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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 7/2005**of 13 December 2004****adopting autonomous and transitional measures to open a Community tariff quota for certain agricultural products originating in Switzerland**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1)

Following enlargement of the European Union on 1 May 2004 the Community and Switzerland agreed on 19 May 2004 on the principle that the trade flows in accordance with the preferences granted previously under the bilateral arrangements between the new Member States and Switzerland should be maintained after enlargement. The Parties therefore agreed to adapt the tariff concessions laid down in the Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products⁽¹⁾ (hereinafter referred to as the Agreement), which entered into force on 1 June 2002. The adaptation of these concessions, which are listed in Annexes 1 and 2 to the Agreement, includes the widening of an existing duty-free Community tariff quota (products of CN codes 0705 11 00, 0705 19 00 and 0705 29 00, under the order number 09.0925) to cover a new product (CN code 0705 21 00).

(2) It has been agreed by the Parties, on the basis of reciprocity, that the changes to bilateral tariff concessions should be applied retroactively from 1 May 2004. Since the procedure for adopting bilaterally a decision to amend Annexes 1 and 2 to the Agreement will not be completed immediately, the Parties agreed to provide for the application of those concessions on an autonomous and transitional basis as from 1 May 2004.

(3) To ensure that quota benefit for products of CN code 0705 21 00 is available from 1 May 2004, a new

Community tariff quota limited to those products should be provided for during a transitional period, without prejudice to continued access for other products within the framework of the existing tariff quota laid down in the Agreement and in Commission Regulation (EC) No 933/2002 of 31 May 2002 opening and providing for the management of tariff quotas for certain agricultural products originating in Switzerland, and repealing Regulation (EC) No 851/95⁽²⁾.

(4) To be eligible for the benefit of this tariff quota, products must originate in Switzerland in conformity with the rules referred to in Article 4 of the Agreement.

(5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽³⁾ provides for a system for managing tariff quotas. The tariff quota opened by this Regulation should be managed by the Commission and the Member States in accordance with that system.

(6) Since the new tariff quota is to be opened from 1 May 2004, this Regulation should be applicable from the same date and enter into force as soon as possible,

HAS ADOPTED THIS REGULATION:

Article 1

A duty-free Community tariff quota for products of CN code 0705 21 00 originating in Switzerland shall be opened annually, for the period from 1 January to 31 December, under the order number 09.0947. In 2004, it shall be opened for the period from 1 May to 31 December. The volume in 2004 and annually thereafter shall be 500 tonnes net weight.

⁽²⁾ OJ L 144, 1.6.2002, p. 22.

⁽³⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

⁽¹⁾ OJ L 114, 30.4.2002, p. 132.

Article 2

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

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

It shall apply from 1 May 2004.

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

Done at Brussels, 13 December 2004.

For the Council

The President

B. R. BOT

COMMISSION REGULATION (EC) No 8/2005**of 5 January 2005****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 6 January 2005.

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

Done at Brussels, 5 January 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 5 January 2005 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	89,4
	204	63,9
	999	76,7
0707 00 05	052	105,0
	999	105,0
0709 90 70	052	111,9
	204	91,2
	999	101,6
0805 10 10, 0805 10 30, 0805 10 50	052	48,3
	204	59,4
	220	39,7
	448	34,4
	999	45,5
0805 20 10	204	75,4
	999	75,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,1
	204	47,5
	400	79,9
	464	140,9
	624	81,8
	999	84,2
0805 50 10	052	58,9
	528	45,1
	999	52,0
0808 10 20, 0808 10 50, 0808 10 90	400	91,1
	404	88,8
	720	55,9
	999	78,6
0808 20 50	400	83,9
	999	83,9

⁽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 9/2005**of 5 January 2005****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses⁽²⁾, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2004/2005 marketing year are fixed by

Commission Regulation (EC) No 1210/2004⁽³⁾. These prices and duties have last been amended by Commission Regulation (EC) No 2160/2004⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1210/2004 for the 2004/2005 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 6 January 2005.

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

Done at Brussels, 5 January 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 232, 1.7.2004, p. 11.

⁽⁴⁾ OJ L 370, 17.12.2004, p. 62.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 6 January 2005

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	19,48	6,56
1701 11 90 ⁽¹⁾	19,48	12,31
1701 12 10 ⁽¹⁾	19,48	6,37
1701 12 90 ⁽¹⁾	19,48	11,79
1701 91 00 ⁽²⁾	17,88	17,89
1701 99 10 ⁽²⁾	17,88	12,44
1701 99 90 ⁽²⁾	17,88	12,44
1702 90 99 ⁽³⁾	0,18	0,46

⁽¹⁾ Fixed for the standard quality defined in Annex LII to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).⁽²⁾ Fixed for the standard quality defined in Annex LI to Regulation (EC) No 1260/2001.⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 10/2005**of 5 January 2005****amending the import duties in the cereals sector applicable from 6 January 2005**

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 2280/2004⁽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 2280/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2280/2004 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 6 January 2005.

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

Done at Brussels, 5 January 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽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 381, 31.12.2004, p. 42.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 6 January 2005

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	1,95
	low quality	21,95
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	40,05
1005 10 90	Maize seed other than hybrid	55,51
1005 90 00	Maize other than seed ⁽²⁾	55,51
1007 00 90	Grain sorghum other than hybrids for sowing	40,05

⁽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 30.12.2004-4.1.2005

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)	108,75 (***)	60,16	137,83	127,83	107,83	89,93
Gulf premium (EUR/t)	39,75	12,46	—			—
Great Lakes premium (EUR/t)	—	—	—			—

(*) 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).

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

Freight/cost: Gulf of Mexico–Rotterdam: 29,39 EUR/t; Great Lakes–Rotterdam: — 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).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 June 2004

relating to a proceeding pursuant to Article 81 of the EC Treaty concerning case COMP/A.38549 —
Belgian Architects' Association

(notified under document number C(2004) 2180)

(Only the Dutch text is authentic)

(2005/8/EC)

On 24 June 2004, the Commission adopted a decision relating to a proceeding under Article 81 of the EC Treaty. In accordance with the provisions of Article 30 of Regulation 1/2003, the Commission herewith publishes the names of the parties and the main content of the decision, including any penalties imposed. In doing so, it has regard to the legitimate interest of the undertakings in the protection of their business secrets. A non-confidential version of the full text of the decision can be found in the authentic language of the case (NL) and in the Commission's working languages (FR, EN, DE) on DG COMP's website at http://europa.eu.int/comm/competition/index_en.html.

BACKGROUND

- (1) The European Council meeting in Lisbon in March 2000 approved a programme of economic reform aimed at making the EU the most competitive and dynamic knowledge-based economy in the world by 2010. In improving the competitiveness of the European economy there is an important part to be played by professional services.

- (2) The Decision on the scale of minimum fees drawn up by the Belgian Architects' Association is in line with the Commission's overall policy towards services in general and professional services in particular. This is reflected in the proposals for Directives on services⁽¹⁾ and on professional qualifications⁽²⁾, and the Commission

communication on competition in professional services⁽³⁾. In this communication the Commission acknowledged that some regulation in the sector of professional services may be justified, for instance to reduce the asymmetry of information between customers and service providers. It however expressed its belief that in some cases more pro-competitive mechanisms than those which presently exist can and should be used.

- (3) Professional services are usually characterised by a high level of regulation, in the form of either state regulation or self-regulation by professional bodies. Some of this regulation is potentially restrictive, the five main categories being (i) price fixing, (ii) recommended prices, (iii) advertising regulations, (iv) entry requirements and reserved rights, and (v) regulations governing business structure and multi-disciplinary practices.

⁽¹⁾ Proposal for a Directive of the European Parliament and of the Council on services in the internal market, COM(2004) 2.

⁽²⁾ Amended proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications (presented by the Commission pursuant to Article 250(2) of the EC Treaty), COM(2004) 317.

⁽³⁾ Report on Competition in Professional Services, COM(2004) 83.

- (4) Like fixed prices, recommended prices too have a significant negative impact on competition. They can facilitate coordination of prices between service providers. They can mislead consumers as to the price levels that might be reasonable. It is true, at least in theory, that they can provide consumers with useful information about the average costs of services, but there are alternative methods of providing price information of this kind. For example, the publication of historical or survey-based price information by independent parties (such as a consumer organisation) might provide a more trustworthy price guide for consumers, which distorts competition to a lesser extent.
- (5) At the initiative of the domestic competition authorities, recommended prices for architectural services have already been ended in Finland, in France, and in the United Kingdom.

SUMMARY

- (6) A scale of minimum fees was adopted by the National Council of the Belgian Architects' Association in 1967, and has been amended several times since; the most recent amendment, in June 2002, describes it as a 'guideline' (*indicatief/leidraad*). The scale lays down the minimum fees due to an architect for services performed in independent practice in Belgium.
- (7) On 3 November 2003 the Commission sent the Association a statement of objections. The Association submitted its observations within the time allowed, and a hearing took place on 9 February 2004.
- (8) In the Decision the Commission sets out the evidence relating to the decision to establish the fee scale, the legal context, and the conduct of the Association that has satisfied the Commission that the decision to establish the scale is a decision of an association of undertakings which has the restriction of competition

- as its object. This is despite the fact that the Association has described the scale as a 'guideline', and despite the fact that not all architects have treated it as compulsory.
- (9) The evidence indicating that the scale sought to restrict competition includes the intentionally rule-making tone of the title and of the recitals in the preamble, and the fact that for 18 years the Association drew up and circulated a standard contract in which the only option for determining fees was a reference to the scale.
- (10) In order to find that Article 81(1) of the EC Treaty has been infringed, it is enough that the Commission should show that the decision establishing the scale had the restriction of competition as its object, but the Decision also sets out evidence showing that the scale was applied at least to some extent.
- (11) According to the *Wouters* case-law⁽¹⁾ of the Court of Justice, a decision by an association of undertakings does not infringe Article 81(1) of the EC Treaty when, despite the effects restrictive of competition that are inherent in it, it is necessary for the proper practice of the profession, as organised in the Member State concerned. The Commission takes the view that the establishment of a (recommended) minimum fee scale by the Architects' Association cannot be considered as necessary in order to ensure the proper practice of the architect's profession.
- (12) After receiving the statement of objections the Association withdrew the scale of fees and took the steps necessary to publicise the fact. The Commission concludes that the infringement has now come to an end. It also sets out the reasons why it takes the view that it should impose a fine of EUR 100 000.
- (13) On 14 June 2004 the Advisory Committee unanimously endorsed the draft Decision. On 21 June it unanimously approved the fine proposed. The Advisory Committee had been informed of the Hearing Officer's observations on the proceedings.

⁽¹⁾ Case C-309/99 *Wouters* [2002] ECR I-1577.

COMMISSION DECISION

of 29 December 2004

concerning the common position of the Community on a Decision of the Joint Committee on Agriculture amending point B(9) of Appendix 1 to Annex 7 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

(2005/9/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation⁽¹⁾, most notably the Agreement on trade in agricultural products⁽²⁾, and in particular the fourth indent of Article 5(2) thereof,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter referred to as the Agriculture Agreement) entered into force on 1 June 2002.
- (2) Article 6 of the Agriculture Agreement sets up a Joint Committee on Agriculture to be responsible for the administration of the Agreement and its proper functioning.
- (3) In accordance with Article 6(4) and (7) of the Agriculture Agreement, on 21 October 2003 the Joint Committee on Agriculture (hereinafter referred to as the Joint Committee) adopted its Rules of Procedure⁽³⁾ and set up the working groups required to manage the Annexes to the Agriculture Agreement⁽⁴⁾. The Working Group on 'Wine-Sector Products' met to examine questions relating to Annex 7 and its implementation, in accordance with Article 27(1) of Annex 7 to the Agreement, and to put forward proposals to the Joint Committee with a view to adapting the Appendices to Annex 7, in accordance with Article 27(2) of Annex 7 to the Agreement. Article 11 of the Agreement provides that the Joint Committee may decide to amend Annexes 1 and 2 and the Appendices to the other Annexes to the Agreement.

(4) The Community must decide on the position to be adopted by the Commission in the Joint Committee as regards the amendments to the Appendices.

(5) The Commission is competent to adopt the common position on the amendments to the Appendices to Annex 7.

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

DECIDES:

Article 1

The Community position to be adopted by the Commission in the Joint Committee on Agriculture set up by Article 6 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products shall be based on the draft Decision of the Joint Committee, which is annexed to this Decision.

Article 2

The Head of the Community Delegation within the Joint Committee on Agriculture is hereby authorised to adopt the Decision on behalf of the Community. For matters falling within the competence of the Directorate-General for Agriculture, this authorisation shall also apply to the Unit Head responsible for bilateral relations with Switzerland.

Done at Brussels, 29 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 114, 30.4.2002, p. 1.

⁽²⁾ OJ L 114, 30.4.2002, p. 132. Agreement as last amended by Decision No 1/2004 of the Joint Veterinary Committee set up under the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 160, 30.4.2004, p. 116, corrigendum in OJ L 212, 12.6.2004, p. 72).

⁽³⁾ Common position adopted by the Council on 21 July 2003; Joint Committee Decision No 1/2003 of 21 October 2003 concerning the adoption of its Rules of Procedure (OJ L 303, 21.11.2003, p. 24).

⁽⁴⁾ Common position adopted by the Council on 21 July 2003; Joint Committee Decision No 2/2003 of 21 October 2003 concerning the setting-up of the working groups and the adoption of the terms of reference of those groups (OJ L 303, 21.11.2003, p. 27).

ANNEX

Proposal for

**DECISION No OF THE JOINT COMMITTEE ON AGRICULTURE SET UP BY THE AGREEMENT BETWEEN
THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL
PRODUCTS**

of ...

concerning point B(9) of Appendix 1 to Annex 7

(…/…/…)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

Whereas:

- (1) This Agreement entered into force on 1 June 2002.
- (2) Annex 7 is aimed at facilitating trade in wine-sector products between the Parties.
- (3) Under Article 27(1) of Annex 7, the Working Group considers any matter which may arise in connection with the implementation of Annex 7 and, under Article 27(2) of Annex 7, may in particular put forward proposals to the Committee with a view to adapting and updating the Appendices to Annex 7.
- (4) Point B(9) of Appendix 1 to Annex 7 sets out the accompanying document for wines imported from Switzerland in accordance with point B(9) of Appendix 1 to the original version of the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Point B(9) of Appendix 1 to Annex 7 is hereby replaced by the text contained in the Annex to this Decision.

Article 2

This Decision shall apply from 1 October 2004.

Done at Brussels, ...

*For the Joint Committee on Agriculture**The Chair*

Aldo LONGO

The Head of the Swiss Delegation

... ..

ANNEX

'9. All imports into the Community of wine-sector products originating in Switzerland shall be subject to presentation of the accompanying document set out below. This accompanying document replaces document VI1, as referred to in Commission Regulation (EC) No 883/2001 of 24 April 2001 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾

Accompanying document⁽²⁾ for the carriage of wine products from Switzerland⁽³⁾

1. Exporter (name and address)	2. Reference number	
	4. Swiss authority responsible at the place of departure (name and address)	
3. Consignee (name and address)	6. Date of dispatch	
	7. Place of delivery	
5. Carrier and other transport details		9. Quantity
8. Description of product		11. Batch (No)
10. Other details		
12. Certificates (certain wines)		
13. Details of wine exported in bulk		
Actual alcoholic strength:		
Handling:		
14. Checks by EU authorities responsible:	15. Signatory's company and telephone No	
	16. Name of signatory	
	17. Place and date	
	18. Signature	

⁽¹⁾ OJ L 128, 10.5.2001, p. 1.

⁽²⁾ In accordance with point B(9) of Appendix 1 to Annex 7 to the Agreement of 21 June 1999 between the European Community and the Swiss Confederation on trade in agricultural products.

⁽³⁾ The wine-growing zone to which this document refers is the territory of the Swiss Confederation.'

COMMISSION DECISION

of 30 December 2004

amending Decision 2004/666/EC as regards the reintroduction of vaccination in certain parts of Italy affected by low pathogenic avian influenza and extending movement control measures

(notified under document number C(2004) 5541)

(Text with EEA relevance)

(2005/10/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-community trade in certain live animals and products with a view to the completion of the internal market⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza⁽³⁾, and in particular Article 16 thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽⁴⁾, and in particular Article 4(1) and (3) and Article 13(3) thereof,

Whereas:

(1) Under Commission Decision 2002/975/EC of 12 December 2002 on introducing vaccination to

⁽¹⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33, corrigendum in OJ L 95, 2.6.2004, p. 12).

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽³⁾ OJ L 167, 22.6.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁴⁾ OJ L 18, 23.1.2003, p. 11.

supplement the measures to control infections with low pathogenic avian influenza in Italy and on specific movement control measures⁽⁵⁾, a vaccination programme was carried out in parts of Northern Italy to control infections with low pathogenic avian influenza strain subtype H7N3. A DIVA strategy was applied by using a heterologous vaccine of H7N1 subtype, which allows differentiation between infected and vaccinated poultry. Since September 2003, no further virus circulation of the field strain has been detected.

(2) Under Commission Decision 2004/666/EC of 29 September 2004 on introducing vaccination to supplement the measures to control infections with low pathogenic avian influenza in Italy and on specific movement control measures and repealing 2002/975/EC⁽⁶⁾, a new vaccination programme was approved in a smaller area of Italy compared to the previous vaccination campaign under Decision 2002/975/EC. That new programme is carried out with a bivalent vaccine containing both avian influenza subtypes H5 and H7. A prohibition on intra-Community trade in live poultry and hatching eggs apply in the vaccination area and conditions for intra-Community trade in fresh meat originating from vaccinated poultry have been laid down in that Decision.

(3) Since mid September 2004, there is evidence that low pathogenic avian influenza of the same subtype H7N3 has been reoccurring in the areas of Italy previously affected.

(4) Although up to present time the infections seem to be contained within a defined area under the restrictions provided for in Decision 2004/666/EC, it appears appropriate to reintroduce vaccination in bordering areas to prevent possible further spread of the disease. In addition, it is appropriate to extend the restrictive measures provided for in that Decision.

⁽⁵⁾ OJ L 337, 13.12.2002, p. 87. Decision as last amended by Decision 2004/159/EC (OJ L 50, 20.2.2004, p. 63).

⁽⁶⁾ OJ L 303, 30.9.2004, p. 35.

- (5) Due to vaccine availability, the vaccination campaign should be carried out with a monovalent vaccine suitable to protect against the current infections with subtype H7N3.
- (6) In addition, the health marking to be applied for fresh poultry meat not intended for intra-Community trade nor for dispatch to third countries, as provided for in Decision 2004/666/EC, should be amended to facilitate national use.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2004/666/EC is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

1. The vaccination programme against avian influenza submitted by Italy to the Commission is approved. It shall be carried out in the areas listed in Annex I with a bivalent vaccine and in the areas listed in Annex II with the monovalent vaccine.
2. Intensive monitoring and surveillance, as set out in the vaccination programme referred to in paragraph 1, shall be carried out in the areas listed in Annexes I and II.'
2. In Articles 2 and 3, the words 'Annex I' are replaced by the words 'Annexes I and II'.

3. Article 5 is amended as follows:

- (a) In paragraph 1, the introductory phrase is replaced by the following:

'Fresh meat of poultry shall be marked with a rectangular mark containing the approval number of the establishment, but not the letters C.E., and shall not be dispatched from Italy if it is derived from:'

- (b) In paragraph 2, the words 'Annex II of Council Directive 2002/99/EC' are replaced by the words 'paragraph 1'.

4. In Article 6, in the introductory phrase, the words 'Annex I' are replaced by the words 'Annexes I and II'.

5. In Annex I, the title 'vaccination area' is replaced by the title 'Area, where vaccination is carried out with a bivalent vaccine'.

6. In Annex II, the title 'area bordering the vaccination area where intensive monitoring is carried out' is replaced by the title 'Area, where vaccination with a monovalent vaccine is carried out'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 December 2004.

For the Commission

Markos KYPRIANOU

Member of the Commission