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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1491/2004**  
**of 23 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<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 24 August 2004.

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

Done at Brussels, 23 August 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 23 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 <sup>(1)</sup>	Standard import value
0702 00 00	204	60,6
	999	60,6
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	87,6
	999	87,6
0805 50 10	388	54,8
	524	44,1
	528	57,6
	999	52,2
0806 10 10	052	82,3
	400	176,4
	512	186,9
	624	157,9
	999	150,9
0808 10 20, 0808 10 50, 0808 10 90	388	86,9
	400	109,3
	508	55,6
	512	90,2
	528	89,5
	720	52,2
	800	180,5
	804	80,1
0808 20 50	999	93,0
	052	127,4
	388	85,4
	512	74,9
	800	146,1
0809 30 10, 0809 30 90	999	108,5
	052	117,5
0809 40 05	999	117,5
	066	45,5
	093	41,6
	624	163,2
	999	83,4

<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 1492/2004

of 23 August 2004

**amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards eradication measures for transmissible spongiform encephalopathies in bovine, ovine and caprine animals, the trade and importation of semen and embryos of ovine and caprine animals and specified risk material**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies<sup>(1)</sup>, and in particular the first paragraph of Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for eradication measures to be carried out following the confirmation of transmissible spongiform encephalopathy (TSE) in bovine, ovine and caprine animals.
- (2) On 14 September 2000, in its opinion on bovine spongiform encephalopathy (BSE)-related culling in cattle, the Scientific Steering Committee (SSC) concluded that largely the same effect can be reached by birth cohort culling as by herd culling. On 21 April 2004, the Biological Hazards panel of the European Food Safety Authority adopted an opinion in which it concludes that insufficient additional argument exists to modify the SSC opinion. The provisions relating to culling in Regulation (EC) No 999/2001 should be brought into line with those opinions.
- (3) In the interest of certainty of Community legislation, it is also necessary to clarify the definition of the cohort of a BSE case and the action to be taken regarding cohort animals in order to avoid different interpretations.
- (4) In addition, it is necessary to clarify the application of TSE eradication measures as they apply to pregnant ewes and to holdings containing multiple flocks. To address practical problems, the rules should be amended regarding holdings producing lambs for further fattening, the introduction of ewes of unknown genotype to infected holdings, and the time period during which derogations are to apply for the destruction of animals in holdings or breeds in which the frequency of the ARR allele is low.

- (5) Scrapie eradication measures, as advised in the opinion of the SSC of 4 April 2002, were inserted in Regulation (EC) No 999/2001, as amended by Commission Regulation (EC) No 260/2003<sup>(2)</sup>. Those measures were introduced on a gradual basis, in order to take account of management issues. According to currently available evidence, it is highly unlikely that the carcasses of animals of less than two months of age contain significant amounts of infectivity, provided that the offal including the head is removed. Further amendments to the eradication measures should be made to resolve problems encountered in some Member States in relation to those young animals.
- (6) It is appropriate to introduce restrictions on holdings following the suspicion of scrapie in an ovine or caprine animal in order to avoid movement of other possibly infected animals prior to confirmation of the suspicion.
- (7) Testing requirements to permit the lifting of restrictions on infected holdings have proven to be excessively onerous for large flocks of sheep and should be amended. It is also appropriate to clarify the definition of the target groups for such testing.
- (8) General rules regarding the trade and importation of semen and embryos of ovine and caprine animals are laid down in Council Directive 92/65/EEC<sup>(3)</sup>. Specific TSE rules for the placing on the market of semen and embryos of those species should be laid down in this Regulation.
- (9) In line with the current provisions provided for in Regulation (EC) No 999/2001 on specified risk material to exclude the transverse processes of the lumbar and thoracic vertebrae from the list of specified risk material, the spinous processes of these vertebrae, the spinous and transverse processes of the cervical vertebrae and the median sacral crest should also not be considered as specified risk material.
- (10) Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 876/2004 (OJ L 162, 30.4.2004, p. 52).

<sup>(2)</sup> OJ L 37, 13.2.2003, p. 7.

<sup>(3)</sup> OJ L 268, 14.9.1992, p. 54. Directive as last amended by Directive 2004/68/EC, (OJ L 139, 30.4.2004, p. 320).

HAS ADOPTED THIS REGULATION:

*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*.

*Article 1*

Annexes I, VII, VIII, IX and XI to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

Points 3 and 4 of the Annex to the present Regulation shall apply from 1 January 2005.

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

Done at Brussels, 23 August 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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## ANNEX

Annexes I, VII, VIII, IX and XI to Regulation (EC) No 999/2001 are amended as follows:

1. In Annex I, point 2 is replaced by the following:

'2. For the purpose of this Regulation, the following

- (a) "indigenous case of BSE" means a case of bovine spongiform encephalopathy which has not been clearly demonstrated to be due to infection prior to importation as a live animal;
- (b) "discrete adipose tissue" means internal and external body fat removed during the slaughter and cutting process, in particular fresh fat from the heart, caul and kidney of bovine animals, and fat from cutting rooms;
- (c) "cohort" means a group of bovine animals which includes both:
  - (i) animals born in the same herd as the affected bovine animal, and within 12 months preceding or following the date of birth of the affected bovine animal; and
  - (ii) animals which at any time during the first year of their lives were reared together with the affected bovine animal during the first year of its life;
- (d) "index case" means the first animal on a holding, or in an epidemiologically defined group, in which a TSE infection is confirmed.'

2. Annex VII is replaced by the following:

## 'ANNEX VII

**ERADICATION OF TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHY**

1. The inquiry referred to in Article 13(1)(b) must identify:

(a) in the case of bovine animals:

- all other ruminants on the holding of the animal in which the disease was confirmed,
- where the disease was confirmed in a female animal, its progeny born within two years prior to, or after, clinical onset of the disease,
- all animals of the cohort of the animal in which the disease was confirmed,
- the possible origin of the disease,
- other animals on the holding of the animal in which the disease was confirmed or on other holdings which may have become infected by the TSE agent or been exposed to the same feed or contamination source,
- the movement of potentially contaminated feedingstuffs, of other material or any other means of transmission, which may have transmitted the TSE agent to or from the holding in question;

(b) in the case of ovine and caprine animals:

- all ruminants other than ovine and caprine animals on the holding of the animal in which the disease was confirmed,
- in so far as they are identifiable, the parents, and in the case of females all embryos, ova and the last progeny of the female animal in which the disease was confirmed,
- all other ovine and caprine animals on the holding of the animal in which the disease was confirmed in addition to those referred to in the second indent,
- the possible origin of the disease and the identification of other holdings on which there are animals, embryos or ova which may have become infected by the TSE agent or been exposed to the same feed or contamination source,
- the movement of potentially contaminated feedingstuffs, other material or any other means of transmission, which may have transmitted the BSE agent to or from the holding in question.

2. The measures laid down in Article 13(1)(c) shall comprise at least:
  - (a) in the case of confirmation of BSE in a bovine animal, the killing and complete destruction of bovine animals identified by the inquiry referred to in the second and third indents of point 1(a); however, the Member State may decide:
    - not to kill and destroy animals of the cohort referred to in the third indent of point 1(a) if evidence has been provided that such animals did not have access to the same feed as the affected animal,
    - to defer the killing and destruction of animals in the cohort referred to in the third indent of point 1(a) until the end of their productive life, provided that they are bulls continuously kept at a semen collection centre and it can be ensured that they are completely destroyed following death;
  - (b) in the case of confirmation of TSE in an ovine or caprine animal, from 1 October 2003, according to the decision of the competent authority:
    - (i) either the killing and complete destruction of all animals, embryos and ova identified by the inquiry referred to in the second and third indents of point 1(b) or
    - (ii) the killing and complete destruction of all animals, embryos and ova identified by the inquiry referred to in the second and third indents of point 1(b), with the exception of:
      - breeding rams of the ARR/ARR genotype,
      - breeding ewes carrying at least one ARR allele and no VRQ allele and, where such breeding ewes are pregnant at the time of the inquiry, the lambs subsequently born, if their genotype meets the requirements of this subparagraph,
      - sheep carrying at least one ARR allele which are intended solely for slaughter,
      - if the competent authority so decides, sheep and goats less than two months old which are intended solely for slaughter;
    - (iii) if the infected animal has been introduced from another holding, a Member State may decide, based on the history of the case, to apply eradication measures in the holding of origin in addition to, or instead of, the holding in which the infection was confirmed; in the case of land used for common grazing by more than one flock, Member States may decide to limit the application of those measures to a single flock, based on a reasoned consideration of all the epidemiological factors; where more than one flock is kept on a single holding, Member States may decide to limit the application of the measures to the flock in which scrapie has been confirmed, provided it has been verified that the flocks have been kept isolated from each other and that the spread of infection between the flocks through either direct or indirect contact is unlikely;
  - (c) in the case of confirmation of BSE in an ovine or caprine animal, killing and complete destruction of all animals, embryos and ova identified by the inquiry referred to in the second to fifth indents of point 1(b).
3. If scrapie is suspected in an ovine or caprine animal at a holding in a Member State, all other ovine and caprine animals from that holding shall be placed under official movement restriction until the results of the examination are available. If there is evidence that the holding where the animal was present when scrapie was suspected is not likely to be the holding where the animal could have been exposed to scrapie, the competent authority may decide that other holdings or only the holding of exposure shall be placed under official control depending on the epidemiological information available.
4. Only the following animals may be introduced to the holding(s) where destruction has been undertaken in accordance with point 2(b)(i) or (ii):
  - (a) male sheep of the ARR/ARR genotype;
  - (b) female sheep carrying at least one ARR allele and no VRQ allele;



- (c) caprine animals, provided that:
- (i) no ovine animals for breeding other than those of the genotypes referred to in points (a) and (b) are present on the holding,
  - (ii) thorough cleaning and disinfection of all animal housing on the premises has been carried out following destocking,
  - (iii) the holding shall be subjected to intensified TSE monitoring, including the testing of all caprine animals which are over the age of 18 months and:
    - either are slaughtered for human consumption at the end of their productive lives, or
    - which have died or been killed on the holding, and which meet the criteria referred to in Annex III, Chapter A, Part II, point 3.
5. Only the following ovine germinal products may be used in the holding(s) where destruction has been undertaken in accordance with point 2(b)(i) or (ii):
- (a) semen from rams of the ARR/ARR genotype;
  - (b) embryos carrying at least one ARR allele and no VRQ allele.
6. During a transitional period until 1 January 2006 at the latest, and by way of derogation from the restriction set out in point 4(b), where it is difficult to obtain replacement ovine animals of a known genotype, Member States may decide to allow non-pregnant ewes of an unknown genotype to be introduced to the holdings referred to in point 2(b)(i) and (ii).
7. Following the application on a holding of the measures referred to in point 2(b)(i) and (ii):
- (a) movement of ARR/ARR sheep from the holding shall not be subject to any restriction;
  - (b) sheep carrying only one ARR allele may be moved from the holding only to go directly for slaughter for human consumption or for the purposes of destruction; however,
    - ewes carrying one ARR allele and no VRQ allele may be moved to other holdings which are restricted following the application of measures in accordance with point 2(b)(ii),
    - if the competent authority so decides, lambs carrying one ARR allele and no VRQ allele may be moved to one other holding solely for the purposes of fattening prior to slaughter; the destination holding shall not contain any ovine or caprine animals other than those being fattened prior to slaughter, and shall not dispatch live ovine or caprine animals to other holdings, except for direct slaughter;
  - (c) if the Member State so decides, sheep and goats less than two months old may be moved from the holding to go directly for slaughter for human consumption; the head and organs of the abdominal cavity of such animals shall however be disposed of in accordance with Article 4(2)(a), (b) or (c) of Regulation (EC) No 1774/2002 of the European Parliament and of the Council (\*),
  - (d) without prejudice to subparagraph (c), sheep of genotypes not referred to in subparagraphs (a) and (b) may only be moved from the holding for the purposes of destruction.
8. The restrictions referred to in points 4, 5 and 7 shall continue to apply to the holding for a period of three years from:
- (a) the date of attainment of ARR/ARR status by all ovine animals on the holding or
  - (b) the last date when any ovine or caprine animal was kept on the premises or
  - (c) in the case of point 4(c), the date when the intensified TSE monitoring commenced or
  - (d) the date when all breeding rams on the holding are of ARR/ARR genotype and all breeding ewes carry at least one ARR allele and no VRQ allele, provided that during the three-year period, negative results are obtained from TSE testing of the following animals over the age of 18 months:
    - an annual sample of ovine animals slaughtered for human consumption at the end of their productive lives in accordance with the sample size indicated in the table in Annex III, Chapter A, Part II, point 4; and
    - all ovine animals referred to in Annex III, Chapter A, Part II, point 3 which have died or been killed on the holding.

(\*) OJ L 273, 10.10.2002, p. 1.

9. Where the frequency of the ARR allele within the breed or holding is low, or where it is deemed necessary in order to avoid inbreeding, a Member State may decide to:
- (a) delay the destruction of animals as referred to in point 2(b)(i) and (ii) for up to five breeding years;
  - (b) allow ovine animals other than those referred to in point 4 to be introduced to the holdings referred to in point 2(b)(i) and (ii), provided that they do not carry a VRQ allele.
10. Member States applying the derogations provided for in points 6 and 9 shall notify to the Commission an account of the conditions and criteria used for granting them.'
3. In Annex VIII, Chapter A is amended as follows:
- (a) The title of the Chapter is replaced by the following:  
**'Conditions for intra-Community trade in live animals, semen and embryos'**
  - (b) In Part I, the following point (d) is added:  
'(d) from 1 January 2005 semen and embryos of ovine and caprine animals shall:
    - (i) be collected from animals which have been kept continuously since birth or for the last three years of their life on a holding or holdings which have satisfied the requirements of subparagraph (a)(i) or, as appropriate, (a)(ii) for three years or
    - (ii) in the case of ovine semen, be collected from male animals of the ARR/ARR prion protein genotype as defined in Annex I to Commission Decision 2002/1003/EC (\*)or
    - (iii) in the case of ovine embryos, be of the ARR/ARR prion protein genotype as defined in Annex I to Decision 2002/1003/EC.

(\*) OJ L 349, 24.12.2002, p. 105.'

4. Annex IX is amended as follows:  
The following Chapter H is added:

'CHAPTER H

**Import of ovine and caprine semen and embryos**

Semen and embryos of ovine and caprine animals imported into the Community from 1 January 2005 shall satisfy the requirements of Annex VIII, Chapter A(I)(d).'

5. In Annex XI, Part A, point 1(a)(i) is replaced by the following:
- '(i) The skull excluding the mandible and including the brain and eyes, the vertebral column excluding the vertebrae of the tail, the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae and the median sacral crest and wings of the sacrum, but including the dorsal root ganglia, and the spinal cord of bovine animals aged over 12 months, and the tonsils, the intestines from the duodenum to the rectum and the mesentery of bovine animals of all ages;'

## COMMISSION REGULATION (EC) No 1493/2004

of 23 August 2004

laying down transitory measures to be adopted on account of the accession of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia in respect of the requirements for the granting of refunds for exports of certain milk or egg products pursuant to Regulation (EC) No 1520/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

(1) Article 16(10) of Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amounts of such refunds<sup>(1)</sup> provides that, for a refund to be granted on the products that are indicated in Article 1 of Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products<sup>(2)</sup>, or Article 1 of Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products<sup>(3)</sup>, and appear in Annex B to Regulation (EC) No 1520/2000, they must be prepared in accordance with the requirements of those Directives and carry the required health mark.

(2) Commission Decision 2004/280/EC of 19 March 2004 laying down transitional measures for the marketing of certain products of animal origin obtained in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia<sup>(4)</sup> (hereinafter the new Member States) lays down transitional measures to facilitate the transition from the existing regime in the new Member States to that resulting from the application

of the Community veterinary legislation. According to Article 3 of that Decision, Member States shall authorise trade from 1 May to 31 August 2004 in milk or egg products which are obtained in establishments in the new Member States authorised to export to the Community before the accession date, provided that the products bear the Community export health mark of the establishment concerned and are accompanied by a document which certifies that they were produced in conformity with Decision 2004/280/EC.

(3) It is therefore appropriate to derogate from Regulation (EC) No 1520/2000 and provide that goods which comply with Article 3 of Decision 2004/280/EC and are authorised to be traded for the period from 1 May to 31 August 2004 should be eligible for an export refund.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from Article 16(10) of Regulation (EC) No 1520/2000, goods obtained before the date of accession in establishments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia authorised to export to the Community before the accession date and exported from the Community in the period from the accession date to 31 August 2004 are eligible for an export refund, provided that they meet the requirements of Article 3(a) and (b) of Decision 2004/280/EC.

*Article 2*

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

It shall apply to export declarations accepted from the date of the entry into force of this Regulation to 31 August 2004.

<sup>(1)</sup> OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 543/2004 (OJ L 87, 25.3.2004, p. 8).

<sup>(2)</sup> OJ L 268, 14.9.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(3)</sup> OJ L 212, 22.7.1989, p. 87. Directive as last amended by Regulation (EC) No 806/2003.

<sup>(4)</sup> OJ L 87, 25.3.2004, p. 60.

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

Done at Brussels, 23 August 2004.

*For the Commission*  
Olli REHN  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1494/2004**  
**of 23 August 2004**  
**prohibiting fishing for greater silver smelt by vessels flying the flag of Germany**

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 catch limitations are required<sup>(2)</sup> lays down quotas for greater silver smelt 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 greater silver smelt in the

waters of ICES subareas V, VI and VII (Community waters and waters not coming under the sovereignty or jurisdiction of third countries) by vessels flying the flag of Germany or registered in Germany have exhausted the quota allocated for 2004. Germany has prohibited fishing for this stock from 30 June 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of greater silver smelt in the waters of ICES subareas V, VI and VII (Community waters and waters not coming under the sovereignty or jurisdiction of third countries) by vessels flying the flag of Germany or registered in Germany are hereby deemed to have exhausted the quota allocated to Germany for 2004.

Fishing for greater silver smelt in the waters of ICES subareas V, VI and VII (Community waters and waters not coming under the sovereignty or jurisdiction of third countries) by vessels flying the flag of Germany or registered in Germany 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 30 June 2004.

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

Done at Brussels, 23 August 2004.

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

<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.

**COMMISSION REGULATION (EC) No 1495/2004**  
**of 23 August 2004**  
**prohibiting fishing for sandeel by vessels flying the flag of Sweden**

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 sandeel 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 to the Community.

- (3) According to the information received by the Commission, Sweden stopped fishing for sandeel in the waters of ICES division IIa, Skagerrak and Kattegat and the North Sea by vessels flying the flag of Sweden or registered in Sweden from 12 July 2004,

HAS ADOPTED THIS REGULATION:

*Article 1*

Fishing for sandeel in the waters of ICES division IIa, Skagerrak and Kattegat and the North Sea by vessels flying the flag of Sweden or registered in Sweden 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 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, 23 August 2004.

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

<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.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 17 August 2004

**amending Decisions 2001/648/EC, 2001/649/EC, 2001/650/EC, 2001/658/EC and 2001/670/EC on the granting of aid for the production of table olives***(notified under document number C(2004) 3100)***(Only the Spanish, French, Italian, Portuguese and Greek texts are authentic)**

(2004/607/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats<sup>(1)</sup>, and in particular Article 5(4) thereof,

Whereas:

(1) Commission Decisions 2001/649/EC<sup>(2)</sup>, 2001/650/EC<sup>(3)</sup>, 2001/648/EC<sup>(4)</sup>, 2001/658/EC<sup>(5)</sup> and 2001/670/EC<sup>(6)</sup>, which concern the granting of aid for the production of table olives in Greece, Spain, France, Italy and Portugal, respectively, authorise those Member States to grant aid for the production of table olives for the 2001/02, 2002/03 and 2003/04 marketing years.

(2) The Member States concerned have requested that the application of these Decisions be extended to the 2004/05 marketing year, since Council Regulation (EC)

No 865/2004 amends Article 5(2) of Regulation No 136/66/EEC in order to continue the existing production aid scheme for the 2004/05 marketing year.

(3) The Decisions in question should therefore be amended.

(4) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 1 of Decision 2001/648/EC, '2003/04' is replaced by '2004/05'.

*Article 2*

In Article 1 of Decision 2001/649/EC, '2003/04' is replaced by '2004/05'.

*Article 3*

In Article 1 of Decision 2001/650/EC, '2003/04' is replaced by '2004/05'.

<sup>(1)</sup> OJ L 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

<sup>(2)</sup> OJ L 229, 25.8.2001, p. 16. Decision as amended by Decision 2001/880/EC (OJ L 327, 12.12.2001, p. 42).

<sup>(3)</sup> OJ L 229, 25.8.2001, p. 20. Decision as amended by Decision 2001/883/EC (OJ L 326, 11.12.2001, p. 43).

<sup>(4)</sup> OJ L 229, 25.8.2001, p. 12. Decision as amended by Decision 2001/879/EC (OJ L 326, 11.12.2001, p. 41).

<sup>(5)</sup> OJ L 231, 29.8.2001, p. 16. Decision as amended by Decision 2001/884/EC (OJ L 327, 12.12.2001, p. 44).

<sup>(6)</sup> OJ L 235, 4.9.2001, p. 16. Decision as amended by Decision 2001/878/EC (OJ L 326, 11.12.2001, p. 40).

*Article 4*

In Article 1 of Decision 2001/658/EC, '2003/04' is replaced by '2004/05'.

*Article 5*

In Article 1 of Decision 2001/670/EC, '2003/04' is replaced by '2004/05'.

*Article 6*

This Decision is addressed to the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic and the Portuguese Republic.

Done at Brussels, 17 August 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## COMMISSION DECISION

of 19 August 2004

## amending Commission Decision 2001/881/EC as regards the list of border inspection posts agreed for veterinary checks on animals and animal products from third countries

(notified under document number C(2004) 3127)

(Text with EEA relevance)

(2004/608/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(1)</sup>, and in particular Article 6(2) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC<sup>(2)</sup>, and in particular Article 6(4) thereof,

Whereas:

(1) Commission Decision 2001/881/EC of 7 December 2001 drawing up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the

experts of the Commission<sup>(3)</sup> should be updated to take account in particular of developments in certain Member States and of Community inspections.

- (2) At the request of the Slovenian authorities, and following a Community inspection, additional border inspection posts at Jelsane Road, Brnik Airport, and Dobova Rail Station should be added to the list.
- (3) At the request of the Maltese authorities, and following a Community inspection, an additional border inspection post at Marsaxxlok Freeport should be added to the list.
- (4) At the request of the Estonian authorities, and following a Community inspection, additional border inspection posts at Muuga Port, and Narva Road, should be added to the list.
- (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

In the Annex to Decision 2001/881/EC, the following entry is added to the list of border inspection posts for Estonia:

1	2	3	4	5	6
Muuga	2300399	P		HC, NHC-T(FR), NHC-NT	
Narva	2300299	R		HC, NHC-NT	

## Article 2

In the Annex to Decision 2001/881/EC, the following entry is added to the list of border inspection posts for Malta:

1	2	3	4	5	6
Marsaxxlok	3103099	P		HC, NHC	

<sup>(1)</sup> OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1).

<sup>(2)</sup> OJ L 268, 24.9.1991, p. 56. Directive as last amended by 2003 Act of Accession.

<sup>(3)</sup> OJ L 326, 11.12.2001, p. 44. Decision as last amended by Decision 2004/517/EC (OJ L 221, 21.6.2004, p. 18).

*Article 3*

In the Annex to Decision 2001/881/EC, the following entry is added to the list of border inspection posts for Slovenia:

1	2	3	4	5	6
Ljubljana Brnik	2600499	A		HC(2), NHC(2)	O
Dobova	2600699	F		HC(2), NHC(2)	U, E
Jelsane	2600299	R		HC, NHC-NT, NHC-T(CH)	O'

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 19 August 2004.

*For the Commission*  
David BYRNE  
*Member of the Commission*

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## COMMISSION DECISION

of 18 August 2004

## amending Annex I to Decision 2003/804/EC authorising certain third countries for the export of live molluscs for further growth, fattening or relaying in Community waters

(notified under document number C(2004) 3128)

(Text with EEA relevance)

(2004/609/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products<sup>(1)</sup>, and in particular Article 19(1) thereof,

Whereas:

- (1) A list of third countries from which Member States are authorised to import live molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption in the Community, as well as model certificates that must accompany such consignments were drawn up by Decision 2003/804/EC<sup>(2)</sup>.
- (2) Since the entering into force of Directive 91/67/EEC, the animal health requirements for import of aquaculture animals into the Community from third countries have been unchanged. Pending the establishment of harmonised certification requirements, Member States have been responsible for ensuring that imports of aquaculture animals and products thereof from third countries are subjected to conditions at least equivalent to those applying to placing on the market of Community products according to Article 20(3) of Directive 91/67/EEC.
- (3) It has been brought to the attention of the Commission that some enterprises in the Community are dependent on access to early live stages of certain species of live molluscs for further growth, fattening or relaying in Community waters, and that there is an ongoing import of these species. The supply of the relevant species amongst EU Member States and European Free Trade Association Member is limited, therefore certain

third countries should be authorised for such trade for a interim period of time, pending the completion of the on-the-spot inspections provided for by Community rules. Annex I to Decision 2003/804/EC should be amended accordingly.

- (4) Such temporary listing should be limited to countries of which the veterinary services have been assessed and which have been found to provide the necessary guarantees when signing export certificates of live animals, and therefore can be listed without jeopardising the animal health status of the Community.
- (5) It is also appropriate to simplify the presentation of the table in Annex I in order to avoid the repetition of requirements included in the model certificates.
- (6) 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*

The text in Annex I to Decision 2003/804/EC is replaced by the text in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 18 August 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 46, 19.2.1991, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 302, 21.11.2003, p. 22. Decision as last amended by Decision C(2004) 2613 (not yet published in the Official Journal).

## ANNEX

## 'ANNEX I

**Territories from which importation of certain species of live molluscs, their eggs and gametes intended for further growth, fattening or relaying in European Community waters (Article 3), or intended for further processing before human consumption (Article 4(1)) are authorised**

Country		Territory		Specific requirements (1)		Comments
ISO code	Name	Code	Description	<i>Bonamia ostreae</i>	<i>Marteilia refringens</i>	
CA	Canada (2)					Live molluscs for further growth, fattening or relaying, and for further processing before human consumption
HR	Croatia (2)			NO	NO	Live molluscs for further processing before human consumption only
MA	Morocco (2)			NO	NO	Live molluscs for further processing before human consumption only
NZ	New Zealand (2)					Live molluscs for further growth, fattening or relaying, and for further processing before human consumption
TN	Tunisia (2)			NO	NO	Live molluscs for further processing before human consumption only
TR	Turkey (2)			NO	NO	Live molluscs for further processing before human consumption only
US	United States of America (2)					Live molluscs for further growth, fattening or relaying, and for further processing before human consumption

(1) "Yes" or "No" as relevant if designated farm, coastal or continental zone is approved by the central competent authority of the exporting country as a territory that also fulfils the specific animal health requirements for introduction into Community zones and farms having a Community approved programme or status as regards *Bonamia ostreae* and/or *Marteilia refringens*.

(2) Temporary listing, shall be reviewed before 1 June 2005.'

**COMMISSION DECISION****of 19 August 2004****on the inventory of wine production potential presented by the Republic of Cyprus under Council Regulation (EC) No 1493/1999***(notified under document number C(2004) 3139)***(Only the Greek text is authentic)**

(2004/610/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine<sup>(1)</sup>, and in particular Article 23(4) thereof,

Whereas:

- (1) As a prior condition for access to the increase in planting rights and support for restructuring and conversion, Regulation (EC) No 1493/1999 provides for the compilation of an inventory of wine production potential by the Member State concerned. The inventory must be presented in accordance with Article 16 of that Regulation.
- (2) Article 19 of Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential<sup>(2)</sup> details how the information included in the inventory is to be presented.
- (3) By letter of 4 May 2004, the Republic of Cyprus sent the Commission the information referred to in Article 16 of Regulation (EC) No 1493/1999 and Article 19 of Regulation (EC) No 1227/2000. Examination of this information shows that the Republic of Cyprus has compiled the inventory.

(4) This Decision does not entail recognition by the Commission of the accuracy of the information contained in the inventory or of the compatibility of the legislation referred to in the inventory with Community law. It is without prejudice to any future Commission decision on these points.

(5) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS DECISION:

*Article 1*

The Commission notes that the Republic of Cyprus has compiled the inventory of wine production potential in accordance with Article 16 of Regulation (EC) No 1493/1999.

*Article 2*

This Decision is addressed to the Republic of Cyprus.

Done at Brussels, 19 August 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

<sup>(2)</sup> OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1389/2004 (OJ L 255, 31.7.2004, p. 7).

**COMMISSION DECISION****of 13 August 2004****on the inventory of wine production potential presented by the Czech Republic pursuant to Council Regulation (EC) No 1493/1999***(notified under document number C(2004) 3154)***(Only the Czech text is authentic)**

(2004/611/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine<sup>(1)</sup>, and in particular Article 23(4) thereof,

Whereas:

- (1) As a prior condition for access to the increase in planting rights and support for restructuring and conversion, Regulation (EC) No 1493/1999 provides for the compilation of an inventory of wine production potential by the Member State concerned. The inventory must be presented in accordance with Article 16 of that Regulation.
- (2) Article 19 of Commission Regulation (EC) No 1227/2000 of 31 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine as regards production potential<sup>(2)</sup> details how the information included in the inventory is to be presented.
- (3) By letter dated 13 April 2004, the Czech Republic sent the Commission the information referred to in Article 16 of Regulation (EC) No 1493/1999 and Article 19 of Regulation (EC) No 1227/2000. Examination of this information shows that the Czech Republic has compiled the inventory.

(4) This Decision does not entail recognition by the Commission of the accuracy of the information contained in the inventory or of the compatibility of the legislation referred to in the inventory with Community law. It is without prejudice to any future Commission decision on these points.

(5) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS DECISION:

*Article 1*

The Commission notes that the Czech Republic has compiled the inventory of wine production potential in accordance with Article 16 of Regulation (EC) No 1493/1999.

*Article 2*

This Decision is addressed to the Czech Republic.

Done at Brussels, 13 August 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

<sup>(2)</sup> OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1389/2004 (OJ L 255, 31.7.2004, p. 7).