

Official Journal

of the European Union

L 365

Volume 47

10 December 2004

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 2096/2004 of 9 December 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 2097/2004 of 8 December 2004 prohibiting fishing for herring by vessels flying the flag of France	3
★ Commission Regulation (EC) No 2098/2004 of 8 December 2004 prohibiting fishing for herring by vessels flying the flag of France	4
Commission Regulation (EC) No 2099/2004 of 9 December 2004 fixing the representative prices and the additional import duties for molasses in the sugar sector applicable from 10 December 2004 ..	5
Commission Regulation (EC) No 2100/2004 of 9 December 2004 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	7
Commission Regulation (EC) No 2101/2004 of 9 December 2004 fixing the maximum export refund for white sugar to certain third countries for the 14th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004	9
★ Commission Regulation (EC) No 2102/2004 of 9 December 2004 on certain exceptional market support measures for eggs in Italy	10
★ Commission Regulation (EC) No 2103/2004 of 9 December 2004 concerning the transmission of data on certain fisheries in the western waters and the Baltic Sea	12
★ Commission Regulation (EC) No 2104/2004 of 9 December 2004 laying down detailed implementing rules for Council Regulation (EC) No 639/2004 on the management of fishing fleets registered in the Community outermost regions	19

2

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 2105/2004 of 9 December 2004 fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1757/2004	22
Commission Regulation (EC) No 2106/2004 of 9 December 2004 fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1565/2004.....	23
★ Commission Directive 2004/110/EC of 9 December 2004 adapting for the sixth time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail ⁽¹⁾	24
★ Commission Directive 2004/111/EC of 9 December 2004 adapting for the fifth time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road ⁽¹⁾	25

II Acts whose publication is not obligatory

Commission

2004/844/EC:

★ Commission Decision of 9 November 2004 establishing a form for legal aid applications under Council Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (notified under document number C(2004) 4285)	27
---	-----------



⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2096/2004
of 9 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⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 December 2004.

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

Done at Brussels, 9 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 9 December 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	116,0
	204	91,5
	999	103,8
0707 00 05	052	76,3
	204	32,5
	220	122,9
	999	77,2
0709 90 70	052	111,1
	204	64,6
	999	87,9
0805 10 10, 0805 10 30, 0805 10 50	052	50,8
	204	42,7
	382	32,3
	388	52,7
	528	36,4
	999	43,0
0805 20 10	204	61,4
	999	61,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,1
	204	46,4
	464	161,3
	624	93,2
	720	30,2
	999	80,2
0805 50 10	052	48,8
	528	42,4
	999	45,6
0808 10 20, 0808 10 50, 0808 10 90	052	116,3
	388	150,7
	400	88,4
	404	105,6
	512	105,4
	720	65,7
	804	167,7
	999	114,3
0808 20 50	400	96,9
	720	42,0
	999	69,5

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

COMMISSION REGULATION (EC) No 2097/2004
of 8 December 2004
prohibiting fishing for herring by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and for Community vessels, in waters where limitations in catch are required⁽²⁾, lays down quotas for herring for 2004.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of herring in the waters of the

North Sea north of 53° 30' N by vessels flying the flag of France or registered in France have exhausted the quota allocated for 2004. France has prohibited fishing for this stock from 23 October 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of herring in the waters of the North Sea north of 53° 30' N by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated to France for 2004.

Fishing for herring in the waters of the North Sea north of 53° 30' N by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transhipment and landing of this stock caught by the above vessels after the date of application of 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*.

It shall apply from 23 October 2004.

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

Done at Brussels, 8 December 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

⁽²⁾ OJ L 344, 31.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 1928/2004 (OJ L 332, 6.11.2004, p. 5).

COMMISSION REGULATION (EC) No 2098/2004
of 8 December 2004
prohibiting fishing for herring by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and for Community vessels, in waters where limitations in catch are required⁽²⁾, lays down quotas for herring for 2004.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of herring in the waters of ICES

divisions Vb (EC waters), VIaN and VIb by vessels flying the flag of France or registered in France have exhausted the quota allocated for 2004. France has prohibited fishing for this stock from 23 October 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of herring in the waters of ICES divisions Vb (EC waters), VIaN and VIb by vessels flying the flag of France or registered in France are hereby deemed to have exhausted the quota allocated for 2004.

Fishing for herring in the waters of ICES divisions Vb (EC waters), VIaN and VIb by vessels flying the flag of France or registered in France is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of 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*.

It shall apply from 23 October 2004.

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

Done at Brussels, 8 December 2004.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

⁽²⁾ OJ L 344, 31.12.2003, p. 1. Regulation as last amended by Regulation (EC) No 1928/2004 (OJ L 332, 6.11.2004, p. 5).

COMMISSION REGULATION (EC) No 2099/2004**of 9 December 2004****fixing the representative prices and the additional import duties for molasses in the sugar sector
applicable from 10 December 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68⁽²⁾, stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68⁽³⁾, is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.
- (3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the

quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 December 2004.

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

Done at Brussels, 9 December 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 141, 24.6.1995, p. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

⁽³⁾ OJ L 145, 27.6.1968, p. 12. Regulation as amended by Regulation (EC) No 1422/95 (OJ L 141, 24.6.1995, p. 12).

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 10 December 2004

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽¹⁾
1703 10 00 ⁽²⁾	8,50	—	0
1703 90 00 ⁽²⁾	9,77	—	0

⁽¹⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

⁽²⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

COMMISSION REGULATION (EC) No 2100/2004**of 9 December 2004****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 December 2004.

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

Done at Brussels, 9 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 10 DECEMBER 2004**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	38,87 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	39,01 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	38,87 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	39,01 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,4226
1701 99 10 9100	S00	EUR/100 kg	42,26
1701 99 10 9910	S00	EUR/100 kg	42,41
1701 99 10 9950	S00	EUR/100 kg	42,41
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,4226

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

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:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92%. Where the yield for exported raw sugar differs from 92%, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 2101/2004**of 9 December 2004****fixing the maximum export refund for white sugar to certain third countries for the 14th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾ and in particular the second indent of Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1327/2004 of 19 July 2004 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽²⁾, for the 2004/2005 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1327/2004 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 14th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1327/2004 the maximum amount of the export refund shall be 45,547 EUR/100 kg.

Article 2

This Regulation shall enter into force on 10 December 2004.

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

Done at Brussels, 9 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 246, 20.7.2004, p. 23. Regulation as amended by Regulation (EC) No 1685/2004 (OJ L 303, 30.9.2004, p. 21).

COMMISSION REGULATION (EC) No 2102/2004
of 9 December 2004
on certain exceptional market support measures for eggs in Italy

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

meaning of Article 14 of Regulation (EEC) No 2771/75 and the grant of aid to compensate for part of the financial loss resulting from the processing or destruction of hatching eggs.

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs⁽¹⁾, and in particular Article 14 thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

- (1) Because of an outbreak of avian influenza in certain production regions in Italy between December 1999 and April 2000, between August and October 2000 and between October 2002 and September 2003, veterinary and trade restrictions were adopted by the Italian authorities under, in particular, Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza⁽²⁾. As a result, the transport and marketing of hatching eggs were temporarily banned within Italy or within the areas directly affected by the outbreak.
- (2) The restrictions on the free movement of hatching eggs resulting from the application of the veterinary measures threatened severe disruption of the market in hatching eggs in Italy. The Italian authorities adopted market support measures for the period for which this was absolutely necessary. These allowed hatching eggs falling within CN code 0407 00 19 for which incubation was no longer possible to be processed into egg products and the destruction of hatching eggs falling within CN codes 0407 00 19 and 0407 00 11.
- (3) These measures had a beneficial effect on the market in hatching eggs. This justifies their being treated as an exceptional market support measure within the

1. The use for processing of hatching eggs falling within CN code 0407 00 19 and the destruction of hatching eggs falling within CN codes 0407 00 19 and 0407 00 11, between 17 December 1999 and 14 April 2000, between 14 August and 16 October 2000 and between 11 October 2002 and 30 September 2003, decided on by the Italian authorities following the application of the national veterinary measures under, in particular, Directive 92/40/EEC, are hereby deemed to be an exceptional market support measure within the meaning of Article 14 of Regulation (EEC) No 2771/75.

2. Under the measure referred to in paragraph 1, compensation of:

— EUR 0,0942 per hatching egg falling within CN code 0407 00 19 processed shall be granted for a maximum total number of 770 751 eggs,

— EUR 0,1642 per hatching egg falling within CN code 0407 00 19 destroyed shall be granted for a maximum total number of 165 040 eggs, and

— EUR 0,5992 per hatching egg falling within CN code 0407 00 11 shall be granted for a maximum total number of 264 930 eggs.

Article 2

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

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 167, 22.6.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003.

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

Done at Brussels, 9 December 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 2103/2004**of 9 December 2004****concerning the transmission of data on certain fisheries in the western waters and the Baltic Sea**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

CHAPTER I

WESTERN WATERS*Article 1***Lists of vessels with special fishing permit**

Having regard 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⁽¹⁾, and in particular Article 22(3) thereof,

1. Member States shall transmit to the Commission, within 30 days from the date of entry into force of this Regulation, an updated version of the list of vessels referred to in Article 7 of Regulation (EC) No 1954/2003 using the reporting format set out in Annex I to this Regulation.

Whereas:

(1) The maximum levels of annual fishing effort for certain fishing areas and fisheries are fixed by Council Regulation (EC) No 1415/2004 of 19 July 2004⁽²⁾, as provided for by Article 11(2) of Council Regulation (EC) No 1954/2003 of 4 November 2003⁽³⁾ on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95.

2. In accordance with Article 10(2) of Council Regulation (EC) 1954/2003 and Article 19(f) of Regulation (EC) 2847/1993⁽⁵⁾, amendments to the information contained in Annex I will be reported to the Commission on a daily basis by sending the complete updated Annex I at the time a special fishing permit as referred to in Article 8(3) of Regulation (EC) 1954/2003 is issued or withdrawn.

*Article 2***Fishing effort**

(2) Commission Regulation (EC) No 2092/98 of 30 September 1998⁽⁴⁾ concerning the declaration of fishing effort relating to certain Community fishing areas and resources is no longer in line with Regulations (EC) No 1954/2003 and 1415/2004 as regards the western waters. It is therefore necessary to redefine the obligations relating to the fishing effort declarations for the western waters.

1. Member States shall transmit to the Commission the aggregated data on fishing effort, exerted by the vessels referred to in Article 1 in the previous month, before the 15th of each month using the reporting format set out in Annex II to this Regulation.

(3) The existing obligations for the fishing effort declarations for the Baltic Sea, as laid down in Regulation (EC) No 2092/98, should remain in force.

2. For the first fishing effort declaration, the reference period for the aggregated data shall start on 1 January 2004.

(4) By reason of the number and the importance of the amendments to be made and with regard to coherence between the new obligations for the western waters and the existing obligations for the Baltic Sea, Regulation (EC) No 2092/98 should be repealed.

CHAPTER II

THE BALTIC SEA*Article 3***Lists of vessels with special fishing permit**

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

1. Member States shall transmit to the Commission the list of vessels, referred to in Article 2 of Regulation (EC) No 779/97, using the reporting format set out in Annex III to this Regulation.

2. Amendments to the lists of vessels shall be reported to the Commission, using the same reporting format, at the latest four working days before the date of entry of vessels into the fishing area.

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 258, 5.8.2004, p. 1.

⁽³⁾ OJ L 289, 7.11.2003, p. 1.

⁽⁴⁾ OJ L 266, 1.10.1998, p. 47.

⁽⁵⁾ OJ L 261, 20.10.1993, p. 1.

*Article 4***Fishing effort**

Member States shall transmit to the Commission the aggregated data on fishing effort, referred to in the second and third indent of Article 19(i) of Regulation (EEC) No 2847/93, in accordance with Annex IV to this Regulation.

CHAPTER III

GENERAL PROVISIONS*Article 5***Transfer of data and access to data**

1. Member States shall communicate the data referred in Articles 1 to 4 to the Commission through the Fisheries Data Exchange System (or any future data system decided by the Commission).

2. The Commission shall make the data regarding the updated lists of vessels available through the Fisheries Data Exchange System (or any future data system decided by the Commission).

3. For the list of vessels referred to in Article 1 and the fishing effort declarations referred to in Article 2, the Fisheries Data Exchange System shall be adapted by the Commission by 1 July 2005, at the latest.

Until that date, the data referred to in Articles 1 and 2 shall be communicated by the Member States to the Commission in spreadsheet format by sending it to the appropriate mailbox address which shall be communicated to the Member States by the Commission.

*Article 6***Repeal**

1. Regulation (EC) No 2092/98 is repealed.
2. References made to the repealed Regulation shall be construed as references to this Regulation.

*Article 7***Entry into force**

This Regulation shall enter into force on the seventh 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, 9 December 2004.

For the Commission

Joe BORG

Member of the Commission

ANNEX I

LIST OF VESSELS WITH SPECIAL FISHING PERMIT — WESTERN WATERS

Reporting format

Country	Species	CFR	External marking	ICES V-VI	ICES VII	ICES VIII	ICES IX	ICES X	CECAF 34.1.1	CECAF 34.1.2	CECAF 34.2.0	Biologically sensitive area Regulation (EC) No 1954/2003 Article 6
(1)	(2)	(3)	(4)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)

Data format

Name of zone	Maximum number of characters/digits	Alignment (*) L(eft)/R(ight)	Definition and comments
(1) Country	3	—	Member State (Alpha-3 ISO code) in which vessel is registered for fishing under Council Regulation (EC) No 2371/2002. Always the reporting country.
(2) Species	1	—	One of the target species covered by Regulation (EC) No 1954/2003 using one of the following codes: D: demersal species excluding those covered by Regulation (EC) No 2347/2002 S: scallops C: edible crab and spider crab
(3) CFR	12	—	(Community Fleet Register Number). Unique identification number of a fishing vessel. Member State (Alpha-3 ISO code) followed by an identifying series (nine characters). Where a series has fewer than nine characters additional zeros must be inserted on the left-hand side.
(4) External marking	14	L	Under Regulation (EEC) No 1381/87.
(5) Area	1	—	Indicate if the vessel has a special fishing permit for this area as defined by Article 8(3) of Regulation (EC) No 1954/2003. Y (Yes)/ N (No)

(*) Relevant information for transmission of data by fixed-length formatting.

ANNEX II

FISHING EFFORT — WESTERN WATERS

Reporting format

Country	Species	Area	Year	Month	Declaration ^(a)	Cumulative Declaration	Yearly Allocation ^(b)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

^(a) and ^(b): Data only to be transmitted until 1 July 2005 in the spreadsheet format mentioned under Article 5 of this Regulation. After 1 July 2005 these data will be provided by the Fisheries Data Exchange System.

Data format

Name of zone	Maximum number of characters/digits	Alignmen (*) L(eft)/R(ight)	Definition and comments
(1) Country	3	—	Member State (Alpha-3 ISO code) in which vessel is registered for fishing under Council Regulation (EC) No 2371/2002. Always the reporting country
(2) Species	1	—	One of the target species covered by Regulation (EC) No 1954/2003 using one of the following codes: D: demersal species excluding those covered by Regulation (EEC) No 2347/2002 S: scallops C: edible crab and spider crab
(3) Area	12	L	One of the target areas covered by Regulation (EC) 1954/2003 using one of the following codes: ICES V-VI, ICES VII, ICES VIII, ICES IX, ICES X, CECAF 34.1.1, CECAF 34.1.2, CECAF 34.2.0, and BSA (for biologically sensitive area as defined by Article 6 of Regulation (EC) No 1954/2003)
(4) Year	4	—	The year of the month (5) for which the declaration is done
(5) Month	2	—	Month for which the fishing effort declaration is done (expressed by two digits between 1 and 12)
(6) Declaration	13	R	Fishing effort declaration, in accordance with Article 3 and Annex I, footnote 1, of Regulation (EC) No 1415/2004, for the month mentioned under (5)
(7) Cumulative Declaration	13	R	Cumulative amount of fishing effort, in accordance with Article 3 and Annex I footnote (1) of Regulation (EC) No 1415/2004, deployed during the year mentioned under (4) from the first of January until the end of the month mentioned under (5)
(8) Yearly allocation	13	R	Maximum level of annual fishing effort for the species under (2) and the area under (3) as defined in the Annexes I and II to Regulation (EC) No 1415/2004

(*) Relevant information for transmission of data by fixed-length formatting.

ANNEX III

LIST OF VESSELS BY FISHERY — BALTIC SEA

Definition of the data to be communicated and description of a record

Name of the zone	Width	Alignment	Definition and remarks
Updating indicator	3	—	Code identifying type of declaration (see Table 1)
Declaring entity	3	—	Member State (Alpha-3 ISO code) making the declaration
Fishery	5	L	Code of fishery (see Table 2) made up of three components: — type of gear (see Table 3) — two characters — type of target species (see Table 4) — one character — code of ICES area, two characters: subdivisions 22 to 32 = area No 5 subdivisions 30 and 31 = area No 51
CFR (Internal number)	12	L	(Community Fleet Register Number). Unique identification number of a fishing vessel. Member State (Alpha-3 ISO code) followed by an identifying series (nine characters). Where a series has fewer than nine characters additional zeros must be inserted on the left hand side
Name of vessel	40	L	
Date of event	8	—	Date (YYYYMMDD) when event occurred

Table 1

Codes for updating indicator

Addition of vessel to list	ADD
Deletion of vessel from list	SUP
Cancellation of incorrect declaration	CAN

Table 2

Codes for fisheries in the Baltic sea — Regulation (EC) No 779/97

Gear	Target species	Effort areas	Code
Towed gear	Demersal species	Subdivisions 22 to 32	TGD5
Static gear and driftnets	Demersal species	Subdivisions 22 to 32	DGD5
All gears	Pelagic species (herring, sprat)	Subdivisions 22 to 32	AGH5
		of which Subdivisions 30 and 31	AGH51
All gears	Salmon, sea trout and freshwater fish	Subdivisions 22 to 32	AGS5

Table 3

Codes for groups of fishing gear by fishery

Type of gear	Code
Towed gear	TG
Static gear and driftnets	DG
All gears	AG

Table 4

Codes for target species or groups of target species

Species	Code
Demersal species	D
Pelagic species	P
Pelagic species (herring and sprat)	H
Salmon, sea trout and fresh water fish	S

ANNEX IV

FISHING EFFORT — BALTIC SEA

Definition of the data to be communicated and description of a record

Aggregated declarations by fishery

Name of the zone	Width	Alignment	Definition and remarks
Updating indicator	3	—	Code identifying type of declaration (see Table 1).
Declaring entity	3	—	Member State (Alpha-3 ISO code) making the declaration.
Fishery	5	L	Code of fishery (see Table 2) in which activity has taken place.
Year of observation	4	—	Year (YYYY) during which the vessel is observed.
First month	2	—	First month (MM) of observation period.
Last month	2	—	Last month (MM) of observation period.
Effort/power	14	R	Number of kW (as a whole number) multiplied by the number of days present in the area (as a whole number) to express fishing effort during the observation period (*)
Filler	14	—	

(*) Calculated as $\sum_{i=1,n} a_i P_i$ where n is the number of vessels in the area, a_i is the number of days spent at sea by the vessel in the area during the observation period and P_i is the average power of the vessel in the area during the period of observation.

Table 1

Codes for the updating indicator

Declaration by fishery	FIS
Deletion of declaration by fishery	DFI

Table 2

Codes for fisheries in the Baltic sea — Council Regulation (EC) No 779/97

Gear	Target species	Effort areas	Code
Towed gear	Demersal species	Subdivisions 22 to 32	TGD5
Static gear and driftnets	Demersal species	Subdivisions 22 to 32	DGD5
All gears	Pelagic species (herring, sprat)	Subdivisions 22 to 32	AGH5
		of which Subdivisions 30 and 31	AGH51
All gears	Salmon, sea trout and freshwater fish	Subdivisions 22 to 32	AGS5

COMMISSION REGULATION (EC) No 2104/2004

of 9 December 2004

laying down detailed implementing rules for Council Regulation (EC) No 639/2004 on the management of fishing fleets registered in the Community outermost regions

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard 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⁽¹⁾, and in particular Article 11(5) thereof,

Having regard to Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions⁽²⁾, and in particular Article 1(2) and Article 4(3) thereof,

Whereas:

- (1) Regulation (EC) No 639/2004 lays down derogations for the management of fishing fleets in the outermost regions until 31 December 2006. These derogations relate to the entry/exit schemes referred to in Regulation (EC) No 2371/2002, and the aid for the renewal and modernisation of the fleet referred to in Council Regulation (EC) No 2792/1999⁽³⁾.
- (2) Under Regulation (EC) No 639/2004, for France and Portugal the specific reference levels for the fleet segments registered in the outermost regions are the multiannual guidance programme (MAGP IV) objectives at the end of 2002.
- (3) For the Canary Islands, the specific reference levels are to be fixed using an approach similar to that used to fix the MAGP IV objectives, taking into account the limits of the fishing opportunities available to the fleets in question. To this end the Scientific Technical and Economic

Committee for Fisheries (STECF) delivered an opinion in its March/April 2004 session report on the fishing opportunities of fleets registered in the Canary Islands. Spain and the Commission have also examined the fishing opportunities of fleets registered to the Canary Islands and active under bilateral and multilateral agreements. According to the Commission, none of these examinations or reports has revealed any possibility of expansion of the fleets currently registered in the Canary Islands.

- (4) The Member States must report on changes in the fleets registered in the outermost regions in the annual report referred to in Commission Regulation (EC) No 1438/2003 of 12 August 2003 laying down implementing rules on the Community Fleet Policy as defined in Chapter III of Council Regulation (EC) No 2371/2002⁽⁴⁾.
- (5) The Commission has taken account of its declaration in the margins of the Council of 30 March 2004⁽⁵⁾ on the detailed implementing rules for Regulation (EC) No 639/2004, in particular as regards the most appropriate segmentation in relation to types of fishing, scientific opinions on the state of targeted stocks and similar treatment of fleets operating on the same fisheries.
- (6) This Regulation must apply from the date of application of Regulation (EC) No 639/2004.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Specific reference levels

The specific reference levels for the fleets registered in the outermost regions of France, Portugal and Spain are fixed in the Annex hereto for each fleet segment.

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 102, 7.4.2004, p. 9.

⁽³⁾ OJ L 337, 31.12.1999, p. 10. Regulation as last amended by Regulation (EC) No 1421/2004 (OJ L 260, 6.8.2004, p. 1).

⁽⁴⁾ OJ L 204, 13.8.2003, p. 21. Regulation as last amended by Regulation (EC) No 916/2004 (OJ L 163, 30.4.2004, p. 81).

⁽⁵⁾ Council document No 7520/04 ADD1, 19.3.2004.

These specific reference levels are the maximum capacity levels, in GT and in kW, that the Member States shall be authorised to accept through entries to the fleet by way of derogation from Article 13 of Regulation (EC) No 2371/2002.

Article 2

Monitoring specific reference levels

For each of the segments referred to in Article 1, the reference level in terms of tonnage and power on any date after 31 December 2002 shall be equal to the reference level for that segment, as fixed in the Annex hereto, minus the tonnage and power of the vessels in that segment leaving the fleet after 31 December 2002 as a result of public aid.

Article 3

Consolidation of reference levels

On 31 December 2006, the Commission shall calculate for each Member State the total capacities in terms of GT and kW of the fleets registered in the outermost regions and of the entries into these fleets decided in accordance with the provisions of Article 2 of Regulation (EC) No 639/2004 which are not yet registered on that date.

This figure shall be added to the reference levels of the mainland fleet. The result shall constitute the reference levels for the Member State fleet as from 1 January 2007.

Article 4

Contribution to annual reports

In the annual report provided for in Article 12 of Regulation (EC) No 1438/2003 the Member States concerned shall report on changes in the fleets registered in the outermost regions.

Figures relating to 2003 shall be incorporated into the annual report for 2004.

Article 5

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*.

It shall apply from 1 January 2003.

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

Done at Brussels, 9 December 2004.

For the Commission

Joe BORG

Member of the Commission

ANNEX

Specific reference levels for fishing fleets registered in the outermost regions of France, Portugal and Spain

Spain			
Fleet segment	Segment code	GT	kW
Canary Islands. Length < 12 m. EU waters	CA1	2 878	23 202
Canary Islands. Length > 12 m. EU waters	CA2	4 779	16 055
Canary Islands. Length > 12 m. International and third country waters	CA3	51 167	90 680
Total		58 824	129 937

France			
Fleet segment	Segment code	GT	kW
Réunion. Demersal and pelagic species. Length < 12 m	4FC	1 050	14 000
Réunion. Pelagic species. Length > 12 m	4FD	9 705	24 610
French Guiana. Demersal and pelagic species. Length < 12 m	4FF	400	5 250
French Guiana. Shrimp vessels.	4FG	6 526	19 726
French Guiana. Pelagic species. Offshore vessels.	4FH	3 500	5 000
Martinique. Demersal and pelagic species. Length < 12 m	4FJ	2 800	65 500
Martinique. Pelagic species. Length > 12 m	4FK	1 000	3 000
Guadeloupe. Demersal and pelagic species. Length < 12 m	4FL	4 100	105 000
Guadeloupe. Pelagic species. Length > 12 m	4FM	500	1 750
Total		29 581	243 836

Portugal			
Fleet segment	Segment code	GT	kW
Madeira. Demersal species. Length < 12 m	4K6	680	4 574
Madeira. Demersal and pelagic species. Length > 12 m	4K7	5 354	17 414
Madeira. Pelagic species. Seine. Length > 12 m	4K8	253	1 170
Azores. Demersal species. Length < 12 m	4K9	2 721	20 815
Azores. Demersal and pelagic species. Length > 12 m	4KA	14 246	36 846
Total		23 254	80 819

COMMISSION REGULATION (EC) No 2105/2004**of 9 December 2004****fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1757/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1757/2004⁽²⁾.
- (2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

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

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 3 to 9 December 2004, pursuant to the invitation to tender issued in Regulation (EC) No 1757/2004, the maximum refund on exportation of barley shall be 17,99 EUR/t.

Article 2

This Regulation shall enter into force on 10 December 2004.

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

Done at Brussels, 9 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 313, 12.10.2004, p. 10.

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

COMMISSION REGULATION (EC) No 2106/2004**of 9 December 2004****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1565/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 7 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, and in particular Article 4 thereof,

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

Whereas:

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

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

- (2) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 3 to 9 December 2004, pursuant to the invitation to tender issued in Regulation (EC) No 1565/2004, the maximum refund on exportation of oats shall be 30,25 EUR/t.

Article 2

This Regulation shall enter into force on 10 December 2004.

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

Done at Brussels, 9 December 2004.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

⁽³⁾ OJ L 285, 4.9.2004, p. 3.

COMMISSION DIRECTIVE 2004/110/EC**of 9 December 2004****adapting for the sixth time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail⁽¹⁾, and in particular Article 8 thereof,

Whereas:

- (1) The Annex to Directive 96/49/EC refers to the Regulation concerning the international carriage of dangerous goods by rail (RID), as applicable from 1 July 2003.
- (2) The RID is updated every two years. Consequently, the next amended version shall be applicable as from 1 January 2005, with a transitional period up to 30 June 2005.
- (3) It is therefore necessary to amend the Annex to Directive 96/49/EC.
- (4) The measures provided for in this Directive are in conformity with the opinion of the Committee on the transport of dangerous goods referred to in Article 9 of Directive 96/49/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 96/49/EC is replaced by the following:

'Regulation concerning the international carriage of dangerous goods by rail (RID) appearing in Annex I to Appendix B to the Convention concerning international carriage by rail (COTIF), as applicable with effect from 1 January 2005, it being understood that the terms contracting

party and the States or the railways will be replaced by the term Member State.

The text of the amendments of the 2005 version of the RID will be published as soon as it is available in all official languages of the Community.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 2005 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 9 December 2004.

For the Commission

Jacques BARROT

Member of the Commission

⁽¹⁾ OJ L 235, 17.9.1996, p. 25. Directive as last amended by Commission Directive 2004/89/EC (OJ L 293, 16.9.2004, p. 14).

COMMISSION DIRECTIVE 2004/111/EC**of 9 December 2004****adapting for the fifth time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road⁽¹⁾, and in particular Article 8 thereof,

Whereas:

- (1) Annexes A and B to Directive 94/55/EC refer to Annexes A and B to the European Agreement concerning the international carriage of dangerous goods by road, (ADR), as applicable from 1 July 2003.
- (2) The ADR is updated every two years. Consequently, an amended version shall apply as from 1 January 2005, with a transitional period up to 30 June 2005.
- (3) It is therefore necessary to amend Annexes A and B to Directive 94/55/EC.
- (4) The measures provided for in this Directive are in conformity with the opinion of the Committee on the transport of dangerous goods referred to in Article 9 of Directive 94/55/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes A and B to Directive 94/55/EC are amended as follows:

⁽¹⁾ OJ L 319, 12.12.1994, p. 7. Directive as last amended by Commission Directive 2003/28/EC (OJ L 90, 8.4.2003, p. 45).

1. Annex A is replaced by the following:

'Provisions of Annex A to the European Agreement on the international carriage of dangerous goods by road (ADR), as applicable with effect from 1 January 2005, it being understood that contracting party is replaced by Member State.

The text of the amendments of the 2005 version of Annex A to the ADR will be published as soon as it is available in all official languages of the Community.'

2. Annex B is replaced by the following:

'Provisions of Annex B to the European Agreement on the international carriage of dangerous goods by road (ADR), as applicable with effect from 1 January 2005, it being understood that contracting party is replaced by Member State.

The text of the amendments of the 2005 version of Annex B to the ADR will be published as soon as it is available in all official languages of the Community.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 2005 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 9 December 2004.

For the Commission
Jacques BARROT
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 November 2004

establishing a form for legal aid applications under Council Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes

(notified under document number C(2004) 4285)

(2004/844/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes⁽¹⁾, and in particular Article 16(1) thereof,

After consulting the Advisory Committee established by Article 17(1) of Directive 2003/8/EC,

Whereas:

- (1) Article 16(1) of Directive 2003/8/EC provides that the Commission is to establish a standard form for legal aid applications and for the transmission of such applications.
- (2) The standard form for the transmission of legal aid applications between the judicial authorities of the Member States has been established by Commission Decision C(2003) 1829⁽²⁾.
- (3) The standard form for legal aid applications as such is to be established at the latest by 30 November 2004, by virtue of Article 16(2) second sub-paragraph of Directive

2003/8/EC. That form should therefore be established by this decision.

- (4) 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, which is not bound by Directive 2003/8/EC, is not bound by this Decision or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The standard form for the submission of legal aid applications under Directive 2003/8/EC shall be as set out in the Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 November 2004.

For the Commission
António VITORINO
Member of the Commission

⁽¹⁾ OJ L 26, 31.1.2003, p. 41.

⁽²⁾ Decision not yet published in the Official Journal.

ANNEX

FORM FOR LEGAL AID APPLICATION IN ANOTHER MEMBER STATE OF THE EUROPEAN UNION

INSTRUCTIONS

1. Before filling in the application form, please read carefully these instructions
2. All information requested in this form must be provided
3. Any imprecise, inaccurate or incomplete information may delay the processing of your application
4. Including false or incomplete information in this application may result in negative consequences in law, e.g. this application for legal aid may be rejected or you may face criminal charges
5. Please attach all supporting documentation
6. Please note that this application does not affect the time limits to be observed for commencing judicial proceedings or lodging an appeal
7. Please date and sign and send the completed form to the competent authority as follows:

- 7.a. You may choose to send your application to the **competent transmitting authority of the Member State in which you reside**. It will then transmit it to the competent authority of the relevant Member State. If you decide to proceed in this way, please indicate:

Name of the competent authority in your Member State of residence:

.....

Address:

.....

Telephone/Fax/E-mail:

.....

- 7.b. You may choose to send this application directly to the **competent authority of another Member State**, if you know which authority is competent. If you decide to proceed in this way, please indicate:

Name of the authority:

.....

Address:

.....

Telephone/Fax/E-mail:

.....

Are you able to understand the official language or one of the official languages of this country?

YES

NO

Otherwise, in what languages is it possible to communicate with you for legal aid purposes?

.....

.....

A. Details of the person applying for legal aid

A.1. Gender: Male Female

Name and forename (or if applicable business name):

.....

.....

Date and place of birth:

Nationality:

Identity document number:

Address:

.....

Telephone:

Fax:

E-mail:

A.2. If applicable, details of the person representing the applicant if the applicant is a minor or under incapacity:

Name and forename:

Address:

.....

Telephone:

Fax:

E-mail:

A.3. If applicable, details of the applicant's legal representative (solicitor, agent, etc.):

in the Member State of residence of the applicant:

Name and forename:

Address:

.....

Telephone:

Fax:

E-mail:

in the Member State where the legal aid is to be granted:

Name and forename:

Address:

.....

Telephone:

Fax:

E-mail:

B. Information concerning the dispute for which legal aid is requested

Please attach copies of any supporting documentation.

B.1. Nature of the dispute (e.g. divorce, child custody, employment, business, consumer):

.....

.....

.....

B.2. Value of the dispute if the subject of the dispute can be expressed in money. Please specify the currency:

.....

B.3. Description of the circumstances of the dispute, incl. the location and date of the facts of the case, and any evidence (e.g. witnesses):

.....

.....

C. Details of the procedure

Please attach copies of any supporting documentation.

C.1. Are you the plaintiff or defendant?

.....

Describe your claim or the claim against you:

.....

.....

.....

Name and contact details of the opponent:

.....

.....

C.2. Special reasons, if any, for requesting urgent action on this application, e.g. time limits to be observed for commencing proceedings:

.....

.....

C.3. Are you applying for the full amount or for part of legal aid?

If you are only applying for partial legal aid, please specify what it should cover:

.....

.....

C.4. Please specify whether legal aid is required for obtaining:

- pre-litigation advice
- assistance (advice and/or representation) within the framework of extrajudicial procedures
- assistance (advice and/or representation) within the framework of envisaged legal proceedings
- assistance (advice and/or representation) within the framework of on-going legal proceedings. If so:
 - Registration number:
 - Dates of hearings:
 - Name of the court:
 -
 - Address of the court:
 -
- advice and/or representation within the framework of legal proceedings relating to a decision which has already been taken by a judicial authority. If so:
 - Name and address of the judicial authority:
 -
 - Date of the decision:
 -
 - Nature of the case: Appeal against the decision
 - Enforcement of the decision

C.5. Please specify what additional costs you foresee because of the cross-border nature of the case (e.g. translations or travel):

.....

.....

.....

C.6. Do you have any form of insurance or other rights and facilities which may cover legal expenses in full or in part? If so, please give details:

.....

.....

.....

D. Family situation

How many people live in your household?

.....

Please specify their relationship to you (the applicant):

Name and forename	Relationship to the applicant	Date of birth (if children)	Is this person financially dependent on the applicant?	Is the applicant financially dependent on this person?
			Yes/No	Yes/No

Is there any person who is financially dependent on you who does not live in your household? If yes, specify:

Name and forename	Relationship to the applicant	Date of birth (if children)

Is there any person on whom you are financially dependent who does not live in your household?

If yes, specify:

Name and forename	Relationship to the applicant

E. Financial information:

Please provide all information about yourself (I), your spouse or partner (II), any person who is financially dependent on you and resides with you (III) or any person you are financially dependent on and with whom you reside (IV).

If you receive other financial contributions than maintenance from a person on whom you financially depend and with whom you do not reside, specify such benefits under 'other income' in E.1.

If you provide other financial contributions than maintenance to a person financially dependant on you who does not reside with you, specify such benefits under 'other expense' in E.3.

Documentary evidence shall be produced: e.g. income tax return, certificate of entitlement to state benefits etc.

When providing the information in the tables below, please specify the currency in which the amounts are expressed.

E.1. Average monthly income details	I. Applicant	II. Spouse or partner	III. Dependent persons	IV. Persons supporting the applicant
— Earned:				
— Profit from business:				
— Pensions:				
— Maintenance support:				
— State benefits:				
Please identify:				
1. Family and housing allowances:				
2. Unemployment and social security benefits:				
— Income from capital (moveable assets, real estate):				
— Other income:				
TOTAL:				

E.2. Property value	I. Applicant	II. Spouse or partner	III. Dependent persons	IV. Persons supporting the applicant
— Real estate used as permanent residence:				
— Other real estate:				
— Land:				
— Savings:				
— Shares:				
— Motor vehicles:				
— Other assets:				
TOTAL:				

E.3. Monthly expenditure	I. Applicant	II. Spouse or partner	III. Dependent persons	IV. Persons supporting the applicant
— Income tax:				
— Social security contributions:				
— Local government taxes:				
— Mortgage payments:				
— Rent and housing costs:				
— School fees:				
— Childcare costs:				
— Payment of debts:				
— Repayment of loans:				
— Maintenance paid to another under a legal obligation:				
— Other expense:				
TOTAL:				

I declare that the information provided is true and complete and I undertake to declare without delay to the authority processing the application any changes in my financial situation.

Date (place and time):

.....