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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 561/2003

of 27 March 2003

amending, as regards exceptions to the freezing of funds and economic resources, Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Council Common Position 2002/402/CFSP of 27 May 2002 concerning restrictive measures against Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them and repealing Common Positions 96/746/CFSP, 1999/727/CFSP, 2001/154/CFSP and 2001/771/CFSP⁽¹⁾,

Having regard to Council Common Position 2003/140/CFSP of 27 February 2003 concerning exceptions to the restrictive measures imposed by Common Position 2002/402/CFSP⁽²⁾,

Having regard to the proposal from the Commission⁽³⁾,

Having regard to the opinion of the European Parliament⁽⁴⁾,

Whereas:

- (1) Common Position 2002/402/CFSP provides, *inter alia*, that the European Community is to take certain restrictive measures, including the freezing of funds and economic resources, in accordance with Resolutions 1267 (1999), 1333 (2000) and 1390 (2002) of the Security Council of the United Nations.
- (2) The freezing of funds and economic resources has been implemented by means of Council Regulation (EC) No 881/2002⁽⁵⁾.
- (3) By means of its Resolution 1452 (2002) of 20 December 2002, the Security Council permitted certain exceptions to the freezing of funds and economic resources under Resolutions 1267 (1999), 1333 (2000) and 1390 (2002).
- (4) In view of Resolution 1452 (2002) it is necessary to adjust the measures imposed by the Community,

⁽¹⁾ OJ L 139, 29.5.2002, p. 4.

⁽²⁾ OJ L 53, 28.2.2003, p. 62.

⁽³⁾ Proposal of 3.2.2003 (not yet published in the Official Journal).

⁽⁴⁾ Proposal of 13.3.2003 (not yet published in the Official Journal).

⁽⁵⁾ OJ L 139, 29.5.2002, p. 9; Regulation as last amended by Commission Regulation (EC) No 414/2003 (OJ L 62, 6.3.2003, p. 24).

Article 1

The following Article shall be inserted in Regulation (EC) No 881/2002:

'Article 2a

1. Article 2 shall not apply to funds or economic resources where:

- (a) any of the competent authorities of the Member States, as listed in Annex II, has determined, upon a request made by an interested natural or legal person, that these funds or economic resources are:
 - (i) necessary to cover basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (ii) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
 - (iii) intended exclusively for payment of fees or service charges for the routine holding or maintenance of frozen funds or frozen economic resources; or
 - (iv) necessary for extraordinary expenses; and
- (b) such determination has been notified to the Sanctions Committee; and
- (c) (i) in the case of a determination under point (a)(i), (ii) or (iii), the Sanctions Committee has not objected to the determination within 48 hours of notification; or
- (ii) in the case of a determination under point (a)(iv), the Sanctions Committee has approved the determination.

2. Any person wishing to benefit from the provisions referred to in paragraph 1 shall address its request to the relevant competent authority of the Member State as listed in Annex II.

The competent authority listed in Annex II shall promptly notify both the person that made the request, and any other person, body or entity known to be directly concerned, in writing, whether the request has been granted.

The competent authority shall also inform other Member States whether the request for such an exception has been granted.

3. Funds released and transferred within the Community in order to meet expenses or recognised by virtue of this Article shall not be subject to further restrictive measures pursuant to Article 2.

4. Article 2(2) shall not apply to the addition to frozen accounts of:

(a) interest or other earnings due on those accounts; or

(b) payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of UN Security Council resolutions implemented successively through Regulation (EC) No 337/2000 (*), Regulation (EC) No 467/2001 (**) or this Regulation.

(*) OJ L 43, 16.2.2000, p. 1; Regulation as last amended by Regulation (EC) No 467/2001.

(**) OJ L 67, 9.3.2001, p. 1; Regulation as last amended by Regulation (EC) No 881/2002.

In the same manner as the account to which they are added, such interest, other earnings and payments shall also be frozen.'

Article 2

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

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

Done at Brussels, 27 March 2003.

For the Council

The President

M. STRATAKIS

COMMISSION REGULATION (EC) No 562/2003
of 28 March 2003
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⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, 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 29 March 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 28 March 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	111,4
	204	72,0
	212	123,3
	999	102,2
0707 00 05	052	87,0
	096	48,8
	204	74,2
	999	70,0
0709 10 00	220	179,7
	999	179,7
0709 90 70	052	80,7
	204	141,3
	999	111,0
0805 10 10, 0805 10 30, 0805 10 50	052	73,7
	204	45,6
	212	48,2
	220	34,8
	600	62,0
	624	62,1
	999	54,4
0808 10 20, 0808 10 50, 0808 10 90	388	89,7
	400	99,1
	404	94,1
	508	80,2
	512	84,5
	524	73,1
	528	77,9
	720	117,7
	999	89,5
0808 20 50	388	73,3
	512	63,4
	528	65,3
	720	49,1
	999	62,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 563/2003
of 28 March 2003**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 116th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 116th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 March 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 28 March 2003 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 116th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		85	81	85	81
	Butter < 82 %		83	79	—	—
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	94	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

**COMMISSION REGULATION (EC) No 564/2003
of 28 March 2003**

**fixing the maximum purchasing price for butter for the 69th invitation to tender carried out under
the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 359/2003 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 69th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 25 March 2003, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 March 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 53, 28.2.2003, p. 17.

**COMMISSION REGULATION (EC) No 565/2003
of 28 March 2003**

**fixing the maximum aid for concentrated butter for the 288th special invitation to tender opened
under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 288th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 105/100 kg, |
| — end-use security: | EUR 116/100 kg. |

Article 2

This Regulation shall enter into force on 29 March 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 566/2003
of 28 March 2003**

fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1666/2000 ⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

- (5) 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 Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 April 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 28 March 2003 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)	
Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	14,00
1002 00 00 9000	23,00
1003 00 90 9000	9,00
1005 90 00 9000	19,00
1006 30 92 9100	150,00
1006 30 92 9900	150,00
1006 30 94 9100	150,00
1006 30 94 9900	150,00
1006 30 96 9100	150,00
1006 30 96 9900	150,00
1006 30 98 9100	150,00
1006 30 98 9900	150,00
1006 30 65 9900	150,00
1007 00 90 9000	19,00
1101 00 15 9100	16,75
1101 00 15 9130	15,75
1102 10 00 9500	35,60
1102 20 10 9200	28,74
1102 20 10 9400	24,64
1103 11 10 9200	0,00
1103 13 10 9100	36,95
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 567/2003
of 28 March 2003**

correcting the Danish, English, Finnish, German, Greek, Italian, Portuguese and Spanish versions of Regulation (EC) No 445/2002 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽¹⁾, and in particular Articles 34, 45 and 50 thereof,

Whereas:

- (1) The language Danish, English, Finnish, German, Greek, Italian, Portuguese and Spanish versions of Commission Regulation (EC) No 445/2002 ⁽²⁾ contain a number of errors. Those language versions must therefore be corrected.
- (2) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 445/2002 is corrected as follows:

1. concerns only the German version;
2. concerns only the German version;

3. Article 3(2) is replaced by the following:

‘2. Article 4(2) shall also apply to investments made by young farmers within five years of setting-up.’

4. only concerns the Greek version;

5. only concerns the Danish version;

6. only concerns the Italian version;

7. only concerns the Portuguese version;

8. only concerns the Spanish version;

9. only concerns the German version;

10. only concerns the Spanish version;

11. only concerns the Spanish version;

12. the introductory phrase of Article 52(4) is replaced by the following:

‘4. Paying agencies may declare to the EAGGF Guarantee Section the amount corresponding to the Community part-financing.’

13. concerns only the Finnish version;

14. concerns only the Spanish version.

Article 2

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

It shall apply from the date of entry into force of Regulation (EC) No 445/2002.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 80.

⁽²⁾ OJ L 74, 15.3.2002, p. 1.

**COMMISSION REGULATION (EC) No 568/2003
of 28 March 2003**

**correcting the Dutch and English versions of Regulation (EC) No 2603/1999 laying down rules for
the transition to the rural development support provided for by Council Regulation (EC) No 1257/
1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽¹⁾, and in particular Article 53(1) thereof,

Whereas:

- (1) The Dutch and English versions of Commission Regulation (EC) No 2603/1999 ⁽²⁾, as last amended by Regulation (EC) No 2055/2001 ⁽³⁾, contain a number of errors. Those language versions must therefore be corrected.
- (2) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Developments,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2603/1999 is corrected as follows.

1. Concerns only the Dutch version.
2. Article 4(4) is replaced by the following:
'4. In their rural development plans, Member States shall specify where they have applied paragraph 2 or paragraph 3.'

Article 2

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

It shall apply from the date of entry into force of Regulation (EC) No 2603/1999.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 80.

⁽²⁾ OJ L 316, 10.12.1999, p. 26.

⁽³⁾ OJ L 277, 20.10.2001, p. 12.

**COMMISSION REGULATION (EC) No 569/2003
of 28 March 2003**

**amending Regulation (EC) No 1238/95 establishing implementation rules for the application of
Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety
Office**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights ⁽¹⁾, as amended by Regulation (EC) No 2506/95 ⁽²⁾, and in particular Article 113(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office ⁽³⁾, as amended by Regulation (EC) No 329/2000 ⁽⁴⁾, sets out fees payable to the Community Plant Variety Office ('the Office'), and the levels of such fees.
- (2) The Administrative Council of the Office has submitted to the Commission draft amendments relating to the fees payable to the Office under Regulation (EC) No 2100/94.
- (3) The SWIFT electronic bank payment method should provide sufficient documentary evidence to show that an applicant has taken the necessary steps to pay the application fee into the account of the Office.
- (4) Under Council Regulation (EC) No 2100/94, the application fee is intended to cover several stages of the processing of an application. Therefore the Office should refund a fixed proportion of the application fee where, following the initial examination of the application, it is apparent that the applications is not valid.
- (5) To reflect the administration costs of the Community plant variety rights system that are not covered by other fees, the annual fee should not vary according to the species protected, nor increase over time.

- (6) The financial reserve of the Office has reached a level which exceeds the level necessary to safeguard the continuity of its operations. Therefore, the amount of the annual fee should be linked to a reduction of the reserve for the period 2003 to 2005.
- (7) The due date for payment of the annual fee should precede the beginning of the year of the protection of the plant variety right to which it relates in order to avoid conferring free protection in the event of non-payment of such fee.
- (8) It is appropriate to remove the difference between the fees charged for making entries in the register of Community plant variety rights and the register of applications. In addition only one fee should be charged for making the same entry in a register in relation to a request covering more than one variety in the same ownership.
- (9) Under Commission Regulation (EC) No 1239/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office ⁽⁵⁾, as last amended by Regulation (EC) No 2181/2002 ⁽⁶⁾, the Office is to pay for technical examinations. It is necessary to increase the fees charged to applicants for technical examinations and to introduce different fee groups. The fee increases should be achieved in two stages, due to the large amount of the increase.
- (10) Regulation (EC) No 1238/95 should therefore be amended accordingly.
- (11) The new measures shall apply in relation to fees that fall due from 1 April 2003.
- (12) The Administrative Council has been consulted in accordance with Regulation (EC) No 2100/94.
- (13) The provisions of this Regulation are in accordance with the opinion of the Standing Committee on Plant Variety Rights,

⁽¹⁾ OJ L 227, 1.9.1994, p. 1.

⁽²⁾ OJ L 258, 28.10.1995, p. 3.

⁽³⁾ OJ L 121, 1.6.1995, p. 31.

⁽⁴⁾ OJ L 37, 12.2.2000, p. 19.

⁽⁵⁾ OJ L 121, 1.6.1995, p. 37.

⁽⁶⁾ OJ L 331, 7.12.2002, p. 14.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1238/95 is amended as follows:

1. Article 4 is amended as follows:

(a) point 3 is replaced by the following:

‘3. Where the payment is considered not to have been received by the Office within the requisite time limit, such time limit shall be considered to have been observed vis-à-vis the Office where sufficient documentary evidence is produced within that time limit to show that the person making the payment duly gave an order to a banking establishment or a post office to transfer the amount of the payment in euro to a bank account held by the Office within the time limit.’;

(b) point 4 is deleted;

(c) point 5 is replaced by the following:

‘5. Documentary evidence shall be regarded as sufficient within the meaning of point 3 where an acknowledgement of provision of the transfer order, issued by a banking establishment or a post office, is produced. However, where the transfer ordered was a transfer using the SWIFT electronic bank payment method, the acknowledgement of provision of the transfer order shall take the form of a copy of the SWIFT report, stamped and signed by a duly authorised official of the bank or post office.’;

2. Article 7 is amended as follows:

(a) paragraph 5 is replaced by the following:

‘5. Paragraph 4 shall not apply where the application is accompanied by sufficient documentary evidence showing that the person making the payment duly gave an order to a banking establishment or a post office to transfer the amount of the payment in euro to a bank account held by the Office; Article 4 (5) shall apply *mutatis mutandis*.’;

(b) the following paragraph 7 is added:

‘7. Where the application fee is received but the application is not valid under Article 50 of the basic Regulation, the Office shall retain EUR 300 of the application fee and refund the remainder when notifying the applicant of the deficiencies found in the application.’;

3. Article 9(1) and (2) are replaced by the following:

‘1. The Office shall charge a holder of a Community plant variety right (hereinafter referred to as “the holder”) a fee for each year of the duration of a Community plant variety right (annual fee) of EUR 300 for the years 2003 to 2005 and of EUR 435 for the year 2006 and the following years.

2. Payment of the annual fee shall be due:

(a) in relation to the first year of the term of the Community plant variety right, within 60 days of date of the grant of the right; and

(b) in relation to subsequent years of the term of the Community plant variety right, on the first day of the calendar month preceding the month in which the anniversary of the date grant falls.’;

4. Article 10 is amended as follows:

(a) in the fifth indent of paragraph 1(b), ‘ECU 300’ is replaced by ‘EUR 100’;

(b) the following paragraph 3 is added:

‘3. Where a request for an entry referred to in point (b) or (c) of paragraph 1 concerns more than one application or registered right, applied for or held by the same person, only one fee shall be charged.’;

5. Annex I is amended in accordance with the Annex to this Regulation;

6. Annex II is deleted.

Article 2

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

It shall apply in relation to fees that fall due from 1 April 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Annex I is replaced by the following:

'ANNEX I

Fees relating to technical examinations as referred to in Article 8

The fee to be paid for the technical examination of a variety pursuant to Article 8 shall be determined, by reference to the year in which the growing period begins and to the species group to which the variety belongs, in accordance with the table:

(in EUR)

Cost group		Fee in years 2003 to 2005	Fee in year 2006 et seq.
Agricultural group			
1	Regular crops	1 020	1 020
2	Vegetatively propagated crops	1 190	1 190
3	Oilcrops	1 020	1 020
4	Grasses	1 020	1 020
5	Beet crops	1 020	1 020
6	Fibre crops	1 020	1 020
7	Crops with special test arrangements	1 020	1 020
8	Other agricultural crops	1 020	1 020
Ornamental group			
9	Species with living reference collection, greenhouse test, long cultivation	1 190	1 190
9A	Species with living reference collection, greenhouse test, long cultivation and special phytosanitary conditions	1 200	2 040
10	Species with living reference collection, greenhouse test, short cultivation	1 105	1 105
11	Species with living reference collection, outdoor test, long cultivation	1 105	1 105
12	Species with living reference collection, outdoor test, short cultivation	1 105	1 105
13	Species without living reference collection, greenhouse test, long cultivation	1 200	1 360
13A	Species without living reference collection, greenhouse test, long cultivation with a further propagation step	1 200	2 040
14	Species without living reference collection, greenhouse test, short cultivation	1 105	1 105
15	Species without living reference collection, outdoor test, long cultivation	1 105	1 105
16	Species without living reference collection, outdoor test, short cultivation	1 105	1 105
17	New species, greenhouse test	1 190	1 190
18	New species, outdoor test	1 190	1 190
19	Seed-propagated species(not falling into any other category)	1 200	1 360

(in EUR)

Cost group		Fee in years 2003 to 2005	Fee in year 2006 et seq.
Vegetable group			
20	Seed-propagated species, outdoor test	1 050	1 445
21	Seed-propagated species, greenhouse test	1 200	1 955
22	Vegetatively propagated species, outdoor test	1 050	1 700
23	Vegetatively propagated species, greenhouse test	1 200	1 360
Fruit groups			
24	Trees	1 050	1 615
24A	Tree species with a large permanent living reference collection	1 050	2 380
25	Shrubs	1 050	1 190
26	Vine habit	1 050	1 190
27	Runners	1 050	1 870'

**COMMISSION REGULATION (EC) No 570/2003
of 28 March 2003**

amending Regulation (EC) No 1555/96 as regards the trigger levels for additional duties on tomatoes

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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 47/2003 ⁽²⁾, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables ⁽³⁾, as last amended by Regulation (EC) No 2337/2002 ⁽⁴⁾, provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁵⁾, as last amended by Regulation (EC) No 444/2002 ⁽⁶⁾.

- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁷⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 1999, 2000 and 2001, the trigger levels for additional duties on tomatoes should be adjusted.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

Article 2

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

It shall apply from 1 April 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 7, 11.1.2003, p. 64.

⁽³⁾ OJ L 193, 3.8.1996, p. 1.

⁽⁴⁾ OJ L 349, 24.12.2002, p. 29.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁶⁾ OJ L 68, 12.3.2002, p. 11.

⁽⁷⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where “ex” appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and by the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015 78.0020	ex 0702 00 00	Tomatoes	— 1 October to 31 March — 1 April to 30 September	190 815 17 676
78.0065 78.0075	ex 0707 00 05	Cucumbers	— 1 May to 31 October — 1 November to 30 April	7 037 4 555
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	1 109
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	50 201
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	331 166
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	81 509
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	85 422
78.0155 78.0160	ex 0805 50 10	Lemons	— 1 June to 31 December — 1 January to 31 May	249 206 14 827
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	62 101
78.0175 78.0180	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August — 1 September to 31 December	654 806 39 852
78.0220 78.0235	ex 0808 20 50	Pears	— 1 January to 30 April — 1 July to 31 December	239 999 25 357
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	4 156
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	86 224
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	3 378
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	81 605'

**COMMISSION REGULATION (EC) No 571/2003
of 28 March 2003**

**amending Regulation (EC) No 1227/2000 laying down detailed rules for the application of Council
Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards
production potential**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾, and in particular Article 80 thereof,

Whereas:

- (1) In order to resolve a particular practical problem, the time limit laid down in Article 2(3) of Regulation (EC) No 1493/1999 for derogating from Article 2(2) should be amended. Applying the various provisions regarding the grant of the derogation imposes a serious and complex administrative burden, particularly as regards checks and penalties. In the interests of sound administration, the date in question should thus be postponed to 31 July 2003.

- (2) Commission Regulation (EC) No 1227/2000 ⁽³⁾, as last amended by Regulation (EC) No 315/2003 ⁽⁴⁾, should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(1)(a) of Regulation (EC) No 1227/2000 is hereby replaced by the following:

‘1(a) The deadline of 31 July 2002 laid down in Article 2(3) of Regulation (EC) No 1493/1999 shall be postponed to 31 July 2003.’

Article 2

This Regulation shall enter into force on the third 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, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.
⁽²⁾ OJ L 345, 29.12.2001, p. 10.

⁽³⁾ OJ L 143, 16.6.2000, p. 1.
⁽⁴⁾ OJ L 46, 20.2.2003, p. 9.

**COMMISSION REGULATION (EC) No 572/2003
of 28 March 2003**

adapting the total quantities referred to in Article 3 of Council Regulation (EEC) No 3950/92 establishing an additional levy in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector ⁽¹⁾, as last amended by Regulation (EC) No 2028/2002 ⁽²⁾, and in particular Article 3(2) and Article 4(2) thereof,

Whereas:

- (1) Article 3(2) of Regulation (EEC) No 3950/92 lays down that the guaranteed total quantities for Finland may be increased to compensate 'SLOM' producers, up to a maximum of 200 000 tonnes. In accordance with Article 6 of Commission Regulation (EC) No 671/95 ⁽³⁾, as amended by Regulation (EC) No 1390/95 ⁽⁴⁾, Finland has notified the quantities concerned for the 2002/2003 marketing year.
- (2) Article 4(2) of Regulation (EEC) No 3950/92 lays down that the individual reference quantities are increased or established at the duly justified request of producers to take account of changes affecting their deliveries and/or direct sales and that the increase or establishment of such a reference quantity is subject to a corresponding reduction or cancellation of the other reference quantity the producer owns.
- (3) Such adjustments may not lead to an increase, for the Member State concerned, in the sum of the deliveries and direct sales referred to in Article 3 of Regulation

(EEC) No 3950/92. Where the individual reference quantities undergo a definitive change, the quantities referred to in Article 3 are adjusted accordingly.

- (4) In accordance with Article 15(1)(c) of Commission Regulation (EC) No 1392/2001 ⁽⁵⁾, Belgium, Denmark, Germany, Greece, Spain, France, Ireland, the Netherlands, Austria, Portugal, Finland and the United Kingdom have notified quantities which have undergone a definitive change in accordance with the second subparagraph of Article 4(2) of Regulation (EEC) No 3950/92.
- (5) The total quantities applicable for the period from 1 April 2002 to 31 March 2003 laid down in point (c) of the Annex to Regulation (EEC) No 3950/92 and consequently those applicable for subsequent periods laid down in points (d) to (f) of that same Annex should therefore be adjusted.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3950/92 is replaced by the Annex hereto.

Article 2

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, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 405, 31.12.1992, p. 1.

⁽²⁾ OJ L 313, 16.11.2002, p. 3.

⁽³⁾ OJ L 70, 30.3.1995, p. 2.

⁽⁴⁾ OJ L 135, 21.6.1995, p. 4.

⁽⁵⁾ OJ L 187, 10.7.2001, p. 19.

ANNEX

'ANNEX

(a) Total reference quantities referred to in Article 3(2) as applicable from 1 April 2000 to 31 March 2001

(in tonnes)

Member State	Deliveries	Direct sales
Belgium	3 171 279,539	139 151,461
Denmark	4 454 616,417	731,583
Germany	27 768 686,841	96 129,159
Greece	674 471,000	842,000
Spain	5 828 977,475	87 972,525
France	23 832 232,240	403 565,760
Ireland	5 332 448,840	9 315,160
Italy	10 100 482,000	213 578,000
Luxembourg	268 254,000	795,000
Netherlands	10 992 901,000	81 791,000
Austria	2 583 251,804	166 149,196
Portugal	1 863 166,000	9 295,000
Finland	2 397 527,921	9 120,645
Sweden	3 300 000,000	3 000,000
United Kingdom ⁽¹⁾	14 420 829,479	181 825,521

⁽¹⁾ Specific quota increase for allocation to Northern Ireland.

(b) Total reference quantities referred to in Article 3(2) as applicable from 1 April 2001 to 31 March 2002

(in tonnes)

Member State	Deliveries	Direct sales
Belgium	3 188 202,403	122 228,597
Denmark	4 454 709,217	638,783
Germany	27 769 228,612	95 587,388
Greece	699 626,000	887,000
Spain	6 035 564,833	81 385,167
France	23 844 318,264	391 479,736
Ireland	5 386 176,780	9 587,220
Italy	10 316 482,000	213 578,000
Luxembourg	268 554,000	495,000
Netherlands	11 001 277,000	73 415,000
Austria	2 599 130,467	150 270,533

(in tonnes)

Member State	Deliveries	Direct sales
Portugal ⁽¹⁾	1 861 171,000	9 290,000
Finland	2 398 275,179	8 685,339
Sweden	3 300 000,000	3 000,000
United Kingdom ⁽²⁾	14 437 481,500	172 265,500

⁽¹⁾ Except Madeira.⁽²⁾ Specific quota increase for allocation to Northern Ireland.

(c) Total reference quantities referred to in Article 3(2) as applicable from 1 April 2002 to 31 March 2005

(in tonnes)

Member State	Deliveries	Direct sales
Belgium	3 201 362,123	109 068,877
Denmark	4 454 792,582	555,418
Germany	27 769 340,687	95 475,313
Greece	699 730,000	783,000
Spain	6 040 044,766	76 905,234
France	23 853 793,108	382 004,892
Ireland	5 386 269,231	9 494,769
Italy	10 316 482,000	213 578,000
Luxembourg	268 554,000	495,000
Netherlands	10 994 730,000	79 962,000
Austria	2 614 482,344	134 918,656
Portugal ⁽¹⁾	1 860 406,000	10 055,000
Finland	2 398 447,939	8 555,385
Sweden	3 300 000,000	3 000,000
United Kingdom	14 448 036,993	161 710,007

⁽¹⁾ Except Madeira.

(d) Total reference quantities referred to in Article 3(2) as applicable from 1 April 2005 to 31 March 2006

(in tonnes)

Member State	Deliveries	Direct sales
Belgium	3 217 914,123	109 068,877
Denmark	4 477 069,582	555,418
Germany	27 908 664,687	95 475,313
Greece	699 730,000	783,000
Spain	6 040 044,766	76 905,234
France	24 096 151,108	382 004,892
Ireland	5 386 269,231	9 494,769

(in tonnes)

Member State	Deliveries	Direct sales
Italy	10 316 482,000	213 578,000
Luxembourg	269 899,000	495,000
Netherlands	11 050 103,000	79 962,000
Austria	2 628 229,344	134 918,656
Portugal ⁽¹⁾	1 869 768,000	10 055,000
Finland	2 410 470,939	8 555,385
Sweden	3 316 515,000	3 000,000
United Kingdom	14 520 986,993	161 710,007

⁽¹⁾ Except Madeira.

(e) Total reference quantities referred to in Article 3(2) as applicable from 1 April 2006 to 31 March 2007

(in tonnes)

Member State	Deliveries	Direct sales
Belgium	3 234 466,123	109 068,877
Denmark	4 499 345,582	555,418
Germany	28 047 988,687	95 475,313
Greece	699 730,000	783,000
Spain	6 040 044,766	76 905,234
France	24 096 151,108	382 004,892
Ireland	5 386 269,231	9 494,769
Italy	10 316 482,000	213 578,000
Luxembourg	271 244,000	495,000
Netherlands	11 105 477,000	79 962,000
Austria	2 641 976,344	134 918,656
Portugal ⁽¹⁾	1 879 131,000	10 055,000
Finland	2 422 492,939	8 555,385
Sweden	3 333 030,000	3 000,000
United Kingdom	14 593 936,993	161 710,007

⁽¹⁾ Except Madeira.

(f) Total reference quantities referred to in Article 3(2) as applicable from 1 April 2007 to 31 March 2008

(in tonnes)

Member State	Deliveries	Direct sales
Belgium	3 251 018,123	109 068,877
Denmark	4 521 622,582	555,418
Germany	28 187 312,687	95 475,313

(in tonnes)		
Member State	Deliveries	Direct sales
Greece	699 730,000	783,000
Spain	6 040 044,766	76 905,234
France	24 217 330,108	382 004,892
Ireland	5 386 269,231	9 494,769
Italy	10 316 482,000	213 578,000
Luxembourg	272 590,000	495,000
Netherlands	11 160 850,000	79 962,000
Austria	2 655 723,344	134 918,656
Portugal ⁽¹⁾	1 888 493,000	10 055,000
Finland	2 434 515,939	8 555,385
Sweden	3 349 545,000	3 000,000
United Kingdom	14 666 887,993	161 710,007

⁽¹⁾ Except Madeira.'

**COMMISSION REGULATION (EC) No 573/2003
of 28 March 2003**

laying down detailed rules for the application of Council Decision 2003/18/EC as regards the concessions in the form of Community tariff quotas on certain cereal products originating in Romania and amending Regulation (EC) No 2809/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2003/18/EC of 19 December 2002 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) In accordance with Decision 2003/18/EC, the Community has undertaken to establish for each marketing year import tariff quotas at a zero rate of duty for wheat and meslin and maize originating in Romania.
- (2) To ensure that imports of wheat and maize covered by these tariff quotas are orderly and not speculative, they should be made subject to the issue of import licences. The licences should be issued, within the quantities set, at the request of the interested parties, subject, where appropriate, to the fixing of a reduction coefficient in respect of the quantities applied for.
- (3) To ensure the proper management of these quotas, deadlines for the lodging of licence applications should be laid down and the information to be included in the applications and licences should be specified.
- (4) To take account of delivery conditions, the import licences should be valid from the day of their issue until the end of the month following that in which they are issued.
- (5) With a view to the sound management of the quotas, provision should be made to derogate from Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽²⁾, as amended by Regulation (EC) No 2299/2001 ⁽³⁾, as regards the transferable nature of the licences and the tolerance relating to the quantities released into free circulation.

- (6) To ensure sound management of the quotas, the security on the import licences should be set at a relatively high level, by way of derogation from Article 10 of Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽⁴⁾, as last amended by Regulation (EC) No 2305/2002 ⁽⁵⁾.
- (7) Rapid two-way communication should be established between the Commission and the Member States regarding the quantities applied for and imported.
- (8) As Council Regulation (EC) No 2435/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Romania ⁽⁶⁾ has been repealed by Decision 2003/18/EC, Commission Regulation (EC) No 2809/2000 of 20 December 2000 laying down detailed rules for the application, for cereals sector products, of Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000 and (EC) No 2851/2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products originating in the Republic of Bulgaria, the Czech Republic, the Slovak Republic, Romania, and the Republic of Poland respectively and repealing Regulation (EC) No 1218/96 ⁽⁷⁾, as amended by Regulation (EC) No 2864/2000 ⁽⁸⁾, should be amended.
- (9) 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

1. Imports of wheat and meslin falling within CN code 1001 and referred to in Annex I originating in Romania and benefiting from a zero rate of import duty, under the tariff quota bearing the order number 09.4766, in accordance with Decision 2003/18/EC, shall be subject to an import licence issued in accordance with this Regulation.

⁽¹⁾ OJ L 8, 14.1.2003, p. 18.

⁽²⁾ OJ L 152, 24.6.2000, p. 1.

⁽³⁾ OJ L 308, 27.11.2001, p. 19.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 348, 21.12.2002, p. 92.

⁽⁶⁾ OJ L 280, 4.11.2000, p. 17.

⁽⁷⁾ OJ L 326, 22.12.2000, p. 16.

⁽⁸⁾ OJ L 333, 29.12.2000, p. 3.

2. Imports of maize other than seed falling within CN code 1005 90 00 and referred to in Annex I originating in Romania and benefiting from a zero rate of import duty, under the tariff quota bearing the order number 09.4767, in accordance with Decision 2003/18/EC, shall be subject to an import licence issued in accordance with this Regulation.

3. The products referred to in paragraphs 1 and 2 shall be released into free circulation upon presentation of one of the following documents:

- (a) an EUR.1 movement certificate issued by the competent authorities in Romania in accordance with Protocol 4 of the Europe Agreement between the Community and Romania⁽¹⁾;
- (b) an invoice declaration on the invoice provided by the exporter in accordance with that Protocol.

Article 2

1. Applications for import licences shall be lodged with the competent authorities of the Member States no later than 13.00 Brussels time on the second Monday of each month.

Each licence application shall be for a quantity not exceeding the quantity available for the import of the relevant product in the marketing year concerned.

2. No later than 18.00 Brussels time on the same day, the competent authorities of the Member States shall fax the Commission (number (32-2) 295 25 15), in accordance with the model in the Annex II, the total quantity resulting from the sum of the quantities indicated on the import licence applications.

That information shall be communicated separately from the information on other import licence applications for cereals.

3. If the total of the quantities for each product concerned since the start of the marketing year and the quantity referred to in paragraph 2 exceeds the quota for the marketing year concerned, the Commission shall set, no later than the third working day after the applications were lodged, a single reduction coefficient to be applied to the quantities requested.

4. Without prejudice to paragraph 3, licences shall be issued on the fifth working day following the day on which the application was lodged. No later than 18.00 Brussels time on the day the licences are issued, the competent authorities of the Member States shall fax the Commission the total quantity resulting from the sum of the quantities for which import licence were issued that same day.

Article 3

In accordance with Article 23(2) of Regulation (EC) No 1291/2000, the period of validity of the licence shall be calculated from the actual date of issue.

⁽¹⁾ OJ L 357, 31.12.1994, p. 2.

Import licences shall be valid until the end of the month following the month in which they were issued.

Article 4

The rights resulting from the import licences shall not be transferable.

Article 5

The quantity released into free circulation may not exceed that indicated in sections 17 and 18 of the import licence. The figure '0' shall be entered to that effect in section 19 of the licence.

Article 6

The import licence application and the import licence shall contain the following information:

- (a) in section 8, the name of the country of origin;
- (b) in section 20 one of the following entries:
 - Reglamento (CE) n° 573/2003
 - Forordning (EF) nr. 573/2003
 - Verordnung (EG) Nr. 573/2003
 - Κανονισμός (ΕΚ) αριθ. 573/2003
 - Regulation (EC) No 573/2003
 - Règlement (CE) n° 573/2003
 - Regolamento (CE) n. 573/2003
 - Verordening (EG) nr. 573/2003
 - Regulamento (CE) n.º 573/2003
 - Asetus (EY) N:o 573/2003
 - Förordning (EG) nr 573/2003;
- (c) in section 24, the words 'zero duty'.

Article 7

The security for the import licences provided for in this Regulation shall be EUR 30 per tonne.

Article 8

Regulation (EC) No 2809/2000 is amended as follows:

1. The title is replaced by the following:

'Commission Regulation (EC) No 2809/2000 of 20 December 2000 laying down detailed rules for the application, for cereals sector products, of Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000 and (EC) No 2851/2000 establishing certain concessions in the form of community tariff quotas for certain agricultural products originating in the Republic of Bulgaria, the Czech Republic, the Slovak Republic and the Republic of Poland respectively and repealing Regulation (EC) No 1218/96'

2. Article 2 is replaced by the following:

'Article 2

Imports of the products listed in Annex I to this Regulation originating in the Czech Republic, the Slovak Republic and the Republic of Poland and qualifying for partial or total exemption from import duty for the quantity and at the rate of reduction or duty level specified therein shall be subject to the presentation of an import licence issued in accordance with this Regulation.'

3. In Annex I, the row concerning Romania is deleted.

Article 9

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

It shall apply from 1 April 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

CN code	Quota order number	Description	Rate of duty	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 to 30.6.2004 and following years (tonnes)
1001	09.4766	Wheat and meslin	Free	1 30 000	230 000
1005 90 00	09.4767	Maize, other than seed	Free	74 500	149 000

ANNEX II

MODEL OF THE NOTIFICATION REFERRED TO IN ARTICLE 2(2)

Import quotas for wheat and maize from Romania opened by Council Decision 2003/18/EC

Quota	Product	CN code	Quantity applied for (tonnes)
Wheat	Wheat and meslin	1001	
Maize	Maize other than seed	1005 90 00	

**COMMISSION REGULATION (EC) No 574/2003
of 28 March 2003**

**fixing the maximum export refund on wholly milled long grain B rice to certain third countries in
connection with the invitation to tender issued in Regulation (EC) No 1898/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1898/2002 ⁽³⁾.

(2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(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

The maximum export refund on wholly milled long grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1898/2002 is hereby fixed on the basis of the tenders submitted from 24 to 27 March 2003 at 290,00 EUR/t.

Article 2

This Regulation shall enter into force on 29 March 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 11.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 575/2003
of 28 March 2003**

**fixing the maximum subsidy on exports of husked long grain rice B to Réunion pursuant to the
invitation to tender referred to in Regulation (EC) No 1895/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾ as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1895/2002 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum subsidy.

(3) The criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into account when fixing this maximum subsidy. Successful tenderers shall be those whose bids are at or below the level of the maximum subsidy.

(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

A maximum subsidy on exports to Réunion of husked long grain rice B falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 24 to 27 March 2003 at 302,00 EUR/t pursuant to the invitation to tender referred to in Regulation (EC) No 1895/2002.

Article 2

This Regulation shall enter into force on 29 March 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 287, 25.10.2002, p. 3.

**COMMISSION REGULATION (EC) No 576/2003
of 28 March 2003**

**fixing the maximum export refund on wholly milled round grain rice to certain third countries in
connection with the invitation to tender issued in Regulation (EC) No 1896/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1896/2002 ⁽³⁾.

(2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(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

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1896/2002 is hereby fixed on the basis of the tenders submitted from 24 to 27 March 2003 at 155,00 EUR/t.

Article 2

This Regulation shall enter into force on 29 March 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 5.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 577/2003
of 28 March 2003**

fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1897/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1897/2002 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(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

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1897/2002 is hereby fixed on the basis of the tenders submitted from 24 to 27 March 2003 at 150,00 EUR/t.

Article 2

This Regulation shall enter into force on 29 March 2003.

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 8.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 578/2003
of 28 March 2003**

derogating from Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 30(1) thereof,

Whereas:

- (1) Article 20a of Commission Regulation (EC) No 174/1999 ⁽³⁾, as last amended by Regulation (EC) No 186/2003 ⁽⁴⁾, lays down the rules for administering the milk powder quota for exports to the Dominican Republic under the Memorandum of Understanding between the European Community and the Dominican Republic, approved by Council Decision 98/486/EC ⁽⁵⁾. As a result of difficulties with the application of that Memorandum that could make amendments to the existing arrange-

ments necessary, the application period for the quota for the period from 1 July 2003 to 30 June 2004 should be postponed.

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

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 20a(7) of Regulation (EC) No 174/1999, for the period from 1 July 2003 to 30 June 2004, licence applications shall be lodged from 1 to 10 May 2003.

Article 2

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

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

Done at Brussels, 28 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 27, 1.2.2003, p. 11.

⁽⁵⁾ OJ L 218, 6.8.1998, p. 45.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 26 March 2003

on the application to other media of the provisions of Directive 1999/94/EC concerning promotional literature

(notified under document number C(2003) 848)

(Text with EEA relevance)

(2003/217/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars ⁽¹⁾ and, in particular, Article 9 thereof,

Whereas:

- (1) Under Directive 1999/94/EC, the Commission is requested to take measures aimed at establishing recommendations in order to enable the application of its provisions on promotional literature to other media and material.
- (2) The Commission has assessed the importance of other media for the marketing, advertising and promotion of vehicles to the general public. Such media included television, radio and the internet, as well as electronic storage media such as video tapes, DVDs and CD-ROMs.
- (3) As a result of that research, and after consultation with the appropriate Committee, with experts from the industrial and commercial sectors concerned, and with other non-governmental organisations, the Commission identified the need to establish recommendations in respect of the use, for the marketing, advertising and promotion of vehicles to the general public, of internet marketing and electronic storage media such as video tapes, DVDs and CD-ROMs.

- (4) A recommendation for those media should be adopted as soon as possible in order to enable consumers to make an informed choice and to encourage the harmonised application of certain principles throughout the Community.

- (5) This Recommendation is also justified in the light of the amendments to Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerned practices in the motor vehicle sector ⁽²⁾, which will probably result in an increase in the electronic marketing of new passenger cars.

- (6) Consumer organisations and interested parties have been consulted.

- (7) The measures provided for in this Recommendation are in accordance with the opinion of the Committee established under Article 10 of Directive 1999/94/EC,

HEREBY RECOMMENDS:

1. In order to ensure that information on the fuel consumption and CO₂ emissions of new passenger cars is made available when such cars are offered for sale or lease in the Community by electronic means, Member States should take the necessary measures to ensure that promotional material distributed by electronic means contain the following information: 'Further information on specific fuel consumption and CO₂ emissions of new passenger cars is given in (... reference to name of the guide ...) which can be obtained free of charge at all points of sale and (... reference to national designated body; or direct link to the organisation charged with the distribution by electronic means ...).'

⁽¹⁾ OJ L 12, 18.1.2000, p. 16.

⁽²⁾ OJ L 203, 1.8.2002, p. 30.

In addition, if this promotional material contains reference to any particular new passenger car model, or version or variant, Member States should take the necessary measures to ensure that the information includes at least the official specific fuel consumption (combined test cycle) and official specific CO₂ emission figure (combined test cycle) of the vehicle to which it refers, expressed in the same way as on the national label established under Directive 1999/94/EC.

In all cases the statement should be easy to understand even on superficial contact, and no less prominent than the main part of the information provided. It should be ensured that the recipient of the promotional material receives this information automatically as soon as the promotional material is displayed for the first time on the web page.

2. In order to ensure that information on fuel consumption and CO₂ emissions of new passenger cars is made available when such cars are offered for sale and lease in the Community by electronic means Member States should take the necessary measures to ensure that electronic, magnetic or optical storage media used for the marketing, advertising and promotion of new passenger cars to the general public contains the following information: 'Further information on specific fuel consumption and specific CO₂ emissions of new passenger cars is given in (... reference to name of the guide ...) which can be obtained free of charge at all points of sale and (... reference to national designated body/or direct link to the organisation charged with the distribution by electronic means ...).'

If the electronic, magnetic or optical storage media used for the marketing, advertising and promotion refer to any particular new passenger car model, or version or variant, Member States should take the necessary measures to ensure that those media contain at least the official specific fuel consumption (combined test cycle) and official specific CO₂ emission figure (combined test cycle) of the vehicle to which they refer, expressed in the same way as on the national label established under Directive 1999/94/EC.

If the electronic, magnetic or optical storage media only contains reference to the make, and not to any particular model, then fuel consumption and specific CO₂ emission data need not be provided.

The statement referred to in the first paragraph may be provided in an oral or visual manner. In any case the information should be easy to understand, even on superficial contact, and no less prominent than the main part of the information provided.

3. Member States should ensure that information on the fuel consumption and specific CO₂ emissions of all new passenger cars marketed throughout their territories is available by electronic means.

4. For the purpose of this Recommendation:

1. 'distribution by electronic means' means that the information is sent initially and received at its destination by means of electronic equipment for processing (including digital compression) and storage of data, and entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means;
2. 'promotional material' means any form of information used in the marketing, advertising and promotion of new passenger cars for sale or lease to the general public. It includes, text and pictures on web pages of which the content is under legal control of vehicle manufacturers or companies, organisations and persons which offer new passenger cars for sale and lease, as well as web pages of trade fairs where new passenger cars are presented to the general public;
3. 'recipient of the communication' means any natural or legal person who takes notice of promotional material, in particular for the purposes of seeking information;
4. 'electronic, magnetic or optical storage media' means any physical material on which information can be electronically recorded and which can serve as information tool for the general public.

This Recommendation does not apply to:

- radio broadcasting services,
- television broadcasting services covered by Article 1 of Council Directive 89/552/EEC ⁽¹⁾, as amended by Directive 97/36/EC ⁽²⁾.

5. This Recommendation is addressed to the Member States.

Done at Brussels, 26 March 2003.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 192, 24.7.1990, p. 1.

⁽²⁾ OJ L 202, 30.7.1997, p. 60.

COMMISSION DECISION

of 27 March 2003

on protection and surveillance zones in relation to bluetongue, and on rules applicable to movements of animals in and from those zones and repealing Decision 2001/783/EC

(notified under document number C(2003) 864)

(Text with EEA relevance)

(2003/218/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 ⁽¹⁾ laying down specific provisions for the control and eradication of bluetongue and in particular Article 8(2)(d) and (3), Article 9(1)(c) and Article 12, first paragraph, thereof,

Whereas:

- (1) In the light of the evolution of the bluetongue situation in four Member States in 2001, Commission Decision 2001/783/EC of 9 November 2001 on protection and surveillance zones in relation to bluetongue and on rules applicable to movements of animals in and from those zones ⁽²⁾, as last amended by Decision 2003/14/EC ⁽³⁾, was adopted, establishing three geographical zones corresponding to specific epidemiological situations. This Decision also provides for the conditions under which exemptions to the restrictions applicable to animal movements laid down by the Directive can be implemented.
- (2) As regards Greece, the surveillance programme carried on by Greek authorities has demonstrated no seroconversion on sentinel animals during the year 2002.
- (3) Therefore provisions can be made to relax, under certain conditions, the restrictions on movements of live animals of susceptible species from the Greek territory, with the exception of areas which are under threat of direct reinfestation from third countries.
- (4) As regards Italy and France, the surveillance programmes carried out in Italy and France have demonstrated that in areas where the vaccination has been correctly implemented, virus circulation has been reduced to a negligible level before the winter season.
- (5) Therefore provisions can be made to relax, under certain conditions, restrictions on movements of vaccinated live animals from those areas.
- (6) However, the main condition for implementing these relaxation measures should be that the surveillance programme in place does not show that bluetongue

virus activity has recommenced in that area, and it is further appropriate to distinguish areas of higher and lower epidemiological risks respectively.

- (7) Technical amendments should also be introduced to facilitate movements of live animals inside the territory of the same Member State, in particular for immediate slaughter.
- (8) For the sake of clarity it is appropriate to repeal Decision 2001/783/EC and to replace it by the present Decision.
- (9) 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 purpose of this Decision is to establish restricted zones to prevent the extension of bluetongue (BT), comprising protection and surveillance zones in accordance with Article 8 of Directive 2000/75/EC, and to lay down rules on movements in and from those zones of animals of species susceptible to bluetongue.

*Article 2***Movement restrictions**

The dispatch and transit of live animals of species susceptible to bluetongue and their sperm, ova and embryos, are prohibited:

- from or through the territory corresponding to the administrative units listed in Annex IA,
- from or through the territory corresponding to the administrative units listed in Annex IB,
- from or through the territory corresponding to the administrative units listed in Annex IC section 1,
- from or through the territory corresponding to the administrative units listed in Annex IC section 2.

⁽¹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁾ OJ L 293, 10.11.2001, p. 42.

⁽³⁾ OJ L 7, 11.1.2003, p. 87.

Article 3

Exemptions for trade

1. By way of derogation from Article 2:

- (a) dispatches of animals susceptible to bluetongue, their sperm, ova and embryos shall be authorised from the restricted zones set out in Annex I, provided that they comply with the conditions laid down in Annex II;
- (b) dispatches of animals susceptible to bluetongue may be authorised from the lower risk areas set out in section 1 of Annex IA, IB, and IC respectively, subject to the approval of the Member State of destination in case of Intra-Community trade, provided that the surveillance programme in place does not show that bluetongue virus activity has recommenced in an epidemiological relevant area of origin and,
 - (i) as regards Italy and France, provided that the animals have been vaccinated for more than 30 days and less than six months;
 - or
 - (ii) as regards Greece, provided that the animals have been serologically tested (BT ELISA or AGID) with negative result within 72 hours prior to departure and sprayed at the time the sampling for the test is done with insect repellent with a remanent effect of more than four days.

2. In intra-Community trade, the Member State of origin availing itself of the derogations provided for in paragraph 1 shall ensure that the following additional wording is added to the corresponding certificates laid down in Council Directives 64/432/EEC ⁽¹⁾, 88/407/EEC ⁽²⁾, 89/556/EEC ⁽³⁾, 91/68/EEC ⁽⁴⁾ and 92/65/EEC ⁽⁵⁾:

'animals/semen/ova/embryos in compliance with Decision 2003/218/EC (*)

(*) Delete as necessary.'

Article 4

Exemptions for domestic movements

By way of derogation from Article 2, movements within the territory of the same Member State of live animals susceptible to bluetongue may be authorised by the national competent authorities from the higher risk areas set out in section 2 of Annex IA, IB, and IC respectively:

- (a) as regards Italy and France, provided that:
 - the surveillance and monitoring programme in an epidemiological relevant area of origin has proved the cessation of bluetongue virus (BTV) transmission for more than 100 days and/or,
 - the vector surveillance programme in an epidemiological relevant area of destination has proved the cessation of adult *Culicoides* activity;

- (b) as regards Greece, provided that:
 - the animals have been serologically tested (BT ELISA or AGID) with negative result within 72 hours before departure and sprayed at the time the sampling for the test is done with insect repellent with a remanent effect of more than four days, provided that the surveillance programme in place does not show that bluetongue virus activity has recommenced in an epidemiological relevant area of origin.

When they use this derogation, Member States shall set up a channelling procedure, under the control of competent authorities of origin and destination, in order to prevent any further movement to another Member State of animals moved under the conditions provided in this Article.

Article 5

Exemptions for slaughtering

By way of derogation from Article 2, movements of animals susceptible to bluetongue for immediate slaughter within the territory of the same Member State may be authorised by the national competent authorities from the lower risk areas set out in section 1 of Annexes IA and IB respectively, provided that:

- (a) a case-by-case risk assessment on the possible contact between animals and the vectors during transport to the slaughterhouse is made, taking into consideration:
 - (i) the data available through the surveillance programme on the vector's activity;
 - (ii) the distance from the point of entry in the non-restricted zone to the slaughterhouse, and the entomological data on this route;
 - (iii) the period of the day during which the transport takes place in relation with the hours of activity of the vectors;
 - (iv) the possible use of insecticides in compliance with Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and which repeal Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽⁶⁾.
- (b) the animals to be moved do not show any sign of bluetongue on the day of transport;
- (c) the animals are transported in vehicles sealed by the competent authority without delay and directly to the slaughterhouse, under official supervision;
- (d) the competent authority responsible for the slaughterhouse is informed of the intention to send animals to it and notifies the dispatching competent authority of their arrival.

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 194, 22.7.1988, p. 10.

⁽³⁾ OJ L 302, 19.10.1989, p. 1.

⁽⁴⁾ OJ L 46, 19.2.1991, p. 19.

⁽⁵⁾ OJ L 268, 14.9.1992, p. 54.

⁽⁶⁾ OJ L 125, 23.5.1996, p. 10.

Article 6

The transit of animals dispatched from an area of the Community outside the restricted zones set out in Annex I through a restricted zone set out in Annex I, shall be authorised provided that:

- (a) an insecticide treatment of the animals and the means of transport shall be carried out at the place of loading or in any case prior to entering the restricted zone. When during transit through a restricted zone, a rest period is foreseen in a staging post, insecticide treatment shall be carried out in order to protect animals from any attack by vectors;
- (b) in case of intra Community trade, the transit shall be subject to the authorisation of the competent authorities of the Member States of transit and destination, and the following additional wording shall be added to the corresponding certificates laid down in Directives 64/432/EEC, 91/68/EEC and 92/65/EEC:
'Insecticide treatment with (name of the product) on (date) at (time) in conformity with Decision 2003/218/EC.'

Article 7

The Member States shall ensure that the measures they apply to trade are in compliance with this Decision and shall inform the Commission thereof.

Article 8

Decision 2001/783/EC is repealed. References made to the repealed Decision shall be construed to be made to the present Decision.

Article 9

This Decision shall apply from 18 April 2003.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

(protection zones and surveillance zones)

ANNEX I A

Section 1

Sicilia: Catania, Enna, Messina

Basilicata: Matera, Potenza

Puglia: Brindisi, Foggia

Section 2

Sicilia: Agrigento, Caltanissetta, Palermo, Ragusa, Siracusa, Trapani.

Calabria: Catanzaro, Cosenza, Crotone, Reggio Calabria, Vibo Valentia.

Puglia: Bari, Lecce, Taranto.

Campania: Avellino, Benevento, Caserta, Napoli, Salerno.

ANNEX I B

Section 1

France:

Corse du sud, Haute Corse

Italy:

Sardegna: Cagliari, Nuoro, Sassari, Oristano

Lazio: Viterbo, Roma

Toscana: Grosseto, Livorno, Pisa, Massa-Carrara

Molise: Isernia

Abruzzo: l'Aquila

Section 2

Lazio: Latina, Frosinone

ANNEX I C

Section 1: the entire Greek territory with the exception of prefectorates listed in section 2.

Section 2: Dodekanisi, Samos, Chios and Lesvos prefectorates.

ANNEX II

A. Live animals must have been:

1. protected from culicoides attack for at least 100 days prior to shipment; or
2. protected from culicoides attack for at least 28 days prior to shipment, and subjected during that period to a serological test to detect antibody to the BTV group, such as the BT competition ELISA or the BT AGID test, with negative results on two occasions, with an interval of not less than seven days between each test, the first test being carried out at least 21 days after introduction into the quarantine station; or
3. protected from culicoides attack for at least 14 days prior to shipment, and subjected during that period to a BTV isolation test or polymerase chain reaction test, with negative results, on blood samples taken on two occasions, with an interval of not less than seven days between each test, the first test being carried out at least seven days after introduction into the quarantine station; and
4. protected from culicoides attack during transportation to the place of shipment.

B. Semen must have been obtained from donors which have been:

1. protected from culicoides attack for at least 100 days before commencement of, and during, collection of the semen; or
2. subjected to a serological test to detect antibody to the BTV group such as the BT competition ELISA or the BT AGID test, with negative results, at least every 60 days throughout the collection period and between 28 and 60 days after the final collection for this consignment; or
3. subjected to a virus isolation test or polymerase chain reaction (PCR) test on blood samples collected at commencement and conclusion of, and at least every seven days (virus isolation test) or at least every 28 days (PCR test) during, semen collection for this consignment, with negative results.

C. Ovas and embryos must have been obtained from donors which have been:

1. protected from culicoides attack for at least 100 days before commencement of and during, collection of the embryos/ovas; or
 2. subjected to a serological test to detect antibody to the BTV group such as the BT competition ELISA or the BT AGID test, between 28 and 60 days after collection with negative results; or
 3. subjected to a BTV isolation test or polymerase chain reaction test on a blood sample taken on the day of collection, with negative results.
-

COMMISSION DECISION

of 25 March 2003

concerning the non-inclusion of acephate in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance*(notified under document number C(2003) 868)***(Text with EEA relevance)**

(2003/219/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2003/5/EC ⁽²⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Having regard to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Regulation (EC) No 2266/2000 ⁽⁴⁾, and in particular Article 7(3A)(b) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provided for the Commission to carry out a programme of work for the examination of the active substances used in plant protection products which were already on the market on 15 July 1993. Detailed rules for the carrying out of this programme were established in Regulation (EEC) No 3600/92.
- (2) Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member States for the implementation of Commission Regulation (EEC) No 3600/92 ⁽⁵⁾, as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾, designated the active substances which should be assessed in the framework of Regulation (EEC) No 3600/92, designated a Member State to act as rapporteur in respect of the assessment of each substance and identified the producers of each active substance who submitted a notification in due time.
- (3) Acephate is one of the 89 active substances designated in Regulation (EC) No 933/94.
- (4) In accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92, Italy, being the designated rapporteur Member State, submitted on 30 September 1996 to the Commission the report of its assessment of the information submitted by the notifiers in accordance with Article 6(1) of that Regulation.

- (5) On receipt of the report of the rapporteur Member State, the Commission undertook consultations with experts of the Member States as well as with the main notifier (Tomen France SA) as provided for in Article 7(3) of Regulation (EEC) No 3600/92.
- (6) The assessment report prepared by Italy has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. It appeared that the information submitted was not sufficient to determine whether or not, under the proposed conditions of use, plant protection products containing the active substance concerned would satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC. Therefore, Commission Decision 2001/134/EC of 14 February 2001 concerning the decision on the possible inclusion of certain active substances into Annex I to Council Directive 91/414/EEC ⁽⁷⁾ allowed the notifier to complete its dossier by 31 March 2001 at the latest for a limited range of representatives uses. Upon receipt of the additional information, the review was finalised on 28 June 2002 in the format of the Commission review report for acephate, in accordance with Article 7(6) of Regulation (EEC) No 3600/92.
- (7) Assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing acephate satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the safety of consumers potentially exposed to acephate and with regard to its possible impact on non-target organisms.
- (8) Acephate should therefore not be included in Annex I to Directive 91/414/EEC.
- (9) Measures should be taken to ensure that existing authorisations for plant protection products containing acephate are withdrawn within a certain period and will not be renewed and that no new authorisations for such products are granted.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 8, 14.1.2003, p. 7.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 259, 13.10.2000, p. 27.

⁽⁵⁾ OJ L 107, 28.4.1994, p. 8.

⁽⁶⁾ OJ L 225, 22.9.1995, p. 1.

⁽⁷⁾ OJ L 49, 20.2.2001, p. 13.

- (10) Any period of grace for disposal, storage, placing on the market and use of existing stocks of plant protection products containing acephate allowed by Member States, in accordance with Article 4(6) of Directive 91/414/EEC should be limited to a period no longer than 12 months to allow existing stocks to be used in no more than one further growing season.
- (11) This Decision does not prejudice any action the Commission may undertake at a later stage for this active substance within the framework of Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.
- (12) 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

Acephate is not included as active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

- (a) authorisations for plant protection products containing acephate are withdrawn within a period of six months from the date of adoption of this Decision;
- (b) from the date of adoption of this Decision no authorisations for plant protection products containing acephate will be granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and not longer than 18 months from the date of adoption of this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 25 March 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 33, 8.2.1979, p. 36.

DECISION No 1/JP/2002**of 13 November 2002****of the Joint Committee set up under the Agreement on mutual recognition between the European Community and Japan related to the registration of a conformity assessment body under the sectoral Annex on electrical products**

(2003/220/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between Japan and the European Community and in particular Article 8(3)(a) and Article 9(1)(b) thereof,

HAS DECIDED AS FOLLOWS:

1. The conformity assessment body indicated below is registered under the sectoral Annex on electrical products of the Agreement, for the products and conformity assessment procedures as indicated below.

Name, acronym and contact details of the conformity assessment body

Name: JAPAN QUALITY ASSURANCE ORGANISATION Acronym: JQA

Address: 1-9-15 Akasaka, Minato-ku, Tokyo 107-0052, Japan

Tel. (81-3) 34 16-0330

Fax. (81-3) 34 16-5561

E-mail address: kondo-shigeyuki@jqa.jp

URL: <http://www.jqa.jp/00english/english.html>

Contact person of the designated CAB: Mr. KONDO Shigeyuki

Scope of registration in terms of products and conformity assessment procedures

Products:

1. electrical equipment for measurement, control and laboratory use;
2. broadcast receivers and associated equipment (Except television receivers);
3. electrical household appliances, portable tools and similar equipment;
4. IT equipment;
5. electrical products using for residential, commercial and light-industrial environments (except 1 to 4);
6. electrical products using for industrial environments (except 1 to 4).

Conformity assessment procedures:

conformity assessment procedures according to the Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility and amendments thereto.

2. This decision, done in duplicate, shall be signed by the Co-Chairs. The decision shall be effective from the date of the later of these signatures.

Signed in Tokyo on 16 August 2002.

Signed in Brussels on 13 November 2002.

On behalf of Japan

Jun SHIMMI

On behalf of the European Community

Joanna KIOUSSI

DECISION No 1/EC/2002**of 14 February 2003****of the Joint Committee set up under the Agreement on mutual recognition between the European Community and Japan related to the registration of a conformity assessment body under the sectoral Annex on telecommunications terminal equipment and radio equipment**

(2003/221/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between Japan and the European Community and in particular Article 8(3)(a) and Article 9(1)(b) thereof,

Whereas the Joint Committee is to take a decision to list a conformity assessment body or bodies under a sectoral Annex,

HAS DECIDED AS FOLLOWS:

1. The conformity assessment body indicated below is registered under the sectoral Annex on telecommunications terminal equipment and radio equipment of the agreement, for the products and conformity assessment procedures as indicated below.

Name, acronym and contact details of the conformity assessment body

Name: TELEFICATION BV

Tel. (31) 316 58 31 60

Fax (31) 316 58 31 89

Email: info@telefication.com

Address: Edisonstraat 12A, 6902 PK Zevenaar, The Netherlands

Mailing address: PO box 60004, 6800 JA Arnhem, The Netherlands

Website: <http://www.telefication.com>

CAB contactperson: Drs ir. Wouter B.A. BLOM, Managing Director

Scope of registration in terms of products and conformity assessment procedures

for telecommunication business law:

1. designated certification body for:
 - terminal equipment for the purpose of calls (all equipment),
 - terminal equipment except for the purpose of calls (all equipment);
2. attested inspector for:
 - type I examination business (all equipment),
 - type II examination business,
 - terminal equipment connected to analogue telephone (all equipment),
 - terminal equipment connected to integrated services digital network facilities (all equipment),
 - terminal equipment connected to leased circuits facilities or digital data transmission facilities (all equipment),
 - type III examination business,
 - terminal equipment connected to mobile telephone (all equipment),
 - terminal equipment connected to radio paging facilities (all equipment).

for radio law:

1. designated certification body for:
 - type I specified radio equipment (all equipment),
 - type II specified radio equipment (all equipment),
 - type III specified radio equipment (all equipment);

2. attested inspector for:
 - type I specified radio equipment (all equipment),
 - type II specified radio equipment (all equipment),
 - type III specified radio equipment (all equipment).
2. This Decision, done in duplicate, shall be signed by the Co-Chairs. The Decision shall be effective from the date of the later of these signatures.

Signed in Tokyo on 14 February 2003

On behalf of Japan
Jun SHIMMI

Signed in Brussels on 13 November 2002

On behalf of the European Community
Joanna KIOUSSI

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL DECISION 2003/222/CFSP
of 21 March 2003**

concerning the conclusion of the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 27 January 2003, the Council adopted Joint Action 2003/92/CFSP on the European Union military operation in the Former Yugoslav Republic of Macedonia (FYROM) ⁽¹⁾.
- (2) Article 12 of that Joint Action provides that the status of the EU-led forces in FYROM shall be the subject of an agreement with the Government of the Former Yugoslav Republic of Macedonia to be concluded on the basis of Article 24 of the Treaty on European Union.
- (3) Following the Council Decision of 27 February 2003 authorising the Presidency to open negotiations, the Presidency negotiated an agreement with FYROM on the status of the EU-led forces in FYROM.
- (4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and the Former Yugoslav Republic of Macedonia (FYROM) on the status of the European Union-led forces in FYROM is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

Article 3

The Decision shall be published in the *Official Journal of the European Union*.

Article 4

The Decision shall take effect on the day of its adoption.

Done at Brussels, 21 March 2003.

For the Council
The President
G. PAPANDREOU

⁽¹⁾ OJ L 34, 11.2.2003, p. 26.

ANNEX

AGREEMENT

between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the Former Yugoslav Republic of Macedonia

THE EUROPEAN UNION (hereinafter referred to as the EU),

on the one hand, and

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA (hereinafter referred to as the Host Party),

on the other hand,

together hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the invitation of the President of the Host Party dated 17 January 2003, and the reply of the Secretary General/High Representative for EU common foreign and security policy on 28 January,
- the letters of the President of the Host Party and of the Secretary General/High Representative,
- the adoption by the Council of the European Union on 27 January 2003 of Joint Action 2003/92/CFSP on the European Union military operation in the Host Party,
- the signature on 9 April 2001 in Luxembourg of a Stabilisation and Association Agreement between the Host Party and the European Communities and their Member States,
- the wish of the Host Party to promote stability, contributing to the further integration of the Host Party with the European Union,
- the preparedness of the EU to further enhance, including through the use of instruments of the European security and defence policy, efforts to support the rapprochement of the Host Party with the European Union,
- the shared desire that the Host Party be part of a region of peaceful, prosperous countries, cooperating closely with each other and with a view to further integration with the European Union,
- that the purpose of the privileges and immunities as provided for in this Agreement are not to benefit individuals but to ensure the efficient performance of the EU operation,

HAVE AGREED AS FOLLOWS:

*Article 1***Scope of application and definitions**

1. The provisions of the present Agreement shall apply to the European Union-led forces and European Union-led forces personnel.

2. The provisions of the present Agreement shall apply only in the territory of the Host Party.

3. For the purpose of this Agreement, the following definitions shall have the meanings hereunder assigned to them:

(a) 'Government' means the Government of the Host Party;

(b) 'Territory' means the territory of the Host Party;

(c) 'European Union-led forces' (EUF) means EU military headquarters and national units/elements contributing to the operation, their assets and their means of transport;

(d) 'Operation' means the preparation, establishment, execution and support of a mission consisting in contributing to a stable, secure environment, in particular in the former crisis areas;

(e) 'EUF Commander' means the EU Force Commander at Skopje;

(f) 'EU military headquarters' means military headquarters and elements thereof, whatever their location, under the authority of EU military commanders exercising the military command and control of the operation;

(g) 'national elements/units' means units and elements belonging to the Member States of the European Union and other States participating in the operation;

(h) 'EUF personnel' means the civilian and military personnel assigned to the EUF, present, except as otherwise provided in the agreement, in the territory of the Host Party, with the exception of personnel locally hired, including contractors;

(i) 'Facilities' means all premises and land required for the EUF, as well as for accommodation of the EUF personnel;

(j) 'Competent authorities' means the authorities competent according to the law of the Host Party to address specific issues.

*Article 2***General provisions**

EUJ shall respect the laws and regulations of the Host Party and shall refrain from any action or activity incompatible with the impartial and international nature of the operation.

EUJ shall notify the Government of the Host Party of the location of its Headquarters, the name of the EUJ Commander, and the overall number of EUJ personnel.

EUJ shall regularly, and in a timely manner, inform the Government of the Host Party on the number, name, military rank, and nationality of EUJ personnel stationed in the territory of the Host Party.

*Article 3***Identification**

1. EUJ personnel shall be identified by an EUJ identification card, which they are to carry with them at all times. The Government of the Host Party shall be provided with a specimen of the EUJ identification card.

2. Vehicles and other means of transport of the EUJ shall carry a distinctive EUJ identification marking, which shall be notified to the relevant authorities of the Host Party.

3. EUJ may display the flag of the European Union alone or together with the flag of the Host Party.

4. EUJ may display its markings such as coat of arms, title and official symbols, on its premises, vehicles and transport facilities. Uniforms of EUJ personnel shall carry a distinctive EUJ emblem.

5. The official nameplate on EUJ premises shall appear in the official language of the Host Party with identical character size as the EUJ appropriate language or languages.

*Article 4***Border crossing, movement, and presence on the territory of the Host Party**

1. EUJ personnel and EUJ assets and means of transport shall cross the border of the Host Party at official border crossings and via the international air corridors.

2. EUJ personnel shall enter the territory of the Host Party only on the basis of the identification card issued pursuant to Article 3 or, in the case of first entry, an individual or collective movement order or a valid travel document. They shall be exempt from passport and visa regulations and immigration inspections on entering or leaving the territory of the Host Party.

3. EUJ personnel shall be exempt from the regulations of the Host Party on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of the Host Party.

4. The EUJ shall provide a certificate of exemption accompanied by an inventory for EUJ assets and means of transport entering, transiting or exiting the Host Party territory in support of the operation. They shall be exempt from any other customs documentation as well as from any inspection. A copy of the certificate shall be transmitted to the competent authorities when entering or exiting the Host Party. The format of the certificate shall be agreed between EUJ and the competent authorities of the Host Party.

5. The EUJ personnel may drive motor vehicles in the territory of the Host Party provided they have a valid national, international or military driving licence. EUJ shall provide the Host Party with a list of the motor vehicles, including identification data and number of registration plates, used by EUJ on the territory of the Host Party.

6. The Host Party shall guarantee to EUJ and EUJ personnel freedom of movement and travel in its territory.

7. Organised large movements of EUJ personnel, equipment and vehicles through airports, or on railways or roads used for general traffic within the territory of the Host Party shall be previously announced to and coordinated with the Joint Coordination Group set up pursuant to Article 13.

8. For the purpose of the operation, EUJ may use public roads, bridges and airports without payment of duties, fees, tolls, taxes and similar charges. The EUJ shall not be exempt from reasonable charges, under the same conditions as those provided to the Host Party armed forces, for services requested and received.

*Article 5***Immunities and privileges of EUJ**

1. The premises and accommodations of the EUJ shall be inviolable. The agents of the Host Party shall not enter them, except with the consent of the EUJ Commander.

2. The premises and accommodations of the EUJ, their furnishings and other assets thereon as well as their means of transport shall be immune from search, requisition, attachment or execution.

3. The archives and documents of the EUJ shall be inviolable at any time and wherever they may be.

4. Correspondence of the EUJ shall be granted a status equivalent to that of official correspondence granted under the Vienna Convention on diplomatic relations dated 18 April 1961.

5. For imported goods and services and in respect of its premises and accommodation, provided these are intended for the purpose of the operation, EUF shall be exempt from all national and communal dues and taxes and charges of similar nature.

6. For goods purchased and services contracted on the domestic market, provided these are intended for the purpose of the operation, EUF shall be reimbursed by the Host Party for all national and communal dues and taxes, including VAT, and charges of similar nature according to the laws of the Host Party.

7. The Host Party shall permit entry of and grant exemption from all custom duties, taxes and related charges other than charges for storage, cartage and similar services on articles for the operation.

Article 6

Immunities and privileges of EUF personnel

1. EUF personnel shall be granted treatment, including immunities and privileges, equivalent to that of diplomatic agents granted under the Vienna Convention on diplomatic relations dated 18 April 1961.

2. EUF personnel has the right to purchase and/or import free of duty or other restrictions items required for their personal use, and to export such items. For goods and services purchased on the domestic market, the Host Party shall reimburse VAT and taxes according to the laws of the Host Party.

Article 7

Uniform and arms

1. The wearing of uniform will be subject to rules issued by the EUF Commander.

2. Military EUF personnel may carry arms and ammunitions on condition that they are authorised to do so by their orders.

Article 8

Host Party Support and Contracting

1. The Host Party agrees, if requested, to assist the EUF in finding suitable facilities.

2. If required and available, facilities owned by the Host Party shall be provided free of charge.

3. Within its means and capabilities, the Host Party will assist and support the preparation, establishment, execution and support of the operation. The assistance and the support from the Host Party to the operation shall be provided under the same conditions as those provided to the Host Party armed forces.

4. EUF will endeavour, to the maximum extent possible, to contract locally for services, goods, and personnel, subject to the requirements of the operation.

Article 9

Protection of the environment and cultural heritages

1. The EUF will, in consultation with the Host Party and subject to the requirements of the operation, respect international conventions and laws of the Host Party regarding the protection of the environment (air, water, land), management of waste, prevention of damaging noise, protection from radiation (ionic and non-ionic), protection of nature, natural heritages, protected natural heritages as well as regarding the sustainable use of natural resources.

2. The EUF will, in consultation with the Host Party and subject to the requirements of the operation, respect international conventions and laws of the Host Party regarding the protection of cultural heritages and cultural values.

Article 10

Deceased EUF personnel

1. The EUF Commander shall have the right to take charge of and make suitable arrangements for the repatriation of any deceased EUF personnel, as well as that of the person's personal property.

2. Autopsy shall not be performed on deceased members of the EUF without the agreement of the State concerned and the presence of a representative of the EUF and/or the State concerned.

Article 11

Military police and mutual assistance

The EUF Commander may establish a military police unit in order to maintain order on EUF facilities.

Outside these facilities, the military police unit may, in consultation and cooperation with the military police or the police of the Host Country, act to ensure the maintenance of good order and discipline among EUF personnel.

Article 12

Communications

1. The EUF shall have the right to install and operate radio sending and receiving stations, as well as satellite systems, using appropriate frequencies, subject to arrangements in Article 16.

2. The EUF shall enjoy the right to unrestricted communication by radio (including satellite, mobile or hand-held radio), telephone, telegraph, facsimile and other means, as well as the right to install the necessary means for maintaining such communications within and between EUF facilities, including the laying of cables and ground lines for the purpose of the operation in consultation with the Host Party.

*Article 13***Claims for death, injury, damage or loss**

1. Claims arising out of activities in connection with civil disturbances, protection of the EUF or which are incidental to operational necessities shall not be the subject of any reimbursement by Member States or other States participating in the operation or by the operational financing mechanism set up by decision of the Council of the European Union dated 27 January 2003 in order to fund the common costs of the operation.

2. All other claims will be dealt with by a Joint Claims Commission established by the Joint Coordination Group referred to in Article 14, composed of representatives of the EUF and the competent authorities of the Host Party. Settlement of claims will occur after previous consent of the State concerned or the mechanism.

*Article 14***Liaison and disputes**

1. All issues arising in connection with the application of this Agreement shall be discussed by a Joint Coordination Group. This Group shall be composed of representatives of the EUF and the competent authorities of the Host Party.

2. Failing any prior settlement, disputes with regard to the interpretation or application of the present Agreement shall be settled between the Host Party and EU representatives by diplomatic means.

*Article 15***Other provisions**

1. Whenever the present Agreement refers to the immunities, privileges, and rights of the EUF and the EUF personnel, the Government of the Host Party shall be responsible for the implementation and fulfilment of such immunities, privileges and rights by the appropriate local authorities of the Host Party.

2. Nothing in this Agreement is intended or shall be construed to derogate from any rights that may attach with respect to an EU Member State or any other State contributing to EUF or their personnel, under other agreements.

3. The Host Party accepts that, where appropriate, EUF may receive assistance and support from NATO Forces and NATO HQ Skopje whose establishment and status are defined in the Exchange of Letters between the North Atlantic Treaty Organisation and the Government of the Former Yugoslav Republic of Macedonia dated 18 May 2001 regarding the status of HQ KFOR REAR and KFOR personnel permanently stationed or temporarily present in the territory of the Former Yugoslav

Republic of Macedonia, including where appropriate the use of the official documents, forms and procedures agreed between NATO/KFOR and the authorities of the Former Yugoslav Republic of Macedonia for such purposes.

*Article 16***Implementing Arrangements**

In order to implement this Agreement, operational, administrative and technical matters will be dealt with in separate arrangements to be concluded between the EUF Commander and the administrative authorities of the Host Party. These arrangements will cover, *inter alia*:

- status of local staff and contractors,
- visits of officials,
- communication and information systems, including radio communications system,
- coordination of information activities,
- exchange of information,
- medical services of all kinds, including dental services,
- protection of the environment (wildlife and nature),
- Host-nation support,
- procedures for addressing and settling claims,
- modalities and procedures for the Joint Coordination Group,
- transport arrangements.

*Article 17***Entry into force and termination**

1. This Agreement shall enter into force upon written notification of the Parties that the internal requirements for the entry into force have been complied with.

2. This Agreement may be amended on the basis of mutual written agreement between the Parties.

3. The Agreement shall remain in force until the final departure of EUF or all national elements/units thereof.

4. This Agreement may be denounced by written notification to the other Party. The denunciation shall take effect 45 days after receipt by the other Party of the notification of denunciation.

5. Termination or denunciation of this Agreement shall not affect any rights or obligations arising from the execution of this Agreement prior to its termination or denunciation.

6. This Agreement is done in two originals in English.

A. Letter from the European Union

Skopje, 21 March 2003

Dear Sir,

I have the honour to propose that, if it is acceptable to your Government, this letter and your confirmation shall together take the place of signature of the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the Former Yugoslav Republic of Macedonia.

The text of the aforementioned Agreement, herewith annexed, has been approved by decision of the Council of the European Union on 21 March 2003.

This letter also constitutes the notification, on behalf of the European Union, in accordance with Article 17.1 of the Agreement.

Please accept, Sir, the assurance of my highest consideration.

For the European Union,
Alexis BROUHNS
EU Special Representative

B. Letter from the Former Yugoslav Republic of Macedonia

Skopje, 21 March 2003

Dear Sir,

On behalf of the Government of the Republic of Macedonia I have the honour to acknowledge receipt of your letter of today's date regarding the signature of the Agreement between the Republic of Macedonia and the European Union on the status of the European Union-led forces in the Republic of Macedonia, together with the attached text of the Agreement.

I confirm the acceptance by the Government of the text of the Agreement, and consider this exchange of Letters as equivalent of signature.

However, I declare that the Republic of Macedonia does not accept the denomination used for my country in the abovementioned Agreement, having in mind that the constitutional name of my country is the Republic of Macedonia.

Please accept, Sir, the assurances of my highest consideration.

State Secretary
Risto NIKOVSKI

C. Letter from the European Union

Skopje, 21 March 2003

Dear Sir,

I have the honour to acknowledge receipt of your letter of today's date.

The European Union notes that the Exchange of Letters between the European Union and the Former Yugoslav Republic of Macedonia, which takes the place of signature of the Agreement between the European Union and the former Yugoslav Republic of Macedonia on the status of the European Union-led Forces in the former Yugoslav Republic of Macedonia, has been accomplished and that this cannot be interpreted as acceptance or recognition by the European Union in whatever form or content of a denomination other than the 'Former Yugoslav Republic of Macedonia'.

Please accept, Sir, the assurance of my highest consideration.

For the European Union

Alexis BROUHNS

EU Special Representative
