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

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1760/2004**  
**of 12 October 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 13 October 2004.

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

Done at Brussels, 12 October 2004.

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

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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 12 October 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	75,8
	999	75,8
0707 00 05	052	90,1
	999	90,1
0709 90 70	052	82,8
	999	82,8
0805 50 10	052	61,5
	388	57,7
	524	62,8
	528	40,2
	999	55,6
0806 10 10	052	93,2
	400	171,6
	999	132,4
0808 10 20, 0808 10 50, 0808 10 90	388	87,0
	400	72,4
	508	97,6
	512	110,5
	524	110,5
	720	16,9
	800	144,9
	804	96,8
	999	92,1
0808 20 50	052	83,1
	388	83,6
	999	83,4

<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 1761/2004****of 12 October 2004****laying down specific measures in the cauliflower sector**

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 Article 17 thereof,

Whereas:

- (1) Cauliflower production is characterised by wide fluctuations in supply depending on the weather. Demand for cauliflowers also fluctuates in line with the weather, but inversely to supply. The market in fresh cauliflowers is therefore marked by rapid and unpredictable developments, with an extremely wide range of prices charged on the markets in fresh cauliflowers not intended for processing. Fluctuations occur each year, at irregular intervals and to varying degrees, which causes continuing difficulties for the cauliflower sector.
- (2) Under the intervention arrangements laid down in Title IV of Regulation (EC) No 2200/96 and implemented by Commission Regulation (EC) No 103/2004 of 21 January 2004 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards intervention arrangements and market withdrawals in the fruit and vegetable sector<sup>(2)</sup>, the quantities withdrawn may not exceed 10% of the quantity marketed at any point of the marketing year. The scale of the short-term cyclical developments for cauliflowers is such that these limits prevent effective regulation of the market by producer organisations using only the general instruments of intervention.
- (3) To improve competitiveness in the sector, provisions should be introduced to smooth cyclical developments by allowing, through the payment of a specific aid, the processing of certain quantities intended initially for the fresh product market where excess supply leads to a collapse in prices and provided that these quantities meet certain quality requirements. However, to avoid this mechanism generating a rise in production, the amount of aid must remain well below the difference in the prices of cauliflowers intended for the fresh product market and cauliflowers intended for processing.
- (4) There is also a need to ensure that producer organisations employ their own resources for the prevention and management of cyclical crises. As a result, the minimum quantities delivered for processing must be taken over by producer organisations without benefiting from the aid, for the purposes of prevention and management of cyclical crises.
- (5) As the purpose of the operation is to smooth out the occasional peaks in production, the total share of production which may benefit from either these new provisions or the traditional withdrawals mechanism must continue to be limited to 15%.
- (6) Producer organisations wishing to make use of these provisions must guarantee the processors with whom they work supplies of minimum quantities throughout the marketing year, by means of contracts, so that the activity of those processors does not depend entirely on crises affecting cauliflowers intended for the fresh market.
- (7) To identify a state of crisis, a price quotation must be fixed as a reference amount for monitoring cyclical developments on the market in fresh cauliflowers, as must the price level below which, for this price quotation, the market in fresh cauliflowers must be considered to be in crisis and specific measures may be triggered.
- (8) This kind of system means that producers must notify all deliveries of cauliflowers for processing, even those which do not benefit from the aid in question, in order to allow checks on the total quantities processed.
- (9) Specific measures are innovative compared with the general instruments used by the common organisations of the markets in fruit and vegetables. At this stage, therefore, their scope should be limited in terms of budget and quantity and also of time, so as to allow a precise assessment of the impact of these measures before these provisions are extended. As a result, in order to avoid any budget overrun, a system for the quarterly notification of aid applications should be organised to enable a reduction percentage for applications to be fixed where necessary. In this kind of notification system, any delay in communicating aid applications by producer organisations renders the operation ineligible.

<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 16, 23.1.2004, p. 3.

(10) Checks on the total quantities processed must cover the lots that are physically presented, to ensure that they tally with the weight declarations, and, *a posteriori*, that the physical flows declared tally with the transactions recorded by the producer organisations and processors. Checks should be accompanied by penalties commensurate with any failings.

(11) Finally, to ensure close monitoring of the measure by the Commission, Member States must transmit the required information to the Commission as quickly as possible.

(12) The Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Purpose

1. Under the terms of this Regulation, producer organisations shall receive aid of EUR 50 per tonne for certain cauliflowers harvested in the Community falling within CN code ex 0704 10 00 delivered for processing when price levels have dropped on the fresh cauliflower market.

2. The aid referred to in paragraph 1 shall be paid quarterly, in accordance with the periods laid down in the second paragraph of Article 3, for certain quantities of cauliflowers delivered to processors and accepted by those processors where the price conditions referred to in the first subparagraph of Article 5(5) have been met.

3. For each quarter concerned, without prejudice to Article 8(4), the aid referred to in paragraph 1 of this Article shall be paid for the quantities delivered to processors, and accepted by those processors, in excess of the minimum quantities referred to in Article 4(2)(c).

The sum of the quantities benefiting from the aid referred to in paragraph 1 and of the quantities withdrawn under the terms of Article 23 of Regulation (EC) No 2200/96 may not, however, exceed 15% of the quantities marketed in the same quarter.

#### Article 2

##### Minimum quality requirements

Products delivered for processing must be whole, of sound, genuine and merchantable quality and suitable for processing. Products affected by rot shall be excluded.

#### Article 3

##### Advance application by producer organisations

To qualify for the aid referred to in Article 1, producer organisations must:

- (a) be recognised or have been granted preliminary recognition under Regulation (EC) No 2200/96;
- (b) have in advance concluded contracts which link them to one or more cauliflower processors;
- (c) submit an advance application to the competent authorities of the Member State no later than 15 days before the beginning of the first period applied for by the producer organisation out of the periods set out in the second paragraph.

The application shall include copies of the contracts referred to in point (b) of the first paragraph and shall cover one or more of the following periods:

- (a) from 1 November 2004 to 31 January 2005;
- (b) from 1 February 2005 to 30 April 2005;
- (c) from 1 May 2005 to 31 July 2005;
- (d) from 1 August 2005 to 31 October 2005.

#### Article 4

##### Contracts

1. The contracts referred to in point (b) of the first paragraph of Article 3 shall be concluded in writing. They shall cover the periods laid down in the second paragraph of Article 3, which are the subject of an advance application from the producer organisation.

2. Contracts shall specify, in particular:

- (a) the name and address of the contracting producer organisation;
- (b) the name and address of the processor;

- (c) the minimum quantity of raw material to be delivered for processing, broken down into tranches where necessary, the quality characteristics of the products covered by the contract, and the undertaking made by the producers to deliver those quantities and qualities;
- (d) the period covered;
- (e) the maximum quantity of raw material delivered which processors undertake to process under the contract in question;
- (f) the price to be paid to the producer organisation for the raw materials, which shall be paid by bank or post office transfer, and the delivery stage to which the price in question applies;
- (g) the compensation payable should either party fail to fulfil its contractual obligations, in particular as regards the payment in full of the price specified in the contract, compliance with time-limits for payment, and the obligation to deliver and accept the minimum and maximum quantities covered by the contract.
3. Member States may adopt additional rules on contracts.

#### Article 5

##### Price threshold

1. For each production region concerned, the Member State shall propose to the Commission a place of quotation and the characteristics in terms of size and presentation of the Category I product which serves as a reference for determining the market situation for fresh cauliflowers in the region in question.
2. The Member State shall propose to the Commission, for periods of not less than one month, the average price of the product referred to in paragraph 1 over the previous five marketing years, excluding the highest average yearly rate and the lowest average yearly rate among the five years in question.
3. The Member State shall propose to the Commission a price threshold for each production region, equal to 80 % of the average price referred to in paragraph 2.
4. The Commission shall fix, on the basis of the proposals referred to in paragraphs 1 to 3 and of any other relevant information at its disposal, the price threshold referred to in paragraph 3 and shall communicate it to the Member State concerned.
5. The aid referred to in Article 1 may be paid only once the rate determined in the place of quotation referred to in paragraph 1 of this Article has been below the price threshold fixed pursuant to paragraph 4 for two consecutive quotation days.

It shall cease to be paid the day following the first day on which the rate recorded is once again above or equal to the price threshold fixed pursuant to paragraph 4.

#### Article 6

##### Acceptance of advance applications

1. The Member State shall accept the advance application referred to in Article 3 where the conditions laid down in Articles 3 and 4 have been met and it has fixed the place of quotation, characteristics and price threshold and carried out the calculations referred to in Article 5.
2. The Member State shall inform the producer organisation of the terms under which it may be paid the aid. It shall send the producer organisation the price threshold fixed pursuant to Article 5(4) for the production region of the producer organisation concerned, and all the necessary details as regards the place of quotation and the characteristics of the product quoted as referred to in Article 5(1).

#### Article 7

##### Notification of deliveries

1. From the beginning of the periods laid down in the second paragraph of Article 3, the producer organisation shall notify the competent authorities of the Member State, no later than 18.00 of the preceding working day, of each delivery to processors holding the contracts referred to in Article 4, including the quantities which will not subsequently be the subject of an application for aid in accordance with Article 8.

This notification shall include the quantity to be delivered, the place and time of delivery and the identification number of the contract relating to the delivery in question. It shall be sent electronically and the authorities to which it is addressed shall keep a record of it for at least three years.

The competent authorities of the Member States concerned may ask for any additional information they consider necessary for a physical check on the deliveries.

2. When each consignment delivered under contracts is accepted at the processing plant, a delivery certificate shall be issued, specifying:

- (a) the date and time of unloading;
- (b) the identification number of the contract to which the consignment relates;
- (c) the net weight.

Delivery certificates shall be prepared in four copies. They shall be signed by the processor or its representative and by the producer organisation or its representative. Each certificate shall bear an identification number.

Processors and producer organisations shall both keep a copy of delivery certificates.

3. The producer organisation shall send the competent authorities of the Member State a communication by e-mail containing the information referred to in paragraph 2, not later than the fifth working day following the week of delivery.

However, where the conditions referred to in the first subparagraph of Article 5(5) are met, the producer organisation shall send the communication referred to in the first subparagraph of this paragraph not later than the first working day following the delivery.

#### Article 8

##### Applications for and payment of aid

1. Producer organisations shall present their aid application to the competent authorities of the Member States each quarter, not later than the 15th of the month following the end of the quarter covered by the aid application.

No aid shall be granted if the application is presented beyond this deadline.

2. Each aid application for a particular quarter shall include the following information:

- (a) the name and address of the producer organisation;
- (b) the total quantity of cauliflowers delivered and accepted for processing during the quarter concerned, broken down by processor; the aid application shall specify, within this quantity, the quantity corresponding to deliveries made where the conditions referred to in the first subparagraph of Article 5(5) have been met;
- (c) the minimum quantity referred to in Article 4(2)(c);
- (d) the quantity of cauliflowers withdrawn from the market under Article 23 of Regulation (EC) No 2200/96;
- (e) the marketed quantity of cauliflowers, within the meaning of Article 2(2) of Regulation (EC) No 103/2004;
- (f) the quantity covered by the aid application.

3. Member States shall notify the Commission, not later than the 20th of the month following the end of the quarter concerned, of the total quantities which are the subject of applications for payment, broken down by requesting producer organisation.

4. If the quantities referred to in paragraph 3 are such that the total of the quantities which have benefited from the aid in the course of the previous quarters and of the quantities referred to in paragraph 3 does not exceed 50 000 tonnes, the Commission shall authorise the Member States to pay the aid applied for.

If the total of the quantities which have benefited from the aid in the course of the previous quarters and of the quantities referred to in paragraph 3 exceeds 50 000 tonnes, the Commission shall fix a reduction percentage for the applications, applicable to the quantities referred to in paragraph 3.

5. The aid shall be paid by the competent authorities of the Member States once the provisions referred to in paragraph 4 have been implemented and if these authorities have carried out the checks provided for in Article 9(a) and checked that the aid application tallies with the delivery certificates referred to in Article 7(2).

#### Article 9

##### Checks

1. For each producer organisation and each producer, the following checks shall be carried out:

- (a) physical checks, to verify that the quantities tally with the delivery certificates referred to in Article 7(2) and comply with the minimum quality requirements laid down in Article 9, on at least:
  - (i) 5 % of the quantities delivered for processing where the conditions referred to in the first subparagraph of Article 5(5) have not been met,
  - (ii) 50 % of the quantities delivered for processing where the conditions referred to in the first subparagraph of Article 5(5) have been met,
- (b) administrative and accounting checks, to verify:
  - (i) as regards the producer organisations, that the total quantities of products marketed, the total quantities of products delivered for processing, the total of the delivery certificates referred to in Article 7(2), and the total of the quantities stated in the aid applications tally with the payments received from the processor;
  - (ii) as regards the processor, that the quantity of finished products obtained from the raw materials received tallies with the quantities of finished products sold.

2. For the purposes laid down in point (b)(ii) of paragraph 1, processors who sign contracts with producer organisations shall keep the following information for at least three years:

- (a) the total quantities of raw materials received;
- (b) the quantities of product received from producer organisations benefiting from the provisions of this Regulation, broken down by producer organisation;
- (c) the quantities of each finished product obtained from each of the quantities referred to in the first indent;
- (d) the quantities of each finished product in stock at the start and end of the quarter.

#### Article 10

##### Recovery and penalties

1. Aid unduly paid to producer organisations, shall be recovered with interest, including that linked to any irregularities found during the checks referred to in Article 9.

The interest rate to be applied shall be calculated in accordance with national legislation and shall not be lower than the interest rate generally applicable to recovery under national rules.

2. Except in cases of obvious error, where irregularities are found in the application of this Regulation, the recipient/applicant shall be required:

- (a) if the aid has already been paid, in addition to recovery as provided for in paragraph 1:
  - (i) in cases of fraud, to pay an amount equal to the amount unduly paid;
  - (ii) in other cases, to pay 50 % of the amount unduly paid;
- (b) in cases where applications for aid have been submitted under Article 8 but no aid has been paid:

- (i) in cases of fraud, to pay an amount equal to the amount unduly applied for;

- (ii) in other cases, to pay 50 % of the amount unduly applied for;

3. In the event of a false declaration the Member State shall debar the producer organisation concerned from benefiting from the provisions of this Regulation and shall inform the Commission thereof.

4. Sums recovered, with the interest accrued and the amount of the penalty, shall be paid to the responsible paying agency and deducted from expenditure financed by the EAGGF.

#### Article 11

##### Informing the Commission

1. Member States shall send the Commission, for each quarter concerned, the following information:

- (a) a list of producer organisations which have submitted an advance application, accepted by the Member State in accordance with Article 6;
- (b) the proposals referred to in Article 5(1), (2) and (3), for each producer organisation concerned;
- (c) the quantities contracted for by the producer organisations concerned under the provisions of Article 4(2)(c) and (e).

This information must reach the Commission not later than 15 days before the start of the quarter concerned.

2. Member States shall inform the Commission immediately where the conditions referred to in the first subparagraph of Article 5(5) are met for a specific producer organisation.

#### Article 12

##### Entry into force

This Regulation shall enter into force on the seventh 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, 12 October 2004.

For the Commission

Franz FISCHLER

Member of the Commission



## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 4 October 2004

**establishing a Social Protection Committee and repealing Decision 2000/436/EC**

(2004/689/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 144 thereof,

Having regard to the proposal from the Commission,

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

Whereas:

(1) In its Communication 'A Concerted Strategy for modernising social protection' of 14 July 1999 the Commission made suggestions for the enhancement of cooperation in the field of social protection by, among other things, setting up a group of high-level officials.

(2) In its Resolution of 16 February 2000, the European Parliament welcomed the Commission's communication and the creation of such a group.

(3) In its Conclusions of 17 December 1999 on the strengthening of cooperation for modernising and

improving social protection<sup>(2)</sup>, the Council supported the Commission's proposal to establish a mechanism for enhanced cooperation, brought about by the work of the group of high-level officials, for the implementation of this action. The Council stressed that this kind of cooperation should cover all forms of social protection and, where necessary, help the Member States to improve and strengthen their social protection systems in accordance with their national priorities. It also recalled the competence of the Member States for the organisation and financing of social protection and endorsed the four broad objectives within the overall challenge of modernising social protection systems as identified by the Commission: namely to make work pay and provide secure income, to make pensions safe and pension systems sustainable, to promote social inclusion and to ensure high quality and sustainable health care; it also underlined that equality between women and men must be mainstreamed in all activities aiming at these four objectives. Finally, the Council recognised that the aspects relating to finance are common to all the objectives.

(4) The Conclusions of the Lisbon European Council on 23 and 24 March 2000 acknowledged the importance of social protection in further developing and modernising an active and dynamic welfare state in Europe, and called upon the Council to strengthen cooperation between Member States by exchanging experiences and best practice on the basis of improved information networks.

(5) At Nice and at its subsequent meetings, the European Council has regularly endorsed the work done by the Social Protection Committee in promoting the Community policy exchange on social protection.

<sup>(1)</sup> Opinion delivered on 10 February 2004 (not yet published in the Official Journal).

<sup>(2)</sup> OJ C 8, 12.1.2000, p. 7.

- (6) The Social Protection Committee set up by Council Decision 2000/436/EC of 29 June 2000<sup>(1)</sup> has clearly demonstrated its utility as an advisory body for both the Council and the Commission and has contributed actively to the development of the Open Method of Coordination, as established in the Lisbon European Council.
- (7) Following the entry into force of the Treaty of Nice on 1 February 2003, a Social Protection Committee with additional tasks should replace the existing Committee of the same name, in order to permit the work already done by the latter to be continued. Decision 2000/436/EC should therefore be repealed as from the date on which the new Social Protection Committee takes up its functions,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

1. A Social Protection Committee (hereinafter referred to as the Committee), with advisory status, is hereby established to promote cooperation on social protection policies between Member States and with the Commission, in full compliance with the Treaty and with due regard for the powers of the Community's institutions and organs.

2. The tasks of the Committee shall be:

- (a) to monitor the social situation and the development of social protection policies in the Member States and the Community;
- (b) to promote exchanges of information, experience and good practice between Member States and with the Commission;
- (c) without prejudice to Article 207 of the Treaty, to prepare reports, formulate opinions or undertake other work within its fields of competence, at the request of either the Council or the Commission or on its own initiative.

3. The Committee shall work, as appropriate, in cooperation with other relevant bodies and committees dealing with social and economic policy matters, such as the Employment Committee and the Economic Policy Committee.

4. In fulfilling its mandate, the Committee shall establish appropriate contacts with the social partners and social non-governmental organisations, account being taken of their respective roles and responsibilities in the social protection sphere. The European Parliament shall also be informed regarding the activities of the Committee.

#### *Article 2*

1. The Committee shall consist of two representatives appointed by each Member State and two representatives of the Commission. The representatives may be assisted by two alternates.

Member States and the Commission shall use their best endeavours to achieve a gender balance in the composition of delegations.

2. The Committee may call on external experts where its agenda so requires.

3. The Committee shall establish contacts with representatives of the candidate countries.

#### *Article 3*

1. The Committee shall elect its chairperson from among the representatives of the Member States for a non-renewable term of two years.

The chairperson shall be assisted by four vice-chairpersons of whom two shall be elected by the Committee from among its members for a term of two years. The third shall be a representative from the Member State holding the Presidency of the Council and the fourth shall be a representative from the Member State that will hold the next Presidency.

2. Meetings of the Committee shall be convened by the chairperson, either on his or her own initiative or at the request of at least half of the members of the Committee.

<sup>(1)</sup> OJ L 172, 12.7.2000, p. 26.

3. The Committee shall establish its own rules of procedure. Expenses shall be reimbursed in accordance with the administrative rules in force.

4. The Commission shall provide the analytical and organisational support for the Committee. It shall designate a member of its staff as Secretary, who shall act on the instructions of the Committee when assisting the Committee in carrying out its tasks.

The Commission shall liaise with the General Secretariat of the Council with regard to the holding of meetings.

*Article 4*

The Committee may entrust the study of specific questions to its alternate members or may establish working groups to this end. In such cases, the chair shall be taken by either a member

or an alternate member of the Committee or by a Commission official, appointed by the Committee.

The working groups may call upon experts to assist them.

*Article 5*

Decision 2000/436/EC shall be repealed as from the date of the first meeting of the Committee. The first meeting of the Committee shall take place no later than four months after the date of adoption of this Decision.

Done at Luxembourg, 4 October 2004.

*For the Council*

*The President*

A. J. DE GEUS

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# COMMISSION

## COMMISSION DECISION

of 7 October 2004

### on a financial contribution from the Community towards the purchase and fitting on board of fishing vessels of electronic localisation devices in 2004

(notified under document number C(2004) 3358)

(2004/690/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2004/465/EC of 29 April 2004 on a Community financial contribution towards Member States fisheries control programmes<sup>(1)</sup>, and in particular Article 6(1) thereof,

Whereas:

(1) Member States have forwarded to the Commission their fisheries control programmes for the period from 1 January 2004 to 31 December 2004 together with the applications for Community financial contribution towards the expenditure to be incurred in carrying out such programmes.

(2) Applications concerning actions listed in Decision 2004/465/EC may qualify for Community funding. Having regard in particular to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>(2)</sup>, priority is to be given to the extension of the satellite-based monitoring system to vessels of more than 15 metres overall between perpendiculars, pilot projects relating to and implementation of new technologies on the control of fisheries activities, training and exchange of civil servants responsible for monitoring, control and surveillance tasks in the fisheries area.

(3) It is appropriate to fix the maximum amounts of Community contribution towards eligible expenditure for 2004 for each Member State aid granted for the purchase and fitting on board of electronic localisation devices enabling vessels to be monitored at a distance by fisheries monitoring centres through a vessel monitoring system.

(4) It is appropriate to lay down the Community contribution rate for such actions and the conditions on which national expenditure is to be reimbursed by the Community.

(5) The electronic localisation devices should satisfy requirements fixed by Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems<sup>(3)</sup>.

(6) Member States must in accordance with Article 8 of Decision 2004/465/EC commit their expenditure within a period of 12 months from the end of the year in which this Decision is notified to them. They must also comply with the provision of that Decision as regards starting their projects and submitting applications for reimbursement.

(7) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

<sup>(1)</sup> OJ L 157, 30.4.2004, p. 114. Decision as corrected in OJ L 195, 2.6.2004, p. 36.

<sup>(2)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(3)</sup> OJ L 333, 20.12.2003, p. 17.

HAS ADOPTED THIS DECISION:

*Article 1*

**Subject matter**

This Decision establishes the global amount of the Community financial contribution for each Member State, the rate of the Community financial contribution and the conditions on which the contribution may be granted towards the purchase and fitting on board of Community fishing vessels of electronic localisation devices.

*Article 2*

**Eligible expenditure**

1. In order to be eligible for a financial contribution from the Community under this Decision, expenditure shall be incurred in the purchase and fitting on board of Community fishing vessels of electronic localisation devices enabling vessels to be monitored at a distance by a fisheries monitoring centre through a vessel monitoring system (VMS).
2. The devices referred to in paragraph 1 shall satisfy the requirements laid down by Regulation (EC) No 2244/2003.
3. Only expenditure incurred within the framework of individual national fisheries control programmes shall be considered as eligible to Community financial contribution.

*Article 3*

**Global amount**

The global amount of the financial contribution to be granted to each Member State is set out in the Annex.

*Article 4*

**Rates and conditions**

1. The maximum eligible expenditure which may qualify for a Community financial contribution for the purchase of electronic localisation devices installed on board Community fishing vessels may not exceed EUR 4 500 per vessel.
2. Within EUR 4 500 limit provided for in paragraph 1, the Community financial contribution for the first EUR 1 500 of eligible expenditure shall be at a rate of 100 %.
3. The Community financial contribution for eligible expenditure comprised between EUR 1 500 and EUR 4 500 per vessel, shall amount to a maximum of 50 % of such expenditure.

*Article 5*

**Currency**

Applications for reimbursement and for advances expressed in currencies other than the euro shall be converted into euro at the rate for the month in which they reach the Commission.

*Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 7 October 2004.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX

## Global amount of the financial contribution

(in EUR)

Member State	National expenditure	Max. Community contribution
Belgium	0	0
Czech Republic	0	0
Denmark	482 142	401 571
Germany	780 000	585 000
Estonia	115 050	101 775
Greece	2 569 600	876 000
Spain	2 866 500	1 911 000
France	2 047 500	1 365 000
Ireland	552 000	360 000
Italy	9 984 000	3 744 000
Cyprus	107 800	90 650
Latvia	0	0
Lithuania	30 000	22 500
Luxembourg	0	0
Hungary	0	0
Malta	321 943	159 000
Netherlands	722 500	488 750
Austria	0	0
Poland	0	0
Portugal	0	0
Slovenia	48 000	24 000
Slovakia	0	0
Finland	190 800	108 000
Sweden	262 320	176 160
United Kingdom	4 190 616	2 831 808
Total	25 270 771	13 245 214

**COMMISSION DECISION****of 7 October 2004****amending Decision 2002/840/EC adopting the list of approved facilities in third countries for the irradiation of foods***(notified under document number C(2004) 3679)***(Text with EEA relevance)**

(2004/691/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation<sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

- (1) According to Directive 1999/2/EC a foodstuff treated with ionising radiation may not be imported from a third country unless it has been treated in an irradiation facility approved by the Community.
- (2) An initial list of approved facilities has been established by Commission Decision 2002/840/EC<sup>(2)</sup>.
- (3) The Commission received an application for approval of one irradiation facility in Turkey and one in Switzerland through their competent authorities. Commission experts inspected the irradiation facilities in order to check whether they comply with the requirements of Directive 1999/2/EC and in particular if official supervision guarantees that they comply with the requirements of Article 7 of that Directive. Competent authorities of both countries provided satisfactory responses to all the recommendations contained in the final report.

- (4) Since the accession from Hungary to the Community on 1 May 2004, it is no longer appropriate to list the irradiation facility of that Member State in the Annex to Decision 2002/840/EC. This facility will be added to the list of approved irradiation facilities in the Member States referred to in Article 7(4) of Directive 1999/2/EC.
- (5) Decision 2002/840/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 2002/840/EC is replaced by the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 7 October 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

<sup>(1)</sup> OJ L 66, 13.3.1999, p. 16. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ L 287, 25.10.2002, p. 40.

## ANNEX

**List of irradiation facilities in third countries approved by the Community**

Reference No: EU-AIF 01-2002

HEPRO Cape (Pty) Ltd  
6 Ferrule Avenue  
Montague Gardens  
Milnerton 7441  
Western Cape  
Republic of South Africa  
Tel. (27-21) 551 24 40  
Fax (27-21) 551 17 66

Reference No: EU-AIF 02-2002

GAMMASTER South Africa (Pty) Ltd  
PO Box 3219  
5 Waterpas Street  
Isando Extension 3  
Kempston Park 1620  
Johannesburg  
Republic of South Africa  
Tel. (27-11) 974 88 51  
Fax (27-11) 974 89 86

Reference No: EU-AIF 03-2002

GAMWAVE (Pty) Ltd  
PO Box 26406  
Isipingo Beach  
Durban 4115  
Kwazulu-Natal  
Republic of South Africa  
Tel. (27-31) 902 88 90  
Fax (27-31) 912 17 04

Reference No: EU-AIF 05-2004

GAMMA-PAK AS  
Yünsa Yolu N: 4 OSB  
Cerkezköy/TEKIRDAG  
TR-59500  
Turkey  
Tel. (90-282) 726 57 90  
Fax (90-282) 726 51 78

Reference No: EU-AIF 06-2004

STUDER AGG WERK HARD  
Hogenweidstrasse 2  
Däniken  
CH-4658  
Switzerland  
Tel. (41-062) 288 90 60  
Fax (41-062) 288 90 70