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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1421/2004 of 19 July 2004 amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector** 1
- Commission Regulation (EC) No 1422/2004 of 5 August 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 6

II Acts whose publication is not obligatory

Council

2004/589/EC:

- ★ **Council Decision of 19 July 2004 concerning the notification to the Republic of Korea of the withdrawal of the European Community from the Agreement on telecommunications procurement between the European Community and the Republic of Korea** 8

Commission

2004/590/EC:

- ★ **Commission Decision of 4 June 2004 recognising the fully operational character of the Cypriot database for bovine animals (notified under document number C(2004) 1969) (Only the Greek text is authentic) ⁽¹⁾** 9

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1421/2004

of 19 July 2004

amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector

THE COUNCIL OF THE EUROPEAN UNION,

of European aquaculture. The implementation of the strategy involves the need to amend Regulation (EC) No 2792/1999.

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

- (4) The protection and development of aquatic resources do not exclusively concern measures taken at sea, but also, and in particular for anadromous and catadromous species in inland waters. In this respect, the rehabilitation and re-opening of migration routes and spawning areas is of particular importance.

Having regard to the proposal from the Commission,

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

- (5) Any increase in production in excess of the likely evolution in demand should not be encouraged. Better marketing strategies have to be implemented, but reliable statistics on fish consumption are often lacking, as is economic analysis on markets and marketing of aquaculture products.

Whereas:

(1) Regulation (EC) No 2792/1999⁽²⁾ lays down provisions relating to the protection and development of aquatic resources and to the development of the Community aquaculture sector.

- (6) Harmful algae blooms are among the most serious threats for the future of shellfish farming in Europe. Sometimes a bloom can last for exceptionally long periods or occur during a period of concentrated sales and compensation for the shellfish farmers affected may be justified, except in the case of recurring phenomena.

(2) Community legislation establishes the possibility of supplementary aid for scrapping when a recovery plan is applicable. In such a case, or where emergency measures adopted by the Commission or Member States are liable to have similar effects, aid for crew members who are forced to give up fishing owing to the plan or the measures should also be increased. The same should be applicable to crew members who lose their jobs, without the vessel being scrapped, owing to the adoption of a recovery plan or emergency measures.

- (7) Enlarging the knowledge base of the industry encompasses all the aspects of farming and is paramount for aquaculture. Due to the inadequacy of the funds allocated for this purpose, it is essential to further encourage applied research and technological development in aquaculture, by expanding the opportunities for its public financing and promoting private initiative in this area.

(3) The Commission issued on 19 September 2002 a communication to the European Parliament and the Council on a strategy for the sustainable development

- (8) Aquaculture enterprises should be encouraged to improve their environmental performance and to develop voluntarily initiatives that go beyond the minimum legal requirements in terms of environmental protection.

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

⁽²⁾ OJ L 337, 30.12.1999, p. 10. Regulation as last amended by Regulation (EC) No 639/2004 (OJ L 102, 7.4.2004, p. 9).

- (9) In order to enable public aid for aquaculture service vessels to be maintained, it is necessary to establish a clear distinction between those vessels and fishing vessels as defined in Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy⁽¹⁾, since some fishing vessels may be exclusively used in aquaculture but could possibly revert to fishing activity.
- (10) To encourage permanent reduction in fishing effort where a recovery plan is adopted by the Council or emergency measures are adopted by the Commission or Member States, reimbursement of aid previously received by vessels affected by the plan or the measures should not be required.
- (11) Where a vessel has to replace fishing gear in the event of a recovery plan, it should be possible to consider the first replacement of fishing gear as eligible expenditure.
- (12) Community vessels may be required to use acoustic deterrent devices in certain fisheries to reduce incidental capture and killing of cetaceans. The cost to comply with such an obligation should be eligible to vessel modernisation aid.
- (13) The intervention by public authorities in favour of aquaculture from the late 1970s has stimulated production growth, but nowadays the situation has changed and overproduction is a threat for some branches. Consequently, new priorities within the aquaculture measures in the Financial Instrument for Fisheries Guidance Programmes should be set and in certain cases the rate of aid should be reduced.
- (14) Some forms of finfish farming may have an ecologically beneficial role, as a way to associate an economic activity with the conservation or development of wetlands. In such circumstances an increase in public support is justified.
- (15) Regulation (EC) No 2792/1999 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2792/1999 is hereby amended as follows:

1. In Article 10(3), point (a) is replaced by the following:

‘(a) expenditure on equipment and modernisation shall not be eligible for aid for five years following the grant of public aid for the construction of the vessel concerned except for equipment in vessel monitoring systems or in acoustic deterrent devices.’

2. In Article 12(3), the following point is added:

‘(e) in the event that a recovery plan is adopted by the Council or where special or emergency measures are adopted by the Commission or by one or more Member States, the maximum amounts of aid referred to in points (b) and (c) may be increased by 20%. Furthermore, the requirement that the vessel on which the crew members were employed must have permanently stopped its activities, as laid down in point (b), shall not apply.’

3. In Article 12(4), point (c) is replaced by the following:

‘(c) that the compensation referred to in paragraph 3(b) or 3(e) is refunded on a *pro rata temporis* basis where the beneficiaries return to their work as fishermen within a period of less than one year after being paid the compensation.’

4. In Article 13(1), point (a) is replaced by the following:

‘(a) works aimed at the protection and development of aquatic resources, including freshwater resources, except restocking;’

5. In Article 15(3), point (n) is replaced by the following:

‘(n) improvement of knowledge and transparency in production and in the market, including statistics and economic analysis.’

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

6. Article 16 is amended as follows:

(a) the following paragraph is inserted:

'1a. The Member States may grant financial compensation to shellfish farmers where the contamination in the shellfish due to the growth of toxin-producing plankton or the presence of plankton containing marine biotoxins makes it necessary, for the protection of human health, to suspend harvesting for more than four consecutive months or, where the losses incurred as a result of the suspension of harvesting during a period of concentrated sales, represents in excess of 35 % of the annual turnover of the enterprise concerned, calculated on the basis of the average turnover of that enterprise over the previous three years. The granting of compensation may cover no more than six months of suspension of harvesting over the entire period from the entry in force of Council Regulation (EC) No 1421/2004 of 19 July 2004 amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector (*) to the end of 2006.

(*) OJ L 260, 6.8.2004, p. 1.'

(b) in paragraph 3, the first subparagraph is replaced by the following:

'The financial contribution from the FIFG to the measures referred to in paragraphs 1, 1a and 2 per Member State for the entire period from 2000 to 2006 may not exceed the higher of the following two thresholds: EUR 1 million or 4 % of the Community financial assistance allocated to the sector in the Member State concerned.'

(c) in paragraph 3, the following subparagraph is added:

'Where a recovery plan is adopted by the Council or emergency measures are adopted by the Commission or by one or more Member States, Article 10(3)(b)(ii) shall not apply.'

(d) paragraph 4 is replaced by the following:

'4. Recurrent seasonal suspension of fishing and aquaculture activity shall not be eligible for compensation under paragraphs 1, 1a, 2 and 3.'

7. In Article 17(2), the following subparagraph is added:

'Small-scale, applied-research initiatives, not exceeding EUR 150 000 in total cost and three years in duration, carried out by an economic operator, a scientific or technical body, a representative professional organisation or other competent body, shall be eligible as pilot projects,

provided that they contribute to the objectives of sustainable development of the aquaculture industry in the Community.'

8. Annex III is amended as follows:

(a) point 1.4(a) is replaced by the following:

'(a) Vessels must have been registered in the fishing vessels register of the Community for at least five years, except for equipment in vessel monitoring systems or in acoustic deterrent devices. Changes in vessel characteristics must be communicated to this register and the vessels must be measured in accordance with Community provisions, when they are modernised.'

(b) point 1.4(b) is amended as follows:

— subparagraph (iii) is amended as follows:

'(iii) improvement of working and safety conditions, and/or'

— the following subparagraph is added:

'(iv) the purchase of acoustic deterrent devices for the purpose of Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries (*).'

(*) OJ L 150, 30.4.2004, p. 12.'

— the last subparagraph is replaced as follows:

'Without prejudice to Article 16(2), the replacement of fishing gear shall not be considered eligible expenditure, except if the vessel is subject to a recovery plan and is required to end its participation in the fishery concerned and fish for other species with different fishing gear. In this case, the Commission may decide that the first replacement of fishing gear, where fishing possibilities are significantly reduced by a recovery plan, may be considered as eligible expenditure.'

(c) the first sentence of point 2.1 is replaced by the following:

'Expenditure eligible for assistance from the FIFG may concern the installation of fixed or movable facilities to protect and develop aquatic resources, the rehabilitation of rivers and lakes, including spawning areas and the facilitation of migration up and downstream for migratory species and the scientific monitoring of projects.'

(d) point 2.2. is replaced by the following:

2.2. Aquaculture

(a) For the purposes of this Regulation,

“aquaculture” means the rearing or culture of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment; the organisms remain the property of a natural or legal person throughout the rearing or culture stage, up to and including harvesting;

(b) the promoters of intensive fish-farming projects shall forward the information provided for in Annex IV to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (*) to the management authority together with their application for public aid. The management authority shall decide whether the project must be submitted for assessment pursuant to Articles 5 to 10 of that Directive. Where public aid is granted the cost of collecting information on environmental impact and any assessment costs shall be eligible for assistance from the FIFG;

(c) the initial costs incurred by aquaculture enterprises to join in the Community eco-management and audit schemes set up by Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (**), as well as investments in works concerning the installation or improvement of water circulation in aquaculture enterprises and on service vessels shall be eligible;

(d) fishing vessels as defined in Article 3(c) of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy (***) will not be considered as service vessels even when they are exclusively used in aquaculture;

(e) within the measures related to aquaculture in the FIFG Programmes, priority shall be given to:

(i) the development of techniques that substantially reduce environmental impacts;

(ii) the improvement of traditional aquaculture activities that are important in maintaining

the social and environmental tissue of specific areas;

(iii) the modernisation of existing enterprises;

(iv) measures intended to benefit aquaculture falling under the scope of Articles 14 and 15 of this Regulation;

(v) farmed species diversification;

(f) By way of derogation from the column for Group 3 in Table 3 in point 2 of Annex IV, and without prejudice to the rates of contribution for the outermost regions, the following rates of contribution shall apply:

(i) for investments concerning the use of techniques that substantially reduce environmental impact, or concerning finfish farming projects that have a beneficial impact on the environment, the contribution of private beneficiaries (C) shall be at least 30% of eligible expenditure in Objective 1 regions and at least 50% in other areas. The assessment of environmental benefits shall be carried out at charge of the promoter and verified by the management authority. Where public aid is granted, assessment costs shall be eligible for assistance from the FIFG;

(ii) for investments concerning the construction of new intensive finfish farms not included in the priorities listed in point (e), the contribution of private beneficiaries (C) shall be at least 50% of eligible expenditure in Objective 1 regions and at least 70% in other areas.

(*) OJ L 175, 5.7.1985, p. 40. Directive as last amended by Directive 2003/35/EC of the European Parliament and of the Council (OJ L 156, 25.6.2003, p. 17).

(**) OJ L 114, 24.4.2001, p. 1. Regulation as amended by the 2003 Act of Accession.

(***) OJ L 358, 31.12.2002, p. 59.

Article 2

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

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

Done at Brussels, 19 July 2004.

For the Council
The President
C. VEERMAN

COMMISSION REGULATION (EC) No 1422/2004
of 5 August 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 6 August 2004.

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

Done at Brussels, 5 August 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 Commission Regulation of 5 August 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
0707 00 05	052	44,5
	999	44,5
0709 90 70	052	67,8
	999	67,8
0805 50 10	388	57,5
	508	46,6
	520	45,9
	524	60,8
	528	52,9
	999	52,7
0806 10 10	052	126,9
	204	108,5
	220	129,5
	400	172,1
	624	144,7
	628	136,6
	999	136,4
0808 10 20, 0808 10 50, 0808 10 90	388	88,4
	400	96,5
	404	98,4
	508	67,4
	512	72,6
	528	96,3
	720	49,2
	800	124,8
	804	79,6
	999	85,9
0808 20 50	052	155,6
	388	80,1
	528	46,7
	999	94,1
0809 20 95	052	309,0
	400	290,2
	404	288,3
	999	295,8
0809 30 10, 0809 30 90	052	152,6
	999	152,6
0809 40 05	066	32,0
	093	41,6
	094	37,5
	512	91,6
	624	104,1
	999	61,4

⁽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'.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 July 2004

concerning the notification to the Republic of Korea of the withdrawal of the European Community from the Agreement on telecommunications procurement between the European Community and the Republic of Korea

(2004/589/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first sentence of Article 300, thereof,

Having regard to Article 8(5) of the Agreement on telecommunications procurement between the European Community and the Republic of Korea⁽¹⁾ (hereinafter referred to as the 'Agreement') as adopted by Decision 97/784/EC⁽²⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) Pursuant to Article 8(5) of the Agreement either Party may withdraw from the Agreement by notifying the other party.
- (2) The Agreement has, with the withdrawal of the Community telecommunications operators, the liberalisation of the Korean telecommunications market and the privatisation of Korea Telecom, become devoid of purpose.
- (3) Korea also considers that the Agreement has become devoid of purpose.
- (4) It is appropriate that the Community should withdraw from the Agreement.

(5) The Council should authorise the Commission to notify the withdrawal from the Agreement.

(6) The Memorandum concerning the procurement of private telecommunications operators between the European Community and the Republic of Korea⁽³⁾ should be maintained,

HAS DECIDED AS FOLLOWS:

Article 1

The Community hereby withdraws from the Agreement on telecommunications procurement between the European Community and the Republic of Korea.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to notify the Republic of Korea of the withdrawal.

Done at Brussels, 19 July 2004.

For the Council

The President

P. H. DONNER

⁽¹⁾ OJ L 321, 22.11.1997, p. 32.

⁽²⁾ OJ L 321, 22.11.1997, p. 30.

⁽³⁾ OJ L 321, 22.11.1997, p. 41.

COMMISSION

COMMISSION DECISION

of 4 June 2004

recognising the fully operational character of the Cypriot database for bovine animals

(notified under document number C(2004) 1969)

(Only the Greek text is authentic)

(Text with EEA relevance)

(2004/590/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Cyprus has presented a request for recognition of the fully operational character of the database that forms part of the Cypriot system for the identification and registration of bovine animals, pursuant to Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 June 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97⁽¹⁾.
- (2) The Cypriot authorities have submitted appropriate information that was updated to 31 March 2004.
- (3) The Cypriot authorities have undertaken to improve the reliability of this database ensuring in particular that (i) additional measures, including inspections, shall be implemented to improve the observation of the five working days deadline for notification by the keeper of births, deaths and movements, in particular onto farms, (ii) additional measures shall be implemented to allow rapid correction of errors or omissions detected automatically or during on-the-spot inspections, (iii) additional plausibility tests shall be implemented to ensure the quality of the information in the database, in particular

on births, (iv) the event database shall be re-enforced to ensure the quality of the information concerning the application of replacement eartags, (v) measures shall be implemented to ensure that controls on identification and registration of bovine animals are carried out in accordance with Commission Regulation (EC) No 1082/2003⁽²⁾.

- (4) The Cypriot authorities undertook to implement the agreed improvement measures at the latest by 30 April 2004.
- (5) In view of the above, it is appropriate to recognise the fully operational character of the Cypriot database for bovine animals,

HAS ADOPTED THIS DECISION:

Article 1

The Cypriot database for bovine animals is recognised as fully operational from 1 May 2004.

Article 2

This Decision is addressed to the Republic of Cyprus.

Done at Brussels, 4 June 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 204, 11.8.2000, p. 1. Regulation as amended by the 2003 Act of Accession.

⁽²⁾ OJ L 156, 25.6.2003, p. 9. Regulation as amended by Regulation (EC) No 499/2004 (OJ L 80, 18.3.2004, p. 24).