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[1] Text with EEA relevance

(Continued overleaf)

EN

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

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

* **Notice to readers** (see page 24)

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 705/2003

of 22 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 [1], as last amended by Regulation (EC) No 1947/2002 [2], and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 April 2003.

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

Done at Brussels, 22 April 2003.

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

[1] OJ L 337, 24.12.1994, p. 66.
[2] OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 22 April 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	052	97,6
	204	79,5
	999	88,5
0707 00 05	052	113,8
	204	40,0
	999	76,9
0709 90 70	052	74,2
	204	40,9
	999	57,5
0805 10 10, 0805 10 30, 0805 10 50	052	75,0
	204	42,3
	220	46,5
	520	38,3
	624	61,1
	999	52,6
0805 50 10	624	37,4
	999	37,4
0808 10 20, 0808 10 50, 0808 10 90	060	64,5
	388	97,3
	400	108,0
	508	104,5
	512	73,7
	524	68,3
	528	73,8
	720	78,6
	804	128,6
	999	88,6
0808 20 50	388	99,6
	512	75,9
	528	63,5
	999	79,7

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

COMMISSION DIRECTIVE 2003/31/EC

of 11 April 2003

amending Council Directive 91/414/EEC to include 2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide and pendimethalin as active substances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market [1], as last amended by Commission Directive 2003/23/EC [2], and in particular Article 6(1) thereof,

Whereas:

(1) Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market [3], as last amended by Regulation (EC) No 2266/2000 [4], establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes 2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide and pendimethalin.

(2) For these active substances the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulation (EEC) No 3600/92 for a range of uses proposed by the notifiers. By Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member State for the implementation of Commission Regulation (EEC) No 3600/92 [5], as last amended by Regulation (EC) No 2230/95 [6], the following rapporteur Member States were designated and submitted the relevant assessment reports and recommendations to the Commission in accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92: 2,4-DB: rapporteur Member State Greece, all relevant information was submitted on 30 April 1996; beta-cyfluthrin: rapporteur Member State Germany, all relevant information was submitted on 4 November 1996; cyfluthrin: rapporteur Member State Germany, all relevant information was submitted on 4 November 1996; iprodione: rapporteur Member State France, all relevant information was submitted on 18 July 1996; linuron: rapporteur Member State United Kingdom, all relevant information was submitted on 31 October 1996; maleic hydrazide: rapporteur Member State Denmark, all relevant information was submitted on 5 September 1997; pendimethalin: rapporteur Member State Spain, all relevant information was submitted on 20 May 1998.

(3) These assessment reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health.

(4) In accordance with Article 6(4) of Directive 91/414/EEC and in view of a possible unfavourable decision for 2,4-DB and for pendimethalin the Commission organised tripartite meetings with the main data submitter and the rapporteur Member State on 7 May 1998 and on 4 June 1999. For both substances the main data submitter provided further data in order to meet the initial concerns.

(5) The reviews of all active substances were finalised on 3 December 2002 in the format of the Commission review report for 2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide and pendimethalin.

(6) The reviews of 2,4-DB, linuron, maleic hydrazide and pendimethalin did not reveal any open questions or concerns, which would have required a consultation of the Scientific Committee on Plants.

(7) The report on beta-cyfluthrin and on cyfluthrin and further information concerning both substances were also submitted to the Scientific Committee on Plants for separate consultations. The Committee was asked to comment on the appropriate dietary risk assessment to be used and to confirm that the available ecotoxicological data supports uses only in glasshouses and for seed treatment. In its opinions [7] [8], the Committee suggested that in addition to a long-term dietary intake risk assessment, as routinely carried out for plant protection products, beta-cyfluthrin and cyfluthrin should also undergo a short-term acute dietary risk assessment to evaluate their potential neurotoxicity properties. The Committee confirmed that uses as seed dressing and in greenhouses (except where beneficial arthropods are used) can be considered safe for non-target terrestrial and aquatic organisms, due to the specific circumstances of these applications and the immobility of beta-cyfluthrin and cyfluthrin in soil. The Committee furthermore supports the conclusions reached during the evaluation by the Member States that field spray applications of beta-cyfluthrin and cyfluthrin have not shown to be sufficiently safe under the criteria required by Annex VI to Directive 91/414/EEC. Following the opinion of the Scientific Committee on Plants the short term dietary risk assessment was subsequently provided and discussed

[1] OJ L 230, 19.8.1991, p. 1.
[2] OJ L 81, 28.3.2003, p. 39.
[3] OJ L 366, 15.12.1992, p. 10.
[4] OJ L 259, 13.10.2000, p. 27.
[5] OJ L 107, 28.4.1994, p. 8.
[6] OJ L 225, 22.9.1995, p. 1.

[7] Opinion of the Scientific Committee on Plants regarding the inclusion of beta-cyfluthrin in Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market. (Opinion expressed by the Scientific Committee on Plants, 28 January 2000).
[8] Opinion of the scientific Committee on Plants regarding the inclusion of cyfluthrin in Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market. (Opinion expressed by the Scientific Committee on Plants, 28 January 2000).

with the Member States. It was concluded that the short-term intake of residues is not likely to exceed acceptable limits.

(8) The report on iprodione and further information were also submitted to the Scientific Committee on Plants for separate consultation. The Scientific Committee was asked to comment on the predicted environmental concentrations in soil and groundwater, and on the acceptable operator exposure level proposed by the rapporteur. In its opinion [1], the Committee agreed that sufficient information was available to reliably estimate the leaching behaviour of the substance for soils with pH above 6. However, the assessment of leaching in soils with pH below 6 deserves further attention, since, for soils with pH below 6, leaching at concentration levels exceeding 0,1 µg/l may occur in some realistic vulnerable situations. The Committee saw no need to use an additional safety factor for the derivation of the acceptable operator exposure level. The observations of the Scientific Committee were taken into account in this Directive and the review report.

(9) It has appeared from the various examinations made that plant protection products containing 2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide or pendimethalin may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisation of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.

(10) The Commission review report is required for the proper implementation by the Member States, of several sections of the uniform principles laid down in Directive 91/414/EEC. It is, therefore, appropriate to provide that the finalised review report, except for confidential information, should be kept available or made available by the Member States for consultation by any interested parties.

(11) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.

[1] Opinion of the Scientific Committee on Plants on specific questions from the Commission concerning the evaluation of iprodione in the context of Council Directive 91/414/EEC. SCP/IPRODIO/002-final adopted 31 January 2002.

(12) After inclusion, Member States should be allowed a reasonable period within which to implement the provisions of Directive 91/414/EEC as regards plant protection products containing 2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide or pendimethalin, and in particular, to review existing authorisations to ensure that the conditions regarding those active substances set out in Annex I to Directive 91/414/EEC are satisfied. A longer period should be provided for the submission and assessment of the complete dossier of each plant protection product in accordance with the uniform principles laid down in Directive 91/414/EEC.

(13) It is therefore appropriate to amend Directive 91/414/EEC accordingly.

(14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 30 June 2004 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 July 2004.

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

Article 3

1. Member States shall review the authorisation for each plant protection product containing 2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide or pendimethalin to ensure that the conditions relating to this active substance set out in Annex I to Directive 91/414/EEC are complied with. Where necessary and by 30 June 2004 at the latest, they shall amend or withdraw the authorisation.

2. Member States shall, for each authorised plant protection product containing 2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide or pendimethalin as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 December 2003 at the latest, re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC. Where necessary and by 31 December 2007 at the latest, they shall amend or withdraw the authorisation.

Article 4

This Directive shall enter into force on 1 January 2004.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 11 April 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

The following entries shall be added at the end of the table in Annex I to Directive 91/414/EC

No	Common name, identification numbers	IUPAC name	Purity [1]	Entry into force	Expiration of inclusion	Specific provisions
'47	2,4-DB CAS No 94-82-6 CIPAC No 83	4-(2,4-dichlorophenoxy) butyric acid	940 g/kg	1 January 2004	31 December 2013	Only use as herbicide may be authorised For the implementation of the uniform principles of Annex VI, the conclusions of the review report on 2,4-DB, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account. In this overall assessment Member States: must pay particular attention to the protection of groundwater when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Risk mitigation measures should be applied, where appropriate.
48	Beta-cyfluthrin CAS No 68359-37-5 (unstated stereochemistry) CIPAC No 482	(1RS,3RS;1RS,3SR)-3- (2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylic acid (SR)-α-cyano- (4-fluoro-3-phenoxy-phenyl)methyl ester	965 g/kg	1 January 2004	31 December 2013	Only use as insecticide may be authorised Uses other than ornamental in greenhouses and seed treatment are currently not adequately supported and have not shown to be acceptable under the criteria required by Annex VI. To support authorisations for such uses, data and information to prove their acceptability to human consumers and the environment will have to be generated and submitted to the Member States. This will be the case in particular for data to assess in all detail the risks of outdoor foliar uses and the dietary risks of foliar treatment in edible crops. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on beta-cyfluthrin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account. In this overall assessment: Member States must pay particular attention to the protection of non-target arthropods. Conditions of authorisation should include adequate risk mitigation measures.

No	Common name, identification numbers	IUPAC name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
49	Cyfluthrin CAS No 68359-37-5 (unstated stereochemistry) CIPAC No 385	(RS),-α-cyano-4-fluoro-3-phenoxy-benzyl-(1RS,3RS;1RS,3SR)-3-(2,2-dichlorovinyl)-2,2-dimethycyclo-propanecarboxylate	920 g/kg	1 January 2004	31 December 2013	Only use as insecticide may be authorised Uses other than ornamental in greenhouses and seed treatment are currently not adequately supported and have not shown to be acceptable under the criteria required by Annex VI. To support authorisations for such uses, data and information to prove their acceptability to human consumers and the environment will have to be generated and submitted to the Member States. This will be the case in particular for data to assess in all detail the risks of outdoor foliar uses and the dietary risks of foliar treatment in edible crops. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on cyfluthrin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account. In this overall assessment: Member States must pay particular attention to the protection of non-target arthropods. Conditions of authorisation should include adequate risk mitigation measures.
50	Iprodione CAS No 36734-19-7 CIPAC No 278	3-(3,5-dichlorophenyl)-N-isopropyl-2,4-dioxo-imidazolidine-1-carboximide	960 g/kg	1 January 2004	31 December 2013	Only use as fungicide may be authorised For the implementation of the uniform principles of Annex VI, the conclusions of the review report on iprodione, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account. In this overall assessment, Member States: — should pay particular attention to the potential for ground water contamination when the active substance is applied at high use rates (in particular use in turf) on acidic soils (pH below 6) under vulnerable climatic conditions, — must carefully consider the risk to aquatic invertebrates if the active substance is applied directly adjacent to surface waters. Risk mitigation measures should be applied, where appropriate.

No	Common name, identification numbers	IUPAC name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
51	Linuron CAS No 330-55-2 CIPAC No 76	3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea	900 g/kg	1 January 2004	31 December 2013	Only use as herbicide may be authorised For the implementation of the uniform principles of Annex VI, the conclusions of the review report on linuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account. In this overall assessment Member States: — must pay particular attention to the protection of wild mammals, non-target arthropods and aquatic organisms. Conditions of authorisation should include risk mitigation measures, where appropriate, — must pay particular attention to the protection of operators.
52	Maleic hydrazide CAS No 123-33-1 CIPAC No 310	6-hydroxy-2H-pyridazin-3-one	940 g/kg The active substance shall comply with Council Directive 79/117/EEC (2), as amended by Council Directive 90/533/EEC (3).	1 January 2004	31 December 2013	Only use as growth regulator may be authorised For the implementation of the uniform principles of Annex VI, the conclusions of the review report on maleic hydrazide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 December 2002 shall be taken into account. In this overall assessment Member States: — must pay particular attention to the protection of non-target arthropods and must ensure that the conditions of authorisation include risk mitigation measures, where appropriate, — must pay particular attention to the potential for groundwater contamination, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Risk mitigation measures should be applied, where appropriate.

No	Common name, identification numbers	IUPAC name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
53	Pendimethalin CAS No 40487-42-1 CIPAC No 357	N-(1-ethylpropyl)-2,6-dinitro-3,4-xylidene	900 g/kg	1 January 2004	31 December 2013	Only use as herbicide may be authorised For the implementation of the uniform principles of Annex VI, the conclusions of the review report on pendimethalin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health 3 December 2002 shall be taken into account. In this overall assessment Member States: — must pay particular attention to the protection of aquatic organisms and non-target terrestrial plants. Conditions of authorisation must include risk mitigation measures, where appropriate, — must pay particular attention to the possibility of short-range transport of the active substance in air.

(1) Further details on identity and specification of active substance are provided in the review report.
(2) OJ L 33, 8.2.1979, p. 36.
(3) OJ L 296, 27.10.1990 p. 63.'

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 April 2003

concerning the assumption by the Italian State and the Sicilian Region of responsibility for expenditure over and above that established under the Council Decision of 22 July 1997 relating to security provided personally by members of agricultural cooperatives in a situation of established insolvency

(2003/277/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community, and in particular the third subparagraph of Article 88(2) thereof,

Having regard to the request submitted by the Italian Government on 10 January 2003,

Whereas:

(1) By a decision of 22 July 1997 the Council considered as compatible with the common market the financial support measures laid down by Law No 237/1993, passed by the Italian Parliament on 19 July 1993, in which Article 1(1a) provided for the Italian State to assume, within the framework of that Law, the obligations entailed by security provided for agricultural cooperatives by their members, where those cooperatives were in a situation of established insolvency. The structural undercapitalisation from which the Italian agricultural cooperative system suffered in the past resulted in widespread use of debt capital based on personal security.

(2) Article 126 of Law No 388/2000 passed by the Italian Parliament and based on the same reference framework (Law No 237/1993), provides for a further authorisation of expenditure of EUR 118 785 086,79 supplementing the EUR 103 291 379,82 originally set aside to finance Law No 237/93 which was not enough, fully to implement the assistance measure planned to prevent any discrimination and unequal treatment between potential recipients. It represents the financial completion of the Council Decision of 22 July 1997.

(3) The Commission took the view that Article 126 of Law No 388/2000 should be assessed in the light of the Community guidelines for rescuing and restructuring firms in difficulty. In this connection the Italian Government maintained that those guidelines have no bearing on the provision, which serves social purposes involving exceptional situations for cooperative members who have provided their personal and family assets as security, not the needs of cooperatives.

(4) Sicilian Regional Law No 37/1994 of 10 October 1994 falls within the same reference framework, providing in Articles 2 and 3 for an additional EUR 5,165 million in financing, followed by a further EUR 75 million under draft Regional Law No 392/2002, making a total of EUR 80,165 million. This regional Law refers explicitly to Italian Law No 237/1993 and confers eligibility notably on agricultural cooperative members unable to benefit from the national legislation on account of shortage of funds.

(5) Sicilian regional assistance is available as an alternative to that from the Italian State, but is at the same time secondary to the latter, with priority being given to members who have not applied under Law No 237/1993.

(6) The Sicilian region has taken steps to bring the list of those covered into line with the requirements for inclusion in the list under national rules.

(7) The aid in question is not likely to distort competition within the Community.

(8) There are exceptional circumstances enabling the aid to be regarded, by way of derogation and only as far as is strictly necessary, as being compatible with the common market, subject to the conditions provided for by this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The financial support provided for by Article 126 of Italian Law No 388/2000 of 23 December 2000 and by Articles 2 and 3 of Sicilian Regional Law No 37/1994 of 10 October 1994, and the support provided for by draft Regional Law No 392/2002 of 15 May 2002 shall be regarded as being compatible with the common market, in accordance with the third subparagraph of Article 88(2) of the EC Treaty under the same conditions as the Council Decision of 22 July 1997.

This financial support has been calculated on the basis of the amount of security provided personally by members of agricultural cooperatives to those cooperatives, the insolvency of which has been established, and for which the State budget shall assume responsibility up to the amount of EUR 118 785 086,79 and EUR 80 165 000 for the national law and regional law respectively.

Article 2

This Decision is addressed to the Italian Republic.

Done at Luxembourg, 8 April 2003.

For the Council

The President

G. DRYS

COUNCIL DECISION

of 14 April 2003

concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria

(2003/278/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) in conjunction with Article 300(2), first subparagraph, first sentence and Article 300(3), first subparagraph thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Whereas:

(1) The Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of transport [3], and in particular Article 12(3)(b) thereof, establishes that a system of ecopoints equivalent to that laid down by Article 11 of Protocol 9 to the Act of Accession of Austria, Finland and Sweden to the European Union shall apply.

(2) The Commission has negotiated on behalf of the Community an Agreement in the form of an Exchange of Letters between the European Community and the former Yugoslav Republic of Macedonia establishing the method of calculation and the detailed rules and procedures for the management and control of the ecopoints.

(3) This Agreement was signed on behalf of the Community on 29 October 2002, subject to its possible conclusion at a later date in accordance with Council Decision 2003/197/EC [4].

(4) This Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision [5].

Article 2

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

Done at Luxembourg, 14 April 2003.

For the Council

The President

A. GIANNITSIS

[1] OJ C 20E, 28.1.2003, p. 82.
[2] Opinion delivered on 22 October 2002 (not yet published in the Official Journal).
[3] OJ L 348, 18.12.1997, p. 170.
[4] OJ L 75, 21.3.2003, p. 33.
[5] OJ L 75, 21.3.2003, p. 34.

Information relating to the entry into force of the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)

The Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA), which the Council decided to conclude on 27 January 2003 [1], enters into force on 1 May 2003, the procedures provided for in Article 17 of the Protocol having been completed on 27 March 2003.

[1] OJ L 36, 12.2.2003, p. 17.

COMMISSION

COMMISSION DECISION

of 15 April 2003

amending Commission Decision 93/13/EEC in respect of the certificate of veterinary checks on products from third countries

(notified under document number C(2003) 1229)

(Text with EEA relevance)

(2003/279/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Communities,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries [1] and in particular Articles 5(4), 7(6), 12(12) and 33 thereof,

Whereas:

(1) The original requirements for veterinary checks were set down in, or adopted on the basis of Council Directive 90/675/EEC [2], which has been repealed and replaced by Directive 97/78/EC.

(2) The model certificate of veterinary checks on products introduced into the Community from third countries, as referred to in Article 5(1) of Directive 97/78/EC, is set out in Annex B to Commission Decision 93/13/EEC of 22 December 1992 laying down the procedures for veterinary checks at Community border inspection posts on products from third countries [3], as last amended by Decision 96/32/EC [4]. It should be amended to take account of changes to procedures for all consignments introduced into one of the territories listed in Annex I Directive 97/78/EC.

(3) Detailed rules in respect of the use of this certificate in case of transit by road, and concerning additional checks that must be carried out on products not meeting Community rules that transit across or move within the Community under customs control, are the subject of Commission Decisions 2000/208/EC [5] and 2000/571/EC [6] respectively.

(4) Pending the later revision of other rules laid down in Commission Decision 93/13/EEC, there is an urgent need to amend and update firstly the certificate in Annex B to that Decision.

(5) For the proper functioning of the system of veterinary checks in the internal market all the information pertaining to a product introduced into the Community should be included in a single simplified document with a uniform format in order to reduce as far as possible the problems associated with the use of different languages in different Member States.

(6) Decision 93/13/EEC should therefore be amended accordingly.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex B to Decision 93/13/EEC is replaced by the text in the Annex to this Decision.

[1] OJ L 24, 30.1.1998, p. 9.
[2] OJ L 373, 31.12.1990, p. 1.
[3] OJ L 9, 15.1.1993, p. 33.
[4] OJ L 9, 12.1.1996, p. 9.
[5] OJ L 64, 11.3.2000, p. 20.
[6] OJ L 240, 23.9.2000, p. 14.

Article 2

This Decision shall apply from 1 September 2003.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 15 April 2003.

For the Commission
David BYRNE
Member of the Commission

ANNEX

EUROPEAN COMMUNITY **THE COMMON VETERINARY ENTRY DOCUMENT, CVED**

Part 1: Details of consignment pressented

1. Consignor/Exporter ☐

2. CVED reference number

Border inspection post

ANIMO unit No

3. Consignee

4. Person responsible for load

5. Importer

6. Country of origin + ISO code

7. Country from where consigned + ISO code

8. Delivery address

9. Arrival at BIP (estimated date)

10. Veterinary documents
No(s):
Date of issue:
Establishment of origin:
Veterinary approval No:

11. Vessel name / Flight No:
Bill of lading No / airway bill No:
Wagon/vehicle/trailer No:

12. Nature of goods, number and type of packages

13. Commodity Code (CN, minimum first four digits)

14. Gross weight (kg)

15. Net weight (kg)

Temperature Chilled ☐ Frozen ☐ Ambient ☐

16. Seal No and container No

17. Transhipment to ☐
EU BIP ANIMO unit No:
Third country Third country ISO code:

18. For transit to third country ☐
To third country + ISO code
Exit BIP: ANIMO unit No:

19. Conform to EU requirements
Conforms ☐
Does NOT conform ☐

20. For re-import ☐

21. For internal market
Human consumption ☐
Animal feedingstuff: ☐
Pharmaceutical use: ☐
Technical use: ☐
Other: ☐

22. For Non-conforming consignments
Customs warehouse ☐ Registered No
Free zone or free warehouse ☐ Registered No
Ship supplier ☐ Registered No
Ship ☐ Name
Port

23. Declaration
I, the undersigned person responsible for the load detailed above, certify that to the best of my knowledge and belief the statements made in section I of this document are true and complete and I agree to comply with the legal requirements of Directive 97/78/EC, including payment for veterinary checks, for repossession of any consignment rejected after transit across the EU to a third country (Article 11(1)(c), or costs of destruction if necessary.

Place and date of declaration:

Name of signatory:

Signature:

Part 2: Decision of consignment

24. Previous CVED: No ☐ Yes ☐
☐ Reference number:

25. CVED reference No:

26. Documentary check:
Satisfactory ☐ Non satisfactory ☐

27. Identity check:
Steal check ☐ OR Full identity check ☐
Satisfactory ☐ Non satisfactory ☐

28. Physical check:
Satisfactory ☐ Non satisfactory ☐
Not done
1. Reduced checks regime ☐
2. Other ☐

29. Laboratory tests: No ☐ Yes ☐
Tested for:
Random ☐ Suspicion ☐
Results: Satisfactory ☐ Non satisfactory ☐
Released pending a result ☐

30. ACCEPTABLE for Transhipment:
EU BIP ☐ ANIMO unit No:
Third country ☐ Third ISO code

31. ACCEPTABLE for Transit Procedure ☐
To third country + ISO code
Exit BIP: ANIMO unit No:

32. ACCEPTABLE for Internal Market
For free circulation
Human consumption: ☐
Animal feedingstuff: ☐
Pharmaceutical use: ☐
Technical use: ☐
Other: ☐

33. ACCEPTABLE if channelled
Article 8 procedure ☐
Re-import of EU products (Article 15) ☐

34. ACCEPTABLE for specific warehouse procedure (Article12(4) and 13)
Customs warehouse ☐
Free zone or free warehouse ☐
Ship supplier ☐
Direct to a ship ☐

35. NOT ACCEPTABLE
1. Re-export ☐
2. Destruction ☐
3. Transformation ☐
By Date:

36. Reason for refusal
1. Absence/Invalid certificate ☐
2. Non approved country ☐
3. Non approved establishmend ☐
4. Prohibited product ☐
5. ID Mis-match with documents ☐
6. ID: Health mark error ☐
7. Physical hygiene failure ☐
8. Chemical contamination ☐
9. Micro biological contamination ☐
10. Other ☐

37. Details of controlled destinations (33-35)
Approval No (where relevant):
Address:

38. Consignment resealed
New seal No:

39. Full identification of border inspection post/competent authority and official stamp.

40. Official veterinarian

I the undersigned official veterinarian, or designated official agent, certify that the veterinary checks on this consignment have been carried out in accordance with EU requirements.

Signature:

Name (in Capital):

Date:

41. Exit transit BIP: Formalities of exit from the EC and checks made of transiting goods confirmed in accordance with Article 11.2(e) of Directive 97/78/EC:

Date:

Stamp

42. Customs document reference:

43. Subsequent CVED
Number(s):

NOTES FOR GUIDANCE FOR THE ANNEX B CERTIFICATE [1]

Part 1: This section is for completion by the declarant or person responsible for the load as defined in Council Directive 97/78/EC Article 2(2)(e). Notes are shown against the relevant box number

General: Complete the certificate in capitals. Where there is an option to delete a box or it is not relevant, clearly deface or cross out the whole numbered box. To positively indicate any option, tick or mark the □ sign.

This certificate is to be completed for all consignments presented to a border inspection post, whether they are for consignments presented as meeting EU requirements and are for free circulation, consignments that will be subject to channelling, or those consignments not meeting EU conditions and destined for transhipment, transit, or their placing in free zones, free warehouses or customs warehouses or for ship suppliers (chandlers). Channelling refers to consignments accepted under the conditions laid down in Article 8 of Directive 97/78/EC but that remain under veterinary control until a specified final destination is reached, usually for further treatment.

Iso codes where indicated refer to the international standard two letter code for any country.

Box 1. Consignor/exporter: Indicate the commercial organisation despatching the consignment (in the third country).

Box 2. Border inspection post. If this information is not pre-printed on the document, please complete. The CVED reference number is the unique reference number given by the border inspection post issuing the certificate (repeated in box 25). The ANIMO unit number is unique to the border inspection post and is listed against its name on the list of approved border inspection posts published in the Official Journal.

Box 3. Consignee: Indicate the address of the person or commercial organisation given on the third country certificate.

Box 4. Person responsible for the load (also agent or declarant): This is the person defined in Article 2(2)(e) of the Directive 97/78/EC, who is in charge of the consignment when presented to the border inspection post and makes the necessary declarations to the competent authorities on behalf of the importer: give the name, address.

Box 5. Importer: The importer may be remote from the actual border inspection post: give the name, address. If the importer and agent are the same indicate 'As box 2'.

Box 6. Country of origin: This refers to where the final product was produced, manufactured or packaged.

Box 7. Country from where consigned: This refers to the country where the consignment was placed aboard the means of final transport for the journey to the EU.

Box 8. Include the delivery address in the EU. This applies both to conforming (Box 19) and to non conforming (Box 22) products.

Box 9. Give the estimated date that consignments are expected to arrive at the border inspection post.

Box 10. Veterinary Certificate/document: date of issue: The date that the certificate/document was signed by the official veterinarian or the competent authority. Number: give the unique official number of the certificate. For products from an approved or registered establishment or vessel, indicate the name and approval/registration number where appropriate. For embryos, ova or semen straws give an identity number of the approved collection team.

Box 11. Give full details of the means of arrival transport: for aircraft the flight number and airway bill number, for vessels the ship name and bill of lading number, for road vehicles the registration number plate with trailer number if appropriate, for railways the train identity and wagon number.

Box 12. Nature of the goods: Indicate the species of animal, the treatment undergone by the products and the number and type of packages that comprise the load eg 50 boxes of 25 kg or the number of containers. Tick the appropriate transport temperature.

Box 13. CN code: Give as a minimum the first four digits of the relevant Combined Nomenclature, CN code, established under Council Regulation (EEC) No 2658/87 as last amended. These codes are also listed in Commission Decision 2002/349/EC (and are equivalent to the HS headings). Where there is one certificate with one consignment having contents with more than one commodity code, the additional codes may be annotated onto the CVED as appropriate.

[1] Notes for guidance may be printed and distributed separately from the certificate itself.

Box 14. Gross weight: Overall weight in kg. This is defined as the aggregate mass of the products with immediate containers and all their packaging, but excluding transport containers and other transport equipment.

Box 15. Net weight: Weight of actual product excluding packaging in kg. This is defined as the mass of the products themselves without immediate containers or any packaging. Use Units where a weight is inappropriate eg 100 semen straws of X ml. or three biological strains/embryos.

Box 16. Give all seal and container identification numbers where relevant.

Box 17. Transhipment. Use where a consignment is not to be imported at this border inspection post but is to travel onward in another vessel or aircraft either for importation into the EU at a second and subsequent border inspection post in the Community/EEA, or for a third country destination. Animo unit number — see Box 2.

Box 18. Transit: For consignments that do not conform to EU requirements and are destined for a third country by movement across the EU/relevant EEA state by road, rail or waterway transport.

Exit BIP: Name of the border inspection post where the products are to leave the EU. Animo unit number — see Box 2.

Box 19. Conforming products: All products that will be presented for free circulation in the internal market including those that are acceptable but will be subjected to a 'channelling procedure' and those that after receiving veterinary clearance as acceptable for free circulation, may be stored under customs control, and receive customs clearance at a later stage, either at the customs office on which the border inspection post is geographically dependent, or at another location.

Non conforming products: Those products not meeting EU requirements and that are for free zones, free warehouses, customs warehouses, ship chandlers or ships, or transit to a third country.

Box 20. Reimport refers to consignments of EU origin that have been refused acceptance or entry to a third country, and are being returned to the establishment of origin in the EU.

Box 21. Internal market: This is for consignments that are being presented for distribution in the single market. Tick the category for which the consignment is being presented. This also applies to those consignments that after receiving veterinary clearance as acceptable for free circulation, may be stored under customs control, and receive customs clearance at a later stage, either at the customs office on which the border inspection post is geographically dependent, or at another location.

Box 22. Complete this box for all non EU conforming products where the consignment will be delivered to and stored under veterinary control in a free zone, a free warehouse, a customs warehouse or a ship supplier (chandler).

NB boxes 18 and 22 refer to veterinary procedures only.

Box 23. Signature. This commits the signatory also to accepting back consignments in transit that are refused entry by a third country.

Part 2. This section is for the completion by the official veterinarian or designated official agent (as in Commission Decision 93/352/EEC) only

For boxes 38 to 41 use a colour other than black

Box 24. Previous CVED: If there has been a previous CVED issued, indicate the serial number of this certificate.

Box 25. This refers to the unique reference number given by the border inspection post issuing the certificate and is as in Box 2.

Box 26. Documentary check. To be completed for all consignments.

Box 27. Tick 'seal check' where containers are not opened and the seal only is checked according to Article 4(4)(a)(i) of Directive 97/78/EC.

Box 28. Physical checks:

Reduced checks refers to the regime laid down in Commission Decision 94/360/EEC where the consignment has not been selected for a physical check but is considered checked satisfactorily with documentary and identity check only.

'Other' refers to: re-import procedure, channelled goods, transhipment, transit or Article 12 and 13 procedures. These destinations can be deduced from other boxes.

Box 29.	Complete with the category of substance or pathogen for which an investigation procedure is undertaken. 'Random' indicates sampling where the consignment is not detained pending a result, in which case the competent authority of destination must be notified by ANIMO message (see Article 8 of Directive 97/78/EC). 'Suspicion' includes cases where the consignment has been detained pending a favourable result, or tested because of a previous notification from the Rapid Alert System for Food and Feed (RASFF), or tested because of a safeguard measure in operation.
Box 30.	Complete where relevant for acceptability for transhipment. Use where a consignment is not to be imported at this border inspection post but is to travel onward in another vessel or aircraft either for importation into the EU at a second and subsequent border inspection post in the Community/EEA, or for a third country destination. See Article 9 of Directive 97/78/EC and Commission Decision 2000/25/EC. ANIMO unit number — see Box 2.
Box 31.	Transit: Complete when it is acceptable to send consignments that do not conform to EU requirements to a third country across the EU/relevant EEA State by road, rail or waterway transport. This must be carried out under veterinary control in accordance with the requirements of Article 11 of Directive 97/78/EC and Commission Decision 2000/208/EC.
Box 32.	This box is to be used for all consignments approved for free circulation within the single market. (It should also be used for consignments that meet EU requirements but for financial reasons are not being customs cleared immediately at the border inspection post, but are being stored under customs control in a customs warehouse or will be customs cleared later and/or at a geographically separate destination.)
Boxes 33 and 34.	Are to be used where consignments cannot be accepted for release for free circulation under veterinary rules, but are considered higher risk and are to be sent under veterinary and customs control to one of the controlled destinations foreseen in the Directive 97/78/EC. Acceptance for free zones, free warehouses and customs warehouses can only be granted when requirements laid down in Article 12(4) of Directive 97/78/EC are fulfilled.
Box 33.	For use where consignments are accepted but must be channelled to a specific destination laid down in Articles 8 or 15 of the Directive 97/78/EC.
Box 34.	Use for all non EU conforming consignments destined to be moved to or stored in warehouses approved in accordance with Article 12.4 or to operators authorised under Article 13 of the Directive 97/78/EC.
Box 35.	Indicate clearly when import is refused, the subsequent process to be carried out. Give the date for completion of the action proposed. The address of any transformation establishment should be entered in Box 37. After rejection or a decision for transformation, the date for further action should be also recorded in the 'follow up action register.'
Box 36.	Reasons for refusal: for use as appropriate to add relevant information. Tick the appropriate box. Item 7 is for hygiene failure not covered by 8, 9, including temperature control irregularities, putrefaction, or dirty product.
Box 37.	Give approval number and address (or ship name and port) for all destinations where further veterinary control of the consignment is required ie for Boxes 33: Channelling, 34: Warehouse procedure, 35: Transformation or destruction.
Box 38.	Use this box when the original seal recorded on a consignment is destroyed on opening the container. A consolidated list of all seals that have been used for this purpose should be kept.
Box 39.	Put here the official stamp of the border inspection post or competent authority.
Box 40.	Signature of the veterinarian, or in case of ports handling fish only, of the designated official agent as laid down in Commission Decision 93/352/EC.
Box 41.	This box to be used by the transit border inspection post of exit from the EU when consignments are sent in transit across the EU and are checked outwards as laid down in Commission Decision 2000/208/EC.
Box 42.	For use by customs services to add relevant information (eg for the number of the customs T1 or T5 certificate) where consignments remain under customs control for a period. This information is normally added after signature by the veterinarian.
Box 43.	For use when the original CVED certificate must remain at any one location and further 'daughter' CVED certificates must be issued.

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

COUNCIL COMMON POSITION 2003/280/CFSP
of 16 April 2003
in support of the effective implementation of the mandate of the ICTY

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) The United Nations' Security Council (UNSC), acting under Chapter VII of the United Nations' Charter, has determined that widespread and flagrant violations of international humanitarian law in former Yugoslavia constitute a threat to international peace and security, and that the prosecution of persons responsible for such violations by the International Criminal Tribunal for the former Yugoslavia (ICTY) set up by UNSC resolutions 803 and 827 (1993) would contribute to the restoration and maintenance of peace.

(2) The stabilisation of the political situation in the Balkans to which bringing criminals to justice would greatly contribute, has constituted an important aim of the CFSP.

(3) Accordingly, the Council has repeatedly emphasised the fundamental importance of full respect for and cooperation with the ICTY, and bringing to justice those persons indicted by the ICTY.

(4) Persons indicted by the ICTY are still at large, and there is evidence that they are being assisted in their efforts to continue to evade justice.

(5) Such assistance is unacceptable, is an affront to the international order and fundamental standards of justice, and undermines the work of the ICTY, the success of which is essential to a stable and prosperous future for the region of the former Yugoslavia.

(6) The European Union should do all it can to prevent obstructions being placed in the way of the ICTY's effective implementation of its mandate,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who are engaged in activities which help persons at large continue to evade justice for crimes for which the ICTY has indicted them or are otherwise acting in a manner which could obstruct the ICTY's effective implementation of its mandate.

2. Paragraph 1 will not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

(i) as a host country of an international intergovernmental organisation;

(ii) as a host country to an international conference convened by, or under the auspices of, the United Nations; or

(iii) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the European Union, where a political dialogue is conducted that directly assists the ICTY in the implementation of its mandate. A Member State wishing to grant exemptions referred to in this paragraph shall notify the Council in writing. The exemption will be deemed to be granted unless one or more of the Council Members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. In the event that one or more of the Council members raises an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

6. In cases where pursuant to paragraphs 3, 4, and 5 a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 2

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications of the list contained in the Annex as required in order to assist the ICTY.

Article 3

In order to maximise the impact of the abovementioned measures, the European Union shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

Article 4

This Common Position shall take effect on the date of its adoption. It shall apply for a renewable 12-month period after that date.

This Common Position shall be kept under constant review.

Article 5

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

Done at Brussels, 16 April 2003.

For the Council

The President

G. PAPANDREOU

ANNEX

List of persons referred to in Article 1(1)

1. Milovan 'Cicko' BJELICA

   Date of birth: 19.10.1958

   Place of birth: Rogatica, Bosnia-Herzegovina, SFRY

   Passport No 0000148 issued 26.7.1998 in Srpsko Sarajevo

   National ID No: 1910958130007

2. Momcilo 'Momo' MANDIC

   Date of birth: 1.5.1954

   Place of birth: Kalinovik, Bosnia-Herzegovina, SFRY

   Passport No 0121391 issued 12.5.1999 in Srpsko Sarajevo, BiH

   National ID No: JMB 0105954171511

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Directorate-General
for Justice and Home Affairs

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