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COUNCIL REGULATION (EC) No 855/2004
of 29 April 2004

amending Regulation (EC) No 3069/95
establishing a European Community observer scheme
applicable to Community fishing vessels operating in the Regulatory
Area of the Northwest Atlantic Fisheries Organisation (NAFO)

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 ¹,

¹ Opinion delivered on 1 April 2004 (not yet published in the Official Journal).

Whereas:

- (1) Regulation (EC) No 3069/95 ¹ provides for specific rules to implement, at Community level, the scheme for observers which had been agreed upon within the framework of the Northwest Atlantic Fisheries Organisation (NAFO) in 1995 and which aimed at improving control and enforcement in the Regulatory Area of NAFO.
- (2) In view of special circumstances under which the scheme was implemented at Community level in 1995, the Council entrusted the Commission to place observers on board all Community fishing vessels and it is the Community which bears the costs arising from its operation.
- (3) In 2002, Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, was adopted ². Under that Regulation, Member States are to control the activities carried out by vessels flying their flag outside Community waters, including being responsible for placing observers on such vessels.
- (4) In view of the adoption of that framework Regulation, there is no longer any justification for the administrative and financial burdens involved being borne by the Commission.

¹ OJ L 329, 30.12.1995, p. 5. Regulation as amended by Regulation (EC) No 1049/97 (OJ L 154, 12.6.1997, p. 2.).

² OJ L 358, 31.12.2002, p. 59.

- (5) The Commission and Member States should work closely together to ensure that the effectiveness of the observer programme is maintained and respects the Community's obligations in NAFO.
- (6) Regulation (EC) No 3069/95 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3069/95 is hereby amended as follows:

- (1) The first subparagraph of Article 1 shall be replaced by the following:

"Without prejudice to Article 2 (2) of Regulation (EEC) No 1956/88, Member States shall assign observers to all their fishing vessels engaged in or about to engage in fishing activities in the NAFO Regulatory Area. Duly appointed observers shall remain on board the fishing vessels to which they are assigned until they are replaced by other observers."

- (2) The following Article shall be inserted:

"Article 1a

Member States shall forward to the Commission a list of the observers they have assigned pursuant to Article 1 by 20 January at the latest each year and, thereafter, immediately following the assignment of any new observer."

- (3) In Article 2, "Community observers" shall be replaced by "duly assigned observers".

- (4) Article 4 shall be replaced by the following:

"Article 4

All costs arising from the operation of observers under this Regulation shall be borne by the Member States. Member States may charge these costs, in part or in full, to the operators of their vessels."

- (5) In Annex I, point 1 (i), "Commission" shall be replaced by "Member States".

- (6) In Annex I, point 2 (m), "the competent authorities of the Member State concerned" shall be replaced by "the competent authorities of the Member State which assigned them".

- (7) Annex II shall be deleted.

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 Luxembourg, 29 April 2004.

For the Council
The President
M. McDOWELL

COUNCIL REGULATION (EC, EURATOM) No 856/2004
of 29 April 2004

fixing from 1 May 2004 the correction coefficients
applying to the pensions of officials and other servants
of the European Communities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Protocol on the privileges and immunities of the European Communities, and in particular Article 13 thereof,

Having regard to the Staff Regulations of officials and the Conditions of Employment of other servants, as laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ¹, as last amended by Regulation (EC, Euratom) No 723/2004 ², and in particular Articles 63, 64, 65, 65a, 82 of and Annexes XI and XIII to those Regulations and the first paragraph of Article 20 and Article 64 of those Conditions of Employment,

Having regard to the proposal from the Commission,

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 124, 27.4.2004, p. 1.

Whereas:

- (1) Application of Article 20(1) of Annex XIII to the Staff Regulations requires correction coefficients for the pensions paid in the Member States to be fixed.
- (2) These correction coefficients are to apply immediately to the transfers mentioned in Article 17 of Annex VII to the Staff Regulations.
- (3) Application of Article 20(2) of Annex XIII to the Staff Regulations requires a weighted average composed as to 20% by these correction coefficients and as to 80% by the correction coefficients applicable to the remuneration paid to officials in the capitals of the Member States,

HAS ADOPTED THIS REGULATION:

Article 1

1. With effect from 1 May 2004, pursuant to Article 17(3) of Annex VII to the Staff Regulations, the correction coefficients applicable to transfers by officials and other servants to one of the following States shall be as follows:

Denmark	130,1
Germany	102,1
Greece	89,5
Spain	94,5
France	106,3
Ireland	112,1
Italy	103,5
Netherlands	103,8
Austria	107,1
Portugal	89,8
Finland	115,0
Sweden	109,0
United Kingdom	112,6
Cyprus	94,8
Czech Republic	69,3
Estonia	65,9
Hungary	60,2
Latvia	59,3
Lithuania	64,0
Malta	82,1
Poland	59,6
Slovenia	80,1
Slovakia	66,4.

2. With effect from 1 May 2004, the correction coefficients applicable pursuant to Article 20(2) of Annex XIII to the Staff Regulations shall be as follows:

Denmark	134,6
Germany	101,8
Greece	100,0
Spain	100,0
France	116,5
Ireland	121,1
Italy	106,2
Netherlands	112,8
Austria	107,0
Portugal	100,0
Finland	119,5
Sweden	115,2
United Kingdom	134,2
Cyprus	100,0
Czech Republic	100,0
Estonia	100,0
Hungary	100,0
Latvia	100,0
Lithuania	100,0
Malta	100,0
Poland	100,0
Slovenia	100,0
Slovakia	100,0.

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 Luxembourg, 29 April 2004.

For the Council
The President
M. McDOWELL

**COUNCIL REGULATION (EC, EURATOM) No 857/2004
of 29 April 2004**

fixing from 1 May 2004 the correction coefficients
applying to the remuneration of officials and other servants
of the European Communities in the new Member States

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Protocol on the privileges and immunities of the European Communities, and in particular Article 13 thereof,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, as laid down by Regulation (EEC, Euratom, ECSC) No 259/68¹, as last amended by Regulation (EC, Euratom) No 723/2004², and in particular Articles 63, 64, 65, 65a and 82 of, and Annex XI to the Staff Regulations and the first paragraph of Article 20 and Article 64 of the Conditions of Employment,

Having regard to the proposal from the Commission,

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 124, 27.4.2004, p. 1.

Whereas:

The accession of the new Member States on 1 May 2004 means that correction coefficients applying to the remuneration of officials and other servants of the European Communities should be calculated for those Member States in accordance with Annex XI to the Staff Regulations,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 May 2004 the correction coefficients applying to the remuneration of officials and other servants serving in one of the States or places of employment listed below shall be as follows:

Cyprus	88,0
Czech Republic	88,8
Estonia	77,5
Hungary	81,9
Latvia	76,1
Lithuania	77,6
Malta	88,0
Poland	72,4
Slovenia	84,9
Slovakia	83,8

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 Luxembourg, 29 April 2004.

For the Council
The President
M. McDOWELL

COUNCIL REGULATION (EC, EURATOM) No 858/2004
of 29 April 2004

determining the rates and conditions of the special allowances
provided for in Article 56c of the Staff Regulations
which may be granted to compensate for particularly arduous
working conditions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68 ¹ as last amended by Regulation (EC, Euratom) No 723/2004 ², and in particular Article 56c of the Staff Regulations,

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee,

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 124, 27.4.2004, p. 1.

Whereas:

It is for the Council, acting on a proposal from the Commission, to determine the rates and conditions of the special allowances which may be granted to certain officials to compensate for particularly arduous working conditions,

HAS ADOPTED THIS REGULATION:

Article 1

Special allowances determined in accordance with the following Articles shall be granted to officials called upon to do particularly arduous work.

Article 2

The allowances shall be expressed in points. One point shall be equal to 0,032% of the basic salary of an official in grade 1, step 1¹. The allowances shall be adjusted by the correction coefficients applicable to the remuneration of officials.

The allowances shall be paid monthly.

Article 3

1. The following table lists the special working conditions in which allowances may be granted and the number of points per hour of actual work:

¹ For the period from 1 May 2004 to 30 April 2006: Grade D*1, step 1.

Special working conditions	Number of points per hour of actual work for function groups AD and AST ¹
I. Safety of the individual	
(a) Wearing of particularly uncomfortable clothing for protection against fire, contamination, radiation or corrosive substances:	
1. Special heavy clothing	10
2. Self-contained protective suits against fire	50
3. Other self-contained protective suits	34
4. Protective clothing with self-contained breathing apparatus	25
5. Other protective clothing with breathing apparatus	20
(b) Partial protection:	
1. Self-contained breathing apparatus	16
2. Complete respirators	10
3. Anti-dust respirators	6
4. Other protective apparatus against toxic, asphyxiating, corrosive substances, etc.	2
5. Glove-boxes and remote handling devices	2
II. Place of work	
(a) Confined	
Work in confined spaces, without daylight, which are crossed by high-tension cables or by high-temperature pipework and which are so cluttered as to make it difficult to move about	2
(b) Noisy	
Work in spaces with an average sound volume exceeding 85 decibels	2
(c) Dangerous sites necessitating the use of onerous protective appliances	
1. Underground passages	2
2. Places where work is carried out at more than 6 metres above the ground involving exceptional risks	5
In these cases the allowance shall be granted by decision of the appointing authority after consulting, where appropriate, a joint committee.	
III. Nature of work	
(a) Handling or working with certain substances in conditions which make the work arduous (see list in Annex)	2
(b) Work with explosives as a certified explosives expert	5

¹ For the period from 1 May 2004 to 30 April 2006: categories A*, B*, C*, D*.

2. In order to make constant supervision possible, work performed under the conditions defined in paragraph 1 must be recorded promptly and in chronological order. The record must detail the work performed by reference to the above table.

The appointing authority shall lay down the procedure for carrying out the supervision; where the number of hours of work in question can be taken as being the same every month the appointing authority may dispense with the record.

Article 4

The allowances for work performed under the conditions defined in item I of the table in Article 3 may not be aggregated; nor may those provided for in items II and III of that table.

The allowances for work performed under the conditions defined in items I and III of that table may also not be aggregated.

For the purposes of applying the above paragraphs, where more than one allowance would be due at the same time the highest allowance only shall be paid.

Article 5

Subject to the application of Article 2 of Regulation (ECSC, EEC, Euratom) No 300/76 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof¹, the allowances paid under this Regulation shall not exceed 1 500 points per official per month.

¹ OJ L 38, 13.2.1976, p. 1. Regulation as last amended by Regulation (EC, Euratom) No .../2004 (OJ L ...).

Article 6

This Regulation shall apply by analogy to temporary, auxiliary and contract staff.

Article 7

In April each year the Commission shall submit to the Council a report on:

- the number of officials and servants in each category who received the allowances referred to in this Regulation, broken down by institution and location, and the number of hours worked under the various conditions set out in the table in Article 3,
- the total expenditure relating to these allowances.

Article 8

Regulation (EEC) No 1799/72 ¹ is hereby repealed on the day on which this Regulation enters into force.

¹ OJ L 192, 22.8.1972, p. 1.

Article 9

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 Luxembourg, 29 April 2004.

For the Council
The President
M. McDOWELL

ANNEX

List referred to in Article 3

A. Corrosive and asphyxiating substances:

1. In handling:

Halogens, hydrohalogen acids (hydrochloric and hydrofluoric acids), halogen fluorides; sulphuric acid, sulphur chloride, caustic soda and caustic potash, ammonia.

2. In technical processes:

Scouring and passivation of stainless steels and light alloys by submersion in, or contact with, scouring or oxidising agents.

B. Toxic substances:

1. In handling:

Toxic forms of radioactive substances; beryllium and compounds; arsenic and compounds; mercury, compounds and amalgams; tetraethyl lead; hydrocyanic acid; cyanides and acrylonitrile; nitrogen oxide and nitrogen dioxide; phosphorus and phosphoric ethers; selenium; deuterium oxide.

2. In technical processes:

Manufacture, concentration and storage of toxic forms of radioactive substances; casting, welding and working of lead and alloys or lead antimony and cadmium antimony.

C. Highly flammable and/or explosive substances:

1. In handling:

Compressed gases: acetylene, oxygen, methane, ethane, ethylene and rare gases; volatile organic solvents such as methyl alcohol, ethyl alcohol, diethyl ether, acetone, benzene, toluene; liquid metals such as sodium or potassium; sulphur.

2. In technical processes:

Argon welding; cleaning and degreasing very dirty parts with solvents such as trichloroethylene; use of organic liquids such as diphenyl, triphenyl, polyphenyl, Dowtherm, highboiler residues in circuits; pouring of paraffin or bitumen.

D. Dirty products:

1. In handling:

Cadmium, chromium, nickel, bismuth, barium, vanadium and manganese compounds in powder form; powdered iron oxide.

2. In technical processes:

Processing of graphite; greasing and draining pumps and motors such as vacuum pumps, fluid circulation pumps, decompression pumps, compressed air generators; polishing with special substances; handling of metal slag.

This Annex shall be amended by the Council on a proposal from the Commission in the light of scientific and technical developments.

COUNCIL REGULATION (EC, EURATOM) No 859/2004
of 29 April 2004

amending Regulation (EEC, Euratom, ECSC) No 495/77 determining the categories
of officials entitled to, and the conditions for and rates of,
allowances for regular standby duty

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68 ¹ as last amended by Regulation (EC, Euratom) No 723/2004 ², and in particular the second paragraph of Article 56b of the Staff Regulations,

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee,

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 124, 27.4.2004, p. 1.

Whereas:

Council Regulation (ECSC, EEC, Euratom) No 495/77¹ should be amended in order to bring it into line with the new Staff Regulations,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC, Euratom, ECSC) No 495/77 is hereby amended as follows:

1) Article 1(1)(a) shall be replaced by the following:

"(a) the allowance shall be expressed in points. A point shall be equal to 0,032% of the basic salary of an official in grade 1, step 1 *. The allowance shall be adjusted by the weighting applicable to the official's remuneration;

* For the period from 1 May 2004 to 30 April 2006: grade D*1, step 1.";

¹ OJ L 66, 12.3.1977, p. 1.

2) Article 2 shall be replaced by the following:

"Article 2

This Regulation shall apply by analogy to temporary, auxiliary and contract staff."

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 Luxembourg, 29 April 2004.

For the Council

The President

M. McDOWELL

COUNCIL REGULATION (EC, EURATOM) No 860/2004
of 29 April 2004

amending Regulation (ECSC, EEC, Euratom) No 300/76 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68 ¹, as last amended by Regulation (EC, Euratom) No 723/2004 ², and in particular the second paragraph of Article 56a of the Staff Regulations,

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee,

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 124, 27.4.2004, p. 1 .

Whereas:

Council Regulation (ECSC, EEC, Euratom) No 300/76 ¹ should be amended in order to bring it into line with the new Staff Regulations,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (ECSC, EEC, Euratom) No 300/76 is hereby amended as follows:

1. Article 2 shall be replaced by the following:

"Article 2

An official who is entitled to payment of the allowance provided for in Article 1 may receive the allowances for particularly arduous work provided for in Article 56c of the Staff Regulations only up to a maximum of 600 points, to be determined in accordance with Regulation (EC, Euratom) No /2004 *.

* OJ L";

¹ OJ L 38, 13.2.1976, p. 1. Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2461/98 (OJ L 307, 17.11.1998, p. 5).

2. Article 3 shall be replaced by the following:

"Article 3

This Regulation shall apply by analogy to temporary, auxiliary and contract staff."

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 Luxembourg, 29 April 2004.

For the Council

The President

M. McDOWELL

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COUNCIL REGULATION (EC) No 861/2004**of 29 April 2004**

**adapting Regulation (EC) No 685/2001 of the
European Parliament and of the Council,
in the field of transport, by reason of the accession
of the Czech Republic, Estonia, Cyprus, Latvia,
Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (hereinafter referred to as the "Treaty of Accession")¹, and in particular Article 2(3) thereof,

Having regard to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (hereinafter referred to as the "Act of Accession")², and in particular Article 57(1) thereof,

Having regard to the proposal from the Commission,

¹ OJ L 236, 23.9.2003, p. 17.

² OJ L 236, 23.9.2003, p. 33.

Whereas:

- (1) For certain acts which remain valid beyond 1 May 2004 and require adaptation by reason of accession, the necessary adaptations were not provided for in the Act of Accession, or were provided for, but further adaptations are necessary. All these adaptations need to be adopted before accession in order to enter into force as from accession.
- (2) Pursuant to Article 57(2) of the Act of Accession, such adaptations are to be adopted by the Council in all cases where the Council adopted the original act alone or jointly with the European Parliament.
- (3) Regulation (EC) No 685/2001 of the European Parliament and of the Council of 4 April 2001 concerning the distribution of authorisations among Member States received through the Agreements establishing certain conditions for the carriage of goods by road and the promotion of combined transport between the European Community and the Republic of Bulgaria and between the European Community and the Republic of Hungary¹ should therefore be amended,

HAS ADOPTED THIS REGULATION:

¹ OJ L 108, 18.4.2001, p. 1. Regulation as amended by Regulation (EC) No 893/2002 (OJ L 142, 31.5.2002, p. 1).

Article 1

Regulation (EC) No 685/2001 is hereby amended as follows:

- 1) the title shall be replaced by:

"Regulation (EC) No 685/2001 of the European Parliament and of the Council of 4 April 2001 concerning the distribution of authorisations among Member States received through the Agreements establishing certain conditions for the carriage of goods by road and the promotion of combined transport between the European Community and the Republic of Bulgaria and between the European Community and Romania";

- 2) Article 1 shall be replaced by the following:

"Article 1

This Regulation lays down the rules for the distribution among Member States of authorisations available to the Community under Article 6(2) of the Agreements between the European Community and the Republic of Bulgaria and between the European Community and Romania establishing certain conditions for the carriage of goods by road and the promotion of combined transport (hereinafter referred to as "the Agreements").";

3) the Annex shall be replaced by the following:

"Annex

Member State	Authorisations for use in:	
	Bulgaria	Romania
Belgium	53	54
Czech Republic	50	50
Denmark	60	61
Germany	84	87
Estonia	63	66
Greece	10 468	11 457
Spain	50	50
France	52	52
Ireland	50	50
Italy	52	52
Cyprus	63	64
Latvia	53	54
Lithuania	211	227
Luxembourg	50	50
Hungary	324	359
Malta	57	55

Member State	Authorisations for use in:	
	Bulgaria	Romania
Netherlands	100	104
Austria	69	70
Poland	386	296
Portugal	50	50
Slovenia	64	87
Slovak Republic	429	442
Finland	52	52
Sweden	57	57
United Kingdom	53	54
Total	13 000	14 000

"

Article 2

This Regulation shall enter into force subject to and on the date of entry into force of the Treaty of Accession.

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

Done at Luxembourg, 29 April 2004.

For the Council
The President

M. McDOWELL

COUNCIL REGULATION (EC) No 862/2004**of 29 April 2004**

**adapting Regulation (EC) No 2888/2000 of the European Parliament
and of the Council, in the field of transport, by reason of
the accession of the Czech Republic, Estonia, Cyprus, Latvia,
Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union ¹ (hereinafter referred to as the "Treaty of Accession") and in particular Article 2(3) thereof,

Having regard to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded ² (hereinafter referred to as the Act of Accession) and in particular Article 57(1) thereof,

Having regard to the proposal from the Commission,

¹ OJ L 236, 23.9.2003, p. 17.

² OJ L 236, 23.9.2003, p. 33.

Whereas:

- (1) For certain acts which remain valid beyond 1 May 2004 and require adaptation by reason of accession, the necessary adaptations were not provided for in the Act of Accession, or were provided for, but further adaptations are necessary. All these adaptations need to be adopted before accession in order to enter into force as from accession.
- (2) Pursuant to Article 57 (2) of the Act of Accession, such adaptations are to be adopted by the Council in all cases where the Council alone or jointly with the European Parliament adopted the original act.
- (3) Regulation (EC) No 2888/2000 of the European Parliament and of the Council of 18 December 2000 on the distribution of permits for heavy goods vehicles travelling in Switzerland¹ should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to Regulation (EC) No 2888/2000 shall be replaced by the text set out in the Annex.

¹ OJ L 336, 30.12.2000, p. 9.

Article 2

This Regulation shall enter into force subject to, and as from the date of, the entry into force of the Treaty of Accession.

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

Done at Luxembourg, 29 April 2004.

For the Council
The President
M. McDOWELL

ANNEX**"ANNEX I****Scale for allocating "full-weight" permits**

The Commission shall allocate "full-weight" permits to the Member States according to the following scale:

Member State	%
Belgium	6,9
Denmark	1,4
Germany	25
Greece	0,9
Spain	2
France	15
Ireland	0,85
Italy	24
Luxemburg	1,45
Netherlands	8,9
Austria	8
Portugal	0,7
Finland	0,8
Sweden	0,75
United Kingdom	3,35
Total:	100 %

The total number of permits to be allocated will amount to 300 000 for 2001 and 2002 and to 400 000 for 2003 and 2004.

For the period 1 January 2004 to 31 December 2004, the Commission shall allocate 10 000 additional "full-weight" permits to the Member States according to the following scale:

Member State	Number of permits
Czech Republic	3 164
Estonia	440
Cyprus	66
Latvia	132
Lithuania	308
Hungary	1 934
Malta	352
Poland	2 109
Slovenia	1 055
Slovakia	440
Total	10 000

ANNEX II

Scale for allocating "empty" permits

The Commission shall allocate "empty" permits to the Member States according to the following scale:

Number of "empty" permits available annually

Member State	2001 - 2004
Belgium	14 067
Denmark	1 310
Germany	50 612
Greece	5 285
Spain	1 500
France	16 126
Ireland	220
Italy	93 012
Luxemburg	3 130
Netherlands	21 517
Austria	2 183
Portugal	192
Finland	867
Sweden	381
United Kingdom	9 598
Total:	220 000

For the period 1 January 2004 to 31 December 2004, the Commission shall allocate 5 500 additional "empty" permits to the Member States according to the following scale:

Member State	Number of permits
Czech Republic	1 741
Estonia	242
Cyprus	36
Latvia	73
Lithuania	169
Hungary	1 064
Malta	193
Poland	1 160
Slovenia	580
Slovakia	242
Total	5 500

ANNEX III

Methodology for determining the allocation of permits

Allocation of the permits determined in Annexes I and II will take place on the basis of the following methodology:

1. Member States of EU-15

"Full-weight" permits

Initially, each Member State will receive 1 500 permits.

Thereafter, the remaining permits will be allocated in equal parts on the basis of criteria relating to bilateral traffic operations and transit traffic operations.

This result will be adjusted slightly to take account of the specific geographical situation of certain Member States.

Bilateral traffic

The allocation will take place on the basis of the shares of each Member State in bilateral transport to and from Switzerland.

Transit traffic

The allocation will take place on the basis of the shares of heavy vehicles registered in the Member State concerned in the total number of diverted kilometres in north-south and south-north trans-Alpine road traffic as a result of the current weight restrictions in Switzerland.

Diverted mileage will be calculated as the difference between the actual distance of trans-Alpine journeys and the shortest distance through Switzerland. The mileages through Switzerland will be adjusted by the addition of 60 kilometres to take into account border delays and road traffic conditions.

For those Member States where the abovementioned method of calculation leads to an amount of less than 200, the allocation will be established at a level of 200 permits.

"Empty" permits

"Empty" permits will be allocated on the basis of the shares of vehicles registered in the Member States in the transit traffic through Switzerland of vehicles with a laden weight between 7,5 and 28 tonnes.

2. New Member States

"Full-weight" permits

Member States which have concluded bi-lateral agreements with Switzerland (Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland and Slovenia) will receive at least the same number of permits as they would have received under the bi-lateral agreements for the period 1 May 2004 to 31 December 2004 if these agreements had remained in force throughout 2004.

Cyprus, Malta and Slovakia are allocated permits on the basis of their shares of transport to and from as well as in transit through Switzerland in 2002.

The rest of the permits available for the ten new Member States will be allocated on a pro-rata basis.

"Empty" permits

Given that the Community will receive 5 500 "empty" permits, which amounts to 55% of the number of "full-weight" permits, the "empty" permits will be allocated at this ratio."

COUNCIL REGULATION (EC) No 863/2004
of 29 April 2004

adapting Regulation (EC) No 2327/2003 of the European Parliament
and of the Council, in the field of transport,
by reason of the accession of the Czech Republic, Estonia,
Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union ¹, (hereinafter referred to as the "Treaty of Accession"), and in particular Article 2(3) thereof,

Having regard to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded ² (hereinafter referred to as the "Act of Accession") and in particular Article 57(1) thereof,

Having regard to the proposal from the Commission,

¹ OJ L 236, 23.9.2003, p. 17.

² OJ L 236, 23.9.2003, p. 33.

Whereas:

- (1) For certain acts which remain valid beyond 1 May 2004 and require adaptation by reason of accession, the necessary adaptations were not provided for in the Act of Accession, or were provided for, but further adaptations are necessary. All these adaptations need to be adopted before accession in order to enter into force as from accession.
- (2) Pursuant to Article 57(2) of the Act of Accession, such adaptations are to be adopted by the Council in all cases where the Council adopted the original act alone or jointly with the European Parliament.
- (3) Regulation (EC) No 2327/2003 of the European Parliament and of the Council of 22 December 2003 establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy ¹ should therefore be amended,

HAS ADOPTED THIS REGULATION:

¹ OJ L 345, 31.12.2003, p. 30.

Article 1

In Regulation (EC) No 2327/2003, the following Annex shall be added:

"Annex III

Number of points to be allocated to the new Member States				
Member State	Basic allocation for 12 months 2004	Pro rata 2004 *	2005 **	2006 ***
Czech Rep.	486 874	324 599	462 531	439 404
Cyprus	3 040	2 027	2 888	2 744
Estonia	16 805	11 204	15 965	15 167
Lithuania	42 037	28 026	39 935	37 939
Latvia	21 669	14 447	20 586	19 556
Hungary	730 208	486 830	693 698	659 013
Malta	14 592	9 728	13 862	13 169
Poland	332 479	221 664	315 855	300 062
Slovakia	144 248	96 170	137 036	130 184
Slovenia	356 448	237 644	338 626	321 694
TOTAL EUR 10	2 148 400	1 432 338	2 040 980	1 938 931

* Pro rata distributed for the period 1 May – 31 December 2004.

** Basic allocation for 2004 – 5%

*** Allocation for 2005 – 5%

Article 2

This Regulation shall enter into force subject to and on the date of entry into force of the Treaty of Accession.

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

Done at Luxembourg, 29 April 2004.

For the Council
The President
M. McDOWELL

COUNCIL REGULATION (EC) No 864/2004
of 29 April 2004

amending Regulation (EC) No 1782/2003
establishing common rules for direct support schemes
under the common agricultural policy and establishing
certain support schemes for farmers, and adapting it by reason of the
accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania,
Hungary, Malta, Poland, Slovenia and Slovakia to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third subparagraph of Article 37(2) thereof,

Having regard to Protocol No 4 on cotton ¹, annexed to the 1979 Act of Accession, and in particular paragraph 6 thereof,

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

¹ OJ L 291, 19.11.1979, p. 174. Protocol as last amended by Regulation (EC) No 1050/2001 (OJ L 148, 1.6.2001, p. 1).

² OJ L 236, 23.9.2003, p. 17.

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ¹, and in particular Article 57(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ²,

Having regard to the Opinion of the European Economic and Social Committee ³,

After consulting the Committee of the Regions,

¹ OJ L 236, 23.9.2003, p. 33.

² Opinion delivered on 10 March 2004 (not yet published in the Official Journal).

³ Opinion delivered on 26 February 2004 (not yet published in the Official Journal).

Whereas:

- (1) The de-coupling of direct producer support and the introduction of the single payment scheme are essential elements in the process of reforming the common agricultural policy aimed at moving away from a policy of price and production support to a policy of farmer income support. Regulation (EC) No 1782/2003 ¹ introduced these elements for a variety of agricultural products.
- (2) In order to meet the objectives that lay at the heart of the reform of the common agricultural policy, the support for cotton, olive oil, raw tobacco and hops should be largely de-coupled and integrated into the single payment scheme.
- (3) The rules on direct support schemes laid down in Council Regulation (EC) No 1782/2003 should be adapted to allow their implementation in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.
- (4) In the reference period 2000–2002, no direct producer aid for cotton existed. However, under the arrangements in force during that period, Community support was indirectly received by the producers via an aid to the ginnerers.

¹ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 583/2004 (OJ L 91, 30.3.2004, p. 1).

- (5) A complete integration in the single payment scheme of the current support scheme in the cotton sector would bring a significant risk of production disruption to the cotton producer regions of the Community. A part of the support should therefore continue to be linked to the cultivation of cotton through a crop specific payment per eligible hectare. Its amount should be calculated in such a way so as to ensure economic conditions which, in regions which lend themselves to that crop, enable activity in the cotton sector to continue and prevent cotton from being driven out by other crops. In order to achieve that goal, it is justified that the total available aid per hectare per Member State is set at 35% of the national share of the aid that went indirectly to the producers.
- (6) The remaining 65% of the national share of the aid that went indirectly to the producers should be available for the single payment scheme.
- (7) For environmental reasons, a base area per Member State should be established in order to limit the areas sown under cotton. In addition, the eligible areas should be restricted to those authorised by the Member States.
- (8) In order to allow producers and ginners to enhance the quality of the cotton, the establishment of inter-branch organisations, to be approved by the Member States, should be encouraged. These organisations should be financed by their members. The Community should contribute indirectly to the activities of these organisations via an increase of the aid to those farmers who are members of the organisations.

- (9) To foster quality supplies to the industry, the approved organisations should be authorised to differentiate the aid to which their producer-members are entitled in accordance with a scale adopted by them. The scale, approved by the Member States, should take account of criteria to be established.
- (10) A complete integration in the single payment scheme of the current production-linked support scheme in the olive sector could bring problems to certain traditional producer regions of the Community. There is a certain risk of widespread disruption to olive tree maintenance, which could in turn lead to degradation of land cover and landscape or have negative social impacts. A part of the support could therefore be linked to the maintenance of olive groves of environmental or social value.
- (11) Consequently, at least 60% of the average of the production aid payments in the olive sector during the reference period 2000 to 2002 should be converted into entitlements under the single payment scheme; the calculation of the entitlements for each individual farmer should be based on the marketing years 1999/2000, 2000/2001, 2001/2002 and 2002/2003. However, holdings of a size of less than 0,3 olive GIS-ha, established on the basis of the geographical information system for olive cultivation, should, for reasons of equity, be fully integrated in the scheme.

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- (12) The number of hectares to be included in the calculation of the single payment entitlement should be established on the basis of the geographical information system for olive cultivation, which henceforth is to be part of the integrated administration and control system.
- (13) The remaining part of the production aid payments in the olive sector during the reference period should be retained by the Member States, as national envelopes, for the granting to farmers of an aid to contribute to the maintenance of olive groves of environmental or social value, including aspects of local traditions and culture, in particular in marginal areas. Holdings of less than 0,3 olive GIS-ha should be equally eligible. For reasons of simplification, payments under this scheme should be of an amount of at least EUR 50.
- (14) Member States should be afforded the possibility of withholding the amount necessary to finance activities in the olive oil sector related to product quality, monitoring and information, which are carried out under work programmes drawn up by approved operator's organisations.
- (15) Only areas corresponding either to olives trees planted before 1 May 1998 or to replacing trees or covered by a programme approved by the Commission are eligible for production aid under the current scheme and should therefore be the only ones to be included under the single payment scheme as well as be eligible under the olive grove payment scheme. For Cyprus and Malta, the deadline should be 31 December 2001, in accordance with the derogation provided for in Article 2(1) of Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common market organisation in oils and fats ¹.

¹ OJ L 210, 28.7.1998, p. 32. Regulation as last amended by the 2003 Act of Accession.

- (16) For Cyprus and Malta, the maximum amounts of aid for olive groves can be definitively established only after the introduction of the geographical information system in these Member States. It is therefore necessary to provide for the possibility of revising the figures of the maximum amounts set for these Member States.
- (17) The current support scheme for producers of raw tobacco should be partly de-coupled and integrated into the single payment scheme and partly transferred into the restructuring envelope. However, in order to avoid a disruptive effect on production and local economies, and to allow the market price to adjust to the new conditions, Member States should be allowed during a transitional period to retain up to 60% of the production aid payments in the tobacco sector coupled and to grant the remaining part as decoupled aid.
- (18) Farmers who have left the tobacco sector by participating in the quota buy-back programme set up in accordance with Article 14 of Regulation (EEC) No 2075/92 and who are granted aid under the single payment scheme, should not in addition receive the buy-back price but should be able to choose between the two types of payment. However, to ensure a fair choice, a part of the buy-back price should be paid in so far as this is necessary to compensate for the difference between the amount of tobacco aid included in the calculation of the reference amount and the amount of the buy-back price, where the latter amount is higher.

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- (19) As regards the premium that will continue to be granted for tobacco production during the years 2006 and 2007, an amount equal to 4% for the first year and 5% for the second year should be transferred to the Community Tobacco Fund, for the purpose of financing actions of information for improving public awareness of the harmful effects of tobacco consumption.
- (20) The full integration of hops in the single payment scheme enables the hops farmer to receive a stable income. If the farmer decides, for example as a result of the conditions of the market or for structural reasons, to abandon the growing and harvesting of hops, he can freely decide to do so without being without income.
- (21) In order to deal with specific market situations or with regional implications, the Member State concerned should be afforded the possibility of retaining a certain percentage of the de-coupled aid. In this case, Member States may allocate the retained component fully or partially to farmers producing hops via an area aid and/or to recognised producer groups to enable them to carry out certain tasks.
- (22) The de-coupling of the aid for cotton and raw tobacco might require actions towards restructuring. Additional Community support for the production regions of the Member States in which Community aid for cotton and raw tobacco was granted during 2000, 2001 and 2002 should be made available by a transfer of funds from Heading 1(a) to Heading 1(b) of the Financial Perspectives. This additional support should be used as provided for in Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ¹.

¹ OJ L 160, 26.6.1999, p. 80. Regulation as last amended by Regulation (EC) No 1783/2003 (OJ L 270, 21.10.2003, p. 70).

- (23) In order to ensure the harmonious continuation of the payment of income aid to producers in the cotton-, olive oil- and tobacco sector, the option of postponing the integration of these support schemes in the single payment scheme should not apply.
- (24) On the basis of new data the national guaranteed area for nuts in Poland has to be increased.
- (25) In order to ensure that the modifications made for the new Member States can enter into force by the date of accession, this Regulation has to enter into force by 1 May 2004,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1782/2003 is hereby amended as follows:

- 1) the third indent of Article 1 shall be replaced by the following:

"— support schemes for farmers producing durum wheat, protein crops, rice, nuts, energy crops, starch potatoes, milk, seeds, arable crops, sheep meat and goat meat, beef and veal, grain legumes, cotton, tobacco, hops, as well as for farmers maintaining olive groves.";

- 2) Article 11(1) shall be replaced by the following:

"1. Starting with the 2007 budget, with a view to ensuring that the amounts for the financing of the common agricultural policy currently under subheading 1a (market measures and direct aids) respect the annual ceilings set out in the Decision of the Representatives of the Governments of the Member States, meeting within the Council on 18 November 2002, concerning the Conclusions of the European Council meeting in Brussels on 24 and 25 October 2002, an adjustment of the direct payments shall be fixed when the forecasts for the financing of the measures under subheading 1a for a given budget year, increased by the amounts given in Articles 143d and 143e and before application of modulation provided for in Article 10(2), indicate that the abovementioned annual ceiling, taking into account a margin of EUR 300 million below that ceiling, will be exceeded. This is without prejudice to the financial perspectives for 2007-2013.";

- 3) the second subparagraph of Article 19(1) shall be replaced by the following:

"This data base shall, in particular, allow direct and immediate consultation, through the competent authority of the Member State, of the data relating to the calendar and/or marketing years starting from the year 2000 and, for aid granted under Chapter 10b of Title IV, from 1 May 1998.";

- 4) Article 20 shall be replaced by the following:

"Article 20

Identification system for agricultural parcels

1. The identification system for agricultural parcels shall be established on the basis of maps or land registry documents or other cartographic references. Use shall be made of computerised geographical information system techniques including preferably aerial or spatial orthoimagery, with a homogenous standard guaranteeing accuracy at least equivalent to cartography at a scale of 1:10000.

2. The identification system shall, where appropriate, include a geographical information system for olive cultivation, consisting of a computerised alphanumerical database and a computerised graphical reference database for olive trees and areas concerned.";

5) Article 22 shall be amended as follows:

(a) in paragraph 1, the following indent shall be inserted after the first indent:

"— the number of olive trees and their positioning in the parcel,";

(b) paragraph 2 shall be replaced by the following:

"2. A Member State may decide that the aid application needs to contain only changes with respect to the aid application submitted the previous year. A Member State shall distribute pre-printed forms based on the areas determined in the previous year and supply graphic material indicating the location of those areas and, where appropriate, the positioning of olive trees.";

6) Article 35 shall be replaced by the following:

"Article 35

Double claims

1. The area corresponding to the number of eligible hectares as defined in Article 44(2) in respect of which a single payment application is submitted may be the subject of an application for any other direct payment as well as for any other aid not covered by this Regulation, save as otherwise provided.

2. Farmers who have participated in the tobacco quota buy-back scheme according to Regulation (EEC) No 2075/92 shall be entitled to either the single payment or the quota buy-back price. However, where the quota buy-back price is higher than the amount calculated for tobacco to be included in the reference amount, the farmer shall still be entitled, in addition to the single payment, to a part of the buy-back price corresponding to the difference between the price amount and the amount calculated in accordance with point I of Annex VII to this Regulation.";

7) In Article 37(1) the following subparagraph shall be added:

"However, for olive oil the reference amount shall be the four-year average of the total amounts of payments which a farmer was granted under the olive oil support scheme referred to in Annex VI, calculated and adjusted according to Annex VII, during the marketing years 1999/2000, 2000/2001, 2001/2002 and 2002/2003.";

8) Article 40(5) shall be replaced by the following:

"5. Paragraphs 1, 2 and 3 of this Article shall apply, *mutatis mutandis*, to farmers who, during the reference period, were under agri-environmental commitments in accordance with Regulations (EEC) No 2078/92 * and (EC) No 1257/1999, to hop farmers who, during the same period, were under a grubbing-up commitment in accordance with Regulation (EC) No 1098/98 **, as well as to tobacco farmers who have participated in the quota buy-back programme in accordance with Regulation (EEC) No 2075/92.

In the case where the measures referred to in the first subparagraph covered both the reference period and the period referred to in paragraph 2, Member States shall establish, according to objective criteria and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions, a reference amount in accordance with the detailed rules to be laid down by the Commission in accordance with the procedure referred to in Article 144(2).

* OJ L 215, 30.7.1992, p. 85.

** OJ L 157, 30.5.1998, p. 7.";

- 9) in Article 42(9) the date of 29 September 2003 shall be replaced by the date of 15 May 2004;
- 10) point (a) of Article 43(2) shall be replaced by the following:
- "(a) in case of potato starch, dried fodder, seed, olive groves and tobacco aids listed in Annex VII, the number of hectares whose production has been granted the aid in the reference period as calculated in points B, D, F, H and I of Annex VII;"

- 11) the following subparagraph shall be added to Article 44(2):

""Eligible hectare" shall also mean areas planted with hops or being under a temporary resting obligation, or areas as calculated in the second subparagraph of point H of Annex VII under olive trees planted before 1 May 1998, except for Cyprus and Malta, for which the date shall be 31 December 2001, or new olive trees replacing existing olive trees or olive trees within approved planting schemes and registered into a geographic information system.";

- 12) Article 51 shall be replaced by the following:

"Article 51

Agricultural use of the land

Farmers may use the parcels declared in accordance with Article 44(3) for any agricultural activity except for:

- (a) permanent crops, apart from olive trees planted before 1 May 1998, except for Cyprus and Malta, for which the date shall be 31 December 2001, or new olive trees replacing existing olive trees or olive trees within approved planting schemes and registered into a geographic information system or hops;

- (b) the production of the products referred to in Article 1(2) of Regulation (EC) No 2200/96 * and in Article 1(2) of Regulation (EC) No 2201/96 **.

However, Member States may decide to allow secondary crops to be cultivated on the eligible hectares during a period of maximum three months starting each year on 15 August; however, at the request of a Member State, this date is modified in accordance with the procedure laid down in Article 144(2) for regions where cereals are normally harvested earlier for climatic reasons;

- (c) potatoes other than those intended for the manufacture of potato starch for which aid is granted under Article 93.

* OJ L 297, 21.11.1996, p. 1.

** OJ L 297, 21.11.1996, p. 29.";

- 13) Article 60(1) shall be replaced by the following:

"1. Where a Member State makes use of the option provided for in Article 59, farmers may, by way of derogation from Article 51 and in accordance with this Article, also use the parcels declared according to Article 44(3) for the production of products referred to in Article 1(2) of Regulation (EC) No 2200/96 or in Article 1(2) of Regulation (EC) No 2201/96 and of potatoes other than those intended for the manufacture of potato starch for which aid is granted under Article 93 of this Regulation, except permanent crops, apart from hops or olive trees planted before 1 May 1998 or new olive trees replacing existing olive trees or olive trees within approved planting schemes and registered into a geographic information system.";

14) Article 64(2) shall be amended as follows:

- (a) in the first subparagraph the terms "Articles 66, 67, 68 and 69" shall be replaced by the terms "Articles 66, 67, 68, 68a and 69";
- (b) in the second subparagraph the terms "Articles 66, 67, 68 and 69" shall be replaced by the terms "Articles 66, 67, 68, 68a and 69";

15) Article 65(1) shall be amended as follows:

The terms "Articles 66, 67, 68 and 69" shall be replaced by the terms "Articles 66, 67, 68, 68a and 69";

16) in section 2 of Chapter 5 of Title III, the following Article shall be inserted:

"Article 68a

Hops payments

In the case of hops payments, Member States may retain up to 25% of the component of national ceilings referred to in Article 41 corresponding to the hops area payments and the temporary resting aid referred to in Annex VI.

In this case and within the limit of the ceiling fixed in accordance with Article 64(2), the Member State concerned shall make, on a yearly basis, an additional payment to farmers and/or a payment to producer groups recognised in accordance with Article 7(3) of Regulation (EEC) No 1696/71.

The additional payment shall be granted to farmers producing hops on a per hectare basis, at a maximum level of 25% of the per hectare payments referred to in Annex VI to be granted under the conditions provided for in Chapter 10d of Title IV.

The payment to recognised producer groups shall be granted to finance the activities referred to in Article 7(1)(a) to (d) of Regulation (EEC) No 1696/71.";

17) Article 71 shall be amended as follows:

(a) the following subparagraph shall be added to paragraph 1:

For hops, the transitional period referred to in the first subparagraph shall expire on 31 December 2005. The transitional period referred to in the first subparagraph shall not apply in respect of cotton, olive oil and table olives and tobacco.

- (b) the first subparagraph of paragraph 2 shall be replaced by the following:

"Without prejudice to Article 70(2), in the transitional period the Member State concerned shall apply the direct payments referred to in Annex VI under the conditions established, respectively, in Chapters 3, 6 to 10 and 10d to 13 of Title IV of this Regulation, Article 6 of Regulation (EEC) No 2019/93, Article 9 of Regulation (EC) No 1452/2001, Articles 13 and 22(2) to (4) of Regulation (EC) No 1453/2001, and Article 5 of Regulation (EC) No 1454/2001, within the limit of budgetary ceilings corresponding to the components of these direct payments in the national ceiling referred to in Article 41, fixed in accordance with the procedure referred to in Article 144(2) of this Regulation, for each of the direct payments.";

- 18) in Article 71g, paragraph 1 shall be replaced by the following:

"1. Farmers may, by way of derogation from Article 51 and in accordance with the provisions of this Article, also use the parcels declared according to Article 44(3) for the production referred to in Article 1(2) of Regulation (EC) No 2200/96, in Article 1(2) of Regulation (EC) No 2201/96 and potatoes other than those intended for the manufacture of potato starch for which aid is granted under Article 93 of this Regulation, except permanent crops, apart from hops or olive trees planted before 1 May 1998 and, in Cyprus and Malta, before 31 December 2001, or new olive trees replacing existing olive trees or olive trees within approved planting schemes and registered into a geographic information system.";

19) Article 84 shall be amended as follows:

(a) paragraph 2 shall be replaced by the following:

"2. A maximum guaranteed area of 815 600 ha is hereby established.";

(b) in paragraph 3, for Poland, the national guaranteed area of 1 000 ha shall be replaced by 4 200 ha.;

20) the following Chapters shall be inserted in Title IV:

"Chapter 10a

Crop specific payment for cotton

Article 110a

Scope

Aid shall be granted to farmers producing cotton, falling within CN code 5201 00 under the conditions laid down in this Chapter.

Article 110b

Eligibility

1. The aid shall be granted per hectare of eligible area of cotton. In order to be eligible, the area shall be located on agricultural land authorised by the Member State for cotton production, sown under authorised varieties and maintained at least until the boll opening under normal growing conditions.

However, if the cotton does not attain the stage of boll opening as a result of exceptional weather conditions recognised as such by the Member State, areas fully sown under cotton shall remain eligible for aid provided that the areas in question have up to the boll opening not been used for any other purpose than for the production of cotton.

2. Member States shall authorise the land and the varieties referred to in paragraph 1 in accordance with detailed rules and conditions to be adopted in accordance with the procedure referred to in Article 144(2).

Article 110c

Base areas and amounts

1. A national base area is hereby established for:

- Greece: 370 000 ha
- Spain: 70 000 ha
- Portugal: 360 ha.

2. The amount of the aid per eligible hectare shall be in:

- Greece: EUR 594 for 300 000 hectares and
EUR 342.85 for the remaining 70 000 hectares
- Spain: EUR 1 039
- Portugal: EUR 556.

3. If the eligible area of cotton in a given Member State and in a given year exceeds the base area laid down in paragraph 1, the aid referred to in paragraph 2 for that Member State shall be reduced proportionately to the overrun of the base area.

However, for Greece the proportionate reduction shall be applied in respect of the amount of the aid fixed for the part of the national base area composed of the 70 000 hectares in order to respect the global amount of EUR 202,2 million.

4. Detailed rules for the implementation of this Article shall be adopted in accordance with the procedure referred to in Article 144(2).

Article 110d

Approved inter-branch organisations

1. For the purpose of this Chapter, an "approved inter-branch organisation" shall mean a legal entity made up of farmers producing cotton and at least one ginner, aiming at, in particular, the supply of qualitatively suitable unginned cotton to the ginner. The Member State in whose territory the ginner is established shall approve the organisation that respects the criteria to be adopted in accordance with the procedure referred to in Article 144(2).
2. The approved inter-branch organisation shall be financed by its members.

Article 110e

Differentiation of aid by approved inter-branch organisations

1. The approved inter-branch organisation may decide that a maximum of half of the total amount of the aid to which its farmer-members are entitled on the basis of the areas eligible pursuant to Article 110b(1) is differentiated according to a scale fixed by it.
2. The scale referred to in paragraph 1 shall be approved by the Member State and shall respect the criteria to be adopted in accordance with the procedure referred to in Article 144(2). These criteria shall concern, in particular, the quality of the unginned cotton to be delivered, adapted to the environmental and economic conditions of the zones concerned.

Article 110f

Payment of aid

1. Farmers shall be granted the aid per eligible hectare pursuant to Article 110c.
2. Farmers who are members of an approved inter-branch organisation shall be granted an aid per eligible hectare pursuant to Article 110c, increased by an amount of EUR 10. However, in case of differentiation, the aid shall be granted per eligible hectare pursuant to Article 110c adjusted in accordance with Article 110e(1). The adjusted amount shall be increased by an amount of EUR 10.

Chapter 10b

Aid for olive groves

Article 110g

Scope

Aid shall be granted to farmers as a contribution to the maintenance of olive groves of environmental or social value according to the conditions laid down in this Chapter.

Article 110h

Eligibility

Payment of the aid shall be subject to the following conditions:

- (a) the olive grove shall be registered in the geographic information system referred to in Article 20(2);

- (b) only surfaces corresponding either to olive trees planted before 1 May 1998, except for Cyprus and Malta, for which the date shall be 31 December 2001, or to replacing trees or surfaces covered by a programme approved by the Commission shall be eligible for the aid;
- (c) the number of olive trees in the olive grove shall not differ by more than 10% from the number registered on 1 January 2005 in the geographic information system referred to in Article 20(2);
- (d) the olive grove shall comply with the features of the olive grove category under which aid is claimed;
- (e) the aid applied for shall amount to at least EUR 50 per application.

Article 110i

Amount

1. The aid for olive groves shall be granted per olive GIS-ha. An olive GIS-ha shall be the area unit used in a common method to be established in accordance with the procedure referred to in Article 144(2) on the basis of data from the geographical information system for olive cultivation referred to in Article 20(2).

2. Within the maximum amounts established in paragraph 3, and after deduction of the amount withheld pursuant to paragraph 4, Member States shall fix an aid per olive GIS-ha of up to a maximum of five categories of olive grove areas.

These categories shall be established in accordance with a common framework of environmental and social criteria, including aspects related to landscape and social tradition, to be adopted in accordance with the procedure referred to in Article 144(2). In this context, particular attention shall be given to the maintenance of olive groves in marginal areas.

3. Where the coefficient of 0.4, resulting from the application of the coefficient of 0.6 laid down in Annex VII (H) is applied, the maximum amount of aid referred to in paragraph 2 shall be as follows:

	EUR million
France	2,11
Greece	208,14
Italy	272,05
Cyprus	2,93
Malta	0,07
Spain	412,45
Portugal	22,66
Slovenia	0,17

Member States shall allocate the maximum amount between the different categories in accordance with objective criteria and in a non-discriminatory manner. For each category, the aid per olive GIS-ha may amount to, but may not exceed, the level of the maintenance costs excluding harvest costs.

Should Member States decide upon a decrease in the coefficient of 0.4 the maximum amount of the aid referred to in the above table, as well as the Annexes VIII and VIIa, shall be adjusted in accordance with the procedure referred to in Article 144(2).

The maximum amounts of aid set for Cyprus and Malta are provisional. They may be revised in 2005 after the introduction of the geographical information system referred to in Article 20(2), in accordance with the procedure provided for in Article 144(2), to adjust the Cypriot and Maltese maximum amount of aid accordingly.

4. Member States may withhold up to 10% of the amounts referred to in paragraph 3 to ensure Community finance of work programmes drawn up by approved operators' organisations pursuant to Article 8 of Regulation (EC) No .../.... of [on the common organisation of the market in olive oil and table olives]. *

However, should a Member State decide to apply a higher coefficient than 0.6 as laid down in Annex VII (H), it may withhold a maximum of 10 percent of the olive oil component in the national ceiling referred to in Article 41 to ensure Community financing of the work programmes referred to in the first subparagraph. This maximum amount shall be fixed in accordance with the procedure referred to in Article 144(2).

Chapter 10c

Tobacco Aid

Article 110j

Scope of application

For the harvest years 2006, 2007, 2008 and 2009 aid may be granted to farmers producing raw tobacco, falling within CN code 2401, under the conditions laid down in this Chapter.

Article 110k

Eligibility

The aid shall be granted to farmers who received a tobacco premium payment in accordance with Regulations (EEC) No 2075/92 in the calendar years 2000, 2001 and 2002, and to farmers who acquired tobacco production quotas during the period 1 January 2002 to 31 December 2005. The payment of the aid shall be subject to the following conditions:

- (a) the tobacco must come from a production area referred to in Annex II to Commission Regulation (EC) No 2848/98 **;
- (b) the quality requirements defined in Regulation (EC) No 2848/98 must be fulfilled;
- (c) the leaf tobacco must be delivered by the farmer to the premises of the first processor under a cultivation contract;

- (d) it shall be made in such a way as to ensure equal treatment between farmers and/or according to objective criteria such as location of tobacco producers in an Objective 1 region or the production of varieties of a certain quality.

Article 110l

Amount

1. Where a coefficient of 0.6, resulting from the application of the coefficient of 0.4 laid down in Annex VII (I) is applied, the maximum amount of the total of the aid, including the amounts to be transferred to the Community Tobacco Fund referred to in Article 110m, shall be as follows:

	2006 - 2009 EUR million	
Belgium	2,374	
Germany	21,287	
Greece	227,331	
Spain	70,599	
France	48,217	
Italy	200,821	
Austria	0,606	
Portugal	10,161	

Should Member States decide upon a decrease in the coefficient of 0.6, the maximum amount of the aid referred to in the above table, as well as Annex VIII, shall be adjusted in accordance with the procedure referred to in Article 144(2).

Article 110m

Transfer to the Community Tobacco Fund

An amount equal to 4% for the calendar year 2006 and 5% for the calendar year 2007 of the aid granted in accordance with this Chapter shall finance actions of information under the Community Tobacco Fund provided for in Article 13 of Regulation (EC) No 2075/92.

Chapter 10d

Hops area aid

Article 110n

Scope of application

Aid shall be granted to farmers producing hops falling within CN code 1210, under the conditions laid down in this Chapter.

Article 110o

Eligibility

Eligible areas shall be areas that are:

- located in hop production areas as published by the Commission pursuant to Article 6(2) of Council Regulation (EEC) No 1784/77 ***,
- planted with hops, and
- actually harvested.

* See page ... of this Official Journal.

** OJ L 358, 31.12.1998, p. 17. Regulation as last amended by Commission Regulation (EC) No 1983/2002 (OJ L 306, 8.11.2002, p. 8).

*** OJ L 200, 8.8.1977, p. 1. Regulation as last amended by the 2003 Act of Accession.";

- 21) in Title IVa, Article 143c(2) after the first sentence of point (a) the following sentence shall be inserted:

"However, for the direct payments referred to in Chapter 7 of Title IV of this Regulation the following maximum rates shall apply: 85% in 2004, 90% in 2005, 95% in 2006 and 100% as from 2007.";

22) the following Title IVb shall be inserted:

"TITLE IVB

Financial transfers

Article 143d

Financial transfer for restructuring in the cotton regions

As from budget year 2007, an amount of EUR [22 million], originating from the average expenditure for cotton in the years 2000, 2001 and 2002, shall be available per calendar year as additional Community support for measures in cotton producing regions under rural development programming financed under the EAGGF "Guarantee" Section according to Regulation (EC) No 1257/1999.

Article 143e

Financial transfer for restructuring in the tobacco regions

As from budget year 2011, an amount of EUR 484 million representing 50 percent of the three-year average total aid amount in the years 2000, 2001 and 2002 for the subsidised tobacco shall be available as additional Community support for measures in tobacco producing regions under rural development programming financed under the EAGGF "Guarantee" Section according to Regulation (EC) No 1257/1999, for those Member States in which the tobacco producers received aid in accordance with Regulation (EC) No 2075/92 during the years 2000, 2001 and 2002.

23) the following points shall be added to Article 145:

"(r) with regard to cotton, detailed rules in respect of:

- the calculation of the reduction of the aid provided for in Article 110c(3),
- the approved inter-branch organisations, in particular their financing and a control and sanction system;

(s) with regard to the single payment scheme, detailed rules for the calculation and/or for the adjustment of payment entitlements, for the purpose of integrating in the scheme production aid to cotton, olive oil, tobacco and hops.";

24) the following Articles shall be inserted after Article 151:

"Article 151a

Amendments to Regulation (EC) No 546/2002

Regulation (EC) No 546/2002 shall be amended as follows:

- 1) in Articles 1 and 2 and in Annex I, "harvests 2002, 2003 and 2004" shall be replaced by "harvests 2002, 2003, 2004 and 2005";

- 2) The title of the second table set out in Annex II shall be replaced by the following:

"The guaranteed thresholds for the harvests 2003, 2004 and 2005".;

Article 151b

Amendment to Regulation (EC) No 2075/92

In Article 13(1) the following indent shall be added:

"- 3% of the premium for the harvest 2005".";

- 25) the following points shall be added to Article 152:

"(d) Titles I and II of Regulation (EEC) No 2075/92. However, they shall continue to apply to applications for direct payments in respect of the 2005 harvest;

(e) Articles 12 and 13 of Regulation (EEC) No 1696/71 *. However, they shall continue to apply to applications for direct payments in respect of the 2004 harvest and of the 2005 harvest if a Member State decides to apply the single payment scheme after the transitional period for hops referred to in the third subparagraph of Article 71(1) of this Regulation.

* OJ L 175, 4.8.1971, p. 1. Regulation as last amended by Regulation (EC) No 2320/2003 (OJ L 345, 31.12.2003, p. 18).";

26) the following paragraphs shall be inserted in Article 153:

"4a. Council Regulation (EC) No 1051/2001 * is hereby repealed. However, it shall continue to apply in respect of marketing year 2005/2006.

4b. Regulation (EC) No 1098/98 is hereby repealed. However it shall continue to apply until 31 December 2005 if a Member State decides to apply the single payment scheme after the transitional period for hops referred to in the third subparagraph of Article 71(1) of this Regulation.

* OJ L 148, 1.6.2001, p. 3.";

27) the following Article shall be inserted:

"Article 155a

By 31 December 2009, the Commission shall submit a report to the Council on the implementation of this Regulation with regard to cotton, olive oil, table olives and olive groves, tobacco and hops, accompanied, if necessary, by appropriate proposals.";

28) the following points shall be added to Article 156(2):

"(g) Title IV, Chapter 10a, shall apply as from 1 January 2006 for the cotton sown as from that date;

(h) Title IV, Chapter 10b, shall apply as from marketing year 2005/2006.";

29) the Annexes shall be amended in accordance with the Annex to this Regulation.

Article 2

1. This Regulation shall enter into force on 1 May 2004.
2. It shall apply as from 1 January 2006 except for the following provisions:
 - (a) Article 1, (7a), (14), (14a), (16) and 18(a) as well as (23) as regards Annexes VIII and VIIIa which shall apply as from the date of entry into force of this Regulation;
 - (b) Article 1(1) as regards the insertion of hops, (7), (9) as regards hops, (10), (11), (11a), (11b), (12), (13) as regards hops, (15) as regards Chapter 10d , (19) as regards point (e), (20) as regards 4b, (23) as regards annexes I, VI and VII for the parts concerning hops which shall apply as from 1 January 2005.

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

Done at Luxembourg, 29 April 2004.

For the Council
The President
M. McDOWELL

ANNEX

The Annexes are hereby amended as follows:

- 1) Annex I shall be replaced by the following:

"ANNEX I

List of support schemes fulfilling the criteria set out in Article 1

Sector	Legal base	Notes
Single payment Single area payment	Title III of this Regulation Title IVa, Article 143b of this Regulation	Decoupled payment (see Annex VI) (*) Decoupled payment replacing all the direct payments referred to in this Annex
Durum wheat	Title IV, Chapter 1 of this Regulation	Area aid (quality premium)
Protein crop	Title IV, Chapter 2 of this Regulation	Area aid
Rice	Title IV, Chapter 3 of this Regulation	Area aid
Nuts	Title IV, Chapter 4 of this Regulation	Area aid
Energy crops	Title IV, Chapter 5 of this Regulation	Area aid
Starch potato	Title IV, Chapter 6 of this Regulation	Production aid
Milk and dairy products	Title IV, Chapter 7 of this Regulation	Dairy premium and additional payment
Arable crop in Finland and in certain regions of Sweden	Title IV, Chapter 8 of this Regulation (**) (*****)	Specific regional aid for arable crops
Seeds	Title IV, Chapter 9 of this Regulation (**) (*****)	Production aid
Arable crops	Title IV, Chapter 10 of this Regulation (***) (*****)	Area aid, including set-aside payments, grass silage payments, supplementary amounts (**), durum wheat supplement and special aid
Sheep and goats	Title IV, Chapter 11 of this Regulation (***) (*****)	Ewe and she-goat premium, supplementary premium and certain additional payments

Sector	Legal base	Notes
Beef and veal	Title IV, Chapter 12 of this Regulation (*****)	Special premium (***), deseasonalisation premium, suckler cow premium (including when paid for heifers and including the additional national suckler cow premium when co-financed) (***), slaughter premium (***), extensification payment, additional payments
Grain legumes	Title IV, Chapter 13 of this Regulation (*****)	Area aid
Specific types of farming and quality production	Article 69 of this Regulation (****)	
Dried fodder	Article 71(2) second subparagraph of this Regulation (*****)	
Small farmers' scheme	Article 2a Regulation (EC) No 1259/1999	Transitional area aid for farmers receiving less than EUR 1 250
Olive oil	Title IV, Chapter 10b of this Regulation	Area aid
Silkworms	Article 1 Regulation (EEC) No 845/72	Aid to encourage rearing
Bananas	Article 12 Regulation (EEC) No 404/93	Production aid
Dried grapes	Article 7(1) Regulation (EC) No 2201/96	Area aid
Tobacco	Title IV, Chapter 10c of this Regulation	Production aid
Hops	Title IV, Chapter 10d of this Regulation (**) (*****)	Area aid
POSEIDOM	Articles 9 (**) (*****), 12(2) and 16 Regulation (EC) No 1452/2001	Sectors: beef and veal; sugar; green vanilla

Sector	Legal base	Notes
POSEIMA	Articles 13 (**) (****), 16, 17 and 28(1), 21, 22(2) to (4) (**) (****) and (7), 27, 29 and 30(1), (2) and (4) Regulation (EC) No 1453/2001	Sectors: beef and veal; milk; potatoes; sugar; wicker; pineapples, tobacco, seed potatoes, chicory and tea
POSEICAN	Articles 5 (**) (****), 9 and 14 Regulation (EC) No 1454/2001	Sectors: beef and veal, sheep and goat; potatoes
Aegean Islands	Articles 6 (**) (****), 8, 11 and 12 Regulation (EEC) No 2019/93	Sectors: beef and veal; potatoes; olives; honey
Cotton	Title IV, Chapter 10a of this Regulation	Area aid

- (*) Starting from 1 January 2005 or later in the case of application of Article 71.
For 2004, or later on in case of application of Article 71, the direct payments listed in Annex VI are included in Annex I except dried fodder and cotton.
- (**) Where Article 70 is applied.
- (***) Where Articles 66, 67, 68 or 68a are applied.
- (****) Where Article 69 is applied.
- (*****) Where Article 71 is applied.";

2) Annex II shall be replaced by the following:

"ANNEX II

National ceilings referred to in Article 12(2)

MIO EUR

Member State	2005	2006	2007	2008	2009	2010	2011	2012
Belgium	4,7	6,2	7,7	7,7	7,7	7,7	7,7	7,7
Denmark	7,7	10,3	12,9	12,9	12,9	12,9	12,9	12,9
Germany	40,4	54,6	68,3	68,3	68,3	68,3	68,3	68,3
Greece	45,4	60,6	75,7	75,7	75,7	75,7	75,7	75,7
Spain	56,9	76,5	95,5	95,5	95,5	95,5	95,5	95,5
France	51,4	68,7	85,9	85,9	85,9	85,9	85,9	85,9
Ireland	15,3	20,4	25,5	25,5	25,5	25,5	25,5	25,5
Italy	62,3	83,7	104,6	104,6	104,6	104,6	104,6	104,6
Luxembourg	0,2	0,3	0,4	0,4	0,4	0,4	0,4	0,4
Netherlands	6,8	9,2	11,5	11,5	11,5	11,5	11,5	11,5
Austria	12,4	17,1	21,3	21,3	21,3	21,3	21,3	21,3
Portugal	10,8	14,6	18,2	18,2	18,2	18,2	18,2	18,2
Finland	8,0	10,8	13,6	13,6	13,6	13,6	13,6	13,6
Sweden	6,6	8,8	11,0	11,0	11,0	11,0	11,0	11,0
United Kingdom	17,7	23,6	29,5	29,5	29,5	29,5	29,5	29,5

";

2a) Annex IV shall be amended as follows:

The last two indents of the second column shall be replaced by the following:

- "– Retention of landscape features, including, where appropriate, the prohibition of the grubbing up of olive trees
- Avoiding the encroachment of unwanted vegetation on agricultural land
- Maintenance of olive groves in good vegetative condition.";

3) Annex V shall be replaced by the following:

"ANNEX V

Compatible support schemes referred to in Article 26

Sector	Legal base	Notes
Dried grapes	Article 7(1) Regulation (EC) No 2201/96	Area-related aid
Agri-environment	Title II, chapter VI (Articles 22 to 24) and Article 55(3) Regulation (EC) No 1257/1999	Area-related aid
Forestry	Article 31 and Article 55(3) Regulation (EC) No 1257/1999	Area-related aid
Less-favoured areas and areas with environmental restrictions	Title II, chapter V (Articles 13 to 21) and Article 55(3) Regulation (EC) No 1257/1999	Area-related aid
Dried fodder	Articles 10 and 11 Regulation (EC) No 603/95	Production aid
Citrus for processing	Article 1 Regulation (EC) No 2202/96	Production aid
Tomatoes for processing	Article 2 Regulation (EC) No 2201/96	Production aid
Wine	Articles 11 to 15 Regulation (EC) No 1493/1999	Restructuring aid

".
;

4) the following rows shall be added to Annex VI:

"Cotton	Paragraph 3 of Protocol No 4 on cotton annexed to the Act of Accession of Greece	Support through the payment for unginned cotton
Olive oil	Article 5 Regulation 136/66/EEC	Production aid
Tobacco	Article 3 Regulation (EEC) No 2075/92	Production aid
Hops	Article 12 of Regulation (EEC) No 1696/71 Article 2 of Regulation (EC) No 1098/98	Area aid Temporary resting aid";

5) the following shall be added to Annex VII:

"G. Cotton

Where a farmer has declared areas sown under cotton, Member States shall calculate the amount to be included in the reference amount by multiplying the number of hectares, to two decimal places, which produced cotton that was granted aid pursuant to paragraph 3 of Protocol No 4 on cotton * in each year of the reference period, by the following amounts per hectare:

- EUR 966 for Greece,
- EUR 1 509 for Spain,
- EUR 1 202 for Portugal.

H. Olive oil

Where a farmer has received olive oil production aid, the amount shall be calculated by multiplying the number of tonnes for which such a payment has been granted in the reference period (i.e. respectively, in each of the marketing years 1999/2000, 2000/2001, 2001/2002 and 2002/2003) by the corresponding unit amount of aid, expressed in EUR/tonne, as fixed in Commission Regulations (EC) No 1415/2001**, (EC) No 1271/2002 ***, (EC) No 1221/2003 **** and (EC) No 1794/2003 *****, and multiplied by a 0,6 coefficient. However, Member States may decide by 1 August 2005 to increase this coefficient. This coefficient shall not be applied to farmers whose average number of olive GIS-ha during the reference period, excluding the number of olive GIS-ha corresponding to additional trees planted outside any approved planting scheme after 1 May 1998, is less than 0.3. The number of olive GIS-ha shall be calculated by a common method to be established in accordance with the procedure referred to in Article 144(2) and on the basis of data from the geographic information system for olive cultivation.

Where the aid payments during the reference period have been affected by application of the measures laid down in Article 2(3) of Regulation (EEC) No 1638/98 *****, the calculation mentioned in the third subparagraph shall be adjusted as follows:

- where the measures were applied to only one marketing year, the number of tonnes to be taken into account for the year concerned shall be equal to the number of tonnes for which aid would have been granted had the measures not been applied,

- where the measures were applied to two consecutive marketing years, the number of tonnes to be taken into account for the first year concerned shall be established in accordance with the first indent, and the number of tonnes to be taken into account for the following year shall be equal to the number of tonnes for which aid was granted in respect of the last marketing year before the reference period which has not been affected by an application of the said measures.

Member States shall calculate the number of hectares to be included in the calculation of the single payment as the number of olive GIS-ha obtained by a common method to be established in accordance with the procedure referred to in Article 144(2) and on the basis of data from the geographic information system for olive cultivation, excluding the number of olive GIS-ha of additional trees planted outside an approved planting scheme after 1 May 1998, except for Cyprus and Malta, for which the date shall be 31 December 2001.

I. Raw tobacco

Where a farmer has received a tobacco premium payment, the amount to be included in the reference amount shall be calculated by multiplying the three-year average number of kilograms from which such a payment was granted, by the weighted three-year average aid amount granted per kilogram, taking into account the total quantity of raw tobacco of all variety groups and multiplied by a 0.4 coefficient. Member States may decide to increase this coefficient.

As from 2010 the coefficient shall be 0.5.

The number of hectares to be included in calculation of the single payment shall correspond to the area indicated in the registered cultivation contracts for which the premium payment has been granted, respectively, in each year of the reference period, and within the limits of a base area to be fixed by the Commission on the basis of the total area as communicated to the Commission in accordance with Annex I, 1.3 of Commission Regulation (EC) No 2636/1999 *****.

Where the aid payments during the reference period have been affected by an application of the measures laid down in Article 50 of Regulation (EEC) No 2848/98, the calculation mentioned in the third subparagraph shall be adjusted as follows:

- where the premium has been partly or totally reduced, the amounts of payment to be taken into account for the year concerned shall be equal to the amounts which would have been granted without the reduction,
- where the production quota has been partly or totally reduced, the amounts of payment to be taken into account for the year concerned shall be equal to the premium amounts that would have been granted in the preceding year, without the reduction of the premium, provided that the production area indicated in the last cultivation contract was not used for the cultivation of a crop eligible under any other direct support scheme in the year concerned.

J. Hops

Where a farmer has received hops area aid or temporary resting aid, Member States shall calculate the amounts to be included in the reference amount by multiplying the number of hectares, to two decimal places, for which a payment has been granted, respectively, in each year of the reference period, by an amount of EUR 480 per hectare.

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- * OJ L 291, 19.11.1979, p. 174.
 - ** OJ L, 191, 13.7.2001, p. 10.
 - *** OJ L 184, 13.7.2002, p. 5.
 - **** OJ L 170, 9.7.2003, p. 8.
 - ***** OJ L 262, 14.10.2003, p. 11.
 - ***** OJ L 210, 28.7.1998, p. 32.
 - ***** OJ L 323, 15.12.1999, p. 4.";

6) Annex VIII shall be replaced by the following:

"ANNEX VIII

National ceilings referred to in Article 41

MIO EUR

Member State	2005	2006	2007, 2008 and 2009	2010 and subsequent years
Belgium	411	413	530	530
Denmark	838	838	996	996
Germany	4489	4503	5492	5496
Greece	837	1700	1722	1760
Spain	3244	4043	4241	4253
France	7199	7231	8091	8099
Ireland	1 136	1 136	1322	1 322
Italy	2539	3112	3464	3497
Luxembourg	27	27	37	37
Netherlands	386	386	779	779
Austria	613	614	712	712
Portugal	452	493	559	561
Finland	467	467	552	552
Sweden	612	612	729	729
United Kingdom	3 351	3 351	3869	3 869

".
;

7) Annex VIIIA shall be replaced by the following:

"ANNEX VIIIA

National ceilings referred to in Article 71c

The ceilings have been calculated taking account of the schedule of increments provided for in Article 143a, and therefore do not require to be reduced.

(millions of euro)										
Calendar year	Czech Republic	Estonia	Cyprus	Latvia	Lithuania	Hungary	Malta	Poland	Slovenia	Slovakia
2005	228,8	23,4	8,9	33,9	92,0	350,8	0,67	724,6	35,8	97,7
2006	266,7	27,3	12,5	39,6	107,3	420,2	0,83	881,7	41,9	115,4
2007	343,6	40,4	16,3	55,6	146,9	508,3	1,64	1 140,8	56,1	146,6
2008	429,2	50,5	20,4	69,5	183,6	634,9	2,05	1 425,9	70,1	183,2
2009	514,9	60,5	24,5	83,4	220,3	761,6	2,46	1 711,0	84,1	219,7
2010	600,5	70,6	28,6	97,3	257,0	888,2	2,87	1 996,1	98,1	256,2
2011	686,2	80,7	32,7	111,2	293,7	1 014,9	3,28	2 281,1	112,1	292,8
2012	771,8	90,8	36,8	125,1	330,4	1 141,5	3,69	2 566,2	126,1	329,3
subsequent years	857,5	100,9	40,9	139,0	367,1	1 268,2	4,10	2 851,3	140,2	365,9

".

**COUNCIL REGULATION (EC) No 865/2004
of 29.4.2004**

**on the common organisation of the market in olive oil and table olives
and amending Regulation (EEC) No 827/68**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 36 and the third subparagraph of Article 37(2),

Having regard to the proposal of the Commission,

Having regard to the Opinion of the European Parliament ¹,

Having regard to the Opinion of the European Economic and Social Committee ²,

After consulting the Committee of the Regions,

¹ Opinion delivered on 10 March 2004 (not yet published in the Official Journal).

² Opinion delivered on 25 February 2004 (not yet published in the Official Journal).

Whereas:

- (1) The common agricultural policy pursues the objectives set out in Article 33 of the Treaty. In order to stabilise markets and ensure a fair standard of living for the agricultural community in the sector of olive oil and table olives, it is necessary to provide for an income support to farmers maintaining olive groves, for internal market measures to maintain the prices and supply conditions in a reasonable frame, and for activities aiming at influencing market demand by improving the quality of products as well as the way of presenting quality to consumers.
- (2) Income support to farmers maintaining olive groves is provided for in Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ¹ through the single farm payments as well as an aid for maintenance of olive groves.

¹ OJ L 270, 21.10.2003, p. 1. Regulation as amended by Regulation (EC) No .../2004 (see p. ... of this Official Journal).

- (3) Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ¹ should therefore be repealed and replaced by a new regulation. On this occasion, the following Council Regulations of the olive oil sector should also be repealed: Regulations (EEC) No 154/75 ², (EEC) No 2754/78 ³, (EEC) No 3519/83 ⁴, (EEC) No 2261/84 ⁵, (EEC) 2262/84 ⁶, (EEC) No 3067/85 ⁷,

¹ OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1513/2001 (OJ L 201, 26.7.2001, p. 4).

² Regulation (EEC) No 154/75 of the Council of 21 January 1975 on the establishment of a register of olive cultivation in the Member States producing olive oil (OJ L 19, 24.1.1975, p. 1). Regulation as last amended by Regulation (EEC) No 3788/85 (OJ L 367, 31.12.1985, p. 1).

³ Council Regulation (EEC) No 2754/78 of 23 November 1978 on intervention in the olive oil sector (OJ L 331, 28.11.1978, p. 13). Regulation as amended by Regulation (EEC) No 2203/90 (OJ L 201, 31.7.1990, p. 5).

⁴ Council Regulation (EEC) No 3519/83 of 12 December 1983 laying down certain measures for acid oils from refining of by-products of olive oil or olive-residue oil (OJ L 352, 15.12.1983, p. 2).

⁵ Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations (OJ L 208, 3.8.1984, p. 3). Regulation as last amended by Commission Regulation (EC) No 2366/98 (OJ L 293, 31.10.1998, p. 50).

⁶ Council Regulation (EEC) No 2262/84 of 17 July 1984 laying down special measures in respect of olive oil (OJ L 208, 3.8.1984, p. 11). Regulation as last amended by Regulation (EC) No 2292/2001 (OJ L 308, 27.11.2001, p. 1).

⁷ Council Regulation (EEC) No 3067/85 of 29 October 1985 setting criteria for mobilisation on the Community market for vegetable oils for supply as food aid (OJ L 290, 1.11.1985, p. 96).

(EEC) No 1332/92 ¹, (EEC) No 2159/92 ², (EEC) No 3815/92 ³, (EC) No 1414/97 ⁴, (EC) No 1638/98 ⁵ and (EC) No 1873/2002 ⁶.

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- ¹ Council Regulation (EEC) No 1332/92 of 18 May 1992 introducing specific measures for table olives (OJ L 145, 27.5.1992, p. 1). Regulation as amended by Regulation (EC) No 2826/2000 (OJ L 328, 23.12.2000, p. 2).
- ² Council Regulation (EEC) No 2159/92 of 23 July 1992 on the financing of expenditure for the establishment and updating of the register of olive cultivation (OJ L 217, 31.7.1992, p. 8).
- ³ Council Regulation (EEC) No 3815/92 of 28 December 1992 on application of the common intervention price for olive oil in Spain (OJ L 387, 31.12.1992, p. 9).
- ⁴ Council Regulation (EC) No 1414/97 of 22 July 1997 fixing, for the 1997/98 marketing year, the prices, aids and percentages of aid to be retained in the olive oil sector, together with the maximum guarantee quantity (OJ L 196, 24.7.1997, p. 4).
- ⁵ Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats (OJ L 210, 28.7.1998, p. 32). Regulation as amended by Regulation by EC) No 1513/2001 (OJ L 201, 26.7.2001, p. 4).
- ⁶ Council Regulation (EC) No 1873/2002 of 14 October 2002 setting the limits to the Community financing of work programmes drawn up by approved operators' organisations in the olive sector provided for in Regulation (EC) No 1638/98 and derogating from Regulation No 136/66/EEC (OJ L 284, 22.10.2002, p. 1).

- (4) It is necessary for the marketing year to be adapted to the production cycle of all olive varieties and, for harmonisation simplicity purposes, it should be realigned with the marketing year for other agricultural products.
- (5) The descriptions and definitions of olive oil and so the denomination are an essential element of the market order by setting quality standards and providing consumers with an adequate information on the product.
- (6) The characteristics of the olive oil justify an interest of the consumers in spite of the high price of that oil as compared with other oils and fats. To avoid abuses as regards the quality and authenticity of the products presented to the consumers and the important disturbances on the market they may involve, special measures are needed to develop and protect the quality of olives and olive oils.
- (7) The information given on labels should be guaranteed by up-to-date methods of analysis and other measures to determine the characteristics of each olive oil standard.
- (8) Taking into account the influence of variation in the level of the productions and the world market supply available, there should be provision for appropriate measures to be taken in order to stabilise the internal market.
- (9) The system of aid for private storage contracts is deemed to be an efficient instrument to regulate the supply of olive oil, acting as a safety net mechanism when there is serious disturbance of the market.

- (10) The contribution of olive oil and table olive operators to improve and guarantee the quality of the products in question and so to develop the consumers' interests and keep the balance in the market should be encouraged and organised by a Community scheme.
- (11) Community finance, consisting of the percentage of direct aid that Member States are allowed to withhold in accordance with Article 110i(4) of Regulation (EC) No 1782/2003, is required to encourage approved operators' organisations to draw up work programmes for the purpose of improving the production quality of olive oil and table olives. Community support should be allocated in accordance with the priorities given to the activities undertaken within the work programmes in question.
- (12) In order to monitor the volume of olive oil trade with third countries while aiming at a simplification of administrative procedures, provision should be made for an import licence scheme with the lodging of a security to ensure that the transactions for which such licences are requested are effected. If market developments made necessary a closer follow-up of exports of olive oil from the Community, the Commission should be authorised to introduce a system of export licences.
- (13) The Community market for olive oil and table olives involves a trading system at the borders of the Community, including import duties. The trading system should be based on the undertakings accepted under international agreements.

- (14) For the most part, the customs duties applicable to agricultural products under the World Trade Organisation (WTO) agreements are laid down in the common customs tariff. However, the Commission should be able to suspend these duties partially or fully in order to ensure an adequate supply of the internal market in olive oil.
- (15) To the extent necessary for its proper working, provision should be made for regulating or, when the situation on the market so requires, prohibiting in a harmonised way the use of inward and outward processing arrangements.
- (16) The customs duty system makes it possible to dispense with all other protective measures at the external frontier of the Community. The internal market and duty mechanism could, in exceptional circumstances, prove deficient. In such cases, in order not to leave the Community market without defence against disturbances that might ensue, the Community should be able to take all necessary measures without delay. All such measures should comply with the obligations arising from the WTO agreements.
- (17) The proper working of a single market based on common prices would be jeopardised by the granting of national aid. Therefore, the provisions of the Treaty governing State aid should apply to the products covered by this common market organisation.
- (18) As the common market in olive oil and table olives is in continuous development, the Member States and the Commission should keep each other informed of these developments.

- (19) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ¹.
- (20) In view of the need to solve practical and specific problems, the Commission should be authorised to adopt necessary measures in cases of emergency.
- (21) Expenditure incurred by the Member States as a result of the obligations arising from the application of this Regulation should be financed by the Community in accordance with Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ².
- (22) The products included in the common market organisation established by Regulation No 136/66/EEC which are not covered by the common market organisation in olive oil and table olives, or by any other common market organisation, should be included in Council Regulation (EEC) No 827/68 of 28 June 1968 on the common market organisation of the market in certain products listed in Annex II ³,

HAS ADOPTED THIS REGULATION:

¹ OJ L 184, 17.7.1999, p. 23.

² OJ L 160, 26.6.1999, p. 103.

³ OJ L 151, 30.6.1968, p. 16. Regulation as last amended by Commission Regulation (EC) No 1272/2002 (OJ L 184, 13.7.2002, p. 7).

CHAPTER I

INTRODUCTORY PROVISIONS AND QUALITY REQUIREMENTS

Article 1

The common organisation of the market in olive oil and table olives shall cover the following products:

	CN code	Description
(a)	1509	Olive oil and its fractions, whether or not refined, but not chemically modified
	1510 00	Other oils and their fractions, obtained solely from olives, whether or not refined, but not chemically modified, including blends of these oils or fractions with oils or fractions heading No 1509
(b)	0709 90 31	Olives, fresh or chilled, for uses other than the production of oil
	0709 90 39	Other olives, fresh or chilled
	0710 80 10	Olives (uncooked or cooked by steaming or boiling water), frozen
	0711 20	Olives provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
	ex 0712 90 90	Olives dried, whole, cut, sliced, broken or in powder, but not further prepared
	2001 90 65	Olives prepared or preserved by vinegar or acetic acid
	ex 2004 90 30	Olives prepared or preserved otherwise than by vinegar or acetic acid, frozen
	2005 70	Olives prepared or preserved otherwise than by vinegar or acetic acid, not frozen
(c)	1522 00 31 1522 00 39	Residues resulting from the treatment of fatty substances or animal waxes containing oil having the characteristics of olive oil
	2306 90 11 2306 90 19	Oil-cake and other residues resulting from the extractions of olive oil

Article 2

The marketing year for the products listed in Article 1 shall begin on 1 July and end on 30 June of the following year. However, the 2005/06 marketing year shall begin on 1 November 2005.

Article 3

This Regulation shall apply without prejudice to the measures provided for by Regulation (EC) No 1782/2003.

Article 4

1. The use of the descriptions and definitions of olive oils and olive-pomace oils set out in Annex I shall be compulsory as regards the marketing of the products concerned within each Member State, in intra-Community trade and, as long as compatible with international compulsory rules, trade with third countries.
2. Only oils referred to in points 1(a) and (b), 3 and 6 of Annex I may be marketed at the retail stage.

CHAPTER II

INTERNAL MARKET

SECTION 1

MARKETING STANDARDS

Article 5

1. Marketing standards covering in particular quality grading, packaging and presentation may be laid down in respect of the products referred in Article 1(a) taking into account technical production and marketing requirements and changes in the methods used for determining the physical, chemical and organoleptic characteristics of these products.

Where such standards are laid down, the products to which they apply may be marketed in the Community only in accordance with those standards.

2. Member States shall, in the case of products which are the subject of marketing standards, check whether those products conform to the said standards and shall apply penalties as appropriate. They shall notify the Commission of the arrangements they have taken for the purpose of applying this paragraph.

3. The marketing standards, as well as detailed rules for the application of this Article and, where applicable, the methods of analysis to be used, shall be adopted in accordance with the procedure referred to in Article 18(2).

SECTION 2

DISTURBANCE OF THE MARKET

Article 6

1. In order to regularise the market in the event of serious disturbance thereof in certain regions of the Community, it may be decided in accordance with the procedure referred to in Article 18(2) to authorise bodies offering sufficient guarantees, and approved by the Member States, to conclude contracts for the storage of olive oil that they market.

The measures referred to in the first subparagraph may be implemented *inter alia* when the average price recorded on the market during a representative period is less than:

- EUR 1 779/tonne for extra virgin olive oil, or
- EUR 1 710/tonne for virgin olive oil, or
- EUR 1 524/tonne for lampante olive oil having 2 degree of free acidity, this amount being reduced by EUR 36,70/tonne for each additional degree of acidity.

2. An aid for the performance of the contracts referred to in paragraph 1 may be granted by means of tenders.

3. The amount of the aid referred to in paragraph 2 and the detailed rules for implementing this Article, in particular the quantities, qualities and duration of storage of the oils concerned shall be established in accordance with the procedure referred to in Article 18(2) in such a way as to ensure a significant impact on the market.

SECTION 3

OPERATORS' ORGANISATIONS

Article 7

1. For the purposes of this Regulation, operators' organisations shall comprise approved producers' organisations, approved interbranch organisations or approved organisations of other operators in the olive oil sector or their associations.

2. For the purposes of this Section, "approved interbranch organisations" shall mean legal entities which:

- are made up of representatives of economic activities linked to the production of and/or trade in and/or processing of the products referred to in Article 1,
- are established at the initiative of all or some of the organisations or associations which constitute them,
- have been recognised by the Member State in which they operate.

Article 8

1. The amounts withheld by Member States in accordance with Article 110i(4) of Regulation (EC) No 1782/2003 shall ensure the Community financing of three-year work programmes to be drawn up by operators' organisations in one or more of the following areas:

- (a) the market follow-up and administrative management in the olive oil and table olives sector;
- (b) the improvement of the environmental impacts of the olive cultivation;
- (c) the improvement of the production quality of olive oil and table olives;

- (d) the traceability system, the certification and protection of the quality of olive oil and table olives, in particular the monitoring of the quality of olive oils sold to final consumers, under the authority of the national administrations;
- (e) the dissemination of information on the activities carried out by operator organisations with the aim of improving the quality of olive oil.

2. The maximum Community funding for the work programmes referred to in paragraph 1 shall be equal to the part of the aids withheld by the Member States. This funding shall concern the eligible cost with a maximum of:

- 100% for the activities in areas referred to in points (a) and (b) of paragraph 1,
- 100% for the fixed assets investments and 75% for the other activities in the area referred to in point (c) of paragraph 1,
- 75% for the work programmes carried out in at least three third countries or non-producing Member States by approved operator organisations from at least two producer Member States in areas referred to in points (d) and (e) of paragraph 1, and 50% for the other activities in these areas.

Complementary financing shall be ensured by the Member State up to 50% of the costs not covered by the Community funding.

3. Member States shall verify that the conditions for granting Community funding are met. To that end, they shall carry out an audit of work programmes and a control plan involving a sample determined on the basis of a risk analysis and comprising at least 30% per year of producer organisations and all the other operator's organisations in receipt of Community funding under this Article.

Article 9

In accordance with the procedure referred to in Article 18(2), detailed rules shall be adopted concerning:

- (a) the conditions for the approval of operators' organisations and their associations;
- (b) the types of activities eligible under programmes in the areas referred to in Article 8(1)(a) to (e);
- (c) the procedures for the approval of programmes by the Member States;
- (d) the measures concerning the control and sanctions as well as the audit of work programmes;
- (e) any other detailed measure that might be necessary for the implementation of this Section.

CHAPTER III

TRADE WITH THIRD COUNTRIES

Article 10

1. Imports to the Community of any of the products falling within CN codes 1509, 1510 00, 0709 90 39, 0711 20 90, 2306 90 19, 1522 00 31, 1522 00 39 shall be subject to presentation of an import licence.

Import licences shall be issued by the Member States to any applicant, irrespective of his place of establishment in the Community.

2. Import licences shall be valid throughout the Community. Such licences shall be issued subject to the lodging of a security guaranteeing that the products are imported during the period of validity of the licence. Except in cases of force majeure, the security shall be forfeited in whole or in part if import is not carried out, or is carried out only partially, within that period.

3. Where necessary for the purposes of following market developments, it may be decided, in accordance with the procedure referred to in Article 18(2), to make exports from the Community of any of the products listed in Article 1(a) subject to presentation of an export licence.

4. The term of validity of licences and other detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 18(2).

Article 11

1. Unless this Regulation provides otherwise, the rates of duty in the Common Customs Tariff shall apply to the products listed in Article 1.

2. By way of derogation from paragraph 1, should the market price for olive oil in the Community significantly exceed 1,6 times the average prices laid down in the second subparagraph of Article 6(1), during a period of at least three months, it may be decided, in accordance with the procedure referred to in Article 18(2) and so as to ensure the Community market is adequately supplied with olive oil through imports from non-member countries:

- to suspend partially or fully the application of common customs duties to olive oil, and establish the detailed arrangements for any such suspension,
- to open an import quota for olive oil at a reduced rate of the common customs duties and establish the detailed arrangements for managing such quota.

These measures shall apply for the minimum necessary period, which in any event shall not exceed the end of the marketing year in question.

Article 12

1. The general rules for the interpretation of the combined nomenclature and the detailed rules for its application shall apply to the tariff classification of products covered by this Regulation. The tariff nomenclature resulting from the application of this Regulation shall be incorporated into the common customs tariff.
2. Save as otherwise provided for in this Regulation or in provisions adopted pursuant thereto, the following shall be prohibited in trade with third countries:
 - (a) the levying of any charge having equivalent effect to a customs duty;
 - (b) the application of any quantitative restriction or measures having equivalent effect.

Article 13

To the extent necessary for the proper functioning of the common organisation of the markets in the olive oil and table olive sector, the use of inward-processing arrangements for the products listed in Article 1(a) and (b) may be fully or partially prohibited in accordance with the procedure referred to in Article 18(2).

Article 14

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 is affected by, or it is threatened with, serious disturbance likely to jeopardise the achievement of the objectives set out in Article 33 of the Treaty, appropriate measures may be applied in trade with non-members of the WTO until such disturbance or threat of disturbance has ceased.
2. Should the situation referred to in paragraph 1 arise, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures. The Member States shall be notified of such measures, which shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.
3. Measures decided upon by the Commission may be referred to the Council by any Member State within three working days of the day on which they were notified. The Council shall meet without delay. It may, acting by a qualified majority, amend or annul the measure in question within one month following the date on which it was referred to the Council.
4. Provisions adopted under this Article shall be applied having regard to the obligations arising from agreements concluded in accordance with Article 300(2) of the Treaty.

CHAPTER IV

GENERAL PROVISIONS

Article 15

Unless this Regulation provides otherwise, Articles 87, 88 and 89 of the Treaty shall apply to the production of, and trade in, the products listed in Article 1 of this Regulation.

Article 16

Measures taken by Member States to increase the price for other vegetable oils in relation to that for olive oil so as to ensure an outlet for nationally produced olive oil shall be incompatible with the application of this Regulation.

Article 17

Member States and the Commission shall send each other any information necessary for the application of this Regulation and for complying with the international obligations concerning olive oil and table olives.

Detailed rules to determine which information is necessary, as well as those for its communication and distribution, shall be adopted in accordance with the procedure referred to in Article 18(2).

Article 18

1. The Commission shall be assisted by the Management Committee for Olive Oil and Table Olives (hereinafter referred to as "the Committee").
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

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

3. The Committee shall adopt its rules for procedure.

Article 19

Measures that are both necessary and justifiable in an emergency, in order to resolve practical and specific problems shall be adopted in accordance with the procedure referred to in Article 18.

Such measures may derogate from certain parts of this Regulation, but only to the extent that, and for such period as, is strictly necessary.

Article 20

Regulation (EC) No 1258/1999 and the provisions adopted in implementation thereof shall apply to the expenditure incurred by the Member States in carrying out obligations under this Regulation.

CHAPTER V

TRANSITIONAL AND FINAL RULES

Article 21

Regulation No 136/66/EEC is hereby amended as follows:

- 1) In Article 5, paragraph 2 shall be replaced by the following:

"2. From the 1998/1999 marketing year, the unit amount of the production aid provided for in paragraph 1 shall be EUR 1322,5/ton.";

- 2) In Article 20d(1), "for the 1998/1999 to 2003/2004 marketing years" shall be replaced by "from the 1998/1999 marketing year".

Article 22

In Article 5 of Regulation (EEC) No 1638/98, the first paragraph shall be deleted.

Article 23

Regulation (EC) No 1873/2002 is hereby amended as follows:

- 1) in Article 2, "for the 2002/2003 and 2003/2004 marketing years" shall be replaced by "from the 2002/2003 marketing year";
- 2) in Article 3, "for the 2002/2003 and 2003/2004 marketing years" shall be replaced by "from the 2002/2003 marketing year".

Article 24

1. Regulations (EEC) No 136/66/EEC, (EEC) No 154/75, (EEC) No 2754/78, (EEC) No 3519/83, (EEC) No 2261/84, (EEC) 2262/84, (EEC) No 3067/85, (EEC) No 1332/92, (EEC), No 2159/92, (EEC) No 3815/92, (EC) No 1414/97, (EC) No 1638/98 and (EC) No 1873/2002 shall be repealed as from 1 November 2005.

However, the provisions necessary for the management and control of the production aid shall remain applicable for the purposes of managing and controlling production aid related to the marketing years up to the marketing year 2004/2005.

References to the repealed Regulation 136/66/EEC shall be construed as references to this Regulation.

2. Transitional measures may be adopted in accordance with the procedure referred to in Article 18(2).

Article 25

The Annex to Regulation (EEC) No 827/68 is hereby amended in accordance with Annex II to this Regulation.

Article 26

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

It shall apply from the 2005/2006 marketing year. However, Articles 21 to 23 shall apply as from 1 November 2004.

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

Done at Luxembourg, 29.4.2004.

For the Council
The President
M. McDOWELL

ANNEX I**DESCRIPTIONS AND DEFINITIONS OF OLIVE OIL AND OLIVE-POMACE OILS
REFERRED TO IN ARTICLE 4****1. VIRGIN OLIVE OILS**

Oils obtained from the fruit of the olive tree solely by mechanical or other physical means under conditions that do not lead to alterations in the oil, which have not undergone any treatment other than washing, decantation, centrifugation or filtration, to the exclusion of oils obtained using solvents or using adjuvants having a chemical or biochemical action, or by re-esterification process and any mixture with oils of other kinds.

Virgin olive oils are exclusively classified and described as follows:

(a) Extra virgin olive oil

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 0,8 g per 100 g, the other characteristics of which comply with those laid down for this category.

(b) Virgin olive oil

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 2 g per 100 g, the other characteristics of which comply with those laid down for this category.

(c) Lampante olive oil

Virgin olive oil having a free acidity, in terms of oleic acid, of more than 2 g per 100 g, and/or the other characteristics of which comply with those laid down for this category.

2. REFINED OLIVE OIL

Olive oil obtained by refining virgin olive oil, having a free acidity content expressed as oleic acid, of not more than 0,3 g per 100 g, and the other characteristics of which comply with those laid down for this category.

3. OLIVE OIL – COMPOSED OF REFINED OLIVE OILS AND VIRGIN OLIVE OILS

Olive oil obtained by blending refined olive oil and virgin olive oil other than lampante olive oil, having a free acidity content expressed as oleic acid, of not more than 1 g per 100 g, and the other characteristics of which comply with those laid down for this category.

4. CRUDE OLIVE-POMACE OIL

Oil obtained from olive pomace by treatment with solvents or by physical means or oil corresponding to lampante olive oil, except for certain specified characteristics, excluding oil obtained by means of re-esterification and mixtures with other types of oils, and the other characteristics of which comply with those laid down for this category.

5. REFINED OLIVE-POMACE OIL

Oil obtained by refining crude olive-pomace oil, having free acidity content expressed as oleic acid, of not more than 0,3 g per 100 g, and the other characteristics of which comply with those laid down for this category.

6. OLIVE-POMACE OIL

Oil obtained by blending refined olive-pomace oil and virgin olive oil other than lampante olive oil, having a free acidity content expressed as oleic acid, of not more than 1 g per 100 g, and the other characteristics of which comply with those laid down for this category.

ANNEX II

The Annex to Regulation (EEC) No 827/68 is hereby amended as follows:

- 1) After the description of the goods under CN code 1108 20 00 ("– Inulin"), the following shall be inserted:

"1202 10 90	Ground-nuts, not roasted or otherwise cooked, in shell, other than for sowing
1202 20 00	Ground-nuts, not roasted or otherwise cooked, shelled, whether or not broken
1203 00 00	Copra
1206 00 91	Sunflower seeds, whether or not broken, other than for sowing
ex 1206 00 99	
1207 10 90	Palm nuts and kernels, whether or not broken, other than for sowing
1207 20 90	Cotton seeds, whether or not broken, other than for sowing
1207 30 90	Castor oil seeds, whether or not broken, other than for sowing
1207 40 90	Sesamum seeds, whether or not broken, other than for sowing
1207 50 90	Mustard seeds, whether or not broken, other than for sowing
1207 60 90	Safflower seeds, whether or not broken, other than for sowing
1207 91 90	Poppy seeds, whether or not broken, other than for sowing
ex 1207 92 98	Shea nuts (Karite nuts), whether or not broken, other than for sowing
1207 99 91	Hemp seeds, whether or not broken, other than for sowing
ex 1207 99 98	Other oilseeds and oleaginous fruits, whether or not broken, other than for sowing
1208	Flours and meals of oil seeds or oleaginous fruits, other than those of mustard"

;

- 2) After the description of the goods under CN code 1503 00 ("Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared"), the following shall be inserted:

"15 04	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified
15 07	Soya-bean oil and its fractions, whether or not refined, but not chemically modified
15 08	Ground-nut oil and its fractions, whether or not refined, but not chemically modified
15 11	Palm oil and its fractions, whether or not refined, but not chemically modified
15 12	Sunflower seed, safflower or cotton-seed oil and their fractions, whether or not refined, but not chemically modified
15 13	Coconut (copra), palm kernel or babassu oil and fractions thereof, whether or not refined, but not chemically modified
15 14	Rape, colza or mustard oil and fractions thereof, whether or not refined, but not chemically modified
ex 1515	Other fixed vegetable fats and oils (excluding jojoba oil: 1515 90 15) and their fractions, whether or not refined, but not chemically modified
ex 1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, reesterified or elaidinised, whether or not refined, but not further prepared, (excluding hydrogenated castor oil, so called 'opalwax': 1516 20 10)
ex 1517	Margarine, edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading No 1516, excluding subheadings 1517 10 10, 1517 90 10 and 1517 90 93
1518 00 31	Fixed vegetable oils, fluid, mixed for technical or industrial uses other than the manufacture of foodstuffs for human consumption
1518 00 39	
1522 00 91	Oil foots and dregs; soapstocks, resulting from the treatment of fatty substances or animal or vegetable waxes, excluding those containing oil having the characteristics of olive oil
1522 00 99	Other residues resulting from the treatment of fatty substances or animal or vegetable waxes, excluding those containing oil having the characteristics of olive oil"

;

- 3) After the description of the goods under CN code 2302 50 00 ("– of leguminous plants"), the following shall be inserted:

"2304 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil
2305 00 00	Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of ground-nut oil".

**COUNCIL REGULATION (EC) No 866/2004
of 29.4.2004**

on a regime under Article 2 of Protocol No 10 of the Act of Accession

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 10 on Cyprus of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded ¹, and in particular Article 2 thereof,

Having regard to Protocol No 3 on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus ² of the said Act of Accession, and in particular Article 6 thereof,

Having regard to the proposal from the Commission, ³

¹ OJ L 236, 23.9.2003, p. 955.

² OJ L 236, 23.9.2003, p. 940.

³ OJ C

Whereas:

- (4) The European Council has repeatedly underlined its strong preference for accession by a reunited Cyprus. Regrettably, a comprehensive settlement has not yet been reached. In conformity with paragraph 12 of the conclusions of the European Council in Copenhagen, the Council on 26 April 2004 outlined its position on the current situation on the island.
- (5) Pending a settlement, the application of the *acquis* upon accession has therefore been suspended pursuant to Article 1(1) of Protocol No 10, in the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.
- (6) Pursuant to Article 2(1) of Protocol No 10, this suspension makes it necessary to provide for the terms under which the relevant provisions of EU law shall apply to the line between the abovementioned areas and those areas in which the Government of the Republic of Cyprus exercises effective control. In order to ensure the effectiveness of these rules, their application has to be extended to the boundary between the areas in which the Government of the Republic of Cyprus does not exercise effective control and the Eastern Sovereign Base Area of the United Kingdom of Great Britain and Northern Ireland.

- (7) Since the abovementioned line does not constitute an external border of the EU, special rules concerning the crossing of goods, services and persons need to be established, the prime responsibility for which belongs to the Republic of Cyprus. As the abovementioned areas are temporarily outside the customs and fiscal territory of the Community and outside the area of freedom, justice and security, the special rules should secure an equivalent standard of protection of the security of the EU with regard to illegal immigration and threats to public order, and of its economic interests as far as the movement of goods is concerned. Until sufficient information is available with regard to the state of animal health in the abovementioned areas, the movement of animals and animal products will be prohibited.
- (8) Article 3 of Protocol No 10 explicitly states that measures promoting economic development in the abovementioned areas are not precluded by the suspension of the *acquis*. This regulation is intended to facilitate trade and other links between the abovementioned areas and those areas in which the Government of the Republic of Cyprus exercises effective control, whilst ensuring that appropriate standards of protection are maintained as set out above.
- (9) Regarding persons, the policy of the Government of the Republic of Cyprus currently allows the crossing of the line by all citizens of the Republic, EU citizens and third country nationals who are legally residing in the northern part of Cyprus, and by all EU citizens and third country nationals who entered the island through the Government Controlled Areas.

- (7) While taking into account the legitimate concerns of the Government of the Republic of Cyprus, it is necessary to enable EU citizens to exercise their rights of free movement within the EU and set the minimum rules for carrying out checks on persons at the line and to ensure the effective surveillance of it, in order to combat the illegal immigration of third country nationals as well as any threat to public security and public policy. It is also necessary to define the conditions under which third country nationals are allowed to cross the line.
- (8) Regarding checks on persons, this Regulation should not affect the provisions laid down in Protocol No 3, and in particular Article 8 thereof.
- (9) This Regulation does not affect in any way the mandate of the United Nations in the buffer zone.
- (10) Since any change in the policy of the Government of the Republic of Cyprus with regard to the line may pose problems of compatibility with the rules established by this Regulation, such changes should be notified to the Commission, prior to their entry into force, in order to allow it to take the appropriate initiatives so as to avoid inconsistencies.
- (11) The Commission should also be allowed to amend Annexes I, and II to this Regulation with a view to responding to changes which may occur and require immediate action,

HAS ADOPTED THIS REGULATION:

TITLE I
GENERAL PROVISIONS

Article 1
Definitions

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

- 1) the term "line" means:
 - (a) for the purpose of checks on persons, as defined in Article 2, the line between the areas under the effective control of the Government of the Republic of Cyprus and those areas in which the Government of the Republic of Cyprus does not exercise effective control;
 - (b) for the purpose of checks on goods, as defined in Article 4, the line between the areas in which the Government of the Republic of Cyprus does not exercise effective control and both those areas in which the Government of the Republic of Cyprus exercises effective control and the Eastern Sovereign Base Area of the United Kingdom of Great Britain and Northern Ireland;
- 2) the term "third country national" means any person who is not a citizen of the Union within the meaning of Article 17(1) of the EC Treaty.

References in this Regulation to areas in which the Government of the Republic of Cyprus does not exercise effective control are to areas within the Republic of Cyprus only.

TITLE II
CROSSING OF PERSONS

Article 2

Check on Persons

1. The Republic of Cyprus shall carry out checks on all persons crossing the line with the aim to combat illegal immigration of third country nationals and to detect and prevent any threat to public security and public policy. Such checks shall also be carried out on vehicles and objects in the possession of persons crossing the line.
2. All persons shall undergo at least one such check in order to establish their identity.
3. Third country nationals shall only be allowed to cross the line provided they:
 - (a) possess either a residence permit issued by the Republic of Cyprus or a valid travel document and, if required, a valid visa for the Republic of Cyprus, and
 - (b) do not represent a threat to public policy or public security.
4. The line shall be crossed only at crossing points authorised by the competent authorities of the Republic of Cyprus. A list of these crossing points is laid down in Annex I.
5. Checks on persons at the boundary between the Eastern Sovereign Base Area and the areas not under effective control of the Government of the Republic of Cyprus shall be carried out in accordance with Article 5(2) of Protocol No 3 of the Act of Accession.

Article 3

Surveillance of the line

Effective surveillance shall be carried out by the Republic of Cyprus all along the line, in such a way as to discourage people from circumventing checks at the crossing points referred to in Article 2(4).

TITLE III

CROSSING OF GOODS

Article 4

Treatment of goods arriving from the areas not under the effective control of the Government of the Republic of Cyprus

1. Without prejudice to Article 6, goods may be introduced in the areas under the effective control of the Government of the Republic of Cyprus, on condition that they are wholly obtained in the areas not under effective control of the Government of the Republic of Cyprus or have undergone their last, substantial, economically justified processing or working in an undertaking equipped for that purpose in the areas not under the effective control of the Government of the Republic of Cyprus within the meaning of Articles 23 and 24 of Council Regulation (EEC) No 2913/92¹.
2. These goods shall not be subject to customs duties or charges having equivalent effect, nor to a customs declaration, provided that they are not eligible for export refunds or intervention measures. In order to ensure effective controls, the quantities crossing the line shall be registered.

¹ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by the Accession Act of 2003.

3. The goods shall cross the line only at the crossing points listed in Annex I and the crossing points of Pergamos and Strovilia under the authority of the Eastern Sovereign Base Area.
4. The goods shall be subject to the requirements and undergo the checks as required by EC legislation as set out in Annex II.
5. Goods shall be accompanied by a document issued by the Turkish Cypriot Chamber of Commerce, duly authorised for that purpose by the Commission in agreement with the Government of the Republic of Cyprus, or by another body so authorised in agreement with the latter. The Turkish Cypriot Chamber of Commerce or other duly authorised body will maintain records of all such documents issued to enable the Commission to monitor the type and volume of goods crossing the line as well as their compliance with the provisions of this Article.
6. After the goods have crossed the line into the areas under the effective control of the Government of the Republic of Cyprus, the competent authorities of the Republic of Cyprus shall check the authenticity of the document referred to in paragraph 5 and whether it corresponds with the consignment.
7. The Republic of Cyprus shall treat the goods referred to in paragraph 1 as not being imported within the meaning of Article 7(1) of Council Directive 77/388/EEC ¹ and Article 5 of Council Directive 92/12/EEC ², provided the goods are destined for consumption in the Republic of Cyprus.
8. Paragraph 7 shall not have any effect on the European Communities' own resources accruing from VAT.

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

² OJ L 76, 23.3.1992, p. 1. Directive as last amended by Regulation EC No 807/2003 (OJ L 122, 16.5.2003, p. 36).

9. The movement of live animals and animal products across the line shall be prohibited.
10. The authorities of the Eastern Sovereign Base Area may maintain the traditional supply of the Turkish Cypriot population of the village of Pyla with goods coming from the areas which are not under the effective control of the Government of the Republic of Cyprus. They shall strictly supervise the quantities and nature of the goods in view of their destination.
11. Goods complying with the conditions set out in paragraphs 1 to 10 shall have the status of Community goods, within the meaning of Article 4(7) of Regulation (EEC) No 2913/92.
12. This Article shall apply immediately as from 1 May 2004 to goods wholly obtained in the areas not under the effective control of the Government of the Republic of Cyprus and complying with Annex II. In respect of other goods, the full implementation of this Article shall be subject to specific rules that take full account of the particular situation in the island of Cyprus on the basis of a Commission decision to be adopted as soon as possible and at the latest within 2 months of the adoption of this Regulation. For such purpose, the Commission shall be assisted by a Committee and Articles 3 and 7 of Council Decision 1999/468/EC ¹ shall apply.

Article 5

Goods sent to the areas not under the effective control of the Government of the Republic of Cyprus

1. Goods which are allowed to cross the line shall not be subject to export formalities. However, the necessary equivalent documentation shall be provided, in full respect of Cypriot internal legislation, by the authorities of the Republic of Cyprus upon request.

¹ OJ L 184, 17.7.1999, p. 23.

2. No export refund shall be paid for agricultural and processed agricultural goods when crossing the line.
3. The supply of goods shall not be exempt under Article 15(1) and (2) of Directive 77/388/EEC.
4. The movement of goods, the removal or export of which from the customs territory of the Community is prohibited or subject to authorisation, restrictions, duties or other charges on export by Community law, shall be prohibited.

Article 6

Facilities for persons crossing the line

Council Directive 69/169/EEC ¹ shall not apply, but goods contained in the personal luggage of persons crossing the line, including a maximum of 20 cigarettes and 1/4 litre of spirits, shall be exempt from turnover tax and excise duty provided they have no commercial character and their total value does not exceed EUR 30 per person. Exemptions from turnover tax and excise duty on tobacco products and alcoholic beverages shall not be granted to persons crossing the line under 17 years of age.

¹ OJ L 133, 4.6.1969, p. 6. Directive as last amended by Directive 2000/47/EC (OJ L 193, 29.7.2000, p. 73).

TITLE IV SERVICES

1.

Article 7

Taxation

To the extent that services are supplied across the line to and from persons established or having their permanent address or usual residence in the areas of the Republic of Cyprus which are not under the effective control of the Government of the Republic of Cyprus, these services shall for VAT purposes be deemed to have been supplied or received by persons established or having their permanent address or usual residence in the areas of the Republic of Cyprus under the effective control of the Government of the Republic of Cyprus.

TITLE V FINAL PROVISIONS

Article 8

Implementation

The authorities of the Republic of Cyprus and the authorities of the Eastern Sovereign Base Area in Cyprus shall take all appropriate measures in order to ensure full compliance with the provisions of this Regulation and to prevent any circumvention of them.

Article 9

Adaptation of Annexes

The Commission may, in agreement with the Government of Cyprus amend the Annexes to this Regulation. Prior to amending the Annexes, the Commission shall consult the Turkish Cypriot Chamber of Commerce or other body duly authorized by the Government of the Republic of Cyprus as referred to in Article 4(5), as well as the United Kingdom if the Sovereign Base Areas are affected. When amending Annex II the Commission shall follow the appropriate procedure referred to in the relevant Community legislation relating to the matter being amended.

Article 10

Change of Policy

Any change in the policy of the Government of the Republic of Cyprus on crossings of persons or goods shall only become effective after the proposed changes have been notified to the Commission and the Commission has not objected to these changes within one month. If appropriate, and after consultation with the United Kingdom if the Sovereign Base Areas are affected, the Commission may propose modifications to this Regulation in order to secure compatibility of national and EU rules applicable to the line.

Article 11

Review and monitoring of the Regulation

1. Without prejudice to Article 4(12), the Commission shall report to the Council on an annual basis, starting not later than one year after the date of entry into force of this Regulation, on the implementation of the Regulation and the situation resulting from its application, attaching to this report suitable proposals for amendments if necessary.
2. The Commission shall examine in particular the application of Article 4 of this Regulation and the patterns of trade between the areas under the effective control of the Government of the Republic of Cyprus and the areas not under its effective control, including the volume and value of trade and products traded.
3. Any member state may request the Council to invite the Commission to examine and report back to it within a specified time frame on any matter of concern arising from the application of this Regulation.
4. In the event of an emergency creating a threat or risk to public or animal and plant health, the appropriate procedures as set out in EU legislation in Annex II shall apply. In the event of other emergencies or where other irregularities or exceptional circumstances arise which require immediate action, the Commission may in consultation with the Government of the Republic of Cyprus apply forthwith such measures as are strictly necessary to remedy the situation. The measures taken shall be referred to the Council within 10 working days. The Council may, acting by qualified majority vote, amend, modify or annul the measures taken by the Commission within 21 working days from the date of receipt of notification from the Commission.

5. Any Member State may invite the Commission to provide details of the volume, value and products crossing the line to the appropriate standing or management committee, provided it gives one month's notice of its request.

1.1. Article 12

Entry into Force

This Regulation shall enter into force on the day of accession of Cyprus to the European Union.

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

Done at Luxembourg, 29.4.2004.

For the Council
The President
M. McDOWELL

ANNEX I

List of crossing points referred to in Article 2(4)

- Ledra Palace
 - Agios Dhometios
-

ANNEX II

Requirements and checks referred to in Article 4(4)

- Veterinary, phytosanitary and food safety requirements and checks as set out in measures adopted under Article 37 (ex Article 43) and/or Article 152(4)(b) of the EC Treaty. In particular, relevant plants, plant products and other objects shall have undergone phytosanitary checks by duly authorised experts to verify that the provisions of EU phytosanitary legislation (Council Directive 2000/29/EC ¹) are complied with before they cross the line to the areas under the effective control of the Republic of Cyprus.

¹ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2004/31/EC (OJ L 85, 23.3.2004, p. 18).

COUNCIL REGULATION (EC) No 867/2004
of 29 April 2004

**amending Regulation (EC) No 2287/2003 fixing for 2004 the fishing opportunities
and associated conditions for certain fish stocks and groups of fish stocks,
applicable in Community waters and, for Community vessels,
in waters where limitations in catch are required**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the 2003 Act of Accession, in particular Article 24 and Annex XII thereof,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy¹, and in particular Article 20 thereof,

Having regard to the proposal from the Commission,

¹ OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 639/2004 (OJ L 102, 7.4.2004, p. 9).

Whereas:

- (1) The International Baltic Sea Fisheries Commission (IBSFC) adopted a recommendation at its Annual meeting on 3 October 2003 on the allocation of herring in the Gulf of Riga. The necessary measures should be taken at Community level in order to implement that recommendation in Community legislation on the day following the date of accession of Estonia, Latvia, Lithuania and Poland.
- (2) The IBFSC adopted a recommendation allowing an increase of the TAC for cod in the Baltic Sea in March 2004. Implementation of that recommendation in Community legislation order should be ensured.
- (3) Within the framework of its bilateral fisheries Agreement with the Russian Federation, Latvia has obtained an arrangement on reciprocal access concerning cod and sprat. These arrangements only concern the Latvian zone of EC waters. The necessary measures should be taken to implement these arrangements in Community legislation.

- (4) The Community's fishing opportunities in Norwegian waters and the Norway's fishing opportunities in Community waters for 2004 are laid down provisionally in Annexes IB, C and VII to Regulation (EC) No 2287/2003 ¹ pending the conclusion of fisheries consultations with Norway for 2004. In the Agreed Record of Conclusions of Fisheries Consultations between the Community and Norway of 24 January it was agreed to recommend to the respective authorities the fishing opportunities for 2004 in their respective waters. The necessary measures should be taken to implement the results of the consultations in Community legislation.
- (5) Quota flexibility for sole in zone II, North Sea should be allowed to improve the compatibility of quotas for flatfish in the North Sea and reduce discards.
- (6) In accordance with Annex XII to the 2003 Accession Treaty Poland is entitled to a herring quota in zones I and II.
- (7) In accordance with the procedure provided for the Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part ²; the Community has held consultations with the Faroe Islands on access to fishing for Atlanto-Scandian herring in waters north of 62°N.

¹ OJ L 344, 31.12.2003, p. 1.

² OJ L 226, 29.8.1980, pp. 12-15.

- (8) In order to guarantee that towed nets with a BACOMA exit window are the only gear type used in the cod fishery in Community waters of the Baltic Sea it should not be permitted to keep other type of gear on board.
- (9) In order to avoid unnecessary social and economic hardship, fishing activities that do not catch cod should be permitted within the area closed for cod fishing to the west of Scotland, so long as such activities are clearly defined, enforceable, and do not cause an additional risk to the remaining stock of cod.
- (10) New information on the distribution of catches of cod and haddock indicates that some areas of high abundance of haddock but relatively low abundance of cod were inappropriately included in the "cod protection area" defined in Annex IV. Also, some areas of relatively high cod abundance had been inappropriately excluded. An amendment to the geographical extent of the cod protection area is therefore required.
- (11) Conservation measures should not hinder the collection of scientific information appropriate for management purposes. Therefore, fishing for scientific purposes should be allowed in areas where fishing operations are prohibited.
- (12) Some calculation errors have been corrected and drafting improvements have been made.

- (13) In order to ensure the livelihood of Community fishermen, it is important that the fisheries be available as soon as possible. Therefore, it is imperative to grant an exception to the six-week period mentioned in paragraph I(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community.
- (14) Regulation (EC) No 2287/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes IA, IB, IC, II, IV and VII to Regulation (EC) No 2287/2003 shall be amended in accordance with the Annex to this Regulation.

Article 2

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

Point 1 of the Annex shall apply on the day following the date of accession of Estonia, Latvia, Lithuania and Poland.

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

Done at Luxembourg, 29 April 2004.

For the Council
The President

M. McDOWELL

ANNEX

The Annexes to Regulation (EC) No 2287/2003 shall be amended as follows:

1. In Annex IA:

a) The entry concerning the species Herring in zone III bcd shall be replaced by the following:

Species:		Zone:
Herring		IIIbcd (EC waters), except Management Unit 3 and Gulf of Riga
Clupea Harengus		
Denmark	8 279	
Germany	25 106	
Estonia	10 406 ⁽¹⁾	
Finland	9 386	
Latvia	2 704 ⁽¹⁾	
Lithuania	2 568	
Poland	28 870	
Sweden	36 499	
EC	123 820	
TAC	132 090	

(1) May be fished in the Gulf of Riga (HER/03D–RG)

(b) The following entry shall be inserted after the entry concerning Herring in zone III bcd:

Species:		Zone:
Herring		Gulf of Riga
Clupea harengus		HER/03D-RG
Estonia	18 130	
Latvia	21 130	
EC	39 260	
TAC	39 260	

- (c) The entry concerning the species Cod in zone Subdivisions 25-32 (EC waters) shall be replaced by the following:

"

"Species:	Cod Gadus morhua	Zone:	Sub-divisions 25-32 (EC waters) COD/25/32-
Denmark	12 040 ⁽¹⁾		
Germany	5 265 ⁽¹⁾		
Estonia	781 ⁽¹⁾		
Finland	625 ⁽¹⁾		
Latvia	2 968 ⁽¹⁾⁽²⁾		
Lithuania	1 951 ⁽¹⁾		
Poland	9 251 ⁽¹⁾		
Sweden	8 770 ⁽¹⁾		
EC	41 650		
TAC	45 400		Analytical TAC where deductions of Article 5(2) of Regulation (EC) No 847/96 apply.

(1) May be fished in sub-division 22-24.

(2) Of which 350 tons may be fished in the waters of the Russian Federation in zone IIId.

"

- d) The entry concerning the species Sprat in zone III bcd (EC waters) shall be replaced by the following:

"

"Species: Sprat Sprattus sprattus		Zone: IIIbcd (EC waters) SPR/3BCD-C
Denmark	37 254	
Germany	23 601	
Estonia	43 260	
Finland	19 501	
Latvia	52 249	
Lithuania	18 901	
Poland	110 880	
Sweden	72 019	
EC	377 665	
Russian Federation	3 000 ⁽¹⁾	
TAC	420 000	Analytical TAC where deductions of Art. 5(2) of Regulation (EC) No 847/96 apply.

- (1) To be fished in the Latvian zone of EC waters, including up to 150 tonnes of by-catches of herring.

"

2. In Annex IB:

- (a) The entry concerning the species Sandeel in zone IIa, Skagerrak, Kattegat, North Sea shall be replaced by the following:

"

"Species:	Sandeel Ammodytidae	Zone: IIa ⁽¹⁾ , Skagerrak, Kattegat, North Sea ⁽¹⁾ SAN/24.
Denmark	727 472	
United Kingdom	15 901	
All Member States	27 826 ⁽²⁾	
EC	771 200	
Norway	45 000 ⁽³⁾	
Faroe Islands	20 000 ^{(3) (4)}	
TAC	836 200	Precautionary TAC where Articles 3 and 4 of Regulation (EC) No 847/96 apply.

- (1) EC waters excluding waters within 6 miles of UK baselines at Shetland, Fair Isle and Foula.
 (2) Except Denmark and the United Kingdom.
 (3) To be taken in the North Sea.
 (4) Includes Norway pout and a maximum of 4 000 tonnes of sprat. The sprat and a maximum of 6 000 tonnes of Norway pout may be fished in division VIa north of 56°30'N.

"

- (b) The entries concerning the species Herring in zones: Skagerrak and Kattegat, Norwegian waters south of 62° N

shall be replaced by the following:

"

"Species:	Herring ⁽¹⁾ Clupea harengus	Zone:	Skagerrak and Kattegat HER/03A.
Denmark	29 177 ⁽³⁾		
Germany	467 ⁽³⁾		
Sweden	30 521 ⁽³⁾		
EC	60 164		
Faroe Islands	500 ⁽²⁾		
TAC	70 000		Analytical TAC where deductions of Article 5(2) of Regulation (EC) No 847/96 apply.

(1) Landed as the entire catch or sorted from the remainder of the catch.

(2) To be taken in Skagerrak.

(3) Of which 50%, as an ad hoc measure for 2004, may be fished in the North Sea (EC waters) south of 60°N and east of 4°E."

"Species:	Herring Clupea harengus	Zone:	Norwegian waters south of 62° N HER/04-N.
Sweden	1 076 ⁽¹⁾		
EC	1 076		
TAC	Not relevant		

(1) By-catches of cod, haddock, pollack and whiting and saithe shall be counted against the quota for these species.

"

- (c) The entry concerning the species Cod in Norwegian waters south of 62° N shall be replaced by the following:

"

Species:	Cod Gadus morhua	Zone:	Norwegian waters south of 62° N COD/04-N.
Sweden	516 ⁽¹⁾		
EC	516 ⁽¹⁾		
TAC	Not relevant		

- (1) Accruing from the Agreed Records of Consultations between the European Community, on behalf of Sweden, and Norway, for 2004.

"

- (d) The entries concerning the species Haddock in zones: Skagerrack and Kattegat, IIIbcd (EC Waters), IIa (EC waters), North Sea, Norwegian waters, south of 62° N

shall be replaced by the following:

"

Species:	Haddock Melanogrammus aeglefinus	Zone:	Skagerrack and Kattegat, IIIbcd (EC waters) HAD/3A/BCD
Belgium	18		
Denmark	3 096		
Germany	197		
The Netherlands	4		
Sweden	366		
EC	3 681 ⁽¹⁾		
TAC	4 755		

- (1) Excluding an estimated 874 tonnes of industrial by-catch.

Species:	Haddock Melanogrammus aeglefinus	Zone: Ila (EC waters), North Sea HAD/2AC4.
Belgium	625	
Denmark	4 300	
Germany	2 736	
France	4 769	
The Netherlands	469	
Sweden	303	
United Kingdom	45 773 ⁽¹⁾	
EC	58 975 ⁽²⁾	
Norway	15 391	
TAC	77 000	

(1) Of which 29 500 tonnes to be caught and landed by vessels holding special fishing permits under the provisions of Paragraph 17 of Annex IV.

(2) Excluding an estimate of 2 634 tonnes of industrial by-catch.

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	Norwegian waters (HAD/04-NFS)	
EC	45 828	
Species:	Haddock Melanogrammus aeglefinus	Zone: Norwegian waters, south of 62° N HAD/04-N.
Sweden	956	
EC	956	
TAC	Not relevant	

"

- (e) The entry concerning the species Northern prawn in zone Norwegian waters, south of 62° N shall be replaced by the following:

"

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	Norwegian waters, south of 62° N PRA/04-N.
Denmark	900		
Sweden	151 ⁽¹⁾		
EC	1 051		
TAC	Not relevant		

- (1) By-catches of cod, haddock, pollack, whiting and saithe shall be counted against the quotas for these species."

"

- (f) The entry concerning the species Plaice in zone IIa (EC waters), North Sea shall be replaced by the following:

"

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	IIa (EC waters), North Sea PLE/2AC4.
Belgium	3 624		
Denmark	11 778		
Germany	3 397		
France	680		
The Netherlands	22 649		
United Kingdom	16 761		
EC	58 889		
Norway	2 111		
TAC	61 000		Analytical TAC where deductions of Article 5(2) of Regulation (EC) No 847/96 apply.

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	<u>Norwegian waters (PLE/04-NFS)</u>
EC	30 000

"

- (g) The entry concerning the species Saithe in zone Norwegian waters south of 62°N shall be replaced by the following:

"

Species:	Saithe Pollachius virens	Zone:	Norwegian waters south of 62°N POK/04-N.
Sweden	1 190		
EC	1 190		
TAC	190 000		

"

- (h) The entry concerning the species Mackerel in zone IIa (EC waters), Skagerrak and Kattegat, IIIb,c,d (EC waters), North Sea shall be replaced by the following:

"

Species:	Mackerel Scomber scombrus	Zone:	IIa (EC waters), Skagerrak and Kattegat, IIIb,c,d (EC waters), North Sea MAC/2A34-
Belgium	453		
Denmark	11 951		
Germany	473		
France	1 428		
The Netherlands	1 437		
Sweden	4 262 ^{(1) (2) (3)}		
United Kingdom	1 331		
EC	21 335 ⁽²⁾⁽⁴⁾⁽⁵⁾		
Norway	37 246 ⁽⁶⁾		
TAC	545 500 ⁽⁷⁾		

Analytical TAC where Articles 3 and 4 of Regulation (EC) No 847/96 apply.

"

- (1) Including a fishery by this Member State of 1 865 tonnes of mackerel in ICES Division IIIa and in EC waters of ICES Division IVab (MAC/3A/4AB).
- (2) Including 214 tonnes to be taken in Norwegian waters of ICES Sub-area IV(MAC/04-N.).
- (3) When fishing in Norwegian waters, by-catches of cod, haddock, pollack and whiting and saithe shall be counted against the quotas for these species.
- (4) Including 1 865 tonnes accruing from conditions defined in footnote 2 of the Annex of the Agreed Records of Conclusions of Fisheries Consultations between the European Community and Norway, Brussels, 9 December 1995.
- (5) Including 636 tonnes accruing from the arrangement between the European Community and Norway for 2004 on the Management of the joint EU-Norway share of the NEAFC allowable catch.
- (6) To be deducted from Norway's share of the TAC (access quota). This quota may be fished in division IVa only, except for 3 000 tonnes that may be fished in division IIIa.
- (7) TAC agreed by the EC, Norway and Faroe Islands for the northern area.

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zones specified:

	IIIa MAC/03A.	IIIa, IVb,c MAC/3A/4BC	IVb MAC/04B.	IVc MAC/04C.	IIa (non-EC waters), VI, from 1 January to 31 March 2004 MAC/2A6.
Denmark		4 130			4 020
France		440			
The Netherlands		440			
Sweden			340	10	
United Kingdom		440			
Norway	3 000				

"

- (i) The entry concerning the species Common sole in zone II, North Sea shall be replaced by the following:

"

Species:	Common sole Solea solea	Zone:	II, North Sea SOL/24.
Belgium	1 417		
Denmark	648		
Germany	1 133		
France	283		
The Netherlands	12 790		
United Kingdom	729		
EC	17 000		
TAC	17 000	Analytical TAC where Articles 3 and 4 of Regulation (EC) No 847/96 apply.	

"

- (j) The entry concerning the species Other species in EC waters of zones IIa, IV, VIa north of 56° 30'N shall be replaced by the following:

"

Species:	Other species	Zone:	EC waters of zones IIa, IV, VIa north of 56° 30'N OTH/2A46AN
EC	Not subject to restriction		
Norway	5 000 ⁽¹⁾		
Faroe Islands	400 ⁽²⁾		
TAC	Not relevant		

- (1) Limited to IIa and IV. Includes fisheries not specifically mentioned; of which up to 350 tonnes of sole may be fished.
- (2) Limited to by-catches of whitefish in IV and VIa.

"

- (k) All footnotes with the text "Provisional quota, pending the conclusion of fisheries consultations with Norway for 2004" shall be deleted.

3. In Annex IC:

- (a) The entry concerning the species Herring in zone I, II (EC waters and International waters) shall be replaced by the following:

"

Species:	Herring Clupea harengus	Zone:	I, II (EC waters and International waters) HER/1/2.
Belgium	25		
Denmark	24 946		
Germany	4 368		
Spain	82		
France	1 076		
Ireland	6 458		
The Netherlands	8 927		
Poland	1 262		
Portugal	82		
Finland	386		
Sweden	9 244		
United Kingdom	15 948		
EC	72 804		
Faroe Islands	6997 ¹		
TAC	Not relevant		

¹ May be fished in EC waters

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the zone specified.

	II, Vb north of 62° N (Faroes waters) HER/2A5B-F
Belgium	2
Denmark	2 398
Germany	420
Spain	8
France	103
Ireland	621
The Netherlands	858
Poland	121
Portugal	8
Finland	37
Sweden	888
United Kingdom	1 533

"

- (b) The entry with the species Cod in zone I, II (Norwegian waters) shall be replaced by the following:

"

Species:	Cod Gadus morhua	Zone:	I, II (Norwegian waters) COD/1N2AB-
Germany	2 404		
Greece	293		
Spain	2 640		
Ireland	293		
France	2 206		
Portugal	2 640		
United Kingdom	9 324		
EC	19 800 ⁽¹⁾		
TAC	486 000		

- (1) Quota to be reviewed following the adoption of the Protocol modifying the 4th Protocol laying down the conditions relating to the agreement on fisheries between the Community and Greenland.

"

- (c) The entry concerning the species Capelin in zone V, XIV (Greenland waters) shall be replaced by the following:

"

Species:	Capelin Mallotus villosus	Zone:	V, XIV (Greenland waters) CAP/514GRN
All Member States	40 985		
EC	95 985 ⁽¹⁾		
TAC	Not relevant		

- (1) Of which 15 000 tonnes are allocated to Norway, 30 000 tonnes to Iceland and 10 000 tonnes to Faroe Islands. The Community share represents 70% of the capelin TAC for the season. Upon revision of this TAC in the course of 2004, the Community quota shall be revised accordingly.

"

- (d) The entry concerning the species Haddock in zone I, II (Norwegian waters) shall be replaced by the following:

"

Species:		Haddock Melanogrammus aeglefinus	Zone: I, II (Norwegian waters) HAD/1N2AB-
Germany	428		
France	257		
United Kingdom	1 315		
EC	2 000		
TAC	Not relevant		

"

- (e) The entry concerning the species Northern prawn in zone V, XIV (Greenland waters) shall be replaced by the following:

"

Species:		Northern prawn Pandalus borealis	Zone: V, XIV (Greenland waters) PRA/514GRN
Denmark	848		
France	848		
EC	5 675 ⁽¹⁾		
TAC	Not relevant		

- (1) Of which 2 830 tonnes are allocated to Norway and 1 150 tonnes to Faroe Islands.

"

- (f) The entry concerning the species Greenland halibut in zone V, XIV (Greenland waters) shall be replaced by the following:

"

Species:		Greenland halibut Reinhardtius hippoglossoides	Zone: V, XIV (Greenland waters) GHL/514GRN
Germany	4 037		
United Kingdom	213		
EC	4 800 ⁽¹⁾		
TAC	Not relevant		

- (1) Of which 400 tonnes are allocated to Norway and 150 tonnes are allocated to Faroe Islands. Quota to be reviewed following the adoption of the Protocol modifying the 4th Protocol laying down the conditions relating to the agreement on fisheries between the Community and Greenland.

"

- (g) The entry concerning the species Mackerel in zone IIa (Norwegian waters) shall be replaced by the following:

"

Species:	Mackerel Scomber scombrus	Zone:	IIa (Norwegian waters) MAC/02A-N.
Denmark	11 100 ⁽¹⁾		
EC	11 100 ⁽¹⁾		
TAC	Not relevant		

- (1) May also be fished in sub-area IV (Norwegian waters) and in Division IIa (non-EC waters).

"

- (h) The entry concerning the species Redfish in zone V, XIV (Greenland waters) shall be replaced by the following:

"

Species:	Redfish Sebastes spp.	Zone:	V, XIV (Greenland waters) RED/514GRN
Germany	19 533		
France	99		
United Kingdom	138		
EC	25 500 ⁽¹⁾⁽²⁾⁽³⁾		
TAC	Not relevant		

- (1) A maximum of 20 000 tonnes may be fished by pelagic trawl. Catches from the bottom trawl fishery and the pelagic trawl fishery shall be reported separately. May be fished East or West.
 (2) 5 230 tonnes to be fished with pelagic trawl are allocated to Norway.
 (3) 500 tonnes are allocated to the Faroe Islands. Catches from the bottom trawl and pelagic trawl fisheries shall be reported separately.

"

- (i) All footnotes with the text "Provisional quota, pending the conclusion of fisheries consultations with Norway for 2004" shall be deleted.

4. In Annex II

The entry concerning the species Herring in zone IIa (EC waters), North Sea, VIId shall be replaced by the following:

"

Species:	Herring (1) <i>Clupea harengus</i>	Zone:	IIa(EC waters), North Sea, VIId HER/2A47DX
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Belgium	214
Denmark	41 356
Germany	214
France	214
The Netherlands	214
Sweden	202
United Kingdom	786
EC	43 200
TAC	43 200

Notes:

(1) By-catches of herring taken in fisheries for species other than herring and landed unsorted.

"

5. In Annex IV:

- (a) The following Point shall be inserted :

"1.1.3 One net rule

When a towed net with exit windows is used, no other type of gear shall be kept on board.'

- (b) Point 6 shall be deleted.
- (c) Point 13 shall be replaced by the following:

"13 Restrictions on fishing for Cod in West of Scotland

- (a) Until 31 December 2004, it shall be prohibited to conduct any fishing activity within the area enclosed by sequentially joining with straight lines the following geographical coordinates:

- 59°05'N, 06°45'W
- 59°30'N, 06°00'W
- 59°40'N, 05°00'W
- 60°00'N, 04°00'W
- 59°30'N, 04°00'W
- 59°05'N, 06°45'W.

- (b) By way of derogation from (a), it shall be permitted to conduct fishing activities using pots and creels, provided that

- (i) no fishing gear other than pots and creels are carried on board, and
- (ii) no fish other than shellfish and crustacea are retained on board.

-
- (c) By way of derogation from (a), it shall be permitted to conduct fishing activities using nets of mesh size less than 55mm, provided that
- (i) no net of mesh size greater than or equal to 55mm is carried on board, and
 - (ii) no fish other than herring, mackerel, horse mackerel, blue whiting, pilchard/sardine, sardinelles, sprat and argentines are retained on board."
- (d) In point 17:
- (i) section (a) shall be replaced with the following:

"(a) For the purposes of this point, "cod protection area" means that part of ICES Division IV included in the following ICES rectangles that lies further than 12 miles from coastal baselines

49E6, 48E6, 47E6, 50E7, 49E7, 48E7, 50E8, 51E9, 50E9, 49E9, 50F0, 49F0, 48F0, 47F0, 46F0, 45F0, 51F1, 50F1, 49F1, 48F1, 47F1, 46F1, 45F1, 44F1, 50F2, 49F2, 48F2, 47F2, 46F2, 45F2, 44F2, 46F3, 45F3, 44F3, 45F4, 44F4, 43F5, 43F6, 43F7, 42F7, 38E9, 37E9, 37F0.";
 - (ii) the following section shall be inserted:

"(e) A Member State may record haddock catches caught in the period 1 January 2004 to 21 April 2004 on the basis of whether they were taken inside or outside the area defined in sub-point (a)."
- (e) The following point shall be added:
- "18. Scientific monitoring
- (a) The measures referred to in Points 5, 7, 13 and 16 shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State concerned, and of which the Commission and the Member State in whose waters the research is carried out have been informed in advance.

- (b) Marine organisms caught for the purposes referred to in (a) may be sold, stored, displayed or offered for sale, provided that:
- they meet the standards laid down in Annex XII to Regulation (EC) No 850/98 and the marketing standards adopted pursuant to Article 2 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products *, or
 - they are sold directly for purposes other than human consumption."

* OJ L 17, 21.1.2000, p. 22. Regulation as amended by the 2003 Act of Accession."

(f) Appendix 2 shall be replaced by the following:

"Appendix 2 to Annex IV

TOWED GEARS: *Skagerrak and Kattegat*

**Mesh size ranges, target species and required catch percentages
applicable to the use of a single mesh size range**

Species	Mesh size range (millimetres)							
	<16	16-31		32-69	32-69	35-69	70-89 ⁽⁵⁾	≥90
	Minimum percentage of target species							
	50% ⁽⁶⁾	50% ⁽⁶⁾	20% ⁽⁶⁾	50% ⁽⁶⁾	20% ⁽⁶⁾	20% ⁽⁷⁾	30% ⁽⁸⁾	none
Sandeel (<i>Ammodytidae</i>) ⁽³⁾	x	x	x	x	x	x	x	x
Sandeel (<i>Ammodytidae</i>) ⁽⁴⁾		x		x	x	x	x	x
Norway pout (<i>Trisopterus esmarkii</i>)		x		x	x	x	x	x
Blue whiting (<i>Micromesistius poutassou</i>)		x		x	x	x	x	x
Greater weever (<i>Trachinus draco</i>) ⁽¹⁾		x		x	x	x	x	x
Molluscs (except <i>Sepia</i>) ⁽¹⁾		x		x	x	x	x	x
Garfish (<i>Belone belone</i>) ⁽¹⁾		x		x	x	x	x	x
Gray gurnard (<i>Eutrigla gurnardus</i>) ⁽¹⁾		x		x	x	x	x	x
Argentine (<i>Argentina spp.</i>)				x	x	x	x	x
Sprat (<i>Sprattus sprattus</i>)		x		x	x	x	x	x
Eel (<i>Anguilla, anguilla</i>)			x	x	x	x	x	x
Common shrimp/Baltic shrimp (<i>Crangon spp.</i> , <i>Palaemon adspersus</i>) ⁽²⁾			x	x	x	x	x	x
Mackerel (<i>Scomber spp.</i>)				x			x	x
Horse mackerel (<i>Trachurus spp.</i>)				x			x	x
Herring (<i>Clupea harengus</i>)				x			x	x
Northern shrimp (<i>Pandalus borealis</i>)						x	x	x
Common shrimp/Baltic shrimp (<i>Crangon spp.</i> , <i>Palaemon adspersus</i>) ⁽¹⁾					x		x	x
Whiting (<i>Merlangius merlangus</i>)							x	x
Norway lobster (<i>Nephrops norvegicus</i>)							x	x
All other marine organisms								x

-
- (1) Only within four miles from the baselines.
- (2) Outside four miles from the baselines.
- (3) From 1 March to 31 October in Skagerrak and from 1 March to 31 July in Kattegat.
- (4) From 1 November to the last day of February in Skagerrak and from 1 August to the last day of February in Kattegat.
- (5) When applying this mesh size range the codend and the extension piece shall be constructed of square meshed netting.
- (6) The catch retained on board shall consist of no more than 10% of any mixture of cod, haddock, hake, plaice, witch, lemon sole, turbot, brill, flounder, mackerel, megrim, whiting, dab, saithe, Norway lobster and lobster.
- (7) The catch retained on board shall consist of no more than 50% of any mixture of cod, haddock, hake, plaice, witch, lemon sole, turbot, brill, flounder, herring, mackerel, megrim, whiting, dab, saithe, Norway lobster and lobster.
- (8) The catch retained on board shall consist of no more than 60% of any mixture of cod, haddock, hake, plaice, witch, lemon sole, turbot, brill, flounder, megrim, dab, saithe and lobster."

6. In Annex VII, Part I and II are replaced by the following:

**"PART I
Quantitative limitations of licences and
fishing permits for community vessels fishing in
third country waters**

Area of fishing	Fishery	Number of licences	Maximum number of vessels present at any time
Norwegian waters and fishery zone around Jan Mayen	Herring, North of 62°00'N	75	55
	Demersal species, North of 62°00'N	80	50
	Mackerel, South of 62°00'N, purse seine fishery	11	not relevant
	Mackerel, South of 62°00'N, trawl fishery	19	not relevant
	Mackerel, North of 62°00'N, purse seine fishery	11 ¹	not relevant
	Industrial species, South of 62°00'N	480	150
Waters of the Faroe Islands	All trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines	26	13
	Directed fishing for cod and haddock with a minimum mesh of 135 mm, restricted to the area south of 62°28'N and east of 6°30'W	8	4
	Trawling outside 21 miles from the Faroese baselines. In the periods 1 March to 31 May and 1 October to 31 December, these vessels may operate in the area between 61°20'N and 62°00'N and between 12 and 21 miles from the baselines.	70	26
	Trawl fisheries for blue ling with a minimum mesh of 100 mm in the area south of 61°30'N and west of 9°00'W and in the area between 7°00'W and 9°00'W south of 60°30'N and in the area south-west of a line between 60°30'N, 7°00'W and 60°00'N, 6°00'W.	70	20

¹ To be selected from the 11 licences for purse seine fishery for mackerel South of 62°00'N

Area of fishing	Fishery	Number of licences	Maximum number of vessels present at any time
	Directed trawl fishery for saithe with a minimum mesh size of 120 mm and with the possibility to use round-straps around the codend.	70	22
	Fisheries for blue whiting. The total number of licences may be increased by four vessels to form pairs, should the Faroese authorities introduce special rules of access to an area called "main fishing area of blue whiting"	34	20
	Line fishing	10	6
	Fishing for mackerel	12	12
	Herring fisheries north of 62°N	21	21
Iceland	All fisheries	18	5
Waters of the Russian Federation	All fisheries	pm	pm
	Fisheries for cod	7 ¹	pm
	Fisheries for sprat	pm	pm

¹ Applies only to vessels flying the flag of Latvia.

PART II
Quantitative limitations of licences and fishing permits for
third country vessels in Community waters

Flag State	Fishery	Number of licences	Maximum number of vessels present at any time
Norway ⁽¹⁾	Herring, North of 62° 00'N	18	18
Faroe Islands	Mackerel, VIa (north of 56° 30'N), VIIe,f,h, horse mackerel, IV, VIa (north of 56° 30'N), VIIe,f,h; herring, VIa (north of 56° 30'N)	14	14
	Herring north of 62° 00'N	21	21
	Herring, IIIa	4	4
	Industrial fishing for Norway pout and sprat, IV, VIa (north of 56° 30'N): sandeel, IV (including unavoidable by-catches of blue whiting)	15	15
	Ling and tusk	20	10
	Blue whiting, VIa (north of 56° 30'N), VIb, VII (west of 12° 00'W)	20	20
	Blue ling	16	16
	Porbeagle (all zones except NAFO 3PS)	3	3
Russian Federation	Herring, IIId (Swedish waters)	pm	pm
	Herring, IIId (Swedish waters, non-fishing mother ships)	pm	pm
	Sprat	4 ⁽²⁾	pm
Barbados	<i>Penaeus</i> shrimps ⁽³⁾ (French Guyana waters)	5	pm ⁽⁴⁾
	Snappers ⁽⁵⁾ (French Guyana waters)	5	pm
Guyana	<i>Penaeus</i> shrimps ⁽³⁾ (French Guyana waters)	pm	pm ⁽⁴⁾
Surinam	<i>Penaeus</i> shrimps ⁽³⁾ (French Guyana waters)	5	pm ⁽⁶⁾
Trinidad and Tobago	<i>Penaeus</i> shrimps ⁽³⁾ (French Guyana waters)	8	pm ⁽⁷⁾
Japan	Tuna ⁽⁸⁾ (French Guyana waters)	pm	
Korea	Tuna ⁽⁸⁾ (French Guyana waters)	pm	pm ⁽⁷⁾
Venezuela	Snappers ⁽⁵⁾ (French Guyana waters)	41	pm
	Sharks ⁽⁵⁾ (French Guyana waters)	4	pm

-
- (1) Pending the conclusion of fisheries consultations with Norway for 2004.
 - (2) Applies only to the Latvian zone of EC waters.
 - (3) The licences concerning fishing for shrimp in the waters of the French Department of Guyana shall be issued on the basis of a fishing plan submitted by the authorities of the third country concerned, approved by the Commission. The period of validity of each of these licences shall be limited to the fishing period provided for in the fishing plan on the basis of which the licence was issued.
 - (4) The annual number of days at sea is limited to 200.
 - (5) To be fished exclusively with long lines or traps (snappers) or long lines or mesh nets having a minimum mesh of 100 mm, at depths greater than 30 m (sharks). To issue these licences, proof must be produced that a valid contract exists between the shipowner applying for the licence and a processing undertaking situated in the French Department of Guyana, and that it includes an obligation to land at least 75% of all snapper catches, or 50% of all shark catches from the vessel concerned in that department so that they may be processed in that undertaking's plant.

The contract referred to above must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guyanese economy. A copy of the duly endorsed contract shall be appended to the licence application. Where the endorsement referred to above is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and to the Commission.
 - (6) The annual number of days at sea is limited to pm.
 - (7) The annual number of days at sea is limited to 350.
 - (8) To be fished exclusively with longlines.
- "
-