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## Legislation

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 637/2003**  
**of 9 April 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 10 April 2003.

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

Done at Brussels, 9 April 2003.

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

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 9 April 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

| <i>(EUR/100 kg)</i>                |                                   |                       |
|------------------------------------|-----------------------------------|-----------------------|
| CN code                            | Third country code <sup>(1)</sup> | Standard import value |
| 0702 00 00                         | 052                               | 137,4                 |
|                                    | 204                               | 76,1                  |
|                                    | 212                               | 123,3                 |
|                                    | 999                               | 112,3                 |
| 0707 00 05                         | 052                               | 87,9                  |
|                                    | 064                               | 58,4                  |
|                                    | 068                               | 77,0                  |
|                                    | 096                               | 48,8                  |
|                                    | 204                               | 60,3                  |
|                                    | 628                               | 147,3                 |
|                                    | 999                               | 80,0                  |
| 0709 90 70                         | 052                               | 87,9                  |
|                                    | 204                               | 76,1                  |
|                                    | 999                               | 82,0                  |
| 0805 10 10, 0805 10 30, 0805 10 50 | 052                               | 50,1                  |
|                                    | 204                               | 45,4                  |
|                                    | 212                               | 76,2                  |
|                                    | 220                               | 47,1                  |
|                                    | 600                               | 54,2                  |
|                                    | 624                               | 62,7                  |
|                                    | 999                               | 55,9                  |
| 0808 10 20, 0808 10 50, 0808 10 90 | 060                               | 64,5                  |
|                                    | 388                               | 81,1                  |
|                                    | 400                               | 96,8                  |
|                                    | 404                               | 112,3                 |
|                                    | 508                               | 82,5                  |
|                                    | 512                               | 76,3                  |
|                                    | 524                               | 67,7                  |
|                                    | 528                               | 75,5                  |
|                                    | 720                               | 80,6                  |
|                                    | 728                               | 54,1                  |
|                                    | 804                               | 124,2                 |
|                                    | 999                               | 83,2                  |
|                                    | 0808 20 50                        | 052                   |
| 388                                |                                   | 75,7                  |
| 512                                |                                   | 73,4                  |
| 528                                |                                   | 64,6                  |
| 999                                |                                   | 72,2                  |

<sup>(1)</sup> 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 638/2003

of 9 April 2003

**laying down detailed rules for applying Council Regulation (EC) No 2286/2002 and Council Decision 2001/822/EC as regards the arrangements applicable to imports of rice originating in the African, Caribbean and Pacific States (ACP States) and the overseas countries and territories (OCT)**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 411/2002 <sup>(2)</sup>, and in particular Article 9(2) thereof,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 <sup>(3)</sup>, and in particular Article 5 thereof,

Having regard to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community, hereinafter called the 'OCT Decision' <sup>(4)</sup>, and in particular the seventh subparagraph of Article 6(5) of Annex III thereto,

Whereas:

- (1) Regulation (EC) No 2286/2002 implements the arrangements for imports from the ACP States made as a result of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000 <sup>(5)</sup>. Article 1(3) of that Regulation introduces general arrangements for reducing customs duties on the products listed in Annex I thereto and specific arrangements for reducing customs duties on certain products covered by tariff quotas listed in Annex II thereto. Provision is made for annual quotas of 125 000 tonnes of rice, in husked rice equivalent, and 20 000 tonnes of broken rice.
- (2) Decision 2001/822/EC provides that ACP/OCT cumulation of origin within the meaning of Article 6(1) and (5) of Annex III thereto is to be allowed for a total annual quantity of 160 000 tonnes in husked-rice equivalent, for products falling within CN code 1006. To begin with, import licences covering 35 000 tonnes from that total quantity are issued to the OCTs each year, and import licences for a further 10 000 tonnes are issued for the least developed OCTs.

- (3) To ensure that these import arrangements are properly managed, the detailed rules for issuing import licences for rice originating in the ACP States and OCTs should be laid down in a single text. Commission Regulation (EC) No 2603/97 of 16 December 1997 laying down the detailed implementing rules for imports of rice originating in the ACP States or the overseas countries and territories (OCTs) <sup>(6)</sup> should therefore be repealed.
- (4) For the purposes of administering the tariff quotas concerned, the general rules laid down in 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 <sup>(7)</sup>, as last amended by Regulation (EC) No 2333/2002 <sup>(8)</sup>, and 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 <sup>(9)</sup>, as last amended by Regulation (EC) No 2299/2001 <sup>(10)</sup>, shall apply in cases not covered by the specific rules in this Regulation.
- (5) The issue of import licences is to be staggered over the year in periods fixed to ensure balanced market management. Arrangements are needed for carrying unused quantities forward from one period to the next.
- (6) Duty may be reduced on condition that the exporting ACP State collects an export charge equivalent to the duty reduction, as provided for in Annex II to Regulation (EC) No 2286/2002. Detailed rules should be laid down to prove that the charge has been paid.
- (7) Imports must be covered by import licences issued on the basis of an export licence issued by bodies authorised by the ACP States and OCTs.
- (8) Licences not used by the least developed OCTs must be made available to the Netherlands Antilles and Aruba, without precluding the possibility of carrying quantities forward to subsequent periods in the year.

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 348, 21.12.2002, p. 5.

<sup>(4)</sup> OJ L 314, 30.11.2001, p. 1.

<sup>(5)</sup> OJ L 317, 15.12.2000, p. 3.

<sup>(6)</sup> OJ L 351, 23.12.1997, p. 22.

<sup>(7)</sup> OJ L 117, 24.5.1995, p. 2.

<sup>(8)</sup> OJ L 349, 24.12.2002, p. 24.

<sup>(9)</sup> OJ L 152, 24.6.2000, p. 1.

<sup>(10)</sup> OJ L 308, 27.11.2001, p. 19.

- (9) In order to ensure proper administration of the quotas provided for in Regulation (EC) No 2286/2002 and Decision 2001/822/EC, importers should be required to lodge a security when applying for an import licence, and should be subject to certain other requirements. Quotas should also be staggered over the year and the term of validity of licences should be specified.
- (10) To allow optimal management of the tariff quotas concerned, this Regulation should apply from 1 April 2003.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### SUBJECT

##### Article 1

This Regulation lays down detailed rules for administering the import licence arrangements for an overall quota of 160 000 tonnes of rice, in husked-rice equivalent, originating in the ACP States and overseas countries and territories (OCTs) in accordance with Article 1(3) and Annexes I and II to Regulation (EC) No 2286/2002 and Article 6(5) of Annex III to Decision 2001/822/EC, and for an overall quota of 20 000 of broken rice originating in the ACP States in accordance with Article 1(3) and Annex II to Regulation (EC) No 2286/2002.

#### CHAPTER II

#### IMPORTS OF RICE ORIGINATING IN THE ACP STATES

##### Article 2

Imports into the Community of rice falling within CN codes 1006 10 21, 1006 10 23, 1006 10 25, 1006 10 27, 1006 10 92, 1006 10 94, 1006 10 96, 1006 10 98, 1006 20 and 1006 30, originating in the ACP States shall benefit from a reduction in import duties under a quota of 125 000 tonnes of rice in husked-rice equivalent, on presentation of an import licence.

##### Article 3

1. Import licences as referred to in Article 2 shall be issued for the following tranches each year:

- January: 41 668 tonnes,
- May: 41 666 tonnes,
- September: 41 666 tonnes,
- October: any quantities remaining.

2. Any quantities of a tranche not covered by licence applications shall be carried forward to the next tranche in accordance with Article 13.

##### Article 4

Imports into the Community of broken rice falling within CN code 1006 40 00 originating in the ACP States shall benefit from a reduction in import duties under a quota for 20 000 tonnes on presentation of an import licence.

##### Article 5

1. Import licences as referred to in Article 4 shall be issued for the following tranches each year:

- January: 10 000 tonnes,
- May: 10 000 tonnes,
- September: 0 tonnes,
- October: any quantities remaining.

2. Any quantities of a tranche not covered by licence applications shall be carried over to the next tranche.

##### Article 6

The duty reduction provided for in Annex II to Regulation (EC) No 2286/2002 shall apply to the amount of customs duty fixed by the Commission in accordance with the procedure provided for in Article 4 of Commission Regulation (EC) No 1503/96 <sup>(1)</sup>.

##### Article 7

1. The duty reduction provided for in Annex II to Regulation (EC) No 2286/2002 shall apply only to imports of rice for which the exporting country has levied an export charge equal to the difference between the customs duty applicable on imports of rice from third countries and the amount fixed under Article 6 of this Regulation.

The customs duty shall be that applying on the day the licence application is lodged.

2. Proof that the export charge has been collected shall be provided by the indication of the amount in national currency and the insertion by the customs authorities of the exporting country of one of the statements below, together with the signature and stamp of the customs office, in section 12 of the export licence in accordance with the specimen in Annex I, issued by the exporting country:

- Gravamen percibido a la exportación del arroz
- Særafgift, der opkræves ved eksport af ris
- Bei der Ausfuhr von Reis erhobene Sonderabgabe
- Ειδικός φόρος που εισπράττεται κατά την εξαγωγή του ρυζιού
- Special charge collected on export of rice
- Taxe spéciale perçue à l'exportation du riz

<sup>(1)</sup> OJ L 189, 30.7.1996, p. 71.

- Tassa speciale riscossa all'esportazione del riso
- Bij uitvoer van de rijst opgelegde bijzondere heffing
- Direito especial cobrado na exportação do arroz
- Riisin viennin yhteydessä perittävä erityismaksu
- Särskild avgift för risexport.

3. If the export charge collected by the exporting country is less than the duty reduction applied under Article 6, the reduction shall be restricted to the amount collected.

4. If the export charge collected is in a currency other than that of the importing Member State, the exchange rate to be used to calculate the amount of charge actually collected shall be the rate registered on the most representative currency exchange or exchanges in that Member State on the date when the customs duty is fixed in advance.

#### Article 8

As an exception to Article 6 of Regulation (EC) No 1162/95 and pursuant to Article 23(2) of Regulation (EC) No 1291/2000, import licences for husked, milled and semi-milled rice and broken rice shall be valid from their actual day of issue until the end of the third month following.

However, they shall not be valid beyond 31 December of the year of issue.

### CHAPTER III

#### IMPORTS OF RICE WITH ACP/OCT CUMULATION OF ORIGIN

#### Article 9

Imports into the Community of rice originating in the overseas countries and territories (OCTs) shall be exempt from customs duties under a quota of 35 000 tonnes of rice, in husked-rice equivalent, of which 25 000 tonnes shall be reserved for the Netherlands Antilles and Aruba and 10 000 for the least developed OCTs, on presentation of an import licence.

#### Article 10

1. Import licences as referred to in Article 9 shall be issued for the following tranches each year, in husked-rice equivalent:

(a) for the Netherlands Antilles and Aruba:

- January: 8 334 tonnes,
- May: 8 333 tonnes,
- September: 8 333 tonnes,
- October: any quantities remaining.

(b) For the least developed OCTs referred to in Annex I B to Decision 2001/822/EC:

- January: 3 334 tonnes,
- May: 3 333 tonnes,
- September: 3 333 tonnes,
- October: any quantities remaining.

2. Quantities of rice at stages of processing other than husked rice shall be converted at the rates laid down in Article 1 of Commission Regulation No 467/67/EEC <sup>(1)</sup>.

#### Article 11

1. Applications for import licences must be accompanied by the original of an export licence, drawn up in accordance with the specimen in Annex I, issued by the bodies responsible for issuing EUR.1 certificates.

2. Any quantities of a tranche not covered by licence applications shall be carried over to the next tranche.

3. With regard to the October tranche, in the event that the licence applications lodged for imports with an ACP/least developed OCT cumulation of origin do not cover the full quantity available, the remaining quantity may be used to import products originating in the Netherlands Antilles or Aruba.

#### Article 12

As an exception to Article 6 of Regulation (EC) No 1162/95 and pursuant to Article 23(2) of Regulation (EC) No 1291/2000, import licences for husked, milled and semi-milled rice and broken rice shall be valid from their actual day of issue until 31 December of the year of issue.

### CHAPTER IV

#### COMMON DETAILED RULES

#### Article 13

Applications for a licence to import rice originating in the ACP States falling within the CN codes listed in Article 2 and rice originating in the OCTs falling within CN code 1006 may be lodged for quantities carried over as referred to in Article 3(2).

If the licence applications submitted for imports originating in the ACP States or with an ACP/OCT cumulation of origin do not cover the full quantities available, the balance of the October tranche referred to in Article 3(1) may be used to import products originating in the OCTs, up to the maximum of 160 000 tonnes referred to in Article 1.

<sup>(1)</sup> OJ 204, 24.8.1967, p. 1.



*Article 14*

The procedure applicable to import licence applications and licences shall be that laid down in Regulations (EC) No 1162/95 and No 1291/2000, except where this Regulation provides otherwise.

*Article 15*

1. Licence applications shall be lodged with the competent authority in the Member State concerned during the first five working days in the month corresponding to each tranche.

2. Licence applications must be submitted by natural persons or legal entities who, in at least one of the three calendar years preceding the date of submission of the application, have been engaged in importing or exporting rice and entered in a public register of a Member State.

Proof of commercial importing or exporting shall be furnished by producing at least two duly endorsed import or export licences delivered or granted to the applicant, or customs declarations as applicable.

3. Applicants may submit only one licence application in the Member State where they are entered in a public register. Where several applications are submitted by the same party in one or more Member States, none of those applications shall be admissible.

4. Licence applications may be submitted for no more than the maximum quantity laid down for each tranche or origin. However, the quantity applied for under each tranche and origin shall not exceed 5 000 tonnes in husked-rice equivalent.

*Article 16*

1. The country of provenance and the country of origin shall be indicated in sections 7 and 8 of import licence applications and licences, and the entry 'Yes' marked with a cross.

2. In Section 20 of import licence applications, applicants shall indicate the tranche for which they are submitting the application. One of the following entries shall be made:

- ACP (Article 3(1) of Regulation (EC) No 638/2003),
- ACP broken rice (Article 5(1) of Regulation (EC) No 638/2003),
- OCTs (Article 10(1)(a) of Regulation (EC) No 638/2003),
- OCTs (Article 10(1)(b) of Regulation (EC) No 638/2003),
- ACP + OCTs (Article 13 of Regulation (EC) No 638/2003).

3. Section 24 of licences shall bear one of the following entries:

(a) for imports originating in the ACP States:

- Derecho de aduana reducido hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n.º 638/2003]
- Nedsat told op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (forordning (EF) nr. 638/2003)
- Ermäßigter Zollsatz bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 638/2003)

— Μειωμένος δασμός μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 638/2003]

— Reduced duty up to the quantity indicated in Sections 17 and 18 of this licence (Regulation (EC) No 638/2003)

— Droit réduit jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [Règlement (CE) n.º 638/2003]

— Dazio ridotto limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 638/2003]

— Verminderd douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 638/2003)

— Direito reduzido até à quantidade indicada nas casas 17 e 18 do presente certificado [Reglamento (CE) n.º 638/2003]

— Tulli, joka on alennettu tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 638/2003)

— Tullsatsen nedsatt upp till den mängd som anges i fält 17 och 18 i denna licens (Förordning (EG) nr 638/2003)

(b) for imports originating in the OCTs:

— Exención del derecho de aduana hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n.º 638/2003]

— Toldfri op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (forordning (EF) nr. 638/2003)

— Zollfrei bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 638/2003)

— Ατελώς μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 638/2003]

— Exemption from customs duty up to the quantity indicated in Sections 17 and 18 of this licence (Regulation (EC) No 638/2003)

— Exemption du droit de douane jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [Règlement (CE) n.º 638/2003]

— Esenzione del dazio doganale limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 638/2003]

— Vrijgesteld van douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 638/2003)

— Isenção de direito aduaneiro até à quantidade indicada nas casas 17 e 18 do presente certificado [Reglamento (CE) n.º 638/2003]

— Tullivapaa tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 638/2003)

— Tullfri upp till den mängd som anges i fält 17 och 18 i denna licens (Förordning (EG) nr 638/2003).



*Article 17*

1. Within two working days of the closing date for the submission of licence applications, the Member States shall notify the Commission, by fax or electronic mail, of the quantities covered by import licence applications, broken down by eight-digit CN code per tranche and country of origin, the number of each licence and the name and address of the applicant.

Notifications shall be made in accordance with the specimen in Annex II, even where no applications have been lodged in a Member State.

2. Within 10 days of the final date for notification as referred to in paragraph 1, the Commission shall:

- (a) decide to what extent applications may be accepted. Where the quantities applied for exceed those available for the tranche and origin in question, it shall set a percentage reduction to be applied to each application;
- (b) fix the quantities available for the next tranche.

3. Where the quantity for which a licence is to be issued is less than 20 tonnes after application of the percentage reduction referred to in paragraph 2(a), the licence application may be withdrawn within two working days following the date of entry into force of the Regulation fixing that percentage. The security shall be released immediately.

4. Within three working days following the date of entry into force of the Regulation adopted under paragraph 2(a), import licences shall be issued for the quantities covered by applications or the quantities remaining after application of the percentage reduction fixed in that Regulation.

*Article 18*

As an exception to Article 10 of Regulation (EC) No 1162/95, the amount of the security required on submission of import licence applications shall be EUR 46 per tonne.

Where the quantity for which the import licence is issued is less than that applied for, the amount of the security shall be reduced proportionately.

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

Done at Brussels, 9 April 2003.

*Article 19*

As an exception to Article 9 of Regulation (EC) No 1291/2000, rights deriving from import licences shall not be transferable.

*Article 20*

Article 35(6) of Regulation (EC) No 1291/2000 shall apply.

*Article 21*

The Member States shall notify the following information to the Commission by fax or electronic mail in accordance with the specimen in Annex II to this Regulation:

- (a) no later than two working days after their issue, the quantities, broken down by eight-digit CN code and country of origin, covered by the import licences issued, the date of issue, the number of the export licence where applicable, the number of the import licence issued and the name and address of the holder;
- (b) no later than two months after expiry of the period of validity of each licence, the quantities actually released for free circulation, broken down by eight-digit CN code and by country of origin, the date of release for free circulation, the number of the licence used and the name and address of the holder.

Such notifications must also be made where no licence has been issued and no imports have taken place.

## CHAPTER V

**REPEAL AND FINAL PROVISIONS***Article 22*

Regulation (EC) No 2603/97 is hereby repealed.

*Article 23*

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

It shall apply from 1 April 2003.

For the Commission

Franz FISCHLER

Member of the Commission

## ANNEX I

## Specimen export licence as referred to in Article 7 and Article 11(1) of Regulation (EC) No 638/2003

|   |                                  |   |  |
|---|----------------------------------|---|--|
| 1. Exporter (name, full address, country)   | <b>ORIGINAL</b>                  | 2. No   |  |
|   | 3. Quota year                    |   |  |
| 4. Importer (name, full address, country)<br><i>(optional)</i>  | <b>EXPORT LICENCE<br/>RICE</b>   |   |  |
| 5. Place and date of loading — Means of transport<br><i>(optional)</i>  | 6. Country of origin             | 7. Country of destination                       |  |
|   | 8. Additional information        |   |  |
| 9. Description of goods   | 10. CN code<br><i>(8 digits)</i> | 11. Quantity<br>(tonnes)<br><i>(net weight)</i> |  |
| 12. Proof of the collection of the export charge<br>Special export charge collected for an amount in national currency of: .....  |                                  |   |  |
| <i>Signature and stamp of the customs office</i>  |                                  |   |  |
| 13. Stamp of the competent authority<br><br><i>I, the undersigned, hereby certify that, for the country stated in section 14, the full quantities of rice for which export licences have been issued under Regulation (EC) No 638/2003 for the year indicated in section 3, including those covered by this export licence, do not exceed the maximum quantity authorised by Article 6(5) of Annex III to Decision 2001/822/EC.</i> |                                  |   |  |
| 14. Competent authority (name, full address, country)   | At ....., on .....               |   |  |
|   | (signature)                      | (stamp)   |  |

## ANNEX II

## RICE — REGULATION (EC) No 638/2003

- Application for an import licence <sup>(1)</sup>
- Issue of an import licence <sup>(1)</sup>
- Release for free circulation <sup>(1)</sup>

**Addressee: DG AGRI C.2**

Fax (32-2) 296 60 21

E-mail: Agri-C2@cec.eu.int

**Sender**

Fax

E-mail:

| Date | Export licence<br>No <sup>(*)</sup> | Import licence<br>No | Quota <sup>(**)</sup><br>ACP (Article 3(1))<br>ACP broken rice (Article 5(1))<br>OCT (Article 10(1)(a))<br>OCT (Article 10(1)(b))<br>ACP + OCT (Article 13) | CN code | Quantity<br>weight/product | Country of<br>origin | Name and<br>address of<br>applicant/<br>holder |
|------|-------------------------------------|----------------------|---|---------|----------------------------|----------------------|--|
|      |                                     |                      |   |         |                            |                      |  |

<sup>(\*)</sup> Applicable to imports as referred to in Article 11(1).

<sup>(\*\*)</sup> Specify to which of the five cases the application/issue/release for free circulation corresponds.

<sup>(1)</sup> Delete where applicable.

**COMMISSION REGULATION (EC) No 639/2003  
of 9 April 2003**

**laying down detailed rules pursuant to Council Regulation (EC) No 1254/1999 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2345/2001 <sup>(2)</sup>, and in particular Article 33(12) thereof,

Whereas:

- (1) Article 33(9) of Regulation (EC) No 1254/1999 provides that the payment of the refund for exports of live bovine animals is subject to compliance with Community legislation concerning animal welfare and, in particular, Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport <sup>(3)</sup>, as last amended by Directive 95/29/EC <sup>(4)</sup>.
- (2) Detailed rules as regards the welfare of live bovine animals during transport are laid down in Commission Regulation (EC) No 615/98 <sup>(5)</sup>. Experience has shown the need to improve the enforcement of animal welfare requirements for the granting of refunds for the export of those animals. Therefore the checks and penalties provided for in that Regulation should be reinforced. In addition, in the interests of clarity, Regulation (EC) No 615/98 should be replaced.
- (3) In order to guarantee that the animal welfare standards are maintained, a monitoring system should be introduced comprising compulsory checks at the exit point from the Community and after leaving the customs territory of the Community where there is a change of means of transport and also at the place of the first unloading in the third country of final destination.
- (4) In order to facilitate proper checks on exit from the Community, it is necessary to designate exit points.
- (5) The assessment of the physical condition and state of health of animals requires specific expertise and experience. Checks should therefore be carried out by a veterinarian. Moreover, the extent of those checks should be clarified and a model report set out in order to make those checks accurate and harmonised.

- (6) Checks in third countries for the purposes of this Regulation should be compulsory and should be carried out by agencies of Member States or by international control and supervisory agencies (hereinafter referred to as SAs) approved and controlled by Member States in accordance with Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products <sup>(6)</sup>, as last amended by Regulation (EC) No 444/2003 <sup>(7)</sup>. In order to carry out checks for purposes of this Regulation, the SAs should in particular meet the requirements for approval and control set out in Annex VI to Regulation (EC) No 800/1999 as from 1 January 2004.
- (7) In addition to the non-payment of the export refund, when there is evidence that Directive 91/628/EEC is not complied with for a high number of animals, appropriate penalties should be applied. Furthermore, where such non-compliance is due to a complete disregard of animal welfare requirements, the total loss of the refund should be established.
- (8) Member States should provide the Commission with the necessary information for purposes of monitoring and reporting on the application of this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Scope**

Payment of export refunds for live bovine animals falling within CN code 0102 (hereinafter referred to as the animals), pursuant to Article 33(9), second subparagraph, of Regulation (EC) No 1254/1999, shall be subject to compliance, during the transport of the animals to the first place of unloading in the third country of final destination, with the provisions of Directive 91/628/EEC and of this Regulation.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 315, 1.12.2001, p. 29.

<sup>(3)</sup> OJ L 340, 11.12.1991, p. 17.

<sup>(4)</sup> OJ L 148, 30.6.1995, p. 52.

<sup>(5)</sup> OJ L 82, 19.3.1998, p. 19.

<sup>(6)</sup> OJ L 102, 17.4.1999, p. 11.

<sup>(7)</sup> OJ L 67, 12.3.2003, p. 3.

## Article 2

**Checks within the Community**

1. The exit of the animals from the customs territory of the Community may take place only through the following exit points:

- (a) a border inspection post agreed by a Commission decision for veterinary checks on live ungulates from third countries; or
- (b) an exit point designated by the Member State.

2. The official veterinarian at the exit point from the Community shall verify in accordance with Council Directive 96/93/EC<sup>(1)</sup> for those animals for which an export declaration is accepted whether:

- (a) the requirements laid down in Directive 91/628/EEC have been complied with from the place of departure, as defined in Article 2(2)(e) of that Directive, until the exit point; and
- (b) the transport conditions for the rest of the journey comply with the provisions of Directive 91/628/EEC and that the necessary arrangements have been taken to ensure their compliance until the first unloading in the third country of final destination.

The official veterinarian who has conducted the checks shall complete a report in accordance with the model set out in Annex I certifying whether the results of the checks performed in accordance with the first subparagraph are satisfactory or not satisfactory.

The veterinarian authority responsible for the exit point shall keep this report for at least three years.

3. If the official veterinarian at the exit point is satisfied that the requirements of paragraph 2 are met, he shall certify this by the entry:

- Resultados de los controles de conformidad con el artículo 2 del Reglamento (CE) n.º 639/2003 satisfactorios
- Resultater af kontrollen efter artikel 2 i forordning (EF) nr. 639/2003 er tilfredsstillende
- Ergebnisse der Kontrollen nach Artikel 2 der Verordnung (EG) Nr. 639/2003 zufriedenstellend
- Αποτελέσματα των ελέγχων βάσει του άρθρου 2 του κανονισμού (ΕΚ) αριθ. 639/2003 ικανοποιητικά
- Results of the checks pursuant to Article 2 of Regulation (EC) No 639/2003 satisfactory
- Résultats des contrôles visés à l'article 2 du règlement (CE) n.º 639/2003 satisfaisants
- Risultati dei controlli conformi alle disposizioni dell'articolo 2 del regolamento (CE) n. 639/2003
- Bevingingen bij controle overeenkomstig artikel 2 van Verordening (EG) nr. 639/2003 bevredigend
- Resultados dos controlos satisfatórios nos termos do artigo 2.º do Regulamento (CE) n.º 639/2003
- Asetuksen (EY) N:o 639/2003 2 artiklan mukaisten tarkastuksen tulokset ovat hyväksyttävät
- Resultaten av kontrollen enligt artikel 2 i förordning (EG) nr 639/2003 är tillfredsställande

and by stamping and signing the document constituting evidence of exit from the customs territory of the Community, either in Section J of the control copy T5 or in the most appropriate place on the national document.

4. The official veterinarian at the exit point shall endorse on the document referred to in paragraph 3 the total number of animals for which an export declaration had been accepted minus the number of animals which gave birth or aborted during transport, died or for which the requirements of Directive 91/628/EEC were not complied with.

5. Member States may require the exporter to give advance notice of the arrival of the consignment at the exit point to the official veterinarian at the exit point.

6. By way of derogation from paragraph 1, where the simplified Community transit procedure for carriage by rail or large containers referred to in Article 10 of Regulation (EC) No 800/1999 applies, the official veterinarian shall carry out checks at the office where the animals are placed under such procedure.

The certification and endorsements referred to in paragraphs 3 and 4 of this Article shall be made on the document used for the purpose of payment of the refund or on the T5 control copy in the case described in Article 10(4) of Regulation (EC) No 800/1999.

## Article 3

**Checks in third countries**

1. After leaving the customs territory of the Community, the exporter shall ensure that the animals shall be subject to a check at:

- (a) any place where there is a change of means of transport except where such change was not planned and is due to exceptional and unforeseen circumstances;
- (b) the place of the first unloading in the third country of final destination.

2. An international control and supervisory agency, approved and controlled for this purpose by a Member State in accordance with Articles 16(a) to 16(f) of Regulation (EC) No 800/1999, or an official agency of a Member State shall be responsible for carrying out the checks provided for in paragraph 1.

The checks provided for in paragraph 1 shall be carried out by a veterinarian.

A report of each check carried out pursuant to paragraph 1 shall be completed in accordance with the models set out in Annexes II and III by the veterinarian who carried out the check.

## Article 4

**Procedure for payment of export refunds**

1. The exporter shall inform the competent authority of the Member State where the export declaration is accepted about all necessary details of the journey, at the latest when the export declaration is lodged.

<sup>(1)</sup> OJ L 13, 16.1.1997, p. 28.

At the same time, or at the latest when he becomes aware thereof, the exporter shall inform the competent authority about any possible change of the means of transport.

2. Applications for the payment of export refunds drawn up in accordance with Article 49 of Regulation (EC) No 800/1999 must be supplemented within the time limit laid down in that Article by:

- (a) the document referred to in Article 2(3) of this Regulation duly completed; and
- (b) the reports provided for in Article 3(2) of this Regulation.

3. Where the checks referred to in Article 3(1) could not be carried out due to circumstances beyond the control of the exporter, the competent authority, on a reasoned request from the exporter, may accept other documents which prove to its satisfaction that Directive 91/628/EEC has been complied with.

#### Article 5

##### Non-payment of export refunds

1. The export refund shall not be paid for:

- (a) animals which have died during transport, except as provided in paragraph 2;
- (b) animals which have given birth or aborted during transport before their first unloading in the third country of final destination;
- (c) animals for which the competent authority considers that Directive 91/628/EEC has not been complied with, in the light of the documents referred to in Article 4(2) and/or all other elements at its disposal concerning compliance with this Regulation.

The weight of an animal in respect of which the refund is not paid shall be determined on a flat-rate basis by dividing the total weight in kilograms given in the export declaration by the total number of animals given in that same declaration.

2. Where the animals have died during transport as a result of *force majeure* after leaving the customs territory of the Community:

- (a) in the case of a non-differentiated refund, the total refund shall be paid;
- (b) in the case of a differentiated refund, the part of the refund defined in accordance with Article 18(2) of Regulation (EC) No 800/1999 shall be paid.

#### Article 6

##### Penalties

1. The refund shall be further reduced by an amount equal to the amount of refund which is not paid pursuant to Article 5(1), if the number of animals for which no export refund is paid amounts to:

- (a) more than 1 % of the number endorsed in the accepted export declaration, but at least two animals; or
- (b) more than five animals.

2. The refund for all animals indicated in the export declaration shall be refused if the number of animals for which no refund is paid pursuant to Article 5(1) amounts to:

- (a) more than 5 % of the number endorsed in the accepted export declaration, but at least three animals; or
- (b) 10 animals, but at least 2 % of the number endorsed in the accepted export declaration.

3. For the purpose of paragraphs 1 and 2, the animals which died during transport and the animals that gave birth or aborted before their first unloading in the third country of final destination for which the exporter proves to the satisfaction of the competent authority that their death or the birth or abortion was not the result of non-compliance with Directive 91/628/EEC shall not be taken into account.

4. The penalty referred to in Article 51 of Regulation (EC) No 800/1999 shall not apply to the amount not paid and the amount of the reduction pursuant to Article 5 and to paragraphs 1 and 2 of this Article.

#### Article 7

##### Recovery of amounts over-paid

Where it is established after payment of the refund that Directive 91/628/EEC has not been complied with, the relevant part of the refund, including where appropriate the penalty pursuant to Article 6 of this Regulation, shall be considered to have been paid unduly and shall be recovered in accordance with the provisions of Article 52 of Regulation (EC) No 800/1999.

#### Article 8

##### Communication of information

Member States shall notify to the Commission no later than 31 March of each year the following information relating to the application of this Regulation during the previous calendar year:

- (a) the number of export declarations for live animals for which the refund was paid and the number of live animals for which the refund was paid;
- (b) the number of export declarations for which the refund was totally or partially not paid and the number of animals for which the refund was not paid;
- (c) the number of export declarations for which the refund was totally or partially recovered and the number of animals for which the refund was recovered, including those for which the recovery of the refunds relates to export operations carried out before the period concerned;
- (d) the reasons for the non-payment and the recovery of the refund for the animals referred to in points (b) and (c);
- (e) the amounts of the refunds in euro that were not paid and the amounts that were recovered, including the recovered amounts corresponding to export operations carried out before the period concerned;

- (f) the number of export declarations and the amounts for which the recovery procedure is still in process;
- (g) any other information Member States consider relevant regarding the functioning of this Regulation.

*Article 9*

**Repeal**

Regulation (EC) No 615/98 is repealed. However, that Regulation shall continue to apply to export declarations accepted prior to the application of this Regulation.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex IV.

*Article 10*

**Entry into force**

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

It shall apply to export declarations accepted from 1 October 2003.

However, the requirement that the approval and control of the international control and supervisory agency referred to in Article 3(2) be in accordance with Articles 16(a) to 16(f) of Regulation (EC) No 800/1999 shall apply to export declarations accepted from 1 January 2004.

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

Done at Brussels, 9 April 2003.

*For the Commission*

Franz FISCHLER

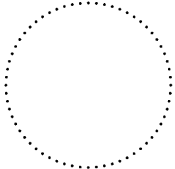
*Member of the Commission*



## ANNEX I

## MODEL

## Check report at the exit point (Article 2(2) of Regulation (EC) No 639/2003)

|   |  |   |  |
|---|--|---|--|
| T5 or national document number:<br>Place and country of final destination:  |  | Veterinary certificate number:  |  |
| <b>CHECKS PERFORMED</b>   |  |   | <b>OUTCOME OF THE CHECKS</b>   |
| PART OF THE JOURNEY UP TO THE EXIT POINT  |  |   | SATISFACTORY<br>( <sup>1</sup> )   |
|   |  |   | NOT<br>SATISFACTORY  |
| Means of transport →  | Identification:  |   | <input type="checkbox"/>   |
| Space allowances →  | Average space / animal in m <sup>2</sup> :             |   | <input type="checkbox"/>   |
| Transporter's authorisation →   | Authorisation number:                                  |   | <input type="checkbox"/>   |
| Route plan records →  |  |   | <input type="checkbox"/>   |
| Animals for which an export declaration is accepted (specify the number of each category) ↓   |  |   | Number of animals referred to in Article 2(4) of Regulation (EC) No 639/2003 E = A - (B + C + D) ↓ |
| A. Total animals checked  | B. Animals that gave birth or aborted during transport | C. Other animals not in conformity ( <sup>2</sup> )                                   | D. Dead  |
|   |  |   |  |
| PART OF THE JOURNEY FROM THE EXIT POINT   |  |   | SATISFACTORY<br>( <sup>1</sup> )   |
|   |  |   | NOT<br>SATISFACTORY  |
| Means of transport ( <sup>3</sup> ) →   | Identification:  |   | <input type="checkbox"/>   |
| Space allowances ( <sup>3</sup> ) →   | Average space / animal in m <sup>2</sup> :             |   | <input type="checkbox"/>   |
| Transporter's authorisation ( <sup>3</sup> ) →  | Authorisation number:                                  |   | <input type="checkbox"/>   |
| Watering and feeding arrangements →   |  |   | <input type="checkbox"/>   |
| I hereby certify that I have carried out the necessary checks pursuant to Article 2(2) of Regulation (EC) No 639/2003 and that the results of these checks are: <input type="checkbox"/> <b>satisfactory</b> <input type="checkbox"/> <b>not satisfactory</b> |  |   |  |
| REMARKS:  |  |   |  |
| Place, country and date of inspection:  |  |  |  |
| OFFICIAL VETERINARIAN — name and address  |  |   |  |
|   |  | Signature of <b>official veterinarian</b> (with official stamp)                       |  |

(<sup>1</sup>) In conformity with the requirements of Directive 91/628/EEC and Regulation (EC) No 639/2003.

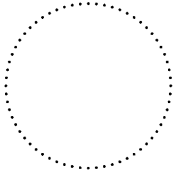
(<sup>2</sup>) Number of animals for which the requirements of Directive 91/628/EEC have not been complied with.

(<sup>3</sup>) Only to be filled if animals have been transferred at the exit point or if the outcome of the check is different from the previous section.

## ANNEX II

## MODEL

## Check report at the place of transfer in a third country (Article 3(2) of Regulation (EC) No 639/2003)

|   |  |   |                                  |
|---|--|---|----------------------------------|
| Place and country of departure:   |  | Veterinary certificate number:  |                                  |
| Place and country of final destination:   |  |   |                                  |
| <b>CHECKS PERFORMED</b>   |  |   | <b>OUTCOME OF THE CHECKS</b>     |
| PART OF THE JOURNEY UP TO THE PLACE OF TRANSFER   |  |   | SATISFACTORY<br>( <sup>1</sup> ) |
|   |  |   | NOT SATISFACTORY                 |
| Means of transport →  | Identification:  |   | <input type="checkbox"/>         |
|   |  |   | <input type="checkbox"/>         |
| Space allowances →  | Average space / animal in m <sup>2</sup> :             |   | <input type="checkbox"/>         |
|   |  |   | <input type="checkbox"/>         |
| Transporter's authorisation →   | Authorisation number:                                  |   | <input type="checkbox"/>         |
|   |  |   | <input type="checkbox"/>         |
| Route plan records →  |  |   | <input type="checkbox"/>         |
|   |  |   | <input type="checkbox"/>         |
| Animals for which an export declaration is accepted and which are presented at the place of transfer (specify the number of each category) ↓  |  |   | $E = A - (B + C + D) \downarrow$ |
| A. Total animals checked  | B. Animals that gave birth or aborted during transport | C. Other animals not in conformity ( <sup>2</sup> )                                   | D. Dead                          |
|   |  |   |                                  |
| PART OF THE JOURNEY FROM THE PLACE OF TRANSFER  |  |   | SATISFACTORY<br>( <sup>1</sup> ) |
|   |  |   | NOT SATISFACTORY                 |
| Means of transport →  | Identification:  |   | <input type="checkbox"/>         |
|   |  |   | <input type="checkbox"/>         |
| Space allowances →  | Average space / animal in m <sup>2</sup> :             |   | <input type="checkbox"/>         |
|   |  |   | <input type="checkbox"/>         |
| Transporter's authorisation →   | Authorisation number:                                  |   | <input type="checkbox"/>         |
|   |  |   | <input type="checkbox"/>         |
| Watering and feeding arrangements →   |  |   | <input type="checkbox"/>         |
|   |  |   | <input type="checkbox"/>         |
| I hereby certify that I have carried out the necessary checks pursuant to Article 3(2) of Regulation (EC) No 639/2003 and that the results of these checks are: <input type="checkbox"/> <b>satisfactory</b> <input type="checkbox"/> <b>not satisfactory</b> |  |   |                                  |
| REMARKS:  |  |   |                                  |
|   |  |   |                                  |
| Place, country and date of inspection   |  |  |                                  |
| VETERINARIAN — name and address   |  |   |                                  |
|   |  | Signature of <b>veterinarian</b> (with stamp)   |                                  |

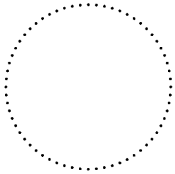
(<sup>1</sup>) In conformity with the requirements of Directive 91/628/EEC and Regulation (EC) No 639/2003.

(<sup>2</sup>) Number of animals for which the requirements of Directive 91/628/EEC have not been complied with.

## ANNEX III

## MODEL

**Check report at the place of the first unloading in the third country of final destination (Article 3(2) of Regulation (EC) No 639/2003)**

|   |  |   |                          |
|---|--|---|--------------------------|
| Place and country of departure:   |  | Veterinary certificate number:  |                          |
| Place and country of final destination:   |  |   |                          |
| <b>CHECKS PERFORMED</b>   |  | <b>OUTCOME OF THE CHECKS</b>  |                          |
|   |  | SATISFACTORY<br>( <sup>1</sup> )  | NOT SATISFACTORY         |
| Means of transport →  | Identification:  | <input type="checkbox"/>  | <input type="checkbox"/> |
| Space allowances →  | Average space / animal in m <sup>2</sup> :             | <input type="checkbox"/>  | <input type="checkbox"/> |
| Route plan records →  |  | <input type="checkbox"/>  | <input type="checkbox"/> |
| Animals for which an export declaration is accepted and which are presented at the place of the first unloading in the third country of final destination (specify the number of each category) ↓   |  | E = A - (B + C + D) ↓   |                          |
| A. Total animals checked  | B. Animals that gave birth or aborted during transport | C. Other animals not in conformity ( <sup>2</sup> )                                   | D. Dead                  |
|   |  |   |                          |
| Live animals have been put in quarantine: <input type="checkbox"/> yes <input type="checkbox"/> no  |  |   |                          |
| I hereby certify that I have carried out the necessary checks pursuant to Article 3(2) of Regulation (EC) No 639/2003 and that the results are: <input type="checkbox"/> <b>satisfactory</b> <input type="checkbox"/> <b>not satisfactory</b> |  |   |                          |
| REMARKS:  |  |   |                          |
| Place, country and date of inspection:  |  |  |                          |
| VETERINARIAN — name and address   |  |   |                          |
|   |  | Signature of <b>veterinarian</b> (with stamp)   |                          |

(<sup>1</sup>) In conformity with the requirements of Directive 91/628/EEC and Regulation (EC) No 639/2003.

(<sup>2</sup>) Number of animals for which the requirements of Directive 91/628/EEC have not been complied with.

## ANNEX IV

**Correlation table**

| This Regulation | Regulation (EC) No 615/98 |
|-----------------|---------------------------|
| Article 1       | Article 1                 |
| Article 2       | Article 2                 |
| Article 3       | Article 3                 |
| Article 4       | Article 5(1), (2) and (6) |
| Article 5       | Article 5(3)              |
| Article 6       | Article 5(4) and (5)      |
| Article 7       | Article 5(7)              |
| Article 8       |                           |
| Article 9       |                           |
| Article 10      | Article 6                 |

**COMMISSION REGULATION (EC) No 640/2003  
of 9 April 2003**

**fixing the quantities which may be transferred to another group of varieties under the guarantee  
threshold for the 2003 harvest in the raw tobacco sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco <sup>(1)</sup>, as last amended by Regulation (EC) No 546/2002 <sup>(2)</sup>, and in particular Article 9(4) thereof,

Whereas:

- (1) Article 9 of Regulation (EEC) No 2075/92 introduces production quotas for the different groups of varieties of tobacco. The individual quotas are divided between producers on the basis of the guarantee thresholds for the 2003 harvest fixed in Annex II to Council Regulation (EC) No 546/2002 of 25 March 2002 fixing the premiums and guarantee thresholds for leaf tobacco by variety group and Member State for the 2002, 2003 and 2004 harvests and amending Regulation (EEC) No 2075/92. Under Article 9 of Regulation (EEC) No 2075/92, the Commission may authorise Member States to transfer parts of their guarantee threshold allocations between groups of varieties on condition that such transfers between groups do not give rise to additional costs for the EAGGF and do not involve any increase in Member States' overall guarantee threshold allocations.

- (2) Since this condition has been met, transfers should be authorised in the Member States which have made an application to do so.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2003 harvest, before the deadline for the conclusion of cultivation contracts laid down in Article 10(1) of Commission Regulation (EC) No 2848/98 <sup>(3)</sup>, Member States are hereby authorised to transfer quantities from one group of varieties to another in accordance with the Annex to this Regulation.

*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, 9 April 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 215, 30.7.1992, p. 70.

<sup>(2)</sup> OJ L 84, 28.3.2002, p. 4.

<sup>(3)</sup> OJ L 358, 31.12.1998, p. 17.

## ANNEX

**Guarantee threshold quantities which each Member State is authorised to transfer from one group of varieties to another**

| Member State | Group of varieties from which transfer is made | Group of varieties to which transfer is made |
|--------------|--|--|
| Germany      | 53,9 t light air-cured (group II)              | 418,2 t flue-cured (group I)                 |
|              | 436,5 t dark air-cured (group III)             |  |
| France       | 1 758,149 t dark air-cured (group III)         | 947,771 t flue-cured (group I)               |
|              |  | 493,580 t light air-cured (group II)         |
| Greece       | 1 552 t light air-cured (group II)             | 1 241 t flue-cured (group I)                 |
|              | 4 154 t sun-cured (group V)                    | 2 990 t flue-cured (group I)                 |
|              | 849 t Katerini (group VII)                     | 349 t flue-cured (group I)                   |
|              |  | 424 t Basmás (group VI)                      |
|              | 6 256 t Kaba Koulak classic (group VIII)       | 3 742 t flue-cured (group I)                 |
|              |  | 1 092 t Basmás (group VI)                    |
| Italy        | 2 657 t dark air-cured (group III)             | 398,3 t flue-cured (group I)                 |
|              |  | 2 159,1 t light air-cured (group II)         |
|              | 963,8 t fire-cured (group IV)                  | 847,9 t flue-cured (group I)                 |
|              | 3 403,8 t sun-cured (group V)                  | 278 t flue-cured (group I)                   |
|              |  | 2 715,9 t light air-cured (group II)         |
|              | 461 t Katerini (group VII)                     | 351 t flue-cured (group I)                   |
|              |  | 110 t light air-cured (group II)             |

**COMMISSION REGULATION (EC) No 641/2003**  
**of 8 April 2003**  
**establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(1)</sup>, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup>, as last amended by Regulation (EC) No 444/2002 <sup>(4)</sup>, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

*Article 1*

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 11 April 2003.

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

Done at Brussels, 8 April 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(2)</sup> OJ L 311, 12.12.2000, p. 17.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(4)</sup> OJ L 68, 12.3.2002, p. 11.



## ANNEX

| Code    | Description  | Amount of unit values per 100 kg |          |          |        |
|---------|--|----------------------------------|----------|----------|--------|
|         | Species, varieties, CN code  | EUR                              | DKK      | SEK      | GBP    |
| 1.10    | New potatoes<br>0701 90 50   | 30,61                            | 227,32   | 281,55   | 20,95  |
| 1.30    | Onions (other than seed)<br>0703 10 19   | 37,72                            | 280,15   | 346,98   | 25,82  |
| 1.40    | Garlic<br>0703 20 00   | 148,40                           | 1 102,12 | 1 365,05 | 101,57 |
| 1.50    | Leeks<br>ex 0703 90 00   | 55,81                            | 414,45   | 513,33   | 38,19  |
| 1.60    | Cauliflowers<br>0704 10 00   | —                                | —        | —        | —      |
| 1.80    | White cabbages and red cabbages<br>0704 90 10  | 43,76                            | 324,98   | 402,51   | 29,95  |
| 1.90    | Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.)<br><i>Alef</i> var. <i>italica</i> Plenck)<br>ex 0704 90 90 | 61,43                            | 456,21   | 565,05   | 42,04  |
| 1.100   | Chinese cabbage<br>ex 0704 90 90   | 112,75                           | 837,34   | 1 037,10 | 77,17  |
| 1.110   | Cabbage lettuce (head lettuce)<br>0705 11 00   | —                                | —        | —        | —      |
| 1.130   | Carrots<br>ex 0706 10 00   | 57,18                            | 424,65   | 525,95   | 39,13  |
| 1.140   | Radishes<br>ex 0706 90 90  | 79,41                            | 589,74   | 730,43   | 54,35  |
| 1.160   | Peas ( <i>Pisum sativum</i> )<br>0708 10 00  | 400,82                           | 2 976,66 | 3 686,79 | 274,32 |
| 1.170   | Beans:   |                                  |          |          |        |
| 1.170.1 | — Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.)<br>ex 0708 20 00   | 188,74                           | 1 401,66 | 1 736,04 | 129,17 |
| 1.170.2 | — Beans ( <i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> Savi)<br>ex 0708 20 00  | 211,42                           | 1 570,11 | 1 944,68 | 144,70 |
| 1.180   | Broad beans<br>ex 0708 90 00   | —                                | —        | —        | —      |
| 1.190   | Globe artichokes<br>0709 10 00   | —                                | —        | —        | —      |
| 1.200   | Asparagus:   |                                  |          |          |        |
| 1.200.1 | — green<br>ex 0709 20 00   | 376,38                           | 2 795,21 | 3 462,05 | 257,60 |
| 1.200.2 | — other<br>0709 20 00  | 427,27                           | 3 173,12 | 3 930,11 | 292,42 |
| 1.210   | Aubergines (eggplants)<br>0709 30 00   | 80,50                            | 597,85   | 740,48   | 55,10  |

| Code   | Description  | Amount of unit values per 100 kg |          |          |        |
|--------|--|----------------------------------|----------|----------|--------|
|        | Species, varieties, CN code  | EUR                              | DKK      | SEK      | GBP    |
| 1.220  | Ribbed celery ( <i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.)<br>ex 0709 40 00  | 98,53                            | 731,74   | 906,31   | 67,43  |
| 1.230  | Chantarelles<br>0709 59 10   | 809,36                           | 6 010,71 | 7 444,66 | 553,93 |
| 1.240  | Sweet peppers<br>0709 60 10  | 201,28                           | 1 494,84 | 1 851,45 | 137,76 |
| 1.270  | Sweet potatoes, whole, fresh (intended for human consumption)<br>0714 20 10  | 121,27                           | 900,60   | 1 115,45 | 83,00  |
| 2.10   | Chestnuts ( <i>Castanea</i> spp.), fresh<br>ex 0802 40 00  | —                                | —        | —        | —      |
| 2.30   | Pineapples, fresh<br>ex 0804 30 00   | 131,73                           | 978,31   | 1 211,70 | 90,16  |
| 2.40   | Avocados, fresh<br>ex 0804 40 00   | 190,07                           | 1 411,59 | 1 748,34 | 130,09 |
| 2.50   | Guavas and mangoes, fresh<br>ex 0804 50 00   | 90,98                            | 675,65   | 836,83   | 62,27  |
| 2.60   | Sweet oranges, fresh:  |                                  |          |          |        |
| 2.60.1 | — Sanguines and semi-sanguines<br>0805 10 10   | —                                | —        | —        | —      |
| 2.60.2 | — Navels, navelines, navelates, salustianas, vernas, Valencia lates,<br>Maltese, shamoutis, ovalis, trovita and hamllins<br>0805 10 30 | —                                | —        | —        | —      |
| 2.60.3 | — Others<br>0805 10 50   | —                                | —        | —        | —      |
| 2.70   | Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:                         |                                  |          |          |        |
| 2.70.1 | — Clementines<br>ex 0805 20 10   | 123,90                           | 920,17   | 1 139,69 | 84,80  |
| 2.70.2 | — Monreales and satsumas<br>ex 0805 20 30  | 105,63                           | 784,46   | 971,60   | 72,29  |
| 2.70.3 | — Mandarines and wilkings<br>ex 0805 20 50   | 67,30                            | 499,80   | 619,04   | 46,06  |
| 2.70.4 | — Tangerines and others<br>ex 0805 20 70<br>ex 0805 20 90  | 67,72                            | 502,91   | 622,89   | 46,35  |
| 2.85   | Limes ( <i>Citrus aurantifolia</i> , <i>Citrus latifolia</i> ), fresh<br>0805 50 90  | 62,75                            | 466,01   | 577,19   | 42,95  |
| 2.90   | Grapefruit, fresh:   |                                  |          |          |        |
| 2.90.1 | — white<br>ex 0805 40 00   | 61,40                            | 455,97   | 564,74   | 42,02  |
| 2.90.2 | — pink<br>ex 0805 40 00  | 64,79                            | 481,14   | 595,93   | 44,34  |
| 2.100  | Table grapes<br>0806 10 10   | 137,25                           | 1 019,31 | 1 262,48 | 93,94  |
| 2.110  | Water melons<br>0807 11 00   | 65,75                            | 488,29   | 604,78   | 45,00  |

| Code    | Description   | Amount of unit values per 100 kg |           |           |          |
|---------|---|----------------------------------|-----------|-----------|----------|
|         | Species, varieties, CN code   | EUR                              | DKK       | SEK       | GBP      |
| 2.120   | Melons (other than water melons):   |                                  |           |           |          |
| 2.120.1 | — Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro<br>ex 0807 19 00 | 58,46                            | 434,18    | 537,77    | 40,01    |
| 2.120.2 | — Other<br>ex 0807 19 00  | 103,38                           | 767,74    | 950,98    | 70,75    |
| 2.140   | Pears   |                                  |           |           |          |
| 2.140.1 | — Pears — nashi ( <i>Pyrus pyrifolia</i> ),<br>Pears — Ya ( <i>Pyrus bretschneideri</i> )<br>ex 0808 20 50                                    | —                                | —         | —         | —        |
| 2.140.2 | — Other<br>ex 0808 20 50  | —                                | —         | —         | —        |
| 2.150   | Apricots<br>0809 10 00  | 430,13                           | 3 194,36  | 3 956,42  | 294,38   |
| 2.160   | Cherries<br>0809 20 95<br>0809 20 05  | 482,89                           | 3 586,18  | 4 441,72  | 330,49   |
| 2.170   | Peaches<br>0809 30 90   | 154,97                           | 1 150,91  | 1 425,48  | 106,06   |
| 2.180   | Nectarines<br>ex 0809 30 10   | 158,16                           | 1 174,57  | 1 454,78  | 108,24   |
| 2.190   | Plums<br>0809 40 05   | 125,33                           | 930,76    | 1 152,81  | 85,78    |
| 2.200   | Strawberries<br>0810 10 00  | 110,17                           | 818,18    | 1 013,37  | 75,40    |
| 2.205   | Raspberries<br>0810 20 10   | 361,18                           | 2 682,30  | 3 322,21  | 247,19   |
| 2.210   | Fruit of the species <i>Vaccinium myrtillus</i><br>0810 40 30   | 1 871,84                         | 13 901,24 | 17 217,59 | 1 281,09 |
| 2.220   | Kiwi fruit ( <i>Actinidia chinensis</i> Planch.)<br>0810 50 00  | 172,39                           | 1 280,25  | 1 585,68  | 117,98   |
| 2.230   | Pomegranates<br>ex 0810 90 95   | 301,07                           | 2 235,90  | 2 769,30  | 206,05   |
| 2.240   | Khakis (including sharon fruit)<br>ex 0810 90 95  | 254,69                           | 1 891,44  | 2 342,67  | 174,31   |
| 2.250   | Lychees<br>ex 0810 90 30  | 175,48                           | 1 303,21  | 1 614,11  | 120,10   |

**COMMISSION REGULATION (EC) No 642/2003**  
**of 9 April 2003**  
**fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1513/2001 <sup>(2)</sup>, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2962/77 <sup>(4)</sup>.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market.
- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 10 April 2003.

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

Done at Brussels, 9 April 2003.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 72, 30.9.1966, p. 3025/66.

<sup>(2)</sup> OJ L 201, 26.7.2001, p. 4.

<sup>(3)</sup> OJ L 78, 31.3.1972, p. 1.

<sup>(4)</sup> OJ L 348, 30.12.1977, p. 53.

## ANNEX

**to the Commission Regulation of 9 April 2003 fixing the export refunds on olive oil**

| Product code    | Destination | Unit of measurement | Amount of refund |
|-----------------|-------------|---------------------|------------------|
| 1509 10 90 9100 | A00         | EUR/100 kg          | 0,00             |
| 1509 10 90 9900 | A00         | EUR/100 kg          | 0,00             |
| 1509 90 00 9100 | A00         | EUR/100 kg          | 0,00             |
| 1509 90 00 9900 | A00         | EUR/100 kg          | 0,00             |
| 1510 00 90 9100 | A00         | EUR/100 kg          | 0,00             |
| 1510 00 90 9900 | A00         | EUR/100 kg          | 0,00             |

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

The numeric destination codes are set out in Commission Regulation (EC) No 1779/2002 (OJ L 269, 5.10.2002, p. 6).

**COMMISSION REGULATION (EC) No 643/2003**  
**of 9 April 2003**  
**on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat <sup>(1)</sup>, as last amended by Regulation (EC) No 1524/2002 <sup>(2)</sup>,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2002 to 30 June 2003 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. All applications for import licences from 1 to 5 April 2003 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of May 2003 for 9 822,954 t.

*Article 2*

This Regulation shall enter into force on 11 April 2003.

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

Done at Brussels, 9 April 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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<sup>(1)</sup> OJ L 137, 28.5.1997, p. 10.

<sup>(2)</sup> OJ L 229, 27.8.2002, p. 7.

## II

(Acts whose publication is not obligatory)

## COMMISSION

**COMMISSION DECISION**  
**of 9 April 2003**  
**amending Decision 2000/690/EC setting up an Enterprise Policy Group**

(Text with EEA relevance)

(2003/247/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) By Commission Decision 2000/690/EC of 8 November 2000 setting up an Enterprise Policy Group <sup>(1)</sup> an Enterprise Policy Group was established, of which the Professional Chamber comprises up to 40 members. With a view to enlargement the number of members of the Professional Chamber, representing a wide range of expertise in domains of importance to enterprises, should be increased.
- (2) Decision 2000/690/EC should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

*Sole Article*

In the second indent of Article 2(1), of Decision 2000/690/EC the number '40' is replaced by '45'.

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 9 April 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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<sup>(1)</sup> OJ L 285, 10.11.2000, p. 24.



## COMMISSION DECISION

of 9 April 2003

**authorising Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of strawberry (*Fragaria L.*), intended for planting, other than seeds, originating in Argentina**

(notified under document number C(2003) 1183)

(2003/248/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, as last amended by Commission Directive 2003/22/EC <sup>(2)</sup>, and in particular Article 15(1) thereof,

Having regard to the request made by France,

Whereas:

- (1) Under Directive 2000/29/EC, plants of strawberry (*Fragaria L.*), intended for planting, other than seeds, originating in non-European countries, other than Mediterranean countries, Australia, New Zealand, Canada and the continental states of the United States of America, may not in principle be introduced into the Community. However, that Directive permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms.
- (2) In Argentina, the multiplication of plants of *Fragaria L.*, intended for planting, other than seeds, from plants supplied by a Member State, has become an established practice. The plants produced are afterwards exported to the Community to be planted for fruit production.
- (3) Since 1993, by a succession of decisions, the most recent being Commission Decision 2001/441/EC <sup>(3)</sup>, derogations from certain provisions of Directive 2000/29/EC in respect of plants of *Fragaria L.*, intended for planting, other than seeds, originating in Argentina, have been authorised for limited periods and subject to specific conditions.
- (4) The circumstances justifying those derogations are still valid and there is no new information giving cause for revision of the specific conditions.
- (5) The Member States should therefore be authorised to provide for derogations, for certain limited periods and subject to specific conditions.
- (6) That authorisation to provide for derogations should be terminated if it is established that the specific conditions laid down in this Decision are not sufficient to prevent the introduction of harmful organisms into the Community or have not been complied with.

- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1*

Member States are authorised to provide for derogations from Article 4(1) of Directive 2000/29/EC, with regard to the prohibitions referred to in point 18 of Part A of Annex III, to that Directive for plants of strawberry (*Fragaria L.*), intended for planting, other than seeds, originating in Argentina (hereinafter referred to as the plants).

The authorisation to provide for derogations, as provided for in paragraph 1 (hereinafter referred to as the authorisation), shall be subject, in addition to the conditions laid down in Annexes I, II and IV to Directive 2000/29/EC, to the conditions provided for in the Annex, and shall only apply to the plants that are introduced into the Community, in the periods from:

- (a) 1 June 2003 to 30 September 2003;
- (b) 1 June 2004 to 30 September 2004;
- (c) 1 June 2005 to 30 September 2005; and
- (d) 1 June 2006 to 30 September 2006.

*Article 2*

Member States shall provide the Commission and the other Member States, before 30 November of the year of importation, with:

- (a) the information on quantities of plants imported pursuant to this Decision; and
- (b) a detailed technical report of the official inspections and testing referred to in point 5 of the Annex.

Any Member State in which the plants are subsequently planted after their import, shall also provide the Commission and the other Member States, before 31 March of the year following the importation, with a detailed technical report of the official inspections and testing referred to in point 8 of the Annex.

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

<sup>(2)</sup> OJ L 78, 25.3.2003, p. 10.

<sup>(3)</sup> OJ L 155, 12.6.2001, p. 15.

*Article 3*

Member States shall immediately notify the Commission and the other Member States of all consignments introduced into their territory pursuant to this Decision which were subsequently found not to comply with this Decision.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 9 April 2003.

*For the Commission*  
David BYRNE  
*Member of the Commission*

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## ANNEX

**Specific conditions applying to plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in Argentina benefiting from derogations provided for in Article 1 of this Decision**

1. The plants shall be intended for fruit production within the Community and shall have been:
  - (a) produced exclusively from mother plants, which were imported from a Member State and certified under an approved certification scheme of a Member State;
  - (b) grown on land which:
    - is situated in an area isolated from commercial strawberry production;
    - is situated at least one kilometre from the nearest crop of strawberry plants grown for fruit or runner production which do not satisfy the conditions of this Decision;
    - is situated at least 200 metres from any other plants of the genus *Fragaria* which do not satisfy the conditions of this Decision; and
    - was, subsequent to the removal of the previous crops and before the planting of the plants, either officially tested by appropriate methods and shown to be free from harmful soil infesting organisms including *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens, or treated to ensure it was free from those organisms;
  - (c) officially inspected by the Plant Protection Service of Argentina, at least three times during the growing season and again prior to export for the presence of the harmful organisms listed in Part A of Annexes I and II to Directive 2000/29/EC, in particular:
    - *Aphelenchoides besseyi* Christie,
    - *Colletotrichum acutatum* Simmonds,
    - *Globodera pallida* (Stone) Behrens,
    - *Globodera rostochiensis* (Wollenweber) Behrens,
    - *Naupactus leucoloma* (Boheman),
    - *Phytophthora fragariae* Hickmann var. *fragariae*,
    - Strawberry crinkle virus,
    - Strawberry mild yellow edge virus,
    - Strawberry vein banding virus,
    - *Xanthomonas fragariae* Kennedy and King,
    - *Xiphinema americanum* Cobb *sensu lato* (non European populations);and of any other harmful organism which is not known to occur in the Community such as:
    - *Dendrophoma obscurans*,
    - *Fusarium oxysporum* f.sp. *fragariae*,
    - *Loxostege similalis*,
    - *Pratylenchus zae*,
    - *Rhizoctonia fragariae*;and on each occasion found to be free from all such organisms;
  - (d) prior to export:
    - shaken free from soil or other growing medium,
    - cleaned (i.e. free from plant debris) and free from flowers and fruits.
2. The plants shall be accompanied by a phytosanitary certificate issued in Argentina which complies with Article 7(1) and Article 13(1) of Directive 2000/29/EC, on the basis of the examination laid down therein.

The certificate shall state:

  - under the rubric 'Disinfestation and/or disinfection treatment', the specification of the last treatment(s) applied prior to export,
  - under 'Additional Declaration', the indication 'This consignment meets the conditions laid down in Commission Decision 2003/248/EC', as well as the name of the variety and the Member State certification scheme under which the mother plants have been certified.
3. The plants shall be introduced through points of entry designated for the purpose of the authorisation by the Member State in which they are situated.

Those points of entry and the name and address of the responsible official body referred to in Directive 2000/29/EC in charge of each point of entry shall be notified sufficiently in advance by the Member States to the Commission and shall be made available on request to other Member States.

Where the introduction of the plants into the Community takes place in a Member State other than the Member State making use of the authorisation, the responsible official bodies of the Member State of introduction shall inform and cooperate with the responsible official bodies of the Member States making use of the authorisation to ensure that this Decision is complied with.

4. Prior to introduction of the plants into the Community, the importer shall be officially informed of the conditions laid down in points 1 to 6.

The said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies of the Member State of introduction indicating the following:

- the type of material,
- the quantity of plants,
- the intended date of introduction into the Community,
- the intended point of entry into the Community,
- the name, addresses and the locations where the plants are to be stored under official control pending the results of the inspections referred to in point 5 or of the premises referred to in point 6 where the plants are to be planted after having successfully undergone the inspections and testing referred to in point 5.

The importer shall inform the responsible official bodies concerned of any changes to the details referred to in this point as soon as they are known.

The Member State concerned shall inform the Commission of the details referred to in this point, and of any changes to them without delay.

At least two weeks before the date the plants are moved from the premises where they are stored, the importer shall notify the responsible official body of the premises referred to in point 6 where the plants are to be planted.

5. The inspections, including testing as appropriate, required under Article 13 of Directive 2000/29/EC and under point 8 of this Decision shall be made by the responsible official bodies in the Member State making use of the authorisation, and where appropriate, in cooperation with the responsible official bodies of the Member State where the plants are to be planted.

During those inspections, Member State(s) shall also inspect, and where appropriate, test for harmful organisms mentioned in point 1(c). Any finding of such harmful organisms shall immediately be notified to the Commission. Appropriate action shall be taken to destroy the harmful organisms and where appropriate the plants concerned.

Without prejudice to the monitoring referred to in the second indent of Article 21(3) of Directive 2000/29/EC, the Commission shall determine to what extent the inspections referred to in that indent shall be integrated into the inspection programme in accordance with the fifth subparagraph of Article 21(5) of that Directive.

6. The plants shall be planted only at premises officially registered and approved for the purposes of the authorisation.

The person who intends to plant the plants shall notify in advance the responsible official bodies of the Member State in which the premises are situated of the name and address of the owner of those premises.

Where the place of planting is situated in a Member State other than the Member State making use of the authorisation, the responsible official bodies of the Member State making use of the authorisation shall inform the responsible official bodies of the Member State where the plants are to be planted of the name and addresses of the premises where the plants are to be planted. Such information shall be given at the moment of the receipt of the advance notification from the importer as referred to in point 4.

7. The responsible official bodies shall ensure that any plant not planted in accordance with point 6 is destroyed under their control.

Records of the numbers of such plants destroyed shall be kept and made available to the Commission on request.

8. In the growing period following importation, a suitable proportion of the plants shall be visually inspected by the responsible official bodies of the Member State where the plants are planted, at appropriate times, at the premises referred to in point 6, for the presence, signs or symptoms of any harmful organism. As a result of such visual inspection, any harmful organism having caused signs or symptoms shall be identified by an appropriate testing procedure. Any plant which has not been found free during the said inspections or testing, from the harmful organisms mentioned in point (1)(c) shall be immediately destroyed under the control of the responsible official bodies. The Commission shall be immediately notified thereof.
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## COMMISSION DECISION

of 9 April 2003

**authorising Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in Chile**

(notified under document number C(2003) 1184)

(2003/249/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, as last amended by Commission Directive 2003/22/EC <sup>(2)</sup>, and in particular Article 15(1) thereof,

Having regard to the request made by France,

Whereas:

- (1) Under Directive 2000/29/EC, plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in non-European countries, other than Mediterranean countries, Australia, New Zealand, Canada and the continental states of the United States of America, may not in principle be introduced into the Community. However, that Directive permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms.
- (2) In Chile, the multiplication of plants of *Fragaria* L., intended for planting, other than seeds, from plants supplied by a Member State, has become an established practice. The plants produced are afterwards exported to the Community to be planted for fruit production.
- (3) Since the 2001 season, by Commission Decisions 2000/700/EC <sup>(3)</sup> and 2002/316/EC <sup>(4)</sup>, derogations from certain provisions of Directive 2000/29/EC in respect of plants of *Fragaria* L., intended for planting, other than seeds, originating in Chile have been authorised for limited periods and subject to specific conditions.
- (4) The circumstances justifying those derogations are still valid, and there is no new information giving cause for revision of the specific conditions.
- (5) The Member States should therefore be authorised to provide for derogations, for certain limited periods and subject to specific conditions.

- (6) That authorisation to provide for derogations should be terminated if it is established that the specific conditions laid down in this Decision are not sufficient to prevent the introduction of harmful organisms into the Community or have not been complied with.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

*Article 1*

Member States are authorised to provide for derogations from Article 4(1) of Directive 2000/29/EC, with regard to the prohibitions referred to in point 18 of Part A of Annex III to that Directive for plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in Chile (hereinafter referred to as the plants).

The authorisation to provide for derogations, as provided for in paragraph 1 (hereinafter referred to as the authorisation), shall be subject, in addition to the conditions laid down in Annexes I, II and IV to Directive 2000/29/EC, to the conditions provided for in the Annex, and shall only apply to the plants that are introduced into the Community, in the periods from:

- (a) 1 June 2003 to 30 September 2003;
- (b) 1 June 2004 to 30 September 2004;
- (c) 1 June 2005 to 30 September 2005; and
- (d) 1 June 2006 to 30 September 2006.

*Article 2*

Member States shall provide the Commission and the other Member States, before 30 November of the year of importation, with:

- (a) the information on quantities of plants imported pursuant to this Decision; and
- (b) a detailed technical report of the official inspections and testing referred to in point 5 of the Annex.

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

<sup>(2)</sup> OJ L 78, 25.3.2003, p. 10.

<sup>(3)</sup> OJ L 287, 14.11.2000, p. 65.

<sup>(4)</sup> OJ L 113, 30.4.2002, p. 32.

Any Member State in which the plants are subsequently planted after their import, shall also provide the Commission and the other Member States, before 31 March of the year following the importation, with a detailed technical report of the official inspections and testing referred to in point 8 of the Annex.

*Article 3*

Member States shall immediately notify the Commission and the other Member States of all consignments introduced into their territory pursuant to this Decision which were subsequently found not to comply with this Decision.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 9 April 2003.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

**Specific conditions applying to plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in Chile benefiting from derogations provided for in Article 1 of this Decision**

1. The plants shall be intended for fruit production within the Community and shall have been:
  - (a) produced exclusively from mother plants, which were imported from Member State and certified under an approved certification scheme of a Member State;
  - (b) grown on land which:
    - is situated in an area isolated from commercial strawberry production,
    - is situated at least one kilometre from the nearest crop of strawberry plants grown for fruit or runner production which do not satisfy the conditions of this Decision,
    - is situated at least 200 metres from any other plants of the genus *Fragaria* which do not satisfy the conditions of this Decision, and
    - was, subsequent to the removal of the previous crops and before the planting of the plants, either officially tested by appropriate methods and shown to be free from harmful soil infesting organisms including *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens, or treated to ensure it was free from those organisms;
  - (c) officially inspected by the Plant Protection Service of Chile, at least three times during the growing season and again prior to export for the presence of the harmful organisms listed in part A of Annexes I and II to Directive 2000/29/EC, in particular:
    - Arabis mosaic virus,
    - *Colletotrichum acutatum* Simmonds,
    - *Globodera pallida* (Stone) Behrens,
    - *Globodera rostochiensis* (Wollenweber) Behrens,
    - *Naupactus leucoloma* (Boheman),
    - *Phytophthora fragariae* Hickmann var. *fragariae*,
    - Strawberry crinkle virus,
    - Strawberry mild yellow edge virus,
    - Strawberry vein banding virus,
    - *Xanthomonas fragariae* Kennedy and King,
    - *Xiphinema americanum* Cobb *sensu lato* (non European populations);and of any other harmful organism which is not known to occur in the Community such as:
    - *Aegorhinus phaleratus* Erichson,
    - *Aegorhinus superciliosus germari* (Gay Solier),
    - *Chaetosiphon thomasi* Hille Risambers,
    - *Pseudoleucania bilitura* Guenée,
    - *Fusarium oxysporum* fsp. *fragariae*,
    - *Fragaria Chiloensis* ilar virus,and on each occasion found to be free from all such organisms;
  - (d) prior to export:
    - shaken free from soil or other growing medium,
    - cleaned (i.e. free from plant debris) and free from flowers and fruits.
2. The plants shall be accompanied by a phytosanitary certificate issued in Chile in accordance with Article 7(1) and Article 13(1) of Directive 2000/29/EC, on the basis of the examination laid down therein.

The certificate shall state:

  - under the rubric 'Disinfestation and/or disinfection treatment', the specification of the last treatment(s) applied prior to export,
  - under 'Additional Declaration', the indication 'This consignment meets the conditions laid down in Commission Decision 2003/249/EC', as well as the name of the variety and the Member State certification scheme under which the mother plants have been certified.
3. The plants shall be introduced through points of entry designated for the purpose of the authorisation by the Member State in which they are situated.



Those points of entry and the name and address of the responsible official body referred to in Directive 2000/29/EC in charge of each point of entry shall be notified sufficiently in advance by the Member States to the Commission and shall be made available on request to other Member States.

Where the introduction of the plants into the Community takes place in a Member State other than the Member State making use of the authorisation, the responsible official bodies of the Member State of introduction shall inform and cooperate with the responsible official bodies of the Member States making use of the authorisation to ensure that this Decision is complied with.

4. Prior to introduction of the plants into the Community, the importer shall be officially informed of the conditions laid down in points 1 to 6.

The said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies of the Member State of introduction indicating the following:

- the type of material,
- the quantity of plants,
- the intended date of introduction into the Community,
- the intended point of entry into the Community,
- the name, addresses and the locations where the plants are to be stored under official control pending the results of the inspections referred to in point 5 or of the premises referred to in point 6 where the plants are to be planted after having successfully undergone the inspections and testing referred to in point 5.

The importer shall inform the responsible official bodies concerned of any changes to the details referred to in this point as soon as they are known.

The Member State concerned shall inform the Commission of the details referred to in this point, and of any changes to them without delay.

At least two weeks before the date the plants are moved from the premises where they are stored, the importer shall notify the responsible official body of the premises referred to in point 6 where the plants are to be planted.

5. The inspections including testing, as appropriate, required under Article 13 of Directive 2000/29/EC and under point 8 of this Decision shall be made by the responsible official bodies in the Member State making use of the authorisation, and where appropriate, in cooperation with the responsible official bodies of the Member State where the plants are to be planted.

During those inspections, Member State(s) shall also inspect, and where appropriate, test for harmful organisms mentioned in point 1(c). Any finding of such harmful organisms shall immediately be notified to the Commission. Appropriate action shall be taken to destroy the harmful organisms and where appropriate the plants concerned.

Without prejudice to the monitoring referred to in the second indent of Article 21(3) of Directive 2000/29/EC, the Commission shall determine to what extent the inspections referred to in that indent shall be integrated into the inspection programme in accordance with the third subparagraph of Article 21(5) of that Directive.

6. The plants shall be planted only at premises officially registered and approved for the purposes of the authorisation.

The person who intends to plant the plants shall notify in advance the responsible official bodies of the Member State in which the premises are situated of the name and address of the owner of those premises.

Where the place of planting is situated in a Member State other than the Member State making use of the authorisation, the responsible official bodies of the Member State making use of the authorisation shall inform the responsible official bodies of the Member State where the plants are to be planted of the name and addresses of the premises where the plants are to be planted. Such information shall be given at the moment of the receipt of the advance notification from the importer as referred to in point 4.

7. The responsible official bodies shall ensure that any plant not planted in accordance with point 6 is destroyed under their control.

Records of the numbers of such plants destroyed shall be kept and made available to the Commission on request.

8. In the growing period following importation, a suitable proportion of the plants shall be visually inspected by the responsible official bodies of the Member State where the plants are planted, at appropriate times, at the premises referred to in point 6, for the presence, signs or symptoms of any harmful organism. As a result of such visual inspection, any harmful organism having caused signs or symptoms shall be identified by an appropriate testing procedure. Any plant which has not been found free during the said inspections or testing, from the harmful organisms mentioned in point (1)(c) shall be immediately destroyed under the control of the responsible official bodies. The Commission shall be immediately notified thereof.
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## COMMISSION DECISION

of 9 April 2003

**authorising Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in the Republic of South Africa**

(notified under document number C(2003) 1185)

(2003/250/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, as last amended by Commission Directive 2003/22/EC <sup>(2)</sup>, and in particular Article 15(1) thereof,

Having regard to the request made by France,

Whereas:

- (1) Under Directive 2000/29/EC, plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in non-European countries, other than Mediterranean countries, Australia, New Zealand, Canada and the continental states of the United States of America, may not in principle be introduced into the Community. However, that Directive permits derogations from that rule, provided that it is established that there is no risk of spreading harmful organisms.
- (2) In the Republic of South Africa, the multiplication of plants of *Fragaria* L., intended for planting, other than seeds, from plants supplied by a Member State, has become an established practice. The plants produced are afterwards exported to the Community to be planted for fruit production.
- (3) By Commission Decisions 97/488/EC <sup>(3)</sup>, 98/432/EC <sup>(4)</sup> and 1999/383/EC <sup>(5)</sup>, derogations from certain provisions of Directive 2000/29/EC in respect of plants of *Fragaria* L., intended for planting, other than seeds, originating in the Republic of South Africa have been authorised for limited periods and subject to specific conditions.
- (4) The circumstances justifying those derogations are still valid, and there is no new information giving cause for revision of the specific conditions.
- (5) The Member States should therefore be authorised to provide for derogations, for certain limited periods and subject to specific conditions.

- (6) That authorisation to provide for derogations should be terminated if it is established that the specific conditions laid down in this Decision are not sufficient to prevent the introduction of harmful organisms into the Community or have not been complied with.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

## Article 1

Member States are authorised to provide for derogations from Article 4(1) of Directive 2000/29/EC, with regard to the prohibitions referred to in point 18 of Part A of Annex III to that Directive for plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in the Republic of South Africa (hereinafter referred to as the plants).

The authorisation to provide for derogations, as provided for in paragraph 1 (hereinafter referred to as the authorisation), shall be subject, in addition to the conditions laid down in Annexes I, II and IV to Directive 2000/29/EC, to the conditions provided for in the Annex, and shall only apply to the plants that are introduced into the Community, in the periods from:

- (a) 1 June 2003 to 30 September 2003;
- (b) 1 June 2004 to 30 September 2004;
- (c) 1 June 2005 to 30 September 2005; and
- (d) 1 June 2006 to 30 September 2006.

## Article 2

Member States shall provide the Commission and the other Member States, before 30 November of the year of importation, with:

- (a) the information on quantities of plants imported pursuant to this Decision; and
- (b) a detailed technical report of the official inspections and testing referred to in point 5 of the Annex.

Any Member State in which the plants are subsequently planted after their import, shall also provide the Commission and the other Member States, before 31 March of the year following the importation, with a detailed technical report of the official inspections and testing referred to in point 8 of the Annex.

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

<sup>(2)</sup> OJ L 78, 25.3.2003, p. 10.

<sup>(3)</sup> OJ L 208, 2.8.1997, p. 49.

<sup>(4)</sup> OJ L 192, 8.7.1998, p. 16.

<sup>(5)</sup> OJ L 146, 11.6.1999, p. 48.

*Article 3*

Member States shall immediately notify the Commission and the other Member States of all consignments introduced into their territory pursuant to this Decision which were subsequently found not to comply with this Decision.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 9 April 2003.

*For the Commission*  
David BYRNE  
*Member of the Commission*

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## ANNEX

**Specific conditions applying to plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in the Republic of South Africa benefiting from derogations provided for in Article 1 of this Decision**

1. The plants shall be intended for fruit production within the Community and shall have been:
  - (a) produced exclusively from mother plants, which were imported from Member State and certified under an approved certification scheme of a Member State;
  - (b) grown on land which is:
    - situated in the Elliot district of the North Eastern Cape Region,
    - is situated in an area isolated from commercial strawberry production,
    - is situated at least one kilometre from the nearest crop of strawberry plants grown for fruit or runner production which do not satisfy the conditions of this Decision,
    - is situated at least 200 metres from any other plants of the genus *Fragaria* L. which do not satisfy the conditions of this Decision, and
    - was, subsequent to the removal of the previous crops and before the planting of the plants, either officially tested by appropriate methods and shown to be free from harmful soil infesting organisms including *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens, or treated to ensure it was free from those organisms;
  - (c) officially inspected by the Plant Protection Service of the Republic of South Africa, at least three times during the growing season and again prior to export for the presence of the harmful organisms listed in part A of Annexes I and II to Directive 2000/29/EC, in particular:
    - *Aphelenchoides besseyi* Christie,
    - Arabis mosaic virus,
    - *Colletotrichum acutatum* Simmonds,
    - *Globodera pallida* (Stone) Behrens,
    - *Globodera rostochiensis* (Wollenweber) Behrens,
    - *Naupactus leucoloma* (Boheman),
    - Strawberry crinkle virus,
    - Strawberry mild yellow edge virus,
    - *Xiphinema americanum* Cobb *sensu lato* (non European populations);and of any other harmful organism which is not known to occur in the Community such as:
    - *Eremnus setulosus* (Boheman),
    - *Heteronychus arator* (Fabricius),and on each occasion found to be free from all such organisms;
  - (d) prior to export:
    - shaken free from soil or other growing medium,
    - cleaned (i.e. free from plant debris) and free from flowers and fruits.
2. The plants shall be accompanied by a phytosanitary certificate issued in the Republic of South Africa in accordance with Article 7(1) and Article 13(1) of Directive 2000/29/EC, on the basis of the examination laid down therein.

The certificate shall state:

  - under the rubric 'Disinfestation and/or disinfection treatment', the specification of the last treatment(s) applied prior to export,
  - under 'Additional Declaration', the indication 'This consignment meets the conditions laid down in Commission Decision 2003/250/EC', as well as the name of the variety and the Member State certification scheme under which the mother plants have been certified.
3. The plants shall be introduced through points of entry designated for the purpose of the authorisation by the Member State in which they are situated.

Those points of entry and the name and address of the responsible official body referred to in Directive 2000/29/EC in charge of each point of entry shall be notified sufficiently in advance by the Member States to the Commission and shall be made available on request to other Member States.

Where the introduction of the plants into the Community takes place in a Member State other than the Member State making use of the authorisation, the responsible official bodies of the Member State of introduction shall inform and cooperate with the responsible official bodies of the Member States making use of the authorisation to ensure that this Decision is complied with.

4. Prior to introduction of the plants into the Community, the importer shall be officially informed of the conditions laid down in points 1 to 6.

The said importer shall notify details of each introduction sufficiently in advance to the responsible official bodies of the Member State of introduction indicating the following:

- the type of material,
- the quantity of plants,
- the intended date of introduction into the Community,
- the intended point of entry into the Community,
- the name, addresses and the locations where the plants are to be stored under official control pending the results of the inspections referred to in point 5 or of the premises referred to in point 6 where the plants are to be planted after having successfully undergone the inspections and testing referred to in point 5.

The importer shall inform the responsible official bodies concerned of any changes to the details referred to in this point as soon as they are known.

The Member State concerned shall inform the Commission of the details referred to in this point, and of any changes to them without delay.

At least two weeks before the date the plants are moved from the premises where they are stored, the importer shall notify the responsible official body of the premises referred to in point 6 where the plants are to be planted.

5. The inspections including testing, as appropriate, required under Article 13 of Directive 2000/29/EC and under point 8 of this Decision shall be made by the responsible official bodies in the Member State making use of the authorisation, and where appropriate, in cooperation with the responsible official bodies of the Member State where the plants are to be planted.

During those inspections, Member State(s) shall also inspect, and where appropriate, test for harmful organisms mentioned in point 1(c). Any finding of such harmful organisms shall immediately be notified to the Commission. Appropriate action shall be taken to destroy the harmful organisms and where appropriate the plants concerned.

Without prejudice to the monitoring referred to in the second indent of Article 21(3) of Directive 2000/29/EC, the Commission shall determine to what extent the inspections referred to in that indent shall be integrated into the inspection programme in accordance with the third subparagraph of Article 21(5) of that Directive.

6. The plants shall be planted only at premises officially registered and approved for the purposes of the authorisation.

The person who intends to plant the plants shall notify in advance the responsible official bodies of the Member State in which the premises are situated of the name and address of the owner of those premises.

Where the place of planting is situated in a Member State other than the Member State making use of the authorisation, the responsible official bodies of the Member State making use of the authorisation shall inform the responsible official bodies of the Member State where the plants are to be planted of the name and addresses of the premises where the plants are to be planted. Such information shall be given at the moment of the receipt of the advance notification from the importer as referred to in point 4.

7. The responsible official bodies shall ensure that any plant not planted in accordance with point 6 is destroyed under their control.

Records of the numbers of such plants destroyed shall be kept and made available to the Commission on request.

8. In the growing period following importation, a suitable proportion of the plants shall be visually inspected by the responsible official bodies of the Member State where the plants are planted, at appropriate times, at the premises referred to in point 6, for the presence, signs or symptoms of any harmful organism. As a result of such visual inspection, any harmful organism having caused signs or symptoms shall be identified by an appropriate testing procedure. Any plant which has not been found free during the said inspections or testing, from the harmful organisms mentioned in point (1)(c) shall be immediately destroyed under the control of the responsible official bodies. The Commission shall be immediately notified thereof.
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**ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY  
FOR MIGRANT WORKERS**

**DECISION No 187**

**of 27 June 2002**

**on model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 111 and E 111B)**

**(Text with EEA relevance)**

(2003/251/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their family moving within the Community <sup>(1)</sup>, under which it is the duty of the Administrative Commission to deal with all administrative matters arising from Regulation (EEC) No 1408/71 and subsequent regulations,

Having regard to Article 2(1) of Council Regulation (EEC) No 574/72 <sup>(2)</sup> under which it is the duty of the Administrative Commission to draw up models of certificates, certified statements, declarations, applications and other documents necessary for the application of the Regulations,

Having regard to Decision No 179 of 18 April 2000 on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 111, E 111B, E 113 to E 118 and E 125 to E 127) <sup>(3)</sup>,

Whereas:

- (1) It is necessary to amend form E 111 and E 111B in order to make things clearer for insured persons and the members of their family with regard to benefits in the event of pre-existing illnesses.
- (2) The Agreement on the European Economic Area of 2 May 1992, supplemented by the Protocol of 17 March 1993, Annex VI, implements Regulations (EEC) No 1408/71 and (EEC) No 574/72 within the European Economic Area.
- (3) By Decision of the EEA Joint Committee, the model forms necessary for the application of Regulations (EEC) No 1408/71 and (EEC) No 574/72 will be adapted and used within the European Economic Area.
- (4) For practical reasons, identical forms should be used within the Community and within the European Economic Area.
- (5) The language in which the forms should be issued is the subject of Recommendation No 15 of the Administrative Commission,

HAS DECIDED AS FOLLOWS:

1. The model forms E 111 and E 111B reproduced in Decision No 179 shall be replaced by the models appended hereto.
2. The competent authorities of the Member States shall make available to the parties concerned (rightful claimants, institutions, employers, etc.) the forms according to the models appended hereto.

<sup>(1)</sup> OJ L 149, 5.7.1971, p. 2.

<sup>(2)</sup> OJ L 74, 27.3.1972, p. 1.

<sup>(3)</sup> OJ L 54, 25.2.2002, p. 1.

3. These forms shall be available in the official languages of the Community and laid out in such manner that the different versions are perfectly superposable, thereby making it possible for all addressees (rightful claimants, institutions, employers, etc.) to receive the form printed in their own language.
4. This Decision shall be applicable from the first day of the month following its publication in the *Official Journal of the European Union*.

*The Chairman of the Administrative Commission*

C. GARCÍA DE CORTÁZAR Y NEBREA

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**CERTIFICATE OF ENTITLEMENT TO BENEFITS IN KIND DURING A STAY IN A MEMBER STATE**

*Reg. 1408/71: Art. 22.1.a.i; Art. 22.a; Art. 22.3; Art. 31.a; Art. 34.a  
Reg. 574/72: Art. 20.4; Art. 21.1; Art. 23; Art. 31.1 and 3*

**NOTE: THIS DOCUMENT ESTABLISHES NO ENTITLEMENT IF THE PURPOSE OF THE JOURNEY IS TO RECEIVE MEDICAL TREATMENT ABROAD.**

|   |  |
|---|--|
| <b>1</b>  | <input type="checkbox"/> Employed person <input style="margin-left: 150px;" type="checkbox"/> Pensioner (scheme for employed persons) <input style="margin-left: 150px;" type="checkbox"/> Student |
| <input type="checkbox"/> Self-employed person <input style="margin-left: 150px;" type="checkbox"/> Pensioner (scheme for self-employed persons) <input style="margin-left: 150px;" type="checkbox"/> Other insured person |  |
| (Surname <sup>(1a)</sup> , Previous names <sup>(1a)</sup> , D.N.I. <sup>(2a)</sup> , Address)   |  |
|   |  |
| 1.1   | Identification No <sup>(2b)</sup> ..... Date of birth .....  |

|          |   |           |                |               |                                   |
|----------|---|-----------|----------------|---------------|-----------------------------------|
| <b>2</b> | Members of the family <sup>(3)</sup>                  |           |                |               |                                   |
| 2.1      | Surname <sup>(1a)</sup>                               | Forenames | Previous names | Date of birth | Identification No <sup>(2b)</sup> |
|          | .....   | .....     | .....          | .....         | .....                             |
|          | .....   | .....     | .....          | .....         | .....                             |
|          | .....   | .....     | .....          | .....         | .....                             |
|          | .....   | .....     | .....          | .....         | .....                             |
|          | .....   | .....     | .....          | .....         | .....                             |
|          | .....   | .....     | .....          | .....         | .....                             |
| 2.2      | Permanent address <sup>(2)</sup> <sup>(4)</sup> ..... |           |                |               |                                   |
|          | .....   |           |                |               |                                   |

**3** The above-named persons are entitled to benefits in kind under sickness and maternity insurance.  
These benefits may be provided

3.1 <sup>(5)</sup>  from ..... to ..... inclusive

3.2 <sup>(5)</sup>  from .....



|     |                              |                                  |
|-----|------------------------------|----------------------------------|
| 4   | Competent institution        |                                  |
| 4.1 | Name .....                   | Code number <sup>(6)</sup> ..... |
| 4.2 | Address <sup>(2)</sup> ..... |                                  |
| 4.3 | Stamp .....                  |                                  |
|     | 4.4                          | Date .....                       |
|     | 4.5                          | Signature .....                  |

|     |                  |          |      |                  |          |      |           |
|-----|------------------|----------|------|------------------|----------|------|-----------|
| 4.6 | Valid from ..... | to ..... | 4.10 | Valid from ..... | to ..... |      |           |
| 4.7 | Stamp            | 4.8      | Date | 4.11             | Stamp    |      |           |
|     |                  |          | 4.9  | Signature        | 4.12     | Date |           |
|     |                  |          |      |                  |          | 4.13 | Signature |

|     |  |                                  |
|-----|--|----------------------------------|
| 5   | Competent French institution for non-occupational accidents sustained by self-employed farmers |                                  |
| 5.1 | Name .....   | Code number <sup>(6)</sup> ..... |
| 5.2 | Address <sup>(2)</sup> .....   |                                  |
| 5.3 | Stamp .....  |                                  |
|     | 5.4  | Date .....                       |
|     | 5.5  | Signature .....                  |

## INSTRUCTIONS

Please complete this form in block letters, writing on the dotted lines only. It consists of three pages, none of which may be left out even if it does not contain any relevant information.

The competent institution or, where appropriate, the institution in the place of residence of the pensioner, or the member of the family of the worker should complete this form and send it to the person concerned, or send it to the institution in the place of stay if the form has been drawn up at the latter's request. This form is not required if the person concerned is staying in the United Kingdom.

## Information for the insured person and the members of his family

## (a) The document enables:

- in the event of immediate need the employed or self-employed person, student or other insured person and the members of his family named in box 2 who are staying temporarily in a Member State other than the competent State, and
- the pensioner and the members of his family, named in box 2 who are staying temporarily in a Member State other than that in which they habitually reside,

to obtain benefits in kind from insurance bodies in the country of stay, in the case of sickness (including chronic diseases and pre-existing illnesses) or maternity and, provisionally, in the event of an accident at work or occupational disease.

## (b) When one of the persons concerned has to seek benefits, including hospitalisation, he should submit this form to the insurance body in the country in which he is staying, i.e.:

in **Belgium**, the 'mutualité' (local sickness insurance fund) of his choice;

in **Denmark**, the competent 'amtskommune' (local administration). In the commune of Copenhagen, the 'magistrat' (municipal administration); in the commune of Frederiksberg, the 'kommunalbestyrelse' (municipal administration). Assistance from a doctor, dentist or dispensing chemist may be sought without first contacting the said institution. This form must be submitted for each claim for benefits. Particulars about doctors and dentists available may be obtained from the local 'social- og sundhedsforvaltning' (social and health authority);

in **Germany**, the sickness fund chosen by the person concerned;

in **Greece**, normally the regional or local branch of the Social Insurance Institute (IKA), which issues the person concerned with a 'health book', without which no benefits in kind can be provided;

in **Spain**, the medical and hospital services of the Spanish Social Security health system. The form must be submitted, together with a photocopy;

in **France**, the 'Caisse primaire d'assurance-maladie' (local sickness insurance fund);

in **Ireland**, the Health Board in whose area the benefit is claimed;

in **Italy**, the 'Unità sanitaria locale' (USL, the local health administration unit) responsible for the area concerned; for mariners and for civilian aircrews, the 'Ministero della sanità, Ufficio di sanità marittima o aerea' (Ministry of Health, the navy or aviation health office responsible for the area in question);

in **Luxembourg**, the 'Caisse de maladie des ouvriers';

in the **Netherlands**, the ANOZ Verzekeringen, Utrecht. Assistance from a doctor, dentist or dispensing chemist may be sought without first contacting ANOZ Verzekeringen if a person has to enter hospital, the admittance Form and Form E 111 will be sent by the hospital to ANOZ Verzekeringen;

in **Austria**, the 'Gebietskrankenkasse' (Regional Fund for Sickness Insurance);

in **Portugal**, for metropolitan Portugal: the 'Administração Regional de Saúde' (Regional Health Administration) of the place of stay; for Madeira: the 'Direcção Regional de Saúde Pública' (Regional Public Health Directorate) in Funchal; for the Azores: the 'Direcção Regional de Saúde' (Regional Health Directorate) in Angra do Heroísmo.

in **Finland**, the local office of the 'kansaneläkelaitos' (Social Insurance Institution), if compensation is sought for medical expenses incurred in the private sector. Benefits in kind can be obtained from municipal health centres and public hospitals by presenting the certificate;

in **Sweden**, the 'försäkringskassan' (Social Insurance Office). Assistance from the medical service (hospital, doctor, dentist, etc.) may be sought without first contacting the said institution;

in **Iceland**, the 'Tryggingastofnun ríkisins' (State Social Security Institute), Reykjavik;

in **Liechtenstein**, the 'Amt für Volkswirtschaft' (Office of National Economy), Vaduz;

in **Norway**, the lokale trygdekontor (local Insurance Office). Assistance from the medical service may be sought without first contacting the institution mentioned. This form should be presented when assistance is sought.

- (c) In order to receive cash benefits the person concerned shall, within three days of commencement of the incapacity for work, apply to the institution of the place of stay by submitting a notification of having ceased work or, if the legislation administered by the competent institution or by the institution of the place of stay so provides, a certificate of incapacity for work issued by the doctor providing treatment for the person concerned.

#### NOTES

\* EEA Agreement on the European Economic Area, Annex VI, Social Security: for the purposes of this Agreement the present form shall also apply to Iceland, Liechtenstein and Norway.

(<sup>1</sup>) Symbol of the country to which the institution completing the form belongs: B = Belgium; DK = Denmark; D = Germany; GR = Greece; E = Spain; F = France; IRL = Ireland; I = Italy; L = Luxembourg; NL = the Netherlands; A = Austria; P = Portugal; FIN = Finland; S = Sweden; GB = United Kingdom; IS = Iceland; FL = Liechtenstein; N = Norway.

(<sup>1a</sup>) In the case of Spanish nationals state both names at birth.

In the case of Portuguese nationals state all names (forenames, surname, maiden name) in the order of civil status in which they appear on the identity card or passport.

(<sup>2</sup>) Street, number, post code, town, country.

(<sup>2a</sup>) In the case of Spanish nationals state the number appearing on the national identity card (D.N.I.), if it exists, even if the card is out of date.

(<sup>2b</sup>) For Italian nationals indicate, if possible, the insurance number and/or the 'codice fiscale'.

(<sup>3</sup>) Include only those members of the family who are temporarily going to another Member State.

(<sup>4</sup>) Complete only if the address of the members of the family differs from that of the worker or pensioner.

(<sup>5</sup>) These two items are mutually exclusive. Give only that which is applicable and put a cross in the corresponding box.

(<sup>6</sup>) To be completed where this exists.





|                       |                |                       |                |
|-----------------------|----------------|-----------------------|----------------|
| 4.14 Valid from ..... | to .....       | 4.18 Valid from ..... | to .....       |
| 4.15 Stamp            | 4.16 Date      | 4.19 Stamp            | 4.20 Date      |
|                       | .....          |                       | .....          |
|                       | 4.17 Signature |                       | 4.21 Signature |
|                       | .....          |                       | .....          |

## INSTRUCTIONS

Please complete this form in block letters, writing on the dotted lines only.

The competent institution or, where appropriate, the institution in the place of residence of the pensioner, should complete this form and send it to the person concerned, or send it to the institution in the place of stay if the form has been drawn up at the latter's request. This form is not required if the person concerned is staying in the United Kingdom.

## Information for the insured person and the members of his family

(a) This document enables:

- the self-employed person and the members of his family named in box 2, who are staying temporarily in a Member State other than the competent State, and
- the pensioner covered by the scheme for the self-employed and the members of his family named in box 2, who are staying temporarily in a Member State other than that in which they habitually reside,

to obtain benefits in kind from insurance bodies in the country of stay only in the event of hospitalisation (including in the event of chronic diseases and pre-existing illnesses).

(b) When one of the persons concerned has to enter hospital, he should submit this form to the insurance body in the country in which he is staying, i.e.:

in **Denmark**, the competent 'amtskommune' (local administration). In the commune of Copenhagen, the 'magistrat' (municipal administration); in the commune of Frederiksberg, the 'kommunalbestyrelse' (municipal administration). This form must be submitted for each claim for benefits;

in **Germany**, the sickness fund chosen by the person concerned;

in **Greece**, the regional or local branch of the Social Insurance Institute (IKA) which issues the person concerned with a 'health book' without which no benefits can be provided;

in **Spain**, the hospital services provided under the social security scheme. The form must be submitted, together with a photocopy;

in **France**, the 'Caisse primaire d'assurance-maladie' (local sickness insurance fund);

in **Ireland**, the Health Board in whose area the benefit is claimed;

in **Italy**, the 'Unità sanitaria locale' (USL, the local health administration unit) responsible for the area concerned;

in **Luxembourg**, the 'Caisse de maladie des ouvriers' (sickness fund for manual workers);

in **the Netherlands**, the 'ANOZ-Verzekeringen', Utrecht;

in **Austria**, the 'Gebietskrankenkasse' (Regional Fund for Sickness Insurance) competent for your place of stay;

in **Portugal, for metropolitan Portugal**: the 'Administração Regional de Saúde' (Regional Health Administration of the place of stay); for Madeira:

the 'Direcção Regional de Saúde Pública' (Regional Public Health Directorate) in Funchal; for the Azores: the 'Direcção Regional de Saúde' (Regional Health Directorate) in Angra do Heroísmo;

in **Finland**, the local office of the 'Kansaneläkelaitos' (social insurance Institution) and the hospital providing treatment. This form must be submitted with each claim for benefits;

in **Sweden**, the 'försäkringskassan' (Social Insurance Office) at the place of stay;

in **Iceland**, the 'Tryggingastofnun ríkisins' (the State Social Security Institution), Reykjavik;

in **Liechtenstein**, the 'Amt für Volkswirtschaft' (the Office of National Economy), Vaduz;

in **Norway**, the 'lokale trygdekantor' (the local Insurance Office) at the place of stay.

## NOTES

(\*) EEA Agreement on the European Economic Area, Annex VI, Social Security: for the purposes of this Agreement the present form shall also apply to Iceland, Liechtenstein and Norway.

(<sup>1</sup>) Symbol of the country to which the institution completing the form belongs: B = Belgium.

(<sup>1a</sup>) In the case of Spanish nationals state both names at birth.

In the case of Portuguese nationals state all names (forenames, surname, maiden name) in the order of civil status in which they appear on the identity card or passport.

(<sup>1b</sup>) For Italian nationals indicate, if possible, the insurance number and/or the 'codice fiscale'.

(<sup>2</sup>) Street, number, post code, town, country.

(<sup>3</sup>) Include only those members of the family who are temporarily going to another Member State.

(<sup>4</sup>) Complete only if the address of the members of the family differs from that of the insured person or pensioner.

(<sup>5</sup>) To be completed where this exists.

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

**COUNCIL DECISION 2003/252/CFSP  
of 24 February 2003**

**concerning the conclusion of the Agreement between the European Union and the Republic of Albania on the activities of the European Union Monitoring Mission (EUMM) in the Republic of Albania**

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 22 December 2000, the Council adopted Joint Action 2000/811/CFSP on the European Union Monitoring Mission <sup>(1)</sup>.
- (2) Article 6 of that Joint Action provides that the detailed rules governing the EUMM operations in the areas of its responsibilities are to be laid down in arrangements to be concluded in accordance with the procedure laid down in Article 24 of the Treaty.
- (3) Following the Council Decision of 13 May 2002 authorising the Presidency to open negotiations, the Presidency negotiated an agreement with the Republic of Albania on the activities of the EUMM.
- (4) That agreement should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement between the European Union and the Republic of Albania on the activities of the European Union Monitoring Mission (EUMM) in the Republic of Albania 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*

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

*Article 4*

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

Done at Brussels, 24 February 2003.

*For the Council*  
*The President*  
G. PAPANDREOU

<sup>(1)</sup> OJ L 328, 23.12.2000, p. 53.

## AGREEMENT

### between the European Union and the Republic of Albania on the activities of the European Union Monitoring Mission (EUMM) in the Republic of Albania

THE EUROPEAN UNION,

on the one hand, and

THE REPUBLIC OF ALBANIA,

hereinafter called the Host Party, on the other hand,

together hereinafter called the Participating Parties,

TAKING INTO ACCOUNT:

- the presence of the European Community Monitor Mission (ECMM) in the Western Balkans since 1991,
- the Agreement on Prolongation and Extension of Activities of the Monitor Mission to Yugoslavia, signed at The Hague on 14 October 1991,
- the Memorandum of Understanding on the European Community Monitor Mission in the area of the Border of Albania with the Former Yugoslavia signed at Tirana on 21 December 1992,
- the presence of European Community/European Union monitors in the Republic of Albania since 1992,
- the adoption by the Council of the European Union on 22 December 2000 of Joint Action 2000/811/CFSP on the European Union Monitoring Mission, transforming ECMM into EUMM, as an instrument of the European Union's common foreign and security policy (CFSP), building on previous initiatives, to contribute to the effective formulation of European Union policy towards the Western Balkans,
- the extension of the mandate of the EUMM by Council Joint Action 2002/921/CFSP of 26 November 2002,

HAVE REACHED THE FOLLOWING UNDERSTANDINGS:

#### *Article 1*

##### **Mandate**

1. The European Union Monitoring Mission, hereinafter referred to as 'EUMM', formerly established in the region as the European Community Monitor Mission (ECMM), with its Headquarters at present in Sarajevo, shall establish a Mission Office in Tirana and such other Offices in the Republic of Albania as may be decided by the Head of Mission, in consultation and agreement with the Host Party, in order to contribute to the effective formulation of the European Union's policy towards the Western Balkans.

2. The EUMM shall operate in accordance with its mandate as contained in the Joint Action governing EUMM.

3. The Host Party shall provide the EUMM with all information and shall extend full cooperation as necessary for the accomplishment of the EUMM's objectives. The Host Party may appoint a liaison officer to the EUMM.

#### *Article 2*

##### **Status**

1. The Host Party shall take all necessary measures for the protection, safety and security of the EUMM and its members. Any specific provisions, proposed by the Host Party, shall be agreed with the Head of Mission before implementation.

2. For the purpose of conducting its activities, the EUMM and its personnel shall enjoy, together with its means of transport and equipment, freedom of movement, necessary for carrying out the mandate of the Mission.

3. When conducting its activities, the personnel of the EUMM may be accompanied by an interpreter and, at the request of the EUMM, by an escort officer appointed by the Host Party.

4. The EUMM may display the flag of the European Union on its Mission Office in Tirana, and otherwise as decided by the Head of Mission.

5. Vehicles, and other means of transport of the EUMM, shall carry a distinctive Mission identification, which shall be notified to the relevant authorities.

#### *Article 3*

##### **Composition**

1. The Head of Mission of the EUMM is appointed by the Council of the European Union.

2. Other EUMM personnel shall be seconded by the Member States of the European Union. They shall be assigned to specific appointments by the Head of Mission under the authority of the Secretary General/High Representative. Norway and Slovakia, which participate in the EUMM at the time of this Agreement, may also appoint personnel to the EUMM, and thereby be, together with the European Union and its Member States, Sending Parties.



3. Personnel of the EUMM shall be called Monitors.
4. The Governments of the Sending Parties shall appoint Monitors to the EUMM.
5. The Head of Mission shall determine the number of Monitors under this Agreement, in consultation and agreement with the Host Party.
6. Monitors shall not undertake any action or activity incompatible with the impartial nature of their duties.
7. The EUMM may avail itself of the assistance of administrative and technical staff from the Sending Parties. The members of the EUMM's administrative and technical staff shall enjoy a status equivalent to that enjoyed, in accordance with the Vienna Convention on Diplomatic Relations, by administrative and technical staff from Sending Parties employed in embassies.
8. The EUMM may recruit locally such auxiliary personnel, as it requires. Upon request of the Head of Mission, the Host Party shall facilitate the recruitment of qualified local staff by the EUMM. The EUMM's auxiliary personnel shall enjoy a status equivalent to that enjoyed, in accordance with the Vienna Convention on Diplomatic Relations, by locally employed staff in embassies.

#### *Article 4*

#### **Arms and dress**

1. Monitors may not carry arms.
2. Monitors shall wear white civilian dress, with distinctive EUMM identification.

#### *Article 5*

#### **Chain of responsibilities**

1. The EUMM in the Republic of Albania shall operate under the responsibility of the Head of Mission.
2. The Head of Mission shall report regularly through the Secretary General/High Representative to the Council of the European Union on the activities and findings of the EUMM.
3. The tasks of the EUMM shall be defined by the Secretary General/High Representative in close cooperation with the Presidency, in accordance with the policy adopted by the Council regarding the Western Balkans.
4. The Head of Mission shall inform the Host Party regularly on the activities of the EUMM.

#### *Article 6*

#### **Travel and transport**

1. Vehicles and other means of transport of the EUMM shall not be subject to compulsory registration or licensing, and all vehicles shall carry third party insurance.
2. The EUMM may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or other charges.
3. The Host Party shall facilitate the EUMM in operating its own vehicles and other means of transport.

#### *Article 7*

#### **Communications**

1. The personnel of the EUMM shall have access, at the lowest cost, to appropriate telecommunications equipment of the Host Party for the purpose of its activities, including for communicating with diplomatic and consular representatives of the Sending Parties.
2. The EUMM shall enjoy the right to unrestricted communication by its own radios (including satellite, mobile and hand-held radios), telephones, telegraphs, facsimiles or any other means. The Host Party shall provide, after signature of this Agreement, the frequencies on which radios can operate.

#### *Article 8*

#### **Privileges and immunities**

1. The EUMM shall be granted the status of a diplomatic mission.
2. Monitors shall be granted, during their mission, the privileges and immunities of Diplomatic Agents, in accordance with the Vienna Convention on Diplomatic Relations.
3. The Mission Office in Tirana, other Offices, and all means of transport of the EUMM shall be inviolable.
4. The privileges and immunities provided for in this Article shall be granted to Monitors during their mission, and thereafter, with respect to acts previously performed during their mission.
5. The Host Party shall facilitate all movements of the Head of Mission and personnel of the EUMM. The EUMM shall provide the Host Party with a list of members of the EUMM and inform the Host Party in advance of the arrival and departure of personnel belonging to the EUMM. Personnel belonging to the EUMM shall carry their national passport, as well as an EUMM identity card.
6. The Host Party recognises the right of the Sending Parties and of the EUMM to import, free of duty or other restrictions, equipment, provisions, supplies and other goods required for the exclusive and official use of the EUMM. The Host Party also recognises their right to purchase such items on the territory of the Host Party as well as to export or otherwise dispose of such equipment, provisions, supplies and other goods so purchased or imported. The Host Party also recognises the right of the Monitors to purchase and/or import free of duty or other restrictions items required for their own personal use, and to export such items.

#### *Article 9*

#### **Accommodation and practical arrangements**

The Government of the Republic of Albania agrees, if requested, to assist the EUMM in finding suitable offices and accommodation. The Participating Parties will decide on other provisions concerning privileges and immunities as well as on practical arrangements, including urgent medical assistance and emergency evacuation, as well as travel documentation requirements.



*Article 10***Entry into force**

This agreement shall be provisionally applied from the date of its signature and shall be fully effective upon receipt by the EUMM of written notification from the Host Country that internal approval procedures have been completed to bring the agreement into definitive application. It shall remain in force until such time as one of the Participating Parties notifies the other, two months in advance, that it intends to request an end to the activities mentioned herein.

Done at Tirana, on *28 March* 2003, in the English and Albanian languages, both texts being equally authentic. In case of difference in interpretation, the English text shall prevail.

*For the European Union*



*For the Republic of Albania*



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