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### Legislation

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Notice to readers (see page 3 of the cover)



## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 1285/2004**  
**of 14 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 15 July 2004.

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

Done at Brussels, 14 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 Commission Regulation of 14 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	52,9
	096	46,2
	999	49,6
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	80,3
	999	80,3
0805 50 10	382	134,1
	388	56,7
	508	63,6
	524	62,8
	528	48,2
	999	73,1
0808 10 20, 0808 10 50, 0808 10 90	388	83,5
	400	120,1
	404	86,3
	508	70,0
	512	86,3
	524	83,4
	528	76,5
	720	83,6
	804	86,7
	999	86,3
0808 20 50	052	120,3
	388	101,3
	512	93,0
	528	80,3
	999	98,7
0809 10 00	052	194,9
	999	194,9
0809 20 95	052	305,3
	068	222,3
	400	351,1
	404	303,6
	999	295,6
0809 30 10, 0809 30 90	052	177,1
	999	177,1
0809 40 05	388	108,3
	512	91,6
	624	170,8
	999	123,6

<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 1286/2004**  
**of 14 July 2004**  
**prohibiting fishing for whiting by vessels flying the flag of Belgium**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>(1)</sup>, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2287/2003 of 19 December 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<sup>(2)</sup>, lays down quotas for whiting for 2004.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.

- (3) According to the information received by the Commission, catches of whiting in the waters of ICES zone VIIa by vessels flying the flag of Belgium or registered in Belgium have exhausted the quota allocated for 2004. Belgium has prohibited fishing for this stock from 15 May 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of whiting in the waters of ICES zone VIIa by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2004.

Fishing for whiting in the waters of ICES zone VIIa by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

*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 15 May 2004.

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

Done at Brussels, 14 July 2004.

*For the Commission*  
Jörgen HOLMQUIST  
*Director-General for Fisheries*

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<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

<sup>(2)</sup> OJ L 344, 31.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 867/2004 (OJ L 161, 30.4.2004, p. 144).

**COMMISSION REGULATION (EC) No 1287/2004****of 13 July 2004****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(1)</sup>,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Regulation (EEC) No 2913/92<sup>(2)</sup>, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 16 July 2004.

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

Done at Brussels, 13 July 2004.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 (OJ L 311, 12.12.2000, p. 17).

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

## ANNEX

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	— — —	— — —	— — —	— — —	— — —	— — —
1.30	Onions (other than seed) 0703 10 19	34,09 117,71 313,12	19,83 22,57 22,79	1 073,58 14,54	253,45 154,25	533,42 8 175,90	8 580,91 1 360,09
1.40	Garlic 0703 20 00	118,09 407,75 1 084,62	68,71 78,19 78,93	3 718,84 50,38	877,95 534,32	1 847,74 28 320,90	29 723,83 4 711,29
1.50	Leeks ex 0703 90 00	45,21 156,10 415,23	26,30 29,93 30,22	1 423,71 19,29	336,11 204,56	707,38 10 842,26	11 379,36 1 803,65
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	32,49 112,18 298,40	18,90 21,51 21,71	1 023,14 13,86	241,54 147,00	508,36 7 791,75	8 177,73 1 296,19
1.90	Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	61,43 212,11 564,20	35,74 40,67 41,06	1 934,49 26,21	456,70 277,95	961,17 14 732,14	15 461,93 2 450,75
1.100	Chinese cabbage ex 0704 90 90	75,36 260,20 692,14	43,84 49,90 50,37	2 373,16 32,15	560,26 340,97	1 179,13 18 072,84	18 968,11 3 006,49
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	26,74 92,33 245,59	15,56 17,70 17,87	842,07 11,41	198,80 120,99	418,39 6 412,79	6 730,46 1 066,79
1.140	Radishes ex 0706 90 90	44,01 151,96 404,21	25,61 29,14 29,41	1 385,92 18,77	327,19 199,13	688,61 10 554,48	11 077,32 1 755,78
1.160	Peas ( <i>Pisum sativum</i> ) 0708 10 00	345,68 1 193,58 3 174,93	201,12 228,88 231,04	10 885,93 147,47	2 569,95 1 564,08	5 408,78 82 901,89	87 008,61 13 791,06

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	99,53 343,66 914,14	57,91 65,90 66,52	3 134,31 42,46	739,95 450,34	1 557,31 23 869,38	25 051,80 3 970,77
1.170.2	— Beans ( <i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	126,14 435,54 1 158,53	73,39 83,52 84,31	3 972,27 53,81	937,78 570,73	1 973,66 30 250,89	31 749,44 5 032,36
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	271,28 936,69 2 491,61	157,83 179,62 181,31	8 543,01 115,73	2 016,84 1 227,45	4 244,68 65 059,38	68 282,23 10 822,88
1.200.2	— other ex 0709 20 00	509,00 1 757,48 4 674,91	296,14 337,01 340,19	16 028,92 217,14	3 784,11 2 303,02	7 964,12 122 068,38	128 115,30 20 306,56
1.210	Aubergines (eggplants) 0709 30 00	85,28 294,46 783,26	49,62 56,46 57,00	2 685,58 36,38	634,01 385,86	1 334,36 20 452,09	21 465,23 3 402,29
1.220	Ribbed celery ( <i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	83,53 288,43 767,23	48,60 55,31 55,83	2 630,60 35,64	621,03 377,96	1 307,04 20 033,36	21 025,76 3 332,63
1.230	Chantarelles 0709 59 10	553,21 1 910,12 5 080,96	321,86 366,28 369,74	17 421,14 236,00	4 112,78 2 503,05	8 655,86 132 670,82	139 242,96 22 070,31
1.240	Sweet peppers 0709 60 10	130,97 452,21 1 202,87	76,20 86,71 87,53	4 124,31 55,87	973,67 592,58	2 049,20 31 408,70	32 964,60 5 224,96
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	101,24 349,56 929,84	58,90 67,03 67,66	3 188,15 43,19	752,66 458,07	1 584,06 24 279,40	25 482,13 4 038,97
2.10	Chestnuts ( <i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	68,69 237,16 630,86	39,96 45,48 45,91	2 163,03 29,30	510,65 310,78	1 074,72 16 472,54	17 288,54 2 740,27



Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	132,24 456,60 1 214,57	76,94 87,56 88,38	4 164,40 56,41	983,13 598,34	2 069,12 31 714,06	33 285,08 5 275,76
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines 0805 10 10	48,60 167,81 446,37	28,28 32,18 32,48	1 530,46 20,73	361,31 219,90	760,42 11 655,25	12 232,62 1 938,90
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	57,17 197,38 525,05	33,26 37,85 38,21	1 800,23 24,39	425,00 258,66	894,46 13 709,69	14 388,83 2 280,66
2.60.3	— Others 0805 10 50	62,10 214,42 570,36	36,13 41,12 41,50	1 955,59 26,49	461,68 280,98	971,65 14 892,82	15 630,57 2 477,48
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	70,99 245,11 652,01	41,30 47,00 47,45	2 235,54 30,28	527,77 321,20	1 110,75 17 024,80	17 868,16 2 832,14
2.70.2	— Monreales and satsumas ex 0805 20 30	73,05 252,24 670,95	42,50 48,37 48,82	2 300,49 31,16	543,10 330,53	1 143,02 17 519,43	18 387,29 2 914,43
2.70.3	— Mandarines and wilkins ex 0805 20 50	24,73 85,39 227,13	14,39 16,37 16,53	778,77 10,55	183,85 111,89	386,94 5 930,75	6 224,54 986,60
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	81,14 280,16 745,23	47,21 53,72 54,23	2 555,18 34,61	603,23 367,13	1 269,57 19 458,99	20 422,94 3 237,08
2.85	Limes ( <i>Citrus aurantifolia</i> , <i>Citrus latifolia</i> ), fresh 0805 50 90	91,00 314,21 835,80	52,94 60,25 60,82	2 865,70 38,82	676,54 411,74	1 423,85 21 823,79	22 904,88 3 630,47
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	49,49 170,89 454,58	28,80 32,77 33,08	1 558,61 21,11	367,96 223,94	774,41 11 869,60	12 457,59 1 974,56
2.90.2	— pink ex 0805 40 00	66,82 230,71 613,70	38,88 44,24 44,66	2 104,19 28,50	496,76 302,33	1 045,49 16 024,46	16 818,27 2 665,73

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	157,82 544,92 1 449,49	91,82 104,49 105,48	4 969,90 67,33	1 173,29 714,07	2 469,34 37 848,30	39 723,19 6 296,21
2.110	Water melons 0807 11 00	28,05 96,85 257,63	16,32 18,57 18,75	883,32 11,97	208,53 126,92	438,89 6 726,95	7 060,18 1 119,05
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	47,12 162,70 432,77	27,41 31,20 31,49	1 483,86 20,10	350,31 213,20	737,27 11 300,32	11 860,10 1 879,85
2.120.2	— Other ex 0807 19 00	103,55 357,55 951,08	60,25 68,56 69,21	3 260,96 44,18	769,85 468,53	1 620,24 24 833,89	26 064,09 4 131,22
2.140	Pears						
2.140.1	— Pears — nashi ( <i>Pyrus pyrifolia</i> ), Pears — Ya ( <i>Pyrus bretschneideri</i> ) ex 0808 20 50	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	— Other ex 0808 20 50	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	— — —	— — —	— — —	— — —	— — —	— — —
2.160	Cherries 0809 20 95 0809 20 05	— — —	— — —	— — —	— — —	— — —	— — —
2.170	Peaches 0809 30 90	— — —	— — —	— — —	— — —	— — —	— — —
2.180	Nectarines ex 0809 30 10	— — —	— — —	— — —	— — —	— — —	— — —
2.190	Plums 0809 40 05	— — —	— — —	— — —	— — —	— — —	— — —
2.200	Strawberries 0810 10 00	112,40 388,09 1 032,34	65,39 74,42 75,12	3 539,59 47,95	835,63 508,57	1 758,68 26 955,77	28 291,08 4 484,20

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	304,95	177,42	9 603,18	2 267,12	4 771,43	76 755,91
		1 052,93	201,91	130,09	1 379,78	73 133,11	12 165,98
		2 800,81	203,81				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 605,61	934,14	50 562,26	11 936,75	25 122,34	404 132,04
		5 543,85	1 063,07	684,95	7 264,74	385 057,39	64 055,81
		14 746,73	1 073,11				
2.220	Kiwi fruit ( <i>Actinidia chinensis</i> Planch.) 0810 50 00	104,24	60,65	3 282,70	774,98	1 631,04	26 237,81
		359,93	69,02	44,47	471,66	24 999,41	4 158,75
		957,41	69,67				
2.230	Pomegranates ex 0810 90 95	253,43	147,45	7 980,76	1 884,10	3 965,32	63 788,33
		875,04	167,80	108,11	1 146,67	60 777,58	10 110,59
		2 327,63	169,38				
2.240	Khakis (including sharon fruit) ex 0810 90 95	308,82	179,67	9 724,90	2 295,85	4 831,91	77 728,76
		1 066,28	204,47	131,74	1 397,26	74 060,04	12 320,18
		2 836,31	206,40				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

## COMMISSION REGULATION (EC) No 1288/2004

of 14 July 2004

concerning the permanent authorisation of certain additives and the provisional authorisation of a new use of an additive already authorised in feedingstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs<sup>(1)</sup>, as last amended by Regulation (EC) No 1756/2002<sup>(2)</sup> and in particular Article 3, and Articles 9d(1) and 9e(1) thereof,

Whereas:

(1) Directive 70/524/EEC provides for the authorisation of additives to be used in the Community. The additives referred to in Part II of Annex C to that Directive may be authorised without a time limit subject to certain conditions being satisfied.

(2) The use of astaxanthin-rich *Phaffia rhodozyma* (ATCC 74219) as a colourant for salmon and trout has been provisionally authorised by Commission Regulation (EC) No 2316/98<sup>(3)</sup>.

(3) New data were submitted in support of an application for an authorisation without a time limit for that colourant. The assessment shows that the conditions laid down in Directive 70/524/EEC for such an authorisation have been satisfied.

(4) The Scientific Panel on Additives and Products or Substances Used in Animal Feed of the European Food Safety Authority (EFSA) delivered a favourable opinion on 22 January 2003 on the efficacy of that additive when used in the animal category salmon and trout. In a second opinion adopted on 1 April 2004, the EFSA concluded that the yeast in that product is not a living organism and it is not expected to have any consequence on the environment, under the conditions of use set out in Annex I to this Regulation.

(5) The use of the micro-organism preparation of *Saccharomyces cerevisiae* (NCYC Sc 47) has been provisionally authorised, for the first time, for sows by Commission Regulation (EC) No 1436/98<sup>(4)</sup>.

(6) The use of the micro-organism preparation of *Saccharomyces cerevisiae* (CBS 493.94) has been provisionally authorised, for the first time, for calves by Commission Regulation (EC) No 1436/98 and for cattle for fattening by Commission Regulation (EC) No 866/1999<sup>(5)</sup>.

(7) The use of the micro-organism preparation of *Enterococcus faecium* (NCIMB 10415) has been provisionally authorised, for the first time, for calves by Commission Regulation (EC) No 866/1999.

(8) The use of the micro-organism preparation of *Enterococcus faecium* (DSM 7134) and *Lactobacillus rhamnosus* (DSM 7133) has been provisionally authorised, for the first time, for calves by Commission Regulation (EC) No 2690/1999<sup>(6)</sup>.

(9) New data were submitted in support of applications for authorisation without a time limit for those micro-organisms. The assessment of those applications shows that the conditions laid down in Directive 70/524/EEC for such authorisations have been satisfied.

(10) Accordingly, the use of those additives without a time limit should be authorised.

(11) In addition, Directive 70/524/EEC provides for the authorisation on a provisional basis of a new use of an additive already authorised to be granted for a period not exceeding four years, subject to certain conditions.

(12) The use of the micro-organism preparation of *Enterococcus faecium* (DSM 10663/NCIMB 10415) has been provisionally authorised, for the first time, for piglets by Commission Regulation (EC) No 1411/1999<sup>(7)</sup>, for calves and chickens for fattening by Commission Regulation (EC) No 1636/1999<sup>(8)</sup> and for turkeys for fattening by Commission Regulation (EC) No 1801/2003<sup>(9)</sup>.

(13) New data were submitted in support of an application to extend the authorisation of the use of that additive to dogs. The assessment shows that the conditions laid down in Directive 70/524/EEC for such an authorisation have been satisfied.

<sup>(1)</sup> OJ L 270, 14.12.1970, p. 1.

<sup>(2)</sup> OJ L 265, 3.10.2002, p. 1.

<sup>(3)</sup> OJ L 289, 28.10.1998, p. 4.

<sup>(4)</sup> OJ L 191, 7.7.1998, p. 15.

<sup>(5)</sup> OJ L 108, 27.4.1999, p. 21.

<sup>(6)</sup> OJ L 326, 18.12.1999, p. 33.

<sup>(7)</sup> OJ L 164, 30.6.1999, p. 56.

<sup>(8)</sup> OJ L 194, 27.7.1999, p. 17.

<sup>(9)</sup> OJ L 264, 15.10.2003, p. 16.

- (14) The EFSA delivered a favourable opinion on 15 April 2004 on the safety of that additive when used in the animal category dogs, under the conditions of use set out in Annex II to this Regulation.
- (15) Accordingly, the use of the *Enterococcus faecium*, as specified in Annex II, should be authorised for a period not exceeding four years.
- (16) The assessment of the applications shows that certain procedures should be required to protect workers from exposure to the additives set out in Annexes I and II to this Regulation. Such protection should be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work<sup>(1)</sup>.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION

*Article 1*

The preparations belonging to the group 'Colourants, including pigments' and 'Micro-organisms', as set out in Annex I, are authorised for use without a time limit as additives in animal nutrition under the conditions laid down in that Annex.

*Article 2*

The preparation belonging to the group 'micro-organisms', as set out in Annex II, is provisionally authorised for use as an additive in animal nutrition under the conditions laid down in that Annex.

*Article 3*

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, 14 July 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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<sup>(1)</sup> OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

ANNEX I

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	mg/kg of complete feedingstuff		Other provisions	End of period of authorisation
					Minimum content	Maximum content		
Colourants, including pigments								
1. Carotenoids and xanthophylls								
E 161(z)	Astaxanthin-rich <i>Phaffia Rhodozyma</i> (ATCC 74219)	Concentrated biomass of the yeast <i>Phaffia rhodozyma</i> (ATCC 74219), killed, containing at least 4,0 g astaxanthin per kilogram of additive and having a maximum ethoxyquin content of 2 000 mg/kg	Salmon	—	—	100	The maximum content is expressed as astaxanthin Use permitted only from the age of six months onwards The mixture of the additive with canthaxanthin is allowed provided that the total concentration of astaxanthin and canthaxanthin does not exceed 100 mg/kg in the complete feedingstuff Ethoxyquin content to be declared	Without a time limit
			Trout	—	—	100	The maximum content is expressed as astaxanthin Use permitted only from the age of six months onwards The mixture of the additive with canthaxanthin is allowed provided that the total concentration of astaxanthin and canthaxanthin does not exceed 100 mg/kg in the complete feedingstuff Ethoxyquin content to be declared	Without a time limit

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU/kg of complete feedingsstuff			
Micro-organisms								
E 1702	<i>Saccharomyces cerevisiae</i> NCYC Sc 47	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum of $5 \times 10^9$ CFU/g additive	Sows	—	$5 \times 10^9$	$1 \times 10^{10}$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting	Without a time limit
E 1704	<i>Saccharomyces cerevisiae</i> CBS 493.94	Preparation of <i>Saccharomyces cerevisiae</i> containing a minimum of $1 \times 10^8$ CFU/g additive	Calves	6 months	$2 \times 10^8$	$2 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting	Without a time limit
			Cattle for fattening	—	$1,7 \times 10^8$	$1,7 \times 10^8$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting The quantity of <i>Saccharomyces cerevisiae</i> in the daily ration must not exceed $7,5 \times 10^8$ CFU for 100 kg of body weight Add $1 \times 10^8$ CFU for each additional 100 kg body weight	Without a time limit
E 1705	<i>Enterococcus faecium</i> NCIMB 10415	Preparation of <i>Enterococcus faecium</i> containing a minimum of Microencapsulated form: $1 \times 10^{10}$ CFU/g additive Granulated form: $3,5 \times 10^{10}$ CFU/g additive	Calves	6 months	$1 \times 10^9$	$6,6 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting Granulated form to be used exclusively in milk replacers	Without a time limit
E 1706	<i>Enterococcus faecium</i> DSM 7134  <i>Lactobacillus rhamnosus</i> DSM 7133	Mixture of: <i>Enterococcus faecium</i> containing a minimum of: $7 \times 10^9$ CFU/g and of <i>Lactobacillus rhamnosus</i> containing a minimum of: $3 \times 10^9$ CFU/g	Calves	4 months	$1 \times 10^9$	$5 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting	Without a time limit

ANNEX II

No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	End of period of authorisation
					CFU/kg of complete feedingstuff				
Micro-organisms									
13	<i>Enterococcus faecium</i> DSM10663/NCIMB 10415	Preparation of <i>Enterococcus faecium</i> containing a minimum of: Powder and granulated form: 3,5 × 10 <sup>10</sup> CFU/g of additive Coated form: 2,2 × 10 <sup>10</sup> CFU/g of additive Liquid form: 1 × 10 <sup>10</sup> CFU/ml of additive	Dogs	—	1 × 10 <sup>9</sup>		1 × 10 <sup>10</sup>	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting	17 July 2008



## COMMISSION REGULATION (EC) No 1289/2004

of 14 July 2004

**concerning the authorisation for 10 years of the additive Deccox<sup>®</sup> in feedingstuffs, belonging to the group of coccidiostats and other medicinal substances**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs<sup>(1)</sup>, as last amended by Council Regulation (EC) No 1756/2002<sup>(2)</sup>, and in particular Article 9g(5)(b) thereof,

Whereas:

- (1) As provided for in Article 9g(1) of Directive 70/524/EEC, coccidiostats included in Annex I to that Directive before 1 January 1988 were provisionally authorised as from 1 April 1998 and transferred to Chapter I of Annex B with a view to their re-evaluation as additives linked to a person responsible for putting them into circulation.
- (2) New applications for authorisation had to be submitted for the abovementioned additives. Furthermore, Article 9g(4) of Directive 70/524/EEC required that the dossiers in respect of these applications be submitted no later than 30 September 2000, with a view to re-evaluation. The data had to be produced as provided for in Article 4 of that Directive.
- (3) Article 9g(5) of Directive 70/524/EEC provides that, after re-evaluation of the dossiers submitted, the provisional authorisation of the additives concerned be withdrawn or, as the case may be, be replaced by an authorisation linked to the person responsible for putting them into circulation for a period of 10 years through the adoption of a regulation taking effect no later than 1 October 2003.
- (4) The person responsible for putting into circulation the *decoquinate* product (Deccox<sup>®</sup>), an additive belonging to the group 'Coccidiostats and other medicinal substances' listed in Chapter I of Annex B to Directive 70/524/EEC, submitted an application for authorisation and a dossier, in conformity with Article 9g(2) and (4) of that Directive.

- (5) The Parliament and Council Regulation (EC) No 178 of 28 January 2002 regarding the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matter of food safety<sup>(3)</sup>, as amended by Regulation (EC) No 1642/2003<sup>(4)</sup>, established the European Food Safety Authority (EFSA) took over the role of the Scientific Committees attached to the Commission in issuing scientific opinions in its field of competences. The Scientific Panel on Additives and Products or Substances used in Animal Feed has delivered a favourable opinion with regard to the safety and to the efficacy of Deccox<sup>®</sup> based on the *decoquinate* for chickens for fattening.

- (6) The Commission took all necessary measures to ensure that re-evaluation of the *decoquinate* product (Deccox<sup>®</sup>) be completed within the time-frame provided by Article 9g(5) of Directive 70/524/EEC. Their evaluation showed that the relevant conditions laid down in Directive 70/524/EEC are satisfied in order to include Deccox<sup>®</sup> based on the *decoquinate* in Chapter I of the list referred to Article 9t(b) of the said Directive, as an additive linked to the person responsible for putting it into circulation authorised for a period of 10 years.
- (7) Article 9g(6) of Directive 70/524/EEC allows the automatic extension of the period of authorisation of the additives concerned until the Commission takes a decision in case of, for reasons beyond the control of the authorisation holder, no decision may be taken on the application before the expiry date of the authorisation. This provision is applicable to the authorisation of Deccox<sup>®</sup> based on the *decoquinate*. Several requests for additional information were made during the re-evaluation process, extending the evaluation period for reason beyond the control of the person responsible for putting into circulation the product concerned.
- (8) Article 9m of Directive 70/524/EEC foresees that an additive may continue to be authorised in order to use the stocks if the condition laid down in Article 3a(b) and (e) continue to be met. Since there are no safety reasons for withdrawing immediately the *decoquinate* product from the market, it is appropriate to allow a transitional period of six months for the disposal of existing stocks of the additive.

<sup>(1)</sup> OJ L 270, 14.12.1970, p. 1.<sup>(2)</sup> OJ L 265, 3.10.2002, p. 1.<sup>(3)</sup> OJ L 31, 1.2.2002, p. 1.<sup>(4)</sup> OJ L 245, 29.9.2003, p. 4.

- (9) The assessment of the application shows that certain procedures are required to protect workers from exposure to Deccox<sup>®</sup> based on the *decoquinate*. However, such protection is assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work<sup>(1)</sup>.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Chapter I of Annex B to Directive 70/524/EEC shall be amended as follows: the additive *decoquinate*, belonging to the group 'Coccidiostats and other medical substances', shall be deleted.

*Article 2*

The additive Deccox<sup>®</sup> belonging to the group 'Coccidiostats and other medical substances' listed in the Annex to the present Regulation is authorised for use in animal nutrition under the conditions laid down in that Annex.

*Article 3*

A period of six months from the date of entry into force of this Regulation is permitted to use up the existing stocks of *decoquinate*.

*Article 4*

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, 14 July 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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<sup>(1)</sup> OJ L 183, 29.6.1989, p. 1.

ANNEX

Regis- tration number of additive	Name and regis- tration number of person responsible for putting the additive into circulation	Additive (trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	mg of active substance/kg of complete feedingsstuff		Other provisions	Period of authorisation
						Minimum content	Maximum content		
Coccidiostats and other medicinal substances									
E 756	Alpharma AS	Decoquinat 60,6 g/kg (Deccox)	<i>Additive composition</i> Decoquinat: 60,6 g/kg Refined deodorised soya oil: 28,5 g/kg Wheat middling: q.s. 1 kg  <i>Active substance</i> Decoquinat C <sub>24</sub> H <sub>35</sub> NO <sub>5</sub> ethyl 6-decycloxy-7-ethoxy-4-hydroxyquinoline-3-carboxylate CAS number: 18507-89-6 Related impurities: 6-decycloxy-7-ethoxy-4-hydroxyquinoline-3-carboxylic acid: < 0,5 % Methyl-6-decycloxy-7-ethoxy-4-hydroxyquinoline-3-carboxylate: < 1,0 % Diethyl 4-decycloxy-3-ethoxyanilino-methylenemalonate: < 0,5 %	Chickens for fattening	—	20	40	Use prohibited at least three days before slaughter	17 July 2014'

**COMMISSION REGULATION (EC) No 1290/2004**  
**of 14 July 2004**  
**fixing 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 <sup>(1)</sup>,

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 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.
- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.

(4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.

(5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.

(6) Application of Regulation (EC) No 1503/96 results in an adjustment of the import duties as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 are fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 15 July 2004.

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

Done at Brussels, 14 July 2004.

*For the Commission*

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

<sup>(1)</sup> 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).

<sup>(2)</sup> 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).

## ANNEX I

## Import duties on rice and broken rice

(EUR/t)

CN code	Duties <sup>(5)</sup>				
	Third countries (except ACP and Bangladesh) <sup>(3)</sup>	ACP <sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup>	Bangladesh <sup>(4)</sup>	Basmati India and Pakistan <sup>(6)</sup>	Egypt <sup>(8)</sup>
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	202,42	66,51	96,87	0,00	151,82
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	202,42	66,51	96,87	0,00	151,82
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

<sup>(1)</sup> 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).

<sup>(2)</sup> 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.

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

<sup>(4)</sup> 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).

<sup>(5)</sup> 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).

<sup>(6)</sup> 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).

<sup>(7)</sup> Duties fixed in the Common Customs Tariff.

<sup>(8)</sup> 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/t)	( <sup>1</sup> )	202,42	416,00	264,00	416,00	( <sup>1</sup> )
2. Elements of calculation:						
(a) Arag cif price (EUR/t)	—	349,01	216,62	284,92	365,75	—
(b) fob price (EUR/t)	—	—	—	260,67	341,50	—
(c) Sea freight (EUR/t)	—	—	—	24,25	24,25	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(<sup>1</sup>) Duties fixed in the Common Customs Tariff.

## COMMISSION REGULATION (EC) No 1291/2004

of 14 July 2004

**fixing for the 2003/2004 marketing year the specific agricultural conversion rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector<sup>(2)</sup>, and in particular Article 1(3) thereof,

Whereas:

- (1) Pursuant to Article 1(1) of Regulation (EEC) No 1713/93, the minimum sugarbeet prices referred to in Article 4 of Council Regulation (EC) No 1260/2001 and the production levy and additional levy referred to, respectively, in Articles 15 and 16 of that Regulation are to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the marketing year in question.
- (2) Since 1 January 1999, pursuant to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro<sup>(3)</sup>, the fixing

of conversion rates should be restricted to the specific agricultural conversion rates between the euro and the national currencies of those Member States which have not adopted the single currency.

- (3) The specific agricultural conversion rate for the minimum sugarbeet prices and the production levy and the additional levy for the 2003/2004 marketing year should therefore be fixed in the various national currencies,

HAS ADOPTED THIS REGULATION:

*Article 1*

The specific agricultural conversion rate to be used for the conversion of the minimum sugarbeet prices as referred to in Article 4 of Regulation (EC) No 1260/2001, and of the production levy and, where appropriate, the additional levy referred to in Articles 15 and 16 respectively of that Regulation, into each of the national currencies of the Member States which have not adopted the single currency shall be fixed, for the 2003/2004 marketing year, as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 July 2004.

It shall apply from 1 July 2003.

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

Done at Brussels, 14 July 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 159, 1.7.1993, p. 94. Regulation as last amended by Regulation (EC) No 1509/2001 (OJ L 200, 25.7.2001, p. 19).

<sup>(3)</sup> OJ L 349, 24.12.1998, p. 1.

## ANNEX

**to the Commission Regulation of 14 July 2004 fixing for the 2003/2004 marketing year the specific agricultural conversion rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency**

Specific exchange rate		
EUR 1 =	7,43899	Danish kroner
	9,12552	Swedish kronor
	0,686010	Pounds sterling



**COUNCIL REGULATION (EC, Euratom) No 1292/2004****of 30 April 2004****amending Regulations No 422/67/EEC and No 5/67/Euratom determining the emoluments of the President and Members of the Commission and of the President, Judges, Advocates General and Registrar of the Court of Justice and of the President, Members and Registrar of the Court of First Instance**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 210 thereof,

*Article 1*

Regulations No 422/67/EEC and No 5/67/Euratom shall be amended as follows:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 123 thereof,

1. the following second subparagraph shall be added to Article 1:

Having regard to the draft Regulation presented by the Commission on 2 April 2004,

‘For the purposes of this Regulation, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII to the Staff Regulations of officials of the European Communities are fulfilled. The unmarried partner of a member or former member shall be considered as their spouse under the sickness insurance scheme where the conditions set out in points (i), (ii) and (iii) of paragraph (2)(c) of that Article are met.’;

Whereas:

(1) It is for the Council to determine the emoluments of the President and Members of the Commission and of the President, Judges, Advocates General and Registrar of the Court of Justice and of the President, Members and Registrar of the Court of First Instance.

2. (a) in Articles 2 and 21a, the terms ‘the last step of grade A 1’ shall be replaced by the terms ‘the third step of grade 16’;

(2) Regulation (EC, Euratom) No 723/2004<sup>(1)</sup>, amended Regulation (EEC, Euratom, ECSC) No 259/68<sup>(2)</sup> laying down the Staff Regulations of officials and the Conditions of employment of other servants of the European Communities.

(b) in Article 2, the following paragraph shall be added:

‘3. However, from 1 May 2004 to 30 April 2006, the terms “the third step of grade 16” in paragraphs 1 and 2 shall read “the third step of grade A\*16”.’;

(3) As Regulations No 422/67/EEC and No 5/67/Euratom<sup>(3)</sup> makes applicable to the Members of the Commission, the Court of Justice and the Court of First Instance by analogy a number of provisions of the abovementioned Staff Regulations, the said Regulation should therefore be amended accordingly,

3. the following Article shall be inserted:

*‘Article 4b*

Article 17 of Annex VII to the Staff Regulations shall apply by analogy to the President and Members of the Commission, the President, Judges, Advocates General and Registrar of the Court of Justice and the President, Members and Registrar of the Court of First Instance.’;

<sup>(1)</sup> OJ L 124, 27.4.2004, p. 1.

<sup>(2)</sup> OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 723/2004.

<sup>(3)</sup> OJ 187, 8.8.1967, p. 1. Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2778/98 (OJ L 347, 23.12.1998, p. 1).

4. in Article 6(c), the terms 'for a grade A 1 official' shall be deleted;

5. Article 9 shall be amended as follows:

— in the first subparagraph, the term '4,5 %' shall be replaced by '4,275 %',

— the following last subparagraph shall be added:

'By derogation from the first subparagraph, for Members of the Commission and of the Court of Justice in office before 1 May 2004, and until the end of their functions in, respectively, the Commission and the Court of Justice, the amount of the pension shall be 4,5 % of the basic salary last received for each full year in office.';

6. Article 11 shall be amended as follows:

(a) the third subparagraph shall be replaced by the following:

'However, former Members of the Commission or of the Court shall be covered by the provisions of Article 72 of the Staff Regulations of officials of the European Communities on condition that they are not in gainful employment and that they cannot be covered by a national sickness insurance scheme.';

(b) in the fourth and fifth subparagraphs '60' shall be replaced by '63';

(c) in the fifth subparagraph, the terms 'enabling him to be covered by another public sickness insurance scheme' shall be deleted;

7. Article 15 shall be amended as follows:

(a) in paragraph 1:

— in the first subparagraph, the terms 'the widow and dependent children of a member' shall be replaced by 'the surviving spouse and children dependent at the time of death of the member',

— in the first indent of the second subparagraph, the term 'widow' shall be replaced by 'surviving spouse',

— in the second indent of the second subparagraph, the terms 'where the mother is still alive' shall be replaced by 'where either the mother or the father is dead',

— in the first indent of the third subparagraph, the term 'widow' shall be replaced by 'surviving spouse';

(b) in paragraph 5, the terms 'has pension rights accruing to him under this Regulation, the wife' shall be replaced by 'has accrued pension rights under this Regulation, the spouse';

(c) in paragraph 6, the term 'widow' shall be replaced by 'surviving spouse', the term 'She' shall be replaced by 'The surviving spouse' and the term 'her' shall be replaced by 'the';

(d) in paragraph 7, the term 'widow' shall be replaced by 'surviving spouse', and the terms 'where he leaves' shall be deleted;

(e) in paragraph 8, the term 'widow' shall be replaced by 'surviving spouse';

8. Article 19 shall be amended as follows:

(a) in paragraph 1, the terms 'the currency of the country where the institution has its provisional seat' shall be replaced by 'euro';

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

'2. No weighting shall be applied to the sums due under Articles 7, 8, 10 and 15.

These sums shall be paid to beneficiaries residing in the European Union in euro, into a bank in the country of residence.

For beneficiaries residing outside the European Union, pensions shall be paid, in euro, into a bank in the country of residence. The pension may by way of exception be paid in euro into a bank in the country where the institution has its headquarters, or in foreign currency in the country of residence of the pensioner, converted at the most up-to-date exchange rates used for the implementation of the general budget of the European Communities.';

9. the following Article shall be inserted:

'Article 21b

1. Articles 14, 15, 16, 17 and 19 of Annex XIII to the Staff Regulations of officials of the European Communities shall apply by analogy to the President and Members of the Commission, the President, Judges, Advocates General and Registrar of the Court of Justice and the President, Members and Registrar of the Court of First Instance.

2. Articles 20, 24 and 25 of Annex XIII to the Staff Regulations of officials of the European Communities shall apply by analogy to the beneficiaries of the sums due under Articles 7, 8, 10 and 15.'

Article 2

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, 30 April 2004.

*For the Council*

*The President*

B. COWEN

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**COUNCIL REGULATION (EC, Euratom) No 1293/2004****of 30 April 2004****amending Regulation (EEC, Euratom, ECSC) No 2290/77 determining the emoluments of the Members of the Court of Auditors**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 247(8) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the first paragraph of Article 160b(8) thereof,

Having regard to the draft Regulation presented by the Commission on 2 April 2004,

Whereas:

- (1) It is for the Council to determine the emoluments of the Members of the Court of Auditors.
- (2) Regulation (EC, Euratom) No 723/2004<sup>(1)</sup>, amended Regulation (EEC, Euratom, ECSC) No 259/68<sup>(2)</sup> laying down the Staff Regulations of officials and the Conditions of employment of other servants of the European Communities.
- (3) As Regulation (EEC, Euratom, ECSC) No 2290/77<sup>(3)</sup> makes applicable to the Members of the Court of Auditors by analogy a number of provisions of the abovementioned Staff Regulations, the said Regulation should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC, Euratom, ECSC) No 2290/77 shall be amended as follows:

1. the following second subparagraph shall be added to Article 1:

‘For the purposes of this Regulation, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII to the Staff Regulations of officials of the European Communities are fulfilled. The unmarried partner of a member or former member shall be considered as a spouse under the sickness insurance scheme where the conditions set out in points (i), (ii) and (iii) of paragraph (2)(c) of that Article are met.’;

<sup>(1)</sup> OJ L 124, 27.4.2004, p. 1.

<sup>(2)</sup> OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 723/2004.

<sup>(3)</sup> OJ L 268, 20.10.1977, p. 1. Regulation as last amended by Regulation (EC, Euratom, ECSC) No 840/95 (OJ L 85, 19.4.1995, p. 10).

2. in Article 2:

— the terms ‘the last step of grade A 1’ shall be replaced by the terms ‘the third step of grade 16’,

— the following new subparagraph shall be added:

‘However, from 1 May 2004 to 30 April 2006, the terms “the third step of grade 16” in the first subparagraph shall read “the third step of grade A\*16”.’;

3. the following Article shall be inserted:

*‘Article 5a*

Article 17 of Annex VII to the Staff Regulations shall apply by analogy to the Members of the Court of Auditors.’;

4. in Article 7(c), the terms ‘for a grade A 1 official’ shall be deleted;

5. Article 10 shall be amended as follows:

— in the first subparagraph, the term ‘4,5 %’ shall be replaced by ‘4,275 %’,

— the following last subparagraph shall be added:

‘By derogation from the first subparagraph, for Members of the Court of Auditors in office before May 2004, and until the end of their functions in the Court of Auditors, the amount of the pension shall be 4,5 % of the basic salary last received for each full year in office.’;

6. Article 12 shall be amended as follows:

- (a) the third paragraph shall be replaced by the following:

‘However, former Members of the Court of Auditors shall be covered by the provisions of Article 72 of the Staff Regulations of officials of the European Communities on condition that they are not in gainful employment and that they cannot be covered by a national sickness insurance scheme.’;

- (b) in the fourth and fifth paragraphs, the term ‘60’ is replaced by ‘63’;

- (c) in the fifth paragraph, the terms ‘enabling him to be covered by another public sickness insurance scheme’ shall be deleted;

7. Article 16 shall be amended as follows:

(a) in paragraph 1:

- in the first subparagraph, the terms ‘the widow and dependent children of a member’ shall be replaced by ‘the surviving spouse and children dependent at the time of death of the member’;
- in the first indent of the second subparagraph, the term ‘widow’ shall be replaced by ‘surviving spouse’;
- in the second indent of the second subparagraph, the terms ‘where the mother is still alive’ shall be replaced by ‘where either the mother or the father is dead’;
- in the first indent of the third subparagraph, the term ‘widow’ shall be replaced by ‘surviving spouse’;

(b) in paragraph 5, the terms ‘has pension rights accruing to him under this Regulation, the wife’ shall be replaced by ‘has accrued pension rights under this Regulation, the spouse’;

(c) in paragraph 6, the term ‘widow’ shall be replaced by ‘surviving spouse’, the term ‘She’ shall be replaced by ‘The surviving spouse’ and the term ‘her’ shall be replaced by ‘the’;

(d) in paragraph 7, the term ‘widow’ shall be replaced by ‘surviving spouse’, and the terms ‘where he leaves’ shall be deleted;

(e) in paragraph 8, the term ‘widow’ shall be replaced by ‘surviving spouse’;

8. Article 20 shall be amended as follows:

(a) in paragraph 1, ‘the currency of the country where the Court of Auditors is provisionally located’ shall be replaced by ‘euro’;

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

‘2. No weighting shall be applied to the sums due under Articles 8, 9, 11 and 16.

These sums shall be paid to beneficiaries residing in the European Union in euro, into a bank in the country of residence.

For beneficiaries residing outside the European Union, pensions shall be paid in euro, into a bank in the country of residence. The pension may by way of exception be paid in euro into a bank in the country where the institution has its headquarters, or in foreign currency in the country of residence of the pensioner, converted at the most up-to-date exchange rates used for the implementation of the general budget of the European Communities.’;

9. the following Article shall be inserted:

‘Article 21a

1. Articles 14, 15, 16, 17 and 19 of Annex XIII to the Staff Regulations of officials of the European Communities shall apply by analogy to the Members of the Court of Auditors.

2. Articles 20, 24 and 25 of Annex XIII to the Staff Regulations of officials of the European Communities shall apply by analogy to the beneficiaries of the sums due under Articles 8, 9, 11 and 16.’

Article 2

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, 30 April 2004.

For the Council  
The President  
B. COWEN

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 30 April 2004

**amending the Decision of 13 September 1999 laying down the conditions of employment of the Secretary-General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, and the Decision of 13 September 1999 laying down the conditions of employment of the Deputy Secretary-General of the Council of the European Union**

(2004/547/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

2290/77 of 18 October 1977 determining the emoluments of the members of the Court of Auditors<sup>(6)</sup>.

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:

- (3) It is therefore appropriate to amend the Council Decision of 13 September 1999 laying down the conditions of employment of the Secretary-General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, and the Council Decision of 13 September 1999 laying down the conditions of employment of the Deputy Secretary-General of the Council of the European Union in order to reflect the aforementioned amendments,

HAS DECIDED AS FOLLOWS:

- (1) Council Regulation (EC, Euratom) No 723/2004<sup>(1)</sup> amended 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<sup>(2)</sup>.
- (2) On the one hand, Regulation 1292/2004<sup>(3)</sup> amended Regulation No 422/67/EEC, 5/67/Euratom of the Council of 25 July 1967 determining the emoluments of the President and members of the Commission and of the President, Judges, Advocates-General and Registrar of the Court of Justice and of the President, Members and Registrar of the Court of First Instance<sup>(4)</sup>, and, on the other hand, the Council Regulation 1293/2004<sup>(5)</sup> amended Council Regulation (EEC, Euratom, ECSC) No

## Article 1

The Council Decision of 13 September 1999 laying down the conditions of employment of the Secretary-General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, is hereby amended as follows:

## 1. in the first paragraph of Article 1:

- the terms ‘at grade A1 final step’ shall be replaced by ‘at grade 16 third step’;
- the following sentence shall be added: ‘However, from 1 May 2004 to 30 April 2006, the terms “at grade 16 third step” shall be taken to mean “at grade A\*16 third step”.’;

<sup>(1)</sup> OJ L 124, 27.4.2004, p. 1.

<sup>(2)</sup> OJ L 56, 4.3.1968, p. 1.

<sup>(3)</sup> See page 23 of this Official Journal.

<sup>(4)</sup> OJ 187, 8.8.1967, p. 1. Regulation as last amended by Council Regulation (EC, ECSC, Euratom) No 2778/98 (OJ L 347, 23.12.1998, p. 1).

<sup>(5)</sup> See page 26 of this Official Journal.

<sup>(6)</sup> OJ L 268, 20.10.1977, p. 1. Regulation as last amended by Council Regulation (EC, ECSC, Euratom) No 840/95 (OJ L 85, 19.4.1995, p. 10).

2. the following phrase shall be added at the end of the second paragraph of Article 1:

‘and Article 17 of Annex VII to the Staff Regulations shall apply to him by analogy.’

*Article 2*

The Council Decision of 13 September 1999 laying down the conditions of employment of the Deputy Secretary-General of the Council of the European Union is hereby amended as follows:

1. in the first paragraph of Article 1:

- the terms ‘at grade A1 final step’ shall be replaced by ‘at grade 16 third step’;
- the following sentence shall be added: ‘However, from 1 May 2004 to 30 April 2006, the terms “at grade 16 third step” shall be taken to mean “at grade A\*16 third step”.’;

2. the following phrase shall be added at the end of the second paragraph of Article 1:

‘and Article 17 of Annex VII to the Staff Regulations shall apply to him by analogy.’

*Article 3*

This Decision shall be notified to the Secretary-General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, and to the Deputy Secretary-General of the Council of the European Union by the President of the Council.

Done at Brussels, 30 April 2004.

*For the Council*

*The President*

B. COWEN

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## NOTICE TO READERS

In view of the situation which has arisen following enlargement, some editions of the Official Journal of 30 April 2004 have been published, in a simplified manner, in the 11 official languages of that date.

It has been decided to republish, as corrigenda and in the Official Journal's traditional presentation, Acts which appear in those Official Journals.

It is for this reason that Official Journals which contain only those corrigenda have been published in the 11 pre-enlargement language versions. The translations of Acts in the languages of the new Member States will be published in a special edition of the *Official Journal of the European Union* comprising texts of the institutions and the European Central Bank adopted prior to 1 May 2004.

Given below is a list of the Official Journals published on 30 April and their corresponding corrigenda.

OJ of 30 April 2004	Corrected OJ
L 139	L 226 of 25 June
L 144	L 199 of 7 June
L 146	L 225 of 25 June
L 149	L 215 of 16 June
L 150	L 185 of 24 May
L 151	L 208 of 10 June
L 152	L 216 of 16 June
L 153	L 231 of 30 June
L 154	L 189 of 27 May
L 155	L 193 of 1 June
L 156	L 202 of 7 June
L 157	L 195 of 2 June
L 158	L 229 of 29 June
L 159	L 184 of 24 May
L 160	L 212 of 12 June
L 161	L 206 of 9 June
L 164	L 220 of 21 June
L 165	L 191 of 28 May
L 166	L 200 of 7 June
L 167	L 201 of 7 June