago, Venezuela	b
<i>Podocnemis lewyana</i>	Wild	All	All	b
<i>Podocnemis sextuberculata</i>	Wild	All	Peru	b
<i>Podocnemis unifilis</i>	Wild	All	Suriname	b
<b>CROCODYLIA</b>				
<b>Alligatoridae</b>				
<i>Caiman crocodilus</i>	Wild	All	El Salvador, Guatemala, Mexico	b
<i>Palaeosuchus trigonatus</i>	Wild	All	Guyana	b
<b>Crocodylidae</b>				
<i>Crocodylus niloticus</i>	Wild	All	Madagascar	b
<b>SAURIA</b>				
<b>Agamidae</b>				
<i>Uromastix acanthinura</i>	Wild	All	Sudan	b
<i>Uromastix aegyptia</i>	Animals born in captivity, but for which the criteria of Chapter III of Regulation 1808/2001 are not met	All	Egypt	b
<i>Uromastix dispar</i>	Wild	All	Algeria, Mali	b
<b>Chamaeleonidae</b>				
<i>Calumma boettgeri</i>	Wild	All	Madagascar	b
<i>Calumma brevicornis</i>	Wild	All	Madagascar	b
<i>Calumma capuroni</i>	Wild	All	Madagascar	b
<i>Calumma cucullatus</i>	Wild	All	Madagascar	b
<i>Calumma fallax</i>	Wild	All	Madagascar	b
<i>Calumma feae</i>	Wild	All	Equatorial Guinea	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Calumma furcifer</i>	Wild	All	Madagascar	b
<i>Calumma gallus</i>	Wild	All	Madagascar	b
<i>Calumma gastrotaenia</i>	Wild	All	Madagascar	b
<i>Calumma globifer</i>	Wild	All	Madagascar	b
<i>Calumma guibei</i>	Wild	All	Madagascar	b
<i>Calumma hilleniusi</i>	Wild	All	Madagascar	b
<i>Calumma linotus</i>	Wild	All	Madagascar	b
<i>Calumma malthe</i>	Wild	All	Madagascar	b
<i>Calumma nasutus</i>	Wild	All	Madagascar	b
<i>Calumma oshaughnessyi</i>	Wild	All	Madagascar	b
<i>Calumma parsonii</i>	Wild	All	Madagascar	b
<i>Calumma peyrierasi</i>	Wild	All	Madagascar	b
<i>Calumma tsaratananensis</i>	Wild	All	Madagascar	b
<i>Chamaeleo deremensis</i>	Wild	All	Tanzania	b
<i>Chamaeleo eisentrauti</i>	Wild	All	Cameroon	b
<i>Chamaeleo ellioti</i>	Wild	All	Burundi	b
<i>Chamaeleo gracilis</i>	Ranched	All	Togo	b
<i>Chamaeleo pfefferi</i>	Wild	All	Cameroon	b
<i>Chamaeleo werneri</i>	Wild	All	Tanzania	b
<i>Chamaeleo wiedersheimi</i>	Wild	All	Cameroon	b
<i>Furcifer angeli</i>	Wild	All	Madagascar	b
<i>Furcifer antimena</i>	Wild	All	Madagascar	b
<i>Furcifer balteatus</i>	Wild	All	Madagascar	b
<i>Furcifer belalandaensis</i>	Wild	All	Madagascar	b
<i>Furcifer bifidus</i>	Wild	All	Madagascar	b
<i>Furcifer campani</i>	Wild	All	Madagascar	b
<i>Furcifer labordi</i>	Wild	All	Madagascar	b
<i>Furcifer minor</i>	Wild	All	Madagascar	b
<i>Furcifer monoceras</i>	Wild	All	Madagascar	b
<i>Furcifer pardalis</i>	Ranched	All	Madagascar	b
<i>Furcifer petteri</i>	Wild	All	Madagascar	b
<i>Furcifer rhinocerotus</i>	Wild	All	Madagascar	b
<i>Furcifer tuzetae</i>	Wild	All	Madagascar	b
<i>Furcifer willsii</i>	Wild	All	Madagascar	b
<b>Gekkonidae</b>				
<i>Phelsuma abbotti</i>	Wild	All	Madagascar	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Phelsuma antanosy</i>	Wild	All	Madagascar	b
<i>Phelsuma barbouri</i>	Wild	All	Madagascar	b
<i>Phelsuma befotakensis</i>	Wild	All	Madagascar	b
<i>Phelsuma breviceps</i>	Wild	All	Madagascar	b
<i>Phelsuma cepedianana</i>	Wild	All	Madagascar	b
<i>Phelsuma chekei</i>	Wild	All	Madagascar	b
<i>Phelsuma comorensis</i>	Wild	All	Comores	b
<i>Phelsuma dubia</i>	Wild	All	Comores, Madagascar	b
<i>Phelsuma edwardnewtonii</i>	Wild	All	Mauritius	b
<i>Phelsuma flavigularis</i>	Wild	All	Madagascar	b
<i>Phelsuma guttata</i>	Wild	All	Madagascar	b
<i>Phelsuma klemmeri</i>	Wild	All	Madagascar	b
<i>Phelsuma laticauda</i>	Wild	All	Comores	b
<i>Phelsuma leiogaster</i>	Wild	All	Madagascar	b
<i>Phelsuma minuthi</i>	Wild	All	Madagascar	b
<i>Phelsuma modesta</i>	Wild	All	Madagascar	b
<i>Phelsuma mutabilis</i>	Wild	All	Madagascar	b
<i>Phelsuma pronki</i>	Wild	All	Madagascar	b
<i>Phelsuma pusilla</i>	Wild	All	Madagascar	b
<i>Phelsuma seippi</i>	Wild	All	Madagascar	b
<i>Phelsuma serraticauda</i>	Wild	All	Madagascar	b
<i>Phelsuma standingi</i>	Wild	All	Madagascar	b
<i>Phelsuma trilineata</i>	Wild	All	Madagascar	b
<i>Phelsuma v-nigra</i>	Wild	All	Comores	b
<b>Iguanidae</b>				
<i>Conolophus pallidus</i>	Wild	All	Ecuador	b
<i>Conolophus subcristatus</i>	Wild	All	Ecuador	b
<i>Iguana iguana</i>	Wild	All	El Salvador	b
<b>Cordylidae</b>				
<i>Cordylus tropidosternum</i>	Wild	All	Mozambique	b
<b>Helodermatidae</b>				
<i>Heloderma horridum</i>	Wild	All	Guatemala, Mexico	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Heloderma suspectum</i>	Wild	All	Mexico, United States of America	b
<b>Scincidae</b>				
<i>Corucia zebrata</i>	Wild	All	Solomon Islands	b
	Captive bred	All	Solomon Islands	b
<b>Varanidae</b>				
<i>Varanus albigularis</i>	Wild	All	Lesotho	b
<i>Varanus beccarii</i>	Wild	All	Indonesia	b
<i>Varanus bogerti</i>	Wild	All	Papua New Guinea	b
<i>Varanus dumerilii</i>	Wild	All	Indonesia	b
<i>Varanus exanthematicus</i>	Wild	All	Benin	b
	Ranched	All	Benin, Togo	b
<i>Varanus jobiensis</i> (synonym <i>V. karlschmidti</i> )	Wild	All	Indonesia	b
<i>Varanus niloticus</i>	Wild	All	Burundi, Mozambique	b
	Ranched	All	Benin, Togo	b
<i>Varanus rudicollis</i>	Wild	All	Philippines	b
<i>Varanus salvadorii</i>	Wild	All	Indonesia	b
<i>Varanus salvator</i>	Wild	All	China, India, Singapore	b
<i>Varanus telenesetes</i>	Wild	All	Papua New Guinea	b
<i>Varanus teriae</i>	Wild	All	Australia	b
<i>Varanus yemenensis</i>	Wild	All	Saudi Arabia, Yemen	b
<b>SERPENTES</b>				
<b>Pythonidae</b>				
<i>Morelia boeleni</i>	Wild	All	Indonesia	b
<i>Python molurus</i>	Wild	All	China	b
<i>Python reticulatus</i>	Wild	All	India, Malaysia (Peninsular), Singapore	b
<i>Python sebae</i>	Wild	All	Mauritania, Mozambique	b
	Ranched	All	Mozambique	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<b>Boidae</b>				
<i>Boa constrictor</i>	Wild	All	El Salvador, Honduras	b
<i>Calabaria reinhardtii</i>	Ranched	All	Benin, Togo	b
<i>Candoia bibroni</i>	Captive bred	All	Solomon Islands	b
<i>Candoia carinata</i>	Captive bred	All	Solomon Islands	b
<i>Eunectes deschauenseei</i>	Wild	All	Brazil	b
<i>Eunectes murinus</i>	Wild	All	Paraguay	b
<i>Eryx colubrinus</i>	Wild	All	Tanzania	b
<b>Colubridae</b>				
<i>Ptyas mucosus</i>	Wild	All, except specimens from the marked and registered stockpiles of 102 285 skins that were acquired before 30 September 1993 provided that the CITES secretariat has confirmed the validity of the Indonesian export permit	Indonesia	b
<b>AMPHIBIA</b>				
<b>ANURA</b>				
<b>Dendrobatidae</b>				
<i>Dendrobates auratus</i>	Wild	All	Nicaragua	b
<i>Dendrobates pumilio</i>	Wild	All	Nicaragua	b
<i>Dendrobates tinctorius</i>	Wild	All	Surinam	b
<b>Ranidae</b>				
<i>Conraua goliath</i>	Wild	All	Cameroon	b
<i>Mantella baroni</i> (syn. <i>Phrynomantis maculatus</i> )	Wild	All	Madagascar	b
<i>Mantella aff. baroni</i>	Wild	All	Madagascar	b
<i>Mantella bernhardi</i>	Wild	All	Madagascar	b
<i>Mantella cowani</i>	Wild	All	Madagascar	b
<i>Mantella crocea</i>	Wild	All	Madagascar	b
<i>Mantella expectata</i>	Wild	All	Madagascar	b
<i>Mantella haraldmeieri</i> (syn. <i>M. madagascariensis haraldmeieri</i> )	Wild	All	Madagascar	b
<i>Mantella laevigata</i>	Wild	All	Madagascar	b
<i>Mantella madagascariensis</i>	Wild	All	Madagascar	b
<i>Mantella manery</i>	Wild	All	Madagascar	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Mantella milotympanum</i> (syn. <i>M. aurantiaca milotympanum</i> )	Wild	All	Madagascar	b
<i>Mantella nigricans</i> (syn. <i>M. cowani nigricans</i> )	Wild	All	Madagascar	b
<i>Mantella pulchra</i>	Wild	All	Madagascar	b
<i>Mantella viridis</i>	Wild	All	Madagascar	b
<i>Rana catesbeiana</i>	All	Live	All	d
<b>ARTHROPODA</b>				
ARACHNIDA				
ARANEAE				
<b>Theraphosidae</b>				
<i>Brachypelma albopilosum</i>	Wild	All	Nicaragua	b
<b>INSECTA</b>				
LEPIDOPTERA				
<b>Papilionidae</b>				
<i>Ornithoptera croesus</i>	Wild	All	Indonesia	b
<i>Ornithoptera tithonus</i>	Wild	All	Indonesia	b
<i>Ornithoptera urvillianus</i>	Wild	All	Solomon Islands	b
<i>Ornithoptera victoriae</i>	Wild	All	Solomon Islands	b
<i>Troides andromache</i>	Wild	All	Indonesia	b
	Ranched	All	Indonesia	b
<b>MOLLUSCA</b>				
BIVALVIA				
VENEROIDA				
<b>Tridacnidae</b>				
<i>Hippopus hippopus</i>	Wild	All	New Caledonia	b
<i>Tridacna crocea</i>	Wild	All	Vietnam	b
<i>Tridacna derasa</i>	Wild	All	Tonga, New Caledonia, Philippines, Palau	b
<i>Tridacna gigas</i>	Wild	All	Micronesia, Fiji, Indonesia, Marshall Islands, Palau, Papua New Guinea, Vanuatu	b
<i>Tridacna maxima</i>	Wild	All	New Caledonia	b
<i>Tridacna squamosa</i>	Wild	All	New Caledonia, Tonga, Vietnam	b
MESOGASTROPODA				
<b>Strombidae</b>				
<i>Strombus gigas</i>	Wild	All	Antigua and Barbuda, Barbados, Dominica, Haiti (specimens < 23 cm), Trinidad and Tobago	b



Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<b>CNIDARIA</b>				
<b>SCLERACTINIA</b>				
<b>Acroporidae</b>				
<i>Montipora caliculata</i>	Wild	All	Tonga	b
<b>Caryophylliidae</b>				
<i>Catalaphyllia jardinei</i>	Wild	All	Indonesia	b
<b>FLORA</b>				
<b>Amaryllidaceae</b>				
<i>Galanthus nivalis</i>	Wild	All	Bosnia and Herzegovina, Bulgaria, Czech Republic, Switzerland, Ukraine	b
<b>Apocynaceae</b>				
<i>Pachypodium inopinatum</i>	Wild	All	Madagascar	b
<b>Euphorbiaceae</b>				
<i>Euphorbia millotii</i>	Wild	All	Madagascar	b
<b>Orchidaceae</b>				
<i>Anacamptis pyramidalis</i>	Wild	All	Estonia, Slovakia, Switzerland, Turkey	b
<i>Barlia robertiana</i>	Wild	All	Malta, Turkey	b
<i>Cephalanthera damasonium</i>	Wild	All	Poland, Slovakia	b
<i>Cephalanthera rubra</i>	Wild	All	Latvia, Lithuania, Norway, Poland, Slovakia	b
<i>Cypripedium japonicum</i>	Wild	All	China, Democratic People's Republic of Korea, Japan, Republic of Korea	b
<i>Cypripedium macranthos</i>	Wild	All	Republic of Korea, Russia	b
<i>Cypripedium margaritaceum</i>	Wild	All	China	b
<i>Cypripedium micranthum</i>	Wild	All	China	b
<i>Dactylorhiza fuchsii</i>	Wild	All	Czech Republic, Poland	b
<i>Dactylorhiza incarnata</i>	Wild	All	Norway, Slovakia	b
<i>Dactylorhiza latifolia</i>	Wild	All	Norway, Poland, Slovakia	b
<i>Dactylorhiza maculata</i>	Wild	All	Czech Republic, Lithuania,	b
<i>Dactylorhiza romana</i>	Wild	All	Turkey	b
<i>Dactylorhiza russowii</i>	Wild	All	Lithuania, Norway, Poland	b
<i>Dactylorhiza traunsteineri</i>	Wild	All	Liechtenstein, Poland	b
<i>Gymnadenia conopsea</i>	Wild	All	Czech Republic, Lithuania, Slovakia	b
<i>Himantoglossum hircinum</i>	Wild	All	Czech Republic, Hungary, Switzerland	b
<i>Nigritella nigra</i>	Wild	All	Norway	b
<i>Ophrys apifera</i>	Wild	All	Hungary	b
<i>Ophrys holoserica</i>	Wild	All	Turkey	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Ophrys insectifera</i>	Wild	All	Czech Republic, Hungary, Latvia, Liechtenstein, Norway, Romania, Slovakia	b
<i>Ophrys pallida</i>	Wild	All	Algeria	b
<i>Ophrys scolopax</i>	Wild	All	Hungary	b
<i>Ophrys sphegodes</i>	Wild	All	Hungary, Romania, Switzerland	b
<i>Ophrys tenthredinifera</i>	Wild	All	Malta, Turkey	b
<i>Ophrys umbilicata</i>	Wild	All	Turkey	b
<i>Orchis coriophora</i>	Wild	All	Poland, Russia, Switzerland	b
<i>Orchis italica</i>	Wild	All	Malta, Turkey	b
<i>Orchis laxiflora</i>	Wild	All	Switzerland	b
<i>Orchis mascula</i>	Wild	All	Estonia, Lithuania, Poland	b
	Wild/ Ranched	All	Albania	b
<i>Orchis militaris</i>	Wild	All	Lithuania, Poland, Slovakia	b
<i>Orchis morio</i>	Wild	All	Estonia, Lithuania, Poland, Slovakia, Turkey	b
<i>Orchis pallens</i>	Wild	All	Hungary, Poland, Russia, Slovakia	b
<i>Orchis papilionacea</i>	Wild	All	Romania, Slovenia	b
<i>Orchis provincialis</i>	Wild	All	Switzerland	b
<i>Orchis punctulata</i>	Wild	All	Turkey	b
<i>Orchis purpurea</i>	Wild	All	Poland, Slovakia, Switzerland, Turkey	b
<i>Orchis simia</i>	Wild	All	Bosnia and Herzegovina, Croatia, Macedonia, Romania, Slovenia, Switzerland, Turkey	b
<i>Orchis tridentata</i>	Wild	All	Czech Republic, Slovakia, Turkey	b
<i>Orchis ustulata</i>	Wild	All	Estonia, Latvia, Lithuania, Poland, Russia, Slovakia	b
<i>Serapias cordigera</i>	Wild	All	Turkey	b
<i>Serapias lingua</i>	Wild	All	Malta	b
<i>Serapias parviflora</i>	Wild	All	Turkey	b
<i>Serapias vomeracea</i>	Wild	All	Malta, Switzerland, Turkey	b
<i>Spiranthes spiralis</i>	Wild	All	Czech Republic, Liechtenstein, Poland, Switzerland	b
<b>Primulaceae</b>				
<i>Cyclamen intaminatum</i>	Wild	All	Turkey	b
<i>Cyclamen mirabile</i>	Wild	All	Turkey	b
<i>Cyclamen pseudibericum</i>	Wild	All	Turkey	b
<i>Cyclamen trochopteranthum</i>	Wild	All	Turkey	b

**COMMISSION REGULATION (EC) No 777/2004****of 26 April 2004****adapting several regulations concerning the cereal market by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to the Act of Accession of Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57(2) thereof,

Whereas:

- (1) Certain technical amendments are needed to several Commission regulations governing the common organisation of the market in cereals in order to make the necessary adaptations to prepare for the accession of Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as 'the new Member States') to the European Union.
- (2) A number of regulations in the cereals sector provide for wordings in all the Community languages. These wordings should therefore be added in the languages of the new Member States, and Commission Regulations (EEC) No 2622/71 <sup>(1)</sup>, (EEC) No 2131/93 <sup>(2)</sup>, (EC) No 1501/95 <sup>(3)</sup>, (EC) No 1839/95 <sup>(4)</sup>, (EC) No 2369/96 <sup>(5)</sup>, (EC) No 2402/96 <sup>(6)</sup>, (EC) No 2449/96 <sup>(7)</sup>, (EC) No 2390/98 <sup>(8)</sup>, (EC) No 2375/2002 <sup>(9)</sup>, (EC) No 2377/2002 <sup>(10)</sup>, (EC) No 573/2003 <sup>(11)</sup>, (EC) No 958/2003 <sup>(12)</sup>, (EC) No 1342/2003 <sup>(13)</sup> and (EC) No 2305/2003 <sup>(14)</sup> should therefore be amended accordingly.

- (3) With Slovenia's accession, Koper becomes a Community port. The derogation provided for in Article 2a of Regulation (EEC) No 2131/1993 is no longer needed and should therefore be deleted.
- (4) With the accession of Cyprus and Malta, the derogations provided for in Article 13a(3) of Regulation (EC) No 1501/95 are no longer needed and should therefore be deleted.
- (5) Commission Regulation (EC) No 1249/96 <sup>(15)</sup> provides for a flat-rate adjustment to import duties, in particular for the Scandinavian countries, to take account of the differences in freight costs by port of destination. That measure should be extended to include the Baltic ports of the new Member States.
- (6) For the purposes of barley cultivation, the weather and agronomic conditions in Estonia and Latvia are comparable to those in Finland and Sweden. Commission Regulation (EC) No 824/2000 of 19 April 2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals <sup>(16)</sup> should therefore provide that the same conditions are to apply to the taking-over of cereals by intervention agencies in the case of these two new Member States as for Finland and Sweden.
- (7) After accession, the Community tariff quotas involving Hungary provided for in Commission Regulation (EC) No 2133/2001 <sup>(17)</sup> will lapse. The references to those quotas should therefore be deleted.
- (8) Following the conclusion of trade agreements with the new Member States, Regulation (EC) No 1342/2003 lays down a specific procedure for exports of cereal products to those countries. With accession, those provisions lapse and should therefore be deleted.

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 of Regulation (EEC) No 2622/71 is hereby replaced by the following:

<sup>(1)</sup> OJ L 271, 10.12.1971, p. 22. Regulation as last amended by Regulation (EEC) No 560/91 (OJ L 62, 8.3.1991, p. 26).  
<sup>(2)</sup> OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 1630/2000 (OJ L 187, 26.7.2000, p. 24).  
<sup>(3)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).  
<sup>(4)</sup> OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2000 (OJ L 256, 10.10.2000, p. 13).  
<sup>(5)</sup> OJ L 323, 13.12.1996, p. 8. Regulation amended by Regulation (EC) No 630/97 (OJ L 96, 11.4.1997, p. 5).  
<sup>(6)</sup> OJ L 327, 18.12.1996, p. 14.  
<sup>(7)</sup> OJ L 333, 21.12.1996, p. 14. Regulation as amended by Regulation (EC) No 2780/1999 (OJ L 334, 28.12.1999, p. 20).  
<sup>(8)</sup> OJ L 297, 6.11.1998, p. 7.  
<sup>(9)</sup> OJ L 358, 31.12.2002, p. 88. Regulation as last amended by Regulation (EC) No 1111/2003 (OJ L 58, 27.6.2003, p. 21).  
<sup>(10)</sup> OJ L 358, 31.12.2002, p. 95. Regulation as last amended by Regulation (EC) No 1112/2003 (OJ L 58, 27.6.2003, p. 23).  
<sup>(11)</sup> OJ L 82, 29.3.2003, p. 25.  
<sup>(12)</sup> OJ L 136, 4.6.2003, p. 3.  
<sup>(13)</sup> OJ L 189, 29.7.2003, p. 12.  
<sup>(14)</sup> OJ L 342, 30.12.2003, p. 7.

<sup>(15)</sup> OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 58, 27.6.2003, p. 12).  
<sup>(16)</sup> OJ L 100, 20.4.2000, p. 31. Regulation as last amended by Regulation (EC) No 336/2003 (OJ L 49, 22.02.2003, p. 6).  
<sup>(17)</sup> OJ L 287, 31.10.2001, p. 12.

## ‘Article 1

Proof that the special export tax mentioned in Articles 2 and 3 of Regulation (EEC) No 1234/71 has been paid shall be furnished to the competent authority of the importing Member State by presentation of movement certificate A.TR.1. In that case, one of the following entries shall be made in the “Remarks” section by the competent authority:

- Tasa especial aplicable a la exportación según el Reglamento (CEE) nº 1234/71 satisfecha con la suma de ...
- Zvláštní vývozní poplatek podle nařízení č. 1234/71 zaplacen ve výši ...
- Særlig udførselsafgift i henhold til forordning (EØF) nr. 1234/71, betalt med et beløb på ...
- Besondere Ausfuhrabgabe gemäß Verordnung (EWG) Nr. 1234/71 in Höhe von ... entrichtet
- Ekspordi erimaks makstud summas ... vastavalt määru-sele (EMÜ) nr 1234/71
- Ειδικός φόρος κατά την εξαγωγή σύμφωνα με τον κανο-νισμό (ΕΟΚ) αριθ. 1234/71 που πληρώθηκε για ποσό ...
- Special export tax under Regulation (EEC) No 1234/71 paid to an amount of ...
- Taxe spéciale à l'exportation selon le règlement (CEE) nº 1234/71 acquittée pour un montant de ...
- Az 1234/71/EGK rendelet szerinti különleges exportadó ... összegben megfizetve
- Tassa speciale per l'esportazione pagata, secondo rego-lamento (CEE) n. 1234/71, per un importo di ...
- Vadovaujantis reglamentu (EEB) Nr. 1234/71, sumo-kėtas ... dydžio specialusis eksporto mokestis.
- Saskaņā ar regulu (EEK) Nr. 1234/71, samaksāta speciālā izvešanas nodeva ... apmērā
- Taxxa speċjali fuq l-esportazzjoni, skond ir-Regolament (KEE) Nru 1234/71, imħallsa għall-ammont ta' ...
- Speciale heffing bij uitvoer bedoeld in Verordening (EEG) nr. 1234/71 ten bedrage van ... voldaan
- Specjalny podatek eksportowy według rozporządzenia (EWG) nr 1234/71 zapłacony w wysokości ...
- Imposição especial de exportação, nos termos do Regu-lamento (CEE) n.º 1234/71, paga num montante de ...
- Osobitný vývozný poplatok podľa nariadenia (EHS) č. 1234/71 vo výške ...
- Posebni izvozni davek v Uredbi št. 1234/71, plačilo za znesek ...
- Asetuksen (ETY) N:o 1234/71 mukainen erityisvienti-vero määrältään ...
- Särskild exportskatt i enlighet med förordning (EEG) nr 1234/71, betalt med ett belopp på ...'

## Article 2

Regulation (EEC) No 2131/93 is hereby amended as follows:

1. The second sentence of Article 7(2a) is deleted.
2. The entries in the second indent of Article 17(3) are replaced by the following:
  - ‘— Exportación de cereales por vía marítima; artículo 17 del Reglamento (CEE) nº 2131/93
  - Vývoz obilovin po moři — čl. 17 nařízení (EHS) č. 2131/93
  - Eksport af korn ad søvejen — Artikel 17 i forordning (EØF) nr. 2131/93
  - Getreideausfuhr auf dem Seeweg — Verordnung (EWG) Nr. 2131/93 Artikel 17
  - Teravilja eksport meritsi — määruse (EMÜ) nr 2131/93 artikkel 17
  - Εξαγωγή σιτηρών διά θαλάσσης — Άρθρο 17 του κανο-νισμού (ΕΟΚ) αριθ. 2131/93
  - Export of cereals by sea — Article 17 of Regulation (EEC) No 2131/93
  - Exportation de céréales par voie maritime — Règlement (CEE) nº 2131/93, article 17
  - Gabonafélék exportja tengeri úton — 2131/93/EGK rendelet 17. cikk
  - Esportazione di cereali per via marittima — articolo 17 del regolamento (CEE) n. 2131/93
  - Grūdų eksportas jūra — reglamento (EEB) Nr. 2131/93 17 straipsnis
  - Graudu izvešana pa jūras ceļiem — regulas (EEK) Nr. 2131/93 17. pants
  - Esportazzjoni ta' ċereali bil-baħar — Artikolu 17 tar-Regolament (KEE) Nru 2131/93
  - Uitvoer van graan over zee — Artikel 17 van Veror-dening (EEG) nr. 2131/93
  - Wywóz zbóż drogą morską — Art. 17 rozporządzenia (EWG) nr 2131/93
  - Exportação de cereais por via marítima — artigo 17.º do Regulamento (CEE) n.º 2131/93
  - Vývoz obilnín po mori — článok 17 nariadenia (EHS) č. 2131/93
  - Izvoz žit s pomorskim prometom - člen 17 Uredbe (EGS) št. 2131/93
  - Viljan vienti meriteitse — Asetus (ETY) N:o 2131/93 17 artikla
  - Export av spannmål genom sjötransport — Artikel 17 i förordning (EEG) nr 2131/93'

3. The entries in the second paragraph of Article 17a are replaced by the following:

- Exportación de cereales por vía marítima; artículo 17 bis del Reglamento (CEE) n° 2131/93
- Vývoz obilovin po moři — čl. 17a nařízení (EHS) č. 2131/93
- Eksport af korn ad søvejen — Artikel 17a i forordning (EØF) nr. 2131/93
- Ausfuhr von Getreide auf dem Seeweg — Verordnung (EWG) Nr. 2131/93 Artikel 17a
- Teravilja eksport meritsi — määruse (EMÜ) nr 2131/93 artikkel 17a
- Η εξαγωγή των σιτηρών διά θαλασσίας οδού — Κανονισμός (ΕΟΚ) αριθ. 2131/93 άρθρο 17 α
- Export of cereals by sea — Article 17a of Regulation (EEC) No 2131/93
- Exportation de céréales par voie maritime — Règlement (CEE) n° 2131/93, article 17 bis
- Gabonafélék exportja tengeri úton — 2131/93/EKG rendelet 17a. cikk
- Esportazione di cereali per via marittima — Regolamento (CEE) n. 2131/93, articolo 17 bis
- Grūdų eksportas jūra — reglamento (EEB) Nr. 2131/93 17a straipsnis
- Graudu izvešana pa jūras ceļiem — regulas (EEK) Nr. 2131/93 17.a pants
- Esportazzjoni ta' ċereali bil-baħar — Artikolu 17a tar-Regolament (KEE) Nru 2131/93
- Uitvoer van graan over zee — Verordening (EEG) nr. 2131/93, artikel 17 bis
- Wywóz zbóż drogą morską — Art. 17a rozporządzenia (EWG) nr 2131/93
- Exportação de cereais por via marítima — Artigo 17.º A, Regulamento (CEE) n.º 2131/93
- Vývoz obilnín po mori — článok 17a nariadenia (EHS) č. 2131/93
- Izvoz žit s pomorskim prometom - člen 17a Uredbe (EGS) št. 2131/93
- Viljan venti meriteitse — Asetus (ETY) N:o 2131/93 17a artikla
- Export av spanmål sjövägen — Artikel 17a i förordning (EEG) nr 2131/93

#### Article 3

Regulation (EC) No 1501/95 is hereby amended as follows:

1. The entries in the second paragraph of Article 13 are replaced by the following:

- Exportación de cereales por vía marítima; artículo 13 del Reglamento (CE) n° 1501/95
- Vývoz obilovin po moři — čl. 13 nařízení (ES) č. 1501/95

- Eksport af korn ad søvejen — Artikel 13 i forordning (EF) nr. 1501/95
- Ausfuhr von Getreide auf dem Seeweg — Verordnung (EG) Nr. 1501/95 Artikel 13
- Teravilja eksport meritsi — määruse (EÜ) nr 1501/95 artikkel 13
- Εξαγωγή σιτηρών διά θαλάσσης — Άρθρο 13 του κανονισμού (ΕΚ) αριθ. 1501/95
- Export of cereals by sea — Article 13 of Regulation (EC) No 1501/95
- Exportation de céréales par voie maritime — Règlement (CE) n° 1501/95, article 13
- Esportazione di cereali per via marittima — Regolamento (CE) n. 1501/95, articolo 13
- Gabonafélék exportja tengeri úton — 1501/95/EK rendelet 13. cikk
- Grūdų eksportas jūra — reglamento (EB) Nr. 1501/95 13 straipsnis
- Graudu izvešana pa jūras ceļiem — regulas (EK) Nr. 1501/95 13. pants
- Esportazzjoni ta' ċereali bil-baħar — Artikolu 13 tar-Regolament (KE) Nru 1501/95
- Uitvoer van graan over zee — Verordening (EG) nr. 1501/95, artikel 13
- Wywóz zbóż drogą morską — Art. 13 rozporządzenia (WE) nr 1501/95
- Exportação de cereais por via marítima — Artigo 13.º, Regulamento (CE) n.º 1501/95
- Vývoz obilnín po mori — článok 13 nariadenia (ES) č. 1501/95
- Izvoz žit s pomorskim prometom - člen 13 Uredbe (EGS) št. 1501/95
- Viljan venti meriteitse — Asetus (EY) N:o 1501/95 13 artikla
- Export av spannmål sjövägen — Artikel 13 i förordning (EG) nr 1501/95

2. Article 13a(3) is deleted.

#### Article 4

Article 8(2) of Regulation (EC) No 1839/95 is hereby replaced by the following:

- ‘2. Licence applications and the licences themselves shall carry one of the following entries in box 24:
  - Reducción del derecho: certificado válido únicamente en España [Reglamento (CE) n° 1839/95]
  - Reducción del derecho: certificado válido únicamente en Portugal [Reglamento (CE) n° 1839/95]
  - Snížení cla: licence platná pouze ve Španělsku [nařízení (ES) č. 1839/95]



- Snížení cla: licence platná pouze v Portugalsku [nařízení (ES) č. 1839/95]
- Nedsættelse af tolden: licensen er kun gyldig i Spanien (Forordning (EF) nr. 1839/95)
- Nedsættelse af tolden: licensen er kun gyldig i Portugal (Forordning (EF) nr. 1839/95)
- Ermäßigte Abgabe: Lizenz nur in Spanien gültig (Verordnung (EG) Nr. 1839/95)
- Ermäßigte Abgabe: Lizenz nur in Portugal gültig (Verordnung (EG) Nr. 1839/95)
- Tollimaksu vähendamise: litsents kehtib ainult Hispaanias (määrus (EÜ) nr 1839/95)
- Tollimaksu vähendamise: litsents kehtib ainult Portugalis (määrus (EÜ) nr 1839/95)
- Μείωση του δασμού: πιστοποιητικό που ισχύει μόνο στην Ισπανία [κανονισμός (ΕΚ) αριθ. 1839/95]
- Μείωση του δασμού: πιστοποιητικό που ισχύει μόνο στην Πορτογαλία [κανονισμός (ΕΚ) αριθ. 1839/95]
- Duty reduction: licence valid only in Spain (Regulation (EC) No 1839/95)
- Duty reduction: licence valid only in Portugal (Regulation (EC) No 1839/95)
- Abatement du droit: certificat valable uniquement en Espagne [règlement (CE) n° 1839/95]
- Abatement du droit: certificat valable uniquement au Portugal [règlement (CE) n° 1839/95]
- Vámcsökkentés: az engedély kizárólag Spanyolországban érvényes (1839/95/EK rendelet)
- Vámcsökkentés: az engedély kizárólag Portugáliában érvényes (1839/95/EK rendelet)
- Riduzione del dazio: titolo valido unicamente in Spagna [regolamento (CE) n. 1839/95]
- Riduzione del dazio: titolo valido unicamente in Portogallo [regolamento (CE) n. 1839/95]
- Muito sumažinimas: licencija galioja tik Ispanijoje [Reglamentas (EB) Nr. 1839/95]
- Muito sumažinimas: licencija galioja tik Portugalijoje [Reglamentas (EB) Nr. 1839/95]
- Muitas samazinājums: licence ir derīga tikai Spānijā [Regula (EK) Nr. 1839/95]
- Muitas samazinājums: licence ir derīga tikai Portugālē [Regula (EK) Nr. 1839/95]
- Tnaqqis tad-dazju: liċenzja valida biss fi Spanja [Regolament (KE) Nru 1839/95]
- Tnaqqis tad-dazju: liċenzja valida biss fil-Portugall [Regolament (KE) Nru 1839/95]
- Korting op het invoerrecht: certificaat uitsluitend geldig in Spanje (Verordening (EG) nr. 1839/95)
- Korting op het invoerrecht: certificaat uitsluitend geldig in Portugal (Verordening (EG) nr. 1839/95)
- Obniżenie stawki celnej: pozwolenie ważne wyłącznie w Hiszpanii (rozporządzenie (WE) nr 1839/95)
- Obniżenie stawki celnej: pozwolenie ważne wyłącznie w Portugalii (rozporządzenie (WE) nr 1839/95)
- Redução do direito: certificado válido apenas em Espanha [Regulamento (CE) n.º 1839/95]
- Redução do direito: certificado válido apenas em Portugal [Regulamento (CE) n.º 1839/95]
- Zníženie cla: licencia platná iba v Španielsku [Nariadenie (ES) č. 1839/95]
- Zníženie cla: licencia platná iba v Portugalsku [Nariadenie (ES) č. 1839/95]
- Znižanje dajatve: dovoljenje veljavno samo v Španiji (Uredba (ES) št. 1839/95)
- Znižanje dajatve: dovoljenje veljavno samo v Portugalski (Uredba (ES) št. 1839/95)
- Tullinalennus: todistus voimassa ainoastaan Espanjassa (Asetus (EY) N:o 1839/95)
- Tullinalennus: todistus voimassa ainoastaan Portugalissa (Asetus (EY) N:o 1839/95)
- Nedsättning av tull: intyg endast gällande i Spanien (Förordning (EG) nr 1839/95)
- Nedsättning av tull: intyg endast gällande i Portugal (Förordning (EG) nr 1839/95)

#### Article 5

The third indent of Article 2(4) of Regulation (EC) No 1249/96 is hereby replaced by the following:

‘ports in Denmark, Estonia, Latvia, Lithuania, Poland, Finland and Sweden, and for goods arriving via the Atlantic Ocean, the Commission shall reduce the import duty by EUR 2 per tonne.’

#### Article 6

Regulation (EC) No 2369/96 is hereby amended as follows:

1. The fourth indent in Article 4 is replaced by the following:

‘in box 20, one of the following entries:

- Regulamento (CE) n° 2369/96
- Nařízení (ES) č. 2369/96
- Forordning (EF) nr. 2369/96
- Verordnung (EG) Nr. 2369/96
- Määrus (EÜ) nr 2369/96
- Kanonismós (ΕΚ) αριθ. 2369/96
- Regulation (EC) No 2369/96
- Règlement (CE) n° 2369/96
- 2369/96/EK rendelet

- Regolamento (CE) n. 2369/96
- Reglamentas (EB) Nr. 2369/96
- Regula (EK) Nr. 2369/96
- Regolament (KE) Nru 2369/96
- Verordening (EG) nr. 2369/96
- Rozporządzenie (WE) nr 2369/96
- Regulamento (CE) n.º 2369/96
- Nariadenie (ES) č. 2369/96
- Uredba (ES) št. 2369/96
- Asetus (EY) N:o 2369/96
- Förordning (EG) nr 2369/96

2. The fifth indent in Article 4 is replaced by the following:

‘— in box 24, one of the following entries:

- Derecho cero. Contingente arancelario de granos de avena trabajados de otra forma del código NC 1104 22 98
- Nulové clo. Celní kvóta pro jinak zpracovaná ovesná zrna spadající pod kód KN 1104 22 98
- Toldfritagelse. Toldkontingent for havrekerner, bearbejdet på anden måde, i KN-kode 1104 22 98
- Nullsatz. Zollkontingent für anders bearbeiteten Hafer des KN-Codes 1104 22 98
- Tollimaksuta. CN koodi 1104 22 98 alla kuuluvate muul viisil töödeldud kaeraterade tariifikvoot
- Δασμός μηδέν. Δασμολογική ποσόστωση σπόρων βρώμης αλλιώς επεξεργασμένων των κωδικών ΣΟ 1104 22 98
- Zero duty. Tariff quota for oats grains otherwise worked falling within CN code 1104 22 98
- Droit zéro. Contingent tarifaire de grains d'avoine autrement travaillés du code NC 1104 22 98
- Nulla vám-tétel. A 1104 22 98 KN-kód alá tartozó másképp megmunkált zabra vonatkozó vámkontingens
- Dazio zero. Contingente tariffario di cereali di avena altrimenti lavorati dei codici NC 1104 22 98
- Nulinis muitas. Tarifinė kvota kitaip apdirbtiems avių grūdams, kuriuos apibūdina KN kodas 1104 22 98
- Nulles muita. Tarifu kvota citādi apstrādātiem auzu graudiem, ko raksturo KN kods 1104 22 98
- Dazju zero. Kwota ta' tariffa għaż-żerriegħa tal-ħafur maħduma mod ieħor li taqa' taħt il-kodiċi NM 1104 22 98
- Nulrecht. Tariefcontingent voor op andere wijze bewerkte haver van de GN-code 1104 22 98
- Zerowa stawka celna. Kontyngent taryfowy na ziarna owsa obrobione w inny sposób, oznaczone kodem CN 1104 22 98
- Direito igual a zero. Contingente pautal de grãos de aveia trabalhados de outro modo, do código NC 1104 22 98
- Nulové clo. Colná kvóta pre inak spracované zrná z ovsá, spadajúce pod kód KN 1104 22 98
- Brez carinske dajatve. Tarifna kvota za zrnje ovsá, ki spada pod KN oznako 1104 22 98
- Tulliton. CN-koodeihin 1104 22 98 kuuluvien muulla tavoin käsiteltyjen kauranjyvien kiintiö
- Tullisats 0. Tullkvot för korn av havre bearbeta på annat sätt med KN-nummer 1104 22 98'

Article 7

Article 4(2) of Regulation (EC) No 2402/96 is hereby replaced by the following:

‘2. Box 24 of licences shall show one of the following:

- Exención del derecho de aduana [artículo 4 del Reglamento (CE) n° 2402/96]
- Osvobozené od cla [čl. 4 nařízení (ES) č. 2402/96]
- Fritagelse for toldsatser (artikel 4 i forordning (EF) nr. 2402/96)
- Zollfrei (Artikel 4 der Verordnung (EG) Nr. 2402/96)
- Tollimaksuvaba (määruse (EÜ) nr 2402/96 artikkel 4)
- Απαλλαγή από τον τελωνειακό δασμό [άρθρο 4 του κανονισμού (ΕΚ) αριθ. 2402/96]
- Exemption from customs duty (Article 4 of Regulation (EC) No 2402/96)
- Exemption du droit de douane [article 4 du règlement (CE) n° 2402/96]
- Vámmentesség (2402/96/EK rendelet 4. cikk)
- Esenzione dal dazio doganale [articolo 4 del regolamento (CE) n. 2402/96]
- Atleidimas nuo muito mokesčio (reglamento (EB) Nr. 2402/96 4 straipsnis)
- Atbrīvošana no muitas nodevas (regulas (EK) Nr. 2402/96 4. pants)
- Eženzjoni mid-dazju doganali [Artikolu 4 tar-Regolament (KE) Nru 2402/96]
- Vrijgesteld van douanerecht (artikel 4 van Verordening (EG) nr. 2402/96)
- Zwolnienie z należności celnych (Art. 4 rozporządzenia (WE) nr 2402/96)
- Isenção de direito aduaneiro [artigo 4.º do Regulamento (CE) n.º 2402/96]
- Oslobodenie od cla (článok 4 nariadenia (ES) č. 2402/96)
- Oproščeno carinske dajatve (člen 4 Uredbe (ES) št. 2402/96)
- Tullivapaa (asetuksen (EY) N:o 2402/96 4 artikla)
- Tullfri (artikel 4 i förordning (EG) nr 2402/96)



## Article 8

Regulation (EC) No 2449/96 is hereby amended as follows:

1. Article 6(b) shall be replaced by the following:

‘(b) in box 24, one of the following entries:

- Derechos de aduana limitados al 6 % *ad valorem* [Reglamento (CE) n° 2449/96]
- Clo limitováno 6 % *ad valorem* (nařízení (ES) č. 2449/96)
- Toldsatsen begrænses til 6 % af værdien (Forordning (EF) nr. 2449/96)
- Beschränkung des Zolls auf 6 % des Zollwerts (Verordnung (EG) Nr. 2449/96)
- Väärtuseline tollimaks 6 % (määrus (EÜ) nr 2449/96)
- Τελωνειακός δασμός κατ' ανώτατο όριο 6 % κατ' αξία [Κανονισμός (ΕΚ) αριθ. 2449/96]
- Customs duties limited to 6 % *ad valorem* (Regulation (EC) No 2449/96)
- Droits de douane limités à 6 % *ad valorem* [règlement (CE) n° 2449/96]
- Csökkentett, 6 %-os értékvám (2449/96/EK rendelet)
- Dazi doganali limitati al 6 % *ad valorem* [Regolamento (CE) n. 2449/96]
- Muito mokestis neviršija 6 % *ad valorem* (reglamentas (EB) Nr. 2449/96)
- Muitas nodokļi nepārsniedz limitu 6 % *ad valorem* (regula (EK) Nr. 2449/96)
- Dazji doganali limitati għal 6 % *ad valorem* [Regolament (KE) Nru 2449/96]
- Douanerechten beperkt tot 6 % *ad valorem* (Verordening (EG) nr. 2449/96)
- Należności celne obniżone do 6 % *ad valorem* (rozporządzenie (WE) nr 2449/96)
- Direitos aduaneiros limitados a 6 % *ad valorem* [Reglamento (CE) n.º 2449/96]
- Clo limitované vo výške 6 % *ad valorem* (Nariadenie (ES) č. 2449/96)
- Omejene carinske dajatve do 6 % vrednosti (Uredba (ES) št. 2449/96)
- Arvotulli rajoitettu 6 prosenttiin (asetus (EY) N:o 2449/96)
- Tullsatsen begränsad till 6 % av värdet (Förordning (EG) nr 2449/96)

2. The entries in the third subparagraph of Article 10(2) are replaced by the following:

- ‘— Certificado complementario, apartado 2 del artículo 10 del Reglamento (CE) n° 2449/96
- Dovozní licence pro dodatečné množství, čl. 10 ods. 2 nařízení (ES) č. 2449/96

- Supplerende licens, forordning (EF) nr. 2449/96, artikel 10, stk. 2
- Zusätzliche Lizenz — Artikel 10 Absatz 2 der Verordnung (EG) Nr. 2449/96
- Täiendav impordilitsents üleliigse koguse kohta, määruse (EÜ) nr 2449/96 artikli 10 lõige 2
- Συμπληρωματικό πιστοποιητικό — Άρθρο 10 παράγραφος 2 του κανονισμού (ΕΚ) αριθ. 2449/96
- Licence for additional quantity, Article 10(2) of Regulation (EC) No 2449/96
- Certificat complémentaire, règlement (CE) n° 2449/96, article 10, paragraphe 2
- Kiegészítő engedély, 2449/96/EK rendelet 10. cikk (2) bek.
- Titolo complementare, regolamento (CE) n. 2449/96, articolo 10, paragrafo 2
- Licencija papildomam kiekiui, reglamento (EB) Nr. 2449/96 10 straipsnio 2 dalis
- Licence papildu daudzumam, regulas (EK) Nr. 2449/96 10. panta 2. daļa
- Ličenžja għal kwantita addizzjonali, Artikolu 10(2) tar-Regolament (KE) Nru 2449/96
- Aanvullend certificaat — artikel 10, lid 2, van Verordening (EG) nr. 2449/96
- Pozwolenie uzupełniające, art. 10 ust. 2 rozporządzenia (WE) nr 2449/96
- Certificado complementar, n.º 2 do artigo 10.º do Regulamento (CE) n.º 2449/96
- Licencia pre dodatkové množstvo, článok 10 odsek 2 nariadenia (ES) č. 2449/96
- Nadomestilo za dodatno količino, člen 10(2) Uredbe (ES) št. 2449/96
- Lisätodistus, asetus (EY) N:o 2449/96, 10 artiklan 2 kohta
- Kompletterande licens, artikel 10.2 i förordning (EG) nr 2449/96

## Article 9

Regulation (EC) No 2390/98 is hereby amended as follows:

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

‘2. Box 24 of the import licence shall contain one of the following:

- Producto ACP:
  - exención del derecho de aduana
  - apartado 1 del artículo 15 del Reglamento (CE) n° 1706/98
- Produkt AKT:
  - osvobozené od cla
  - nařízení (ES) č. 1706/98 čl. 15 ods. 1

- AVS-produkt:
    - toldfritagelse
    - forordning (EF) nr. 1706/98: artikel 15, stk. 1
  - Erzeugnis AKP:
    - Zollfrei
    - Verordnung (EG) Nr. 1706/98, Artikel 15 Absatz 1
  - AKV riikide toode:
    - Tollimaksuvaba
    - Määruse (EÜ) nr 1706/98 artikli 15 lõige 1
  - Προϊόν ΑΚΕ:
    - Απαλλαγή από δασμούς
    - Κανονισμός (ΕΚ) αριθ. 1706/98 άρθρο 15 παράγραφος 1
  - ACP product:
    - exemption from customs duty
    - Regulation (EC) No 1706/98, Article 15(1)
  - produit ACP:
    - exemption du droit de douane
    - règlement (CE) n° 1706/98, article 15, paragraphe 1
  - AKCs-termék
    - vámmentes
    - 1706/98/EK rendelet 15. cikk (1) bek.
  - prodotto ACP:
    - esenzione dal dazio doganale
    - regolamento (CE) n. 1706/98, articolo 15, paragrafo 1
  - AKR produktas:
    - atleistas nuo muito mokesčio
    - Reglamento (EB) Nr. 1706/98 15 straipsnio 1 dalis
  - AĀK produkts:
    - atbrīvots no muitas nodevas
    - Regulas (EK) Nr. 1706/98 15. panta 1. daļa
  - Prodott ACP:
    - eženzjoni mid-dazju doganali
    - Regolament (KE) Nru 1706/98, Artikolu 15(1)
  - Product ACS:
    - vrijgesteld van douanerecht
    - Verordening (EG) nr. 1706/98: artikel 15, lid 1
  - Produkt AKP:
    - zwolnienie z należności celnych
    - art. 15 ust. 1 rozporządzenia (WE) nr 1706/98
  - produto ACP:
    - isenção do direito aduaneiro
    - Regulamento (CE) n.º 1706/98, n.º 1 do artigo 15.º
  - Výrobok zo štátov AKP
    - oslobodenie od cla
    - Nariadenie (ES) č. 1706/98, článok 15 odsek 1
  - AKP proizvodi
    - oprošćeni carinskih dajatev
    - Uredba (ES) št. 1706/98, člen 15(1)
  - AKT-maista:
    - Tullivapaa
    - asetuksen (EY) N:o 1706/98 15 artiklan 1 kohta
  - AVS-produkt:
    - Tullfri
    - Förordning (EG) nr 1706/98 artikel 15.1'
2. Article 4(3) is replaced by the following:
- '3. Box 24 of the import licence shall contain one of the following:
- Producto ACP/PTU:
    - exención del derecho de aduana
    - apartado 5 del artículo 27 del Reglamento (CE) n° 1706/98
    - exclusivamente válido para el despacho a libre práctica en los departamentos de Ultramar
  - AKT/ZZÚ produkty:
    - osvobozeno od cla
    - nařízení (ES) č. 1706/98 čl. 27 ods.5
    - platné výhradně pro vydání do volného oběhu v zámorských zemích a územích
  - AVS/OLT-produkt:
    - toldfritagelse
    - forordning (EF) nr. 1706/98: artikel 27, stk. 5
    - gælder udelukkende for overgang til fri omsætning i de oversøiske departementer
  - Erzeugnis AKP/ÜLG:
    - Zollfrei
    - Verordnung (EG) Nr. 1706/98, Artikel 27 Absatz 5
    - gilt ausschließlich für die Abfertigung zum freien Verkehr in den französischen überseeischen Departements
  - AKV/ÜMT riikide toode:
    - Tollimaksuvaba
    - Määruse (EÜ) nr 1706/98 artikli 27 lõige 5
    - Jõus ainult vabasse ringlusesse laskmiseks ülemere-maadel ja –territooriumitel
  - Προϊόν ΑΚΕ/ΥΧΕ:
    - Απαλλαγή από δασμούς
    - Κανονισμός (ΕΚ) αριθ. 1706/98 άρθρο 27 παράγραφος 5
    - Ισχύει αποκλειστικά για μία θέση σε ελεύθερη κυκλοφορία στα Υπερπόντια Διαμερίσματα
  - ACP/OCT product:
    - exemption from customs duty
    - Regulation (EC) No 1706/98, Article 27(5)
    - valid exclusively for release for free circulation in the overseas departments

- produit ACP/PTOM:
  - exemption du droit de douane
  - règlement (CE) n° 1706/98, article 27, paragraphe 5
  - exclusivement valable pour une mise en libre pratique dans les départements d'outre-mer
- AKCs-TOT termék
  - vámmentes
  - 1706/98/EK rendelet 27. cikk (5) bek.
  - kizárólag a tengerentúli meggyékben történő szabad forgalomba bocsátás céljára érvényes
- prodotto ACP/PTOM:
  - esenzione dal dazio doganale
  - regolamento (CE) n. 1706/98, articolo 27, paragrafo 5
  - valido esclusivamente per l'immissione in libera pratica nei DOM
- AKR/UŠT produktas:
  - atleistas nuo muito mokesčio
  - Reglamentas (EB) Nr. 1706/98 27 straipsnio 5 dalis
  - galioja leidimui į laisvą apyvartą tikrai užjūrio šalių teritorijose
- AĀK/AZT produkts:
  - atbrīvots no muitas nodevas
  - Regulas (EK) Nr. 1706/98 27. panta 5. daļa
  - ir derīgs laišanai brīvā apgrozībā vienīgi aizjūru teritorijās
- prodott ACP/OCT:
  - eženjoni mid-dazju doganali
  - Regolamento (KE) Nru 1706/98, Artikolu 27(5)
  - validu esklussivament biex jiġi meħlus għaċ-ċirkulazzjoni libera fid-dipartimenti extra-Ewropej
- Product ACS/LGO:
  - vrijgesteld van douanerecht
  - Verordening (EG) nr. 1706/98: artikel 27, lid 5
  - geldt uitsluitend voor het in het vrije verkeer brengen in de Franse overzeese departementen
- Produkt AKP/KTZ:
  - zwolnienie z należności celnych
  - art. 27 ust. 5 rozporządzenia (WE) nr 1706/98
  - ważne wyłącznie dla wprowadzenia do wolnego obrotu w departamentach zamorskich
- produto ACP/PTU:
  - isenção do direito aduaneiro
  - Regulamento (CE) n.º 1706/98, n.º 5 do artigo 27.º
  - válido exclusivamente para uma introdução em livre prática nos departamentos ultramarinos
- výrobok zo štátov AKP/ZKU
  - oslobodenie od cla
  - Nariadenie (ES) č. 1706/98, článok 27 odsek 5
  - platné výhradne pre uvoľnenie do voľného obehu v námorských krajinách a územiach
- AKP/ČDO
  - oprošćene carinskih dajatev
  - Uredba (ES) št. 1706/98, člen 27(5)
  - Veljavna samo za sprošćenje prostega pretoka v prekomorskih področjih
- AKT-maista/Merentakaisista maista ja merentakaisilta alueilta peräisin oleva tuote:
  - Tullivapaa
  - asetuksen (EY) N:o 1706/98 27 artiklan 5 kohta
  - voimassa ainoastaan merentakaisilla alueilla vapaa-seen liikkeeseen laskemiseksi
- AVS/ULT-produkt:
  - Tullfri
  - Förordning (EG) nr 1706/98 artikel 27.5
  - Uteslutande avsedd för övergång till fri omsättning i de utomeuropeiska länderna och territorierna'

#### Article 10

In the first indent of the second subparagraph of point 1.2(a) of Annex II to Regulation (EC) No 824/2000, 'Finland and Sweden' is hereby replaced by 'Estonia, Latvia, Finland and Sweden'.

#### Article 11

Regulation (EC) No 2133/2001 is hereby amended as follows:

1. In Article 2(1), 'under tariff quotas 09.5716 and 09.5732' is replaced by 'under tariff quota 09.5732'.
2. The references to tariff quota 09.5716 in Annex I are deleted.

#### Article 12

Article 9(b) of Regulation (EC) No 2375/2002 is hereby replaced by the following:

'(b) in box 20, one of the following entries:

- Regulamento (CE) n° 2375/2002
- Nařízení (EC) č. 2375/2002
- Forordning (EF) nr. 2375/2002
- Verordnung (EG) Nr. 2375/2002
- Määrus (EÜ) nr 2375/2002

- Κανονισμός (ΕΚ) αριθ. 2375/2002
- Regulation (EC) No 2375/2002
- Règlement (CE) n° 2375/2002
- 2375/2002/EK rendelet
- Regolamento (CE) n. 2375/2002
- Reglamentas (EB) Nr. 2375/2002
- Regula (EK) Nr. 2375/2002
- Règlement (KE) Nru 2375/2002
- Verordening (EG) nr. 2375/2002
- Rozporządzenie (WE) nr 2375/2002
- Regulamento (CE) n.º 2375/2002
- Nariadenie (ES) č. 2375/2002
- Uredba (ES) št. 2375/2002
- Asetus (EY) N:o 2375/2002
- Förordning (EG) nr 2375/2002

#### Article 13

Article 13(a) of Regulation (EC) No 2377/2002 is hereby replaced by the following:

‘(a) in section 20, the processed product to be made from the cereals and one of the following entries:

- Reglamento (CE) n° 2377/2002
- Nařízení (ES) č. 2377/2002
- Forordning (EF) nr. 2377/2002
- Verordnung (EG) Nr. 2377/2002
- Määrus (EÜ) nr 2377/2002
- Κανονισμός (ΕΚ) αριθ. 2377/2002
- Regulation (EC) No 2377/2002
- Règlement (CE) n° 2377/2002
- 2377/2002/EK rendelet
- Regolamento (CE) n. 2377/2002
- Reglamentas (EB) Nr. 2377/2002
- Regula (EK) Nr. 2377/2002
- Règlement (KE) Nru 2377/2002
- Verordening (EG) nr. 2377/2002
- Rozporządzenie (WE) nr 2377/2002
- Regulamento (CE) n.º 2377/2002
- Nariadenie (ES) č. 2377/2002
- Uredba (ES) št. 2377/2002
- Asetus (EY) N:o 2377/2002
- Förordning (EG) nr 2377/2002

#### Article 14

Article 6(b) of Regulation (EC) No 573/2003 is hereby replaced by the following:

‘(b) in section 20 one of the following entries:

- Reglamento (CE) n° 573/2003

- Nařízení (ES) č. 573/2003
- Forordning (EF) nr. 573/2003
- Verordnung (EG) Nr. 573/2003
- Määrus (EÜ) nr 573/2003
- Κανονισμός (ΕΚ) αριθ. 573/2003
- Regulation (EC) No 573/2003
- Règlement (CE) n° 573/2003
- 573/2003/EK rendelet
- Regolamento (CE) n. 573/2003
- Reglamentas (EB) Nr. 573/2003
- Regula (EK) Nr. 573/2003
- Règlement (KE) Nru 573/2003
- Verordening (EG) nr. 573/2003
- Rozporządzenie (WE) nr 573/2003
- Regulamento (CE) n.º 573/2003
- Nariadenie (ES) č. 573/2003
- Uredba (ES) št. 573/2003
- Asetus (EY) N:o 573/2003
- Förordning (EG) nr 573/2003

#### Article 15

Article 7(b) of Regulation (EC) No 958/2003 is hereby replaced by the following:

‘(b) in section 20 one of the following entries:

- Reglamento (CE) n° 958/2003
- Nařízení (ES) č. 958/2003
- Forordning (EF) nr. 958/2003
- Verordnung (EG) Nr. 958/2003
- Määrus (EÜ) nr 958/2003
- Κανονισμός (ΕΚ) αριθ. 958/2003
- Regulation (EC) No 958/2003
- Règlement (CE) n° 958/2003
- 958/2003/EK rendelet
- Regolamento (CE) n. 958/2003
- Reglamentas (EB) Nr. 958/2003
- Regula (EK) Nr. 958/2003
- Règlement (KE) Nru 958/2003
- Verordening (EG) nr. 958/2003
- Rozporządzenie (WE) nr 958/2003
- Regulamento (CE) n.º 958/2003
- Nariadenie (ES) č. 958/2003
- Uredba (ES) št. 958/2003
- Asetus (EY) N:o 958/2003
- Förordning (EG) nr 958/2003

## Article 16

Regulation (EC) No 1342/2003 is hereby amended as follows:

1. Article 3 is amended as follows:

(a) The entries in paragraph 1 are replaced by the following:

- Tipo de la restitución de base a la exportación adjudicado
- Nabídková výše pro základní vývozní náhradu
- Tilslagssats for basiseksportrestitutionen
- Zugeschlagener Satz der Grundaufuhrerstattung
- Pakkumiskutsega kinnitatus eksporditoetus
- Ποσοστό της κατακυρωθείσας επιστροφής βάσεως κατά την εξαγωγή
- Tendered rate of basic export refund
- Taux de la restitution de base à l'exportation adjudgé
- Az alap export-visszatérítés megítélt hányada
- Tasso della restituzione di base all'esportazione aggiudicata
- Pagrindinés eksporto grāžinamosios išmokos dydis
- Pamata izvešanas kompensācijas likme
- Rata aġġudikata ta' rifużjoni bażika fuq l-esportazzjoni
- Gegunde basisrestitutie bij uitvoer
- Przyznana stawka podstawowej refundacji wywozowej
- Taxa de restituição de base à exportação adjudicada
- Základná sadzba vývoznjej náhrady ustanovená v rámci výberového konania
- Dodatna stopnja dajatve na osnovi izvoznih nadomestil
- Tarjouskilpailutetun perusvientituen määrä
- Anbudssats för exportbidrag

(b) The entries in paragraph 2 are replaced by the following:

- Tipo del gravamen a la exportación adjudicado
- Nabídková výše vývozního cla
- Tilslagssats for eksportafgiften
- Zugeschlagener Satz der Ausfuhrabgabe
- Pakkumiskutsega kinnitatus ekspordimaks
- Ύψος φόρου κατά την εξαγωγή
- Tendered rate of export tax
- Taux de la taxe à l'exportation adjudgé
- Az exportadó megítélt mértéke
- Aliquota della tassa all'esportazione aggiudicata
- Eksporto muito mokesčio dydis
- Izvešanas muitas nodevas likme

- Rata aġġudikata ta' taxxa fuq l-esportazzjoni
- Gegunde belasting bij uitvoer
- Przyznana stawka podatku eksportowego
- Taxa de exportação adjudicada
- Vývozný poplatok ustanovený v rámci výberového konania
- Dodatna stopnja dajatve za izvozno pristojbino
- Tarjouskilpailutetusta viennistä kannettavan maksun määrä
- Anbudssats för exportavgift

2. The entries in Article 5 are replaced by the following:

- Gravamen a la exportación no aplicable
- Vývozní clo se nepoužije
- Eksportavgift ikke anvendelig
- Ausfuhrabgabe nicht anwendbar
- Ekspordimaksu ei kohaldata
- Μη εφαρμοζόμενος φόρος κατά την εξαγωγή
- Export tax not applicable
- Taxe à l'exportation non applicable
- Exportadó nem alkalmazandó
- Tassa all'esportazione non applicabile
- Eksporto muitas netaikytinas
- Izvešanas muita netiek piemērota
- Taxxa fuq l-esportazzjoni mhux applikabbli
- Uitvoerbelasting niet van toepassing
- Podatku eksportowego nie stosuje się
- Taxa de exportação não aplicável
- Vývozný poplatok sa neuplatňuje
- Izvozni davek ni sprejemljiv
- Vientimaksua ei sovelleta
- Exportavgift icke tillämplig

3. The fourth subparagraph of Article 7(2) is replaced by the following:

'One of the following shall be entered in section 22 of those licences:

- Limitación establecida en apartado 2 del artículo 7 del Reglamento (CE) nº 1342/2003
- Omezení dle čl. 7 ods. 2 nařízení (ES) č. 1342/2003
- Begrænsning, jf. artikel 7, stk. 2, i forordning (EF) nr. 1342/2003
- Kürzung der Gültigkeitsdauer nach Artikel 7 Absatz 2 der Verordnung (EG) Nr. 1342/2003
- Piirang vastavalt määruse (EÜ) nr 1342/2003 artikli 7 lõikele 2



- Περιορισμός που προβλέπεται στο άρθρο 7 παράγραφος 2 του κανονισμού (ΕΚ) αριθ. 1342/2003
  - Limitation provided for in Article 7(2) of Regulation (EC) No 1342/2003
  - Limitation prévue à l'article 7, paragraphe 2, du règlement (CE) n° 1342/2003
  - Az 1342/2003/EK rendelet 7. cikk (2) bek. szerinti korlátozás
  - Limitazione prevista all'articolo 7, paragrafo 2, del regolamento (CE) n. 1342/2003
  - Apribojimai numatyti reglamento (EB) Nr. 1342/2003 7 straipsnio 2 dalyje
  - Ierobežojumi noteikti regulas (EK) Nr. 1342/2003 7. panta 2. daļa
  - Limitazzjoni maħsuba fl-Artikolu 7(2) tar-Regolament (KE) Nru 1342/2003
  - Beperking als bepaald in artikel 7, lid 2, van Verordening (EG) nr. 1342/2003
  - Ograniczenie przewidziane w art. 7 ust. 2 rozporządzenia (WE) nr 1342/2003
  - Limitação estabelecida no n.º 2 do artigo 7.º do Regulamento (CE) n.º 1342/2003
  - Obmedzenie v súlade s článkom 7 odsek 2 nariadenia (ES) č. 1342/2003
  - Omejitev določena v členu 7(2) Uredbe (ES) št. 1342/2003
  - Asetuksen (EY) N:o 1342/2003 7 artiklan 2 kohdassa säädetty rajoitus
  - Begränsning enligt artikel 7.2 i förordning (EG) nr 1342/2003
4. The fourth subparagraph of Article 8(2) is replaced by the following:
- 'One of the following wordings shall be entered in section 22 of the licence:
- Limitación establecida en el apartado 2 del artículo 8 del Reglamento (CE) n° 1342/2003
  - Omezení dle čl. 8 ods. 2 nařízení č. 1342/2003
  - Begränsning, jf. artikel 8, stk. 2, i förordning (EF) nr. 1342/2003
  - Kürzung der Gültigkeitsdauer nach Artikel 8 Absatz 2 der Verordnung (EG) Nr. 1342/2003
  - Piirang vastavalt määruse (EÜ) nr 1342/2003 artikli 8 lõikele 2
  - Περιορισμός που προβλέπεται στο άρθρο 8 παράγραφος 2 του κανονισμού (ΕΚ) αριθ. 1342/2003
  - Limitation provided for in Article 8(2) of Regulation (EC) No 1342/2003
  - Limitation prévue à l'article 8, paragraphe 2, du règlement (CE) n° 1342/2003
  - Az 1342/2003/EK rendelet 8. cikk (2) bek. szerinti korlátozás
  - Limitazione prevista all'articolo 8, paragrafo 2, del regolamento (CE) n. 1342/2003
  - Apribojimai numatyti reglamento (EB) Nr. 1342/2003 8 straipsnio 2 dalyje
  - Ierobežojumi noteikti regulas (EK) Nr. 1342/2003 8. panta 2. daļa
  - Limitazzjoni maħsuba fl-Artikolu 8(2) tar-Regolament (KE) Nru 1342/2003
  - Beperking als bepaald in artikel 8, lid 2, van Verordening (EG) nr. 1342/2003
  - Ograniczenie przewidziane w art. 8 ust. 2 rozporządzenia (WE) nr 1342/2003
  - Limitação estabelecida no n.º 2 do artigo 8.º do Regulamento (CE) n.º 1342/2003
  - Obmedzenie v súlade s článkom 8 odsek 2 nariadenia (ES) č. 1342/2003
  - Omejitev določena v členu 8(2) Uredbe (ES) št. 1342/2003
  - Asetuksen (EY) N:o 1342/2003 8 artiklan 2 kohdassa säädetty rajoitus
  - Begränsning enligt artikel 8.2 i förordning (EG) nr 1342/2003
5. Points (e) and (f) in Article 9(3) are replaced by the following:
- '(e) in box 20, one of the following:
- Exportación conforme al artículo 9 del Reglamento (CE) n° 1342/2003
  - Vývoz v souladu s čl. 9 nařízením (ES) č. 1342/2003
  - Udførsel i overensstemmelse med artikel 9 i forordning (EF) nr. 1342/2003
  - Ausfuhr in Übereinstimmung mit Artikel 9 der Verordnung (EG) Nr. 1342/2003
  - Eksport vastavalt määruse (EÜ) nr 1342/2003 artiklile 9
  - Περιορισμός που προβλέπεται στο άρθρο 9 του κανονισμού (ΕΚ) αριθ. 1342/2003
  - Export in accordance with Article 9 of Regulation (EC) No 1342/2003
  - Exportation conformément à l'article 9 du règlement (CE) n° 1342/2003
  - Az 1342/2003/EK rendelet 9. cikkével összhangban bonyolított export
  - Esportazione in conformità all'articolo 9 del regolamento (CE) n. 1342/2003
  - Eksportas vadovaujantis reglamento (EB) Nr. 1342/2003 9 straipsniu
  - Izvešana saskaņā ar regulas (EK) Nr. 1342/2003 9. pantu
  - Esportazzjoni b'mod konformi ma' l-Artikolu 9 tar-Regolament (KE) Nru 1342/2003
  - Uitvoer op grond van artikel 9 van Verordening (EG) nr. 1342/2003

- Wywóz w myśl art. 9 rozporządzenia (WE) nr 1342/2003
- Exportação conforme o artigo 9.º do Regulamento (CE) n.º 1342/2003
- Vývoz v súlade s článkom 9 nariadenia (ES) č. 1342/2003
- Izvoz v skladu s členom 9 Uredbe (ES) št. 1342/2003
- Asetuksen (EY) N:o 1342/2003 9 artiklan mukainen vienti
- Export i överensstämmelse med artikel 9 i förordning (EG) nr 1342/2003
- (f) in box 22, in addition to the words provided for in Article 8(2), one of the following:
  - Sin restitución por exportación
  - Žádná vývozní náhrada
  - Uden eksportrestitution
  - Ohne Ausfuhrerstattung
  - Eksporditoetuseta
  - Χωρίς επιστροφή κατά την εξαγωγή
  - No export refund
  - Sans restitution à l'exportation
  - Export-visszatérítés nélkül
  - Senza restituzione all'esportazione
  - Eksporto grąžinamosios išmokos nėra
  - Izvešanas kompensācijas nav
  - Mingħajr rifużjoni fuq l-esportazzjoni
  - Zonder uitvoerrestitutie
  - Bez refundacji wywozowej
  - Sem restituição à exportação
  - Bez vývozneí náhrady
  - Brez izvoznih nadomestil
  - Ilman vientitukea
  - Utan exportbidrag

6. In Annex IV, the product codes for the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia are deleted.

#### Article 17

Article 7(a) of Regulation (EC) No 2305/2003 is hereby replaced by the following:

‘(a) in box 20, one of the following entries:

- Reglamento (CE) n.º 2305/2003
- Nařízení (ES) č. 2305/2003
- Forordning (EF) nr. 2305/2003
- Verordnung (EG) Nr. 2305/2003
- Määrus (EÜ) nr 2305/2003
- Κανονισμός (ΕΚ) αριθ. 2305/2003
- Regulation (EC) No 2305/2003
- Règlement (CE) n.º 2305/2003
- 2305/2003/EK rendelet
- Regulamento (CE) n. 2305/2003
- Reglamentas (EB) Nr. 2305/2003
- Regula (EK) Nr. 2305/2003
- Regolament (KE) Nru 2305/2003
- Verordening (EG) nr. 2305/2003
- Rozporządzenie (WE) nr 2305/2003
- Regulamento (CE) n.º 2305/2003
- Nariadenie (ES) č. 2305/2003
- Uredba (ES) št. 2305/2003
- Asetus (EY) N:o 2305/2003
- Förordning (EG) nr 2305/2003’

#### Article 18

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

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

Done at Brussels, 26 April 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*



**COMMISSION REGULATION (EC) No 778/2004  
of 26 April 2004**

**correcting the Portuguese version of Regulation (EC) No 40/2004 on proof of completion of  
customs formalities for the import of sugar into third countries as provided for in Article 16 of  
Regulation (EC) No 800/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector <sup>(1)</sup>, and in particular the second sentence of the second indent of the first subparagraph of Article 27(11) thereof,

Whereas:

- (1) The Portuguese version of Commission Regulation (EC) No 40/2004 <sup>(2)</sup> contains an error in Article 1.
- (2) The Portuguese version should therefore be corrected.
- (3) Given that Regulation (EC) No 40/2004 is applicable from 8 March 2003 until 31 December 2004, this Regulation should apply for the same period except with regard to exports for which refunds have already been paid.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Concerns only the Portuguese version.

*Article 2*

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

It shall apply until 31 December 2004 to exports effected after 8 March 2003, with the exception of exports for which refunds have already been paid at the date of its entry into force.

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

Done at Brussels, 26 April 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 6, 10.1.2004, p. 17.

**COMMISSION REGULATION (EC) No 779/2004****of 26 April 2004****correcting the French and Dutch versions of Regulation (EC) No 2277/2003 amending Annexes I and II to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs<sup>(1)</sup>, and in particular the second indent of Article 13 thereof,

Whereas:

- (1) Some errors have been found in the French and Dutch versions of Regulation (EC) No 2277/2003<sup>(2)</sup>. The necessary corrections should therefore be made to those texts.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up in accordance with Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2277/2003 is hereby amended as follows:

1. Concerns the French version only.
2. Concerns the Dutch version only.

*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, 26 April 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 198, 22.7.1991, p. 1. Regulation last amended by Commission Regulation (EC) No 392/2004 (OJ L 65, 3.3.2004, p. 1).

<sup>(2)</sup> OJ L 336, 23.12.2003, p. 68.

**COMMISSION REGULATION (EC) No 780/2004****of 26 April 2004****on transitional measures pursuant to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the import and transit of certain products from certain third countries****(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 1774/2002 of 3 October 2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 668/2004 <sup>(2)</sup>, and in particular Article 32(1) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) In view of the strict nature of those requirements, it has been necessary to provide transitional measures for certain Member States to allow industry sufficient time to adjust. These transitional measures are laid down in a number of Commission decisions and regulations.
- (3) Commission Regulation (EC) No 812/2003 <sup>(3)</sup>, as amended by Regulation (EC) No 2268/2003 <sup>(4)</sup>, provides general transitional measures for third countries until 30 April 2004. That Regulation establishes that the Commission shall propose further detailed transitional rules for products for which adequate justification has been provided.
- (4) Certain third countries have provided adequate justification requesting specific transitional measures. Accordingly, such transition should be provided to enable the

continuing implementation by those third-country operators exporting to the Community of current standards concerning the separation of Category 1, 2 and 3 processing plants.

- (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,

HAS ADOPTED THIS REGULATION:

*Article 1***Derogation regarding the importation from third countries**

By way of derogation from Article 29 of Regulation (EC) No 1774/2002, Member States shall accept consignments of products referred to in Annexes VII and VIII of that Regulation, until the dates referred to in Article 2, coming from establishments not meeting the requirements for the separation of Category 1, 2 and 3 processing plants, from the countries listed in Annex I, provided the products meet the minimum conditions in Annex II and are accompanied by a certificate in accordance with Annex III.

*Article 2***Entry into force**

1. This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from 1 May 2004 until 31 October 2005.

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

Done at Brussels, 26 April 2004.

*For the Commission*

David BYRNE

*Member of the Commission*<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.<sup>(2)</sup> OJ L 112, 19.4.2004, p. 1.<sup>(3)</sup> OJ L 117, 13.5.2003, p. 19.<sup>(4)</sup> OJ L 336, 23.12.2003, p. 24.

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ANNEX I**LIST OF THIRD COUNTRIES TO WHICH THE DEROGATION REFERRED TO IN ARTICLE 1 APPLIES**

1. Australia
2. Canada
3. China
4. USA

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ANNEX II**MINIMUM CONDITIONS CONCERNING THE SEPARATION OF CATEGORY 1, 2 AND 3 PROCESSING PLANTS**

Products from processing plants not complying with the requirements for complete separation of Category 1, 2 and 3 processing plants set out in Chapter I(1) of Annex VII to Regulation (EC) No 1774/2002 must at least:

- (a) have been produced in ways that prevent cross-contamination of Category 3 material with Category 1 and 2 materials; and
  - (b) comply with the rest of the specific requirements set out in paragraphs 3 to 10 of Chapter I of Annex VII to Regulation (EC) No 1774/2002.
-

## ANNEX III

**MODEL HEALTH CERTIFICATES FOR THE IMPORTATION FROM CERTAIN THIRD COUNTRIES OF CERTAIN ANIMAL BY-PRODUCTS AND PRODUCTS DERIVED THEREFROM***Notes*

- (a) Veterinary certificates shall be produced by the exporting country, based on the models appearing in this Annex III, according to the layout of the model that corresponds to the animal by-products concerned. They shall contain, in the numbered order that appears in the model, the attestations that are required for any third country and, as the case may be, those supplementary guarantees that are required for the exporting third country or part thereof.
- (b) The original of each certificate shall consist of a single page, both sides, or, where more text is required, it shall be in such a form that all pages needed are part of an integrated whole and indivisible.
- (c) It shall be drawn up in at least one of the official languages of the EU Member State in which the inspection at the border post shall be carried out and of the EU Member State of destination. However, these Member States may allow other languages, if necessary, accompanied by an official translation.
- (d) If for reasons of identification of the items of the consignment additional pages are attached to the certificate, these pages shall also be considered as forming part of the original of the certificate by the application of the signature and stamp of the certifying official veterinarian, in each of the pages.
- (e) When the certificate, including additional schedules referred to in (d), comprises more than one page, each page shall be numbered — (page number) of (total number of pages) — at the bottom and shall bear the code number of the certificate that has been designated by the competent authority on its top.
- (f) The original of the certificate must be completed and signed by an official veterinarian. In doing so, the competent authorities of the exporting country shall ensure that the principles of certification equivalent to those laid down in Council Directive 96/93/EC are followed (OJ L 13, 16.1.1997, p. 28).
- (g) The colour of the signature shall be different to that of the printing. The same rule applies to stamps other than those embossed or watermark.
- (h) The original of the certificate must accompany the consignment at the EU border inspection post.

(A)

**Health certificate**

*For processed animal protein not intended for human consumption, including mixtures and products other than petfood containing such protein, intended for dispatch to the European Community*

Note for the importer: This certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.

<b>1. Consignor</b> (name and address in full) ..... ..... ..... ..... ..... ..... ..... .....	<p align="center"><b>VETERINARY CERTIFICATE</b></p> <p align="center"><b>For processed animal protein not intended for human consumption, including mixtures and products other than petfood containing such protein, intended for dispatch to the European Community</b></p> <p>Reference number <sup>(1)</sup> ..... ORIGINAL</p>
<b>2. Consignee</b> (name and address in full) ..... ..... ..... .....	
<b>5. Intended destination of the processed animal protein or product</b> 5.1. EU Member State: ..... 5.2. Name and address of destination: ..... ..... .....	<b>3. Origin of the processed animal protein or product</b> 3.1. Country: Australia/Canada/China/USA <sup>(2)</sup> ..... 3.2. Code of territory: .....
<b>7. Means of transport and consignment identification</b> 7.1. (Lorry, rail wagon, ship, or aircraft) <sup>(2)</sup> ..... 7.2. Number of seal (if applicable): ..... 7.3. Registration number(s), ship name or flight number: ..... ..... .....	<b>4. Competent Authority</b> 4.1. Responsible Ministry: ..... 4.2. Certifying department: ..... .....  <b>6. Place of loading for exportation</b> ..... ..... .....  7.4. Nature of packaging: ..... ..... 7.5. Number of packages: ..... 7.6. Net weight: ..... 7.7. Lot/batch production reference number: ..... ..... ..... 7.8. Nature of packaging: ..... .....
<b>8. Identification of the processed animal protein or product</b> 8.1. Nature of the processed animal protein or product: ..... 8.2. Processed animal protein of: ..... (animal species) 8.3. Address and approval number of the approved establishment of origin: ..... ..... .....	
<b>9. Health attestation</b> I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1774/2002 <sup>(3)</sup> and Regulation (EC) No 780/2004 and certify that: 9.1. the processed animal protein or product described above contains exclusively processed animal protein not intended for human consumption that:	

- (a) has been prepared and stored in a plant approved, validated and supervised by the competent authority in ways that prevent cross-contamination of Category 3 material with Category 1 and 2 materials; and complying with the rest of the specific requirements set out in paragraphs 3 to 10 of Chapter I of Annex VII to Regulation (EC) No 1774/2002, and
- (b) has been prepared exclusively with the following animal by-products :
- (<sup>2</sup>) *either* [ - parts of slaughtered animals, which were fit for human consumption in accordance with Community legislation, but are not intended for human consumption for commercial reasons, ]
  - (<sup>2</sup>) *and/or* [ - parts of slaughtered animals, which were rejected as unfit for human consumption but are not affected by any signs of diseases communicable to humans or animals and derive from carcasses that were fit for human consumption in accordance with Community legislation, ]
  - (<sup>2</sup>) *and/or* [ - hides and skins, hooves and horns, pig bristles and feathers originating from animals that were slaughtered in a slaughterhouse, underwent ante mortem inspection and were fit, as a result of such inspection, for slaughter in accordance with Community legislation, ]
  - (<sup>2</sup>) *and/or* [ - blood obtained from animals other than ruminants that were slaughtered in a slaughterhouse, underwent ante mortem inspection and were fit, as a result of such inspection, for slaughter in accordance with Community legislation, ]
  - (<sup>2</sup>) *and/or* [ - animal by-products derived from the production of products intended for human consumption, including degreased bones and greaves, ]
  - (<sup>2</sup>) *and/or* [ - former foodstuffs of animal origin, or former foodstuffs containing products of animal origin, other than catering waste, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects which do not present any risk to humans or animals, ]
  - (<sup>2</sup>) *and/or* [ - fish or other sea animals, except sea mammals, caught in the open sea for the purposes of fishmeal production, ]
  - (<sup>2</sup>) *and/or* [ - fresh by-products from fish from plants manufacturing fish products for human consumption, ]
  - (<sup>2</sup>) *and/or* [ - shells, hatchery by-products and cracked egg by-products originating from animals which did not show clinical signs of any disease communicable through that product to humans or animals, ]
- and
- (c) has been subjected to the following processing standard:
- (<sup>2</sup>) *either* [ heating to a core temperature of more than 133 °C for at least 20 minutes without interruption at a pressure (absolute) of at least 3 bars produced by saturated steam, with a particle size prior to processing of not more than 50 millimetres; ]
  - (<sup>2</sup>) *or* [ in the case of non-mammalian protein other than fishmeal, the processing method ..... as set out in Annex V, Chapter III, of Regulation (EC) 1774/2002; ]
  - (<sup>2</sup>) *or* [ in the case of fishmeal:
  - (<sup>2</sup>) *either* [ the processing method ..... as set out in Annex V, Chapter III, of Regulation (EC) 1774/2002; ]
  - (<sup>2</sup>) *or* [ heating to at least 80 °C throughout its substance; ] ]
- 9.2. the competent authority examined a random sample immediately prior to dispatch and found it to comply with the following standards (<sup>4</sup>):
- Salmonella*: Absence in 25 g:                      n = 5, c = 0, m = 0, M = 0
- Enterobacteriaceae*:                              n = 5, c = 2, m = 10, M = 300 in 1 g;
- 9.3. the end product:
- (<sup>2</sup>) *either* [ was packed in new or sterilised bags, ]
  - (<sup>2</sup>) *or* [ was transported in bulk in containers or other means of transport that were thoroughly cleaned and disinfected with a disinfectant approved by the competent authority before use, ]
- which bear labels indicating 'NOT FOR HUMAN CONSUMPTION'
- 9.4. the end product was stored in enclosed storage;

9.5. the product has undergone all precautions to avoid recontamination with pathogenic agents after treatment.

**Official stamp and signature**

Done at ..... on .....  
(place) (date)

(stamp) <sup>(5)</sup>

.....  
(signature of the official veterinarian) <sup>(5)</sup>

.....  
(name, qualifications and title, in capital letters)

*Notes*

<sup>(1)</sup> Issued by the competent authority.

<sup>(2)</sup> Delete as appropriate.

<sup>(3)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(4)</sup> Where:

n = number of samples to be tested;

m = threshold value for the number of bacteria; the result is considered satisfactory if the number of bacteria in all samples does not exceed m;

M = maximum value for the number of bacteria; the result is considered unsatisfactory if the number of bacteria in one or more samples is M or more; and

c = number of samples the bacterial count of which may be between m and M, the sample still being considered acceptable if the bacterial count of the other samples is m or less.

<sup>(5)</sup> The signature and the stamp must be in a different colour to that of the printing.



(B)

## Health certificate

For blood products not intended for human consumption that could be used as feed material, intended for dispatch to the European Community

Note for the importer: This certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.

<p>1. <b>Consignor</b> (name and address in full)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p align="center"><b>VETERINARY CERTIFICATE</b></p> <p align="center"><b>For blood products not intended for human consumption that could be used as feed material, intended for dispatch to the European Community</b></p> <p>Reference number <sup>(1)</sup> ..... ORIGINAL</p>
<p>2. <b>Consignee</b> (name and address in full)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>5. <b>Destination of the blood products</b></p> <p>5.1. EU Member State: .....</p> <p>5.2. Name and address of the destination: .....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>4. <b>Competent Authority</b></p> <p>4.1. Responsible Ministry: .....</p> <p>4.2. Certifying department: .....</p> <p>.....</p>
<p>7. <b>Means of transport and consignment identification</b> <sup>(2)</sup></p> <p>7.1. (Lorry, rail wagon, ship, or aircraft) <sup>(3)</sup> .....</p> <p>7.2. Number of seal (if applicable): .....</p> <p>7.3. Registration number(s), ship name or flight number: .....</p> <p>.....</p> <p>.....</p>	<p>6. <b>Place of loading for exportation</b></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>7.4. Nature of packaging: .....</p> <p>.....</p> <p>7.5. Number of packages: .....</p> <p>7.6. Net weight: .....</p> <p>7.7. Lot/batch production reference number: .....</p> <p>.....</p> <p>.....</p>
<p>8. <b>Identification of the blood products</b></p> <p>8.1. Nature of the blood products: .....</p> <p>8.2. Species of animals from which the blood products derive: .....</p> <p>.....</p> <p>8.3. Address and registration number of the approved establishment: .....</p> <p>.....</p>	
<p>9. <b>Health attestation</b></p> <p>I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1774/2002 <sup>(4)</sup> and Regulation (EC) No 780/2004 and certify that the blood products described above:</p> <p>9.1. consist of blood products that satisfy the health requirements below;</p> <p>9.2. consist exclusively of blood products not intended for human consumption;</p>	





9.4. has been prepared exclusively with the following animal by-products:

- (<sup>3</sup>) *either* [ - former foodstuffs of fish origin, other than catering waste (<sup>5</sup>), which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects which do not present any risk to humans or animals; ]
- (<sup>3</sup>) *and/or* [ - fish or other sea animals, except sea mammals, caught in the open sea for the purposes of fishmeal production; ]
- (<sup>3</sup>) *and/or* [ - fresh by-products from fish from plants manufacturing fish products for human consumption; ]

9.5. the fish oil:

- (a) has been subjected to processing in accordance with Annex VII, Chapter IV of Regulation (EC) No 1774/2002, in order to kill pathogenic agents;
- (b) has not been in contact with other types of oils including rendered fats from other animal species, and
- (<sup>3</sup>) *either* [(c) is packaged in new containers or in containers that have been cleaned and all precautions taken to prevent their contamination; ]
- (<sup>3</sup>) *or* [(c) where bulk transport is intended, the pipe, pumps and bulk tanks and any other bulk container or bulk road tanker used in the transportation of the product from the manufacturing plant either directly on to the ship or into shore tanks or direct to plants have been inspected and found to be clean before use; ]

and which bear labels indicating 'NOT FOR HUMAN CONSUMPTION'.

#### Official stamp and signature

Done at ..... on .....  
(place) (date)

(stamp) (<sup>6</sup>)

.....  
(signature of the official veterinarian) (<sup>6</sup>)

.....  
(name, qualifications and title, in capital letters)

#### Notes

(<sup>1</sup>) Issued by the competent authority.

(<sup>2</sup>) For goods vehicles the registration number should be given. For bulk containers, the container number and the seal number (if applicable) should be included.

(<sup>3</sup>) Delete as appropriate.

(<sup>4</sup>) OJ L 273, 10.10.2002, p. 1.

(<sup>5</sup>) Catering waste means all waste food, including used cooking oils, originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens.

(<sup>6</sup>) The signature and the stamp must be in a different colour to that of the printing.

(D)

**Health certificate**

*For rendered fats not intended for human consumption to be used as feed material or for technical purposes, intended for dispatch to the European Community*

Note for the importer: This certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.

<b>1. Consignor</b> (name and address in full) ..... ..... ..... ..... ..... ..... ..... .....	<p align="center"><b>VETERINARY CERTIFICATE</b>  <b>For rendered fats not intended for human consumption to be used as feed material or for technical purposes, intended for dispatch to the European Community</b></p> <p>Reference number <sup>(1)</sup> ..... ORIGINAL</p>
<b>2. Consignee</b> (name and address in full) ..... ..... ..... ..... ..... ..... .....	
<b>5. Intended destination of the rendered fat</b> 5.1. EU Member State: ..... 5.2. Name and address of the destination: ..... ..... ..... .....	<b>3. Origin of the rendered fat</b> 3.1. Country: Australia/Canada/China/USA <sup>(3)</sup> 3.2. Code of territory: .....  <b>4. Competent Authority</b> 4.1. Responsible Ministry: ..... 4.2. Certifying department: ..... .....
<b>7. Means of transport and consignment identification <sup>(2)</sup></b> 7.1. (Lorry, rail wagon, ship, or aircraft) <sup>(3)</sup> 7.2. Number of seal (if applicable): ..... 7.3. Registration number(s), ship name or flight number: ..... ..... .....	<b>6. Place of loading for exportation</b> ..... ..... ..... ..... .....  7.4. Nature of packaging: ..... ..... 7.5. Number of packages: ..... 7.6. Net weight: ..... 7.7. Lot/batch production reference number: ..... .....
<b>8. Identification of the rendered fat</b> 8.1. Description of the rendered fat: ..... 8.2. Rendered fat of: ..... (animal species) 8.3. Address and registration number of treatment/processing establishment <sup>(3)</sup> : ..... .....	
<b>9. Health attestation</b>  I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1774/2002 <sup>(4)</sup> and Regulation (EC) No 780/2004 and certify that the rendered fats described above: 9.1. consist of rendered fats described in Sections 7 and 8 that satisfy the health requirements below; 9.2. consist of rendered fats not intended for human consumption;	

9.3. have been prepared and stored in a plant approved, validated and supervised by the competent authority in ways that prevent cross-contamination of Category 3 material with Category 1 and 2 materials; and complying with the rest of the specific requirements set out in paragraphs 3 to 10 of Chapter I of Annex VII to Regulation (EC) No 1774/2002 or in accordance with Chapter II of Annex C to Council Directive 77/99/EEC <sup>(5)</sup> or Chapter IX of Annex 1 to Council Directive 92/118/EEC <sup>(6)</sup>, in order to kill pathogenic agents;

9.4. have been prepared exclusively with the following animal by-products:

- <sup>(3)</sup> *either* [- parts of slaughtered animals, which are fit for human consumption in accordance with Community legislation, but are not intended for human consumption for commercial reasons;]
- <sup>(3)</sup> *and/or* [- parts of slaughtered animals, which are rejected as unfit for human consumption but are not affected by any signs of diseases communicable to humans or animals and derive from carcasses that are fit for human consumption in accordance with Community legislation;]
- <sup>(3)</sup> *and/or* [- hides and skins, hooves and horns, pig bristles and feathers originating from animals that were slaughtered in a slaughterhouse, after undergoing ante mortem inspection, and were fit, as a result of such inspection, for slaughter for human consumption in accordance with Community legislation;]
- <sup>(3)</sup> *and/or* [- blood obtained from animals other than ruminants that are slaughtered in a slaughterhouse, after undergoing ante-mortem inspection, and were fit, as a result of such inspection, for slaughter for human consumption in accordance with Community legislation;]
- <sup>(3)</sup> *and/or* [- animal by-products derived from the production of products intended for human consumption, including degreased bones and greaves;]
- <sup>(3)</sup> *and/or* [- former foodstuffs of animal origin, or former foodstuffs containing products of animal origin, other than catering waste <sup>(7)</sup>, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects which do not present any risk to humans or animals;]
- <sup>(3)</sup> *and/or* [- milk originating from animals which do not show any clinical signs of any disease communicable through that product to humans or animals;]
- <sup>(3)</sup> *and/or* [- fish or other sea animals, except sea mammals, caught in the open sea for the purposes of fishmeal production;]
- <sup>(3)</sup> *and/or* [- by-products from fish from plants manufacturing fish products for human consumption;]
- <sup>(3)</sup> *and/or* [- shells, hatchery by-products and cracked egg by-products originating from animals which did not show clinical signs of any disease communicable through that product to humans or animals;]

9.5. if derived from ruminant animals were purified in such way that the maximum levels of remaining total insoluble impurities does not exceed 0,15 % in weight;

9.6. the rendered fats:

- (a) have been subjected to processing in accordance with Annex VII, Chapter IV of Regulation 1774/2002/EC, or treatment in accordance with Council Directives 77/99/EEC or 92/118/EEC, in order to kill pathogenic agents, and

- <sup>(3)</sup> *either* [(b)are packaged in new containers or in containers that have been cleaned and all precautions taken to prevent their contamination;]
- <sup>(3)</sup> *or* [(b)where bulk transport is intended, the pipe, pumps and bulk tanks and any other bulk container or bulk road tanker used in the transportation of the product from the manufacturing plant either directly on to the ship or into shore tanks or direct to plants have been inspected and found to be clean before use;]

and which bear labels indicating 'NOT FOR HUMAN CONSUMPTION'.

#### Official stamp and signature

Done at ..... on .....  
(place) (date)

(stamp) <sup>(8)</sup>

.....  
(signature of the official veterinarian) <sup>(8)</sup>

.....  
(name, qualifications and title, in capital letters)

- (<sup>1</sup>) Issued by the competent authority.
- (<sup>2</sup>) For goods vehicles the registration number should be given. For bulk containers, the container number and the seal number (if applicable) should be included.
- (<sup>3</sup>) Delete as appropriate.
- (<sup>4</sup>) OJ L 273, 10.10.2002, p. 1.
- (<sup>5</sup>) OJ L 26, 31.1.1977, p. 85.
- (<sup>6</sup>) OJ L 62, 15.3.1993, p. 49.
- (<sup>7</sup>) Catering waste means all waste food, including used cooking oils, originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens.
- (<sup>8</sup>) The signature and the stamp must be in a different colour to that of the printing.





- 9.3. have been prepared and stored in a plant approved, validated and supervised by the competent authority in accordance with Article 13 of Regulation (EC) No 1774/2002, in order to kill pathogenic agents;
- 9.4. have been prepared with the following animal by-products:
- (<sup>3</sup>) *either* [ category 2 materials (<sup>5</sup>); ]
- (<sup>3</sup>) *or* [ a mixture of category 2 materials with category 3 materials (<sup>6</sup>); ]
- 9.5. if derived from ruminant animals were purified in such way that the maximum levels of remaining total insoluble impurities does not exceed 0,15 % in weight;
- 9.6. the rendered fats:
- (a) have been subjected to processing in accordance with Annex VII, Chapter XII of Regulation (EC) No 1774/2002/EC , in order to kill pathogenic agents; and
- (<sup>3</sup>) *either* [(b)are packaged in new containers or in containers that have been cleaned and all precautions taken to prevent their contamination; ]
- (<sup>3</sup>) *or* [(b)where bulk transport is intended, the pipe, pumps and bulk tanks and any other bulk container or bulk road tanker used in the transportation of the product from the manufacturing plant either directly on to the ship or into shore tanks or direct to plants have been inspected and found to be clean before use; ]
- and which bear labels indicating "NOT FOR HUMAN OR ANIMAL CONSUMPTION".

**Official stamp and signature**

Done at ..... on .....  
(place) (date)

(stamp) (<sup>7</sup>)

.....  
(signature of the official veterinarian) (<sup>7</sup>)

.....  
(name, qualifications and title, in capital letters)

## Notes

- (<sup>1</sup>) Issued by the competent authority.
- (<sup>2</sup>) For goods vehicles the registration number should be given. For bulk containers, the container number and the seal number (if applicable) should be included.
- (<sup>3</sup>) Delete as appropriate.
- (<sup>4</sup>) OJ L 273, 10.10.2002, p. 1.
- (<sup>5</sup>) List of category 2 materials:
  - (a) all animal materials collected when treating waste water from slaughterhouses other than slaughterhouses covered by Article 4(1)(d) or from category 2 processing plants, including screenings, materials from desanding, grease and oil mixtures, sludge and materials removed from drains from those premises;
  - (b) products of animal origin containing residues of veterinary drugs and contaminants listed in group B(1) and (2) of Annex I to Directive 96/23/EC, if such residues exceed the permitted level laid down by Community legislation;
  - (c) products of animal origin, other than category 1 material, that are imported from third countries and, in the course of the inspections provided for in Community legislation, fail to comply with the veterinary requirements for their importation into the Community, unless they are returned or their importation is accepted under restrictions laid down under Community legislation;
  - (d) animals and parts of animals, other than those referred to in Article 4, that die other than by being slaughtered for human consumption, including animals killed to eradicate an epizootic disease;
  - (e) mixtures of category 2 material with category 3 material, including any material destined for processing in a category 2 processing plant; and
  - (f) animal by-products other than category 1 material or category 3 material.
- (<sup>6</sup>) List of category 3 materials:
  - (a) parts of slaughtered animals, which are fit for human consumption in accordance with Community legislation, but are not intended for human consumption for commercial reasons;
  - (b) parts of slaughtered animals, which are rejected as unfit for human consumption but are not affected by any signs of diseases communicable to humans or animals and derive from carcasses that are fit for human consumption in accordance with Community legislation;
  - (c) hides and skins, hooves and horns, pig bristles and feathers originating from animals that were slaughtered in a slaughterhouse, after undergoing ante mortem inspection, and were fit, as a result of such inspection, for slaughter for human consumption in accordance with Community legislation;
  - (d) blood obtained from animals other than ruminants that are slaughtered in a slaughterhouse, after undergoing ante mortem inspection, and were fit, as a result of such inspection, for slaughter for human consumption in accordance with Community legislation;
  - (e) animal by-products derived from the production of products intended for human consumption, including degreased bones and greaves;
  - (f) former foodstuffs of animal origin, or former foodstuffs containing products of animal origin, other than catering waste, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects which do not present any risk to humans or animals;
  - (g) milk originating from animals which does not show any clinical signs of any disease communicable through that product to humans or animals;
  - (h) fish or other sea animals, except sea mammals, caught in the open sea for the purposes of fishmeal production;
  - (i) by-products from fish from plants manufacturing fish products for human consumption;
  - (j) shells, hatchery by-products and cracked egg by-products originating from animals which did not show clinical signs of any disease communicable through that product to humans or animals.
- (<sup>7</sup>) The signature and the stamp must be in a different colour to that of the printing.

(F)

**Health certificate**

*For hydrolysed protein, dicalcium phosphate and tricalcium phosphate not intended for human consumption to be used as feed material or for technical purposes, intended for dispatch to the European Community*

Note for the importer: This certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.

<b>1. Consignor</b> (name and address in full) ..... ..... ..... ..... ..... ..... ..... .....	<p align="center"><b>VETERINARY CERTIFICATE</b></p> <p align="center"><b>For hydrolysed protein, dicalcium phosphate and tricalcium phosphate not intended for human consumption to be used as feed material or for technical purposes, intended for dispatch to the European Community</b></p> <p>Reference number <sup>(1)</sup> ..... ORIGINAL</p>
<b>2. Consignee</b> (name and address in full) ..... ..... ..... ..... ..... .....	
<b>5. Intended destination of the hydrolysed protein/dicalcium phosphate/tricalcium phosphate <sup>(2)</sup></b> 5.1. EU Member State: ..... 5.2. Name and address of the destination: ..... ..... ..... .....	<b>3. Origin of the hydrolysed protein/dicalcium phosphate/tricalcium phosphate <sup>(2)</sup></b> 3.1. Country: Australia/Canada/China/USA <sup>(2)</sup> 3.2. Code of territory: .....
<b>7. Means of transport and consignment identification <sup>(3)</sup></b> 7.1. (Lorry, rail wagon, ship, or aircraft) <sup>(2)</sup> 7.2. Number of seal (if applicable): ..... 7.3. Registration number(s), ship name or flight number: ..... ..... ..... .....	<b>4. Competent authority</b> 4.1. Responsible ministry: ..... 4.2. Certifying department: ..... .....  <b>6. Place of loading for exportation</b> ..... ..... ..... .....  7.4. Nature of packaging: ..... ..... 7.5. Number of packages: ..... 7.6. Net weight: ..... 7.7. Lot/batch production reference number: ..... ..... .....
<b>8. Identification of the hydrolysed protein/dicalcium phosphate/tricalcium phosphate <sup>(2)</sup></b> 8.1. Description of the [ hydrolysed protein ]/[ dicalcium phosphate ]/[ tricalcium phosphate ] <sup>(2)</sup> : ..... ..... 8.2. [hydrolysed protein]/[dicalcium phosphate]/[tricalcium phosphate] <sup>(2)</sup> of: ..... (animal species) ..... 8.3. Address and registration number of treatment/processing establishment <sup>(2)</sup> : ..... .....	
<b>9. Health attestation</b> I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1774/2002 <sup>(4)</sup> and Regulation (EC) No 780/2004 and certify that the hydrolysed protein/dicalcium phosphate/tricalcium phosphate <sup>(2)</sup> described above:	

- 9.1. consists of hydrolysed protein/dicalcium phosphate/tricalcium phosphate <sup>(?)</sup> that satisfy the health requirements below;
- 9.2. consists exclusively of hydrolysed protein/dicalcium phosphate/tricalcium phosphate <sup>(?)</sup> not intended for human consumption;
- 9.3. has been prepared and stored in a plant approved, validated and supervised by the competent authority in ways that prevent cross-contamination of Category 3 material with Category 1 and 2 materials; and complying with the rest of the specific requirements set out in paragraphs 3 to 10 of Chapter I of Annex VII to Regulation (EC) No 1774/2002, in order to kill pathogenic agents;
- 9.4. has been prepared exclusively with the following animal by-products:
- <sup>(?)</sup> either [- parts of slaughtered animals, which are fit for human consumption in accordance with Community legislation, but are not intended for human consumption for commercial reasons;]
  - <sup>(?)</sup> and/or [- parts of slaughtered animals, which are rejected as unfit for human consumption but are not affected by any signs of diseases communicable to humans or animals and derive from carcasses that are fit for human consumption in accordance with Community legislation;]
  - <sup>(?)</sup> and/or [- hides and skins, hooves and horns, pig bristles and feathers originating from animals that were slaughtered in a slaughterhouse, after undergoing ante mortem inspection, and were fit, as a result of such inspection, for slaughter for human consumption in accordance with Community legislation;]
  - <sup>(?)</sup> and/or [- blood obtained from animals other than ruminants that are slaughtered in a slaughterhouse, after undergoing ante mortem inspection, and were fit, as a result of such inspection, for slaughter for human consumption in accordance with Community legislation;]
  - <sup>(?)</sup> and/or [- animal by-products derived from the production of products intended for human consumption;]
  - <sup>(?)</sup> and/or [- former foodstuffs of animal origin, or former foodstuffs containing products of animal origin, other than catering waste <sup>(?)</sup>, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects which do not present any risk to humans or animals;]
  - <sup>(?)</sup> and/or [- raw milk originating from animals that do not show clinical signs of any disease communicable through that product to humans or animals;]
  - <sup>(?)</sup> and/or [- fish or other sea animals, except sea mammals, caught in the open sea for the purposes of fishmeal production;]
  - <sup>(?)</sup> and/or [- fresh by-products from fish from plants manufacturing fish products for human consumption;]
  - <sup>(?)</sup> and/or [- shells, hatchery by-products and cracked egg by-products originating from animals which did not show clinical signs of any disease communicable through that product to humans or animals;]
- 9.5. the hydrolysed protein/dicalcium phosphate/tricalcium phosphate <sup>(?)</sup>:
- (a) was wrapped and packaged in packaging which bear labels indicating 'NOT FOR HUMAN CONSUMPTION' and stored and transported under satisfactory hygiene conditions, and in particular wrapping and packaging took place in a dedicated room, and only preservatives permitted under Community legislation were used, and
  - <sup>(?)</sup> bien [(b) in the case of hydrolysed protein, has been produced by a process involving appropriate measures to minimise contamination of raw category 3 material. In the case of hydrolysed proteins entirely or partly derived from ruminants hides and skins, has been produced in a processing plant dedicated only to hydrolysed proteins production, using a process involving the preparation of the raw category 3 material by brining, liming and intensive washing followed by:
    - (b) (i) exposure of the material to a pH of more than 11 for more than three hours at temperature of more than 80 °C and subsequently by heat treatment at more than 140 °C for 30 minutes at more than 3,6 bar; and
    - (b) (ii) exposure of the material to a pH of 1 to 2, followed by a pH of more than 11, followed by heat treatment at 140 °C for 30 minutes at 3 bar;]
  - <sup>(?)</sup> or [(b) in the case of dicalcium phosphate, has been produced by a process that :
    - (b) (i) ensures that all category 3 bone-material is finely crushed and degreased with hot water and treated with dilute hydrochloric acid (at a minimum concentration of 4 % and a pH of less than 1,5) over a period of at least two days;
    - (b) (ii) followed by treatment of the obtained phosphoric liquor with lime, resulting in a precipitate of dicalcium phosphate at pH 4 to 7; and
    - (b) (iii) finally air-dries this precipitate for 15 minutes, with inlet temperature of 270 to 325 °C and end temperature between 60 and 65 °C;]

- (<sup>2</sup>) or [(b)in the case of tricalcium phosphate, has been produced by a process ensuring:
- (i) that all category 3 bone-material is finely crushed and degreased in counter-flow with hot water (bone chips less than 14 mm);
  - (ii) continuous cooking with steam at 145 °C during 30 minutes at 4 bars;
  - (iii) separation of the protein broth from the hydroxyapatite (tricalcium phosphate) by centrifugation; and
  - (iv) granulation of the tricalcium phosphate after drying in a fluid bed with air at 200 °C. ]

**Official stamp and signature**

Done at ..... on .....  
(place) (date)

(stamp) (<sup>6</sup>)

.....  
(signature of the official veterinarian) (<sup>6</sup>)

.....  
(name, qualifications and title, in capital letters)

**Notes**

(<sup>1</sup>) Issued by the competent authority.

(<sup>2</sup>) Delete as appropriate.

(<sup>3</sup>) For goods vehicles the registration number should be given. For bulk containers, the container number and the seal number (if applicable) should be included.

(<sup>4</sup>) OJ L 273, 10.10.2002, p. 1.

(<sup>5</sup>) OJ L 212, 22.7.1989, p. 87.

(<sup>6</sup>) Catering waste means all waste food, including used cooking oils, originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens.

(<sup>7</sup>) The signature and the stamp must be in a different colour to that of the printing.





- 9.3. have been prepared and stored in a plant, approved, validated and supervised by the competent authority in ways that prevent cross-contamination of Category 3 material with Category 1 and 2 materials; and complying with Article 11 and the rest of the specific requirements set out in paragraphs 3 to 10 of Chapter I of Annex VII to Regulation (EC) No 1774/2002 or Council Directive 89/437/EEC, in order to kill pathogenic agents;
- 9.4. se have been prepared (derived) exclusively with the following animal by-product:  
— eggs originating from animals which did not show clinical signs of any disease communicable through that product to humans or animals;
- 9.5. have been subjected to processing:  
(<sup>3</sup>) either [in accordance with processing method ..... (<sup>6</sup>) as set out in Annex V, Chapter III of Regulation (EC) No 1774/2002;]  
(<sup>3</sup>) or [in accordance to a method and parameters which ensure that the products comply with the microbiological standards set in Chapter I, paragraph 10 of Regulation (EC) No 1774/2002;]  
(<sup>3</sup>) or [treated in accordance with Chapter V of the Annex to Council Directive 89/437/EC;]
- 9.6. have been examined by the competent authority taking a random sample immediately prior to dispatch and found it to comply with the following standards (<sup>7</sup>):  
*Salmonella*: absence in 25g: n = 5, c = 0, m = 0, M = 0,  
*Enterobacteriaceae*: n = 5, c = 2, m = 10, M = 300 in 1 gram;
- 9.7. meet Community standards on residues of substances that are harmful or might alter the organoleptic characteristics of the product or make its use as feed dangerous or harmful to animal health;
- 9.8. the end product was:  
(<sup>3</sup>) either [packed in new or sterilised bags;]  
(<sup>3</sup>) either [transported in bulk in containers or other means of transport that were thoroughly cleaned and disinfected with a disinfectant approved by the competent authority before use;]  
and which bear labels indicating 'NOT FOR HUMAN CONSUMPTION';
- 9.9. the end product was stored in enclosed storage;
- 9.10. the product has undergone all precautions to avoid contamination with pathogenic agents after treatment:

**Official stamp and signature**

Done at ..... on .....  
(place) (date)

(stamp) (<sup>8</sup>)(signature of the official veterinarian) (<sup>8</sup>)

(name, qualifications and title, in capital letters)

**Notes**

(<sup>1</sup>) Issued by the competent authority.

(<sup>2</sup>) For goods vehicles the registration number should be given. For bulk containers, the container number and the seal number (if applicable) should be included).

(<sup>3</sup>) Delete as appropriate.

(<sup>4</sup>) OJ L 273, 10.10.2002, p. 1.

(<sup>5</sup>) Insert method 1 to 5 or 7 as applicable:

(<sup>6</sup>) OJ L 212, 22.07.1989, p. 89.

(<sup>7</sup>) Where:

n = number of samples to be tested;

m = threshold value for the number of bacteria; the result is considered satisfactory if the number of bacteria in all samples does not exceed m;

M = maximum value for the number of bacteria; the result is considered unsatisfactory if the number of bacteria in one or more samples is M or more; and

c = number of samples the bacterial count of which may be between m and M, the sample still being considered acceptable if the bacterial count of the other samples is m or less.

(<sup>8</sup>) The signature and the stamp must be in a different colour to that of the printing.

## COMMISSION REGULATION (EC) No 781/2004

of 26 April 2004

## amending Commission Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark <sup>(1)</sup>, and in particular Article 139 thereof,

Having regard to the Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 2869/95 of 13 December 1995 on the fees payable to the Office for Harmonization <sup>(3)</sup>,

Whereas:

- (1) Article 142 of Council Regulation (EC) No 40/94, 'hereinafter the Regulation', provides that a fee shall be levied for international applications based on a Community trade mark or on a Community trade mark application filed at the Office.
- (2) Article 154 of the same Regulation provides that for a conversion of a designation of the European Community through an international registration into a national trade mark application or into a designation of the Member States under the Madrid Agreement or the Madrid Protocol, Articles 108 to 110 shall apply *mutatis mutandis*, and in particular Article 109 paragraph 1, provides that the request for conversion shall not be deemed to be filed until the conversion fee has been paid.
- (3) Article 139 paragraph 2 of such Regulation provides that the amounts of the fees to be paid to the Office shall be fixed at such a level as to ensure that the revenue thereof is sufficient for the budget of the Office to be balanced.
- (4) Articles 11, 12 and 13 of the present Regulation provides for the fees to be paid to the International Bureau according to their rules of payment.
- (5) Article 139 paragraph 3 of such Regulation provides that the fees regulation shall be amended in accordance with the procedure established in Article 158.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on fees, Implementation Rules and the Procedure of the Boards of Appeal of the Office for Harmonization in the Internal Market (trade mark and designs),

HAS ADOPTED THIS REGULATION:

## Article 1

Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) shall be amended as follows:

1. Article 2 point 20 shall read as follows:

(in EUR)	
'20. Fee for the conversion of a Community trade mark application or a Community trade mark (Article 109(1), also in conjunction with Article 154(1); Rule 45(2), also in conjunction with Rule 123(2))	200'
(a) into a national trade mark application	
(b) into a designation of Member States under the Madrid Agreement or the Madrid Protocol	

<sup>(1)</sup> OJ L 11 of 14.1.1994, p. 1.

<sup>(2)</sup> OJ L 303, 15.12.1995, p. 1.

<sup>(3)</sup> OJ L 303, 15.12.1995, p. 33.

2. At the end of Article 2, the following shall be added:

	(in EUR)
'31. Fee for the filing of an international application at the Office (Article 142(5))	300'

3. In Article 2, 3(3) and 8(3)(b), the references to ECU shall be replaced by references to EUR.

4. Article 6 shall read as follows:

*'Article 6*

#### **Currencies**

All payments, including by any method of payment allowed by the President pursuant to Article 5(2), shall be made in EUR.'

5. The following new Articles 11, 12, 13 and 14 shall be inserted after Article 10:

*'Article 11*

#### **Individual fee for an international registration designating the European Community**

1. The applicant for an international application designating the European Community shall be required to pay to the International Bureau an individual fee for the designation of the European Community in accordance with Article 8(7) of the Madrid Protocol.

2. The holder of an international registration who files a request for territorial extension designating the European Community made subsequently to the international registration shall be required to pay to the International Bureau an individual fee for the designation of the European Community in accordance with Article 8(7) of the Madrid Protocol.

3. The amount of the fee under paragraph 1 or 2 shall be the equivalent in Swiss Francs, as established by the Director General of the World Intellectual Property Organization pursuant to Rule 35(2) of the Common Regulations under the Madrid Agreement and Protocol, of the following amounts:

- (a) for an individual mark: EUR 1 875 plus, where applicable, EUR 400 for each class of goods or services exceeding three,
- (b) for a collective mark as referred to in Rule 121(1) of Commission Regulation (EC) No 2868/95: EUR 3 675 plus, where applicable, EUR 800 for each class of goods or services exceeding three.

*Article 12*

#### **Individual fee for a renewal of an international registration designating the European Community**

1. The holder of an international registration designating the European Community shall be required to pay to the International Bureau, as a part of the fees for a renewal of the international registration, an individual fee for the designation of the European Community in accordance with Article 8(7) of the Madrid Protocol.

2. The amount of the fee referred to in paragraph 1 shall be the equivalent in Swiss Francs, as established by the Director General of the World Intellectual Property Organization pursuant to Rule 35(2) of the Common Regulations under the Madrid Agreement and Protocol, of the following amounts:

- (a) in the case of an individual mark: EUR 2 300 plus EUR 500 for each class of goods and services contained in the international registration exceeding three;
- (b) in the case of a collective mark as referred to in Rule 124(1) of Commission Regulation (EC) No 2868/95: EUR 4 800 plus EUR 1 000 for each class of goods and services contained in the international registration exceeding three.

*Article 13***Refund of fees following refusal of protection**

1. Where the refusal is for all the goods and services contained in the designation of the European Community, the amount of the fee to be refunded pursuant to Article 149(4) or Article 151(4) of the Council Regulation (EC) No 40/94 shall be

- (a) in the case of an individual mark: EUR 1 100 plus EUR 200 for each class of goods and services contained in the international registration exceeding three;
- (b) in the case of a collective mark: EUR 2 200 plus EUR 400 for each class of goods and services contained in the international registration exceeding three.

2. Where the refusal is for only part of the goods and services contained in the designation of the European Community, the amount of the fee to be refunded pursuant to Article 149(4) or Article 151(4) of the Regulation shall be equivalent to 50 % of the difference of the class fees payable under Article 11(3) and the class fees that would have been payable under Article 11(3) of this Regulation if the designation of the European Community had included only those goods and services for which the international registration remains protected in the European Community.

3. The refund shall be made once the communication to the International Bureau pursuant to Rule 113(2)(b) to (d) or Rule 115(3)(b) to (d) and (4) of Commission Regulation No 2868/95 has been issued.

4. The refund shall be made to the holder of the international registration or his representative.

*Article 14*

Articles 1 to 10 do not apply to the individual fee which is to be paid to the International Bureau.'

*Article 2*

This Regulation shall enter into force on the date on which the Madrid Protocol enters into force with respect to the European Community. The date of entry into force of this Regulation shall be published 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, 26 April 2004.

*For the Commission*

Frederik BOLKESTEIN

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 782/2004**  
**of 26 April 2004**  
**amending Regulation (EC) No 2868/95 the accession of the European Community to the Madrid**  
**Protocol**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark <sup>(1)</sup>, and in particular Article 158 thereof,

Whereas:

- (1) Following the Council Decision approving the accession of the European Community to the Protocol relating to the Madrid Agreement concerning the International Registration of Marks adopted at Madrid on 27 June 1989 (hereinafter 'Madrid Protocol') <sup>(2)</sup>, it is necessary to adopt technical measures to implement Council Regulation (EC) No 1992/2003 of 27 October 2003 amending Regulation (EC) No 40/94 on the Community trade mark <sup>(3)</sup>.
- (2) Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark <sup>(4)</sup> should therefore be amended according.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee on fees, Implementation Rules and the Procedure of the Boards of Appeal of the Office for Harmonization in the Internal Market (trade mark and designs),

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 of Regulation (EC) No 2868/95 is amended as follows:

1. In Rule 12 a new subparagraph (m) are added:

- '(m) where applicable, a statement that the application results from a transformation of an international registration designating the European Community pursuant to Article 156 of the Regulation, together with the date of the international registration pursuant to Article

3(4) of the Madrid Protocol or the date on which the territorial extension to the European Community made subsequently to the international registration pursuant to Article 3 ter (2) of the Madrid Protocol was recorded and, where applicable, the date of priority of the international registration.'

2. Rule 84 shall be amended as follows:

(a) In paragraph 2, a new subparagraph (p) is added:

'(p) a statement that the application results from a transformation of an international registration designating the European Community pursuant to Article 156 of the Regulation, together with the date of the international registration pursuant to Article 3(4) of the Madrid Protocol or the date on which the territorial extension to the European Community made subsequently to the international registration pursuant to Article 3 ter (2) of the Madrid Protocol was recorded and, where applicable, the date of priority of the international registration.'

(b) In paragraph 3, the new subparagraphs (t), (u) and (v) are added:

'(t) the replacement of the Community trade mark by an international registration pursuant to Article 152 of the Regulation;

(u) the date and number of an international registration based on the Community trade mark application which has been registered as a Community trade mark pursuant to Article 143(1) of the Regulation;

(v) the date and number of an international registration based on the Community trade mark pursuant to Article 143(2) of the Regulation.'

3. In Rule 89 a new paragraph 6 is added:

'The files kept by the Office relating to international registrations designating the European Community may be inspected on request as from the date of publication referred to in Article 147(1) of the Regulation, under the conditions laid down in paragraphs (1), (3) and (4) and subject to Rule 88.'

<sup>(1)</sup> OJ L 11 of 14.1.1994, p. 1.

<sup>(2)</sup> OJ L 296, 14.11.2003, p. 20.

<sup>(3)</sup> OJ L 296, 14.11.2003, p. 1.

<sup>(4)</sup> OJ L 303, 15.12.1995, p. 1.

4. The following Title XIII is added:

Rule 103

#### TITLE XIII

### PROCEDURES CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

#### Part a

#### ***International registration on the basis of applications for a community trade mark and of community trade marks***

#### Rule 102

#### **Filing of an international application**

1. The form provided by the Office for the filing of an international application, as referred to in Article 142(1) of the Regulation, shall be an adaptation of the official form provided by the International Bureau of the World Intellectual Property Organisation (hereinafter "the International Bureau") having the same format but including such additional indications and elements as are required or may be appropriate pursuant to these Rules. Applicants may also use the official form provided by the International Bureau.

2. Paragraph 1 shall apply *mutatis mutandis* for the form for a request for territorial extension subsequent to the international registration pursuant to Article 144 of the Regulation.

3. The Office shall inform the applicant filing the international application of the date on which the documents making up the international application are received by the Office.

4. Where the international application is filed in an official language of the European Community other than a language allowed under the Madrid Protocol for the filing of an international application and where the international application does not contain, or is not accompanied by, a translation of the list of goods and services and of any other text matter forming part of the international application in the language in which the application is to be submitted to the International Bureau pursuant to Article 142(2) of the Regulation, the applicant shall authorise the Office to include in the international application a translation of the said list of goods and services and other text matter in the language in which the application is to be submitted to the International Bureau pursuant to Article 142(2) of the Regulation. Where the translation has not yet been established in the course of the registration procedure for the Community trade mark application on which the international application is based, the Office shall without delay arrange for the translation.

#### **Examination of international applications**

1. Where the Office receives an international application and the fee referred to in Article 142(5) of the Regulation for the international application has not been paid, the Office shall inform the applicant that the international application will be deemed not to have been filed until the fee has been paid.

2. Where the examination of the international application reveals any of the following deficiencies, the Office shall invite the applicant to remedy those deficiencies within such period as it may specify:

- (a) the international application is not filed on one of the forms referred to in Rule 102(1), and does not contain all the indications and information required by that form;
- (b) the list of goods and services contained in the international application is not covered by the list of goods and services appearing in the basic Community trade mark application or basic Community trade mark;
- (c) the mark which is subject to the international application is not identical to the mark as appearing in the basic Community trade mark application or basic Community trade mark;
- (d) any indication in the international application as to the mark, other than a disclaimer pursuant to Article 38(2) of the Regulation or a colour claim, does not also appear in the basic Community trade mark application or basic Community trade mark;
- (e) if colour is claimed in the international application as a distinctive feature of the mark, the basic Community trade mark application or basic Community trade mark is not in the same colour or colours; or
- (f) according to the indications made in the international form, the applicant is not eligible to file an international application through the Office in accordance with Article 2(1)(ii) of the Madrid Protocol,

3. Where the applicant has failed to authorise the Office to include a translation as provided for in Rule 102(4), or where it is otherwise unclear on which list of goods and services the international application shall be based, the Office shall invite the applicant to make the required indications within such a period as it may specify.

4. If the deficiencies referred to in paragraph 2 are not remedied or the required indications referred to in paragraph 3 are not made within the time limit fixed by the Office, the Office will take a decision refusing to forward the international application to the International Bureau.



## Rule 104

**Forwarding of the international application**

The Office shall forward the international application to the International Bureau along with the certification provided for under Article 3(1) of the Madrid Protocol as soon as the international application meets the requirements laid down in Rules 102 and 103 as well as in Articles 141 and 142 of the Regulation.

## Rule 105

**Subsequent designations**

1. The Office shall invite the applicant requesting the territorial extension subsequent to the international registration, as referred to in Article 144 of the Regulation, to remedy any of the following deficiencies within such time limit as it may specify:

- (a) the request for territorial extension is not filed on one of the form referred to Rule 102(1) and (2) and does not contain all the indications and information required by that form;
- (b) the request for territorial extension does not indicate the number of the international registration to which it relates;
- (c) the list of goods and services is not covered by the list of goods and services contained in the international registration; or
- (d) according to the indications made in the international form, the applicant requesting the territorial extension is not entitled to make a designation subsequent to the international registration through the Office in accordance with Articles 2(1)(ii) and Article 3 ter (2) of the Madrid Protocol,

2. If the deficiencies referred to in paragraph 1 are not remedied within the time limit fixed by the Office, the Office will take a decision refusing to forward the request for territorial extension made subsequently to the international registration to the International Bureau.

3. The Office shall inform the applicant requesting the territorial extension of the date on which the request for territorial extension is received by the Office.

4. The Office shall forward the request for territorial extension made subsequently to the international registration to the International Bureau as soon as the deficiencies referred to in paragraph 1 of this Rule have been remedied and the requirements of Article 144 of the Regulation are complied with.

## Rule 106

**Dependence of the international registration on the basic application or registration**

1. The Office shall notify the International Bureau where, within a period of five years from the date of the international registration,

- (a) the Community trade mark application on which the international registration was based has been withdrawn, is deemed to be withdrawn or has been refused by a final decision;
- (b) the Community trade mark on which the international registration was based has ceased to have effect because it is surrendered, has not been renewed, has been revoked, or has been declared invalid by the Office by a final decision or, on the basis of a counterclaim in infringement proceedings, by a Community trade mark court;
- (c) the Community trade mark application or the Community trade mark on which the international registration was based has been divided into two applications or registrations,

2. The notification referred to in paragraph 1 shall include:

- (a) the number of the international registration;
- (b) the name of the holder of the international registration;
- (c) the facts and decisions affecting the basic application or registration, as well as the effective date of those facts and decisions;
- (d) in the case referred to in paragraph 1(a) or (b), the request to cancel the international registration;
- (e) where the act referred to in paragraph 1(a) or (b) affects the basic application or basic registration only with respect to some of the goods and services, those goods and services, or the goods and services which are not affected;
- (f) in the case referred to in paragraph 1(c), the number of each Community trade mark application or registration concerned.

3. The Office shall notify the International Bureau where, at the end of a period of five years from the date of the international registration,

- (a) an appeal is pending against a decision of an examiner to refuse the Community trade mark application on which the international registration was based pursuant to Article 38 of the Regulation;
- (b) an opposition is pending against the Community trade mark application on which the international registration was based;
- (c) an application for revocation or an application for declaration of invalidity is pending against the Community trade mark on which the international registration was based;



(d) mention has been made in the Register of Community Trade Marks that a counterclaim for revocation or for declaration of invalidity has been filed before a Community trade mark court against the Community trade mark on which the international registration was based, but no mention has yet been made in the Register of the decision of the Community trade mark court on the counterclaim;

4. Once the proceedings referred to in paragraph 3 have been concluded by means of a final decision or an entry in the register, the Office shall notify the International Bureau accordingly with paragraph 2.

5. Any reference in paragraphs 1 and 3 to a Community trade mark on which the international registration was based shall include a Community trade mark registration resulting from a Community trade mark application on which the international application was based.

#### *Rule 107*

#### **Renewals**

The international registration shall be renewed directly at the International Bureau.

#### *Part b*

#### ***International registrations designating the European Community***

#### *Rule 108*

#### **Seniority claimed in an international application**

1. Where the seniority of one or more earlier registered trade marks, as referred to in Article 34 of the Regulation, has been claimed in an international application pursuant to Article 148(1) of the Regulation, the holder shall, within three months from the date on which the International Bureau notifies the international registration to the Office, submit a copy of the relevant registration to the Office. The copy must be certified by the competent authority to be an exact copy of the relevant registration.

2. Where the holder of the international registration is obliged to be represented in proceedings before the Office pursuant to Article 88(2) of the Regulation, the communication as referred to in paragraph 1 shall contain the appointment of a representative within the meaning of Article 89(1) of the Regulation.

3. The President of the Office may determine that the evidence to be provided by the holder may consist of less than is required under paragraph 1, provided that the information required is available to the Office from other sources.

#### *Rule 109*

#### **Examination of seniority claims**

1. Where the Office finds that the seniority claim under Rule 108(1) does not comply with Article 34 of the Regulation, or does not comply with the other requirements of Rule 108, it shall invite the holder to remedy the deficiencies within such period as it may specify.

2. If the requirements referred to in paragraph 1 are not satisfied within the time limit, the right of seniority in respect of that international registration shall be lost. If the deficiencies concern only some of the goods and services, the right of seniority shall be lost only in so far as those goods and services are concerned.

3. The Office shall inform the International Bureau of any declaration of a loss of the right of seniority pursuant to paragraph 2. It shall also inform the International Bureau of any withdrawal or restriction of the seniority claim.

4. The Office shall inform the Benelux Trade Mark Office or the central industrial property office of the Member State concerned of the claiming of seniority, unless the right of seniority is declared lost pursuant to paragraph 2.

#### *Rule 110*

#### **Seniority claimed before the Office**

1. The holder of an international registration designating the European Community may claim, directly before the Office, the seniority of one or more earlier registered trade marks as referred to in Article 35 of the Regulation as from the date on which the Office has, pursuant to Article 147(2) of the Regulation, published the fact that no refusal for protection of the international registration designating the European Community has been notified or if any such refusal has been withdrawn, as provided for in Article 148(2) of the Regulation.

2. Where seniority is claimed before the Office before the date referred to in paragraph 1, the seniority claim shall be deemed to have been received by the Office on the date referred to in paragraph 1.

3. An application to claim seniority pursuant to Article 148(2) of the Regulation and paragraph 1 shall contain:

- (a) an indication that the seniority claim is made for an international registration under the Madrid Protocol;
- (b) the registration number of the international registration;
- (c) the name and address of the holder of the international registration in accordance with Rule 1(1)(b);
- (d) where the holder has appointed a representative, the name and the business address of the representative in accordance with Rule 1(1)(e);

- (e) an indication of the Member State or Member States in or for which the earlier mark is registered, the date from which the relevant registration was effective, the number of the relevant registration, and the goods and services for which the earlier mark is registered;
- (f) where seniority is claimed for less than all the goods and services contained in the earlier registration, the indication of the goods and services in respect of which seniority is claimed;
- (g) a copy of the relevant registration; certified by the competent authority as being an exact copy;
- (h) where the holder of the international registration is obliged to be represented in proceedings before the Office pursuant to Article 88(2) of the Regulation, the appointment of a representative within the meaning of Article 89(1) of the Regulation.

4. If the requirements governing the claiming of seniority referred to in paragraph 3 are not fulfilled, the Office shall invite the holder of the international registration to remedy the deficiencies. If the deficiencies are not remedied within a period specified by the Office, the Office shall reject the application.

5. Where the Office has accepted the application to claim seniority, it shall inform the International Bureau accordingly by communicating

- (a) the number of the international registration concerned,
- (b) the name of the Member state or Member States in or for which the earlier mark is registered,
- (c) the number of the relevant registration, and
- (d) the date from which the relevant registration was effective.

6. The Office shall inform the Benelux Trade Mark Office or the central industrial property office of the Member State concerned of the application to claim seniority once it has been accepted by the Office.

7. The President of the Office may determine that the evidence to be provided by the holder of the international registration may consist of less than is required under paragraph 1(g), provided that the information required is available to the Office from other sources.

#### *Rule 111*

#### **Decisions affecting seniority claims**

Where a seniority claim which has been made in accordance with Article 148(1) of the Regulation, or which has been communicated pursuant to Rule 110(5), has been withdrawn or cancelled by the Office, the Office shall inform the International Bureau accordingly.

#### *Rule 112*

#### **Examination as to absolute grounds for refusal**

1. Where, in the course of the examination pursuant to Article 149(1) of the Regulation, the Office finds that pursuant to Article 38(1) of the Regulation, the trade mark which is subject to the territorial extension to the European Community is ineligible for protection for all or any part of the goods or services for which it has been registered by the International Bureau, the Office shall issue an ex officio notification of provisional refusal pursuant to Article 5(1), and (2) of the Madrid Protocol and Rule 17(1) of the Common Regulations to the International Bureau.

Where the holder of the international registration is obliged to be represented in proceedings before the Office pursuant to Article 88(1) of the Regulation, the notification shall contain an invitation to appoint a representative within the meaning of Article 89(1) of the Regulation.

The notification of provisional refusal shall state the reasons on which it is based, and shall specify a time limit within which the holder of the international registration may submit his observations and, if appropriate, must appoint a representative.

The time limit shall start on the day on which the Office issues the provisional refusal.

2. Where, in the course of the examination pursuant to Article 149(1) of the Regulation, the Office finds that pursuant to Article 38(2) of the Regulation, registration of the mark must be subject to the statement by the holder of the international registration that he disclaims any exclusive rights in a non-distinctive element of the mark, the notification of ex officio refusal of provisional protection pursuant to paragraph 1 shall state that the international registration will be refused protection if the relevant statement is not submitted within the specified time limit.

3. Where, in the course of the examination pursuant to Article 149(1) of the Regulation, the Office finds that the international registration designating the European Community does not contain the indication of a second language pursuant to Rule 126 of the present Regulation and Rule 9(5)(g) (ii) of the Common Regulations, the Office shall issue an ex officio notification of provisional refusal pursuant to Article 5(1), and (2) of the Madrid Protocol and Rule 17(1) of the Common Regulations to the International Bureau. Paragraph 1, second, third and fourth sentence, shall apply.

4. Where the holder of the international registration fails to overcome the ground for refusing protection within the time limit or to comply with the condition laid down in paragraph 2 or, if appropriate, to appoint a representative or to indicate a second language, the Office will take a decision refusing the protection in whole or for a part of the goods and services for which the international registration is registered. The decision shall be subject to appeal in accordance with Article 57 to 63 of the Regulation.

5. Where, until the start of the opposition period referred to in Article 151(2) of the Regulation, the Office has not issued an ex officio notification of provisional refusal pursuant to paragraph 1, the Office shall send a statement of grant of protection to the International Bureau, indicating that the examination of absolute grounds of refusal pursuant to Article 38 of the Regulation has been completed but that the international registration is still subject to oppositions or observations of third parties.

#### *Rule 113*

#### **Notification of ex officio provisional refusals to the International Bureau**

1. The notification of ex officio provisional refusal of protection of the international registration in whole or in part, pursuant to Rule 112, shall be sent to the International Bureau and shall contain:

- (a) the number of the international registration;
- (b) all the grounds on which the provisional refusal is based together with a reference to the corresponding provisions of the Regulation;
- (c) the indication that the provisional refusal of protection will be confirmed by a decision of the Office if the holder of the international registration does not overcome the grounds for refusal by submitting his observations to the Office within a time limit of two months from the date on which the Office issues the provisional refusal;
- (d) if the provisional refusal relates to only part of the goods and services, the indication of those goods and services.

2. In respect of each notification of ex officio provisional refusal issued pursuant to paragraph 1, and provided that the time limit for entering an opposition has expired and that no provisional refusal based on an opposition has been issued pursuant to Rule 115(1), the Office shall inform the International Bureau as follows:

- (a) where as the result of the proceedings before the Office the provisional refusal has been withdrawn, the fact that the mark is protected in the European Community;
- (b) where a decision to refuse protection of the mark has become final, if applicable, following an appeal under Article 57 of the Regulation or an action under Article

63 of the Regulation, the Office shall inform the International Bureau that protection of the mark is refused in the European Community;

- (c) where the refusal pursuant to subparagraph (a) or (b) concerns only part of the goods and services, the goods and services for which the mark is protected in the European Community.

#### *Rule 114*

#### **Opposition proceedings**

1. Where opposition is entered against an international registration designating the European Community pursuant to Article 151 of the Regulation, the notice of opposition shall contain:

- (a) the number of the international registration against which opposition is entered;
- (b) an indication of the goods and services listed in the international registration against which opposition is entered;
- (c) the name of the holder of the international registration;
- (d) the indications and elements referred to in Rule 15(2)(b), (c) and (d), and (3).

2. Rules 15(1) and 16 to 22 shall apply, subject to the following:

- (a) any reference to an application for registration of the Community trade mark shall be read as a reference to an international registration;
- (b) any reference to a withdrawal of the application for registration of the Community trade mark shall be read as a reference to the renunciation of the international registration in respect of the European Community;
- (c) any reference to the applicant shall be read as a reference to the holder of the international registration.

3. If the notice of opposition is filed before the expiry of the period of six months referred to in Article 151(2) of the Regulation, the notice of opposition shall be deemed to have been filed on the first day following the expiry of the period of six months. The application of Article 42(3) second sentence of the Regulation shall remain unaffected.

4. Where the holder of the international registration is obliged to be represented in proceedings before the Office pursuant to Article 88(2) of the Regulation, and where he has not already appointed a representative within the meaning of Article 89(1) of the Regulation, the communication of the opposition to the holder of the international registration pursuant to Rule 19 shall contain the invitation to appoint a representative within the meaning of Article 89(1) of the Regulation within a period of two months from the date of notification of the communication.

Where the holder of the international registration fails to appoint a representative within this period, the Office will take a decision refusing the protection of the international registration.

5. The opposition procedure shall be stayed if an ex officio provisional refusal of protection is or has been issued pursuant to Rule 112. When the ex officio provisional refusal leads to a decision to refuse protection of the mark which has become final, the Office shall not proceed to judgment and refund the opposition fee, and no decision on the apportionment of costs shall be taken.

#### *Rule 115*

### **Notification of provisional refusals based on an opposition**

1. When an opposition against an international registration is entered at the Office pursuant to Article 151(2) of the Regulation, or is deemed to have been entered pursuant to Rule 114(3), the Office shall issue a notification of provisional refusal of protection based on an opposition to the International Bureau.

2. The notification of provisional refusal of protection based on an opposition shall contain:

- (a) the number of the international registration;
- (b) the indication that the refusal is based on the fact that an opposition has been filed, together with a reference to the provisions of Article 8 of the Regulation on which the opposition relies;
- (c) the name and the address of the opposing party.

3. Where the opposition is based on a trademark application or registration, the notification referred to in paragraph 2 shall contain the following indications:

- (i) the filing date, the registration date and, if any, the priority date,
- (ii) the filing number and, if different, the registration number,
- (iii) the name and address of the owner,
- (iv) a reproduction of the mark, and
- (v) the list of goods and services on which the opposition is based.

4. If the provisional refusal relates to only part of the goods and services, the notification referred to in paragraph 2 shall indicate those goods and services.

5. The Office shall inform the International Bureau as follows:

- (a) where as the result of the opposition proceeding the provisional refusal has been withdrawn, the fact that the mark is protected in the European Community;

- (b) where a decision to refuse protection of the mark has become final, if applicable, following an appeal under Article 57 of the Regulation or an action under Article 63 of the Regulation, the fact that protection of the mark is refused in the European Community;

- (c) where the refusal pursuant to subparagraph (a) or (b) concerns only part of the goods and services, the goods and services for which the mark is protected in the European Community.

6. Where for one and the same international registration, more than one provisional refusal has been issued pursuant to Rule 112(1), (2) or paragraph 1 of this Rule, the communication referred to in paragraph 5 of this Rule shall relate to the total or partial refusal of protection of the mark as it results from all the procedures under Article 149 and 151 of the Regulation.

#### *Rule 116*

### **Statement of grant of protection**

1. Where the Office has not issued an ex officio notification of provisional refusal pursuant to Rule 112 and no opposition has been received by the Office within the opposition period referred to in Article 151(2) of the Regulation and the Office has not issued an ex officio notification of provisional refusal as a result of the third party observations filed, the Office shall send a further statement of grant of protection to the International Bureau, indicating that the mark is protected in the European Community.

2. For the purposes of Article 146(2) of the Regulation, the further statement of grant of protection referred to in paragraph 1 shall have the same effect as a statement by the Office that a notice of refusal has been withdrawn.

#### *Rule 117*

### **Notification of invalidation to the International Bureau**

1. Where, pursuant to Article 56 or 96 and Article 153 of the Regulation, the effects of an international registration designating the European Community have been declared invalid and where that decision has become final, the Office shall notify the International Bureau accordingly.

2. The notification shall be dated and shall contain:

- (a) the indication that the invalidation has been pronounced by the Office, or the indication of the Community trademark court which has pronounced the invalidation;
- (b) the indication whether invalidation has been pronounced in the form of revocation of the rights of the holder of the international registration, of a declaration that the trade mark is invalid on absolute grounds, or of a declaration that the trade mark is invalid on relative grounds;
- (c) the indication of the fact that the invalidation is no longer subject to appeal;
- (d) the number of the international registration;



- (e) the name of the holder of the international registration;
- (f) if the invalidation does not concern all the goods and services, those goods and services in respect of which the invalidation has been pronounced or those in respect of which the invalidation has not been pronounced;
- (g) the date on which the invalidation has been pronounced, together with the indication whether the invalidation is effective as of that date or *ex tunc*.

#### Rule 118

#### Legal effect of registration of transfers

For the purposes of Article 17, and also in conjunction with Article 23(1) or (2) and Article 24, of the Regulation, recordal of a change in the ownership of the international registration on the International Register shall replace the entry of a transfer in the Register of Community Trade Marks.

#### Rule 119

#### Legal effect of registration of licenses and other rights

For the purposes of Articles 19, 20, 21 and 22, and also in conjunction with Article 23 and Article 24, of the Regulation, recordal of a license or a restriction of the holder's right of disposal in respect of the international registration on the International Register shall replace the registration of a license, a right in rem, a levy of execution or insolvency proceedings in the Register of Community Trade Marks.

#### Rule 120

#### Examination of requests for registrations of transfers, licenses or restrictions of the holder's right of disposal

1. Where a request to register a change in ownership, a license or a restriction of the holder's right of disposal is filed through the Office by a person other than the holder of the international registration, the Office shall refuse to transmit the request to the International Bureau if the request is not accompanied by proof of the transfer, license or the restriction of the right of disposal.
2. Where a request to register the amendment or cancellation of a license or the removal of a restriction of the holder's right of disposal is filed through the Office by the holder of the international registration, the Office will take a decision refusing to transmit the request to the International Bureau if the request is not accompanied by proof that the license no longer exists or has been amended, or that the restriction of the right of disposal has been removed.

#### Rule 121

#### Collective marks

1. Where the international registration indicates that it is based on a basic application or basic registration which relates to a collective mark, certification mark or guarantee

mark, the international registration designating the European Community shall be dealt with as a Community collective mark.

2. The holder of the international registration shall submit the regulations governing use of the mark as provided for in Article 65 of the Regulation and Rule 43 directly to the Office within a period of two months from the date on which the International Bureau notifies the international registration to the Office.

3. A notification of *ex officio* provisional refusal pursuant to Rule 112 shall also be issued:

- (a) if one of the grounds for refusal foreseen in Article 66(1) or (2), in conjunction paragraph 3 of that Article, of the Regulation exists;
- (b) where the regulations governing use of the mark have not been submitted in accordance with paragraph 2.

Rules 112(2), (3) and 113 shall apply.

4. Notice of amendments to the regulations governing use of the mark pursuant to Article 69 of the Regulation shall be published in the Community Trade Marks Bulletin.

#### Rule 122

#### Conversion of an international registration into a national trade mark application

1. An application for conversion of an international registration designating the European Community into a national trade mark application pursuant to Articles 108 and 154 of the Regulation shall contain:

- (a) the registration number of the international registration;
- (b) the date of the international registration or the date of the designation of the European Community made subsequently to the international registration pursuant to Article 3 ter (2) of the Madrid Protocol and, where applicable, particulars of the claim to priority for the international registration pursuant to Article 154(2) of the Regulation and particulars of the claim to seniority pursuant to Articles 34, 35 and 148 of the Regulation;
- (c) the indications and elements referred to in Rule 44(1) (a), (b), (f) and (g) and, where applicable, (h) and (k), and (2).

2. Where conversion is requested pursuant to Article 108(5) and 154 of the Regulation following a failure to renew the international registration designating the European Community, the application referred to in paragraph 1 shall contain an indication to that effect, and the date on which the protection has expired. The period of three months provided for in Article 108(5) of the Regulation shall begin to run on the day following the last day on which the renewal may still be effected pursuant to Article 7 (4) of the Madrid Protocol;

3. Rules 45, 46(2) (a) and (c), and 47 shall apply *mutatis mutandis*.

## Rule 123

**Conversion of an international registration into a designation of a Member State party to the Madrid Protocol or the Madrid Agreement**

1. An application for conversion of an international registration designating the European Community into a designation of a Member State party to the Madrid Protocol or the Madrid Agreement pursuant to Article 154 of the Regulation shall contain the indications and elements referred to in Rule 122(1) and (2).

2. Rule 45 shall apply *mutatis mutandis*. The Office shall also reject the application for conversion where the conditions to designate the Member State which is a party to the Madrid Protocol or to the Madrid Agreement were not fulfilled both on the date of the designation of the European Community and the date on which the application for conversion was received or, pursuant to the second sentence of Article 109(1) of the Regulation, is deemed to have been received by the Office.

3. Rule 46(2)(a) and (c) shall apply *mutatis mutandis*. The publication of the application for conversion shall also contain the indication that conversion has been requested into a designation of a Member State party to the Madrid Protocol or the Madrid Agreement pursuant to Article 154 of the Regulation.

4. Where the application for conversion complies with the requirements of the Regulation and these Rules, the Office shall transmit it without delay to the International Bureau. The Office shall inform the holder of the international registration of the date of transmission.

## Rule 124

**Transformation of an international registration designating the European Community into a Community trade mark application**

1. In order to be considered a transformation of an international registration which has been cancelled at the request of the office of origin by the International Bureau pursuant to Article 9 quinquies of the Madrid Protocol and in accordance with Article 156 of the Regulation, a Community trade mark application must contain an indication to that effect. That indication must be made on filing of the application.

2. The application shall contain, in addition to the indications and elements referred to in Rule 1,

- (a) the indication of the number of the international registration which has been cancelled;
- (b) the date on which the international registration was cancelled by the International Bureau;
- (c) as appropriate, the date of the international registration pursuant to Article 3(4) of the Madrid Protocol or the date of recordal of the territorial extension to the European Community made subsequently to the international registration pursuant to Article 3 ter (2) of the Madrid Protocol;

- (d) where applicable, the date of priority claimed in the international application as entered in the International Register kept by the International Bureau.

3. Where, in the course of the examination in accordance with Rule 9(3), the Office finds that the application was not filed within three months from the date on which the international registration was cancelled by the International Bureau; or the goods and services for which the Community trade mark is to be registered are not contained in the list of goods and services for which the international registration was registered in respect of the European Community, the Office shall invite the applicant to remedy the deficiencies noted and in particular to restrict the list of goods and services to those goods and services which have been contained in the list of goods and services for which the international registration was registered in respect of the European Community, within such a period as it may specify.

4. If the deficiencies referred to in paragraph 3 are not remedied within the time limit, the right to the date of the international registration or to the date of the territorial extension and, if any, to the date of the priority of the international registration shall be lost.

## Part c

**Communications**

## Rule 125

**Communications with the International Bureau and electronic forms**

1. Communications with the International Bureau shall be in a manner and format agreed on between the International Bureau and the Office, preferably by electronic means.

2. Any reference to forms shall be construed as including forms made available in electronic format.

## Rule 126

**Use of languages**

For the purposes of applying the Regulation and these Rules to international registrations designating the European Community, the language of filing of the international application shall be the language of the proceedings within the meaning of Article 115(4) of the Regulation, and the second language indicated in the international application shall be the second language within the meaning of Article 115(3) of the Regulation.

## Article 2

This Regulation shall enter into force on the date on which the Madrid Protocol enters into force with respect to the European Community. The date of entry into force of this Regulation shall be published 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, 26 April 2004.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 783/2004  
of 26 April 2004**

**amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on  
cucumbers and cherries, other than sour cherries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, and in particular Article 33(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables <sup>(2)</sup> provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup>.

(2) For the purposes of Article 5(4) of the Agreement on Agriculture <sup>(4)</sup> concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 2000, 2001 and 2002, the trigger levels for additional duties on cucumbers and

cherries, other than sour cherries, should be adjusted to take account of the new situation resulting from enlargement of the Community on 1 May 2004.

(3) As a result, Regulation (EC) No 1555/96 should be amended.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

*Article 2*

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

It shall apply from 1 May 2004.

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

Done at Brussels, 26 April 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ L 193, 3.8.1996, p. 1. Regulation last amended by Regulation (EC) No 555/2004 (OJ L 89, 26.3.2004, p. 6).

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1. Regulation last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

<sup>(4)</sup> OJ L 336, 23.12.1994, p. 22.

## ANNEX

## ‘ANNEX

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where “ex” appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and by the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015 78.0020	ex 0702 00 00	Tomatoes	— 1 October to 31 May — 1 June to 30 September	206 245 10 586
78.0065 78.0075	ex 0707 00 05	Cucumbers	— 1 May to 31 October — 1 November to 30 April	11 924 8 560
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	1 357
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	18 056
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	404 503
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	164 111
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	89 273
78.0155 78.0160	ex 0805 50 10	Lemons	— 1 June to 31 December — 1 January to 31 May	196 383 64 351
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	62 108
78.0175  78.0180	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August  — 1 September to 31 December	638 996  25 380
78.0220 78.0235	ex 0808 20 50	Pears	— 1 January to 30 April — 1 July to 31 December	251 007 84 984
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	24 312
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	32 863
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	113 101
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	18 236'

**COMMISSION REGULATION (EC) No 784/2004  
of 26 April 2004**

**fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip <sup>(1)</sup>, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip <sup>(2)</sup>, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 27 April 2004.

It shall apply from 29 April to 11 May 2004.

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

Done at Brussels, 26 April 2004.

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

<sup>(1)</sup> OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

<sup>(2)</sup> OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

## ANNEX

**to the Commission Regulation of 26 April 2004 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

(EUR/100 pieces)

Period: from 29 April to 11 May 2004

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	13,13	10,00	24,08	13,89
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	—	—
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	6,37	—	—	—

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 21 April 2004

appointing a Danish member of the Economic and Social Committee

(2004/395/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 <sup>(1)</sup>,

Whereas a member's seat on that Committee has fallen vacant following the resignation of Ms Elly KJEMS HOVE, of which the Council was informed on 16 January 2004;

Having regard to the nomination submitted by the Danish Government,

Having obtained the opinion of the Commission of the European Community,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Henrik FALLESEN is hereby appointed a member of the Economic and Social Committee in place of Ms Elly KJEMS HOVE for the remainder of the latter's term of office, which runs until 20 September 2006.

Done at Luxembourg, 21 April 2004.

*For the Council*  
*The President*  
J. WALSH

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<sup>(1)</sup> OJ L 253, 21.9.2002, p. 9.

**COUNCIL DECISION**  
**of 21 April 2004**  
**appointing a Finnish member and a Finnish alternate member of the Committee of the Regions**  
(2004/396/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Finnish Government,

Whereas:

- (1) On 22 January 2002 <sup>(1)</sup> the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions,
- (2) A seat as a member of the Committee of the Regions has become vacant following the resignation of Mr Hasse SVENSSON, notified to the Council on 10 November 2003, and a seat as an alternate member of the Committee of the Regions has become vacant following the resignation of Ms Britt LUNDBERG, notified to the Council on 17 February 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

- (a) Ms Britt LUNDBERG, member of the Åland Legislative Assembly, is hereby appointed a member in place of Mr Hasse SVENSSON;
  - (b) Ms Carina AALTONEN, member of the Åland Legislative Assembly, is hereby appointed an alternate member in place of Ms Britt LUNDBERG,
- for the remainder of their term of office, which runs until 25 January 2006.

Done at Luxembourg, 21 April 2004.

*For the Council*  
*The President*  
J. WALSH

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

**COUNCIL DECISION**  
**of 21 April 2004**  
**appointing an alternate member of the Committee of the Regions**

(2004/397/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions <sup>(1)</sup>.
- (2) The seat of an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Joan CARRETERO i GRAU, of which the Council was notified on 29 March 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Pere ESTEVE i ABAD, Consejero de Comercio, Turismo y Consumo, Generalitat de Catalunya, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Joan CARRETERO i GRAU for the remainder of his term of office, which ends on 25 January 2006.

Done at Luxembourg, 21 April 2004.

*For the Council*  
*The President*  
J. WALSH

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<sup>(1)</sup> OJ L 24, 26.4.2002, p. 38.



**COUNCIL DECISION**  
**of 21 April 2004**  
**appointing a Belgian member of the Committee of the Regions**

(2004/398/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Belgian Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions <sup>(1)</sup>.
- (2) The seat of a member of the Committee of the Regions has become vacant following the expiry of the mandate of Mr Daniel DUCARME, of which the Council was notified on 25 March 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Jacques SIMONET, Ministre-Président du Gouvernement de la Région de Bruxelles-Capitale et Ministre des Pouvoirs locaux, de l'Aménagement du Territoire, des Monuments et Sites, de la Rénovation urbaine et de la Recherche scientifique, is hereby appointed a member of the Committee of the Regions in place of Mr Daniel DUCARME for the remainder of his term of office, which ends on 25 January 2006.

Done at Luxembourg, 21 April 2004.

*For the Council*  
*The President*  
J. WALSH

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

**COUNCIL DECISION**  
**of 21 April 2004**  
**appointing one Dutch member and five Dutch alternate members of the Committee of the Regions**

(2004/399/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

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

Having regard to the proposal from the Netherlands Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC appointing the members and alternate members of the Committee of the Regions <sup>(1)</sup>.
- (2) The seat of a member of the Committee of the Regions has become vacant following the resignation of Mr KESSEN, of which the Council was notified on 6 October 2003, and five seats of alternate members of the Committee of the Regions have become vacant following
  - the expiry of the mandate of Mr VAN DER SLUIJS, of which the Council was notified on 30 March 2004,
  - the expiry of the mandate of Mr VERBEEK, of which the Council was notified on 30 March 2004,
  - the resignation of Ms VLIETSTRA, of which the Council was notified on 8 July 2003,
  - the resignation of Ms HAVEMAN, of which the Council was notified on 26 January 2004,
  - the expiry of the mandate of Mr DALES, of which the Council was notified on 30 March 2004,

*Sole Article*

- (a) Mr R.L. VREEMAN, burgemeester van Zaanstad, is hereby appointed a member of the Committee of the Regions in place of Mr KESSEN for the remainder of the term of office, which ends on 25 January 2006.
- (b) The following are hereby appointed alternate members of the Committee of the Regions:
  - Mr A.B. SAKKERS, burgemeester van Eindhoven, to replace Mr VAN DER SLUIJS,
  - Mr N.P.M. SCHOOF, burgemeester van Alphen, to replace Mr VERBEEK,
  - Mr LIDT DE JEUDE, burgemeester van Deventer, to replace Ms VLIETSTRA,
  - Mr G.B.M. LEERS, burgemeester van Maastricht, to replace Ms HAVEMAN,
  - Mr G.P.H. HUFFNAGEL, wethouder van Amsterdam, to replace Mr DALESfor the remainder of the term of office, which ends on 25 January 2006.

Done at Luxembourg, 21 April 2004.

*For the Council*  
*The President*  
J. WALSH

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

# COMMISSION

## COMMISSION DECISION

of 26 April 2004

### allowing Member States to extend provisional authorisations granted for the new active substance profoxydim

(notified under document number C(2004) 1512)

(Text with EEA relevance)

(2004/400/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC, in March 1998 Spain received an application from BASF AG for the inclusion of the active substance profoxydim (former names: clefoxydim, BAS 625H) in Annex I to Directive 91/414/EEC. Decision 1999/43/EC <sup>(2)</sup> confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to the Directive.
- (2) Confirmation of the completeness of the dossier was necessary in order to allow it to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods up to three years, for plant protection products containing profoxydim, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substance and the plant protection product in the light of the requirements laid down by that Directive.

- (3) For profoxydim, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/

EEC, for the uses proposed by the applicant. The rapporteur Member State submitted the draft assessment report to the Commission on 28 March 2001.

- (4) The examination of the dossier is still ongoing after submission of the draft assessment reports by the rapporteur Member State and it will not be possible to complete the evaluation within the timeframe foreseen by Directive 91/414/EEC.
- (5) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing profoxydim for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossier to continue. It is expected that the evaluation and decision-making process with respect to a decision on possible Annex I inclusion for profoxydim will have been completed within 24 months.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States may extend provisional authorisations for plant protection products containing profoxydim for a period not exceeding 24 months from the date of adoption of this Decision.

<sup>(1)</sup> OJ L 230, 19.08.1991, p. 1. Directive as last amended by Commission Directive 2004/30/EC (OJ L 77, 13.3.2004, p. 50).

<sup>(2)</sup> OJ L 14, 19.1.1999, p. 30.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 26 April 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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## COMMISSION DECISION

of 26 April 2004

**concerning the non-inclusion of mefluidide in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this substance***(notified under document number C(2004) 1513)***(Text with EEA relevance)**

(2004/401/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

(1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I of that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.

(2) Regulations (EC) No 451/2000 <sup>(2)</sup> and (EC) No 1490/2002 <sup>(3)</sup> lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. For active substances for which a notifier fails to fulfil its obligations under the Regulation no completeness check or evaluation of the dossier shall be performed. For mefluidide the notifier has not submitted by 23 May 2003 the necessary data lists. Therefore this active substance should not be included in Annex I to Directive 91/414/EEC and Member States should withdraw all authorizations for plant protection products containing mefluidide.

(3) For the active substances for which there is only a short period of advance notice for the withdrawal of plant protection products containing such substances, it is

reasonable to provide for a period of grace for disposal, storage, placing on the market and use of existing stocks for a period no longer than 12 months to allow existing stocks to be used in no more than one further growing. In cases where a longer advance notice period is provided, such period can be shortened to expire at the end of the growing season.

(4) 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

Mefluidide shall not be included in Annex I to Directive 91/414/EEC.

## Article 2

Member States shall ensure that:

1. Authorisations for plant protection products containing mefluidide are withdrawn by 26 October 2004;
2. from 27 April 2004 no authorisations for plant protection products containing mefluidide are granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

## Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire not later than 26 October 2005.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1. Directive as last amended by Directive 2004/30/EC (OJ L 77, 13.3.2004, p. 50).

<sup>(2)</sup> OJ L 55, 29.2.2000, p. 25. Regulation as last amended by Regulation (EC) No 1044/2003 (OJ L 151, 19.6.2003, p. 32).

<sup>(3)</sup> OJ L 224, 21.8.2002, p. 23. Regulation as amended by Regulation (EC) No 1044/2003.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 26 April 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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**COMMISSION DECISION**  
**of 26 April 2004**  
**approving contingency plans for the control of avian influenza and Newcastle disease**

(notified under document number C(2004) 1517)

(Text with EEA relevance)

(2004/402/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 21 thereof,

Having regard to Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza <sup>(1)</sup>, and in particular the second subparagraph of Article 17 (4) thereof,

Having regard to Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease <sup>(2)</sup>, and in particular the second subparagraph of Article 21 (4) thereof,

Whereas:

- (1) Under Commission Decision 2004/102/EC of 26 January 2004 approving contingency plans for the control of avian influenza and of Newcastle disease <sup>(3)</sup> those contingency plans are approved for the existing Member States.
- (2) The Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia have submitted contingency plans for the control of avian influenza and Newcastle disease for approval.
- (3) Those contingency plans fulfil the criteria laid down in Directives 92/40/EEC and 92/66/EEC and, subject to a regular update and an effective implementation, permit the desired objective to be attained.
- (4) The plans submitted by the new Member States should therefore be approved. For the sake of clarity the contingency plans of the existing Member States should also be approved in this Decision.

(5) Decision 2004/102/EC should therefore be repealed and replaced by this Decision.

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

HAS ADOPTED THIS DECISION:

*Article 1*

1. The contingency plans for the control of avian influenza and Newcastle disease submitted by the existing Member States listed in the Annex are approved.

2. The contingency plans for the control of avian influenza and Newcastle disease submitted by the new Member States listed in the Annex are approved.

*Article 2*

The provision in Article 1 (2) shall apply subject to and from the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

*Article 3*

Decision 2004/102/EC is repealed.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 26 April 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 167, 22.6.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1.).

<sup>(2)</sup> OJ L 260, 5.9.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003.

<sup>(3)</sup> OJ L 30, 4.2.2004, p. 22.



## ANNEX

**List of current and new Member States as referred to in Article 1**

Code	Country
AT	Austria
BE	Belgium
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania
LU	Luxembourg
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom

**DECISION No 2/2004 OF THE JOINT COMMITTEE ON AGRICULTURE**  
**of 18 March 2004**  
**regarding the amendments of the Appendix relating to Annex 10 to the Agreement between the**  
**European Community and the Swiss Confederation on trade in agricultural products**

(2004/403/EC)

THE JOINT COMMITTEE ON AGRICULTURE

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

Whereas:

- (1) This Agreement entered into force on 1 June 2002.
- (2) Annex 10 on the recognition of conformity checks for fruit and vegetables subject to marketing standards and originating in Switzerland or the Community when they are re-exported from Switzerland to the Community, recognises conformity checks if the inspections are carried out by inspection bodies authorised by the Swiss Office Fédéral de l'Agriculture.
- (3) Under Article 6 of Annex 10, the Working Party on Fruit and Vegetables reviews the Parties' internal laws and regulations and puts forward proposals to the Joint Committee on Agriculture with a view to adapting and updating the relevant Appendix.
- (4) The Appendix lists the authorised Swiss inspection bodies.
- (5) The list of authorised Swiss inspection bodies should be amended and this amendment has already been taken into account in Commission Regulation (EC) No 2590/2001 <sup>(1)</sup> of 21 December 2001,

HAS DECIDED:

*Article 1*

The Appendix is replaced by the text attached to this Decision.

*Article 2*

This Decision shall enter into force on 1 April 2004.

Done at Brussels, 18 March 2004.

*For the Joint Committee on Agriculture*  
*The Chairman and the Head of the Community*  
*Delegation*

*For the European Community*  
Aldo LONGO

*The Secretary*  
Hans-Christian BEAUMOND

*The Head of the Swiss Delegation*  
Christian HÄBERLI

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<sup>(1)</sup> OJ L 345, 29.12.2001, p. 20.

## ANNEX

## APPENDIX TO ANNEX 10

**Swiss inspection bodies authorised to issue inspection certificates as provided for in Article 3 of Annex 10**

1. Qualiservice  
Kapellenstrasse 5  
CH-3011 BERN
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