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⁽¹⁾ Text of relevance to the EEA and to the EU/Switzerland Agreement

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1981/2004
of 18 November 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 19 November 2004.

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

Done at Brussels, 18 November 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 18 November 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	127,5
	070	56,3
	204	60,5
	999	81,4
0707 00 05	052	114,6
	204	41,8
	999	78,2
0709 90 70	052	93,2
	204	101,0
	999	97,1
0805 20 10	204	66,3
	999	66,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	74,5
	624	99,1
	999	86,8
0805 50 10	052	59,3
	388	49,8
	524	65,7
	528	49,8
	999	56,2
0806 10 10	052	104,4
	400	203,7
	508	279,5
	999	195,9
0808 10 20, 0808 10 50, 0808 10 90	388	139,6
	400	95,9
	404	79,3
	512	104,2
	720	63,0
	800	194,8
	804	106,7
	999	111,9
0808 20 50	720	69,7
	999	69,7

⁽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 1982/2004

of 18 November 2004

implementing Regulation (EC) No 638/2004 of the European Parliament and of the Council on Community statistics relating to the trading of goods between Member States and repealing Commission Regulations (EC) No 1901/2000 and (EEC) No 3590/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

excluded from the statistics to be sent to the Commission (Eurostat).

Having regard to the Treaty establishing the European Community,

(3) Goods are to be included in trade statistics at the time when they enter or leave the statistical territory of a country. However, special arrangements are needed when data collection takes account of fiscal and customs procedures.

Having regard to Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States⁽¹⁾ and in particular Articles 3(4) and (5), 6(2), 8(2), 9, 10, 12 and 13(3) thereof,

(4) A link between value added tax information and Intrastat declarations should be maintained in order to check the quality of the collected information. It is appropriate to determine the information to be transmitted by the national tax administration to the national authorities responsible for statistics.

Whereas:

(1) Statistics relating to the trading of goods between Member States are based on the Regulation (EC) No 638/2004 of the European Parliament and of the Council which reconsiders the statistical provisions with a view to improving transparency and facilitating comprehension and which is adapted to meet current data requirements. Particular implementation arrangements are assigned to the Commission in accordance with Article 14(2) of the said Regulation. Therefore it is necessary to adopt a new Commission Regulation which should refer in a restrictive manner to the assigned responsibility and specify the implementing provisions. Commission Regulations (EC) No 1901/2000 of 7 September 2000 laying down certain provisions for the implementation of Council Regulation (EEC) No 3330/91 on the statistics relating to the trading of goods between Member States⁽²⁾ and (EEC) No 3590/92 of 11 December 1992 concerning the statistical information media for statistics on trade between Member States⁽³⁾ should therefore be repealed.

(5) Common definitions and concepts should apply to data collected within the Intrastat system in order to facilitate a harmonised application of the system.

(6) With a view to transparency and equal treatment of the companies, harmonised and accurate provisions should be applied for the setting up of thresholds.

(7) Appropriate provisions have to be determined for some specific goods and movements in order to ensure that the necessary information is collected in a harmonised way.

(8) Common and appropriate timetables as well as provisions on adjustments and revisions have to be included in order to satisfy users' needs for timely and comparable figures.

(2) For methodological reasons a number of types of goods and movements should be exempted. It is necessary to draw up a comprehensive list of those goods to be

(9) A regular assessment of the system is planned in order to improve the data quality and ensure the transparency of the functioning of the system.

⁽¹⁾ OJ L 102, 7.4.2004, p. 1.

⁽²⁾ OJ L 228, 8.9.2000, p. 28. Regulation as last amended by Regulation (EC) 2207/2003 (OJ L 330, 18.12.2003, p. 15).

⁽³⁾ OJ L 364, 12.12.1992, p. 32.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the statistics relating to the trading of goods between Member States,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation sets up the necessary measures for implementing Regulation (EC) No 638/2004 of the European Parliament and of the Council.

Article 2

Excluded goods

The goods listed in Annex I to this Regulation shall be excluded from statistics relating to the trading of goods between Member States to be transmitted to the Commission (Eurostat).

Article 3

Period of reference

1. Member States may adapt the period of reference for Community goods on which VAT becomes chargeable on intra-Community acquisitions according to Article 6(2) of Regulation (EC) No 638/2004.

The reference period may then be defined as the calendar month during which the chargeable event occurs.

2. Member States may adapt the period of reference where the Customs declaration is used in support of the information according to Article 6(2) of Regulation (EC) No 638/2004.

The reference period may then be defined as the calendar month during which the declaration is accepted by Customs.

CHAPTER 2

COMMUNICATION OF INFORMATION BY THE TAX ADMINISTRATION

Article 4

1. The parties responsible for providing the information for the Intrastat System have the obligation to prove, at the request of the national authority, the correctness of the provided statistical information.

2. The obligation according to paragraph 1 is limited to data which the provider of statistical information has to deliver to

the competent tax administration in connection with his or her intra-Community movements of goods.

Article 5

1. The tax administration responsible in each Member State shall provide to the national authorities the following information in order to identify the persons who have declared goods for fiscal purposes:

- (a) full name of the natural or legal person;
- (b) full address including post code;
- (c) identification number according to Article 9(1)(a) of Regulation (EC) No 638/2004.

2. The tax administration responsible in each Member State shall provide to the national authorities for each natural or legal person in accordance with Directive 77/388/EEC⁽¹⁾:

- (a) the taxable amount of intra-Community acquisitions and deliveries of goods;
- (b) the tax period.

Article 6

The additional information referred to in Article 8(2)(b) of Regulation (EC) No 638/2004 concerns at least the national VIES data (VAT Information Exchange System data).

CHAPTER 3

COLLECTION OF INTRASTAT INFORMATION

Article 7

Partner Member State and country of origin

The partner Member States and where collected, the country of origin shall be reported according to the version of the nomenclature of countries and territories in force.

Article 8

Value of the goods

1. The value of the goods shall be the taxable amount which is the value to be determined for taxation purposes in accordance with Directive 77/388/EEC.

For products subject to duties, the amount of these duties shall be excluded.

Whenever the taxable amount does not have to be declared for taxation purposes, a positive value has to be reported which shall correspond to the invoice value, excluding VAT, or, failing this, to an amount which would have been invoiced in the event of any sale or purchase.

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).

In the case of processing, the value to be collected, with a view to and following such operations, shall be the total amount which would be invoiced in case of sale or purchase.

2. Additionally, Member States may also collect the statistical value of the goods, as defined in the Annex to Regulation (EC) No 638/2004, from part of the providers of information whose trade shall amount to a maximum of 70% of the relevant Member State's total trade expressed in value.

3. The value of the goods defined in paragraphs 1 and 2 shall be expressed in the national currency. The exchange rate to be applied shall be:

- (a) the rate of exchange applicable for determining the taxable amount for taxation purposes, when this is established; or
- (b) the official rate of exchange at the time of completing the declaration or that applicable to calculating the value for customs purposes, in the absence of any special provisions decided by the Member States.

Article 9

Quantity of the goods

1. The net mass shall be given in kilograms. However, the specification of net mass for the subheadings of the Combined Nomenclature hereinafter referred to as 'CN' as established by Council Regulation (EEC) No 2658/87⁽¹⁾ set out in Annex II to this Regulation shall not be requested from the parties responsible for providing information.

2. The supplementary units shall be mentioned in accordance with the information set out in Council Regulation (EEC) No 2658/87, opposite the subheadings concerned, the list of which is published in Part I 'Preliminary provisions' of the said Regulation.

Article 10

Nature of transaction

The nature of transaction shall be reported according to the codes specified in the list of Annex III to this Regulation. Member States shall apply the codes of column A or a combination of the code numbers in column A and their subdivisions in column B indicated in this list.

Article 11

Delivery terms

Member States which collect the delivery terms according to Article 9(2)(d) of Regulation (EC) No 638/2004 may use the codes specified in Annex IV to this Regulation.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 1558/2004 (OJ L 283, 2.9.2004, p. 7).

Article 12

Mode of transport

Member States which collect the mode of transport according to Article 9(2)(e) of Regulation (EC) No 638/2004 may use the codes specified in Annex V to this Regulation.

CHAPTER 4

SIMPLIFICATION WITHIN INTRASTAT

Article 13

1. Member States shall calculate their thresholds for the year following the current calendar year on the basis of the latest available results for their trade with other Member States over a period of at least 12 months. The provisions adopted at the start of a year shall apply for the whole year.

2. The value of the trade of a party responsible for providing information is considered to be above the thresholds:

- (a) when the value of trade with other Member States during the previous year exceeds the applicable thresholds, or
- (b) when the cumulative value of trade with other Member States since the beginning of the year of application exceeds the applicable thresholds. In that case, information shall be provided from the month in which thresholds are exceeded.

3. Parties responsible for providing information according to the simplified rules of Article 10(4)(c) of Regulation (EC) No 638/2004 shall use the code 9950 00 00 for reporting the residual products.

4. For individual transactions whose value is less than EUR 200, the parties responsible for providing information may report the following simplified information:

- the product code 9950 00 00,
- the partner Member State,
- the value of the goods.

National authorities:

- (a) may refuse or limit application of this simplification if they consider that the aim of maintaining a satisfactory quality of statistical information overrides the desirability of reducing the reporting burden;
- (b) may require parties responsible for providing information to ask in advance to be allowed to make use of the simplification.

CHAPTER 5

RULES CONCERNING SPECIFIC GOODS AND MOVEMENTS*Article 14*

In addition to the provisions of the Regulation (EC) No 638/2004, specific goods and movements shall be subject to the rules set out in this Chapter for data to be transmitted to the Commission (Eurostat).

*Article 15***Industrial plant**

1. For the purpose of this Article:
 - (a) 'industrial plant' is a combination of machines, apparatus, appliances, equipment, instruments and materials which together make up large-scale, stationary units producing goods or providing services;
 - (b) 'component part' means a delivery for an industrial plant which is made up of goods which all belong to the same chapter of the CN.
2. Statistics on trade between Member States may cover only dispatches and arrivals of component parts used for the construction of industrial plants or the re-use of industrial plants.
3. Member States applying paragraph 2 may apply the following particular provisions on condition that the overall statistical value of a given industrial plant exceeds 3 million EUR, unless they are complete industrial plants for re-use:

- (a) The commodity codes shall be composed as follows:
 - the first four digits shall be 9880,
 - the fifth and the sixth digits shall correspond to the CN chapter to which the goods of the component part belong,
 - the seventh and the eighth digits shall be 0.

- (b) The quantity shall be optional.

*Article 16***Staggered consignments**

1. For the purpose of this Article 'staggered consignments' means the delivery of components of a complete item in an unassembled or disassembled state which are shipped during more than one reference period for commercial or transport-related reasons.

2. Member States shall transmit data on arrivals or dispatches of staggered consignments only once, in the month that the last consignment arrives or is dispatched.

*Article 17***Vessels and aircraft**

1. For the purposes of this Article:
 - (a) 'vessel' means a vessel used for sea transport, referred to in Additional Notes 1 and 2 of Chapter 89 of the CN, and warships;
 - (b) 'aircraft' means aeroplanes falling within CN code 8802 for civilian use, provided they are used by an airline, or for military use;
 - (c) 'ownership of a vessel or aircraft' means the fact of a natural or legal person's registration as owner of a vessel or an aircraft.
2. Statistics relating to the trading of goods between Member States on vessels and aircraft shall cover only the following dispatches and arrivals:
 - (a) the transfer of ownership of a vessel or aircraft, from a natural or legal person established in another Member State to a natural or legal person established in the reporting Member State. This transaction shall be treated as an arrival;
 - (b) the transfer of ownership of a vessel or aircraft from a natural or legal person established in the reporting Member State to a natural or legal person established in another Member State. This transaction shall be treated as a dispatch.

If the vessel or aircraft is new the dispatch is recorded in the Member State of construction;
 - (c) the dispatches and arrivals of vessels or aircraft pending or following processing under contract as defined in Annex III, footnote (e).

3. Member States shall apply the following specific provisions on statistics relating to the trading of goods between Member States:

- (a) the quantity shall be expressed in number of items and any other supplementary units laid down in the CN, for vessels, and in net mass and supplementary units, for aircraft;
- (b) the statistical value shall be the total amount which would be invoiced -transport and insurance costs being excluded - in case of sale or purchase of the whole vessel or aircraft;

(c) the partner Member State for the reporting Member State shall be:

— the Member State of construction, on arrival in the case of new vessel or aircraft constructed in the European Union,

— in the other cases the partner Member State shall be the Member State where the natural or legal person transferring the ownership of the vessel or aircraft is established, on arrival, or the natural or legal person to whom the ownership of the vessel or aircraft is transferred, on dispatch.

(d) the reference period for arrivals and dispatches referred to in paragraphs 2(a) and (b) shall be the month where the transfer of ownership takes place.

4. Provided that there is no conflict with other national or Community legislation, national authorities responsible for Intrastat shall have access to additional data sources other than those of the Intrastat System or the Single Administrative Document for customs or fiscal purposes which they may need to apply this Article.

Article 18

Motor vehicle and aircraft parts

Member States may apply simplified national provisions for motor vehicle and aircraft parts, provided that they keep the Commission (Eurostat) informed on their particular practice before application.

Article 19

Goods delivered to vessels and aircraft

1. For the purposes of this Article:

(a) 'delivery of goods to vessels and aircraft' means the delivery of products for the crew and passengers, and for the operation of the engines, machines and other equipment of vessels or aircraft;

(b) vessels or aircraft shall be deemed to belong to the Member State in which the vessel or aircraft is registered.

2. Statistics relating to the trading of goods between Member States shall cover only dispatches of goods delivered on the territory of the reporting Member State to vessels and aircraft belonging to another Member State. Dispatches shall cover all goods defined in Article 3(2)(a) and (b) of Regulation (EC) No 638/2004.

3. Member States shall use the following commodity codes for goods delivered to vessels and aircraft:

— 9930 24 00 goods from CN chapters 1 to 24,

— 9930 27 00 goods from CN chapters 1 to 24,

— 9930 99 00: goods classified elsewhere.

The transmission of data on the quantity is optional. However, the data on net mass shall be transmitted on goods belonging to chapter 27.

In addition, the simplified partner country code 'QR' may be used.

Article 20

Offshore installations

1. For the purposes of this Article:

(a) 'offshore installation' means the equipment and devices installed and stationary in the sea outside the statistical territory of any given country;

(b) these offshore installations shall be deemed to belong to that Member State in which the natural or legal person responsible for their commercial use is established.

2. Statistics relating to the trading of goods between Member States shall cover dispatches and arrivals of goods delivered to and from these offshore installations.

3. Member States shall use the following commodity codes for goods destined for the operators of the offshore installation or for the operation of the engines, machines and other equipment of the offshore installation:

— 9931 24 00: goods from the CN chapters 1 to 24,

— 9931 27 00: goods from the CN Chapter 27,

— 9931 99 00: goods classified elsewhere.

The transmission of data on the quantity is optional. However, the data on net mass shall be transmitted on goods belonging to chapter 27.

The simplified partner country code 'QV' may be used.

Article 21

Sea products

1. For the purposes of this Article:

(a) 'sea products' means fishery products, minerals, salvage and all other products which have not yet been landed by sea going vessels;

(b) sea products shall be deemed to belong to that Member State where the vessel, which is carrying out the capturing, is registered.

2. Statistics relating to the trading of goods between Member States shall cover the following dispatches and arrivals:

(a) arrivals when sea products are landed in the reporting Member State's ports or acquired by vessels registered in the reporting Member State from a vessel registered in another Member State;

(b) dispatches when sea products are landed in another Member State's ports or acquired by vessels registered in another Member State from a vessel registered in the reporting Member State.

3. The partner Member State shall be, on arrival, the Member State where the vessel, which is carrying out the capturing, is registered and, on dispatch, the Member State where the sea product is landed or the vessel acquiring the sea product is registered.

4. Provided that there is no conflict with other national or Community legislation, national authorities responsible for Intrastat shall have access to additional data sources other than those of the Intrastat System or the Single Administrative Document for customs or fiscal purposes which they may need to apply this Article.

Article 22

Spacecraft

1. For the purposes of this Article, 'spacecraft' means vehicles which are able to travel outside the earth's atmosphere.

2. Statistics relating to the trading of goods between Member States shall cover the following dispatches and arrivals of spacecraft:

(a) the dispatch or arrival of a spacecraft pending or following processing under contract as defined in Annex III footnote (e) to this Regulation;

(b) the launching into space of a spacecraft which was the subject of a transfer of ownership between two natural or legal persons established in different Member States is to be considered:

(i) as a dispatch in the Member State of construction of the finished spacecraft,

(ii) as an arrival in the Member State where the new owner is established.

3. The following specific provisions shall apply to the statistics referred to in paragraph 2(b):

(a) the data on the statistical value shall be defined as the value of the spacecraft ex-works in accordance with the delivery terms specified in Annex IV to this Regulation.

(b) The data on the partner Member State shall be the Member State of construction of the finished spacecraft, on arrival, and the Member State where the new owner is established, on dispatch.

4. Provided that there is no conflict with other national or Community legislation, national authorities responsible for Intrastat shall have access to additional data sources other than those of the Intrastat System or the Single Administrative Document for customs or fiscal purposes which they may need to apply this Article.

Article 23

Electricity

1. Statistics relating to the trading of goods between Member States shall cover dispatches and arrivals of electricity.

2. Provided that there is no conflict with other national or Community legislation, national authorities responsible for Intrastat shall have access to additional data sources other than those of the Intrastat System or the Single Administrative Document for customs or fiscal purposes which they may need to transmit data on the trading of electricity between Member States to the Commission (Eurostat).

3. The statistical value transmitted to the Commission (Eurostat) may be based on estimates. Member States have to inform the Commission (Eurostat) on the methodology used for the estimate before application.

Article 24

Military goods

1. Statistics relating to the trading of goods between Member States shall cover dispatches and arrivals of goods intended for military use.

2. Member States may transmit less detailed information than indicated in Article 9(1) points (b) to (h) of Regulation (EC) No 638/2004 when the information falls under military secrecy in compliance with the definitions in force in the Member States. However, as a minimum, data on the total monthly statistical value of the dispatches and arrivals shall be transmitted to the Commission (Eurostat).

CHAPTER 6

DATA TRANSMISSION TO EUROSTAT*Article 25*

1. Aggregated results referred to in Article 12(1)(a) of Regulation (EC) No 638/2004 are defined, for each flow, as the total value of the trade with other Member States. In addition, Member States belonging to the euro area shall provide a breakdown of their trade outside the euro area by products according to Sections of the Standard International Trade Classification, Revision 3.

2. Member States shall take all necessary measures to ensure that the collection of trade data from companies above the threshold of 97 % is exhaustive.

3. Adjustments made in application of Article 12 of Regulation (EC) No 638/2004 shall be transmitted to Eurostat with at least a breakdown by partner country and commodity code at two digit level of the CN.

4. As regards the statistical value of the goods, Member States shall estimate this value, where not collected.

5. Member States having adapted the reference period according to Article 3(1) shall ensure that monthly results are transmitted to the Commission (Eurostat), using estimates if necessary, when the reference period for fiscal purposes does not correspond with a calendar month.

6. Member States shall transmit data declared confidential to the Commission (Eurostat) so that they may be published at least under the original first two-digits of the CN code if the confidentiality is thereby assured.

7. When monthly results already transmitted to the Commission (Eurostat) are subject to revisions, Member States shall transmit revised results no later than in the month following the availability of revised data.

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

Done at Brussels, 18 November 2004.

For the Commission
Joaquín ALMUNIA
Member of the Commission

CHAPTER 7

QUALITY REPORT*Article 26*

1. Member States shall supply the Commission (Eurostat) no later than 10 months following the calendar year with a quality report containing all information that it requests to assess the quality of the data transmitted.

2. The quality report aims at covering quality of statistics with reference to the following dimensions:

- relevance of statistical concepts,
- accuracy of estimates,
- timeliness in transmission of results to the Commission (Eurostat),
- accessibility and clarity of the information,
- comparability of statistics,
- coherence,
- completeness.

3. The quality indicators are defined in Annex VI to this Regulation.

CHAPTER 8

FINAL PROVISIONS*Article 27*

Regulation (EC) No 1901/2000 and Regulation (EEC) No 3590/92 are hereby repealed with effect from 1 January 2005.

Article 28

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

It shall apply from 1 January 2005.

ANNEX I

List of goods excluded from statistics relating to the trading of goods between Member States to be transmitted to the Commission (Eurostat)

- (a) means of payment which are legal tender and securities
 - (b) monetary gold
 - (c) emergency aid for disaster areas
 - (d) goods benefiting from diplomatic, consular or similar immunity
 - (e) goods for and following temporary use, provided all the following conditions are met:
 - 1. no processing is planned or made
 - 2. the expected duration of the temporary use is not longer than 24 months
 - 3. the dispatch/arrival has not to be declared as a delivery/acquisition for VAT purposes
 - (f) goods used as carriers of information such as floppy disks, computer tapes, films, plans, audio and videotapes, CD-ROMs with stored computer software, where developed to order for a particular client or where they are not subject of a commercial transaction, as well as complements for a previous delivery e.g. updates for which the consignee is not invoiced.
 - (g) provided that they are not the subject of a commercial transaction:
 - 1. advertising material
 - 2. commercial samples
 - (h) goods for and after repair and the associated replacement parts. A repair entails the restoration of goods to their original function or condition. The objective of the operation is simply to maintain the goods in working order; this may involve some rebuilding or enhancements but does not change the nature of the goods in any way
 - (i) goods dispatched to national armed forces stationed outside the statistical territory and goods received from another Member State which had been conveyed outside the statistical territory by the national armed forces, as well as goods acquired or disposed of on the statistical territory of a Member State by the armed forces of another Member State which are stationed there
 - (j) spacecraft launchers, on dispatch and on arrival pending launching into space, and at the time of launching into space
 - (k) sales of new means of transport by natural or legal persons liable to VAT to private individuals from other Member States
-

ANNEX II

List of CN subheadings referred to Article 9(1)

0105 11 11	2204 21 26	2204 21 91	2204 29 91
0105 11 19	2204 21 27	2204 21 92	2204 29 92
0105 11 91	2204 21 28	2204 21 94	2204 29 94
0105 11 99	2204 21 32	2204 21 95	2204 29 95
0105 12 00	2204 21 34	2204 21 96	2204 29 96
0105 19 20	2204 21 36	2204 21 98	2204 29 98
0105 19 90	2204 21 37	2204 21 99	2204 29 99
*****	2204 21 38	2204 29 10	*****
0407 00 11	2204 21 42	2204 29 11	2205 10 10
*****	2204 21 43	2204 29 12	2205 10 90
2202 10 00	2204 21 44	2204 29 13	2205 90 10
2202 90 10	2204 21 46	2204 29 17	2205 90 90
2202 90 91	2204 21 47	2204 29 18	*****
2202 90 95	2204 21 48	2204 29 42	2206 00 10
2202 90 99	2204 21 62	2204 29 43	2206 00 31
*****	2204 21 66	2204 29 44	2206 00 39
2203 00 01	2204 21 67	2204 29 46	2206 00 51
2203 00 09	2204 21 68	2204 29 47	2206 00 59
2203 00 10	2204 21 69	2204 29 48	2206 00 81
*****	2204 21 71	2204 29 58	*****
2204 10 11	2204 21 74	2204 29 62	2207 10 00
2204 10 19	2204 21 76	2204 29 64	2207 20 00
2204 10 91	2204 21 77	2204 29 65	*****
2204 10 99	2204 21 78	2204 29 71	2209 00 99
2204 21 10	2204 21 79	2204 29 72	*****
2204 21 11	2204 21 80	2204 29 75	2716 00 00
2204 21 12	2204 21 81	2204 29 77	*****
2204 21 13	2204 21 82	2204 29 78	3702 51 00
2204 21 17	2204 21 83	2204 29 82	3702 53 00
2204 21 18	2204 21 84	2204 29 83	3702 54 10
2204 21 19	2204 21 85	2204 29 84	3702 54 90
2204 21 22	2204 21 87	2204 29 87	*****
2204 21 23	2204 21 88	2204 29 88	5701 10 10
2204 21 24	2204 21 89	2204 29 89	5701 10 90

5701 90 10	5705 00 10	6103 49 00	6106 90 10
5701 90 90	5705 00 30	*****	6106 90 30
*****	5705 00 90	6104 11 00	6106 90 50
5702 20 00	*****	6104 12 00	6106 90 90
5702 31 10	6101 10 10	6104 13 00	*****
5702 31 80	6101 10 90	6104 19 00	6107 11 00
5702 32 10	6101 20 10	6104 21 00	6107 12 00
5702 32 90	6101 20 90	6104 22 00	6107 19 00
5702 39 00	6101 30 10	6104 23 00	6107 21 00
5702 41 00	6101 30 90	6104 29 00	6107 22 00
5702 42 00	6101 90 10	6104 31 00	6107 29 00
5702 49 00	6101 90 90	6104 32 00	6107 91 00
5702 51 00	*****	6104 33 00	6107 92 00
5702 52 10	6102 10 10	6104 39 00	6107 99 00
5702 52 90	6102 10 90	6104 41 00	*****
5702 59 00	6102 20 10	6104 42 00	6108 11 00
5702 91 00	6102 20 90	6104 43 00	6108 19 00
5702 92 10	6102 30 10	6104 44 00	6108 21 00
5702 92 90	6102 30 90	6104 49 00	6108 22 00
5702 99 00	6102 90 10	6104 51 00	6108 29 00
*****	6102 90 90	6104 52 00	6108 31 00
5703 10 00	*****	6104 53 00	6108 32 00
5703 20 11	6103 11 00	6104 59 00	6108 39 00
5703 20 19	6103 12 00	6104 61 00	6108 91 00
5703 20 91	6103 19 00	6104 62 00	6108 92 00
5703 20 99	6103 21 00	6104 63 00	6108 99 00
5703 30 11	6103 22 00	6104 69 00	*****
5703 30 19	6103 23 00	*****	6109 10 00
5703 30 81	6103 29 00	6105 10 00	6109 90 10
5703 30 89	6103 31 00	6105 20 10	6109 90 30
5703 90 10	6103 32 00	6105 20 90	6109 90 90
5703 90 90	6103 33 00	6105 90 10	*****
*****	6103 39 00	6105 90 90	6110 11 10
5704 10 00	6103 41 00	*****	6110 11 30
5704 90 00	6103 42 00	6106 10 00	6110 11 90
*****	6103 43 00	6106 20 00	6110 12 10

6110 12 90	6211 32 42	6402 99 98	6403 99 93
6110 19 10	6211 33 31	*****	6403 99 96
6110 19 90	6211 33 41	6403 12 00	6403 99 98
6110 20 10	6211 33 42	6403 19 00	*****
6110 20 91	6211 42 31	6403 20 00	6404 11 00
6110 20 99	6211 42 41	6403 30 00	6404 19 10
6110 30 10	6211 42 42	6403 40 00	6404 19 90
6110 30 91	6211 43 31	6403 51 11	6404 20 10
6110 30 99	6211 43 41	6403 51 15	6404 20 90
6110 90 10	6211 43 42	6403 51 19	*****
6110 90 90	*****	6403 51 91	6405 10 00
*****	6212 10 10	6403 51 95	6405 20 10
6112 11 00	6212 10 90	6403 51 99	6405 20 91
6112 12 00	6212 20 00	6403 59 11	6405 20 99
6112 19 00	6212 30 00	6403 59 31	6405 90 10
6112 31 10	*****	6403 59 35	6405 90 90
6112 31 90	6401 10 10	6403 59 39	*****
6112 39 10	6401 10 90	6403 59 50	7101 10 00
6112 39 90	6401 91 00	6403 59 91	7101 21 00
6112 41 10	6401 92 10	6403 59 95	7101 22 00
6112 41 90	6401 92 90	6403 59 99	*****
6112 49 10	6401 99 00	6403 91 11	7103 91 00
6112 49 90	*****	6403 91 13	7103 99 00
*****	6402 12 10	6403 91 16	*****
6115 11 00	6402 12 90	6403 91 18	7104 10 00
6115 12 00	6402 19 00	6403 91 91	7104 20 00
6115 19 00	6402 20 00	6403 91 93	7104 90 00
*****	6402 30 00	6403 91 96	*****
6210 20 00	6402 91 00	6403 91 98	7105 10 00
6210 30 00	6402 99 10	6403 99 11	7105 90 00
*****	6402 99 31	6403 99 31	*****
6211 11 00	6402 99 39	6403 99 33	7106 10 00
6211 12 00	6402 99 50	6403 99 36	7106 91 10
6211 20 00	6402 99 91	6403 99 38	7106 91 90
6211 32 31	6402 99 93	6403 99 50	7106 92 20
6211 32 41	6402 99 96	6403 99 91	7106 92 80

*****	8504 34 00	8540 20 10	8903 91 99
7108 11 00	8504 40 10	8540 20 80	8903 92 10
7108 12 00	8504 40 20	8540 40 00	8903 92 91
7108 13 10	8504 40 50	8540 50 00	8903 92 99
7108 13 80	8504 40 93	8540 71 00	8903 99 10
7108 20 00	8504 50 10	8540 72 00	8903 99 91
*****	*****	8540 79 00	8903 99 99
7110 11 00	8518 21 90	8540 81 00	*****
7110 19 10	8518 22 90	8540 89 00	9001 30 00
7110 19 80	8518 29 20	*****	9001 40 20
7110 21 00	8518 29 80	8542 21 01	9001 40 41
7110 29 00	*****	8542 21 05	9001 40 49
7110 31 00	8539 10 10	8542 21 11	9001 40 80
7110 39 00	8539 10 90	8542 21 13	9001 50 20
7110 41 00	8539 21 30	8542 21 15	9001 50 41
7110 49 00	8539 21 92	8542 21 17	9001 50 49
*****	8539 21 98	8542 21 20	9001 50 80
7116 10 00	8539 22 10	8542 21 25	*****
7116 20 11	8539 29 30	8542 21 31	9003 11 00
7116 20 19	8539 29 92	8542 21 33	9003 19 10
7116 20 90	8539 29 98	8542 21 35	9003 19 30
*****	8539 31 10	8542 21 37	9003 19 90
8504 10 10	8539 31 90	8542 21 39	*****
8504 10 91	8539 32 10	8542 21 45	9006 53 10
8504 10 99	8539 32 50	8542 21 50	9006 53 90
8504 21 00	8539 32 90	8542 21 69	*****
8504 22 10	8539 39 00	8542 21 71	9202 10 10
8504 22 90	8539 41 00	8542 21 73	9202 10 90
8504 23 00	8539 49 10	8542 21 81	9202 90 30
8504 31 10	8539 49 30	8542 21 83	9202 90 80
8504 31 31	*****	8542 21 85	*****
8504 31 39	8540 11 11	8542 21 99	9204 10 00
8504 31 90	8540 11 13	8542 29 10	9204 20 00
8504 32 10	8540 11 15	8542 29 20	*****
8504 32 30	8540 11 19	8542 29 90	9205 10 00
8504 32 90	8540 11 91	*****	*****
8504 33 10	8540 11 99	8903 91 10	9207 90 10
8504 33 90	8540 12 00	8903 91 92	*****

ANNEX III

Coding of the nature of transaction

A	B
1. Transactions involving actual or intended transfer of ownership against compensation (financial or otherwise) (except the transactions listed under 2, 7 and 8) ^(a) ^(b) ^(c)	1. Outright/purchase/sale ^(b) 2. Supply for sale on approval or after trial, for consignment or with the intermediation of a commission agent 3. Barter trade (compensation in kind) 4. Purchases by private individuals 5. Financial leasing (hire-purchase) ^(c)
2. Return of goods after registration of the original transaction under code 1 ^(d) ; replacement of goods free of charge ^(d)	1. Return of goods 2. Replacement for returned goods 3. Replacement (e.g. under warranty) for goods not being returned
3. Transactions (not temporary) involving transfer of ownership but without compensation (financial or other)	1. Goods delivered under aid programmes operated or financed partly or wholly by the European Community 2. Other general government aid deliveries 3. Other aid deliveries (individuals, non-governmental organisations) 4. Others
4. Operations with a view to processing under contract ^(e) (except those recorded under 7)	
5. Operations following processing under contract ^(e) (except those recorded under 7)	
6. Particular transactions coded for national purposes ^(f)	
7. Operations under joint defence projects or other joint intergovernmental production programs	
8. Supply of building materials and equipment for works that are part of a general construction or engineering contract ^(g)	
9. Other transactions	

^(a) This item covers most dispatches and arrivals, i.e. transactions in respect of which:

- ownership is transferred from resident to non-resident, and
- payment or compensation in kind is or will be made.

It should be noted that this also applies to goods sent between related enterprises or from/to central distribution depots, even if no immediate payment is made.

^(b) Including spare parts and other replacements made against payment.

^(c) Including financial leasing: the lease instalments are calculated in such a way as to cover all or virtually all of the value of the goods. The risks and rewards of ownership are transferred to the lessee. At the end of the contract the lessee becomes the legal owner of the goods.

^(d) Return and replacement dispatches of goods originally recorded under items 3 to 9 of column A should be registered under the corresponding items.

^(e) Processing covers operations (transformation, construction, assembling, enhancement, renovation...) with the objective of producing a new or really improved item. This does not necessarily involve a change in the product classification. Processing activities on a processor's own account are not covered by this item and should be registered under item 1 of column A. Goods for or following processing have to be recorded as arrivals and dispatches.

However, a repair should not be recorded under this position. A repair entails the restoration of goods to their original function or condition. The objective of the operation is simply to maintain the goods in working order; this may involve some rebuilding or enhancements but does not change the nature of the goods in anyway.

Goods for and after repair are excluded from statistics relating to the trading of goods between Member States to be transmitted to the Commission (Eurostat) (see Annex I (h)).

^(f) Transactions recorded under this position could be: transactions not involving transfer of ownership e.g. repair, hire, loan, operational leasing and other temporary uses less than two years, except processing under contract (delivery or return). Transactions recorded with this code shall not be transmitted to the Commission (Eurostat).

^(g) The transactions recorded under item 8 of column A involve only goods which are not separately invoiced, but for which a single invoice covers the total value of the works. Where this is not the case, the transactions should be recorded under item 1.

ANNEX IV

Coding of delivery terms

Incoterm Code	Meaning	Place to be indicated, when required
	Incoterm ICC/ECE Geneva	
EXW	ex-works	location of works
FCA	free carrier	agreed place
FAS	free alongside ship	agreed port of loading
FOB	free on board	agreed port of loading
CFR	cost and freight (C&F)	agreed port of destination
CIF	cost, insurance and freight	agreed port of destination
CPT	carriage paid to	agreed place of destination
CIP	carriage and insurance paid to	agreed place of destination
DAF	delivered at frontier	agreed place of delivery at frontier
DES	delivered ex-ship	agreed port of destination
DEQ	delivered ex-quay	after customs clearance, agreed port
DDU	delivered duty unpaid	agreed place of destination in arriving country
DDP	delivered duty paid	agreed place of delivery in arriving country
XXX	delivery terms other than the above	precise statement of terms specified in the contract

Additional information (when required):

1. place located in the territory of the Member State concerned
2. place located in another Member State
3. other (place located outside the Community)

ANNEX V

Coding of mode of transport

Code	Title
1	Sea transport
2	Rail transport
3	Road transport
4	Air transport
5	Postal consignment
7	Fixed transport installations
8	Inland waterway transport
9	Own propulsion

ANNEX VI

Quality indicators

The information on the quality of the data provided by the Member States shall be based on a common set of quality indicators and the necessary descriptive metadata.

1. **Relevance** of statistical concepts means that the data meet users' needs.
2. **Accuracy** is one of the main needs of users. It can be assessed by indicators made up as follows:

(a) *Thresholds*

- (i) member States shall report the levels of current threshold.
- (ii) in order to monitor the levels at which thresholds have been set, Member States shall report:
 - the coverage rate (%), expressed in terms of value, of trade above the exemption threshold.
- (iii) in order to monitor the impact of the thresholds, Member States shall report:
 - the method of adjustment used to estimate trade below the thresholds,
 - the share (%) of estimated trade below the thresholds.

(b) *Non-response*

In order to assess the level of non-response, Member States shall report:

- the method of adjustment used to estimate missing trade,
- the share (%) of values estimated for missing trade.

(c) *Statistical value*

In order to assess the impact of calculating the statistical value, Member States shall report:

- the methodology used to calculate the statistical value,
- the quantitative impact of calculating the statistical value.

(d) *Revisions*

In order to assess the impact of the revisions procedures, Member States shall report:

- a description of the revision policy,
- the change (%) of the total trade value between the first results and the last available results.

(e) *Confidentiality*

In order to assess the impact of confidential trade, Member States shall report:

- a description of confidentiality rules,
- the share (%) of confidential trade expressed in value terms,
- the number of product codes within the CN affected by confidentiality.

(f) *Other links to accuracy*

Other indicators are useful for assessing the quality of data, so Member States shall include the following in the quality report:

- description of control procedures,
- monthly average number of lines in the declarations,

- number of PSIs (Providers of Statistical Information),
 - % of electronic declarations,
 - % of values declared electronically.
3. **Timeliness** shall be assessed by Eurostat by calculating the average time between the end of the reference month and transmission of the data to Eurostat, as follows:
- annual average delay (+ X days) or advance (–Y days) in the transmission of aggregate results, in calendar days, with reference to the legal deadline.
 - annual average delay (+ X days) or advance (–Y days) in the transmission of detailed results, in calendar days, with reference to the legal deadline.
4. **Accessibility** to users gives value to statistical data, which is increased if the data are readily available in formats required by users. **Clarity** of the data available depends on the assistance provided in using and interpreting the statistics and on the available comments and analysis of results.

Consequently, Member States shall include in the quality report the media used to disseminate external trade statistics and references to further information that can assist the users of the statistics (e.g. methodological information, previous or similar publications, etc.).

5. **Comparability** aims at measuring the impact of differences in applied statistical concepts and definitions when statistics are compared between geographical areas, non-geographical domains, or reference periods.

The use of differing concepts and definitions in Member States may affect comparability in foreign trade statistics (comparability over space).

To evaluate the impact, Member States shall report mirror exercises conducted by them and the investigation of asymmetry carried out if the mirror effect becomes significant.

Comparability over time is another important aspect of quality. Member States shall report any changes to definitions, coverage or methods that will have an impact on continuity.

6. **Coherence** is defined by how well sets of statistics can be used together. Apart from External Trade Statistics, information on external trade can be found in National Accounts, Business Statistics and Balance of Payments.

In this context, Member States shall report any information concerning the coherence of foreign trade statistics and statistics originating from other sources.

7. **Completeness** refers to the fact that the themes for which statistics are available reflect the needs and the priorities expressed by users of the European Statistical System.
-

**COMMISSION REGULATION (EC) No 1983/2004
of 18 November 2004**

**fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 1757/2004**

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⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1757/2004⁽²⁾.
- (2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of 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⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.
- (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

For tenders notified on 12 to 18 November 2004, pursuant to the invitation to tender issued in Regulation (EC) No 1757/2004, the maximum refund on exportation of barley shall be 17,49 EUR/t.

Article 2

This Regulation shall enter into force on 19 November 2004.

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

Done at Brussels, 18 November 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 313, 12.10.2004, p. 10.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1984/2004**of 18 November 2004****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1565/2004**

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⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of 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⁽²⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1565/2004 of 3 September 2004 on a special intervention measure for oats in Finland and Sweden for the 2004/2005 marketing year⁽³⁾,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries with the

exception of Bulgaria, Norway, Romania and Switzerland was opened pursuant to Regulation (EC) No 1565/2004.

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should be fixed.
- (3) 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

For tenders notified from 12 to 18 November 2004, pursuant to the invitation to tender issued in Regulation (EC) No 1565/2004, the maximum refund on exportation of oats shall be 29,99/EUR t.

Article 2

This Regulation shall enter into force on 19 November 2004.

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

Done at Brussels, 18 November 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ 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).

⁽³⁾ OJ L 285, 4.9.2004, p. 3.

COMMISSION REGULATION (EC) No 1985/2004**of 18 November 2004****concerning tenders notified in response to the invitation to tender for the import of sorghum issued in Regulation (EC) No 238/2004**

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⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 238/2004⁽²⁾.
- (2) Article 5 of Commission Regulation (EC) No 1839/95⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003 and on the basis of the tenders notified to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

(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

No action shall be taken on the tenders notified from 12 to 18 November 2004 in response to the invitation to tender for the reduction in the duty on imported sorghum issued in Regulation (EC) No 238/2004.

Article 2

This Regulation shall enter into force on 19 November 2004.

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

Done at Brussels, 18 November 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 40, 12.2.2004, p. 23.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 2235/2000 (OJ L 256, 10.10.2000, p. 13).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 November 2004

granting certain parties an exemption from the extension to certain bicycle parts, by Council Regulation (EC) No 71/97, of the anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93, and maintained by Council Regulation (EC) No 1524/2000, and lifting the suspension of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97

(notified under document number C(2004) 4383)

(2004/776/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation),

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China, and levying the extended duty on such imports registered under Regulation (EC) No 703/96⁽²⁾, maintained by Council Regulation (EC) No 1524/2000⁽³⁾ (the extending Regulation),

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93⁽⁴⁾ (the exemption Regulation), maintained by Regulation (EC) No 1524/2000, and in particular Article 7 thereof,

After consulting the Advisory Committee,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 16, 18.1.1997, p. 55.

⁽³⁾ OJ L 175, 14.7.2000, p. 39.

⁽⁴⁾ OJ L 17, 21.1.1997, p. 17.

Whereas:

- (1) After the entry into force of the exemption Regulation, a number of bicycle assemblers submitted requests pursuant to Article 3 of that Regulation for exemption of the anti-dumping duty as extended to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 (the extended anti-dumping duty). The Commission has published in the *Official Journal of the European Union* successive lists of applicants⁽¹⁾ for which payment of the extended anti-dumping duty in respect of their imports of essential bicycle parts declared for free circulation was suspended pursuant to Article 5(1) of the exemption Regulation.
- (2) The Commission requested and received from the parties listed in table 1 below all the information required for the determination of the admissibility of their requests. The information provided was examined and verified, where necessary, at the premises of the parties concerned. Based on this information, the Commission found that the requests submitted by the parties listed in table 1 below are admissible pursuant to Article 4(1) of the exemption Regulation.

TABLE 1

Name	Address	Country	TARIC additional code
VIVI' Bikes SRL	Via Brescia 1, I-26010 Pozzaglio ed Uniti	Italy	A428
Star Due SRL	Via De Gasperi 55, I-31010 Coste di Maser	Italy	A432
Motomur SL	Ctra Mazarrón, Km.2, E-30120 El Palmar, Murcia	Spain	A436
Star Ciclo, Montagem Comercialização de Bicicletas Lda	Vale do Grou, Aguada de Cima, P-3750-064 Águeda	Portugal	A445
United Bicycles NV	Oude Bunders 2030, B-3630 Maasmechelen	Belgium	A467
Sachs Fahrzeug- und Motorentechnik GmbH	Nopitschstraße 70, D-90441 Nürnberg	Germany	A485
AGECE, Montagem e Comércio de Bicicletas SA	Zona Industrial Barrô, Apartado N. 514, P-3754-909 Águeda	Portugal	A466
Heinz Kettler GmbH & Co. KG	Postfach 1020, D-59463 Ense Parsit, Hauptstraße 28, D-59469 Ense Parsit	Germany	A469
Open Space SRL	Via Guido Rossa 18/A, I-35020 Roncaglia de Ponte San Nicolo	Italy	A486
IMACycles, Acessórios para Bicicletas e Motociclos Lda	ZI Oiã, Apartado 117, P-3770-059 Oliveira do Bairro	Portugal	A487
Bicicletas de Castilla y León SL	Barrio Gimeno 5, E-09001 Burgos	Spain	A500
Giubilato Cicli SRL	Via Gaidon 3, I-36067 S. Giuseppe di Cassola	Italy	8604

- (3) The facts as finally ascertained by the Commission show that for all these applicants' bicycle assembly operations, the value of the parts originating in the People's Republic of China which were used in their assembly operations was lower than 60 % of the total value of the parts used in these assembly operations, and they, therefore, fall outside the scope of Article 13(2) of the basic Regulation.

⁽¹⁾ OJ C 45, 13.2.1997, p. 3, OJ C 112, 10.4.1997, p. 9, OJ C 378, 13.12.1997, p. 2, OJ C 217, 11.7.1998, p. 9, OJ C 37, 11.2.1999, p. 3, OJ C 186, 2.7.1999, p. 6, OJ C 216, 28.7.2000, p. 8, OJ C 170, 14.6.2001, p. 5, OJ C 103, 30.4.2002, p. 2, OJ C 43, 22.2.2003, p. 5 and OJ C 54, 2.3.2004 p. 3.

- (4) For the above reasons, and in accordance with Article 7(1) of the exemption Regulation, the parties listed in the above table should be exempted from the extended anti-dumping duty.
- (5) In accordance with Article 7(2) of the exemption Regulation, the exemption of the parties listed in table 1 from the extended anti-dumping duty should take effect as from the date of receipt of their requests. In addition their customs debt in respect of the extended anti-dumping duty is to be considered void as from the date of receipt of their requests for exemption.
- (6) The parties listed in table 2 below also submitted requests for exemption from the extended anti-dumping duty.

TABLE 2

Name	City	Country	TARIC additional code
Principia A/S	Fr. Raschsvej 15, DK-9400 Nørresundby	Denmark	A443
Reece Cycles plc	100 Alcester Street, Digbeth, Birmingham B12 0QB, United Kingdom	United Kingdom	A385

With regard to these requests, it should be noted that:

- (a) one party withdrew its request for exemption;
- (b) another party does not use the bicycle parts for the production or the assembly or completion of bicycles.
- (7) Since the parties listed in table 2 failed to meet the criteria for exemption set by Article 4 of the exemption Regulation, the Commission has to reject their requests for exemption, in accordance with Article 7(3) of the Regulation. In the light of this, the suspension of the payment of the extended anti-dumping duty referred to in Article 5 of the exemption Regulation must be lifted and the extended anti-dumping duty must be collected as from the date of receipt of the requests submitted by these parties.
- (8) Following the adoption of this Decision, an updated list of parties exempted pursuant to Article 7 of the exemption Regulation and of parties whose requests pursuant to Article 3 of that Regulation are under examination should be published in the C series of the *Official Journal of the European Union* in accordance with Article 16(2) of that Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The parties listed below in table 1 are hereby exempted from the extension to imports of certain bicycle parts from the People's Republic of China by Regulation (EC) No 71/97 of the definitive anti-dumping duty imposed on bicycles originating in the People's Republic of China by Regulation (EEC) No 2474/93, and as maintained by Regulation (EC) No 1524/2000.

The exemptions shall take effect in relation to each party as from the relevant date shown in the column headed 'Date of effect'.

TABLE 1

List of parties to be exempted

Name	Address	Country	Exemption pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
VIVI Bikes SRL	Via Brescia 1, I-26010 Pozzaglio ed Uniti	Italy	Article 7	22.1.2003	A428
Star Due SRL	Via De Gasperi 55, I-31010 Coste di Maser	Italy	Article 7	31.1.2003	A432
Motomur SL	Ctra Mazarrón, Km.2, E-30120 El Palmar, Murcia	Spain	Article 7	11.2.2003	A436
Star Ciclo, Montagem Comercialização de Bicicletas Lda	Vale do Grou, Aguada de Cima, P-3750-064 Águeda	Portugal	Article 7	13.5.2003	A445
United Bicycles NV	Oude Bunders 2030, B-3630 Maasmechelen	Belgium	Article 7	21.5.2003	A467
Sachs Fahrzeug- und Motorentechnik GmbH	Nopitschstraße 70, D-90441 Nürnberg	Germany	Article 7	4.6.2003	A485
AGECE, Montagem e Comércio de Bicicletas SA	Zona Industrial Barrô, Apartado N. 514, P-3754-909 Águeda	Portugal	Article 7	10.6.2003	A466
Heinz Kettler GmbH & Co. KG	Postfach 1020, D-59463 Ense Parsit, Hauptstraße 28, D-59469 Ense Parsit	Germany	Article 7	20.6.2003	A469
Open Space SRL	Via Guido Rossa 18/A, I-35020 Roncaglia de Ponte San Nicolo	Italy	Article 7	12.9.2003	A486
IMACycles, Acessórios para Bicicletas e Motociclos Lda	Z.I. Oiã, Apartado 117, P-3770-059 Oliveira do Bairro Lda	Portugal	Article 7	25.9.2003	A487
Bicicletas de Castilla y León SL	Barrio Gimeno 5, E-09001 Burgos	Spain	Article 7	9.10.2003	A500
Giubilato Cicli SRL	Via Gaidon 3, I-36067 S. Giuseppe di Cassola	Italy	Article 7	27.11.2003	8604

Article 2

The requests for exemption from the extended anti-dumping duty made in accordance with Article 3 of Regulation (EC) No 88/97 by the parties listed below in table 2 are hereby rejected.

The suspension of payment of the extended anti-dumping duty pursuant to Article 5 of Regulation (EC) No 88/97 is hereby lifted for the parties concerned as from the relevant date shown in the column headed 'Date of effect'.

TABLE 2

List of parties for which the suspension is to be lifted

Name	City	Country	Suspension pursuant to Regulation (EC) No 88/97	Date of effect	TARIC additional code
Principia A/S	Fr. Raschsvej 15, DK-9400 Nørresundby	Denmark	Article 5	9.4.2003	A443
Reece Cycles plc	100 Alcester Street, Digbeth, Birmingham B12 0QB, United Kingdom	United Kingdom	Article 5	10.10.2003	A385

Article 3

This Decision is addressed to the Member States and to the parties listed in Article 1 and 2.

Done at Brussels, 18 November 2004.

For the Commission
Pascal LAMY
Member of the Commission

COMMISSION

ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS

DECISION No 197

of 23 March 2004

on the transitional periods for the introduction of the European Health Insurance Card in accordance with Article 5 of Decision No 191

(Text of relevance to the EEA and to the EU/Switzerland Agreement)

(2004/777/EC)

THE ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR
MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community⁽¹⁾, under which it is responsible for dealing with any administrative question arising from Regulation (EEC) No 1408/71 and subsequent Regulations,

Having regard to Decision No 191 of 18 June 2003 on the replacement of forms E 111 and E 111B by the European Health Insurance Card⁽²⁾,

Whereas:

(1) Pursuant to Article 1 of Decision No 191, the European Health Insurance Card will replace forms E 111 and E 111B from 1 June 2004. The E 111 and E 111B forms issued by the Member States' competent institutions before 31 May 2004 will remain valid until 31 December 2004 at the latest.

(2) Pursuant to Article 5 of Decision No 191, the Member States which do not have a health insurance card at the time when the Decision is adopted may be granted a

transitional period, which may not, however, extend beyond 31 December 2005. The Member States which fulfil this condition must inform the Administrative Commission before 1 December 2003 of their intention to claim such a period, specifying its duration. After 1 June 2004, the competent institutions of the Member States granted a transitional period will therefore continue to issue E 111 forms, the validity of which will expire at the end of the transitional period. The new Member States which fulfil the abovementioned condition must notify the Administrative Commission of their wish to be allowed a transitional period and specify its duration by 31 May 2004 at the latest.

(3) In order to ensure clear and transparent information for institutions and citizens, and to guarantee recognition of the E 111 forms that will continue to be issued after 1 June 2004 in certain Member States, a list must be drawn up of the Member States granted such a transitional period. However, as regards the new Member States and the EFTA countries this list can only be indicative as long as Decision No 191 does not apply there.

(4) From 1 June 2004, the competent institutions of the Member States which do not have a transitional period may no longer issue forms E 111 or E 111B. Consequently, if the European card is introduced gradually, certain competent institutions of the Member States concerned will have to issue to insured persons a temporary replacement certificate if they are unable to issue European cards. However, all the competent institutions must be able to issue cards by 1 January 2006 at the latest.

⁽¹⁾ OJ L 149, 5.7.1971, p. 2. Regulation as last amended by Regulation (EC) No 631/2004 of the European Parliament and of the Council (OJ L 100, 6.4.2004, p. 1).

⁽²⁾ OJ L 276, 27.10.2003, p. 19.

- (5) Throughout the transitional period the competent institutions of the Member States concerned will continue to issue E 111 forms to insured persons on the basis of the model set out in Decision No 198 of 23 March 2004, concerning the replacement and discontinuance of the model forms necessary for the application of Regulations (EEC) No 1408/71 and (EEC) No 574/72 of the Council⁽¹⁾.
- (6) However, Member States, which have a transitional period, can choose to shorten the duration of this period. They must notify the Administrative Commission of their decision at the latest three months before the introduction of the first European Card. As a result of this notification, the Member State concerned, may no longer issue form E 111 from the date indicated in its notification to the Administrative Commission.
- (7) A decision of the EEA Joint Committee will define the arrangements for the use of the European Health Insurance Card in the European Economic Area. This decision will set out in particular the model of the cards issued by the competent institutions of Norway, Iceland and Liechtenstein.
- (8) A decision of the Joint Committee for the Agreement on the free movement of persons between the European Community and its Member States and the Swiss Confederation will define the arrangements for the use of the European Health Insurance Card in relations between the Member States and Switzerland. This decision will set out in particular the model of the cards issued by the competent institutions of the Swiss Confederation,

HAS DECIDED AS FOLLOWS:

1. The Member States included in the list annexed to this Decision may be granted a transitional period for the introduction of the European Health Insurance card from 1 June 2004.

The competent institutions of these Member States shall continue to issue E 111 forms in accordance with the model laid down in Decision No 198 until the end of the transitional period.

However, before the end of the transitional period, these Member States may choose to shorten the transitional period. The Member States shall notify the Administrative Commission, at the latest three months before the introduction of the first European Card. The Administrative Commission will amend the relevant annexes to this Decision in order to indicate the date on which the transitional period of the Member State concerned will end.

2. The competent institutions of the Member States which do not have a transitional period may no longer issue forms E 111 or E 111B as from 1 June 2004. The competent institutions of the Member States who do have a transitional period but have decided to shorten this period accordingly, paragraph 3 of point 1 of this Decision, may no longer issue form E 111 from the date indicated in its notification to the Administrative Commission.

The institutions of these Member States shall issue a temporary replacement certificate to any insured person who cannot obtain a European card.

If the competent institution is not able to issue a European Card, the mentions of field 8 and 9 of the temporary replacement form are optional. The absence of this mention shall not undermine the validity of the temporary replacement form.

3. This Decision will be published in the *Official Journal of the European Union*. It will be applicable from 1 June 2004.

The Chairman of the Administrative Commission
Tim QUIRKE

⁽¹⁾ OJ L 259, 5.8.2004, p. 1.

ANNEX I

List of Member States allowed a transitional period

Member State	Transitional period until
Austria	31 December 2005
Italy	31 October 2004
Netherlands	31 December 2005
Portugal	28 February 2005
United Kingdom	31 December 2005

ANNEX II

Indicative list of the new Member States which might be allowed a transitional period

New Member State	Transitional period until
Latvia	31 July 2005
Lithuania	1 July 2005
Malta	31 December 2005
Poland	31 December 2005
Slovakia	31 December 2005
Cyprus	31 December 2005
Hungary	31 December 2005

ANNEX III

Provisional list of the EFTA countries which might be allowed a transitional period (subject to the Decision of the EEA Joint Committee)

EFTA member country	Transitional period until
Iceland	31 December 2005
Switzerland	31 December 2005
Liechtenstein	31 December 2005

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