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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1245/2004 of 28 June 2004 on the conclusion of the Protocol modifying the fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other** 1
- Protocol modifying the fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other 3
- Commission Regulation (EC) No 1246/2004 of 7 July 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 8
- Commission Regulation (EC) No 1247/2004 of 7 July 2004 laying down the reduction coefficient to be applied under the Community tariff quota for barley provided for by Regulation (EC) No 2305/2003 10
- ★ **Commission Regulation (EC) No 1248/2004 of 7 July 2004 laying down transitional measures for certain import and export licences for trade in agricultural products between the Community as constituted on 30 April 2004 and the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia** 11
- ★ **Commission Regulation (EC) No 1249/2004 of 7 July 2004 on certain exceptional market support measures in the egg sector in the Netherlands** 12
- ★ **Commission Regulation (EC) No 1250/2004 of 7 July 2004 amending Regulation (EC) No 2808/98 as regards the dairy premium** 13
- ★ **Commission Regulation (EC) No 1251/2004 of 7 July 2004 amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder** 14

(Continued overleaf)

1



Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 1252/2004 of 7 July 2004 opening the buying-in of butter in certain Member States	15
Commission Regulation (EC) No 1253/2004 of 7 July 2004 amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year	16
Commission Regulation (EC) No 1254/2004 of 7 July 2004 amending the import duties in the rice sector	18

II Acts whose publication is not obligatory

Commission

2004/539/EC:

★ Commission Decision of 1 July 2004 establishing a transitional measure for the implementation of Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals (notified under document number C(2004) 2365) ⁽¹⁾	21
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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1245/2004**of 28 June 2004**

on the conclusion of the Protocol modifying the fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas:

- (1) In accordance with Article 14 of the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland on the other⁽²⁾, the two parties held negotiations with a view to determining the amendments to be made to the fourth Protocol⁽³⁾ laying down the conditions relating to fishing provided for in that Agreement.
- (2) As a result of these negotiations, a Protocol modifying the fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other, was initialled on 18 June 2003.
- (3) The amendments to the fourth Protocol follow the guidelines set out in the Communication from the Commission of 23 December 2002 on an integrated framework for fisheries partnerships agreements with third countries.
- (4) The Protocol modifies the fishing opportunities for Community fishermen in waters under the exclusive economic zone of Greenland for the period from 1 January 2004 to 31 December 2006.
- (5) It is in the Community's interest to approve the Protocol modifying the fourth Protocol.

- (6) In order to optimise the use of fishing opportunities, it is necessary for the Commission to consult with the Member States concerned on the possible transfer of the non-utilised fishing opportunities of one Member State, during a fishing campaign, to another Member State on request. Such a transfer, which is to be of a temporary nature, should not prejudice future allocations of fishing opportunities amongst the Member States and is without prejudice to the competences attributed to the Member States by Article 20(5) of Regulation (EC) No 2371/2002⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol modifying the fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other, (the modifying Protocol), is hereby approved on behalf of the Community.

The text of the modifying Protocol is attached to this Regulation.

Article 2

The Commission may conclude an administrative arrangement with the competent authority of Greenland in order to adapt periodically the rates of licence fees, in accordance with Article 11(5) of the fourth Protocol.

Article 3

1. When there is an under-utilisation of the fishing opportunities realised in the framework of the quota and licences allocated to a Member State in waters under the exclusive economic zone of Greenland, without prejudice to the competences attributed to the Member States by Article 20(5) of Regulation (EC) No 2371/2002, the Commission shall consult with Member States to prepare the optimal use of fishing opportunities and in particular the possible transfer by the Member State concerned of the non-utilised fishing opportunities to other Member States, who make a request for such a transfer.

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

⁽²⁾ OJ L 29, 1.2.1985, p. 9.

⁽³⁾ OJ L 209, 2.8.2001, p. 2.

⁽⁴⁾ OJ L 358, 31.12.2002, p. 59.

2. The transfers of fishing opportunities of a Member State to another Member State, as provided for in paragraph 1, shall not prejudice future allocations of fishing opportunities amongst the Member States in accordance with relative stability.

Article 4

Owners of Community vessels who receive a licence for a Community vessel authorised to fish in waters under the exclusive economic zone of Greenland shall pay a licence fee in accordance with Article 11(5) of the fourth Protocol.

The rules for the implementation of this Article, including the licence application and issuing formalities, shall be subject to

the procedure provided for in Article 30 of Council Regulation (EC) No 2371/2002.

Article 5

The President of the Council is hereby authorised to designate the persons empowered to sign the modifying Protocol in order to bind the Community.

Article 6

This Regulation shall enter into force on the seventh 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, 28 June 2004.

For the Council
The President
M. CULLEN

PROTOCOL

modifying the fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other

Further to the Joint Committee meeting of 16 to 18 June 2003, the fourth Protocol⁽¹⁾ is modified as follows, with effect from 1 January 2004:

1. Article 1 is replaced by the following:

'Article 1

1. This Protocol shall apply to fishing activities from 1 January 2001 to 31 December 2006.

2. The quotas referred to in Article 2 of the Agreement shall be fixed each year in the light of available scientific information. They shall be calculated as the remainder of Greenland's total allowable catches after subtraction of the quantities referred to in the first paragraph of Article 7 of the Agreement and indicated in Article 2, but shall not exceed the following quantities:

Species	Western stock (NAFO 0/1)	Eastern stock (ICES XIV/V)
Cod	pm ⁽¹⁾	
Redfish	0 ⁽²⁾	25 500 ⁽³⁾
Greenland halibut	1 500 ⁽⁴⁾	9 000 ⁽⁵⁾
Shrimp	4 000	5 675
Atlantic halibut	200 ⁽⁶⁾	1 000 ⁽⁶⁾
Capelin		(7)
Roundnose grenadier	1 350	2 000
Snowcrab	1 000	
By-catches	2 000 ⁽⁸⁾	

⁽¹⁾ In the event of stock recovery, the Community may fish up to 31 000 tonnes, with a corresponding increase in the part of the financial compensation referred to in Article 11(2). May be fished east or west.

⁽²⁾ The Community may ask for an increase in the quota, by the end of November for the following year, up to a maximum of 5 500 tonnes, with a corresponding increase in the part of the financial compensation referred to in Article 11(2).

⁽³⁾ May be fished east or west and of which 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. The Community may ask for an increase in the quota, by the end of November for the following year, up to a maximum of 47 320 tonnes, with a corresponding increase in the part of the financial compensation referred to in Article 11(2).

⁽⁴⁾ 500 tonnes may be fished either north or south in agreement with Greenland authorities.

⁽⁵⁾ This figure may be revised in the light of the agreement for the allocation of catch possibilities between coastal countries. The fishery shall be managed through a limitation on the number of vessels fishing at the same time.

⁽⁶⁾ If by catches by Community vessels of Atlantic halibut in trawl cod and redfish fisheries would imply overruns of Community quotas of Atlantic halibut, the Greenland authorities will provide solutions to the effect that Community cod and redfish fisheries nevertheless can continue until the cod and redfish quotas have been exhausted.

⁽⁷⁾ 7,7 % of the capelin TAC for the season.

⁽⁸⁾ Refers to the combined by-catch of cod, catfish, skate, ling and tusk. The by-catch quantities of cod shall not exceed 100 tonnes. May be fished east or west.

⁽¹⁾ OJ L 209, 2.8.2001, p. 2.

3. The quota for shrimp in East Greenland may be fished in areas west of Greenland provided that arrangements for quota transfers between shipowners from Greenland and the European Community have been established on a company-to-company basis. The Greenland Home Rule Government shall undertake to facilitate such arrangements. The transfers of quotas can only take place within a maximum of 2 000 tonnes annually in areas of West Greenland. The fishery carried out by the Community vessels shall take place on the same conditions as laid down in the licence issued to the Greenlandic shipowner.

4. Authorisations for experimental fisheries will be made available for a trial period of a maximum six months each, in accordance with Article 9 and Annex V.

5. When the Parties conclude that the experimental campaigns have achieved positive results, the Greenland Home Rule Government will allocate 50 % of the fishing opportunities on the new species to the Community fleet, until the end of this Protocol. This, with a corresponding increase in the part of the financial compensation referred to in Article 11(2).;

2. Article 2 is replaced by the following:

'Article 2

The quantities referred to in the first paragraph of Article 7 of the Agreement are hereby set at the following levels each year:

Species	(tonnes)	
	Western stock (NAFO 0/1)	Eastern stock (ICES XIV/V)
Cod	50 000 ⁽¹⁾	
Redfish	2 500	5 000
Greenland halibut	4 700	4 000
Shrimp	25 000	1 500

⁽¹⁾ May be fished west or east;

3. Article 3 is deleted;

4. Article 9 is replaced by the following:

'Article 9

The Parties shall promote the conduct of experimental fisheries on, *inter alia*, deep sea species, cephalopods, clams and capelin (western stock) in Greenland waters. To this end, they shall hold consultations whenever one of the Parties so requests and determine, on a case-by-case basis, relevant species, conditions and other parameters. The Parties shall implement the experimental fishery in accordance with Annex V.;

5. Article 11 is replaced by the following:

'Article 11

1. The financial compensation referred to in Article 6 of the Agreement shall, during the period of validity of this Protocol, be fixed at EUR 42 820 000 per annum payable at the beginning of each fishing year.

2. The part of the financial compensation representing EUR 31 760 679 is considered to be the amount in return for fishing possibilities. That amount shall be adjusted during the course of each fishing year where any supplementary quota are allocated to the Community in excess of the quota quantities referred to in the table in Article 1. The adjustment shall be calculated on the basis of the market prices of the different species for which the supplementary quota are allocated.

3. Greenland shall make available to the Community a quantity of 20 000 tonnes of cod equivalents, which the Community may use for the purposes of acquiring supplementary catch possibilities. The adjusted compensation referred to in paragraph 2 may consist of up to 50 % of these cod equivalents.

4. The procedure to be followed as regards the allocation of supplementary catch possibilities under Article 8 of the Agreement is set out in Annex III.

5. The financial contribution deriving from the direct payment of licences by the vessels owners will be deducted from the Community global compensation as set out in Article 11(1). The licence fees per species and per tonnes allocated to vessels shall be set in accordance with Annex VI. The implementing technical modalities for the attribution of fisheries licences shall be agreed by an administrative arrangement between the Parties.

6. Greenland shall implement budgetary support to the fisheries sector for the three remaining years of the Protocol in accordance with the policy commitments undertaken in the Greenland Prime Minister's letter to President Prodi of 12 June 2003. The orientations on strategy and objectives of the reform of the Greenland fisheries policy, as defined and programmed independently and autonomously by the Greenland Home Rule Government, as well as the technical details concerning the definition, the implementation and the monitoring of the budget support to the fisheries sector in Greenland shall be determined in an administrative arrangement between Greenland and the European Community. Greenland shall affect EUR 500 000 to increase the budget of the Greenland Institute of Natural Resources.;

6. Article 14 is replaced by the following:

Article 14

Not later than 30 June 2005 the Parties shall assess the implementation of this Protocol with a view to preparing the negotiations for the next Agreement.;

7. Annex I is deleted;

8. Annex V is added, as follows:

ANNEX V

Details of implementation for experimental fisheries

The Home Rule Government of Greenland and the European Commission shall jointly decide on the European Community operators, the most suitable time as well as the arrangements for the implementation of experimental fisheries. In order to facilitate the exploratory work of the vessels, the Home Rule Government of Greenland (through the Greenland Institute of Natural Resources) shall provide existing scientific and other basic information.

The Greenland fishing industry shall be closely associated (coordination and dialogue on the arrangements for experimental fisheries).

Length of the campaigns: maximum six months and minimum three months, unless changed by the parties in agreement.

Selection of candidates for the implementation of the experimental campaigns:

The European Commission shall communicate to the Greenland authorities the requests for licences for experimental fishery. A technical dossier specifying:

- the technical characteristics of the vessel,
- the level of expertise on the fishery of the ship's officers,
- the proposal for the technical parameters of the campaign (length, gear, exploration regions, etc.).

The Home Rule Government of Greenland will organise a technical dialogue between the administrations of the Greenland Government and the European Commission with the shipowners concerned, if it considers this necessary.

Before the beginning of the campaign, the vessel owners shall submit to the Greenland authorities and to the European Commission:

- a declaration of the catches already on board,
- the technical characteristics of the fishing gear to be used for the campaign,
- an assurance that they comply with the Greenland Regulations for fisheries.

During the campaign at sea, the owners of the vessels concerned shall:

- provide the Greenland Institute of Natural Resources, the Greenland authorities and the European Commission with a weekly report on catches per day and by haul, including the description of the campaign's technical parameters (position, depth, date and time, catches and other observations or comments),
- communicate the vessel's position, speed and heading by VMS,
- ensure the presence on board of one Greenlandic scientific observer or an observer chosen by the Greenland authorities. The role of the observer will be to gather scientific information from the catches, as well as to sample the catches. The observer shall be treated as a ship's officer and the shipowner shall cover the living costs of the observer during his stay on the vessel. The decision on the observer's time on board, the length of his stay, the boarding and landing harbour will be fixed in agreement with the Greenland authorities. Unless there is agreement between the parties to the contrary, the vessel will never be obliged to put into harbour more than once per two months,
- submit the vessels to inspection on leaving Greenland's waters if the Greenland authorities so request,
- ensure that they comply with the Greenland Regulations for fisheries.

The catches including the by-catches obtained during the scientific campaign remain the property of the shipowner.

The Greenland authorities will designate a contact person responsible for addressing any unforeseen problems that might hinder the development of the experimental fisheries.'

9. Annex VI is added as follows:

'ANNEX VI

Licence fees

The following rates⁽¹⁾ shall apply:

Species	EUR per tonne
Redfish	52
Greenland halibut	85
Shrimp	74
Atlantic halibut	199
Capelin	7
Roundnose grenadier	10
Snowcrab	122

⁽¹⁾ The rates may be adapted periodically by administrative arrangement between the Parties, taking into account the market and fisheries situation.'

COMMISSION REGULATION (EC) No 1246/2004
of 7 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⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 July 2004.

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

Done at Brussels, 7 July 2004.

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

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

ANNEX

to the Commission Regulation of 7 July 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	57,9
	999	57,9
0707 00 05	052	78,4
	999	78,4
0709 90 70	052	83,4
	999	83,4
0805 50 10	388	53,0
	508	48,1
	524	57,8
	528	59,0
	999	54,5
0808 10 20, 0808 10 50, 0808 10 90	388	85,9
	400	108,7
	404	116,6
	508	67,7
	512	87,8
	528	75,1
	720	88,8
	804	90,6
	999	90,2
0808 20 50	388	101,5
	512	87,6
	528	84,6
	999	91,2
0809 10 00	052	222,4
	624	203,1
	999	212,8
0809 20 95	052	312,5
	400	332,5
	999	322,5
0809 30 10, 0809 30 90	052	120,2
	624	75,4
	999	97,8
0809 40 05	512	91,6
	624	193,1
	999	142,4

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

COMMISSION REGULATION (EC) No 1247/2004**of 7 July 2004****laying down the reduction coefficient to be applied under the Community tariff quota for barley provided for by Regulation (EC) No 2305/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾,

Having regard to Commission Regulation (EC) No 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for barley from third countries⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Regulation (EC) No 2305/2003 opened an annual tariff quota for the import of 300 000 t of barley falling within CN code 1003 00.

- (2) The quantities applied for on 5 July 2004 in accordance with Article 3(1) of Regulation (EC) No 2305/2003 exceed the quantities available. The extent to which licences may be issued should therefore be determined and a reduction coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Each application for import licences for the tariff quota for barley lodged and forwarded to the Commission on 5 July 2004 in accordance with Article 3(1) and (2) of Regulation (EC) No 2305/2003 shall be accepted at a rate of 0,120440 of the quantity applied for.

Article 2

This Regulation shall enter into force on 8 July 2004.

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

Done at Brussels, 7 July 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 342, 30.12.2003, p. 7.

COMMISSION REGULATION (EC) No 1248/2004

of 7 July 2004

laying down transitional measures for certain import and export licences for trade in agricultural products between the Community as constituted on 30 April 2004 and the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

As regards import and export licences and advance-fixing certificates, the securities lodged shall, at the request of the interested parties, be released, provided that:

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

— the country of destination, origin or provenance marked in these licences or certificates is the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia or Slovakia,

Whereas:

— their validity had not expired on 1 May 2004,

(1) Until 30 April 2004, trade in agricultural products between the Community and the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia was subject to the presentation of an import or export licence. As of 1 May 2004, these licences can no longer be used for such trade.

— they had been used only partially or not at all by that date.

(2) Certain licences that are still valid after 30 April 2004 have not been used at all or have been used only partially. Commitments entered into in connection with these licences must be fulfilled, failing which the security lodged would be forfeited. Given that such commitments are no longer applicable, they should be cancelled and the securities lodged should be released.

The first subparagraph shall also apply to licences and certificates for which the country of destination, origin or provenance is marked as 'CEEC', providing the operator can prove to the satisfaction of the competent authorities that this was an operation to or from a Member State referred to in the first subparagraph.

Article 2

(3) The measures provided for in this Regulation are in accordance with the opinions of all the Management Committees concerned,

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

It shall apply from 1 May 2004.

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

Done at Brussels, 7 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1249/2004**of 7 July 2004****on certain exceptional market support measures in the egg sector in the Netherlands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs⁽¹⁾, and in particular Article 14 thereof,

Whereas:

- (1) Owing to the outbreak of avian influenza in certain production regions in the Netherlands, veterinary and trade restrictions applying to that country were adopted by Commission Decision 2003/153/EC of 3 March 2003 concerning protection measures in relation to strong suspicion of avian influenza in the Netherlands⁽²⁾. As a result, the transport and marketing of hatching eggs were temporarily banned within the Netherlands.
- (2) The restrictions on the free movement of hatching eggs resulting from the application of the veterinary measures threaten to disrupt severely the hatching eggs market in the Netherlands. The Dutch authorities took market support measures applicable for the period strictly necessary and restricted to hatching eggs. The measures provided for the hatching eggs for which incubation was no longer possible to be used to produce egg products.

- (3) These measures had a positive impact on the market for hatching eggs and eggs in general. This justifies their being treated as exceptional market support measures within the meaning of Article 14 of Regulation (EEC) No 2771/75 and the grant of aid to compensate for part of the financial loss resulting from the use of hatching eggs for processing into egg products.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The use for processing of hatching eggs falling within CN code 0407 00 19 between 1 March and 31 May 2003, as adopted by the Dutch authorities following the application of Decision 2003/153/EC, is hereby deemed to be an exceptional market support measure within the meaning of Article 14 of Regulation (EEC) No 2771/75.

2. Under the measure referred to in paragraph 1, compensation of EUR 0,081 per hatching egg shall be granted for a maximum of 37 040 000 eggs.

*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*.

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

Done at Brussels, 7 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 59, 4.3.2003, p. 32.

COMMISSION REGULATION (EC) No 1250/2004
of 7 July 2004
amending Regulation (EC) No 2808/98 as regards the dairy premium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽²⁾ provides among other things for a dairy premium and additional payments in the form of premium supplements applicable from 1 January 2004.
- (2) The dairy premium was first introduced by Council Regulation (EC) No 1255/1999 on the common organisation of the market in milk and milk products⁽³⁾ in conjunction with the progressive reduction in market support in the milk and milk products sector. The level of the premium is to rise each year until 2007 to offset the reduction in market support, which applies annually on 1 July, the start of the milk year.

- (3) The operative event for the exchange rate for the purposes of the dairy premium should therefore be set at 1 July of the year for which the aid is granted. For the sake of consistency, it should also be laid down that the same operative event for the exchange rate is to apply to the dairy premium and to additional payments.
- (4) Commission Regulation (EC) No 2808/98 of 22 December 1998 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture⁽⁴⁾ should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4(1) of Regulation (EC) No 2808/98 the following third subparagraph is added:

'For the dairy premium and additional payments referred to in Chapter 7 of Title IV of Council Regulation (EC) No 1782/2003, the operative event for the exchange rate shall be 1 July of the year in which the aid is granted.'

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*.

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

Done at Brussels, 7 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 349, 24.12.1998, p. 1.

⁽²⁾ OJ L 270, 21.10.2003, p. 1. Regulation as last amended by Regulation (EC) No 864/2004 (OJ L 161, 30.4.2004, p. 48).

⁽³⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽⁴⁾ OJ L 349, 24.12.1998, p. 36. Regulation as last amended by Regulation (EC) No 2304/2003 (OJ L 342, 30.12.2003, p. 6).

COMMISSION REGULATION (EC) No 1251/2004

of 7 July 2004

amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

In Article 7 of Regulation (EC) No 2799/1999, paragraph 1 is replaced by the following:

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

‘1. Aid is fixed at:

Whereas:

- (1) Article 7(1) of Commission Regulation (EC) No 2799/1999⁽²⁾ fixes the amount of aid for skimmed milk and skimmed-milk powder intended for animal feed taking into account the factors set out in Article 11(2) of Regulation (EC) No 1255/1999. In view of reduction in the intervention price of skimmed-milk powder from 1 July 2004, the amount of aid should be reduced.
- (2) Regulation (EC) No 2799/1999 should therefore be amended accordingly.
- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time-limit set by its Chairman,

- (a) EUR 3,97 per 100 kg of skimmed milk with a protein content of not less than 35,6 % of the non-fatty dry extract;
- (b) EUR 3,51 per 100 kg of skimmed milk with a protein content of not less than 31,4 % but less than 35,6 % of the non-fatty dry extract;
- (c) EUR 49,22 per 100 kg of skimmed-milk powder with a protein content of not less than 35,6 % of the non-fatty dry extract;
- (d) EUR 43,41 per 100 kg of skimmed-milk powder with a protein content of not less than 31,4 % but less than 35,6 % of the non-fatty dry extract.’

Article 2

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

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

Done at Brussels, 7 July 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 340, 31.12.1999, p. 3. Regulation last amended by Regulation (EC) No 1079/2004 (OJ L 203, 8.6.2004, p. 13).

COMMISSION REGULATION (EC) No 1252/2004
of 7 July 2004
opening the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in is to be opened at 90% of the intervention price or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92% of the intervention price.

- (2) On the basis of the market prices communicated by the new Member States from 1 May 2004 onwards, the Commission has observed that the prices in Estonia, Latvia, Lithuania, Poland, the Czech Republic and Slovakia have been below 92% of the intervention price for two consecutive weeks. Intervention buying-in should therefore be opened in these Member States,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter as provided for in the first subparagraph of Article 6(1) of Regulation (EC) No 1255/1999 is hereby opened in Estonia, Latvia, Lithuania, Poland, the Czech Republic and Slovakia.

Article 2

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

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

Done at Brussels, 7 July 2004.

For the Commission
Franz FISCHLER
Member of the Commission

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

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 810/2004 (OJ L 149, 30.4.2004, p. 138).

COMMISSION REGULATION (EC) No 1253/2004**of 7 July 2004****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses⁽²⁾, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2004/2005 marketing year are fixed by Commission Regulation (EC) No 1210/2004⁽³⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 July 2004.

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

Done at Brussels, 7 July 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

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

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 232, 1.7.2004, p. 11.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 8 July 2004

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	17,39	7,61
1701 11 90 ⁽¹⁾	17,39	13,77
1701 12 10 ⁽¹⁾	17,39	7,42
1701 12 90 ⁽¹⁾	17,39	13,26
1701 91 00 ⁽²⁾	20,89	15,78
1701 99 10 ⁽²⁾	20,89	10,34
1701 99 90 ⁽²⁾	20,89	10,34
1702 90 99 ⁽³⁾	0,21	0,43

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.I to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ Fixed per 1% sucrose content.

COMMISSION REGULATION (EC) No 1254/2004
of 7 July 2004
amending the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Import duties in the rice sector have been fixed by Commission Regulation (EC) No 1220/2004 ⁽³⁾.

(2) Article 4(1) of Regulation (EC) No 1503/96 provides that if during the period of application, the average import duty calculated differs by EUR 10 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1220/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1220/2004 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 8 July 2004.

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

Done at Brussels, 7 July 2004.

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

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

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

⁽³⁾ OJ L 232, 1.7.2004, p. 34.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽⁵⁾				
	Third countries (except ACP and Bangladesh) ⁽³⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	191,62	62,73	91,47	0,00	143,72
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	191,62	62,73	91,47	0,00	143,72
1006 30 21	416,00	133,21	193,09		312,00
1006 30 23	416,00	133,21	193,09		312,00
1006 30 25	416,00	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	416,00	133,21	193,09		312,00
1006 30 44	416,00	133,21	193,09		312,00
1006 30 46	416,00	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	416,00	133,21	193,09		312,00
1006 30 63	416,00	133,21	193,09		312,00
1006 30 65	416,00	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	416,00	133,21	193,09		312,00
1006 30 94	416,00	133,21	193,09		312,00
1006 30 96	416,00	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

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

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	191,62	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	359,81	216,09	290,44	371,68	—
(b) fob price (EUR/tonne)	—	—	—	266,07	347,31	—
(c) Sea freight (EUR/tonne)	—	—	—	24,37	24,37	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 July 2004

establishing a transitional measure for the implementation of Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals

(notified under document number C(2004) 2365)

(Text with EEA relevance)

(2004/539/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC⁽¹⁾, and in particular Article 21 thereof,

Whereas:

(1) Regulation (EC) No 998/2003 establishing veterinary conditions applicable to the non-commercial movements of pet animals, is to apply from 3 July 2004.

(2) Despite measures which have been adopted to ease the transition from the existing conditions to those estab-

lished by Regulation (EC) No 998/2003, its implementation requires in particular the availability of the passport document in all the veterinary offices, the issuing of new models of import certificates for entry from third countries, and post-vaccination testing for animals from third countries not listed in Part C of Annex II to Regulation (EC) No 998/2003.

(3) It appears that in spite of the efforts undertaken by Member States some uncertainties remain with regard to those conditions, in particular taking into account the considerable number of people about to travel with their pet at this period of the year for summer holidays. Consequently, the annual peak in pet movements could result in numerous administrative difficulties.

(4) It is therefore advisable to maintain as necessary the application of the national conditions currently in force for a sufficient period of time. As a consequence, during this period movements shall be allowed in conformity either with Regulation (EC) No 998/2003 or with national rules which were in force before 3 July 2004. Accordingly, the derogation from Commission Decisions 2003/803/EC⁽²⁾ and 2004/203/EC⁽³⁾, provided for in Commission Decision 2004/301/EC, as regards the format for certificates and passports to be used for the non-commercial movement of dogs, cats and ferrets should be postponed.

⁽¹⁾ OJ L 146, 13.6.2003, p. 1. Regulation as amended by Commission Regulation (EC) No 592/2004 (OJ L 94, 31.3.2004, p. 7).

⁽²⁾ OJ L 312, 27.11.2003, p. 1.

⁽³⁾ OJ L 65, 3.3.2004, p. 13. Decision as amended by Decision 2004/301/EC (OJ L 98, 2.4.2004, p. 55).

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

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to the second paragraph of Article 25 of Regulation (EC) No 998/2003, Member States shall allow entry into their territory until 1 October 2004 of pet animals of the species listed in Annex I to that Regulation in conformity with national rules which were in force before 3 July 2004.

Article 2

In Article 1, first paragraph, point (a), of Decision 2004/301/EC, the date '3 July 2004' is replaced by the date '1 October 2004'.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 1 July 2004.

For the Commission

David BYRNE

Member of the Commission
