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### Legislation

#### Contents

#### I Acts whose publication is obligatory

Commission Regulation (EC) No 2164/2004 of 17 December 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 1

★ Commission Regulation (EC) No 2165/2004 of 17 December 2004 opening an invitation to tender for the allocation of A3 export licences for fruit and vegetables (tomatoes, oranges, lemons and apples) ..... 3

★ Commission Regulation (CE) No 2166/2004 of 17 December 2004 concerning the opening of tariff quotas for 2005 applicable for imports into the European Community of certain processed agricultural products originating in Switzerland ..... 6

★ Commission Regulation (EC) No 2167/2004 of 17 December 2004 adapting Regulation (EEC) No 1848/93 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ..... 8

★ Commission Regulation (EC) No 2168/2004 of 17 December 2004 adapting Regulation (EEC) No 2037/93 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia ..... 12

★ Commission Regulation (EC) No 2169/2004 of 17 December 2004 amending Regulation (EC) No 1535/2003 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables ..... 18

★ Commission Regulation (EC) No 2170/2004 of 17 December 2004 apportioning, for the 2004/05 marketing year, 5 000 tonnes of short flax fibre and hemp fibre as national guaranteed quantities between Denmark, Greece, Ireland, Italy and Luxembourg ..... 19

★ Commission Regulation (EC) No 2171/2004 of 17 December 2004 laying down rules for the management and distribution of textile quotas established for the year 2005 under Council Regulation (EC) No 517/94..... 20

★ <b>Commission Regulation (EC) No 2172/2004 of 17 December 2004 amending Regulation (EC) No 417/2002 of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers <sup>(1)</sup></b> .....	26
Commission Regulation (EC) No 2173/2004 of 17 December 2004 fixing the export refunds on pigmeat .....	28
Commission Regulation (EC) No 2174/2004 of 17 December 2004 fixing the minimum selling prices for butter for the 154th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97 .....	31
Commission Regulation (EC) No 2175/2004 of 17 December 2004 fixing the maximum aid for cream, butter and concentrated butter for the 154th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97.....	33
Commission Regulation (EC) No 2176/2004 of 17 December 2004 concerning the 73rd special invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999 .....	35
Commission Regulation (EC) No 2177/2004 of 17 December 2004 fixing the minimum selling price for butter for the 10th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999 .....	36
Commission Regulation (EC) No 2178/2004 of 17 December 2004 fixing the minimum selling price for skimmed-milk powder for the 9th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001 .....	37
Commission Regulation (EC) No 2179/2004 of 17 December 2004 fixing the maximum aid for concentrated butter for the 326th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90 .....	38
Commission Regulation (EC) No 2180/2004 of 17 December 2004 amending the import duties in the cereals sector applicable from 18 December 2004 .....	39
★ <b>Regulation (EC) No 2181/2004 of the European Central Bank of 16 December 2004 amending Regulation (EC) No 2423/2001 (ECB/2001/13) concerning the consolidated balance sheet of the monetary financial institutions sector and Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2004/21)</b> .....	42

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## II Acts whose publication is not obligatory

### Council

2004/865/EC:

- |                                                                                                                                                            |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| ★ <b>Council Decision of 6 December 2004 appointing two Luxembourg members and four Luxembourg alternate members of the Committee of the Regions</b> ..... | 46 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

2004/866/EC:

- |                                                                                                                                                                                                                                                            |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| ★ <b>Council Decision of 13 December 2004 authorising the Republic of Austria to apply a measure derogating from Article 17 of the Sixth Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes</b> ..... | 47 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|



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

2004/867/EC:

★ Council Decision of 13 December 2004 amending Decision 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme) .....	48
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

**Commission**

2004/868/EC:

★ Decision No 29/2004 of the Joint Committee established under the Agreement on Mutual Recognition between the European Community and the United States of America of 5 November 2004 related to the listing of a Conformity Assessment Body under the Sectoral Annex on Electromagnetic Compatibility .....	50
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

---

**Corrigenda**

Corrigendum to Commission Regulation (EC) No 2129/2004 of 14 December 2004 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95 (OJ L 368, 15.12.2004) .....	52
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2164/2004**  
**of 17 December 2004**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 18 December 2004.

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

Done at Brussels, 17 December 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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

## ANNEX

**to Commission Regulation of 17 December 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	112,2
	204	84,3
	624	182,9
	999	126,5
0707 00 05	052	101,2
	999	101,2
0709 90 70	052	110,5
	204	69,1
	999	89,8
0805 10 10, 0805 10 30, 0805 10 50	052	31,2
	204	47,8
	388	43,1
	528	41,6
	999	40,9
0805 20 10	204	62,6
	999	62,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	71,3
	204	43,0
	464	171,7
	624	98,1
	999	96,0
0805 50 10	052	46,6
	528	38,8
	999	42,7
0808 10 20, 0808 10 50, 0808 10 90	388	149,0
	400	77,6
	404	102,4
	720	67,5
	999	99,1
0808 20 50	400	99,8
	528	47,4
	720	54,6
	999	67,3

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

**COMMISSION REGULATION (EC) No 2165/2004****of 17 December 2004****opening an invitation to tender for the allocation of A3 export licences for fruit and vegetables  
(tomatoes, oranges, lemons and apples)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, and in particular the third subparagraph of Article 35(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1961/2001 <sup>(2)</sup> lays down the detailed rules of application for export refunds on fruit and vegetables.

(2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 <sup>(3)</sup>. These quantities must be allocated taking account of the perishability of the products concerned.

(4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation and outlook for fruit and vegetable prices on the Community market and supplies available, on the one hand, and, on the other hand, prices on the international market. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

(5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.

(6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.

(7) Tomatoes, oranges, lemons and apples of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.

(8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to proceed by an open invitation to tender and to set the indicative refund amount and the scheduled quantities for the period concerned.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. An invitation to tender for the allocation of A3 export licences is hereby opened. The products concerned, the tender submission period, the indicative refund rates and the scheduled quantities are laid down in the Annex hereto.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 <sup>(4)</sup> shall not count against the eligible quantities in the Annex hereto.

3. Notwithstanding Article 5(6) of Regulation (EC) No 1961/2001, the term of validity of the A3 licences shall be two months.

*Article 2*

This Regulation shall enter into force on 10 January 2005.

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

<sup>(2)</sup> OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 537/2004 (OJ L 86, 24.3.2004, p. 9).

<sup>(3)</sup> OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 2180/2003 (OJ L 335, 22.12.2003, p. 1).

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

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

Done at Brussels, 17 December 2004.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## ANNEX

## INVITATION TO TENDER FOR THE ALLOCATION OF A3 EXPORT LICENCES FOR FRUIT AND VEGETABLES (TOMATOES, ORANGES, LEMONS AND APPLES)

Tender submission period: 10 to 11 January 2005

Product code <sup>(1)</sup>	Destination <sup>(2)</sup>	Indicative refund amount (EUR/t net)	Scheduled quantity (t)
0702 00 00 9100	F08	30	3 074
0805 10 20 9100	A00	29	59 194
0805 50 10 9100	A00	43	19 601
0808 10 80 9100	F04, F09	28	15 757

<sup>(1)</sup> The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

<sup>(2)</sup> The 'A' series destination codes are defined in Annex II to Regulation (EEC) No 3846/87. The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). The other destinations are defined as follows:

F03 All destinations except Switzerland.

F04 Hong Kong, Singapore, Malaysia, Sri Lanka, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Japan, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

F08 All destinations except Bulgaria.

F09 The following destinations:

- Norway, Iceland, Greenland, Faeroe Islands, Romania, Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah and Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia,
- African countries and territories except South Africa,
- destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).



**COMMISSION REGULATION (CE) No 2166/2004****of 17 December 2004****concerning the opening of tariff quotas for 2005 applicable for imports into the European Community of certain processed agricultural products originating in Switzerland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>(1)</sup>, and in particular Article 7(2) thereof,

Having regard to Council Decision 2000/239/EC of 13 March 2000 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Swiss Confederation, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation<sup>(2)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) The annual tariff quotas for certain processed agricultural products provided for in the Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Swiss Confederation, of the other part, concerning Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation<sup>(3)</sup> (hereinafter the Agreement), should be opened for 2005.
- (2) The annual quota for goods classified under CN codes 2202 10 00 and ex 2202 90 10, laid down in the Agreement, has been exhausted. In accordance with the Agreement it should in consequence be increased by 10 % for 2005.
- (3) 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<sup>(4)</sup> lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quotas opened by this Regulation are to be managed in accordance with those rules.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The tariff quotas for imports into the Community of the processed agricultural products originating in Switzerland listed in the Annex shall be open, exempt from duty, from 1 January to 31 December 2005.

For imports of goods listed in table 2 of the Annex which exceed the duty exempt quota, a duty of 9,1 % shall be applied.

*Article 2*

The Community tariff quotas 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 third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2005.

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

Done at Brussels, 17 December 2004.

*For the Commission*  
Günter VERHEUGEN  
*Vice-President*

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

<sup>(2)</sup> OJ L 76, 25.3.2000, p. 11.

<sup>(3)</sup> OJ L 76, 25.3.2000, p. 12.

<sup>(4)</sup> OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 341, 31.12.2003, p. 1).

## ANNEX

Table 1

Serial number	CN code	Description	Quantities for 2005 (net weight)	Applicable rate of duty
09.0911	1302 20 10	Pectic substances, pectinates and pectates: dry	733 tonnes	Exempt
09.0912	2101 11 11	Extracts, essences and concentrates with a coffee-based dry matter content of 95 % or more by weight	2 263 tonnes	Exempt
09.0913	2101 20 20	Extracts, essences and concentrates of tea or maté	159 tonnes	Exempt
09.0914	2106 90 92	Food preparations/other containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	1 309 tonnes (*)	Exempt

(\*) See Council Regulation (EC) No .../2004 establishing certain concessions for the Swiss Confederation in the form of Community tariff quotas for certain processed agricultural products. Following the accession of the 10 new member states, 280 tonnes are added to the basic quota of year 2004.

Table 2

Serial number	CN code	Description	Volume for 2005	Rate of duty applicable within the quota	Rate of duty applicable outside the quota
09.0916	2202 10 00	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	120 788 250 litres	Exempt	9,1 %
	ex 2202 90 10 (TARIC Code 10)	Other non-alcoholic beverages, containing sugar			

**COMMISSION REGULATION (EC) No 2167/2004****of 17 December 2004****adapting Regulation (EEC) No 1848/93 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57(2) thereof,

Whereas:

- (1) Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs<sup>(1)</sup> institutes a Community system of protection for traditional specialities and provides in Articles 12 and 15 for a Community symbol and indication.
- (2) Annex I to Commission Regulation (EEC) No 1848/93 of 9 July 1993 laying down detailed rules for the application of Council Regulation (EEC) No 2082/92 on certi-

ificates of specific character for agricultural products and foodstuffs<sup>(2)</sup> sets out that Community symbol and that indication in all Community languages.

- (3) By reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, it is necessary to provide the Community symbol and indication in the languages of the new Member States.
- (4) Regulation (EEC) No 1848/93 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EEC) No 1848/93 is replaced by the text in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 17 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 9. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 168, 10.7.1993, p. 35. Regulation as last amended by Regulation (EC) No 296/2004 (OJ L 50, 20.2.2004, p. 15).

## ANNEX

## ANNEX I

## Part A

Español



Čeština



Dansk



Deutsch



Eesti keel



Ελληνικά



English



Français



Italiano



Latviešu valoda



Lietuvių kalba



Magyar



Malti



Nederlands



Polski



Português



Slovenčina



Slovenščina



Suomi



Svenska



**Part B**

ES	ESPECIALIDAD TRADICIONAL GARANTIZADA
CS	ZARUČENÁ TRADIČNÍ SPECIALITA
DA	GARANTI FOR TRADITIONEL SPECIALITET
DE	GARANTIERT TRADITIONELLE SPEZIALITÄT
ET	GARANTEEITUD TRADITSIOONILINE ERITUNNUS
EL	ΕΙΔΙΚΟ ΠΑΡΑΔΟΣΙΑΚΟ ΠΡΟΪΟΝ ΕΓΓΥΗΜΕΝΟ
EN	TRADITIONAL SPECIALITY GUARANTEED
FR	SPÉCIALITÉ TRADITIONNELLE GARANTIE
IT	SPECIALITÀ TRADIZIONALE GARANTITA
LV	GARANTĒTAS TRADICIONĀLĀS ĪPATNĪBAS
LT	GARANTUOTAS TRADICINIS GAMINYS
HU	HAGYOMÁNYOS KÜLÖNLEGES TERMÉK
MT	SPEĊJALITÀ TRADIZZJONALI GARANTITA
NL	GEGARANDEERDE TRADITIONELE SPECIALITEIT
PL	GWARANTOWANA TRADYCYJNA SPECJALNOŚĆ
PT	ESPECIALIDADE TRADICIONAL GARANTIDA
SK	ŠPECIALITA GARANTOVANÁ TRADÍCIOU
SL	ZAJAMČENA TRADICIONALNA POSEBNOST
FI	AITO PERINTEINEN TUOTE
SV	GARANTERAD TRADITIONELL SPECIALITET

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**COMMISSION REGULATION (EC) No 2168/2004****of 17 December 2004****adapting Regulation (EEC) No 2037/93 by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57(2) thereof,

Whereas:

- (1) Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(1)</sup> institutes a Community system of protection for geographical indications and designations of origin.
- (2) Annex I to Commission Regulation (EEC) No 2037/93 of 27 July 1993 laying down detailed rules of application of Council Regulation (EEC) No 2081/92 on the protection

of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(2)</sup> sets out the relevant Community symbol and indication in all Community languages.

- (3) By reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, it is necessary to provide the Community symbol and indication in the languages of the new Member States.
- (4) Regulation (EEC) No 2037/93 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EEC) No 2037/93 is replaced by the text in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 17 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>(2)</sup> OJ L 185, 28.7.1993, p. 5. Regulation as last amended by Regulation (EC) No 1726/98 (OJ L 224, 11.8.1998, p. 1).

## ANNEX

## 'ANNEX I

## Part A.1

Español



Čeština



Dansk



Deutsch



Eesti keel



Ελληνικά



English



Français



Italiano



Latviešu valoda



Lietuvių kalba



Magyar





Malti



Nederlands



Polski



Português



Slovenčina



Slovenščina



Suomi



Svenska



## Part A.2

Español



Čeština



Dansk



Deutsch



Eesti keel



Ελληνικά



English



Français



Italiano



Latviešu valoda



Lietuvių kalba



Magyar



Malti



Nederlands



Polski



Português



Slovenčina



Slovenščina



Suomi



Svenska



## Part B

EC languages	Abbreviations	Terms
ES	DOP/IGP	denominación de origen protegida indicación geográfica protegida
CS	CHOP/CHZO	chráněné označení původu chráněné zeměpisné označení
DA	BOB/BGB	beskyttet oprindelsesbetegnelse beskyttet geografisk betegnelse
DE	g.U./g.g.A.	geschützte Ursprungsbezeichnung geschützte geographische Angabe
ET	KPN/KGT	kaitstud päritolunimetus kaitstud geograafiline tähis
EL	ΠΟΠ/ ΠΓΕ	προστατευόμενη ονομασία προελεύσεως προστατευόμενη γεωγραφική ένδειξη
EN	PDO/PGI	protected designation of origin protected geographical indication
FR	AOP/IGP	appellation d'origine protégée indication géographique protégée
IT	DOP/IGP	denominazione d'origine protetta indicazione geografica protetta
LV	ACVN/AĢIN	aizsargāts cilmes vietas nosaukums aizsargāta ģeogrāfiskās izcelsmes norāde
LT	SKVN/SGN	saugoma kilmės vietos nuoroda saugoma geografinė nuoroda
HU	OEM/OFJ	oltalom alatt álló eredetmegjelölés oltalom alatt álló földrajzi jelzés
MT	DPO/IGP	denominazzjoni protetta ta' oriġini indikazzjoni ġeografika protetta
NL	BOB/BGA	beschermde oorsprongsbenaming beschermde geografische aanduiding
PL	CHNP/CHOG	chroniona nazwa pochodzenia chronione oznaczenie geograficzne
PT	DOP/IGP	denominação de origem protegida indicação geográfica protegida
SK	CHOP/CHZO	chránené označenie pôvodu chránené zemepisné označenie
SL	ZOP/ZGO	zaščitena označba porekla zaščitena geografska označba
FI	SAN/SMM	suojattu alkuperänimitys suojattu maantieteellinen merkintä
SV	SUB/SGB	skyddad ursprungsbeteckning skyddad geografisk beteckning

**COMMISSION REGULATION (EC) No 2169/2004****of 17 December 2004****amending Regulation (EC) No 1535/2003 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products<sup>(1)</sup>, and in particular Articles 6b(3) and 6c(7) thereof,

Whereas:

- (1) Article 9(2) of Commission Regulation (EC) No 1535/2003<sup>(2)</sup> provides that amendments to contracts may increase the quantity originally stipulated in the contract by no more than 30 %. However, for dried figs intended for the production of fig pastes, that percentage may be up to 100 % of the quantities originally stipulated in the contract between the producer and the processor. That derogation applies only until the 2003/04 marketing year.
- (2) Since the reasons for the derogation, i.e. the fact that production and exportation extend over the whole of the marketing year, continue to apply, it should be made permanent.

(3) Regulation (EC) No 1535/2003 should therefore be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

The second subparagraph of Article 9(2) of Regulation (EC) No 1535/2003 is hereby replaced by the following:

'However, amendments to contracts for unprocessed dried figs intended for the production of fig pastes may be concluded no later than 31 May and may increase the quantities originally stipulated in the contracts by no more than 100 %.'

*Article 2*

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

It shall apply from the 2004/05 marketing year.

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

Done at Brussels, 17 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).

<sup>(2)</sup> OJ L 218, 30.8.2003, p. 14. Regulation as last amended by Regulation (EC) No 1132/2004 (OJ L 219, 19.6.2004, p. 3).

**COMMISSION REGULATION (EC) No 2170/2004****of 17 December 2004****apportioning, for the 2004/05 marketing year, 5 000 tonnes of short flax fibre and hemp fibre as national guaranteed quantities between Denmark, Greece, Ireland, Italy and Luxembourg**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1673/2000 of 27 July 2000 on the common organisation of the markets in flax and hemp grown for fibre<sup>(1)</sup>, and in particular Article 9 thereof,

Whereas:

(1) Article 8(1) of Commission Regulation (EC) No 245/2001<sup>(2)</sup>, which laid down detailed rules for the application of Regulation (EC) No 1673/2000, stipulates that the apportioning of 5 000 tonnes of short flax fibre and hemp fibre as national guaranteed quantities, as provided for in Article 3(2)(b) of Regulation (EC) No 1673/2000, must be effected before 16 November of the marketing year in progress.

(2) To that end, Denmark and Italy have sent the Commission information relating to areas covered by sale/purchase contracts, processing commitments and processing contracts, and estimated flax and hemp straw and fibre yields.

(3) Conversely, no flax or hemp fibre will be produced for the 2004/05 marketing year in Greece, Ireland or Luxembourg.

(4) On the basis of estimates of production resulting from the information provided, total production in the five Member States concerned will not reach the overall quantity of 5 000 tonnes allocated to them, and the national guaranteed quantities as set out below should be set.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Natural Fibres,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2004/05 marketing year, the apportionment in national guaranteed quantities provided for in Article 3(2)(b) of Regulation (EC) No 1673/2000 shall be as follows:

— Denmark	57 tonnes
— Greece	0 tonnes
— Ireland	0 tonnes
— Italy	1 227 tonnes
— Luxembourg	0 tonnes

*Article 2*

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

It shall apply from 16 November 2004.

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

Done at Brussels, 17 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 193, 29.7.2000, p. 16. Regulation as last amended by Regulation (EC) No 393/2004 (OJ L 65, 3.3.2004, p. 4).

<sup>(2)</sup> OJ L 35, 6.2.2001, p. 18. Regulation as last amended by Regulation (EC) No 1401/2003 (OJ L 199, 7.8.2003, p. 3).

**COMMISSION REGULATION (EC) No 2171/2004****of 17 December 2004****laying down rules for the management and distribution of textile quotas established for the year 2005 under Council Regulation (EC) No 517/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules,<sup>(1)</sup> and in particular Article 17(3) and (6) and Article 21(2) thereof,

Whereas:

- (1) Regulation (EC) No 517/94 established quantitative restrictions on imports of certain textile products originating in certain third countries to be allocated on a first come, first served basis.
- (2) Under that Regulation it is possible, in certain circumstances, to use other allocation methods, to divide quotas into tranches, or to reserve a proportion of a specific quantitative limit exclusively for applications which are supported by evidence of the results of past import performance.
- (3) Rules for management of the quotas established for 2005 should be adopted before the quota year begins so that the continuity of trade flows is not affected unduly.
- (4) The measures adopted in previous years, such as those in Commission Regulation (EC) No 2308/2003 establishing rules for the management and distribution of textile quotas established for the year 2004 under Council Regulation (EC) No 517/94<sup>(2)</sup>, proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2005 whilst excluding the adjustments made in Regulation (EC) No 2308/2003 to take account of the enlargement of the European Union from 1 May 2004.

- (5) In order to satisfy the greatest possible number of operators it is appropriate to make the 'first come, first served' allocation method more flexible by placing a ceiling on the quantities which can be allocated to each operator by that method.
- (6) To guarantee a degree of continuity in trade and efficient quota administration, operators should be allowed to make their initial import authorisation application for 2005 equivalent to the quantity which they imported in 2004.
- (7) To achieve optimum use of the quantities, an operator who has used up at least one half of the amount already authorised should be permitted to apply for a further amount, provided that quantities are available in the quotas.
- (8) For the sake of sound administration, import authorisations should be valid for nine months from the date of issue but only until the end of the year at the latest. Member States should issue licences only after being notified by the Commission that quantities are available and only if an operator can prove the existence of a contract and can certify, in the absence of a specific provision to the contrary, that he has not already been allocated a Community import authorisation under this Regulation for the categories and countries concerned. The competent national authorities should, however, be authorised, in response to importers' applications, to extend by three months and up to 31 March 2006 licences of which at least one half has been used by the application date.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee established by Article 25 of Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

*Article 1*

The purpose of this Regulation is to lay down rules on the management of quantitative quotas for imports of certain textile products set out in Annexes IIIB and IV to Regulation (EC) No 517/94 for the year 2005.

<sup>(1)</sup> OJ L 67, 10.3.1994, p.1; Regulation as last amended by Commission Regulation (EC) No 1877/2004 (OJ L 326, 29.10.2004, p. 25).

<sup>(2)</sup> OJ L 342, 29.12.2003, p. 13.

*Article 2*

The quotas referred to in Article 1 shall be allocated according to the chronological order of receipt by the Commission of Member States' notifications of applications from individual operators, for amounts not exceeding the maximum quantities per operator set out in Annex I.

The maximum quantities shall not, however, apply to operators able to prove to the competent national authorities, when making their first application for 2005, that, in respect of given categories and given third countries, they imported more than the maximum quantities specified for each category pursuant to import licences granted to them for 2004.

In the case of such operators, the competent authorities may authorise imports not exceeding the quantities imported in 2004 from given third countries and in given categories, provided that enough quota capacity is available.

*Article 3*

Any importer who has already used up 50 % or more of the amount allocated to him under this Regulation may make a further application, in respect of the same category and country of origin, for amounts not exceeding the maximum quantities laid down in Annex I.

*Article 4*

1. The competent national authorities listed in Annex II may, from 10.00 a.m. on 4 January 2005, notify the Commission of the amounts covered by requests for import authorisations.

The time fixed in the first subparagraph shall be understood as Brussels time.

2. The competent national authorities shall issue authorisations only after being notified by the Commission pursuant to Article 17(2) of Regulation (EC) No 517/94 that quantities are available for importation.

They shall issue authorisations only if an operator:

- (a) proves the existence of a contract relating to the provision of the goods and,
- (b) certifies in writing that, in respect of the categories and countries concerned:
  - (i) he has not already been allocated an authorisation under this Regulation, or
  - (ii) he has been allocated an authorisation under this Regulation but has used up at least 50 % of it.

3. Import authorisations shall be valid for nine months from the date of issue, but until 31 December 2005 at the latest.

The competent national authorities may, however, at the importer's request, grant a three-month extension for authorisations which are at least 50 % used up at the time of the request. Such extension shall in no circumstances expire later than 31 March 2006.

*Article 5*

This Regulation shall enter into force on 1 January 2005.

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

Done at Brussels, 17 December 2004.

*For the Commission*

Peter MANDELSON

*Member of the Commission*



## ANNEX I

**Maximum amounts referred to in Articles 2 and 3**

Country concerned	Category	Unit	Maximum amount
North Korea	1	Kilograms	10 000
	2	Kilograms	10 000
	3	Kilograms	10 000
	4	Pieces	10 000
	5	Pieces	10 000
	6	Pieces	10 000
	7	Pieces	10 000
	8	Pieces	10 000
	9	Kilograms	10 000
	12	Pairs	10 000
	13	Pieces	10 000
	14	Pieces	10 000
	15	Pieces	10 000
	16	Pieces	10 000
	17	Pieces	10 000
	18	Kilograms	10 000
	19	Pieces	10 000
	20	Kilograms	10 000
	21	Pieces	10 000
	24	Pieces	10 000
	26	Pieces	10 000
	27	Pieces	10 000
	28	Pieces	10 000
	29	Pieces	10 000
	31	Pieces	10 000
	36	Kilograms	10 000
	37	Kilograms	10 000
	39	Kilograms	10 000
	59	Kilograms	10 000
	61	Kilograms	10 000
	68	Kilograms	10 000
	69	Pieces	10 000
	70	Pieces	10 000
	73	Pieces	10 000
	74	Pieces	10 000
	75	Pieces	10 000
	76	Kilograms	10 000
	77	Kilograms	5 000
	78	Kilograms	5 000
	83	Kilograms	10 000
	87	Kilograms	10 000
	109	Kilograms	10 000

Country concerned	Category	Unit	Maximum amount
	117	Kilograms	10 000
	118	Kilograms	10 000
	142	Kilograms	10 000
	151A	Kilograms	10 000
	151B	Kilograms	10 000
	161	Kilograms	10 000
Serbia and Montenegro <sup>(1)</sup>	1	Kilograms	20 000
	2	Kilograms	20 000
	2a	Kilograms	10 000
	3	Kilograms	10 000
	5	Pieces	10 000
	6	Pieces	10 000
	7	Pieces	10 000
	8	Pieces	10 000
	9	Kilograms	10 000
	15	Pieces	10 000
	16	Pieces	10 000
	67	Kilograms	10 000

<sup>(1)</sup> Including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999.

## ANNEX II

## List of licensing offices referred to in Article 4

<p><b>1. Belgium</b> Ministerie van Economische Zaken Bestuur Economische Betrekkingen Dienst Vergunningen Generaal Lemanstraat 60 B-1040 Brussel Tel. (32-2) 206 58 11 Fax (32-2) 230 83 22</p>	<p>Ministère des Affaires Économiques Adm. des Relations Économiques Service des licences Rue Général Leman 60 B-1040 Bruxelles Tel. (32-2) 206 58 11 Fax (32-2) 230 83 22</p>	<p><b>2. Cyprus</b> Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού Διεύθυνση Εμπορίου Οδός Ανδρέα Αραούζου 6 CY-1421 Λευκωσία Tel. (357-2) 86 71 00 Fax (357-2) 37 51 20</p>
<p><b>3. Czech Republic</b> Ministerstvo průmyslu a obchodu Licenční správa Na Františku 32 CZ-110 15 Praha 1 Tel. (420-2) 24 90 71 11 Fax (420-2) 24 21 21 33</p>		<p><b>4. Denmark</b> Erhvervs- og Byggestyrelsen Økonomi- og Erhvervsministeriet Vejlsøvej 29 DK-8600 Silkeborg Tel. (45-35) 46 64 30 Fax (45-35) 46 64 01</p>
<p><b>5. Germany</b> Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA) Frankfurter Straße 29—35 D-65760 Eschborn Tel. (49 61) 969 08-0 Fax (49 61) 969 42 26</p>		<p><b>6. Greece</b> Υπουργείο Οικονομίας και Οικονομικών Γενική Γραμματεία Διεθνών Σχέσεων Γενική Διεύθυνση Σχεδιασμού και Διαχείρισης Πολιτικής Διεύθυνση Διεθνών Οικονομικών Ροών Κορνάρου 1 GR-10563 Αθήνα Tel. (30-210) 328 60 31-5 Fax (30-210) 328 60 94</p>
<p><b>7. Spain</b> Ministerio de Industria, Turismo y Comercio Secretaría General de Comercio Exterior Paseo de la Castellana, 162 E-28046 Madrid Tel. (34-91) 349 38 17, 349 37 48 Fax (34-91) 563 18 23, 349 38 31</p>		<p><b>8. Estonia</b> Majandus- ja Kommunikatsiooniministeerium Harju 11 EE-15072 Tallinn Tel. (372-6) 256 400 Fax (372-6) 313 660</p>
<p><b>9. France</b> Ministère de l'Économie, des Finances et de l'Industrie Direction Générale de l'Industrie, des Technologies de l'Information et des Postes Service des Industries Manufacturières (SIM) Mission Textile-Importations Le Bervil, 12 rue Villiot F-75572 Paris CEDEX 12 Tel. (33-1) 44 87 17 17 Fax (33-1) 53 44 91 81</p>		<p><b>10. Hungary</b> Magyar Kereskedelmi Engedélyezési Hivatal Margit krt. 85. H-1024 Budapest Postafiók: 1537 Budapest Pf. 345. Tel. (36-1) 336 73 00 Fax (36-1) 336 73 02</p>
<p><b>11. Ireland</b> Department of Enterprise, Trade and Employment Internal Market Kildare Street IRL-Dublin 2 IRELAND Tel. (353-1) 631 21 21 Fax (353-1) 631 28 26</p>		<p><b>12. Italy</b> Ministero del Commercio con l'Estero Direzione Generale per la Politica Commerciale e per la Gestione del Regime degli Scambi DIV. III Viale America 341 I-00144 Roma Tel. (39-06) 59 64 75 17, 59 93 22 02/22 15 Fax (39-06) 59 93 22 35/22 63 Telex (39-06) 59 64 75 31</p>

<p><b>13. Latvia</b>          Ekonomikas ministrija          Brīvības iela 55          LV-1519 Rīga          Tel. (371) 701 30 06          Fax (371) 728 08 82</p>	<p><b>14. Lithuania</b>          Lietuvos Respublikos Ūkio Ministerija          Gedimino Ave 38/2          LT-2600 Vilnius          Tel. (370-5) 262 50 30/(370-5) 262 87 50          Fax (370-5) 262 39 74</p>
<p><b>15. Luxembourg</b>          Ministère des Affaires Etrangères          Office des licences          Boîte postale 113          L-2011 Luxembourg          Tel. (352) 478 23 71          Fax (352) 46 61 38</p>	<p><b>16. Malta</b>          Ministry of Finance and Economic Affairs          Trade Services Directorate, Commerce Division Lascaris          MT-Valletta CMR02 Malta          Tel. (356-21) 24 68 00          Fax (356-2) 12 515 15</p>
<p><b>17. Netherlands</b>          Belastingdienst/Douane          Centrale dienst voor in- en uitvoer          Engelse Kamp 2          Postbus 30003          NL-9700 RD Groningen          Nederland          Tel. (31-50) 523 91 11          Fax (31-50) 523 22 10</p>	<p><b>18. Poland</b>          Ministerstwo Gospodarki, Pracy i Polityki Społecznej          Pl. Trzech Krzyży 3/5          PL-00-950 Warszawa          Tel. (48-22) 693 55 53          Fax (48-22) 693 40 21</p>
<p><b>19. Portugal</b>          Ministério das Finanças          Direcção Geral das Alfândegas e dos Impostos Especiais sobre o Consumo          Rua Terreiro do Trigo          Edifício da Alfândega          PT-1149-060 Lisboa          Tel. (351-21) 881 42 63          Fax (351-21) 881 42 61          E-mail: dsl@dgaiec.min-financas.pt</p>	<p><b>20. Slovakia</b>          Ministerstvo Hospodárstva SR          Odbor výkonu obchodno-politických opatrení          Mierová 19          SK-827 15 Bratislava          Tel. (421-2) 43 42 39 13/(421-2) 48 54 21 60          Fax (421-2) 43 42 39 19</p>
<p><b>21. Slovenia</b>          Ministrstvo za gospodarstvo          Področje ekonomskih odnosov s tujino          Kotnikova 5          SI-1000 Ljubljana          Tel. (386-1) 478 35 42          Fax (386-1) 478 36 11</p>	<p><b>22. United Kingdom</b>          Department of Trade and Industry          Import Licensing Branch          Queensway House          West Precinct          Billingham          UK-TS23 2NF          United Kingdom          Tel. (44-1642) 36 43 33, 36 43 34          Fax (44-1642) 53 35 57</p>
<p><b>23. Austria</b>          Bundesministerium für Wirtschaft und Arbeit          Aussenwirtschaftsadministration          Abteilung C2/2          Stubenring 1          A-1011 Wien          Tel. (43-1) 711 00-0          Fax (43-1) 711 00-83 86</p>	<p><b>24. Sweden</b>          National Board of Trade          (Kommerskollegium)          Box 6803          S-113 86 Stockholm          Tel. (46-8) 690 48 00          Fax (46-8) 30 67 59</p>
<p><b>25. Finland</b>          Tullihallitus/Tullstyrelsen          Erottajankatu/Skillnadsatan 2          FIN-00101 Helsinki/Helsingfors          Tel. (358-9) 61 41          Fax (358-20) 92 28 52</p>	

**COMMISSION REGULATION (EC) No 2172/2004****of 17 December 2004****amending Regulation (EC) No 417/2002 of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Regulation (EC) No 417/2002 is amended as follows:

Having regard to Regulation (EC) No 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers<sup>(1)</sup>, and in particular Article 11 thereof,

1. Article 3 is amended as follows:

Whereas:

(a) In point 2, the reference to 'Resolution MEPC 94(46) of 27 April 2001 which enters into force on 1 September 2002' is replaced by a reference to 'Resolution MEPC 111(50) of 4 December 2003 which enters into force on 4 April 2005'.

(1) Regulation (EC) No 417/2002 is based on the definitions and standards detailed in Annex I of the International Convention for the Prevention of Pollution from Ships (hereinafter 'the Marpol Convention').

(b) In point 7, the following sentence is added:

(2) On 4 December 2003, the Marine Environment Protection Committee (MEPC) of the International Maritime Organisation adopted a number of amendments to Annex I to the Marpol Convention. Those amendments will come into force on 5 April 2005.

'any Category 2 oil tanker shall be provided with segregated ballast tanks protectively located (SBT/PL)'.

(3) The references in Regulation (EC) No 417/2002 to Annex I to the Marpol Convention have to be updated in the light of those amendments.

(c) Point 10 is replaced by the following:

'10. "double-hull oil tanker" shall mean:

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

a) an oil tanker of 5 000 tonnes deadweight and above, meeting the double-hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78 or fulfilling the requirements of Paragraph 1(c) of the revised Regulation 13G of Annex I of MARPOL 73/78; or

<sup>(1)</sup> OJ L 64, 7.3.2002, p.1. Regulation as last amended by Regulation (EC) No 1726/2003 (OJ L 249, 1.10.2003, p. 1).

- b) an oil tanker of 600 tonnes deadweight and above but less than 5 000 tonnes deadweight, fitted with double bottom tanks or spaces complying with the provisions of regulation 13F (7)(a) of Annex I of MARPOL 73/78, and wing tanks or spaces arranged in accordance with regulation 13F (3)(a) and complying with the requirement as to distance w as referred to in regulation 13F (7)(b) of Annex I of MARPOL 73/78;.
2. In Article 6, the reference to 'MEPC Resolution 94(46) of 27 April 2001' is replaced by a reference to 'MEPC Resolution 94(46) of 27 April 2001 as amended by MEPC Resolution 99(48) of 11 October 2002 and by MEPC Resolution 112(50) of 4 December 2003'.
3. In Article 11, the reference to 'Resolutions MEPC 94(46) and 95(46)' is replaced by a reference to 'Resolutions MEPC 111(50) and MEPC Resolution 94(46) as amended by MEPC Resolution 99(48) and MEPC Resolution 112(50)'.

#### Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 17 December 2004.

*For the Commission*

Jacques BARROT

*Vice-President*

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**COMMISSION REGULATION (EC) No 2173/2004**  
**of 17 December 2004**  
**fixing the export refunds on pigmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat<sup>(1)</sup>, and in particular the second paragraph of Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for these products within the Community may be covered by an export refund.

(2) It follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below.

(3) In the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market. It is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81.

(4) Because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account. Steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations.

(5) Article 13 of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 2759/75 according to destination.

(6) The refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87<sup>(2)</sup>.

(7) Refunds should be granted only on products that are allowed to circulate freely within the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC<sup>(3)</sup>, Council Directive 94/65/EC<sup>(4)</sup> and Council Directive 77/99/EEC<sup>(5)</sup>.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

*Article 1*

The list of products on which the export refund specified in Article 13 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

The products concerned must comply with the relevant provisions on health marks laid down in:

— Chapter XI of Annex I to Directive 64/433/EEC,

— Chapter VI of Annex I to Directive 94/65/EC,

— Chapter VI of Annex B to Directive 77/99/EEC.

*Article 2*

This Regulation shall enter into force on 20 December 2004.

<sup>(2)</sup> OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 2180/2003 (OJ L 335, 22.12.2003, p. 1).

<sup>(3)</sup> OJ L 121, 29.7.1964, p. 2012/64. Directive as last amended by Directive 95/23/EC (OJ L 243, 11.10.1995, p. 7).

<sup>(4)</sup> OJ L 368, 31.12.1994, p. 10.

<sup>(5)</sup> OJ L 26, 31.1.1977, p. 85. Directive as last amended by Directive 97/76/EC (OJ L 10, 16.1.1998, p. 25).

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1365/2000 (OJ L 156, 29.6.2000, p. 5).

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

Done at Brussels, 17 December 2004.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## ANNEX

**to the Commission Regulation of 17 December 2004 fixing the export refunds on pigmeat**

Product code	Destination	Unit of measurement	Amount of refund
0210 11 31 9110	P08	EUR/100 kg	59,50
0210 11 31 9910	P08	EUR/100 kg	59,50
0210 19 81 9100	P08	EUR/100 kg	59,50
0210 19 81 9300	P08	EUR/100 kg	59,50
1601 00 91 9120	P08	EUR/100 kg	21,50
1601 00 99 9110	P08	EUR/100 kg	16,50
1602 41 10 9110	P08	EUR/100 kg	32,00
1602 41 10 9130	P08	EUR/100 kg	19,00
1602 42 10 9110	P08	EUR/100 kg	25,00
1602 42 10 9130	P08	EUR/100 kg	19,00
1602 49 19 9130	P08	EUR/100 kg	19,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 27.3.2002, p. 1) as amended.

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

The other destinations are defined as follows:

P08 All destinations except for Bulgaria and Romania

**COMMISSION REGULATION (EC) No 2174/2004****of 17 December 2004****fixing the minimum selling prices for butter for the 154th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs<sup>(2)</sup>, to sell by invitation to tender certain quantities of butter from intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price or aid may vary according to the

intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The minimum selling prices of butter from intervention stocks and processing securities applying for the 154th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 18 December 2004.

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

Done at Brussels, 17 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

<sup>(2)</sup> OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

## ANNEX

**to the Commission Regulation of 17 December 2004 fixing the minimum selling prices for butter for the 154th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	211,1	214,25	—	215,1
		Concentrated	208,5	—	—	—
Processing security		Unaltered	73	73	—	73
		Concentrated	73	—	—	—

**COMMISSION REGULATION (EC) No 2175/2004****of 17 December 2004****fixing the maximum aid for cream, butter and concentrated butter for the 154th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice cream and other foodstuffs<sup>(2)</sup>, to sell by invitation to tender certain quantities of butter of intervention stocks that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further

stipulated that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum aid and processing securities applying for the 154th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 18 December 2004.

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

Done at Brussels, 17 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

<sup>(2)</sup> OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

## ANNEX

**to the Commission Regulation of 17 December 2004 fixing the maximum aid for cream, butter and concentrated butter for the 154th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter $\geq$ 82 %	58	54	58	54
	Butter < 82 %	56	52	—	—
	Concentrated butter	69	65	69	65
	Cream			26	23
Processing security	Butter	64	—	64	—
	Concentrated butter	76	—	76	—
	Cream	—	—	29	—

**COMMISSION REGULATION (EC) No 2176/2004****of 17 December 2004****concerning the 73rd special invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2799/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed-milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder<sup>(2)</sup>, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.
- (2) According to Article 30 of Regulation (EC) No 2799/1999, in the light of the tenders received in

response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award.

- (3) On the basis of the examination of the offers received, the tendering procedure should not be proceeded with.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 73rd individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 14 December 2004, no award shall be made.

*Article 2*

This Regulation shall enter into force on 18 December 2004.

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

Done at Brussels, 17 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

<sup>(2)</sup> OJ L 340, 31.12.1999, p. 3. Regulation as last amended by Regulation (EC) No 1839/2004 (OJ L 322, 23.10.2004, p. 4).

**COMMISSION REGULATION (EC) No 2177/2004****of 17 December 2004****fixing the minimum selling price for butter for the 10th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, and in particular Article 10(c) thereof,

Whereas:

(1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream <sup>(2)</sup>, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no

award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

(3) In the light of the tenders received, a minimum selling price should be fixed.

(4) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 10th individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 14 December 2004, the minimum selling price for butter is fixed at 270 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 18 December 2004.

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

Done at Brussels, 17 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

<sup>(2)</sup> OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1932/2004 (OJ L 333, 9.11.2004, p. 4).

**COMMISSION REGULATION (EC) No 2178/2004****of 17 December 2004****fixing the minimum selling price for skimmed-milk powder for the 9th individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 214/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products<sup>(1)</sup>, and in particular Article 10(c) thereof,

Whereas:

(1) Pursuant to Article 21 of Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed milk<sup>(2)</sup>, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

(2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price

shall be fixed or a decision shall be taken to make no award, in accordance with Article 24a of Regulation (EC) No 214/2001.

(3) In the light of the tenders received, a minimum selling price should be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 9th individual invitation to tender pursuant to Regulation (EC) No 214/2001, in respect of which the time limit for the submission of tenders expired on 14 December 2004, the minimum selling price for skimmed milk is fixed at 204,00 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 18 December 2004.

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

Done at Brussels, 17 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

<sup>(2)</sup> OJ L 37, 7.2.2001, p. 100. Regulation as last amended by Regulation (EC) No 1675/2004 (OJ L 300, 25.9.2004, p. 12).



**COMMISSION REGULATION (EC) No 2179/2004****of 17 December 2004****fixing the maximum aid for concentrated butter for the 326th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community <sup>(2)</sup>, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 326th tender under the standing invitation to tender opened by Regulation (EEC) No 429/90 the maximum aid and the end-use security are fixed as follows:

- |                     |                |
|---------------------|----------------|
| — maximum aid:      | 69 EUR/100 kg, |
| — end-use security: | 76 EUR/100 kg. |

*Article 2*

This Regulation shall enter into force on 18 December 2004.

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

Done at Brussels, 17 December 2004.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

<sup>(2)</sup> OJ L 45, 21.2.1990, p. 8. Regulation as last amended by Commission Regulation (EC) No 921/2004 (OJ L 163, 30.4.2004, p. 94).

**COMMISSION REGULATION (EC) No 2180/2004****of 17 December 2004****amending the import duties in the cereals sector applicable from 18 December 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<sup>(1)</sup>,

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<sup>(2)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 2142/2004<sup>(3)</sup>.

- (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 2142/2004,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EC) No 2142/2004 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 18 December 2004.

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

Done at Brussels, 17 December 2004.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 270, 29.9.2003, p. 78.

<sup>(2)</sup> 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).

<sup>(3)</sup> OJ L 369, 16.12.2004, p. 55.

## ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 18 December 2004**

CN code	Description	Import duty <sup>(1)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
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	47,57
1005 10 90	Maize seed other than hybrid	52,37
1005 90 00	Maize other than seed <sup>(2)</sup>	52,37
1007 00 90	Grain sorghum other than hybrids for sowing	47,57

<sup>(1)</sup> 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.

<sup>(2)</sup> 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 15.12.2004-16.12.2004

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	109,43 (***)	59,79	156,74 (****)	146,74 (****)	126,74 (****)	78,13 (****)
Gulf premium (EUR/t)	—	11,13	—			—
Great Lakes premium (EUR/t)	23,12	—	—			—

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

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

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

(\*\*\*\*) Fob Duluth.

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

Freight/cost: Gulf of Mexico–Rotterdam: 32,77 EUR/t; Great Lakes–Rotterdam: 46,26 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).

**REGULATION (EC) No 2181/2004 OF THE EUROPEAN CENTRAL BANK**  
**of 16 December 2004**

**amending Regulation (EC) No 2423/2001 (ECB/2001/13) concerning the consolidated balance sheet of the monetary financial institutions sector and Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations**

(ECB/2004/21)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

- (3) For the purposes of the statistical information which the European Central Bank (ECB) needs to fulfil its tasks, deposit liabilities and loans have to be reported at their nominal value.

Having regard to Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank<sup>(1)</sup>, and in particular Articles 5(1) and 6(4) thereof,

- (4) In light of the above, it has become necessary to amend Regulation (EC) No 2423/2001 (ECB/2001/13) to include an explicit requirement regarding the reporting of deposit liabilities and loans at nominal value.

Whereas:

- (1) Regulation (EC) No 2423/2001 of the European Central Bank of 22 November 2001 concerning the consolidated balance sheet of the monetary financial institutions sector (ECB/2001/13)<sup>(2)</sup>, requires monetary financial institutions (MFIs) to report, *inter alia*, monthly statistical information relating to their end-of-month balance sheets for the purposes of producing the consolidated balance sheet of the MFI sector.

- (5) At the same time, given the current stage in the process of harmonisation in the field of statistics that has been reached as a result of Regulation (EC) No 2423/2001 (ECB/2001/13), it is desirable to continue to apply the valuation rules that have until now been applied to provisioned loans and purchased loans. Therefore, national central banks may allow existing valuation rules to apply to such loans until the ECB updates these rules in order to harmonise reporting further.

- (2) Regulation (EC) No 2423/2001 (ECB/2001/13) provides that the accounting rules to be followed in reporting are those laid down in the national transposition of Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions<sup>(3)</sup>, and in any other international standards applicable. Both national accounting legislation and international standards have changed since the adoption of Regulation (EC) No 2423/2001 (ECB/2001/13). Directive 86/635/EEC has been amended to the effect that certain financial instruments may be valued at fair value. International accounting standards may also provide for the valuation of certain financial instruments at fair value.

- (6) In view of the possibility that some MFIs may value debt securities issued at fair value, it is necessary to clarify the scope of the reporting of the 'other revaluation' adjustments in respect of price revaluation of securities.

- (7) As a consequence of the above, Regulation (EC) No 63/2002 (ECB/2001/18) of the European Central Bank of 20 December 2001 concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations<sup>(4)</sup>, should also be amended,

<sup>(1)</sup> OJ L 318, 27.11.1998, p. 8.

<sup>(2)</sup> OJ L 333, 17.12.2001, p. 1. Regulation as last amended by Regulation (EC) No 1746/2003 (ECB/2003/10) (OJ L 250, 2.10.2003, p. 17).

<sup>(3)</sup> OJ L 372, 31.12.1986, p. 1. Directive as last amended by Directive 2003/51/EC of the European Parliament and of the Council (OJ L 178, 17.7.2003, p. 16).

<sup>(4)</sup> OJ L 10, 12.1.2002, p. 24.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2423/2001 (ECB/2001/13) is amended as follows:

Annex I is amended in accordance with Annex I to this Regulation.

*Article 2*

Regulation (EC) No 63/2002 (ECB/2001/18) is amended as follows:

Annex II is amended in accordance with Annex II to this Regulation.

*Article 3*

This Regulation shall enter into force on 1 January 2005.

Done at Frankfurt am Main, 16 December 2004.

*For the Governing Council of the ECB*

*The President of the ECB*

Jean-Claude TRICHET

## ANNEX I

Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13) is amended as follows:

1. part 1, section II is replaced by the following:

**‘II Accounting rules**

Unless otherwise provided for in this Regulation, the accounting rules followed by MFIs for the purposes of reporting under this Regulation are those laid down in the national transposition of Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (\*), as well as in any other international standards applicable. Without prejudice to accounting practices and netting arrangements prevailing in Member States, all financial assets and liabilities are reported on a gross basis for statistical purposes.

(\*) OJ L 372, 31.12.1986, p. 1.;

2. in part 1, section III the following paragraphs are added:

*‘Statistical valuation of deposit liabilities and loans*

15. Deposit liabilities and loans are reported, for the purposes of this Regulation, at the nominal amount outstanding at the end of the month and on a gross basis. Nominal amount means the amount of principal that a debtor is contractually obliged to repay to a creditor.

16. NCBs may allow the reporting of provisioned loans net of provisions and the reporting of purchased loans at the price agreed at the time of their acquisition, provided that such reporting practices are applied by all resident reporting agents and are necessary to maintain continuity in the statistical valuation of loans with the data reported for periods prior to January 2005.;

3. in part 1, section IV the following paragraph 10 is added:

*‘Statistical valuation of deposit liabilities and loans*

10. Deposit liabilities and loans are reported according to the rules set out for monthly stocks in paragraphs 15 and 16 of section III.;

4. paragraph 11 of part 1, section V is replaced by the following:

‘11. The adjustment in respect of the price revaluation of securities refers to fluctuations in the valuation of securities that arise because of a change in the price at which securities are recorded or traded. The adjustment includes the changes that occur over time in the value of end-period balance sheet stocks because of changes in the reference value at which securities are recorded, i.e. potential gains/losses. It may also contain valuation changes that arise from transactions in securities i.e. realised gains/losses.;

5. paragraph 12 of Part 1, Section V is replaced by the following:

‘12. No minimum reporting requirement is established for the liability side of the balance sheet. However, if valuation practices applied by reporting agents to debt securities issued result in changes to their end-period stocks, NCBs are permitted to collect data relating to such changes. Such data are reported as “other revaluation” adjustments.;

6. the table entitled 'Detailed description of instrument categories of the monthly aggregated balance sheet of the MFI sector' in part 3 is amended as follows:

(a) the fourth indent of point 7 (Remaining assets) is replaced by the following:

— accrued interest receivable on loans

In accordance with the general principle of accruals accounting, interest receivable on loans should be subject to on-balance-sheet recording as it accrues (i.e. on an accruals basis) rather than when it is actually received (i.e. on a cash basis). Accrued interest on loans is classified on a gross basis under the category 'remaining assets'. Accrued interest is excluded from the loan to which it relates.'

(b) the fourth indent of point 13 (Remaining liabilities) is replaced by the following:

— accrued interest payable on deposits

In accordance with the general principle of accruals accounting, interest payable on deposits should be subject to on-balance-sheet recording as it accrues (i.e. on an accruals basis) rather than when it is actually paid (i.e. on a cash basis). Accrued interest on deposits is classified on a gross basis under the category "remaining liabilities". Accrued interest is excluded from the deposit to which it relates.'

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## ANNEX II

Annex II to Regulation (EC) No 63/2002 (ECB/2001/18) is amended as follows:

Paragraph 42 of part 4, section XIII is replaced by the following:

'42. Unless otherwise stated in the following paragraphs, the instrument breakdown for MFI interest rates and the definitions of the types of instruments shall follow the asset and liability categories as set out in Annex I to Regulation (EC) No 2423/2001 (ECB/2001/13).'

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## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 6 December 2004

**appointing two Luxembourg members and four Luxembourg alternate members of the Committee of the Regions**

(2004/865/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Luxembourg Government,

Whereas:

- (1) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions <sup>(1)</sup>.
- (2) Two seats as a member of the Committee of the Regions have become vacant following the resignation of Mr Jean ASSELBORN, notified to the Council on 21 September 2004, and Ms Lydia MUTSCH, notified to the Council on 18 October 2004, and four seats as an alternate member of the Committee of the Regions have become vacant following the resignation of Mr Romain SCHNEIDER, Mr Jean-Marie HALSDORF, Mr John LIBER and Mr Lucien LUX, notified to the Council on 18 October 2004,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The following are hereby appointed to the Committee of the Regions:

(a) as members:

- Mr Etienne SCHNEIDER,  
Councillor of the municipality of Kayl,  
in place of Ms Lydia MUTSCH

- Mr Romain SCHNEIDER,  
Mayor of the town of Wiltz,  
in place of Mr Jean ASSELBORN

(b) as alternate members:

- Mr Roby BIWER,  
Mayor of the town of Bettembourg,  
in place of Mr Lucien LUX
- Mr Norbert HAUPERT,  
Councillor of the municipality of Mondercange,  
in place of Mr Jean-Marie HALSDORF
- Ms Lydia MUTSCH,  
Mayor of the town of Esch-sur-Alzette,  
in place of Mr Romain SCHNEIDER
- Ms Ferny NICKLAUS-FABER,  
Councillor of the municipality of Luxembourg,  
in place of Mr John LIBER

for the remainder of their term of office, which runs until 25 January 2006.

Done at Brussels, 6 December 2004.

*For the Council*  
*The President*  
H. HOOGERVORST

<sup>(1)</sup> OJ L 24, 26.1.2002, p. 38.

## COUNCIL DECISION

of 13 December 2004

**authorising the Republic of Austria to apply a measure derogating from Article 17 of the Sixth Directive (77/388/EEC) on the harmonisation of the laws of the Member States relating to turnover taxes**

(2004/866/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment<sup>(1)</sup>, and in particular Article 27(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By letter registered at the Commission's Secretariat-General on 12 December 2003, the Austrian authorities requested authorisation to apply a special measure derogating from Article 17 of Directive 77/388/EEC.
- (2) The other Member States were informed of this request on 26 March 2004.
- (3) The derogating measure is intended completely to exclude the value-added tax (VAT) which is charged on expenditure on goods and services from the right to deduct when over 90 % of the goods and services are used for the private purposes of the taxable person, or of his employees, or, more generally, for non-business purposes. This derogating measure represents a derogation from Article 17 and is justified by the need to simplify the levying of VAT.
- (4) The duration of the authorisation should be limited to 31 December 2009. This maximum period will allow an

evaluation to be made of the advisability of maintaining the derogating measure in the light of Austria's experience over this period.

- (5) The derogating measure would have no negative effect on the Community's own resources from VAT,

HAS ADOPTED THIS DECISION:

*Article 1*

By way of derogation from Article 17(2) of Directive 77/388/EEC, the Republic of Austria is hereby authorised to exclude expenditure on goods and services from the right to deduct VAT when over 90 % of the goods and services are used for the private purposes of a taxable person, or of his employees, or, more generally, for non-business purposes.

*Article 2*

This Decision shall apply until 31 December 2009.

*Article 3*

This Decision is addressed to the Republic of Austria.

Done at Brussels, 13 December 2004.

*For the Council*

*The President*

B. R. BOT

<sup>(1)</sup> 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).

## COUNCIL DECISION

of 13 December 2004

**amending Decision 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)**

(2004/867/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 66 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament<sup>(1)</sup>,

Having regard to the Opinion of the European Economic and Social Committee<sup>(2)</sup>,

After consulting the Committee of the Regions,

Whereas:

(1) The principal objective of Decision 2002/463/EC<sup>(3)</sup> is to promote administrative cooperation in the fields of external borders, visas, asylum and immigration.

(2) In its Communication to the European Parliament and to the Council of 3 June 2003 on the development of a Common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents the Commission puts forward the possibility of revising the ARGO programme for providing financial support to national projects in the area of external borders by addressing specific structural weaknesses at strategic border points that would be identified in agreement with the Member States on the basis of objective criteria.

(3) The European Council of Thessaloniki invited the Commission to examine the possibility of appropriating funds under heading 3 of the financial perspectives in

order to address, during the period 2004-2006, the most pressing structural needs and to cover a wider definition of solidarity that would include, inter alia, Community support in the management of external borders.

(4) The budgetary authority<sup>(4)</sup> has substantially increased the appropriations allocated to the ARGO programme for 2004, with a view to better management of the external borders.

(5) In order to promote the general objectives of the ARGO programme it is appropriate to increase the number of actions to be proposed in the area of external borders and to envisage new types of action.

(6) In order to make it more accessible to national administrations, Member States should be able to propose actions which do not necessarily involve other Member States, but which contribute to the general objectives and support the activities in the area of external borders as set out in Decision No 2002/463/EC.

(7) An indicative ceiling should be set on the available appropriations earmarked for actions by a single Member State.

(8) The provisions on the consultation of the ARGO Committee in Decision No 2002/463/EC must be aligned with the new Financial Regulation applicable to the general budget of the European Union<sup>(5)</sup>.

(9) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this Decision, and is therefore not bound by it or subject to its application.

(10) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on the European Union and to the Treaty establishing the European Community, the United Kingdom has notified its wish to take part in the adoption and application of the present Decision.

<sup>(1)</sup> Opinion delivered on 17.11.2004 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion delivered on 27.10.2004 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 161, 19.6.2002, p. 11.

<sup>(4)</sup> General budget of the EU for the financial year 2004 (OJ L 53, 23.2.2004).

<sup>(5)</sup> OJ L 248, 16.9.2002, p. 1.

(11) In accordance with Article 1 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland is not participating in the adoption of this Decision. As a result, and without prejudice to Article 4 of the said Protocol, the provisions of this Decision do not apply to Ireland.

(12) Decision No 2002/463/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### Article 1

Decision 2002/463/EC is amended as follows:

1. In Article 10 the following paragraph is inserted:

‘1a. Actions referred to in Article 8 and proposed by a national agency of one Member State which implement one of the activities in the policy area referred to in Article 4, shall be eligible for co-financing under the ARGO programme, provided they:

- (a) pursue one of the general objectives referred to in Article 3; and
- (b) contribute to integrated border management by addressing specific structural weaknesses at strategic border points, identified on the basis of objective criteria.’.

2. Article 11 is amended as follows:

- (a) In paragraphs 3, 4 and 6 ‘Article 10(1)’ is replaced by ‘Article 10(1) and (1a)’;
- (b) Paragraph 5 is replaced by the following:

‘(5) The decisions to award community grants to the actions referred to in Article 10(1) and (1a) shall be subject to grant agreements between the Commission and the national agencies proposing the actions. The

implementation of these award decisions and agreements shall be subject to financial control of the Commission and to audits by the Court of Auditors.’.

3. Article 12 is amended as follows:

(a) Paragraph 3(a) is replaced by the following:

‘(a) prepare an annual work programme comprising specific objectives, thematic priorities, the objective criteria referred to in Article 10(1a)(b), definition of the indicative maximum share of the annual budget available for the actions referred to in Article 10(1a), a description of the actions referred to in Article 10(3) which the Commission intends to undertake and, if necessary, a list of other actions.’;

(b) Paragraph 4 is replaced by the following:

‘4. The annual work programme including the actions proposed by the Commission and the specific actions provided for in Article 9 shall be adopted according to the procedure referred to in Article 13(2).

As regards the actions referred to in Article 10(1) and (1a), the list of selected actions shall be adopted according to the procedure referred to in Article 13(3).’.

#### Article 2

This decision shall apply from the date of its publication in the *Official Journal of the European Union*.

#### Article 3

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 13 December 2004.

*For the Council*  
*The President*  
B. R. BOT

## COMMISSION

### **DECISION No 29/2004 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT ON MUTUAL RECOGNITION BETWEEN THE EUROPEAN COMMUNITY AND THE UNITED STATES OF AMERICA**

**of 5 November 2004**

**related to the listing of a Conformity Assessment Body under the Sectoral Annex on Electromagnetic Compatibility**

(2004/868/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between the European Community and the United States of America and in particular Articles 7 and 14,

Whereas the Joint Committee is to take a decision to list a Conformity Assessment Body or Bodies under a Sectoral Annex,

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Body in Attachment A is added to the list of Conformity Assessment Bodies under the column 'EC access to the US market' in Section V of the Sectoral Annex on Electromagnetic Compatibility.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the Conformity Assessment Body indicated in Attachment A has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are authorised to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall be effective from the date of the later of these signatures.

Signed in Washington DC, 25 October 2004.

Signed in Brussels, 5 November 2004.

*On behalf of the United States of America*

*On behalf of the European Community*

James C. SANFORD

Joanna KIOUSSI

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*ATTACHMENT A*

**EC Conformity Assessment Body added to the list of Conformity Assessment Bodies under the column 'EC access to the US market' in Section V of the Sectoral Annex on Electromagnetic Compatibility**

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**CORRIGENDA****Corrigendum to Commission Regulation (EC) No 2129/2004 of 14 December 2004 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95***(Official Journal of the European Union L 368 of 15 December 2004)*

On page 21, in the table which appears in Annex 1, fifth column, 'Origin', on the last line:

*for:* '02',

*read:* '03'.

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