

# Official Journal

## of the European Union

L 280

English edition

### Legislation

Volume 47

31 August 2004

#### Contents

#### I Acts whose publication is obligatory

Commission Regulation (EC) No 1543/2004 of 30 August 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables .....	1
Commission Regulation (EC) No 1544/2004 of 30 August 2004 fixing the export refunds on cereals and on wheat or rye flour, groats and meal .....	3
Commission Regulation (EC) No 1545/2004 of 30 August 2004 fixing the corrective amount applicable to the refund on cereals .....	5
Commission Regulation (EC) No 1546/2004 of 30 August 2004 fixing the export refunds on malt .....	7
Commission Regulation (EC) No 1547/2004 of 30 August 2004 fixing the corrective amount applicable to the refund on malt .....	9
★ <b>Commission Regulation (EC) No 1548/2004 of 30 August 2004 amending Regulation (EEC) No 1722/93 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively .....</b>	<b>11</b>
★ <b>Commission Regulation (EC) No 1549/2004 of 30 August 2004 derogating from Council Regulation (EC) No 1785/2003 as regards the arrangements for importing rice and laying down separate transitional rules for imports of basmati rice .....</b>	<b>13</b>
Commission Regulation (EC) No 1550/2004 of 30 August 2004 fixing the production refund on white sugar used in the chemical industry for the period from 1 to 30 September 2004 .....	23
Commission Regulation (EC) No 1551/2004 of 30 August 2004 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip .....	24

**Commission**

2004/623/EC:

- ★ **Commission Decision of 23 July 2004 amending Decision 2003/804/EC as regards imports of live molluscs for human consumption** (notified under document number C(2004) 2613) <sup>(1)</sup> ..... 26

2004/624/EC:

- ★ **Commission Decision of 19 August 2004 amending Decision 1999/815/EC concerning measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing certain phthalates** (notified under document number C(2004) 3071) <sup>(1)</sup> ..... 34

2004/625/EC:

- ★ **Commission Decision of 26 August 2004 amending Decision 2003/526/EC as regards the termination of the classical swine fever control measures applied in Saarland, Germany and the enlargement of the area of Slovakia where the classical swine fever control measures apply** (Notified under document number C(2004) 3241) <sup>(1)</sup> ..... 36



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

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1543/2004**  
**of 30 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 31 August 2004.

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

Done at Brussels, 30 August 2004.

*For the Commission*

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

---

<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 30 August 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
0707 00 05	052	93,7
	999	93,7
0709 90 70	052	87,5
	999	87,5
0805 50 10	382	51,9
	388	42,7
	524	41,7
	528	51,7
	999	47,0
0806 10 10	052	80,2
	400	177,0
	624	158,4
	999	138,5
0808 10 20, 0808 10 50, 0808 10 90	388	87,8
	400	89,1
	508	61,8
	512	47,6
	528	74,2
	720	40,6
	800	164,1
	804	78,1
	999	80,4
0808 20 50	052	122,6
	388	90,0
	999	106,3
0809 30 10, 0809 30 90	052	134,7
	999	134,7
0809 40 05	052	80,0
	066	34,5
	093	37,5
	094	25,2
	624	164,2
	999	68,3

<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 1544/2004****of 30 August 2004****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup>.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September 2004.

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

Done at Brussels, 30 August 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

## ANNEX

**to the Commission Regulation of 30 August 2004 fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	A00	EUR/t	0
1001 10 00 9400	—	EUR/t	—	1101 00 15 9150	A00	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	A00	EUR/t	0
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	A00	EUR/t	0
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	—	EUR/t	—	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	A00	EUR/t	0				

NB: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

**COMMISSION REGULATION (EC) No 1545/2004**  
**of 30 August 2004**  
**fixing the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup>, and in particular Article 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September 2004.

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

Done at Brussels, 30 August 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

## ANNEX

**to the Commission Regulation of 30 August 2004 fixing the corrective amount applicable to the refund on cereals**

(EUR/t)								
Product code	Destination	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	0	0	0	0	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0	0	0	0	—	—
1101 00 15 9130	A00	0	0	0	0	0	—	—
1101 00 15 9150	A00	0	0	0	0	0	—	—
1101 00 15 9170	A00	0	0	0	0	0	—	—
1101 00 15 9180	A00	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended. The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).



**COMMISSION REGULATION (EC) No 1546/2004**  
**of 30 August 2004**  
**fixing the export refunds on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals<sup>(1)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup>.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on malt listed in Article 1(1)(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September 2004.

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

Done at Brussels, 30 August 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

## ANNEX

**to the Commission Regulation of 30 August 2004 fixing the export refunds on malt**

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

**COMMISSION REGULATION (EC) No 1547/2004**  
**of 30 August 2004**  
**fixing the corrective amount applicable to the refund on malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organization of the market in cereals<sup>(1)</sup>, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(2)</sup> allows for the fixing of a corrective amount for the malt referred to in Article 1(1)(c) of Regulation (EEC) No 1766/92.

That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 September 2004.

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

Done at Brussels, 30 August 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

## ANNEX

**to the Commission Regulation of 30 August 2004 fixing the corrective amount applicable to the refund on malt**

(EUR/t)

Product code	Destination	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 3	7th period 4	8th period 5	9th period 6	10th period 7	11th period 8
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

**COMMISSION REGULATION (EC) No 1548/2004****of 30 August 2004****amending Regulation (EEC) No 1722/93 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

taking wheat prices into account has not had any practical effect in the past on calculating the amount of the refund, that reference should be deleted.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals <sup>(1)</sup>, and in particular Article 8(3) thereof,

- (4) The special provisions for esterified and etherified starches have proved disproportionate where the amount of the refund is relatively small; a maximum amount should be introduced below which these conditions need not be fulfilled.

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(2)</sup>, and in particular Article 8(e) thereof,

- (5) Regulation (EC) No 1722/93 should be amended accordingly.

Whereas:

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

- (1) Commission Regulation (EEC) No 1722/93 <sup>(3)</sup> lays down the conditions for granting a production refund on starch and certain starch products obtained in particular from rice and broken rice. Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice <sup>(4)</sup> no longer provides for the possibility of granting that refund. The provisions on that category of starch should therefore be removed from Regulation (EEC) No 1722/93 with effect from 1 September 2004, the date from which Regulation (EC) No 1785/2003 applies.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1722/93 is hereby amended as follows:

- (2) As a result, the validity of refund certificates for starch obtained from rice or broken rice should be limited to 31 August 2004.
- (3) In accordance with Article 3 of Regulation (EEC) No 1722/93, the method for calculating the production refund is based, in particular, on the market price of maize taking into account the price levels noted for wheat. In the case of maize, this provision should be made more explicit both as regards the geographical origin of the maize and certain limits to be applied to the price levels where there is a significant increase. Since

1. the title is replaced by the following:

‘Commission Regulation (EEC) No 1722/93 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 concerning production refunds in the cereals sector.’;

2. the first subparagraph of Article 1(1) is replaced by the following:

‘A production refund (hereinafter called refund) may be granted to natural or legal persons using starch extracted from wheat, maize or potatoes, or certain derived products, in the manufacture of the goods listed in Annex I.’;

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 78.

<sup>(2)</sup> OJ L 329, 30.12.1995, p. 18. Regulation as last amended by the 2003 Act of Accession.

<sup>(3)</sup> OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 216/2004 (OJ L 36, 7.2.2004, p. 13).

<sup>(4)</sup> OJ L 270, 21.10.2003, p. 96.

3. Article 3(2) is replaced by the following:

‘2. The refund per tonne of starch of maize, wheat, barley or oats shall be calculated in particular on the basis of the difference, multiplied by a coefficient of 1,60, between:

- (a) the maize market price in France, valid during the five days preceding the day of fixing; and
- (b) the average of the representative cif Rotterdam import prices used for the determination of the import duties on the maize, noted during the five days preceding the day of the beginning of application.

For the purposes of calculating the difference referred to in the first subparagraph, the following rules shall apply:

- (a) if the maize market price referred to in point (a) is higher than the intervention price but less than 155 % of that price, the price to be taken into account shall be the intervention price plus half the difference between the real price and the intervention price;
- (b) if the maize market price referred to in point (a) is higher than 155 % of the intervention price, the price to be taken into account shall be the intervention price plus 27,5 % of the intervention price.

For potato starch a different rate may be set that reflects the minimum price indicated in Article 8(1) of Regulation (EEC) No 1766/92. In that case, the calculation shall be made on the basis of the maize market price in France referred to in point (a) of the first subparagraph, up to a limit of 115 % of the intervention price.

During July, August and September, the maize price referred to in point (a) of the first subparagraph shall be reduced by the difference between the intervention price for wheat valid in June and that valid in July, save if the price of maize referred to in point (a) of the first subparagraph corresponds already to that valid for the new harvest.’;

4. In Article 9, the following is added to the first subparagraph of paragraph 2:

‘However, where the amount of the production refund is less than EUR 16/tonne of starch, the security shall not be required and the verification and control measures provided for in Article 10 of this Regulation shall not apply.’;

5. Annex II is amended as follows:

- (a) in the table in part A, the line relating to rice starch is deleted;
- (b) in footnote 1, ‘rice’ is deleted;
- (c) in footnote 4, ‘rice’ is deleted.

#### Article 2

The validity of refund certificates for starch obtained from rice or broken rice shall be limited to 31 August 2004.

#### 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*.

Article 1(1), (2) and (5) shall apply from 1 September 2004.

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

Done at Brussels, 30 August 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

**COMMISSION REGULATION (EC) No 1549/2004****of 30 August 2004****derogating from Council Regulation (EC) No 1785/2003 as regards the arrangements for importing rice and laying down separate transitional rules for imports of basmati rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice<sup>(1)</sup>, and in particular Articles 10(2) and 11(4) thereof,

Having regard to Council Decision 2004/619/EC of 11 August 2004 modifying the Community import regime with respect to rice in the Community<sup>(2)</sup>, and in particular Article 2 thereof,

Having regard to Council Decision 2004/617/EC of 11 August 2004 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in Schedule CXL annexed to the GATT 1994<sup>(3)</sup>, and in particular Article 2 thereof,

Having regard to Council Decision 2004/618/EC of 11 August 2004 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Pakistan pursuant to Article XXVIII of GATT 1994 for the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994<sup>(4)</sup>, and in particular Article 2 thereof,

Whereas:

regime makes it necessary to amend Regulation (EC) No 1785/2003. In order to enable those Decisions to be applied on 1 September 2004, as provided for in the Agreements approved by those Decisions, it is necessary to derogate from Regulation (EC) No 1785/2003 for a transitional period expiring on the date of the entry into force of the amendment to that Regulation, and no later than 30 June 2005.

(2) Decisions 2004/617/EC and 2004/618/EC also provide for a transitional import regime for basmati rice to be set in place until the entry into force of a definitive import regime for this type of rice. Specific transitional rules should be laid down.

(3) In order to be eligible for zero import duty, basmati rice must belong to a variety specified in the Agreements. In order to ascertain that basmati rice imported at a zero rate of duty meets those characteristics, it should be covered by an authenticity certificate drawn up by the competent authorities.

(4) In order to prevent fraud, provision should be made for measures to check the variety of basmati rice declared.

(5) The transitional import regime for basmati rice provides for a procedure for consulting the exporting country in the event of disturbance on the market and possibly applying the full rate of duty if a satisfactory solution has not been found at the end of the consultations. It would be appropriate to define from what point the market may be considered to be disturbed.

(1) Decision 2004/619/EC modifies the import regime for husked rice and milled rice in the Community. Decisions 2004/617/EC and 2004/618/EC lay down conditions for importing basmati rice. This change in

(6) Following the introduction of this transitional regime, Commission Regulation (EC) No 1503/96 of 29 July 1996 on the detailed rules for the application of Council Regulation (EC) No 3072/95 with regard to import duties on rice should be repealed<sup>(5)</sup>.

<sup>(1)</sup> OJ L 270, 21.10.2003, p. 96.

<sup>(2)</sup> OJ L 279, 28.8.2004, p. 29.

<sup>(3)</sup> OJ L 279, 28.8.2004, p. 17.

<sup>(4)</sup> OJ L 279, 28.8.2004, p. 25.

<sup>(5)</sup> OJ L 189, 30.7.1996, p. 71. Regulation last amended by Regulation (EC) No 2294/2003 (OJ L 340, 24.12.2003, p. 12).

- (7) The import duties for husked rice and milled rice provided for in the Article 11(2) of Regulation (EC) No 1785/2003 serve as a basis for calculating the reduced import duties provided for in Commission Regulation (EC) No 638/2003 of 9 April 2003 laying down detailed rules for applying Council Regulation (EC) No 2286/2002 and Council Decision 2001/822/EC as regards the arrangements applicable to imports of rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT) <sup>(1)</sup>, by Commission Regulation (EEC) No 862/91 of 8 April 1991 laying down detailed rules applying Council Regulation (EEC) No 3491/90 to imports of rice originating in Bangladesh <sup>(2)</sup> and by Council Regulation (EC) No 2184/96 of 28 October 1996 concerning imports into the Community of rice originating in and coming from Egypt <sup>(3)</sup>. The amounts of import duty laid down by this Regulation should temporarily serve as a basis for calculating reduced duties for the products concerned.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. By way of derogation from Article 11(2) of Regulation (EC) No 1785/2003, the import duty on husked rice falling within CN code 1006 20 shall be EUR 65 per tonne and the import duty on milled rice falling within CN code 1006 30 shall be EUR 175 per tonne.
2. By way of derogation from Article 11(2) of Regulation (EC) No 1785/2003, the varieties of basmati rice falling within CN code 1006 20 17 and CN code 1006 20 98, as specified in Annex I, shall be eligible for zero import duty.

Where the first subparagraph is applicable, the measures provided for in Articles 2 to 8 shall apply.

#### Article 2

1. Import licence applications for basmati rice shall contain the following details:
  - (a) in box 8, an indication of the country of origin and the word 'yes' marked with a cross;
  - (b) in box 20, one of the entries listed in Annex II hereto.

<sup>(1)</sup> OJ L 93, 10.4.2003, p. 3.

<sup>(2)</sup> OJ L 88, 9.4.1991, p. 7. Regulation last amended by Regulation (EC) No 1482/98 (OJ L 195, 11.7.1998, p. 14).

<sup>(3)</sup> OJ L 292, 15.11.1996, p. 1.

2. Import licence applications for basmati rice shall be accompanied by:

- (a) proof that the applicant is a natural or legal person who has, for at least 12 months, carried on a commercial activity in the rice sector and is registered in the Member State where the application is made;
- (b) a product authenticity certificate issued by a competent body in the exporting country, as listed in Annex III hereto.

#### Article 3

1. The authenticity certificate shall be drawn up on a form based on the specimen given in Annex IV hereto.

The form shall measure approximately 210 × 297 millimetres. The original shall be drawn up on such paper as shall show up any tampering by mechanical or chemical means.

The forms shall be printed and completed in English.

The original and the copies thereof shall be either typewritten or handwritten. In the latter case, they shall be completed in ink and in block capitals.

Each authenticity certificate shall contain a serial number in the top right-hand box. The copies shall bear the same number as the original.

2. The body issuing the import licence shall keep the original of the authenticity certificate and give the applicant a copy.

The authenticity certificate shall be valid for 90 days from the date of issue.

It shall be valid only if the boxes are duly completed and it is signed.

#### Article 4

1. Import licences for basmati rice shall contain the following details:

- (a) in box 8, indication of the country of origin and the word 'yes' marked with a cross;
- (b) in box 20, one of the entries listed in Annex V hereto.

2. By way of derogation from Article 9 of Commission Regulation (EEC) No 1291/2000 <sup>(4)</sup>, rights accruing under import licences for basmati rice shall not be transferable.

3. By way of derogation from Article 12 of Commission Regulation (EC) No 1342/2003 <sup>(5)</sup>, the security for import licences for basmati rice shall be EUR 70 per tonne.

<sup>(4)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(5)</sup> OJ L 189, 29.7.2003, p. 12.



#### Article 5

Member States shall send the Commission the following information by fax or e-mail:

- (a) no later than two business days following a refusal, the quantities in respect of which applications for import licences for basmati rice have been refused, with an indication of the date of refusal and the grounds, the CN code, the country of origin, the issuing body and the number of the authenticity certificate, as well as the holder's name and address;
- (b) no later than two business days following their issue, the quantities in respect of which applications for import licences for basmati rice have been issued, with an indication of the date, the CN code, the country of origin, the issuing body and the number of the authenticity certificate, as well as the holder's name and address;
- (c) in the event of the cancellation of a licence, no later than two business days after cancellation, the quantities in respect of which licences have been cancelled and the names and addresses of the holders of the cancelled licences;
- (d) on the last business day of each month following the month of release for free circulation, the quantities actually released for free circulation, with an indication of the CN code, the country of origin, the issuing body and the number of the authenticity certificate.

The information referred to in the first subparagraph shall be sent separately from that relating to the other applications for import licences for rice.

#### Article 6

In the context of random checks or checks targeted at operations entailing a risk of fraud, Member States shall take representative samples of imported basmati rice. The samples shall be sent to the competent body in the country of origin, as listed in Annex VI, for a DNA-based variety test.

The Member State may also carry out a variety test on the same sample in a Community laboratory. If the results of one of those tests show that the product analysed does not correspond to the variety indicated on the authenticity certificate, the import duty provided for in Article 1(1) shall apply.

#### Article 7

The rice market shall be considered to be disturbed when, *inter alia*, a substantial increase in basmati rice imports is noted for one quarter of the year relative to the previous quarter and no satisfactory explanation exists.

#### Article 8

The Commission shall keep Annexes III and VI up to date.

#### Article 9

Regulation (EC) No 1503/96 is hereby repealed.

Import licences for basmati rice applied for prior to 1 September 2004 under this Regulation shall remain valid and products imported under such licences shall be eligible for the import duty provided for in Article 1(2) of this Regulation.

#### Article 10

On a transitional basis, the import duties referred to in Article 1(1) of this Regulation shall serve as a basis for calculating the reduced import duty referred to in Article 1(2) and (3) of Regulation (EEC) No 862/91, Article 1 of Regulation (EEC) No 2184/96 and Article 6 of Regulation (EEC) No 638/2003.

#### Article 11

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 1 September 2004.

It shall apply until the date of entry into force of the Regulation amending Article 11(2) of Regulation (EC) No 1785/2003, but not beyond 30 June 2005.

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

Done at Brussels, 30 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

## ANNEX I

**Varieties referred to in Article 1(2)**

Basmati 217

Basmati 370

Basmati 386

Kernel (basmati)

Pusa basmati

Ranbir basmati

Super basmati

Taraori basmati (HBC-19)

Type-3 (Dehradun)

---

## ANNEX II

## Entries referred to in Article 2(1)(b)

- *in Spanish:* Arroz Basmati del código NC 1006 20 17 o 1006 20 98 importado con derecho cero en aplicación del Reglamento (CE) n° 1549/2004, acompañado del certificado de autenticidad n° ... expedido por [nombre de la autoridad competente]
- *in Czech:* rýže Basmati kódu KN 1006 20 17 nebo 1006 20 98, která se dovází za nulové clo na základě nařízení (ES) č. 1549/2004, a ke které se připojí osvědčení o pravosti č. ... vydané [název příslušného subjektu]
- *in Danish:* Basmati-ris henhørende under KN-kode 1006 20 17 eller 1006 20 98 importeres med nultold i henhold til forordning (EF) nr. 1549/2004, ledsaget af ægthedscertifikat nr. ... udstedt af [den kompetente myndigheds navn]
- *in German:* Basmati-Reis des KN-Codes 1006 20 17 oder 1006 20 98, eingeführt zum Zollsatz Null gemäß der Verordnung (EG) Nr. 1549/2004 und begleitet von einer Kopie des Echtheitszeugnisses Nr. ..., ausgestellt durch [Name der zuständigen Behörde]
- *in Estonian:* basmati riis CN-koodiga 1006 20 17 või 1006 20 98, mis on imporditud tollimaksu nullmääraga vastavalt määrusele (EÜ) nr 1549/2004 ning millega on kaasas [pädeva asutuse nimi] välja antud autentsussertifikaat nr ...
- *in Greek:* Ρύζι μπασμάτι του κωδικού 1006 20 17 ή 1006 20 98 εισαγόμενο με μηδενικό δασμό κατ' εφαρμογή του κανονισμού (ΕΚ) αριθ. 1549/2004, συνοδευόμενο με το πιστοποιητικό γνησιότητας αριθ. ... που εκδόθηκε από [ονομασία της αρμόδιας αρχής]
- *in English:* basmati rice falling within code of CN 1006 20 17 or 1006 20 98 and imported at a zero rate of duty under Regulation (EC) No 1549/2004, accompanied by authenticity certificate No ... drawn up by [name of the competent authority]
- *in French:* Riz Basmati du code NC 1006 20 17 ou 1006 20 98 importé à droit nul en application du règlement (CE) n° 1549/2004, accompagné d'une copie du certificat d'authenticité n° ... établi par [nom de l'autorité compétente]
- *in Italian:* Riso Basmati di cui al codice NC 1006 20 17 o 1006 20 98 importato a dazio zero ai sensi del regolamento (CE) n. 1549/2004, corredato di una copia del certificato di autenticità n. ... rilasciato da [nome dell'autorità competente]
- *in Latvian:* Basmati rīsi ar KN kodu 1006 20 17 vai 1006 20 98, ko importē bez ieviešanas nodokļa saskaņā ar Regulu (EK) Nr. 1549/2004, kuriem pievienota autentiskuma apliecības Nr. ... kopija, ko izsniegusi [kompetentās iestādes nosaukums]
- *in Lithuanian:* Basmati ryžiai klasifikuojami KN kodu 1006 20 17 arba 1006 20 98, įvežti pagal nulinį muitą pagal Reglamentą (EB) Nr. 1549/2004, prie kurio pridėtas autentiškumo sertifikatas Nr. ..., išduotas [kompetentingos institucijos pavadinimas], kopija.
- *in Hungarian:* az 1006 20 17 vagy az 1006 20 98 KN-kód alá sorolt, a 1549/2004/EK rendelet alkalmazásában nulla vámtétel mellett behozott basmati rizs, a [illetékes hatóság neve] által kiállított, ... számú eredetiségigazolással együtt
- *in Dutch:* Basmati-rijst van GN-code 1006 20 17 of 1006 20 98, ingevoerd met nulrecht overeenkomstig Verordening (EG) nr. 1549/2004, vergezeld van het echtheidscertificaat nr. ..., opgesteld door [naam van de bevoegde instantie]
- *in Polish:* Ryż Basmati objęty kodem CN 1006 20 17 lub 1006 20 98, do którego przywiezienia zastosowano zerową stawkę celną zgodnie z rozporządzeniem (WE) nr 1549/2004, z załączonym do niego certyfikatem autentyczności nr ... sporządzonym przez [nazwa właściwego organu]

- *in Portuguese:* Arroz Basmati do código NC 1006 20 17 ou 1006 20 98 importado com direito nulo em aplicação do Regulamento (CE) n.º 1549/2004, acompanhado do certificado de autenticidade n.º ... estabelecido por [nome da autoridade competente]
- *in Slovak:* ryža Basmati s kódom KN 1006 20 17 alebo 1006 20 98 dovážaná s nulovou sadzbou cla v súlade s nariadením (ES) č. 1549/2004, sprevádzaná osvedčením o pravosti č. ... vystavenom [názov príslušného orgánu]
- *in Slovenian:* Riž basmati s kodo KN 1006 20 17 ali 1006 20 98, uvožen po stopnji nič ob uporabi Uredbe (ES) št. 1549/2004, s priloženo kopijo potrdila o pristnosti št. ..., ki ga je izdal [naziv pristojnega organa]
- *in Finnish:* Asetuksen (EY) N:o 1549/2004 mukaisesti tullivapaasti tuotu CN-koodiin 1006 20 17 tai 1006 20 98 kuuluva Basmati-riisi, jonka mukana on .....n [toimivaltaisen viranomaisen nimi] myöntämän aitoustodistuksen N:o ... jäljennös
- *in Swedish:* Basmatiris med KN-nummer 1006 20 17 eller 1006 20 98 som importeras tullfritt i enlighet med förordning (EG) nr 1549/2004, åtföljt av äkthetsintyg nr ... som utfärdats av [den behöriga myndighetens namn]

## ANNEX III

**Bodies authorised to issue the authenticity certificates referred to in Article 2(2)(b)**

INDIA	— Export Inspection Council (Ministry of Commerce, Government of India)
	— Directorate of Marketing and Inspection (Ministry of Agriculture and Rural Development)
PAKISTAN	Trading Corporation of Pakistan (Pvt) Ltd

## ANNEX IV

## Specimen authenticity certificate referred to in Article 3(1)

## MODEL B

1. Exporter (Name and full address)	<b>CERTIFICATE OF AUTHENTICITY B</b> <b>BASMATI RICE</b> for export to the European Community No <sup>(1)</sup> <b>ORIGINAL</b> issued by (Name and full address of issuing body)	
2. Consignee (Name and full address)		
	3. Country and place of cultivation	
	4. fob value in US dollars	
	5. No and date of invoice	
6. Marks and numbers — Number and kind of packages — Description of goods <sup>(2)</sup>		7. Gross weight (kg)
		8. Net weight (kg)
<b>9. DECLARATION BY EXPORTER</b>  The undersigned declares that the information shown above is correct.  Place and date: _____ Signature: _____		
<b>10. CERTIFICATION BY THE ISSUING BODY</b>  It is hereby certified that the rice described above is BASMATI RICE and that the information shown in this certificate is correct.  Place and date: _____ Signature: _____ Stamp: _____		
<b>11. CERTIFICATION BY COMPETENT CUSTOMS OFFICE OF COUNTRY OF EXPORT</b>  Customs formalities for export to the European Economic Community of the rice described above have been completed.  Type, No and date of export document: _____ Name and country of customs office: _____  Signature: _____ Stamp: _____		
<b>12. FOR COMPETENT AUTHORITIES IN THE COMMUNITY</b>		

<sup>(1)</sup> The number of the certificate of authenticity shall be a number of a continuous series given by the country delivering the certificate

<sup>(2)</sup> The operator shall specify

— for marks and numbers the reference and number of the batch,

— for number and kind of packages: the number and weight of packages,

— for the description of goods: the information on the rice, the CN code as well as the variety, which shall be one on the list of Annex I of Regulation (EC) No 1549/2004. The description of goods should correspond to the information included in the invoice, whose number and date is specified in Box 5.

(\*) This certificate is issued in conformity with the national legislation.

## ANNEX V

## Entries referred to in Article 4(1)(b)

- *in Spanish:* Arroz Basmati del código NC 1006 20 17 o 1006 20 98 importado con derecho cero en aplicación del Reglamento (CE) n° 1549/2004, acompañado del certificado de autenticidad n° ... expedido por [*nombre de la autoridad competente*]
- *in Czech:* rýže Basmati kódu KN 1006 20 17 nebo 1006 20 98, která se dováží za nulové clo na základě nařízení (ES) č. 1549/2004, a ke které se připojí osvědčení o pravosti č. ... vydané [*název příslušného subjektu*]
- *in Danish:* Basmati-ris henhørende under KN-kode 1006 20 17 eller 1006 20 98 importeres med nultold i henhold til forordning (EF) nr. 1549/2004, ledsaget af ægthedscertifikat nr. ... udstedt af [*den kompetente myndigheds navn*]
- *in German:* Basmati-Reis des KN-Codes 1006 20 17 oder 1006 20 98, eingeführt zum Zollsatz Null gemäß der Verordnung (EG) Nr. 1549/2004 und begleitet von einer Kopie des Echtheitszeugnisses Nr. ..., ausgestellt durch [*Name der zuständigen Behörde*]
- *in Estonian:* basmati riis CN-koodiga 1006 20 17 või 1006 20 98, mis on imporditud tollimaksu nullmääraga vastavalt määrusele (EÜ) nr 1549/2004 ning millega on kaasas [*pädeva asutuse nimi*] välja antud autentsussertifikaat nr ...
- *in Greek:* Ρύζι μπασμάτι του κωδικού 1006 20 17 ή 1006 20 98 εισαγόμενο με μηδενικό δασμό με εφαρμογή του κανονισμού (ΕΚ) αριθ. 1549/2004, συνοδευόμενο με αντίγραφο του πιστοποιητικού γνησιότητας αριθ. ... που εκδόθηκε από [*ονομασία της αρμόδιας αρχής*]
- *in English:* basmati rice falling within code of CN 1006 20 17 or 1006 20 98 and imported at a zero rate of duty under Regulation (EC) No 1549/2004, accompanied by authenticity certificate No ... drawn up by [*name of the competent authority*]
- *in French:* Riz Basmati du code NC 1006 20 17 ou 1006 20 98 importé à droit nul en application du règlement (CE) n° 1549/2004, accompagné d'une copie du certificat d'authenticité n° ... établi par [*nom de l'autorité compétente*]
- *in Italian:* Riso Basmati di cui al codice NC 1006 20 17 o 1006 20 98 importato a dazio zero ai sensi del regolamento (CE) n. 1549/2004, corredato di una copia del certificato di autenticità n. ... rilasciato da [*nome dell'autorità competente*]
- *in Latvian:* Basmati rīsi ar KN kodu 1006 20 17 vai 1006 20 98, ko importē bez ievadmuitas nodokļa saskaņā ar Regulu (EK) Nr. 1549/2004, kuriem pievienota autentiskuma apliecības Nr. ... kopija, ko izsniegusi [*kompetentās iestādes nosaukums*]
- *in Lithuanian:* Basmati ryžiai klasifikuojami KN kodu 1006 20 17 arba 1006 20 98, įvežti pagal nulinį muito mokestį pagal Reglamentą (EB) Nr. 1549/2004, prie kurio pridėta autentiškumo sertifikato Nr. ..., išduoto [*kompetentingos institucijos pavadinimas*], kopija.
- *in Hungarian:* az 1006 20 17 vagy az 1006 20 98 KN-kód alá sorolt, a 1549/2004/EK rendelet alkalmazásában nulla vámtétel mellett behozott basmati rizs, a [*illetékes hatóság neve*] által kiállított, ... számú eredetiségigazolással együtt
- *in Dutch:* Basmati-rijst van GN-code 1006 20 17 of 1006 20 98, ingevoerd met nulrecht overeenkomstig Verordening (EG) nr. 1549/2004, vergezeld van het echtheidscertificaat nr. ..., opgesteld door [*naam van de bevoegde instantie*]
- *in Polish:* Ryż Basmati objęty kodem CN 1006 20 17 lub 1006 20 98, do którego przywiezienia zastosowano zerową stawkę celną zgodnie z rozporządzeniem (WE) nr 1549/2004, z załączonym do niego certyfikatem autentyczności nr ... sporządzonym przez [*nazwa właściwego organu*]

- *in Portuguese*: Arroz Basmati do código NC 1006 20 17 ou 1006 20 98 importado com direito nulo em aplicação do Regulamento (CE) n.º 1549/2004, acompanhado de uma cópia do certificado de autenticidade n.º ... estabelecido por [nome da autoridade competente]
  - *in Slovak*: ryža Basmati s kódom KN 1006 20 17 alebo 1006 20 98 dovážaná s nulovou sadzbou cla v súlade s nariadením (ES) č. 1549/2004, sprevádzaná osvedčením o pravosti č. ... vystavenom [názov príslušného orgánu]
  - *in Slovenian*: Riž basmati s kodo KN 1006 20 17 ali 1006 20 98, uvožen po stopnji nič ob uporabi Uredbe (ES) št. 1549/2004, s priloženo kopijo potrdila o pristnosti št. ..., ki ga je izdal [naziv pristojnega organa]
  - *in Finnish*: Asetuksen (EY) N:o 1549/2004 mukaisesti tullivapaasti tuotu CN-koodiin 1006 20 17 tai 1006 20 98 kuuluva Basmati-riisi, jonka mukana on .....n [toimivaltaisen viranomaisen nimi] myöntämän aitoustodistuksen N:o ... jäljennös
  - *in Swedish*: Basmatiris med KN-nummer 1006 20 17 eller 1006 20 98 som importeras tullfritt i enlighet med förordning (EG) nr 1549/2004, åtföljt av äkthetsintyg nr ... som utfärdats av [den behöriga myndighetens namn]
-

## ANNEX VI

**Bodies authorised to conduct the variety tests referred to in Article 6**

## INDIA:

Export Inspection Council

Department of Commerce

Ministry of Commerce and Industry

3rd Floor

NDYMCA Cultural Central Bulk

1 Jaisingh Road

New Delhi 110 001

India

Tel.: +91-11/37 48 188/89, 336 55 40

Fax: +91-11/37 48 024

e-mail: eic@eicindia.org

## PAKISTAN:

Trading Corporation of Pakistan Limited

4th and 5th Floor,

Finance & Trade Centre,

Shahrah-e-Faisal,

Karachi 75530,

Pakistan

Tel.: +92-21/290 28 47

Fax: +92-21/920 27 22 & 920 27 31

---



**COMMISSION REGULATION (EC) No 1550/2004****of 30 August 2004****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 30 September 2004**

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>, and in particular the fifth indent of Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of

Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry<sup>(2)</sup> provides that these refunds shall be determined according to the refund fixed for white sugar.

- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each month.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 40,388 EUR/100 kg net for the period from 1 to 30 September 2004.

*Article 2*

This Regulation shall enter into force on 1 September 2004.

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

Done at Brussels, 30 August 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<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 178, 30.6.2001, p. 63.

## COMMISSION REGULATION (EC) No 1551/2004

of 30 August 2004

**fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip <sup>(1)</sup>, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan,

Morocco and the West Bank and the Gaza Strip <sup>(2)</sup>, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 31 August 2004.

It shall apply from 1 to 14 September 2004.

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

Done at Brussels, 30 August 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

<sup>(1)</sup> OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

<sup>(2)</sup> OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

## ANNEX

**to the Commission Regulation of 30 August 2004 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip**

(EUR/100 pieces)

Period: from 1 to 14 September 2004

Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	18,38	11,64	30,67	15,60
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	—	—	—	—
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

**of 23 July 2004**

**amending Decision 2003/804/EC as regards imports of live molluscs for human consumption**

*(notified under document number C(2004) 2613)*

**(Text with EEA relevance)**

**(2004/623/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

represent a low animal health risk, as these consignments are not for further growth, fattening, or relaying in Community waters.

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 20(1) and Article 21(2) thereof,

Whereas:

(1) Commission Decision 2003/804/EC of 14 November 2003 laying down the animal health conditions and certification requirements for imports of molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption<sup>(2)</sup>, sets out the specific animal health conditions for imports of live molluscs into the Community from third countries.

(2) It is necessary to take into consideration that imports of small quantities of molluscs, often high-value products, directly for retail sale to supermarkets or restaurants, may

(3) The requirements laid down in Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs<sup>(3)</sup>, and Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products<sup>(4)</sup>, give the appropriate level of protection as regards live molluscs packed in packages of a size suitable for retail sale to restaurants or directly to the consumer, provided the molluscs do not come in contact with Community waters. Additional animal health certification for such consignments should not be necessary.

(4) It is further necessary to take into consideration the possibility that imports of live molluscs, which would not fully comply with the requirements laid down in Article 3 of Decision 2003/804/EC for situations where the molluscs are bound for further processing, could be channelled to import centres approved according to Article 8 of Decision 2003/804/EC, and packed in packages of a size suitable for retail sale to restaurants or directly to the consumer. In such situations, the imported molluscs will not come in direct contact with natural waters in the Community.

<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, 20.11.2003, p. 22. Decision as amended by Decision 2004/319/EC (OJ L 102, 7.4.2004, p. 73).

<sup>(3)</sup> OJ L 268, 24.9.1991, p. 1. Directive as last amended by Regulation (EC) No 806/2003.

<sup>(4)</sup> OJ L 268, 24.9.1991, p. 15. Directive as last amended by Regulation (EC) No 806/2003.

- (5) Live bivalve molluscs should be treated as live aquatic animals where they are for further breeding and production, but they may also be considered as products where they are for immediate human consumption, except that they are transported in the live state to preserve freshness. However, as regards veterinary checks, all live bivalve molluscs should be examined in facilities approved to handle products of animal origin, which are more appropriate for handling such consignments.
- (6) Live bivalve molluscs imported from third countries should therefore be subject to veterinary checks according 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>.
- (7) Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community<sup>(2)</sup>, has replaced Commission Decision 92/527/EC<sup>(3)</sup>. Where live bivalve molluscs are destined for breeding or production the control procedure in Article 8 of Directive 97/78/EC should be used and the common veterinary entry document in Regulation (EC) No 282/2004 completed accordingly by the official veterinarian.
- (8) Where live bivalve molluscs are imported and intended for human consumption the common veterinary entry document set down in Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down the procedures for the veterinary checks at Community border inspection posts on products imported from third countries<sup>(4)</sup> should be used and completed accordingly by the official veterinarian.
- (9) In order not to interrupt imports unnecessarily, taking into account the low animal health risk such consignments represent, the control procedures laid down in Article 6 of Decision 2003/804/EC should be amended accordingly, and Annex IV deleted.
- (10) 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*

Decision 2003/804/EC is amended as follows:

1. Article 4 is replaced by the following:

#### *'Article 4*

#### **Conditions related to the importation of live molluscs intended for human consumption**

1. Member States shall authorise the importation into their territory of live molluscs intended for further processing before human consumption only if the consignment:

- (a) complies with the conditions laid down in Article 3(1); or
- (b) is sent directly to an approved import centre for further processing.

2. Member States shall authorise the importation into their territory of live molluscs intended for immediate human consumption only if the molluscs originate in third countries and establishments authorised under Article 9 of Directive 91/492/EEC and Article 11 of Directive 91/493/EEC and comply with the public health certification requirements laid down under those Directives; and

*either*

- (a) the consignment consists of molluscs packed in packages of a size suitable for retail sale to restaurants or directly to the consumer; and the packages are clearly labelled with the following text "*Live molluscs for immediate human consumption. Not to be relayed in Community waters.*";

*or*

- (b) the consignment is sent directly to an approved import centre where the molluscs are further processed. However, viable molluscs can only leave such premises if they are packaged and labelled as required in (a) above.'

2. Article 6 is replaced by the following:

#### *'Article 6*

#### **Control procedures**

1. Live bivalve molluscs imported from third countries shall be subject to veterinary checks at the border inspection post in the Member State of arrival according to Article 8 of Directive 97/78/EC.

<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 49, 19.2.2004, p. 11. Regulation as amended by Regulation (EC) No 585/2004 (OJ L 91, 30.3.2004, p. 17).

<sup>(3)</sup> OJ L 332, 18.11.1992, p. 22.

<sup>(4)</sup> DO OJ L 21, 28.1.2004, p. 11.

2. In the case of live molluscs, their eggs and gametes, imported into the Community for the purpose of further growth, fattening or relaying, the common veterinary entry document provided for in Regulation (EC) No 282/2004 shall be completed accordingly.

3. In the case of live molluscs imported into the Community for immediate human consumption or for the purpose of further processing before human consumption, the common veterinary entry document provided for in Regulation (EC) No 136/2004 shall be completed accordingly.'

3. Annex II is replaced by the Annex to this Decision.

4. Annex IV is deleted.

5. Annex V(A)(2) is replaced by:

- '2. Viable molluscs may only leave approved import centres if they are packaged and labelled according to Article 4(2)(a) of this Decision.'

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 23 July 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

## 'ANNEX II

**Model animal health certificate for the importation into the European Community (EC) of [live molluscs, eggs and gametes for further growth, fattening or relaying] <sup>(1)</sup> [live molluscs for further processing before human consumption] <sup>(1)</sup>**

*Note for the importer: This certificate is only for veterinary purposes and has, in its original, to accompany the consignment until it reaches the border inspection post*

Reference code No

ORIGINAL

Reference code No of public health certificate (where relevant)

<b>1. Exporting country and authorities involved</b> 1.1. Exporting country: ..... ..... 1.2. Competent authority: ..... ..... 1.3. Competent issuing authority: ..... .....		<b>4. Destination of the consignment</b> 4.1. Member State: ..... ..... [4.2. Zone or part <sup>(3)</sup> of the Member State: ..... ] <sup>(1)</sup> ..... [4.3. Farm, name: ..... ] <sup>(1)</sup> ..... 4.4. Address: ..... ..... 4.5. Name, address and phone number of the consignee: ..... ..... .....			
<b>2. Place of origin of the consignment</b> 2.1. Code of territory of origin <sup>(2)</sup> : ..... ..... [2.2. Farm of origin, name: ..... ] <sup>(1)</sup> ..... [2.3. Address or location of farm: ..... ] <sup>(1)</sup> ..... 2.4. Name, address and phone number of the consignor: ..... ..... .....		<b>5. Means of transport and consignment identification <sup>(4)</sup></b> 5.1. [Lorry] <sup>(1)</sup> [Rail-wagon] <sup>(1)</sup> [Ship] <sup>(1)</sup> [Aircraft] <sup>(1)</sup> : ..... ..... 5.2. [Registration number(s)] <sup>(1)</sup> [Ship name] <sup>(1)</sup> [Flight number] <sup>(1)</sup> : ..... ..... 5.3. Consignment identification details: ..... ..... ..... .....			
<b>3. Place of harvest (if different from place of origin)</b> 3.1. Country: ..... ..... 3.2. Code of territory of harvest <sup>(2)</sup> : ..... ..... [3.3. Farm of harvest, name: ..... ] <sup>(1)</sup> ..... [3.4. Address or location of farm: ..... ] <sup>(1)</sup> .....					
<b>6. Description of the consignment</b> <input type="checkbox"/> Farmed stocks <input type="checkbox"/> Harvested natural beds <input type="checkbox"/> Gametes <input type="checkbox"/> Eggs <input type="checkbox"/> Larvae					
Mollusc species		Total weight (kg) of molluscs	[Volume of eggs] <sup>(1)</sup> [Volume of gametes] <sup>(1)</sup>	[Number of molluscs] <sup>(1)</sup> [Mean size of molluscs (cm)] <sup>(1)</sup>	Age of live molluscs
Scientific name:	Common name:				
					<input type="checkbox"/> > 24 months <input type="checkbox"/> 12-24 months <input type="checkbox"/> 0-11 months; <input type="checkbox"/> unknown

Reference code No

ORIGINAL

**7. Animal health attestation for importation of<sup>(1)</sup> [live molluscs, their eggs and gametes for further growth or fattening or relaying]<sup>(1)</sup> [live molluscs for further processing before human consumption]**

I, the undersigned official inspector, hereby certify that the live molluscs, their eggs or gametes referred to in point 6 of this certificate fulfil the following requirements:

**7.1. either:**

<sup>(1)</sup> [They originate from, and are harvested in, the territory<sup>(2)</sup> with the code: .....]

- (a) where all farms rearing live molluscs, their eggs or gametes are officially registered by the competent authority;
- (b) where all farms rearing live molluscs, their eggs or gametes keep an updated record open to scrutiny by the official service at all time of: observed abnormal mortality<sup>(3)</sup>; and of all the live molluscs, eggs and gametes entering the farm and leaving the farm for introduction into other farms or waters and all information relating to their delivery and dispatch, their number or weight, their size, their origin, their suppliers and their destination<sup>(6)</sup>;
- (c) which during the last two years have been considered free from bonamiosis (*Bonamia exitiosa* and *Mikrocytos roughleyi*); marteiliosis (*Marteilia sydneyi*); microcitosis (*Mikrocytos mackini*); perkinsosis (*Perkinsus marinus* and *P. olsenii/atlanticus*); haplosporidiosis (*Haplosporidium nelsoni* y *H. costale*) and withering syndrome (*Candidatus Xenohaliotis californiensis*);
- (d) which is subject to a risk based health monitoring and sampling programme, put in place, or officially recognised, by the competent authority, carried out in order to detect abnormal mortality<sup>(5)</sup> and keep track of the health situation of the susceptible<sup>(7)</sup> stocks, in particular as regards bonamiosis (*Bonamia ostreae*, *B. exitiosa* and *Mikrocytos roughleyi*); marteiliosis (*Marteilia refringens* and *Marteilia sydneyi*); mikrocitosis (*Mikrocytos mackini*); perkinsosis (*Perkinsus marinus* and *P. olsenii/atlanticus*); haplosporidiosis (*Haplosporidium nelsoni* and *H. costale*) and withering syndrome (*Candidatus Xenohaliotis californiensis*);
- (e) where all farms rearing live molluscs, their eggs or gametes have to notify as soon as possible to the competent authority any abnormal mortality<sup>(5)</sup> and suspicion of the diseases above;
- (f) subject to appropriate disease control measures as necessary and at least equivalent to those required in Directives 91/67/EEC and 95/70/EC, and as regards sampling and testing for monitoring and in case of suspicion of disease, including abnormal mortality<sup>(5)</sup>, Decision 2002/878/EC; in cases where sampling and testing methods are not established in the Community legislation, the methods are those laid down in the relevant chapters of the OIE<sup>(8)</sup>, Manual of Diagnostic Tests for Aquatic Animals, Fourth edition, 2003;
- (g) where all farms rearing live molluscs, their eggs or gametes have had no unexplained abnormal mortality<sup>(5)</sup> or abnormal mortality<sup>(5)</sup> caused by a pathogen during the last two years prior to shipment;
- (h) where all farms rearing live molluscs, their eggs or gametes have not, during the last two years prior to shipment introduced live molluscs, eggs or gametes with a lower health status;
- (i) where there are, on the day of loading, no abnormal mortality<sup>(5)</sup> and no suspicion of the presence of any of the disease listed in point 7.1(d) of this certificate, and];

or

<sup>(1)</sup> [They originate from, and are harvested in, the territory<sup>(2)</sup> with the code: .....<sup>(1)</sup> and:

- (a) they originate and are harvested in a designated farm, or a farm that is not connected with coastal or estuarial waters, and does not contain any molluscs, eggs or gametes thereof, of the species referred to as susceptible to the following diseases: bonamiosis (*Bonamia exitiosa* and *Mikrocytos roughleyi*); marteiliosis (*Marteilia sydneyi*); mikrocitosis (*Mikrocytos mackini*); perkinsosis (*Perkinsus marinus* and *P. olsenii/atlanticus*); haplosporidiosis (*Haplosporidium nelsoni* and *H. costale*) and withering syndrome (*Candidatus Xenohaliotis californiensis*);
- (b) the farm is officially registered by the competent authority,
- (c) the farm keeps an updated record open to scrutiny by the official service at all time of: observed abnormal mortality<sup>(5)</sup>; and of all the live molluscs, eggs and gametes entering the farm and leaving the farm for introduction into other farms or waters and all information relating to their delivery and dispatch, their number or weight, their size, their source, their suppliers and their destination<sup>(6)</sup>, and
- (d) the farm has have to notify as soon as possible to the competent authority any abnormal mortality<sup>(5)</sup> and suspicion of the diseases referred to above, and]



Reference code No

ORIGINAL

7.2. they:

- (a) have not, since the time of harvest, been in contact with other live molluscs, their eggs or gametes of a lower health status;
- (b) are not intended for destruction or slaughter for the eradication of any of the diseases bonamiosis (*Bonamia ostreae*, *B. exitiosa* and *Mikrocytos roughleyi*); marteiliosis (*Marteilia refringens* and *Marteilia sydneyi*); mikrocytosis (*Mikrocytos mackini*); perkinsosis (*Perkinsus marinus* and *P. olseni/atlanticus*); haplosporidiosis (*Haplosporidium nelsoni* and *H. costale*) and withering syndrome (*Candidatus Xenohaliotis californiensis*), or due to abnormal mortality<sup>(5)</sup> caused by any other pathogen;
- (c) showed no clinical signs of disease on the day of loading, including abnormal mortality<sup>(5)</sup>;
- <sup>(1)(8)</sup> [(d) were subject to an individual visual check of at least 1 000 molluscs randomly selected from each part of the consignment having a different origin, and no mollusc species other than those specified in point 6 of this certificate were detected].

<sup>(10)</sup> [8. **Specific animal health requirements as regards *Bonamia ostreae* and *Marteilia refringens***

I, the undersigned official inspector, hereby certify that the live molluscs, or the eggs or gametes, referred to in point 6 of this certificate, originate from a territory that, in addition to the guarantees given in point 7 of this certificate is approved by the central competent authority as having a health status equivalent to the status of those farms and zones with approved status<sup>(11)</sup> or approved programme<sup>(11)</sup> in the Community or in accordance with the relevant chapters of the most recent edition of the OIE<sup>(8)</sup> International Aquatic Animal Health Code, with regard to [*Bonamia ostreae*]<sup>(1)</sup> [and]<sup>(1)</sup> [*Marteilia refringens*]<sup>(1)</sup> — as they originate from:

either

- <sup>(1)</sup> [ [a coastal zone in which all farms and harvested natural beds
  - are under the supervision of the competent authority,
  - are subject to health inspections, carried out at intervals adapted to the development of [*Bonamia ostreae*]<sup>(1)</sup> [and]<sup>(1)</sup> [*Marteilia refringens*]<sup>(1)</sup> and samples are taken and examined for these pathogens with a negative result by an officially authorised laboratory in accordance with the procedures laid down in the OIE<sup>(8)</sup>, Manual of Diagnostic Tests for Aquatic Animals, Fourth Edition, 2003, Chapters: 1.1.4, 3.1.1 and 3.1.3 and
  - for at least two years have been free of clinical and other signs of [*Bonamia ostreae*]<sup>(1)</sup> [and]<sup>(1)</sup> [*Marteilia refringens*]<sup>(1)</sup>];

or [a designated farm, where the water is supplied by means of a system which ensures also the complete inactivation of [*Bonamia ostreae*]<sup>(1)</sup> [and]<sup>(1)</sup> [*Marteilia refringens*]<sup>(1)</sup>; and

- is under the supervision of the competent authority,
- is subject to health inspections, carried out at intervals adapted to the development of [*Bonamia ostreae*]<sup>(1)</sup> [and]<sup>(1)</sup> [*Marteilia refringens*]<sup>(1)</sup> and samples are taken and examined for these pathogens with a negative result by an officially authorised laboratory in accordance with the procedures laid down in the OIE<sup>(8)</sup> Manual of Diagnostic Tests for Aquatic Animals, Fourth Edition, 2003, Chapters: 1.1.4; 3.1.1; and 3.1.3; and
- since at least two years have been free of clinical and other signs of [*Bonamia ostreae*]<sup>(1)</sup> [and]<sup>(1)</sup> [*Marteilia refringens*]<sup>(1)</sup>];

or

- <sup>(1)</sup> [a farm that is not connected with coastal or estuarial waters and does not contain any molluscs of the species referred to as susceptible<sup>(7)</sup> to [*Bonamia ostreae*]<sup>(1)</sup> [and]<sup>(1)</sup> [*Marteilia refringens*]<sup>(1)</sup>.]

Reference Code No

ORIGINAL

**9. Transport requirements**

Furthermore, they:

- are transported under conditions that do not alter their health status, and
- have been placed in sealed watertight containers which were cleaned and disinfected beforehand using an authorised disinfectant and which bear on the exterior a legible label with the relevant<sup>(12)</sup> information referred to at points 1, 2, 3 and 4 of this certificate and with the following statement:

either:

"[Live molluscs]<sup>(1)</sup> [and]<sup>(1)</sup> [eggs]<sup>(1)</sup> [and]<sup>(1)</sup> [gametes]<sup>(1)</sup> intended for further growth, fattening or relaying in EC coastal zones and farms without a Community approved programme or status, with regard to *Bonamia ostreae* and *Marteilia refringens*";

or:

"[Live molluscs]<sup>(1)</sup> [and]<sup>(1)</sup> [eggs]<sup>(1)</sup> [and]<sup>(1)</sup> [gametes]<sup>(1)</sup> intended for further growth, fattening or relaying in EC coastal zones and farms with a Community approved programme or status, with regard to *Bonamia ostreae*<sup>(1)</sup> [and]<sup>(1)</sup> *Marteilia refringens*<sup>(1)</sup>";

or:

"Live molluscs intended for further processing in EC establishments not located in Community territory with approved programme or status with regard to *Bonamia ostreae*<sup>(1)</sup> [and]<sup>(1)</sup> *Marteilia refringens*<sup>(1)</sup>".

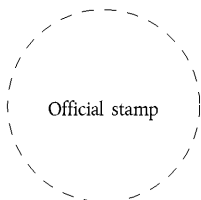
or:

"Live molluscs intended for further processing in EC establishments located in Community territory with approved programme or status with regard to *Bonamia ostreae*<sup>(1)</sup> [and]<sup>(1)</sup> *Marteilia refringens*<sup>(1)</sup>".

or:

"Live molluscs intended for further processing in approved import centres in the Community"<sup>(1)</sup>.

Done at....., on.....  
(Place) (Date)



.....  
(Signature of official inspector)

.....  
(Name in capital letter, qualifications and title)

Reference Code No

ORIGINAL

*Indicative notes*

- (1) Retain as appropriate.
- (2) Territory (a whole country, a coastal zone, a farming area or a harvested natural bed) and code of territory as appearing in Annex I to Decision 2003/804/EC.
- (3) Specify as applicable: zone and/or farming areas, harvested natural beds, dispatch centres, purification centres or storage tanks, or in case of import for further processing before human consumption, establishment.
- (4) The registration number(s) of rail-wagon or lorry or the name of the ship should be given as appropriate. If known, the flight number of the aircraft shall be specified. In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, shall be indicated under point 5.3.
- (5) As laid down in Article 2.2 of Council Directive 95/70/EC.
- (6) As applicable.
- (7) Known susceptible species, see table below.

Disease	Pathogen	Susceptible host species (*)
Bonamiosis	<i>Bonamia exitiosa</i>	<i>Tiostrea chilensis</i> and <i>Ostrea angasi</i>
	<i>Mikrocytos roughleyi</i>	<i>Saccostrea (commercialis) glomerata</i>
Marteiliosis	<i>Marteilia sydneyi</i>	<i>Saccostrea (commercialis) glomerata</i>
Microcytosis	<i>Mikrocytos mackini</i>	<i>Crassostrea gigas</i> ; <i>C. virginica</i> ; <i>Ostrea edulis</i> ; <i>O. conchaphila</i>
Perkinsosis	<i>Perkinsus marinus</i>	<i>Crassostrea virginica</i> and <i>C. gigas</i>
	<i>Perkinsus olseni/atlanticus</i>	<i>Haliotis ruber</i> , <i>H. cyclobates</i> ; <i>H. scalaris</i> ; <i>H. laevigata</i> ; <i>Ruditapes philippinarum</i> and <i>R. decussatus</i>
MSX disease	<i>Haplosporidium nelsoni</i>	<i>Crassostrea virginica</i> and <i>C. gigas</i>
SSO disease	<i>Haplosporidium costale</i>	<i>Crassostrea virginica</i>
Withering syndrome of abalones	<i>Candidatus Xenohaliotis californiensis</i>	Members of the genus <i>Haliotis</i> including black abalone ( <i>H. cracherodii</i> ), red abalone ( <i>H. rufescens</i> ), pink abalone ( <i>H. corrugata</i> ), green abalone ( <i>H. fulgens</i> ) and white abalone ( <i>H. sorenseni</i> ).

(\*) And any other species referred to in the most recent edition of the OIE International Aquatic Animal Health Code as being susceptible for the pathogen/disease in question.

- (8) World Organisation for Animal Health.
- (9) Only applicable to live molluscs for further growth, fattening or relaying. For consignments smaller than 1 000 molluscs, all molluscs shall be visually inspected.
- (10) Specific requirements needed in the case of exports to farms or zones within the EC with a Community approved programme or status for:
- *Bonamia ostreae*, except for the following species (\*\*): *Crassostrea gigas*, *Mytilus edulis*, *M. galloprovincialis*, *Ruditapes decussatus* and *Ruditapes philippinarum*
  - *Marteilia refringens*, except for the following species (\*\*): *Crassostrea gigas*.
- (\*\*) In accordance with Commission Decision 2003/390/EC.
- (11) As laid down in Council Directive 91/67/EEC.
- (12) Country and territory of origin (code) and of destination.'

## COMMISSION DECISION

of 19 August 2004

**amending Decision 1999/815/EC concerning measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing certain phthalates***(notified under document number C(2004) 3071)***(Text with EEA relevance)**

(2004/624/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to European Parliament and Council Directive 2001/95/EC of 3 December 2001 on General Product Safety<sup>(1)</sup>, and in particular Article 13(2) thereof,

Whereas:

- (1) The Commission adopted, on 7 December 1999, Decision 1999/815/EC<sup>(2)</sup> based on Article 9 of Directive 92/59/EEC<sup>(3)</sup>, requiring the Member States to prohibit the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age, made of soft PVC containing one or more of the substances di-iso-nonyl phthalate (DINP), di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), di-iso-decyl phthalate (DIDP), di-n-octyl phthalate (DNOP), and butylbenzyl phthalate (BBP).
- (2) The validity of Decision 1999/815/EC was limited to three months, in accordance with the provision of Article 11(2) of Directive 92/59/EEC. Therefore, the validity of the Decision was to expire on 8 March 2000.
- (3) When adopting Decision 1999/815/EC it was foreseen to prolong its validity if necessary. The validity of the measures adopted under Decision 1999/815/EC was prolonged under several Decisions for an additional period of three months each time, and last time for an additional period of six months, and is now to expire on 20 August 2004.
- (4) Some relevant developments have taken place concerning the validation of phthalates migration test methods, the assessment of the safety of substitute substances and the comprehensive risk assessment of these phthalates under Council Regulation (EEC) No 793/93 of 23 March 1993

on the evaluation and control of the risks of existing substances<sup>(4)</sup>. Parliament and Council are considering permanent measures to deal with the risks posed by the products in question, but more time is needed to complete deliberations on the subject, in particular in order to take into account all the new scientific developments.

- (5) Pending the adoption by the Parliament and Council of permanent measures, and in order to guarantee the objectives of Decision 1999/815/EC and its prolongations, it is necessary to maintain the prohibition of the placing on the market of the products considered.
- (6) Certain Member States have implemented Decision 1999/815/EC by measures applicable until 20 August 2004. Therefore it is necessary to ensure that the validity of these measures is prolonged.
- (7) It is therefore necessary to prolong the validity of Decision 1999/815/EC in order to ensure that all the Member States maintain the prohibition provided for by that Decision.
- (8) Article 13(2) of Directive 2001/95/EC, which has repealed and replaced Directive 92/59/EC from 15 January 2004, states that Commission decisions requiring Member States to take measures to prevent serious risks posed by certain products shall be valid for periods not exceeding one year and may be confirmed for additional periods none of which shall exceed one year. It is appropriate to prolong the validity of Decision 1999/815/EC for a period of three months, in order to allow sufficient time for making progress with the permanent measures referred to in recital 4, while ensuring the possibility of re-examining in due time the duration of the validity of the Decision.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 15 of Directive 2001/95/EC,

<sup>(1)</sup> OJ L 11, 15.1.2002, p. 4.

<sup>(2)</sup> OJ L 315, 9.12.1999, p. 46. Decision as last amended by Decision 2004/178/EC (OJ L 55, 24.2.2004, p. 66).

<sup>(3)</sup> OJ L 228, 11.8.1992, p. 24. 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).

<sup>(4)</sup> OJ L 84, 5.4.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003.

HAS ADOPTED THIS DECISION:

*Article 3*

*Article 1*

This Decision is addressed to the Member States.

In Article 5 of Decision 1999/815/EC the words '20 August 2004' are replaced by the words '20 November 2004'.

Done at Brussels, 19 August 2004.

*Article 2*

Member States shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

*For the Commission*

David BYRNE

*Member of the Commission*

---

## COMMISSION DECISION

of 26 August 2004

**amending Decision 2003/526/EC as regards the termination of the classical swine fever control measures applied in Saarland, Germany and the enlargement of the area of Slovakia where the classical swine fever control measures apply**

(Notified under document number C(2004) 3241)

(Text with EEA relevance)

(2004/625/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Annex to Decision 2003/526/EC is amended as follows:

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market<sup>(1)</sup> and in particular Article 10(4) thereof,

1. in part I, point 1. Germany, the paragraph C. Saarland is deleted;

2. the text of part II is replaced by the following text:

Whereas:

**‘Areas of Slovakia referred to in Articles 2, 3, 5, 7 and 8:**

(1) In response to classical swine fever in certain Member States, the Commission has adopted, *inter alia*, Decision 2003/526/EC of 18 July 2003 concerning protection measures relating to classical swine fever in certain Member States<sup>(2)</sup> which established certain additional disease control measures.

The District Veterinary and Food Administrations (DVFA) of Trnava (comprising Piešťany, Hlohovec and Trnava districts); Levice (comprising Levice district); Nitra (comprising Nitra and Zlaté Moravce districts); Topoľčany (comprising Topoľčany district); Nové Mesto nad Váhom (comprising Nové Mesto nad Váhom district); Trenčín (comprising Trenčín and Bánovce nad Bebravou districts); Prievidza (comprising Prievidza and Partizánske districts); Púchov (comprising Púchov and Ilava districts); Žiar nad Hronom (comprising Žiar nad Hronom, Žarnovica and Banská Štiavnica districts); Zvolen (comprising Zvolen and Detva districts); Banská Bystrica (comprising Banská Bystrica and Brezno districts); Lučenec (comprising Lučenec and Poltár districts).’

(2) The classical swine fever situation in Saarland, Germany, has largely improved. Therefore the measures adopted by Decision 2003/526/EC in relation with Saarland should no longer apply.

(3) In Slovakia, a case of classical swine fever has been recently detected in feral pigs in the District of Lučenec, which previously was not concerned by the disease.

*Article 2*

This Decision is addressed to the Member States.

(4) Decision 2003/526/EC should therefore be amended accordingly.

Done at Brussels, 26 August 2004.

(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,

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

<sup>(2)</sup> OJ L 183, 22.7.2003, p. 46. Decision as last amended by Decision 2004/375/EC (OJ L 118, 23.4.2004, p. 72).