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## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1242/2004****of 28 June 2004****granting derogations to the new Member States from certain provisions of Regulation (EC) No 2371/2002 relating to reference levels of fishing fleets**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Article 12 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>(1)</sup> provides that reference levels are to be established for each Member State's fleet as the sum of the objectives per segment of the Multiannual Guidance Programme 1997-2002.

(2) The new Member States do not have objectives as referred to in Article 12 of Regulation (EC) No 2371/2002.

(3) Reference levels could only be established for the new Member States by reference to the level of their fleets at the moment of accession. But, if that was the case, obligations provided for in Article 11(2) and (4) of Regulation (EC) No 2371/2002 would be superfluous, since these obligations would overlap with those arising from the entry/exit scheme provided for in Article 13 of that Regulation.

(4) It is therefore not appropriate to fix the reference levels provided for in Article 12 of Regulation (EC) No 2371/2002 for the new Member States, nor to apply Article 11(2) and (4) of that Regulation to them, as it shall have no effect on the management of the fleet by the new Member States.

(5) Because of the short period of time during which these new Member States may grant aid for the renewal of the fleet, it is not appropriate to require these fleets to be reduced, as provided for in Article 13(2) of Regulation (EC) No 2371/2002.

(6) Accordingly, derogations should be granted to the new Member States from the relevant provisions of Regulation (EC) No 2371/2002,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation, Article 11(2) and (4), Article 12 and Article 13(2) of Regulation (EC) No 2371/2002 shall not apply to the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

*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*.

It shall apply from 1 May 2004.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

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

Done at Luxembourg, 28 June 2004.

*For the Council*

*The President*

M. CULLEN

  

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**COMMISSION REGULATION (EC) No 1243/2004****of 6 July 2004****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 7 July 2004.

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

Done at Brussels, 6 July 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

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

## ANNEX

**to the Commission Regulation of 6 July 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	57,9
	999	57,9
0707 00 05	052	92,6
	999	92,6
0709 90 70	052	83,4
	999	83,4
0805 50 10	388	62,4
	508	48,1
	524	59,2
	528	54,6
	999	56,1
0808 10 20, 0808 10 50, 0808 10 90	388	88,7
	400	105,7
	404	105,9
	508	69,7
	512	87,5
	528	74,5
	720	67,8
	804	92,8
	999	86,6
0808 20 50	388	105,3
	512	89,1
	528	76,7
	999	90,4
0809 10 00	052	234,0
	092	165,3
	624	203,7
	999	201,0
0809 20 95	052	294,3
	068	127,8
	400	335,9
	999	252,7
0809 30 10, 0809 30 90	052	121,3
	624	75,6
	999	98,5
0809 40 05	052	107,2
	512	91,6
	624	193,7
	999	130,8

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

**COMMISSION REGULATION (EC) No 1244/2004****of 6 July 2004****laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards the granting of private storage aid for certain cheeses in the 2004/05 storage period**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

(1) Pursuant to Article 9 of Regulation (EC) No 1255/1999 private storage aid may be granted for long-keeping cheeses and for cheeses which are manufactured from sheeps' and/or goats' milk and require at least six months for maturing, if for those cheeses price developments and the stock situation indicate a serious imbalance of the market which may be eliminated or reduced by seasonal storage.

(2) The seasonal nature of the production of certain long-keeping cheeses and Pecorino Romano, Kefalotyri and Kasseri cheese is aggravated by the fact that the seasonality of consumption is the inverse of the seasonality of production. The fragmented production of such cheeses further aggravates the consequences of that seasonality. Therefore, provision should be made for recourse to seasonal storage in respect of a quantity corresponding to the difference between summer and winter production.

(3) The types of cheeses, including those from the new Member States, eligible for aid and the maximum quantities which may qualify for it should be laid down, as well as the duration of the contracts in relation to the real requirements of the market and the keeping qualities of the cheeses in question. The cheeses eligible for aid in Ireland should also be specified, targeting those which might cause a market imbalance.

(4) The market situation of Pecorino Romano, with surpluses and a marked drop in prices, justifies making a larger quantity of that cheese eligible for aid than in the past.

(5) It is necessary to specify the terms of the storage contract and the essential measures to enable the cheese covered by a contract to be identified and subjected to checks.

The amount of aid must be fixed with reference to storage costs and the balance to be maintained between cheeses qualifying for the aid and other cheeses marketed. To that end the amount for the fixed costs should be reduced and the amount for the financial costs should be calculated on the basis of an interest rate of 2 %.

(6) Detailed rules should also be laid down regarding documentation, accounting and the frequency and nature of checks. In this connection, it should be laid down that the Member States may charge the costs of checks fully or in part charged to the contractor.

(7) To ensure monitoring of the implementation of the storage aid scheme, information about the quantities of cheese involved should be transmitted to the Commission on a regular basis.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Purpose**

This Regulation lays down the detailed rules for granting Community aid for private storage of certain cheeses (hereinafter referred to as 'aid') pursuant to Article 9 of Regulation (EC) No 1255/1999 during the 2004/05 storage year.

*Article 2***Definitions**

For the purpose of this Regulation:

(a) 'storage lot' means a quantity of cheese weighing at least two tonnes, of the same type and taken into storage in a single storage depot on a single day;

(b) 'day of commencement of contractual storage', means the day following that of entry into storage;

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

- (c) 'last day of contractual storage', means the day before that of removal from storage;
- (d) 'storage period', means the period during which the cheese can be covered by the private storage scheme, as specified for each type of cheese in the Annex.

#### Article 3

##### **Cheeses eligible for aid**

1. Aid shall be granted in respect of certain long-keeping cheeses, Pecorino Romano, Kefalotyri and Kasseri cheese under the terms laid down in the Annex.
2. The cheeses must have been manufactured in the Community and satisfy the following conditions:
  - (a) be indelibly marked with an indication of the undertaking in which they were manufactured and of the day and month of manufacture; the above details may be in code form;
  - (b) have undergone quality tests which establish their classification after maturing in the categories laid down in the Annex.

#### Article 4

##### **Storage contract**

1. Contracts relating to the private storage of cheese shall be concluded between the intervention agency of the Member State on whose territory the cheese is stored and natural or legal persons, hereinafter called 'contractors'.
2. Storage contracts shall be drawn up in writing on the basis of an application to draw up a contract.

Applications must reach intervention agencies within no more than 30 days of the date of entry into storage and may relate only to lots of cheese which have been fully taken into storage. The intervention agencies shall register the date on which each application is received.

If the application reaches the intervention agency within 10 working days following the deadline, the storage contract may still be concluded but the aid shall be reduced by 30 %.

3. Storage contracts shall be concluded for one or more storage lots and shall include, in particular, provisions concerning:
  - (a) the quantity of cheese to which the contract applies;
  - (b) the dates relating to the execution of the contract;
  - (c) the amount of aid;
  - (d) the identity of the storage depots.

4. Storage contracts shall be concluded within no more than 30 days of the date of registration of the application to draw up a contract.

5. Control measures, particularly those referred to in Article 7, shall be the subject of specifications drawn up by the intervention agency. The storage contract shall refer to those specifications.

#### Article 5

##### **Entry into and removal from storage**

1. The periods of entry into and removal from storage shall be as laid down in the Annex.
2. Removal from storage shall be in whole storage lots.
3. Where, at the end of the first 60 days of contractual storage, the deterioration in the quality of the cheese is greater than is normal in store, contractors may be authorised, once per storage lot, to replace the defective quantity, at their own expense.

If checks during storage or on removal from storage reveal defective quantities, no aid may be paid for those quantities. In addition, the part of the lot which is still eligible for aid may not be less than two tonnes.

The second subparagraph shall apply where part of a lot is removed before the start of the period of removal from storage referred to in paragraph 1 or before expiry of the minimum storage period referred to in Article 8(2).

4. For the purpose of calculating the aid in the case referred to in the first subparagraph of paragraph 3, the first day of contractual storage shall be the day of commencement of contractual storage.

#### Article 6

##### **Storage conditions**

1. The Member State shall ensure that all the conditions granting entitlement to payment of the aid are fulfilled.
2. The contractor or, at the request of the Member State or with its authorisation, the person responsible for the storage depot, shall make available to the competent authority responsible for inspection any documentation permitting verification of the following particulars of products placed in private storage:
  - (a) ownership at the time of placing in storage;
  - (b) the origin and the date of manufacture of the cheeses;



(c) the date of placing in storage;

(d) presence in the store and the address of the store;

(e) the date of removal from storage.

3. The contractor or, where applicable, the person responsible for the storage depot shall keep stock records available at the depot for each contract, covering:

(a) the identification, by storage lot number, of the products placed in private storage;

(b) the dates of entry into and removal from storage;

(c) the number of cheeses and their weight by storage lot;

(d) the location of the products in the store.

4. Products stored must be easily identifiable, easily accessible and identified individually by contract. A special mark shall be affixed to stored cheeses.

indicating the storage lots concerned, at least five working days before the expiry of the contractual storage period or the start of the removal operations, where these take place during or after the contractual storage period.

The Member State may accept a shorter time-limit than the five working days specified in the second subparagraph.

4. A report shall be drawn up on the checks carried out pursuant to paragraphs 1, 2 and 3, specifying:

(a) the date of the check;

(b) its duration;

(c) the operations carried out.

The report must be signed by the inspector responsible and countersigned by the contractor or, as the case may be, the person responsible for the storage depot, and must be included in the payment dossier.

5. In the case of irregularities affecting at least 5 % of the quantities of products checked, the check shall be extended to a larger sample to be determined by the competent authority.

The Member States shall notify such cases to the Commission within four weeks.

6. Member States may provide that the costs of checks are to be fully or in part charged to the contractor.

#### Article 7

##### Checks

1. On entry into storage the competent agency shall conduct checks, in particular to ensure that products stored are eligible for the aid and to prevent any possibility of substitution of products during storage under contract.

2. The competent agency shall make an unannounced check, by sampling, to ensure that the products are present in the storage depot. The sample concerned must be representative and must correspond to at least 10 % of the overall quantity under contract for a private storage aid measure.

Such checks must include, in addition to an examination of the accounts referred to in Article 6(3), a physical check of the weight and type of products and their identification. Such physical checks must relate to at least 5 % of the quantity subjected to the unannounced check.

3. At the end of the contractual storage period, the competent agency shall check to see that products are present. However, where the products are still in storage after expiry of the maximum contractual storage period, this check may be made when the products are removed from storage.

For the purposes of the check referred to in the first subparagraph, the contractor shall notify the competent authority,

#### Article 8

##### Storage aid

1. The aid shall be as follows:

(a) EUR 10 per tonne for the fixed costs;

(b) EUR 0,25 per tonne per day of storage under contract for the warehousing costs;

(c) for the financial costs per day of contractual storage:

(i) EUR 0,23 per tonne for long-keeping cheeses,

(ii) EUR 0,28 per tonne for Pecorino Romano,

(iii) EUR 0,39 per tonne for Kefalotyri and Kasseri.

2. No aid shall be granted in respect of storage under contract for less than 60 days. The maximum aid payable shall not exceed an amount corresponding to 180 days' storage under contract.

Where the contractor fails to comply with the time-limit referred to in the second or, as the case may be, third subparagraph of Article 7(3), the aid shall be reduced by 15 % and shall be paid only in respect of the period for which the contractor supplies satisfactory proof to the competent agency that the cheeses have remained in contractual storage.

3. The aid shall be paid on application by the contractor, at the end of the contractual storage period, within 120 days of receipt of the application, provided that the checks referred to in Article 7(3) have been carried out and that the conditions for entitlement to the aid have been met.

However, if it has been necessary to commence an administrative inquiry into entitlement to the aid, payment shall not be made until entitlement has been recognised.

#### Article 9

##### Communications

Not later than the 10th of each month, Member States shall report, for the month preceding the communication:

(a) the quantities of the following cheeses under contract at the beginning of the month in question:

— long-keeping cheeses,

— Pecorino Romano,

— Kefalotyri and Kasseri;

(b) the quantities of cheeses for which storage contracts were concluded during the month in question, broken down by the categories listed in point (a);

(c) the quantities of cheeses for which storage contracts expired during the month in question, broken down by the categories listed in point (a);

(d) the quantities of cheeses under contract at the end of the month in question, broken down by the categories listed in point (a).

#### Article 10

##### Entry into force

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

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

Done at Brussels, 6 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

## ANNEX

Categories of cheeses	Quantities eligible for aid	Minimum age for cheeses	Period of entry into storage	Period of removal from storage
French long-keeping cheeses: — protected designation of origin Beaufort and Comté cheeses — 'Label Rouge' Emmental grand cru — class A or B Emmental and Gruyère cheeses	16 000 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
German long-keeping cheeses: 'Markenkäse' or 'Klasse fein' Emmentaler/Bergkäse	1 000 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
Irish long-keeping cheeses: Irish long-keeping cheese. Emmental, special grade	900 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
Austrian long-keeping cheeses: '1. Güteklasse Emmentaler/Bergkäse/Alpkäse'	1 700 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
Finnish long-keeping cheeses: '1 luokka'	1 700 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
Swedish long-keeping cheeses: Västerbotten/Prästost/Svecia/Grevé	1 700 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
Polish long-keeping cheeses: Podlaski/Piwny/Ementalaki/Ser Corregio	3 000 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
Slovenian long-keeping cheeses: Ementalec/Zbrinc	200 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
Lithuanian long-keeping cheeses: Goja/Džiugas	700 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
Latvian long-keeping cheeses: Rigamond, Itālijas, Ementāles tipa un Ekstra klases siers	500 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
Hungarian long-keeping cheeses: Hajdú	300 t	10 days	8 July to 30 September 2004	1 October 2004 to 31 March 2005
Pecorino Romano	19 000 t	90 days and produced after 1 October 2003	8 July to 31 December 2004	before 31 March 2005
Kefalotyri and Kasserli made from ewes' or goats' milk or a mixture of the two	2 500 t	90 days and produced after 30 November 2003	8 July to 30 November 2004	before 31 March 2005

**COUNCIL DIRECTIVE 2004/85/EC****of 28 June 2004****amending Directive 2003/54/EC of the European Parliament and of the Council as regards the application of certain provisions to Estonia**

THE COUNCIL OF THE EUROPEAN UNION,

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 (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, (Act of Accession), and in particular Article 57 thereof,

Having regard to the request of Estonia,

Having regard to the proposal from the Commission,

Whereas:

- (1) During the accession negotiations, Estonia invoked the specific characteristics of its electricity sector to request a transitional period for the application of Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity<sup>(1)</sup>.
- (2) In Annex VI of the Act of Accession, Estonia was granted a transitional period until 31 December 2008 for the application of Article 19(2) of Directive 96/92/EC, relating to the gradual opening of the market.
- (3) Declaration No 8 annexed to the Treaty of Accession recognised moreover that the specific situation relating to the restructuring of the oil shale sector in Estonia was going to require particular efforts until the end of 2012.
- (4) Directive 96/92/EC was replaced by Directive 2003/54/EC which has to be implemented by 1 July 2004 and which has the effect of speeding up the opening of the electricity market.

- (5) By letter of 17 September 2003, Estonia transmitted a request aimed at not applying Article 21(1)(b) of Directive 2003/54/EC, on the opening of the market to non-household customers, until 31 December 2012. In a further letter of 5 December 2003, Estonia indicated that it was planning to achieve the complete opening of the market provided for in Article 21(1)(c) of that Directive by 31 December 2015.
- (6) The request by Estonia is based on a credible restructuring plan for the oil shale sector extending until 31 December 2012.
- (7) Oil shale is the only real indigenous energy resource in Estonia and national production represents almost 84 % of world production. 90 % of the electricity produced in Estonia is from this solid fuel. It is therefore of great strategic importance for security of supply in Estonia.
- (8) The granting of a further derogation for the period 2009 to 2012 will guarantee security of investments in generating plants and security of supply in Estonia while allowing the serious environmental problems created by those plants to be resolved.
- (9) The request made by Estonia should be granted and Directive 2003/54/EC amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

In Article 26 of Directive 2003/54/EC, the following paragraph shall be added:

‘3. Estonia shall be granted a temporary derogation from the application of Article 21(1)(b) and (c) until 31 December 2012. Estonia shall take the measures necessary to ensure the opening of its electricity market. This shall be carried out gradually over the reference period with the aim of complete opening of the market by 1 January 2013. On 1 January 2009, the opening of the market must represent at least 35 % of consumption. Estonia shall communicate annually to the Commission the consumption thresholds extending eligibility to final customers.’

<sup>(1)</sup> OJ L 27, 30.1.1997, p. 20. Directive repealed by Directive 2003/54/EC (OJ L 176, 15.7.2003, p. 37).

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 2004. They shall forthwith communicate to the Commission the text of those measures.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Luxembourg, 28 June 2004.

*For the Council*

*The President*

M. CULLEN

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**COMMISSION DIRECTIVE 2004/86/EC****of 5 July 2004****amending, for the purposes of adapting to technical progress, Council Directive 93/93/EEC on the masses and dimensions of two or three-wheel motor vehicles****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/93/EEC of 29 October 1993 on the masses and dimensions of two or three-wheel motor vehicles<sup>(1)</sup>, and in particular Article 3 thereof,

Having regard to Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC<sup>(2)</sup>, and in particular Article 17 thereof,

Whereas:

(1) Directive 93/93/EEC is one of the separate directives in the context of the Community type-approval procedure according to Directive 2002/24/EC. The provisions of Directive 2002/24/EC relating to systems, components and separate technical units for vehicles therefore apply to Directive 93/93/EEC.

(2) In order to enable the full type-approval system to function properly, it is necessary to clarify and supplement certain requirements in Directive 93/93/EEC.

(3) To that end, it is necessary to specify that the masses of exchangeable superstructures for quadricycles of categories L6e and L7e, intended for transportation of goods, have to be considered as part of the payload rather than included in the unladen mass.

(4) Directive 93/93/EEC should therefore be amended accordingly.

(5) The measures provided for in this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress set up pursuant to Article 13 of Council Directive 70/156/EEC<sup>(3)</sup>,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The Annex to Directive 93/93/EEC is amended in accordance with the Annex to this Directive.

*Article 2*

1. With effect from 1 January 2005, in the case of two or three-wheel motor vehicles whose masses and dimensions comply with the requirements of Directive 93/93/EEC, as amended by this Directive, Member States shall not, on grounds relating to the masses and dimensions:

(a) refuse, in respect of such a vehicle to grant EC type-approval or national type-approval; or

(b) prohibit the registration, sale or entry into service of such a vehicle.

2. With effect from 1 July 2005, if the requirements of Directive 93/93/EEC, as amended by this Directive, are not fulfilled for any new type of two or three-wheel motor vehicle, by reason of its masses or dimensions, Member States shall refuse to grant EC type-approval.

*Article 3*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2004 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

<sup>(1)</sup> OJ L 311, 14.12.1993, p. 76. Directive as amended by Commission Directive 2001/78/EC (OJ L 285, 29.10.2001, p. 1).

<sup>(2)</sup> OJ L 124, 9.5.2002, p. 1. Directive as last amended by Commission Directive 2003/77/EC (OJ L 211, 21.8.2003, p. 24).

<sup>(3)</sup> OJ L 42, 23.2.1970, p. 1. Directive as last amended by Directive 2004/3/EC of the European Parliament and of the Council (OJ L 49, 19.2.2004, p. 36).

2. Member States shall communicate to the Commission the main provisions of national law which they adopt in the field covered by this Directive.

*Article 4*

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

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 5 July 2004.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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## ANNEX

Point 1.5 of the Annex to Directive 93/93/EEC is replaced by the following:

- ‘1.5. “unladen mass” means the mass of vehicle ready for normal use and equipped as follows:
- additional equipment required solely for the normal use under consideration,
  - complete electrical equipment, including the lighting and light-signalling devices supplied by the manufacturer,
  - instruments and devices required by the laws under which the unladen mass of the vehicle has been measured,
  - the appropriate amounts of liquids in order to ensure the proper operation of all parts of the vehicle.
- 1.5.1. In the case of vehicles of categories L6e and L7e intended for carrying goods and designed to be equipped with exchangeable superstructures, the total mass of these superstructures shall not be taken into account for the calculation of the unladen mass and shall be considered to be part of the payload.
- In this case, the following additional conditions shall be fulfilled:
- (a) the basic type of vehicle (chassis cab), on which the abovementioned superstructures are designed to be fitted, shall fulfil all the prescriptions established for category L6e and L7e quadricycles for transportation of goods, (including the limit of 350 kg unladen mass for category L6e vehicles and the limit of 550 kg unladen mass for category L7e vehicles);
  - (b) a superstructure is considered to be exchangeable if it can be easily removed from the chassis cab without the use of tools;
  - (c) as far as the superstructure is concerned, the vehicle manufacturer shall provide in the information document, a model of which is set out in Annex II to Directive 2002/24/EC, the maximum permitted dimensions, the mass, the limits for the position of the centre of gravity and a drawing with the position of fixing devices.

NB: the fuel and the fuel/oil mixture are not included in the measurement, but components such as the battery acid, the hydraulic fluid, the coolant and the engine oil must be included.’.

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

**DECISION OF THE COUNCIL, MEETING IN THE COMPOSITION OF HEADS OF STATE OR GOVERNMENT****of 29 June 2004****nominating the person it intends to appoint as President of the Commission****(2004/536/EC)**

THE COUNCIL OF THE EUROPEAN UNION,

Meeting in the composition of Heads of State or Government,

Having regard to the Treaty establishing the European Community, and in particular Article 214(2), first subparagraph, thereof,

HAS DECIDED AS FOLLOWS:

*Article 1*

Mr José Manuel DURÃO BARROSO is hereby nominated as the person the Council intends to appoint as President of the Commission for the period from 1 November 2004 to 31 October 2009.

*Article 2*

This Decision shall be forwarded to the European Parliament.

*Article 3*

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

Done at Brussels, 29 June 2004.

*The President*

B. AHERN

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**COUNCIL DECISION****of 29 June 2004****appointing the Secretary-General, High Representative for the Common Foreign and Security Policy, of the Council of the European Union**

(2004/537/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207(2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 121(2) thereof,

Whereas the Secretary-General, High Representative for the Common Foreign and Security Policy, of the Council of the European Union should be appointed,

HAS DECIDED AS FOLLOWS:

*Article 1*

Mr Javier SOLANA MADARIAGA is hereby appointed Secretary-General, High Representative for the Common Foreign and Security Policy, of the Council of the European Union for a period of five years with effect from 18 October 2004.

*Article 2*

This Decision shall be notified to Mr Javier SOLANA MADARIAGA by the President of the Council.

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

Done at Brussels, 29 June 2004.

*For the Council**The President*

B. AHERN

**COUNCIL DECISION**  
**of 29 June 2004**  
**appointing the Deputy Secretary-General of the Council of the European Union**  
(2004/538/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207(2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 121(2) thereof,

Whereas the Deputy Secretary-General of the Council of the European Union should be appointed,

HAS DECIDED AS FOLLOWS:

*Article 1*

Mr Pierre DE BOISSIEU is hereby appointed Deputy Secretary-General of the Council of the European Union for a period of five years with effect from 18 October 2004.

*Article 2*

This Decision shall be notified to Mr Pierre DE BOISSIEU by the President of the Council.

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

Done at Brussels, 29 June 2004.

*For the Council*  
*The President*  
B. AHERN

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**CORRIGENDA**

**Corrigendum to Commission Regulation (EC) No 1165/2004 of 24 June 2004 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications (Anchois de Collioure, Melon du Quercy and Salame d'oca di Mortara)**

*(Official Journal of the European Union L 224 of 25 June 2004)*

On the cover page:

*for:* 'Commission Regulation (EC) No 1165/2004 of 24 June 2004 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications (Anchois de Collioure, Melon du Quercy and Salame d'oca di Mortara)',

*read:* '★ **Commission Regulation (EC) No 1165/2004 of 24 June 2004 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications (Anchois de Collioure, Melon du Quercy and Salame d'oca di Mortara)**'.

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**Corrigendum to the Corrigendum to Commission Directive 2004/73/EC of 29 April 2004 adapting to technical progress for the 29th time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances**

*(Official Journal of the European Union L 216 of 16 June 2004)*

On page 156, in Annex 1C, against the entry '613-207-00-1', in the eighth column, headed 'Concentration Limits':

*for:* 'C 50 %',

*read:* 'C > 50 %'.

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