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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1644/2004 of 20 September 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 1645/2004 of 20 September 2004 amending Regulation (EC) No 2287/2003 as concerns fishing opportunities for capelin in Greenland waters 3**

★ **Commission Regulation (EC) No 1646/2004 of 20 September 2004 amending Annex I to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾ 5**

Commission Regulation (EC) No 1647/2004 of 20 September 2004 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia 10

Commission Regulation (EC) No 1648/2004 of 20 September 2004 amending the import duties in the cereals sector applicable from 21 September 2004 12

Commission Regulation (EC) No 1649/2004 of 20 September 2004 determining the world market price for unginned cotton 15

II Acts whose publication is not obligatory

Council

2004/644/EC:

★ **Council Decision of 13 September 2004 adopting implementing rules concerning Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data 16**

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

Commission

2004/645/EC:

★ **Commission Recommendation of 16 September 2004 on the implementation by the consular offices of the Member States of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People’s Republic of China on visa and related issues concerning tourist groups from the People’s Republic of China (ADS) (notified under document number C(2004) 2886)** 23

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1644/2004
of 20 September 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 21 September 2004.

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

Done at Brussels, 20 September 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

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

ANNEX

to Commission Regulation of 20 September 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	34,1
	999	34,1
0707 00 05	052	81,1
	096	12,9
	999	47,0
0709 90 70	052	91,7
	999	91,7
0805 50 10	382	67,7
	388	55,9
	508	37,1
	524	39,7
	528	51,6
	999	50,4
0806 10 10	052	87,8
	220	121,0
	400	170,3
	624	146,2
	999	131,3
0808 10 20, 0808 10 50, 0808 10 90	388	87,4
	400	92,4
	508	68,9
	512	106,1
	528	86,4
	800	177,0
	804	93,0
0808 20 50	999	101,6
	052	102,7
	388	79,0
0809 30 10, 0809 30 90	999	90,9
	052	117,7
	999	117,7
0809 40 05	066	82,3
	094	29,3
	624	117,4
	999	76,3

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

COMMISSION REGULATION (EC) No 1645/2004
of 20 September 2004
amending Regulation (EC) No 2287/2003 as concerns fishing opportunities for capelin in Greenland waters

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 ⁽¹⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) The Community's fishing opportunities for capelin in zones V and XIV (Greenland waters) for 2004 are laid down provisionally in Annex IC to Regulation (EC) No 2287/2003.
- (2) Under the Fourth Protocol laying down the conditions relating to fishing provided for in the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and Home Rule Government of Greenland, on the other ⁽²⁾, the Community receives 7,7 % of the of the total allowable catch (TAC) for capelin in zones V and XIV (Greenland waters), which corresponds to 70 % of the Greenland share of the TAC.
- (3) By letter of 9 July 2004, the Greenland authorities informed the Commission that the TAC for capelin for 2004 has been fixed at 335 000 tonnes. The final fishing opportunities for capelin for the Community during 2004 should therefore be fixed at 25 795 tonnes in zones V and XIV (Greenland waters).

- (4) The reduction of the TAC should not lead to the result that catches legally taken before the entry into force of the present Regulation are liable to quota deductions under Article 23 (1) of Council Regulation (EEC) No 2847/93 ⁽³⁾, Article 5 of Council Regulation (EC) No 847/96 ⁽⁴⁾ or Article 26 of Council Regulation (EC) No 2371/2002 ⁽⁵⁾.

- (5) Regulation (EC) No 2287/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IC to Regulation (EC) No 2287/2003 is amended in accordance with the Annex to this Regulation.

Article 2

Article 23(1) of Regulation (EEC) No 2847/93, Article 5 of Regulation (EC) No 847/96 and Article 26 of Regulation (EC) No 2371/2002 shall not apply to catches of capelin taken in zone V and XIV (Greenland waters) before the entry into force of this Regulation which are in excess of the quota determined in Annex IC to Regulation (EC) No 2287/2003 as amended by this Regulation.

Article 3

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

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

Done at Brussels, 20 September 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 209, 2.8.2001, p. 2. Protocol as amended by Protocol (OJ L 237, 8.7.2004, p.1).

⁽³⁾ 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).

⁽⁴⁾ OJ L 115, 9.5.1996, p. 3.

⁽⁵⁾ OJ L 358, 31.12.2002, p. 59.

ANNEX

In Annex IC to Regulation (EC) No 2287/2003, the entry concerning the species Capelin in zones V and XIV (Greenland waters) is replaced by the following:

Species: Capelin <i>Mallotus villosus</i>		Zone: V, XIV (Greenland waters) CAP/514/GRN	
All Member States		0 ⁽¹⁾	
EC		25 795 ⁽²⁾	
TAC		Not relevant	

⁽¹⁾ Available to all Member States.

⁽²⁾ This quota is entirely allocated to the Faeroe Islands, Iceland and Norway through bilateral fisheries agreements.'

COMMISSION REGULATION (EC) No 1646/2004

of 20 September 2004

amending Annex I to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin⁽¹⁾, and in particular Articles 6, 7 and 8 thereof;

Whereas:

- (1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals.
- (2) Maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs.
- (3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue).
- (4) In view of the reduced availability of veterinary medicinal products for certain food-producing species⁽²⁾, maximum residue limits may be established by methods of extrapolation from maximum residue limits set for other species on a strictly scientific basis.

- (5) For the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues.
- (6) In the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey.
- (7) Albendazole, Febantel, Fenbendazole, Oxfendazole, Thiabendazole, Oxytetracycline, Amitraz, Cypermethrin, Deltamethrin and Dexamethasone should be inserted into Annex I to Regulation (EEC) No 2377/90;
- (8) An adequate period should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Directive 2001/82/EC⁽³⁾ of the European Parliament and of the Council to take account of the provisions of this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products.

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

Annex I to Regulation (EEC) No 2377/90 is hereby amended as set out in the Annex hereto.

Article 2

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

It shall apply from the sixtieth day following its publication.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 1101/2004 (OJ L 211, 12.6.2004, p. 3).

⁽²⁾ Availability of veterinary medicinal products Communication from the Commission to the Council and the European Parliament COM(2000) 806 final.

⁽³⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

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

Done at Brussels, 20 September 2004.

For the Commission
Olli REHN
Member of the Commission

ANNEX

The following substance(s) is(are) inserted in Annex I:

2. Antiparasitic agents
- 2.1. Agents acting against endoparasites
- 2.1.3. Benzimidazoles and pro-benzimidazoles

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Albendazole	Sum of albendazole sulphoxide, albendazole sulphone, and albendazole 2-amino sulphone, expressed as albendazole	All ruminants	100 µg/kg 100 µg/kg 1 000 µg/kg 500 µg/kg 100 µg/kg	Muscle Fat Liver Kidney Milk
Febantel	Sum of extractable residues which may be oxidised to oxfendazole sulphone	All ruminants	50 µg/kg 50 µg/kg 500 µg/kg 50 µg/kg 10 µg/kg	Muscle Fat Liver Kidney Milk
Fenbendazole	Sum of extractable residues which may be oxidised to oxfendazole sulphone	All ruminants	50 µg/kg 50 µg/kg 500 µg/kg 50 µg/kg 10 µg/kg	Muscle Fat Liver Kidney Milk
Oxfendazole	Sum of extractable residues which may be oxidised to oxfendazole sulphone	All ruminants	50 µg/kg 50 µg/kg 500 µg/kg 50 µg/kg 10 µg/kg	Muscle Fat Liver Kidney Milk
Thiabendazole	Sum of thiabendazole and 5-hydroxythiabendazole	Caprine	100 µg/kg 100 µg/kg 100 µg/kg 100 µg/kg 100 µg/kg	Muscle Fat Liver Kidney Milk'

2.1.4. Phenol derivatives including salicylanides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Oxyclozanide	Oxyclozanide	All ruminants	20 µg/kg 20 µg/kg 500 µg/kg 100 µg/kg 10 µg/kg	Muscle Fat Liver Kidney Milk'

2.2. Agents acting against ectoparasites

2.2.2. Formamidines

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Amitraz	Sum of amitraz and all metabolites containing the 2,4-dimethylaniline moiety, expressed as amitraz	Caprine	200 µg/kg 100 µg/kg 200 µg/kg 10 µg/kg	Fat Liver Kidney Milk'

2.2.3. Pyrethroids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Cypermethrin	Cypermethrin (sum of isomers)	All ruminants	20 µg/kg 200 µg/kg 20 µg/kg 20 µg/kg 20 µg/kg	Muscle Fat Liver Kidney Milk (')
Deltamethrin	Deltamethrin	All ruminants	10 µg/kg 50 µg/kg 10 µg/kg 10 µg/kg 20 µg/kg	Muscle Fat Liver Kidney Milk

(*) Further provisions in Commission Directive 98/82/EC are to be observed (OJ L290, 29.10.1998, p. 25).'

5. Corticoids
5.1. Glucocorticoids

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
Dexamethasone	Dexamethasone	Caprine	0,75 µg/kg 2 µg/kg 0,75 µg/kg 0,3 µg/kg	Muscle Liver Kidney Milk*

COMMISSION REGULATION (EC) No 1647/2004**of 20 September 2004****on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽⁴⁾,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,*Article 1*Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽²⁾,

The following Member States shall issue on 21 September 2004 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) ⁽³⁾, and in particular Article 5 thereof,

United Kingdom:

— 500 t originating in Botswana,

— 545 t originating in Namibia;

Whereas:

Germany:

— 550 t originating in Botswana,

— 315 t originating in Namibia.

(1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.

Article 2

(2) The applications for import licences submitted between 1 and 10 September 2004, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 2247/2003, during the first 10 days of October 2004 for the following quantities of boned beef and veal:

Botswana: 11 876 t,

Kenya: 142 t,

Madagascar: 7 579 t,

Swaziland: 3 234 t,

Zimbabwe: 9 100 t,

Namibia: 5 625 t.

(3) The quantities in respect of which licences may be applied for from 1 October 2004 should be fixed within the scope of the total quantity of 52 100 t.

(4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of

Article 3

This Regulation shall enter into force on 21 September 2004.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 20 September 2004.

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

COMMISSION REGULATION (EC) No 1648/2004**of 20 September 2004****amending the import duties in the cereals sector applicable from 21 September 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1612/2004⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1612/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1612/2004 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 21 September 2004.

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

Done at Brussels, 20 September 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 270, 29.9.2003, p. 78.

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

⁽³⁾ OJ L 293, 16.9.2004, p. 7. Regulation as amended by Regulation (EC) No 1643/2004 (OJ L 295, 18.9.2004, p. 32).

ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from
21 September 2004**

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	3,69
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	43,08
1005 10 90	Maize seed other than hybrid	55,86
1005 90 00	Maize other than seed ⁽²⁾	55,86
1007 00 90	Grain sorghum other than hybrids for sowing	53,17

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

period from 17.9.2004

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	124,11 (***)	72,93	151,18 (****)	141,18 (****)	121,18 (****)	82,38 (****)
Gulf premium (EUR/t)	—	11,62	—			—
Great Lakes premium (EUR/t)	13,74	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

(****) Fob Duluth.

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 26,70 EUR/t; Great Lakes–Rotterdam: 32,16 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 1649/2004
of 20 September 2004
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most

favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 20,530 EUR/100 kg.

Article 2

This Regulation shall enter into force on 21 September 2004.

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

Done at Brussels, 20 September 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 13 September 2004

adopting implementing rules concerning Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

(2004/644/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 286 thereof,

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾, and in particular Article 24(8) thereof,

Whereas:

- (1) Regulation (EC) No 45/2001, hereinafter referred to as the 'Regulation', sets out the principles and rules applicable to all Community institutions and bodies and provides for the appointment by each Community institution and Community body of the Data Protection Officer.
- (2) Article 24(8) of the Regulation requires that further implementing rules concerning the Data Protection Officer shall be adopted by each Community institution or body in accordance with the provisions in the Annex thereto. The implementing rules shall in particular concern the tasks, duties and powers of the Data Protection Officer.
- (3) The implementing rules also specify the procedures for the exercise of rights of the data subjects, as well as for the fulfilment of obligations of all relevant actors within the Community institutions or bodies relating to the processing of personal data.

- (4) The implementing rules of the Regulation are without prejudice to Regulation (EC) No 1049/2001 ⁽²⁾, to Decision 2004/338/EC, Euratom ⁽³⁾, and in particular Annex II thereto, to Decision 2001/264/EC ⁽⁴⁾, and in particular Section VI of Part II of the Annex thereto, as well as to Decision of the Secretary-General of the Council/High Representative for Common Foreign and Security Policy of 25 June 2001 ⁽⁵⁾,

HAS DECIDED AS FOLLOWS:

SECTION 1

GENERAL PROVISIONS

Article 1

Subject matter and scope

This Decision lays down further implementing rules concerning Regulation (EC) No 45/2001 of the European Parliament and of the Council (hereinafter referred to as the Regulation) as regards the Council of the European Union.

- ⁽²⁾ Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Community documents (OJ L 145, 31.5.2001, p. 43).
- ⁽³⁾ Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22).
- ⁽⁴⁾ Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations (OJ L 101, 11.4.2001, p. 1). Decision as amended by Decision 2004/194/EC (OJ L 63, 28.2.2004, p. 48).
- ⁽⁵⁾ Decision of the Secretary-General of the Council/High Representative for Common Foreign and Security Policy of 25 June 2001 on a code of good administrative behaviour for the General Secretariat of the Council of the European Union and its staff in their professional relations with the public (OJ C 189, 5.7.2001, p. 1).

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

Article 2

Definitions

For the purpose of this Decision and without prejudice to the definitions provided by the Regulation:

- a) 'controller' shall mean the institution, the Directorate-General, the Directorate, the Division, the Unit or any other organisational entity which alone or jointly with others determines the purposes and means of the processing of personal data, as identified in the notification to be sent to the Data Protection Officer (hereafter referred to as the DPO) in accordance with Article 25 of the Regulation;
- b) 'contact person' shall mean the administrative assistant(s) of the Directorate-General or otherwise any staff member designated in consultation with the DPO by his/her Directorate-General as its representative to deal in close cooperation with the DPO with data protection issues;
- c) 'GSC staff' shall mean all General Secretariat of the Council (hereafter referred to as 'GSC') officials and any other person covered by the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68⁽¹⁾ (hereinafter referred to as the Staff Regulations) or working for the GSC on a contractual basis (trainees, consultants, contractors, officials seconded by Member States).

SECTION 2

THE DATA PROTECTION OFFICER

Article 3

Appointment and status of the Data Protection Officer

1. The Deputy Secretary-General of the Council appoints the DPO and registers him with the European Data Protection Supervisor (hereafter referred to as EDPS). The DPO is directly attached to the Deputy Secretary-General of the Council.
2. The term of office of the DPO shall be three years and is renewable twice.
3. With respect to the performance of his/her duties, the DPO shall act in an independent manner and in cooperation with the EDPS. In particular, the DPO may not receive any

instructions from the Appointing Authority of the GSC or from anyone else regarding the internal application of the provisions of the Regulation or his/her cooperation with the EDPS.

4. The evaluation of the performance of the DPO's tasks and duties shall take place after prior consultation of the EDPS. The DPO may be dismissed from his/her post only with the consent of the EDPS, if he/she no longer fulfils the conditions required for the performance of his/her duties.

5. Without prejudice to the procedure foreseen for his/her appointment, the DPO shall be informed of all contacts with external parties relating to the application of the Regulation, notably with regard to interaction with the EDPS.

6. Without prejudice to the relevant provisions of the Regulation, the DPO and his/her staff shall be subject to the rules and regulations applicable to officials and other servants of the European Communities.

Article 4

Tasks

The DPO shall:

- (a) ensure that controllers and data subjects are informed of their rights and obligations pursuant to the Regulation. In the discharge of this task, he/she shall in particular establish information and notification forms, consult interested parties and raise the general awareness of data protection issues;
- (b) respond to requests from the EDPS and, within the sphere of his/her competence, cooperate with the EDPS at the latter's request or on his/her own initiative;
- (c) ensure in an independent manner the internal application of the provisions of the Regulation in the GSC;
- (d) keep a Register of the processing operations carried out by the controllers and grant access to it to any person directly or indirectly through the EDPS;
- (e) notify the EDPS of the processing operations likely to present specific risks referred to in Article 27(2) of the Regulation;
- (f) thus, ensure that the rights and freedoms of the data subjects are unlikely to be adversely affected by the processing operations.

⁽¹⁾ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 723/2004 (OJ L 124, 27.4.2004, p. 1).

*Article 5***Duties**

1. In addition to the general tasks to be fulfilled, the DPO shall:

- (a) act as an advisor to the Appointing Authority of the GSC and to controllers on matters concerning the application of data protection provisions. The DPO may be consulted by the Appointing Authority, the controllers concerned, the Staff Committee and by any individual, without going through the official channels, on any matter concerning the interpretation or application of the Regulation;
- (b) on his/her own initiative or on the initiative of the Appointing Authority, the controllers, the Staff Committee or any individual, investigate matters and occurrences directly relating to his or her tasks and which come to his/her notice, and report back to the Appointing Authority or the person who commissioned the investigation. If deemed appropriate, all other parties concerned should be informed accordingly. If the complainant is an individual, or in case the complainant acts on behalf of an individual, the DPO must, to the extent possible, ensure confidentiality of the request, unless the Data Subject concerned gives his/her unambiguous consent to treat the request otherwise;
- (c) cooperate in the discharge of his/her functions with the Data Protection Officers of other Community institutions and bodies, in particular by exchanging experience and best practices;
- (d) represent the GSC in all data protection related issues; without prejudice to Decision 2004/338/EC, Euratom, this may include the DPO's participation in relevant committees or for at international level;
- (e) submit an annual report on his/her activities to the Deputy Secretary-General of the Council and make it available to staff.

2. Without prejudice to Articles 4(b), 5(1)(b), (c) and 15, the DPO and his or her staff shall not divulge information or documents which they obtain in the course of their duties.

*Article 6***Powers**

In performing his or her tasks and duties the DPO:

- (a) shall have access at all times to the data forming the subject-matter of processing operations and to all offices, data-processing installations and data carriers;

(b) may request legal opinions from the Council Legal Service;

(c) may call on Information Technologies external experts' services upon prior agreement of the authorising officer in compliance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁽¹⁾ and its implementing Rules;

(d) may without prejudice to the EDPS's duties and powers, propose to the GSC administrative measures and issue general recommendations on the appropriate application of the Regulation;

(e) may make, in specific cases, any other recommendation for the practical improvement of data protection to the GSC and/or to all other parties concerned;

(f) may bring to the attention of the Appointing Authority of the GSC any failure of a staff member to comply with the obligations under the Regulation and suggest an administrative investigation being launched in view of the possible application of Article 49 of the Regulation.

*Article 7***Resources**

The DPO shall be provided with adequate staff and resources necessary to carry out his or her duties.

SECTION 3

RIGHTS AND OBLIGATIONS OF ACTORS IN THE FIELD OF DATA PROTECTION*Article 8***Appointing Authority**

1. In case of a complaint within the meaning of Article 90 of the Staff Regulations relating to a violation of the Regulation, the Appointing Authority shall consult the DPO, who should deliver his/her opinion in writing no later than 15 days after receipt of the request. If, after the end of this period, the DPO has not provided his/her opinion to the Appointing Authority, it is no longer required. The Appointing Authority shall not be bound by the DPO's opinion.

2. The DPO shall be informed whenever an issue is under consideration which has, or might have, data protection implications.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

*Article 9***Controllers**

1. The controllers are responsible for ensuring that all processing operations under their control comply with the Regulation.

2. In particular, the controllers shall:

- (a) give prior notice to the DPO of any processing operation or set of such operations intended to serve a single purpose or several related purposes, as well as of any substantial change of an existing processing operation. For processing operations carried out prior to the entry into force of the Regulation on 1 February 2001, the controller shall notify it without delay;
- (b) assist the DPO and the EDPS in performing their respective duties, in particular by giving information in reply to their requests within 30 days, at the latest;
- (c) implement appropriate technical and organisational measures and give adequate instructions to GSC staff to ensure both the confidentiality of the processing and a level of security appropriate to the risks represented by the processing;
- (d) where appropriate, consult the DPO on the conformity of processing operations with the Regulation, and in particular when they have reason to believe that certain processing operations are incompatible with Articles 4 to 10 of the Regulation. They may also consult the DPO and/or the Information Technologies security experts in Directorate-General A, the Security Office and Security of Information (Infosec) Office on issues relating to the confidentiality of the processing operations and on the security measures taken pursuant to Article 22 of the Regulation.

*Article 10***Contact persons**

1. Without prejudice to the responsibilities of the DPO, the contact person shall:

- (a) assist his/her Directorate-General or Unit in keeping an inventory of all existing processing of personal data;
- (b) assist his/her Directorate-General or Unit in identifying the respective controllers;
- (c) have the right to obtain from the controllers and from staff adequate and necessary information required for the accomplishment of his/her administrative tasks within his/her Directorate-General or Unit. This shall not include the right of access to personal data processed under the responsibility of the controller.

2. Without prejudice to the responsibilities of the controllers, the contact persons shall:

- (a) assist the controllers in complying with their obligations;
- (b) where appropriate, facilitate communication between the DPO and the controllers.

*Article 11***GSC staff**

1. In particular, all GSC staff shall contribute to the application of the confidentiality and security rules for the processing of personal data as provided for in Articles 21 and 22 of the Regulation. No member of the GSC staff with access to personal data shall process them other than on instructions from the controller, unless required to do so by national or Community law.

2. Any member of GSC staff may lodge a complaint with the EDPS regarding an alleged breach of the provisions of the Regulation governing the processing of personal data, without acting through official channels, as specified by the Rules set by the EDPS.

*Article 12***Data subjects**

1. Further to the data subjects' right to be appropriately informed about any processing of personal data relating to themselves, in accordance with Articles 11 and 12 of the Regulation, the data subjects may approach the controller concerned to exercise their rights according to Articles 13 to 19 of the Regulation, as specified in Section 5 of this Decision.

2. Without prejudice to any judicial remedy, every data subject may lodge a complaint with the EDPS if he/she considers that his/her rights under the Regulation have been infringed as a result of the processing of his/her personal data by the Council, as specified by the Rules set by the EDPS.

3. No one shall suffer prejudice on account of a complaint lodged with the EDPS or of a matter brought to the attention of the DPO alleging a breach of the provisions of the Regulation.

SECTION 4

REGISTER OF NOTIFIED PROCESSING OPERATIONS*Article 13***Notification procedure**

1. The Controller shall notify to the DPO any processing operation of personal data on the basis of a notification form made accessible on the GSC's Intranet site (Data Protection). The notification shall be transmitted to the DPO electronically. A confirmatory notification shall be sent to the DPO by note within 10 working days. Upon receipt of the confirmatory notification, the DPO shall publish it in the Register.

2. The notification shall include all information specified in Article 25(2) of the Regulation. Any change affecting this information shall be notified promptly to the DPO.

3. Further rules and procedures regarding the notification procedure to be followed by the controllers shall form part of the general recommendations issued by the DPO.

*Article 14***The content and the purpose of the Register**

1. The DPO shall keep a Register of processing operations performed upon personal data, which shall be set up on the basis of the notifications received from the controllers.

2. The Register shall contain at least the information referred to in Article 25(2)(a) to (g) of the Regulation. However, the information entered in the Register by the DPO may exceptionally be limited when it is necessary to safeguard the security of a specific processing operation.

3. The Register shall serve as an index of the personal data processing operations conducted at the Council. It shall provide information to data subjects and facilitate the exercise of their rights set out in Articles 13 to 19 of the Regulation.

*Article 15***Access to the Register**

1. Appropriate measures shall be taken by the DPO to ensure that any person has access to the Register, either directly or indirectly through the EDPS. In particular, the DPO shall provide information and assistance to interested persons on how and where applications for access to the Register can be made.

2. Except where on-line access is granted, applications for access to the Register are made in any written form, including electronically, in one of the languages referred to in Article 314 of the Treaty and in a sufficiently precise manner to enable the DPO to identify the concerned processing operations. An acknowledgement of receipt shall be sent to the applicant without delay.

3. If an application is not sufficiently precise, the DPO shall ask the applicant to clarify the application and shall assist the applicant in doing so. In the event of an application relating to a very large number of processing operations, the DPO may confer with the applicant informally, with a view to finding a fair solution.

4. Any person may request from the DPO a copy of the information which is available in the Register on any notified processing operation.

SECTION 5

PROCEDURE FOR DATA SUBJECTS TO EXERCISE THEIR RIGHTS*Article 16***General provisions**

1. The data subjects' rights specified in this Section can only be exercised by the individuals concerned or, in exceptional cases, on behalf of the individuals with proper authorisation. Requests shall be addressed in writing to the controller concerned with a copy to the DPO. If necessary, the DPO shall assist the data subject in identifying the controller concerned. The DPO shall make specific forms available. Controllers shall grant the request only if the form has been filled in completely and the complainant's identity has been verified properly. The exercise by data subjects of their rights shall be free of charge.

2. The controller shall send to the applicant an acknowledgement of receipt within five working days from the registration of the application. Unless otherwise provided, the controller shall reply to the request at the latest within fifteen working days from the registration of the request and shall either give satisfaction or state in writing the reasons for the total or partial refusal, in particular in cases where the applicant is not considered as data subject.

3. In case of irregularities or obvious misuse by the data subject in exercising his/her rights and where the processing is alleged to be unlawful by the data subject, the controller must consult the DPO on the request and/or refer the data subject to the DPO, who will decide on the eligibility of the request and the appropriate follow-up to be given.

4. Any person concerned may consult the DPO with regard to the exercise of his/her rights in a specific case. Without prejudice to any judicial remedy, every data subject may lodge a complaint with the EDPS, if he/she considers that his/her rights under the Regulation have been infringed as a result of the processing of his/her personal data.

Article 17

Right of access

The data subject shall have the right to obtain from the controller, without constraint, at any time within three months from the receipt of the request, the information referred to in points (a) to (d) of Article 13 of the Regulation, either by consulting these data on the spot, or by receiving a copy, including, where appropriate, a copy in an electronic form, according to the applicant's preference.

Article 18

Right of rectification

Each data subject's request for the rectification of inaccurate or incomplete personal data shall specify the data concerned as well as the rectification to be made. It shall be dealt with by the controller without delay.

Article 19

Right of blocking

The controller shall treat any request for the blocking of data under Article 15 of the Regulation without delay. The request shall specify the data concerned as well as the reasons for blocking them. The controller shall inform the data subject who made the request before the data are unblocked.

Article 20

Right of erasure

The data subject may request the controller to erase data without delay in case of unlawful processing, particularly where the provisions of Articles 4 to 10 of the Regulation have been infringed. The request shall specify the data concerned and shall provide the reasons or evidence of the unlawfulness of the processing. In automated filing systems, erasure shall in principle be ensured by all appropriate technical means, excluding the possibility of any further processing of the erased data. If erasure is not possible for technical reasons, the controller, after consultation of the DPO and of the interested person, shall proceed to the immediate blocking of such data.

Article 21

Notification to third parties

In case of any rectification, blocking or erasure following a request made by the data subject, he/she may obtain from the controller the notification to third parties to whom his/her personal data have been disclosed, unless this proves impossible or involves a disproportionate effort.

Article 22

Right to object

The data subject may object to the processing of data relating to him/her and to the disclosure or use of his/her personal data, in conformity with Article 18 of the Regulation. The request shall specify the data concerned and shall provide the reasons justifying the request. Where the objection is justified, the processing in question shall no longer involve those data.

Article 23

Automated individual decisions

The data subject is entitled not to be the subject of automated individual decisions as intended by Article 19 of the Regulation, unless the decision is explicitly authorised pursuant to national or Community legislation, or by an EDPS decision safeguarding the data subject's legitimate interests. In either case, the data subject shall have the opportunity to make known his or her point of view in advance and to consult the DPO.

Article 24

Exceptions and restrictions

1. To the extent that legitimate reasons as specified in Article 20 of the Regulation clearly justify it, the controller may restrict the rights referred to in Articles 17 to 21 of this Decision. Except in case of absolute necessity, the controller shall first consult the DPO, whose opinion shall not bind the Institution. The controller shall reply to requests relating to the application of exceptions or restrictions to the exercise of rights without delay and shall substantiate this decision.

2. Any person concerned may request the EDPS to apply Article 47(1)(c) of the Regulation.

SECTION 6

INVESTIGATION PROCEDURE

Article 25

Practical modalities

1. Requests for an investigation shall be addressed to the DPO in writing by using a specific form made available by him/her. In the case of obvious misuse of the right to request an investigation, for example where the same individual has made an identical request only recently, the DPO is not obliged to report back to the requester.

2. Within 15 days upon receipt, the DPO shall send acknowledgement of receipt to the Appointing Authority or the person who commissioned the investigation and verify whether the request is to be treated as confidential.

3. The DPO shall request from the controller who is responsible for the data processing operation in question a written statement on the issue. The controller shall provide his/her response to the DPO within 15 days. The DPO may wish to receive complementary information from other parties, such as the Security Office and Security of Information (Infosec) Office of the GSC. If appropriate, he/she may request an opinion on the issue from the Council Legal Service. The DPO shall be provided with the information or opinion within 30 days.

4. The DPO shall report back to the Appointing Authority or the person who made the request no later than three months following its receipt.

SECTION 7

FINAL PROVISIONS

Article 26

Effect

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 13 September 2004.

For the Council

The President

B. R. BOT

COMMISSION

COMMISSION RECOMMENDATION

of 16 September 2004

on the implementation by the consular offices of the Member States of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China (ADS)

(notified under document number C(2004) 2886)

(2004/645/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211, second indent, thereof,

Whereas:

- (1) The Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China⁽¹⁾ (PRC) provides a specific application process, derogating from the common rules on visas as established in the Common Consular Instructions (CCI), to facilitate issuing of short term visas to groups of Chinese citizens who wish to travel to the territory of the Community. The Memorandum of Understanding (ADS MoU) has entered into force on 1 May 2004.
- (2) With a view to ensure a high level of security, particularly as regards the prevention of clandestine immigration and avoid any risk of visa shopping between the Member States Consular offices in the PRC, a harmonised implementation by all Member States of the ADS MoU is appropriate and thus it is necessary to set up common implementing procedures for the consular offices of the Member States in the PRC.
- (3) The common procedures are based on the provisions included in the ADS MoU, setting up a harmonised approach covering the different issues from the visa application procedure to the withdrawal of accreditation in case of breach of EU and/or Chinese regulations.
- (4) The basic rules for visa applications described in the CCI and in particular the rules related to the local consular offices have been used, where appropriate, as a reference for the definition of the common procedures.
- (5) Within this framework, Member States should follow a common approach for the accreditation of the travel agencies designated by the PRC and the establishment of the list of couriers appointed by the Chinese travel agencies.
- (6) Member States should apply common harmonised sanctions in case of violation by the Chinese accredited travel agency of the Community rules, in compliance with the rules of the CCI on visa applications processed by private administrative agencies, travel agencies and package tour operators.
- (7) Member States should apply a common list of supporting documents and information needed for lodging a visa application, clarifying where necessary the content of the required documentation. Additional information may be requested, based on a case-by-case verification of each individual visa application.
- (8) Member States involved with the implementation of the ADS MoU should reinforce their cooperation in the PRC and develop exchange of information mechanisms for irregularities and other detected suspect behaviour committed by appointed couriers or accredited travel agencies and facilitate the processing of information.
- (9) The Commission represents the Community in the ADS Committee set up by the ADS MoU, and transmits relevant information on the implementation of the ADS MoU to the Chinese authorities (CNTA). Member States should therefore associate the Commission, as the European Community representative on the ADS Committee, with the local cooperation mechanism ensuring regular and fluid information on the implementation of the ADS MoU.

⁽¹⁾ OJ L 83, 20.3.2004, p. 14.

- (10) Member States which do not participate in the ADS MoU, but have concluded similar bilateral agreements with the PRC should also be able to participate in the local cooperation mechanism. Norway and Iceland should also be invited to take part in the local consular cooperation mechanism as soon as they sign similar bilateral Agreements with the PRC,

establish a common list of couriers and notifies it to all Member States. The Commission shall update the common list of couriers each time it receives communication of a change and notifies changes to the consular offices of all Member States in the PRC.

HEREBY RECOMMENDS:

In order to facilitate the effective implementation of the ADS MoU, the following common implementation procedures should be applied by the Member States:

1. Consular offices of Member States in the PRC should issue an accreditation certificate for each designated travel agency. Such accreditation certificates should have an identical format, indicating *inter alia* the serial number, business licence number, name and other relevant data of the travel agency. The validity of the certificate should not exceed one year.

Accreditation certificates issued by a Member State should be recognised by the other Member States.

When the designated travel agency presents itself for the first time to the consular office of a Member State, the consular office should register the date and time of the representative's visit and transmit to the Commission all relevant information. This consular office should issue the accreditation certificate if the Commission confirms that it is the first consular office approached by the designated travel agency.

2. Each courier appointed by the accredited travel agencies should receive an identity badge with his/her photo and indicating, *inter alia*, his/her name, date of birth, identity card number as well as the name, address and telephone number of the accredited travel agency.

The badge should have general validity of a maximum of one year, should be issued by the Member States consular offices in the PRC and should be identical in format.

The Commission, on the basis of the information submitted by the PRC and after verification by the Member States, shall

3. In case of a breach of EU and/or Chinese regulations, in particular in case of facilitation of illegal immigration, a consular office of a Member State in the PRC should withdraw the accreditation of a Chinese travel agency. The withdrawal imposed by a consular office of a Member State has immediate effect for all Member States. In order to ensure the uniform application by all Member States of the sanction imposed, the consular office should notify the withdrawal to the Commission and the other Member States consular offices in the PRC. In appropriate circumstances, the withdrawal of accreditation can be reviewed, if for instance the accredited travel agency proves that the violation of EU and/or Chinese regulations was limited to one of its employees, who no longer works for the Agency.

Consular offices of Member States in the PRC can address warnings to the accredited travel agencies in case they suspect the agency is involved in minor violations. The Commission and other local consular offices of Member States should be informed immediately.

The Commission shall inform the CNTA of any withdrawals and warnings addressed to accredited travel agencies.

4. Member States should request that an ADS visa application be supported by the documents listed in the Annex to this recommendation. If necessary, Member States should request additional information. In particular they may require the applicant to undergo an interview in person or by telephone, to provide proof of financial means (bank statement), supply a document confirmation of working relationship or the written consent of both parents in case of minors.

5. In order to facilitate the smooth implementation of the ADS MoU, Member States should provide specific training sessions in the PRC to the staff of accredited travel agencies involved in the implementation of the ADS MoU.

6. Member States and the Commission should cooperate closely in the PRC and meet periodically to ensure regular and fluid transmission and treatment of information, exchange of experiences concerning the detection of irregularities or other suspect behaviour of accredited travel agencies and the development of best practices on the practical application of the ADS MoU.

7. The recommendation is addressed to the Member States which participate in the ADS MoU between the EC and the PRC.

Done at Brussels, 16 September 2004.

For the Commission
António VITORINO
Member of the Commission

ANNEX

General information concerning the group

1. A name list of all group members, with passport numbers, a copy of the identity page of the passport and copies of ID cards.
2. A communication signed by the representative of the accredited travel agency in which is included a detailed itinerary including flight details for the round trip from the PRC, names, addresses, telephone numbers and fax numbers of the hotels to be used by the group during the tour with the dates of stay in each hotel and details of how the group is to travel between locations during the tour; in addition, any change in the travel itinerary which intervenes at any stage of the examination of the visa application.
3. Flight reservation with confirmation for the PRC-Europe-PRC round trip from the airlines (with list of the tourists' names).
4. Payment of the travel costs.
5. Travel group (or individual for each member of the group) insurance policy valid throughout the territory of the Member States visited on the basis of the established itinerary. The insurance must cover the entire period of the journey. The insurance policy must have a value of at least EUR 30 000 and must cover any expenses which might arise in connection with repatriation for medical reasons, urgent medical attention and/or emergency hospital treatment.
6. Name of the tour leader.
7. Name and contact details of the designated partner tour operator in Europe.
8. Confirmation from the designated partner tour operator in Europe that accommodation and transport within Europe as specified in the group's itinerary will be provided to all members of the group.

For each member of the group

9. A duly completed visa application form signed by each applicant, together with a recent photo.
 10. Passport valid at least 90 days after the expiration of the visa.
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