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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 823/2003
of 13 May 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 14 May 2003.

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

Done at Brussels, 13 May 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 13 May 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 ⁽¹⁾	Standard import value
0702 00 00	052	89,3
	096	49,6
	999	69,5
0707 00 05	052	109,0
	999	109,0
0709 90 70	052	90,4
	999	90,4
0805 10 10, 0805 10 30, 0805 10 50	052	39,8
	204	41,7
	220	52,9
	388	70,8
	600	50,8
	624	54,5
	999	51,8
0805 50 10	528	62,2
	999	62,2
0808 10 20, 0808 10 50, 0808 10 90	388	81,1
	400	108,5
	404	128,4
	508	82,8
	512	77,2
	524	61,4
	528	78,8
	720	100,7
	804	92,7
	999	90,2

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

COMMISSION REGULATION (EC) No 824/2003

of 13 May 2003

laying down detailed rules of application for Council Regulation (EC) No 1255/1999 (as regards private storage aid for certain cheeses in the 2003/2004 marketing year)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Under Article 9 of Regulation (EC) No 1255/1999 private storage aid may be granted for long-keeping cheeses and for cheeses made from sheep's or goat's milk that require at least six months' maturing, if the price trend and stock situation for them indicate a serious imbalance of the market that can be eliminated or reduced by seasonal storage.
- (2) The difficulties arising from the seasonal nature of the production of certain long-keeping cheeses and of Pecorino Romano, Kefalo-Tyri and Kasserri are aggravated by a seasonality of consumption that is the inverse of that of production. The unconsolidated production system for such cheeses further aggravates these difficulties. Provision should therefore be made for recourse to seasonal storage of a quantity corresponding to the difference between summer and winter production.
- (3) The types of cheese eligible for aid and the maximum quantities on which it may be granted should be laid down, and also the duration of the contracts, which should reflect the real requirements of the market and the keeping qualities of the cheeses.
- (4) It is necessary to specify the terms of the storage contract and the essential steps to enable the cheese covered by a contract to be identified and subjected to checks. The aid must be fixed with reference to storage costs and the balance to be maintained between cheese for which aid is granted and other cheese sold on the market.
- (5) Detailed rules should also be set on documentation, accounting and the frequency and nature of checks. Member States should be allowed to charge all or part of the check costs to the contractor.

- (6) The Management Committee for Milk and Milk Products has not issued an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Purpose

This Regulation sets detailed rules on the granting of private storage aid for certain cheeses (aid below) in the 2003/2004 marketing year under Article 9 of Regulation (EC) No 1255/1999.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'storage lot' means a quantity of cheese weighing at least two tonnes, of a single type and taken into storage in one storage depot on a single day;
- (b) 'day of commencement of contractual storage' means the day following that of entry into storage;
- (c) 'last day of contractual storage' means the day before that of removal from storage.

Article 3

Cheeses eligible for aid

1. Aid shall be granted on certain long-keeping cheeses and on Pecorino Romano, Kefalo-Tyri and Kasserri. The terms set in the Annex apply.
2. The cheese must have been made in the Community. It must:
 - (a) be indelibly marked with indications of the producing enterprise and the day and month of production; these may be in code form;
 - (b) have undergone quality testing showing that it offers an adequate guarantee of classification in the categories defined in the Annex following maturing.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

*Article 4***Storage contract**

1. Storage contracts shall be concluded between the intervention agency of the Member State on whose territory the cheese is stored and natural or legal persons (contractors below).

2. Storage contracts shall be drawn up in writing on the basis of an application to draw up a contract.

Applications must reach intervention agencies within 30 days from the date of entry into storage and may relate only to lots of cheese for which entry into storage is complete. Intervention agencies shall register the date of receipt.

If an application reaches the intervention agency within 10 working days from the deadline a storage contract can still be concluded but the aid shall be reduced by 30 %.

3. Storage contracts shall be concluded for one or more storage lots and shall specify:

- (a) the quantity of cheese covered;
- (b) the contract execution dates;
- (c) the aid amount;
- (d) the storage depot.

4. Storage contracts shall be concluded within 30 days of the date of registration of the application to draw up a contract.

5. The check provisions, particularly those indicated in Article 7, shall be the subject of a schedule drawn up by the intervention agency. The storage contract shall refer to it.

*Article 5***Entry into and removal from storage**

1. The periods for entry into and removal from storage are given in the Annex.

2. Removal from storage shall be by whole storage lot.

3. If at the end of the first 60 days of contractual storage the deterioration in the quality of the cheese is greater than is normal in store, the contractor may be authorised, once per storage lot, to replace the defective quantity at his own expense.

If checks during storage or on removal from storage reveal defective quantities, no aid may be paid on these. In addition the part of the lot still eligible must weigh at least two tonnes.

The second subparagraph shall also apply where part of a lot is removed before the start of the period of removal from storage indicated in paragraph 1 or before expiry of the minimum storage period indicated in Article 8(2).

4. For calculation of the aid on replaced quantities (first subparagraph of paragraph 3) the first day of contractual storage shall be the day of commencement of contractual storage.

*Article 6***Storage requirements**

1. Member States shall ensure that all the requirements conferring entitlement to the aid are met.

2. The contractor or, at the request or by authorisation of the Member State, the person in charge of the storage depot shall keep available to the agency responsible for checks all documentation needed for verification of:

- (a) ownership at time of entry into storage;
- (b) origin and date of production;
- (c) date of entry into storage;
- (d) actual presence in the storage depot and its address;
- (e) date of removal from storage.

3. The contractor or, where applicable, the person in charge of the storage depot shall keep stock records available at the depot for each contract, showing:

- (a) each storage lot's identification number;
- (b) dates of entry into and removal from storage;
- (c) the number of cheeses and their weight in each storage lot;
- (d) the location of the cheeses in the depot.

4. The stored cheese must be easily identifiable, easily accessible and identified individually by contract. A specific mark shall be affixed to the stored cheeses.

*Article 7***Checks**

1. On entry into storage the abovementioned agency shall conduct checks in particular to ensure that the cheese is eligible for the aid and to forestall any possibility of substitution during the contractual storage.

2. The agency shall make unannounced sample checks to verify that the cheese is present in storage depots. The sample must be representative and account for at least 10 % of the total quantity put into contractual storage under this scheme.

Checks must include, in addition to examination of the stock records indicated in Article 6(3), physical checking of weight, nature and identification. This must cover at least 5 % of the check sample.

3. At the end of the contractual storage period the agency shall check to see that the cheese is present. If it stays in storage after expiry of the maximum contractual storage period this check may be made when it is removed from storage.

For the purposes of the above check the contractor shall inform the agency, indicating the storage lots concerned, at least five working days before the contractual storage period expires or, if removal is during or after the contractual storage period, before it begins.

Member States may accept a shorter time limit than five working days.

4. Reports shall be drawn up on the checks made under paragraphs 1, 2 and 3 specifying:

- (a) the date of the check;
- (b) its duration;
- (c) the operations carried out.

These must be signed by the inspector and countersigned by the contractor or, as appropriate, the person in charge of the store, and must be included in the payment dossier.

5. In the case of irregularities affecting 5 % or more of a quantity of cheese checked, the check shall be extended to a larger sample to be determined by the agency.

Member States shall notify such cases to the Commission within four weeks.

6. Member States may provide that check costs are to be fully or partly met by the contractor.

Article 8

Storage aid

1. The aid shall be as follows:

- (a) EUR 20 per tonne for fixed costs;

- (b) EUR 0,25 per tonne per day of contractual storage for warehousing costs;

- (c) an amount per tonne per day of contractual storage for financial costs of:

- (i) EUR 0,28 for long-keeping cheeses;
- (ii) EUR 0,38 for Pecorino Romano;
- (iii) EUR 0,47 for Kefalo-Tyri and Kasserli.

2. No aid shall be granted if the contractual storage is less than 60 days. The maximum aid payable shall be for 180 days of contractual storage.

If the contractor fails to comply with the specified time limit under the second or third subparagraph of Article 7(3), the aid shall be reduced by 15 % and be paid only in respect of the period for which the contractor proves to the above agency's satisfaction that the cheese remained in contractual storage.

3. The aid shall be paid on application by the contractor at the end of the contractual storage period, within 120 days of receipt of the application, provided that the checks indicated in Article 7(3) have been made and that the requirements conferring entitlement to the aid have been met.

However, if an administrative investigation into entitlement to the aid is in progress, payment shall not be made until entitlement has been recognised.

Article 9

Notifications

Member States shall notify the Commission by 15 January 2004 of the quantities of cheese for which storage contracts have been concluded.

Article 10

Entry into force

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, 13 May 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Category of cheese	Quantity eligible for aid	Minimum age of cheese	Period of entry into storage	Period of removal from storage
French long-keeping cheeses: — Beaufort and Comté protected designation of origin, — Emmentaler grand cru label rouge, — Emmentaler and Gruyère class A and B.	16 000 t	10 days	15 May to 30 September 2003	1 October 2003 to 31 March 2004
German long-keeping cheeses: Emmentaler/Bergkäse Markenkäse and Klasse fein.	1 000 t	10 days	15 May to 30 September 2003	1 October 2003 to 31 March 2004
Irish long-keeping cheeses: Special Grade.	900 t	10 days	15 May to 30 September 2003	1 October 2003 to 31 March 2004
Austrian long-keeping cheeses: 1. Güteklasse Emmentaler/Bergkäse/Alpkäse.	1 700 t	10 days	15 May to 30 September 2003	1 October 2003 to 31 March 2004
Finnish long-keeping cheeses: I luokka.	1 700 t	10 days	15 May to 30 September 2003	1 October 2003 to 31 March 2004
Swedish long-keeping cheeses: Västerbotten/Prästost/Svecia/Grevé.	1 700 t	10 days	15 May to 30 September 2003	1 October 2003 to 31 March 2004
Pecorino Romano	15 000 t	90 days and produced after 1 October 2002	15 May to 31 December 2003	before 31 March 2004
Kefalo-Tyri and Kasseri cheese made from sheep's or goat's milk or a mixture of the two.	3 200 t	90 days and produced after 30 November 2002	15 May to 30 November 2003	before 31 March 2004

COMMISSION REGULATION (EC) No 825/2003**of 13 May 2003****fixing certain indicative quantities and individual ceilings for the issuing of licences for importing bananas into the Community under the tariff quotas for the third quarter of 2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 2587/2001 ⁽²⁾, and in particular Article 20 thereof,

Whereas:

(1) Article 14(1) of Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 323/2003 ⁽⁴⁾, provides for the possibility of fixing an indicative quantity, expressed as the same percentage of quantities available under each of the tariff quotas A, B and C laid down under Article 18(1) of Regulation (EEC) No 404/93, for the purposes of issuing import licences for the first three quarters of the year.

(2) The data relating, on the one hand, to the quantities of bananas marketed in the Community in 2002, and in particular actual imports, especially during the third quarter, and, on the other hand, to the outlook for supply and consumption on the Community market in the same quarter of 2003 call for the fixing of indicative quantities for quotas A, B and C that ensure satisfactory supply to the Community as a whole and continuity of trade flows between the production and marketing sectors.

(3) On the basis of the same data, the ceiling on the quantities for which individual operators can submit licence applications in respect of the third quarter of 2003 should be fixed in accordance with Article 14(2) of Regulation (EC) No 896/2001.

(4) Since this Regulation must apply before the beginning of the period for the submission of licence applications in respect of the third quarter of 2003, it should enter into force immediately.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

Article 1

The indicative quantity provided for in Article 14(1) of Regulation (EC) No 896/2001 for banana imports under the tariff quotas provided for in Article 18 of Regulation (EEC) No 404/93 shall be equal to 23 % of the quantities available for traditional and non-traditional operators under tariff quotas A/B and C for the third quarter of 2003.

Article 2

For the third quarter of 2003, the quantity referred to in Article 14(2) of Regulation (EC) No 896/2001 that may be authorised for banana imports under the tariff quotas provided for in Article 18 of Regulation (EEC) No 404/93 shall be equal to:

- (a) 23 % of the reference quantity established pursuant to Articles 4 and 5 of Regulation (EC) No 896/2001 for traditional operators under tariff quotas A/B and C;
- (b) 23 % of the reference quantity established and notified pursuant to Article 9(3) of Regulation (EC) No 896/2001 for non-traditional operators under tariff quotas A/B and C.

Article 3

This Regulation shall enter into force on 14 May 2003.

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 13.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ OJ L 47, 21.2.2003, p. 12.

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

Done at Brussels, 13 May 2003.

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

COMMISSION REGULATION (EC) No 826/2003
of 13 May 2003
concerning applications for export licences for rice and broken rice with advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to 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 ⁽³⁾, as last amended by Regulation (EC) No 2305/2002 ⁽⁴⁾, and in particular the second subparagraph of Article 7(4) thereof,

Whereas:

- (1) Article 7(4) of Regulation (EC) No 1162/95 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported. Commission Regulation (EC) No 801/2003 ⁽⁵⁾ fixes refunds under the procedure provided for in the abovementioned paragraph for 2 000 tonnes for all destinations 064 and 066 defined in the Annex to that Regulation.

- (2) For all the destinations 064 and 066, quantities applied for on 9 May 2003 are in excess of the available quantity, a percentage reduction should therefore be fixed for export licence applications submitted on 9 May 2003.

- (3) In view of its purpose, this Regulation should take effect from the day of its publication in the Official Journal,

HAS ADOPTED THIS REGULATION:

Article 1

For all the destinations 064 and 066 defined in the Annex to Regulation (EC) No 801/2003, applications for export licences for rice and broken rice with advance fixing of the refund submitted under that Regulation on 9 May 2003 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 3,96 % has been applied.

Article 2

For all the destinations 064 and 066 defined in the Annex to Regulation (EC) No 801/2003, applications for export licences for rice and broken rice submitted from 10 May 2003 shall not give rise to the issue of export licences under that Regulation.

Article 3

This Regulation shall enter into force on 14 May 2003.

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

Done at Brussels, 13 May 2003.

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁴⁾ OJ L 348, 21.12.2002, p. 92.

⁽⁵⁾ OJ L 115, 9.5.2003, p. 49.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 13 May 2003

on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the material collected when treating waste water

(notified under document number C(2003) 1467)

(Only the Spanish, Danish, German, English, French, Italian, Portuguese, Finnish and Swedish texts are authentic)

(Text with EEA relevance)

(2003/334/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption ⁽¹⁾, as amended by Commission Regulation (EC) No 808/2003 ⁽²⁾, and in particular Article 32(1) thereof,

Whereas:

- (1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.
- (2) Regulation (EC) No 1774/2002 provides for additional requirements concerning the treatment of waste water from establishments handling category 1 and 2 material.
- (3) In view of the strict nature of those requirements, it is necessary to provide for transitional measures for Denmark, Spain, France, Ireland, Italy, Austria, Portugal, Finland and Sweden in order to allow industry sufficient time to adjust.
- (4) Accordingly, as a temporary measure a derogation should be granted to Denmark, Spain, France, Ireland, Italy, Austria, Portugal, Finland and Sweden until 31

December 2003 to enable them to authorise operators to continue to apply national rules for the collection of material when treating waste water.

- (5) In addition, a further derogation should be granted to Denmark until 1 May 2005 to allow the material collected from such waste water to be processed under the conditions provided for in Regulation (EC) No 1774/2002 for manure and equivalent material.
- (6) In order to prevent a risk to animal and public health appropriate control systems should be maintained in Denmark, Spain, France, Ireland, Italy, Austria, Portugal, Finland and Sweden for the period of the transitional measures.
- (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

Derogation regarding the material collected when treating waste water

1. Pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from Chapter IX of Annex II to that Regulation, Denmark, Spain, France, Ireland, Italy, Austria, Portugal, Finland and Sweden may continue to grant

⁽¹⁾ OJ L 273, 10.10.2002, p. 1.

⁽²⁾ OJ L 117, 13.5.2003, p. 1.

individual approvals until 31 December 2003 at the latest to operators of processing plants, premises and slaughterhouses referred to in Article 4(1)(d) and Article 5(1)(b) of Regulation (EC) No 1774/2002, in conformity with national rules, to apply such rules for the collection of waste water, provided that:

- (a) all animal material retained in current systems from those processing plants, premises and slaughterhouses are collected, transported and disposed of as category 1 or category 2 material, as appropriate, in accordance with Regulation (EC) No 1774/2002;
- (b) the national rules are only applied in premises and facilities that applied those rules on 1 November 2002.

2. In addition to the derogation provided for in paragraph 1 and pursuant to Article 32(1) of Regulation (EC) No 1774/2002 and by way of derogation from point (c) of Article 5(2) of that Regulation, Denmark may authorise until 1 May 2005 at the latest, the transformation in biogas plants of material collected from waste water in premises referred to in Article 5(1)(b) of that Regulation without prior pressure cooking provided that the risk has been assessed as negligible by that Member State.

Article 2

Control measures

The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in Article 1.

Article 3

Withdrawal of approvals and disposal of material not complying with this Decision

1. Individual approvals by the competent authority for the material collected when treating waste water shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Decision are no longer fulfilled.

2. The competent authority shall withdraw any approvals granted under Article 1(1) by 31 December 2003 at the latest and granted under Article 1(2) by 1 May 2005 at the latest.

The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on the basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet all the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Decision shall be disposed of in accordance with the instructions of the competent authority.

Article 4

Compliance with this Decision by the concerned Member States

Denmark, Spain, France, Ireland, Italy, Austria, Portugal, Finland and Sweden shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

Article 5

Applicability

This Decision shall apply from 1 May 2003 to 30 April 2005.

However, the provisions in Article 1(1) shall apply until 31 December 2003 and the provisions in Article 1(2) shall apply until 30 April 2005.

Article 6

Addressees

This Decision is addressed to the Kingdom of Denmark, the Kingdom of Spain, the French Republic, the Republic of Ireland, the Italian Republic, the Republic of Austria, the Portuguese Republic, the Republic of Finland and the Kingdom of Sweden.

Done at Brussels, 13 May 2003.

For the Commission

David BYRNE

Member of the Commission

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

COUNCIL DECISION 2003/335/JHA

of 8 May 2003

on the investigation and prosecution of genocide, crimes against humanity and war crimes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 30, 31 and 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of Denmark ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The International Criminal Tribunals for the former Yugoslavia and for Rwanda have since 1995 been investigating, prosecuting and bringing to justice violations of international law in connection with war, genocide and crimes against humanity.
- (2) The Rome Statute of the International Criminal Court of 17 July 1998, which has been ratified by all Member States of the European Union, affirms that the most serious crimes of concern to the international community as a whole, in particular genocide, crimes against humanity and war crimes, must not go unpunished and that their effective prosecution must be ensured by taking measures at national level and by enhancing international cooperation.
- (3) The Rome Statute recalls that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such international crimes.
- (4) The Rome Statute emphasises that the International Criminal Court established under it is to be complementary to national criminal jurisdictions. Effective investigation and, as appropriate, prosecution of genocide, crimes against humanity and war crimes should be ensured without interference with the jurisdiction of the International Criminal Court.
- (5) The investigation and prosecution of, and exchange of information on, genocide, crimes against humanity and war crimes is to remain the responsibility of national authorities, except as affected by international law.

(6) Member States are being confronted on a regular basis with persons who were involved in such crimes and who are trying to enter and reside in the European Union.

(7) The competent authorities of the Member States are to ensure that, where they receive information that a person who has applied for a residence permit is suspected of having committed or participated in the commission of genocide, crimes against humanity or war crimes, the relevant acts may be investigated, and, where justified, prosecuted in accordance with national law.

(8) The relevant national law enforcement and immigration authorities, although having separate tasks and responsibilities, should cooperate very closely in order to enable effective investigation and prosecution of such crimes by the competent authorities that have jurisdiction at national level.

(9) Member States should ensure that law enforcement authorities and immigration authorities have the appropriate resources and structures to enable their effective cooperation and the effective investigation and, as appropriate, prosecution of genocide, crimes against humanity and war crimes.

(10) The successful outcome of effective investigation and prosecution of such crimes also requires close cooperation at transnational level between authorities of the States Parties to the Rome Statute, including the Member States.

(11) On 13 June 2002, the Council adopted Decision 2002/494/JHA setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes ⁽³⁾. Member States should ensure that full use is made of the contact points to facilitate cooperation between the competent international authorities.

⁽¹⁾ OJ C 223, 19.9.2002, p. 19.

⁽²⁾ Opinion of 17 December 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 167, 26.6.2002, p. 1.

(12) In Council Common Position 2001/443/CFSP of 11 June 2001 on the International Criminal Court ⁽¹⁾, the Member States declared that the crimes within the jurisdiction of the International Criminal Court are of concern for all Member States, which are determined to cooperate for the prevention of those crimes and for putting an end to the impunity of the perpetrators thereof,

HAS DECIDED AS FOLLOWS:

Article 1

Objective

The aim of this Decision is to increase cooperation between national units in order to maximise the ability of law enforcement authorities in different Member States to cooperate effectively in the field of investigation and prosecution of persons who have committed or participated in the commission of genocide, crimes against humanity or war crimes as defined in Articles 6, 7 and 8 of the Rome Statute of the International Criminal Court of 17 July 1998.

Article 2

Information to law enforcement authorities

1. The Member States shall take the necessary measures in order for the law enforcement authorities to be informed when facts are established which give rise to a suspicion that an applicant for a residence permit has committed crimes as referred to in Article 1 which may lead to prosecution in a Member State or in international criminal courts.

2. Member States shall take the necessary measures to ensure that the relevant national law enforcement and immigration authorities are able to exchange the information, which they require in order to carry out their tasks effectively.

Article 3

Investigation and prosecution

1. Member States shall assist one another in investigating and prosecuting the crimes referred to in Article 1 in accordance with relevant international agreements and national law.

2. Where, in connection with the processing of an application for a residence permit, the immigration authorities become aware of facts which give rise to a suspicion that the applicant has participated in crimes referred to in Article 1, and where it emerges that the applicant has previously sought permission to reside in another Member State, the law enforcement authorities may apply to the competent law enforcement authorities in

the latter Member State with a view to obtaining relevant information, including information from the immigration authorities.

3. Insofar as the law enforcement authorities in a Member State become aware that a person suspected of crimes as referred to in Article 1 is in another Member State, they shall inform the competent authorities in the latter Member State of their suspicions and the basis thereof. Such information shall be provided in accordance with relevant international agreements and national law.

Article 4

Structures

Member States shall consider the need to set up or designate specialist units within the competent law enforcement authorities with particular responsibility for investigating and, as appropriate, prosecuting the crimes in question.

Article 5

Coordination and periodic meetings

1. Member States shall coordinate ongoing efforts to investigate and prosecute persons suspected of having committed or participated in the commission of genocide, crimes against humanity or war crimes.

2. At the Presidency's initiative, the contact points designated under Article 1 of Decision 2002/494/JHA, shall meet at regular intervals with a view to exchanging information about experiences, practices and methods. These meetings may take place in conjunction with meetings within the European Judicial Network and, depending on the circumstances, representatives from the International Criminal Tribunals for the former Yugoslavia and for Rwanda, the International Criminal Court and other international bodies may also be invited to take part in such meetings.

Article 6

Compliance with data protection legislation

Any kind of exchange of information or other kind of processing of personal data under this Decision shall take place in full compliance with the requirements flowing from the applicable international and domestic data protection legislation.

Article 7

Implementation

Member States shall take the necessary measures to comply with this Decision by 8 May 2005.

⁽¹⁾ OJ L 155, 12.6.2001, p. 19.

*Article 8***Territorial application**

This Decision shall apply to Gibraltar.

*Article 9***Taking effect**

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

Done at Brussels, 8 May 2003.

For the Council
The President
M. CHRISOCHOÏDIS
