

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1348/2003
of 30 July 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 31 July 2003.

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

Done at Brussels, 30 July 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 30 July 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	060	56,0
	999	56,0
0707 00 05	052	103,8
	999	103,8
0709 90 70	052	74,2
	999	74,2
0805 50 10	382	53,6
	388	53,1
	524	54,9
	528	54,8
	999	54,1
0806 10 10	052	126,5
	220	168,2
	400	192,1
	600	150,1
	624	137,6
	999	154,9
	0808 10 20, 0808 10 50, 0808 10 90	388
400		97,7
508		73,1
512		78,1
528		50,3
720		66,1
800		184,8
804		93,1
999		90,3
0808 20 50		052
	388	64,3
	512	59,5
	528	63,8
	999	65,7
0809 10 00	052	164,7
	064	127,1
	066	109,1
	999	133,6
0809 20 95	052	297,1
	400	261,0
	404	250,6
	999	269,6
0809 30 10, 0809 30 90	052	157,1
	064	92,6
	094	123,1
	999	124,3
0809 40 05	064	82,7
	068	76,9
	094	70,3
	999	76,6

⁽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 1349/2003
of 29 July 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 ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾,

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 ⁽³⁾, as last amended by Regulation (EC) No 1335/2003 ⁽⁴⁾, 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 1 August 2003.

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

Done at Brussels, 29 July 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 187, 26.7.2003, p. 16.

ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	—	—	—	—
1.30	Onions (other than seed) 0703 10 19	37,32	277,35	343,07	26,53
1.40	Garlic 0703 20 00	146,92	1 091,85	1 350,54	104,46
1.50	Leeks ex 0703 90 00	40,98	304,55	376,71	29,14
1.80	White cabbages and red cabbages 0704 90 10	52,34	388,98	481,14	37,21
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43	456,53	564,70	43,68
1.100	Chinese cabbage ex 0704 90 90	54,27	403,32	498,88	38,59
1.130	Carrots ex 0706 10 00	18,15	134,89	166,84	12,90
1.140	Radishes ex 0706 90 90	92,37	686,47	849,11	65,68
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	328,50	2 441,32	3 019,74	233,56
1.170	Beans:				
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	95,21	707,57	875,22	67,69
1.170.2	— Beans (<i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	93,80	697,09	862,26	66,69
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	308,46	2 292,39	2 835,53	219,32
1.200.2	— other 0709 20 00	218,23	1 621,82	2 006,08	155,16
1.210	Aubergines (eggplants) 0709 30 00	68,55	509,48	630,19	48,74
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	79,14	588,14	727,49	56,27
1.230	Chantarelles 0709 59 10	816,97	6 071,48	7 510,00	580,87
1.240	Sweet peppers 0709 60 10	112,98	839,67	1 038,61	80,33
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	99,40	738,71	913,73	70,67
2.30	Pineapples, fresh ex 0804 30 00	116,75	867,62	1 073,19	83,01

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.40	Avocados, fresh ex 0804 40 00	178,55	1 326,96	1 641,36	126,95
2.50	Guavas and mangoes, fresh ex 0804 50 00	167,41	1 244,14	1 538,92	119,03
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	43,20	321,05	397,12	30,72
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	46,70	347,08	429,31	33,21
2.60.3	— Others 0805 10 50	31,20	231,87	286,81	22,18
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	74,45	553,29	684,38	52,93
2.70.2	— Monreales and satsumas ex 0805 20 30	99,88	742,26	918,12	71,01
2.70.3	— Mandarines and wilkings ex 0805 20 50	62,97	467,96	578,83	44,77
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	52,34	389,00	481,17	37,22
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	78,19	581,06	718,73	55,59
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	75,65	562,21	695,41	53,79
2.90.2	— pink ex 0805 40 00	89,83	667,58	825,75	63,87
2.100	Table grapes 0806 10 10	—	—	—	—
2.110	Water melons 0807 11 00	36,02	267,68	331,10	25,61
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 ex 0807 19 00	58,49	434,68	537,67	41,59
2.120.2	— Other ex 0807 19 00	49,41	367,20	454,20	35,13
2.140	Pears				
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—
2.150	Apricots 0809 10 00	114,30	849,44	1 050,70	81,27
2.160	Cherries 0809 20 95 0809 20 05	538,04	3 998,55	4 945,93	382,55

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.200	Strawberries 0810 10 00	382,57	2 843,17	3 516,81	272,01
2.205	Raspberries 0810 20 10	304,95	2 266,30	2 803,25	216,82
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	296,97	2 206,99	2 729,90	211,15
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	144,05	1 070,57	1 324,22	102,42
2.230	Pomegranates ex 0810 90 95	381,46	2 834,90	3 506,57	271,22
2.240	Khakis (including sharon fruit) ex 0810 90 95	318,82	2 369,37	2 930,75	226,68
2.250	Lychees ex 0810 90 30	242,87	1 804,94	2 232,59	172,68

COMMISSION REGULATION (EC) No 1350/2003
of 30 July 2003
amending Regulation (EC) No 97/95 as regards the 2003/2004 marketing year for the production
of potato starch

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1104/2003⁽²⁾, and in particular Article 8(5) thereof,

Having regard to Council Regulation (EC) No 1868/94 of 27 July 1994 establishing a quota system in relation to the production of potato starch⁽³⁾, as last amended by Regulation (EC) No 962/2002⁽⁴⁾, and in particular Article 8 thereof,

Whereas:

- (1) The amounts applicable for the 2001/2002 marketing year as regards the minimum price and the payment to the producer, fixed by Regulation (EEC) No 1766/92, and the premium for potato starch producers, fixed by Regulation (EC) No 1868/94, are unchanged for the 2002/2003 and 2003/2004 marketing years.
- (2) Annex II to Commission Regulation (EC) No 97/95 of 17 January 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards the minimum price and compensatory payment to be paid to potato producers and of Council Regulation (EC) No 1868/94 establishing a quota system in relation to the production of potato starch⁽⁵⁾, as last amended by Regulation (EC) No 1425/2002⁽⁶⁾, establishes the minimum price, the premium to be paid to the starch producer and the payment to be paid to the producer for potatoes based on their starch content and

the underwater weight of 5 050 g of potato up to the 2002/2003 marketing year. That Annex should therefore be amended with a view to applying it to the 2003/2004 marketing year using the same amounts as those applied in the 2001/2002 and 2002/2003 marketing years.

- (3) To ensure the continuity of the marketing years, the measures provided for in this Regulation must apply from 1 July 2003.
- (4) Regulation (EC) No 97/95 must be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EC) No 97/95 the subheading 'Part B: 2001/2002 and 2002/2003 marketing years' is replaced by 'Part B: 2001/2002, 2002/2003 and 2003/2004 marketing years'.

Article 2

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

It shall apply from 1 July 2003.

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

Done at Brussels, 30 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 197, 30.7.1994, p. 4.

⁽⁴⁾ OJ L 149, 7.6.2002, p. 1.

⁽⁵⁾ OJ L 16, 24.1.1995, p. 3.

⁽⁶⁾ OJ L 206, 3.8.2002, p. 3.

**COMMISSION REGULATION (EC) No 1351/2003
of 30 July 2003**

**establishing administrative procedures for the first tranche of the 2004 quantitative quotas for
certain products originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 2(3) and (4), Article 6(3) and Articles 13, 23 and 24 thereof,

Whereas:

- (1) Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 ⁽³⁾, as last amended by Regulation (EC) No 427/2003 ⁽⁴⁾, introduced annual quantitative quotas for certain products originating in the People's Republic of China listed in Annex I to that Regulation. The provisions of Regulation (EC) No 520/94 are applicable to those quotas.
- (2) The Commission accordingly adopted Regulation (EC) No 738/94 ⁽⁵⁾, as last amended by Regulation (EC) No 983/96 ⁽⁶⁾, laying down general rules for the implementation of Regulation (EC) No 520/94. These provisions apply to the administration of the above quotas subject to the provisions of this Regulation.
- (3) Certain characteristics of China's economy, the seasonal nature of some of the products and the time needed for transport mean that orders for products subject to quota are generally placed before the beginning of the quota year. It is therefore important to ensure that administrative constraints do not impede the realisation of the planned imports. In order not to affect the continuity of trade flows, the arrangements for allocating and administering the first tranche of the 2004 quotas should accordingly be adopted before the start of the quota year.
- (4) After examination of the different administrative methods provided for by Regulation (EC) No 520/94, the method based on traditional trade flows should be adopted. Under this method the quotas are divided into two portions, one of which is reserved for traditional importers and the other for other applicants.
- (5) This has proved to be the best way of ensuring the continuity of business for the Community importers concerned and avoiding any disturbance of trade flows.
- (6) The reference period used for allocating the portion of the quota set aside for traditional importers in the previous Regulation on the administration of these quotas cannot be updated. The years 2000 and 2001 were characterised by certain distortions, in particular a more than twofold increase of applications from one Member State, which resulted in substantially reduced individual quota allocations to all non-traditional importers in all Member States. In 2002, there was a significant increase in applications by non-traditional importers from United Kingdom companies to other Member States suggesting an effort to circumvent the related persons test. Also, investigations are ongoing into a number of 2002 and 2003 licence holders that may have breached the related persons test. The years 1998 or 1999 are therefore the most recent years representative of the normal trend of trade flows in the products in question. Traditional importers must, therefore, prove that they have imported products originating in China and covered by the quotas in question in the years 1998 or 1999.
- (7) It has been found in the past that the method provided for in Article 12 of Regulation (EC) No 520/94, which is based on the order in which applications are received, may not be an appropriate way of allocating that portion of the quota reserved for non-traditional importers. Consequently, in accordance with Article 2(2)(c) of Regulation (EC) No 520/94, it is appropriate to provide for allocation in proportion to the quantities requested, on the basis of a simultaneous examination of import licence applications actually lodged, in accordance with Article 13 of Regulation (EC) No 520/94.
- (8) The Commission considers it necessary that operators applying as non-traditional importers and falling under the definition of related persons within the meaning of Article 143 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) 2913/92 establishing the Community Customs Code ⁽⁷⁾, as last amended by Regulation (EC) No 881/2003 ⁽⁸⁾, may only submit a single licence application for each line of the quota set aside for non-traditional importers. In order to exclude speculative applications, the amount that any non-traditional importer may request should be restricted to a set volume.

⁽¹⁾ OJ L 66, 10.3.1994, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 67, 10.3.1994, p. 89.

⁽⁴⁾ OJ L 65, 8.3.2003, p. 1.

⁽⁵⁾ OJ L 87, 31.3.1994, p. 47.

⁽⁶⁾ OJ L 131, 1.6.1996, p. 47.

⁽⁷⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁸⁾ OJ L 134, 29.5.2003, p. 1.

- (9) It is appropriate to set the quota share reserved to traditional importers at 75 % and the share of non-traditional importers at 25 %.
- (10) It also appears appropriate to transfer quantities not taken up by non-traditional importers to traditional importers, in order to ensure that these quantities can still be allocated in the year in which they were attributed.
- (11) For the purposes of quota allocation, a time limit must be set for the submission of licence applications by traditional and non-traditional importers.
- (12) The Member States must inform the Commission of the import licence applications received, in accordance with the procedure laid down in Article 8 of Regulation (EC) No 520/94. The information about traditional importers' previous imports must be expressed in the same units as the quota in question.
- (13) Given that on 1 May 2004 the European Union will be enlarged, it is appropriate to allocate the 2004 quota in two tranches, the first one from January to April 2004 to importers in the current Member States and the second one from May to December 2004 to importers in all countries that will be Member States from May 2004 onwards.
- (14) These measures are in accordance with the opinion of the Committee for the administration of quotas set up under Article 22 of Regulation (EC) No 520/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down for 2004 specific provisions for the administration of the quantitative quotas referred to in Annex I to Regulation (EC) No 427/2003 amending Regulation (EC) No 519/94.

Given the enlargement of the European Union in May 2004, the 2004 quotas shall be allocated in two separate tranches. This Regulation shall allocate the quotas for January to April 2004.

Regulation (EC) No 738/94 laying down general rules for the implementation of Regulation (EC) No 520/94 shall apply, subject to the specific provisions of this Regulation.

Article 2

1. The quantitative quotas referred to in Article 1 shall be allocated using the method based on traditional trade flows, referred to in Article 2(2)(a) of Regulation (EC) No 520/94.

2. The portions of each quantitative quota set aside for traditional importers and non-traditional importers are set out in Annex I to this Regulation.

3. (a) The portion set aside for non-traditional importers shall be apportioned using the method based on allocation in proportion to quantities requested. The volume requested by each applicant may not exceed that shown in Annex II.
- (b) Operators that are deemed to be related persons as defined by Article 143 of Regulation (EEC) No 2454/93 may only submit single licence application for the portion of the quota set aside for non-traditional importers regarding the goods described in the application. In addition to the statement required by Article 3(2)(g) of Regulation (EC) No 738/94, as amended by Article 1 of Regulation (EC) No 983/96, the licence application for the non-traditional quota shall state that the applicant is not related to any other operator applying for the non-traditional quota line in question.
- (c) Those proportions of the quantities reserved for non-traditional importers and not allocated will be added to the quantities reserved for traditional importers.

Article 3

Applications for import licences shall be lodged with the competent authorities listed in Annex III to this Regulation from the day following the day of publication of this Regulation in the *Official Journal of the European Union* until 15.00, Brussels time, 19 September 2003.

Article 4

1. For the purposes of allocating the portion of each quota set aside for traditional importers, 'traditional' importers shall mean operators who can show that they have imported goods in the calendar years 1998 or 1999.

2. The supporting documents referred to in Article 7 of Regulation (EC) No 520/94 shall relate to the release for free circulation during either calendar year 1998 or 1999, as indicated by the importer, of products originating in the People's Republic of China which are covered by the quota in respect of which the application is made.

3. Instead of the documents referred to in the first indent of Article 7 of Regulation (EC) No 520/94 applicants may enclose with their licence applications documents drawn up and certified by the competent national authorities on the basis of available customs information as evidence of the imports of the product in question during the calendar years 1998 or 1999 carried out by themselves or, where applicable, by the operator whose activities they have taken over.

Article 5

Member States shall inform the Commission no later than 15 October 2003, 10.00, Brussels time, of the number and aggregate quantity of import licence applications and, in the case of applications from traditional importers, of the volume of previous imports carried out by traditional importers during the reference period referred to in Article 4(1) of this Regulation.

Article 6

The Commission shall adopt the quantitative criteria to be used by the competent national authorities for the purpose of meeting importers' applications no later than 15 November 2003.

Article 7

Import licences shall be valid for one year, starting on 1 January 2004.

Article 8

This Regulation shall enter into force on the day of 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, 30 July 2003.

For the Commission
Pascal LAMY
Member of the Commission

ANNEX I

Allocation of the quotas

Product description	HS/CN code	Portion reserved for traditional importers 75 %	Portion reserved for non-traditional importers 25 %
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	13 650 776 pairs	4 550 259 pairs
	6403 51 6403 59	1 067 332 pairs	355 777 pairs
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	4 225 827 pairs	1 408 609 pairs
	ex 6404 11 ⁽²⁾	6 355 749 pairs	2 118 583 pairs
	6404 19 10	11 121 637 pairs	3 707 212 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	21 027 tonnes	7 009 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	15 909 tonnes	5 303 tonnes

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bars or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

ANNEX II

Maximum quantity which may be requested by each non-traditional importer

Product description	HS/CN code	Predetermined maximum quantity
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	5 000 pairs
	6403 51 6403 59	5 000 pairs
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	5 000 pairs
	ex 6404 11 ⁽²⁾	5 000 pairs
	6404 19 10	5 000 pairs
Tableware, kitchenware of porcelain or china falling within HS/CN code	6911 10	5 tonnes
Ceramic tableware, kitchenware, other household articles and toilet articles, other than of porcelain or china falling within HS/CN code	6912 00	5 tonnes

⁽¹⁾ Excluding footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

⁽²⁾ Excluding:

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, sprigs, stops, clips, bars or the like, with a non-injected sole;
- (b) footwear involving special technology: shoes which have a cif price per pair of not less than EUR 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralise impact or materials such as low-density polymers.

ANNEX III

List of the competent national authorities

1. BELGIQUE/BELGIË

Service public fédéral 'Économie, PME, classes moyennes et Énergie'

Administration du potentiel économique
Politiques d'accès aux marchés, Service 'Licences'

Federale Overheidsdienst Economie, K.M.O., Middenstand & Energie

Bestuur Economisch Potentieel
Markttoegangsbeleid, Dienst Vergunningen
Rue Général-Leman 60, Generaal Lemanstraat 60
B-1040 Bruxelles/Brussel

Tel. (32-2) 206 58 16

Fax (32-2) 230 83 22/231 14 84

2. DANMARK

Erhvervs- og Boligstyrelsen

Vejlsøvej 29
DK-8600 Silkeborg
Tel. (45) 35 46 60 30
Fax (45) 35 46 64 01

3. DEUTSCHLAND

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)

Frankfurter Straße 29-35
D-65760 Eschborn
Tel. (49) 619 69 08-0
Fax (49) 619 69 42 26/(49) 6196 908-800

4. GREECE

**Ministry of Economy & Finance
General Directorate of Policy Planning & Implementation****Directorate of International Economic Issues**

1, Kornarou Street
GR-Athens 105-63
Tel. (30-210) 328-60 31/328 60 32
Fax (30-210) 328 60 94/328 60 59

5. ESPAÑA

Ministerio de Economía y Hacienda

Dirección General de Comercio Exterior
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (34) 913 49 38 94/913 49 37 78
Fax (34) 913 49 38 32/913 49 37 40

6. FRANCE

Service des titres du commerce extérieur

8, rue de la Tour-des-Dames
F-75436 Paris Cedex 09
Tel. (33-1) 55 07 46 69/95
Fax (33-1) 55 07 48 32/34/35

7. IRELAND

Department of Enterprise, Trade and Employment

Licensing Unit, Block C
Earlsfort Centre
Hatch Street
Dublin 2
Ireland
Tel. (353-1) 631 25 41
Fax (353-1) 631 25 62

8. ITALIA

Ministero del Commercio con l'estero

Direzione Generale per la Politica commerciale e la gestione del regime degli scambi — Disivione VII
Viale America, 341

I-00144 Roma

Tel. (39) 06 599 31 06 59 93 24 19 06 59 93 24 00

Fax (39) 06 592 55 56

9. LUXEMBOURG

Ministère des affaires étrangères

Office des licences
Boîte postale 113
L-2011 Luxembourg
Tel. (352) 22 61 62
Fax (352) 46 61 38

10. NEDERLAND

Belastingdienst/Douane

Engelse Kamp 2
Postbus 30003
9700 RD Groningen
Nederland
Tel. (31-50) 523 91 11
Fax (31-50) 523 22 10

11. ÖSTERREICH

**Bundesministerium für Wirtschaft und Arbeit
Außenwirtschaftsadministration**

Abteilung C2/2
Stubenring 1
A-1011 Wien
Tel. (43) 1 711 00 0
Fax (43) 1 711 00 83 86

12. PORTUGAL

Ministério das Finanças

Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo, Edifício da Alfândega de Lisboa
Largo do Terreiro do Trigo
P-1100 Lisboa
Tel. (351-21) 881 42 63
Fax (351-21) 881 42 61

13. SUOMI/FINLAND

Tullihallitus/Tullstyrelsen
Erottajankatu/Skillnadsgatan 2
FIN-00101 Helsinki/Helsingfors
Tel. (358-9) 6141
Fax (358-9) 614 28 52

14. SVERIGE

Kommerskollegium
Box 6803
S-113 86 Stockholm
Tel. (46-8) 690 48 00
Fax (46-8) 30 67 59

15. UNITED KINGDOM

Department of Trade and Industry
Import Licensing Branch
Queensway House
West Precinct
Billingham
TS23 2NF
United Kingdom
Tel. (44-1642) 36 43 33/36 43 34
Fax (44-1642) 53 35 57

**COMMISSION REGULATION (EURATOM) No 1352/2003
of 23 July 2003**

amending Regulation (EC) No 1209/2000 determining procedures for effecting the communications prescribed under Article 41 of the Treaty establishing the European Atomic Energy Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 41 to 44 thereof,

Having regard to Council Regulation (Euratom) No 2587/1999 of 2 December 1999 defining the investment projects to be communicated to the Commission in accordance with Article 41 of the Treaty ⁽¹⁾,

Whereas:

- (1) In order to increase transparency and legal certainty, it is necessary to strengthen existing rules and formalise practices applied by the Commission to conduct the discussions and examine the investment projects which relate to the objectives of the Euratom Treaty.
- (2) The communication to the Commission of investment projects relating to new installations and also to replacements or conversions which fulfil the criteria laid down by the Council in Regulation (Euratom) No 2587/1999 should be made by means of a form, which can be sent in a paper version or an electronic version. In the interests of legal certainty, it is necessary to confirm to the persons or undertakings having submitted a communication that the Commission has received it.
- (3) The period within which the Commission is required to examine, discuss and adopt its views pursuant to Article 43 of the Euratom Treaty should be set at two months from receipt of a complete communication. The remarks made by third parties should be transmitted by the Commission to the persons or undertakings concerned for possible reaction from them. In the interests of legal certainty, the examination and discussion should be brought to an end by a recommendation as provided for under Article 124 of the Euratom Treaty.
- (4) In all cases where, as a result of a preliminary examination, the Commission finds that doubts exist as to the objectives of the Euratom Treaty in the light of Regulation (Euratom) No 2587/1999, a detailed examination and discussion procedure should be opened in order to enable the Commission to gather all the information it needs to comply with its tasks under the Euratom Treaty and to allow the persons and undertakings concerned to submit their comments.
- (5) After having considered the comments submitted by the persons or undertakings concerned, the Commission should conclude its examination by adopting a recommendation as soon as doubts have been removed.
- (6) In the interest of achieving a coordinated development of investment in the nuclear field, it is appropriate to monitor effectively the measures finally taken by persons or undertakings concerned pursuant to the recommendation adopted by the Commission.
- (7) In order to ensure that the provisions of the Euratom Treaty are applied correctly and effectively, the Commission should be able to revoke its recommendation if it was based on incorrect information.
- (8) It is appropriate to inform the public about investment projects whilst, at the same time, observing the principle laid down in Article 44 of the Euratom Treaty that the consent of Member States, persons and undertakings concerned is necessary. In the interests of transparency and of legal certainty, it is appropriate to publish all investment projects and recommendations adopted. The Commission should also publish an annual report recording implementation of the recommendations made as well as specific measures taken by the persons or undertakings concerned in response to the views of the Commission.
- (9) Should the investments not be necessary for or go beyond the objectives of the Euratom Treaty or should their public financing distort or threaten to distort competition in the internal market, this Regulation is without prejudice to the application of the EC Treaty.
- (10) Commission Regulation (EC) No 1209/2000 ⁽²⁾ should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1209/2000 is amended as follows:

1. The title is replaced by the following:

‘Commission Regulation (Euratom) No 1209/2000 of 8 June 2000 determining the procedures for the examination of the communications prescribed under Article 41 of the Euratom Treaty’.

⁽¹⁾ OJ L 315, 9.12.1999, p. 1.

⁽²⁾ OJ L 138, 9.6.2000, p. 12.

2. Article 1 is replaced by the following:

'Article 1

1. Investment projects relating to new installations and also to replacement or conversions which fulfil the criteria as to type and size laid down by Regulation (Euratom) No 2587/1999 shall be communicated to the Commission by means of the form in the Annex to this Regulation.

The form may be submitted on paper or electronically.

2. The Commission shall inform the persons or undertakings concerned without delay of receipt of the communication.'

3. The following Articles 3a to 3f are inserted:

'Article 3a

1. The Commission shall examine the communication as soon as it is received. It shall take express its views in a recommendation.

2. Where the Commission, after an examination, finds that the communicated investment project raises no doubts regarding the objectives of and compliance with the Euratom Treaty, it shall record that finding and express its views by way of a recommendation communicated to the persons, the undertakings and the Member State concerned.

3. Where the Commission, after an examination finds that the communicated investment project raises doubts regarding the objectives of and compliance with the Euratom Treaty, it shall initiate a detailed examination procedure to further discuss in detail all aspects of the investment project which relate to the objectives of that Treaty.

4. A recommendation in accordance with paragraph 2 and the opening of the detailed examination procedure, referred to in paragraph 3, shall be made within 2 months. That period shall begin on the day following receipt of a complete communication complying with the provisions of this Regulation and of Regulation (Euratom) No 2587/1999. The communication shall be considered complete if within two months of its receipt, or of receipt of any additional information requested, the Commission does not request any further information.

5. Where the Commission has not issued a recommendation in accordance with paragraph 2 nor acted within the period laid down in paragraph 4, the investment project shall be deemed to be in compliance with the objectives and provisions of the Euratom Treaty.

Article 3b

1. Where the Commission considers that information provided by the person or undertaking concerned with regard to an investment project communicated to it, is incomplete, it shall request all necessary information. Where the person or undertaking concerned responds to such a request, the Commission shall inform that person or undertaking of receipt of the response.

2. Where the person or undertaking concerned does not provide the information requested within a prescribed period provided by the Commission or provides incomplete information, the Commission shall send a reminder, allowing an appropriate additional period within which the information shall be provided.

Article 3c

1. When opening the detailed examination procedure, the Commission shall summarise the relevant issues of fact and law and include a preliminary assessment of the investment project in relation to the provisions and objectives of the Euratom Treaty and Regulation (Euratom) No 2587/1999. The Commission shall call upon the persons or undertakings concerned to submit comments and to further discuss with the Commission within a prescribed period that shall normally not exceed two months.

2. The persons or undertakings concerned are recommended not to put the investment project into effect before the Commission has issued its recommendation on that project or it is deemed to be in compliance with the objectives and provisions of the Euratom Treaty as provided for in Article 3a(5).

Article 3d

1. Where the Commission finds, following discussion and/or modification by the person or undertaking concerned, that the investment project is in compliance with the objectives and provisions of the Euratom Treaty, it shall record its views by way of a recommendation communicated to the persons, undertakings and Member State concerned.

2. Where the Commission finds, following discussion and/or modification by the person or undertaking concerned, that the communicated investment project is not in compliance with the objectives and provisions of the Euratom Treaty, it shall express its views by way of a recommendation communicated to the persons, undertakings and Member State concerned.

3. The views taken pursuant to paragraphs 1 and 2 shall be taken as soon as the doubts referred to in Article 3a(3) have been removed. The Commission shall as far as possible endeavour to adopt a recommendation within a period of six months from the opening of the detailed examination procedure.

4. Once the period referred to in paragraph 3 has expired, and should the person or undertaking concerned so request, the Commission shall, within two months, issue its recommendation on the basis of the information available to it.

Article 3e

After having issued its recommendation on the investment project in question, the Commission shall monitor, and where appropriate, discuss with the persons or undertakings concerned, the specific measures taken or intended to be taken pursuant to the Commission's recommendation.

Article 3f

The Commission may revoke a recommendation pursuant to Articles 3a and 3d where information which was a determining factor for that recommendation was incorrect, after giving the persons or undertakings concerned the opportunity to submit observations.

Before revoking its recommendation and adopting a new recommendation, the Commission shall open the detailed examination procedure pursuant to Article 3a(3).'

4. The following Articles 4a and 4b are inserted:

'Article 4a

The Commission shall transmit to the persons or undertakings having communicated an investment project possible comments or views from third parties on the project which will influence the Commission's recommendation.

Article 4b

1. The Commission shall, with the consent of the Member States, persons and undertakings concerned, publish any investment projects communicated to it as well as the recommendations issued pursuant to this Regulation.

2. The Commission shall publish an annual report recording implementation of the recommendations made as well as specific measures taken by the persons or undertakings concerned in response to the views of the Commission.

This report shall respect, where necessary, the rules on professional secrecy if the consent referred to in Article 44 of the Euratom Treaty is finally not given.'

Article 2

This Regulation shall enter into force on the 20th day following that of 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, 23 July 2003.

For the Commission
Loyola DE PALACIO
Vice-President

COMMISSION REGULATION (EC) No 1353/2003
of 30 July 2003
prohibiting fishing for capelin by vessels flying the flag of a Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Regulation (EC) No 1091/2003 ⁽⁴⁾, lays down the shares of the total allowable catches of capelin available to the Community for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the total allowable catches allocated to the Community.
- (3) According to the information received by the Commission, catches of capelin in the waters of zone V, XIV (Greenland waters) by vessels flying the flag of a Member

State or registered in a Member State have exhausted the share of the total allowable catches allocated to the Community for 2003. Greenland has prohibited fishing for this stock from 13 July 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of capelin in the waters of zone V, XIV (Greenland waters) by vessels flying the flag of a Member State or registered in a Member State are hereby deemed to have exhausted the share of the total allowable catches allocated to the Community for 2003.

Fishing for capelin in the waters of zone V, XIV (Greenland waters) by vessels flying the flag of a Member State or registered in a Member State is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 13 July 2003.

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

Done at Brussels, 30 July 2003.

For the Commission
Jörgen HOLMQUIST
Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 157, 26.6.2003, p. 1.

COMMISSION REGULATION (EC) No 1354/2003
of 30 July 2003
amending the export refunds on syrups and certain other sugar sector products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the third indent of Article 27(5) thereof,

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 1168/2003 ⁽³⁾.
- (2) It follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 1168/2003 to the information at present available to the Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

Article 1

The refunds to be granted on the products listed in Article 1(1)(d), (f) and (g) of Regulation (EC) No 1260/2001, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1168/2003 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 July 2003.

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

Done at Brussels, 30 July 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 162, 1.7.2003, p. 61.

ANNEX

EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	45,51 ⁽¹⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	45,51 ⁽¹⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	86,47 ⁽²⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4551 ⁽³⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	45,51 ⁽¹⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4551 ⁽³⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4551 ⁽³⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,4551 ⁽³⁾ ⁽⁴⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	45,51 ⁽¹⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,4551 ⁽³⁾

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

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

The other destinations are defined as follows:

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

⁽¹⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1355/2003
of 30 July 2003
amending the rates of refunds applicable to certain products from the sugar sector exported in the
form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5)(a) and (15) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 July 2003 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1162/2003 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 760/2003 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 760/2003 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 July 2003.

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

Done at Brussels, 30 July 2003.

For the Commission
Erkki LIIKANEN
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 162, 1.7.2003, p. 44.

ANNEX

to the Commission Regulation of 30 July 2003 altering the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg ⁽¹⁾	
	In case of advance fixing of refunds	Other
White sugar	45,51	45,51

⁽¹⁾ With effect from 1 July 2003 these rates are not applicable to goods not covered by Annex I to the Treaty when exported to the Czech Republic, Estonia, Latvia, Lithuania, Slovakia or Slovenia, and to the goods referred to in Article 1(2) of Regulation (EC) No 999/2003 when exported to Hungary.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 July 2003

on the application of Council Directive 72/166/EEC relating to checks on insurance against civil liability in respect of the use of motor vehicles

(notified under document number C(2003) 2626)

(Text with EEA relevance)

(2003/564/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and to the enforcement of the obligation to insure against such liability ⁽¹⁾, as last amended by Directive 90/232/EEC ⁽²⁾, and in particular Articles 2(2) and 7(3) thereof,

Whereas:

- (1) The relationships between the national insurers' bureaux of the Member States, as defined in Article 1(3) of Directive 72/166/EEC (hereinafter, the bureaux), and those of the Czech Republic, Hungary, Norway, Slovakia and Switzerland were governed by agreements supplementary to the Uniform Agreement on the Green Card System between national insurers' bureaux of 2 November 1951 (Supplementary Agreements). These Supplementary Agreements provided for the practical arrangements to abolish insurance checks in the case of vehicles normally based in the territories of all these countries.
- (2) The Commission subsequently adopted Decisions requiring each Member State, in accordance with Directive 72/166/EEC, to refrain from making checks on insurance against civil liability in respect of vehicles which are normally based in another Member State or in the territories of the abovementioned non-member countries and which are subject of the Supplementary Agreements.

- (3) The national insurers' bureaux reviewed and unified the texts of the Supplementary Agreements and replaced them by a single agreement (the Multilateral Guarantee Agreement) signed in Madrid on 15 March 1991, in accordance with the principles laid down in Article 2(2) of Directive 72/166/EEC. This Multilateral Guarantee Agreement was enclosed to the Commission Decision 91/323/EEC ⁽³⁾.
- (4) The Commission subsequently adopted Decisions 93/43/EEC ⁽⁴⁾, 97/828/EC ⁽⁵⁾, 99/103/EC ⁽⁶⁾ and 2001/160/EC ⁽⁷⁾ requiring each Member State, in accordance with Directive 72/166/EEC, to refrain from making checks on insurance against civil liability in respect of vehicles which are normally based in another Member State or in the territories of, respectively, Iceland, Slovenia, Croatia and Cyprus.
- (5) The Agreement between the National Insurers' Bureaux of the Member States of the European Economic Area and other Associate States was concluded on 30 May 2002 in Rethymno (Crete), in accordance with the principles laid down in Article 2(2) of Directive 72/166/EEC. The first Appendix of that agreement incorporates all the provisions of the Uniform Agreement between Bureaux and of the Multilateral Guarantee Agreement into a single document (the Internal Regulations). These Internal Regulations replaces these two latter agreements from 1 August 2003.
- (6) Therefore Decisions 91/323/EEC, 93/43/EEC, 97/828/EC, 99/103/EC and 2001/160/EC should be repealed on 1 August 2003,

⁽¹⁾ OJ L 103, 2.5.1972, p. 1.

⁽²⁾ OJ L 129, 19.5.1990, p. 33.

⁽³⁾ OJ L 177, 5.7.1991, p. 25.

⁽⁴⁾ OJ L 16, 25.1.1993, p. 1.

⁽⁵⁾ OJ L 343, 13.12.1997, p. 25.

⁽⁶⁾ OJ L 33, 6.2.1999, p. 25.

⁽⁷⁾ OJ L 57, 27.2.2001, p. 56.

HAS ADOPTED THIS DECISION:

Article 1

As from 1 August 2003, each Member State shall refrain from making checks on insurance against civil liability in respect of vehicles which are normally based in another Member State or in the territory of the Czech Republic, Croatia, Cyprus, Hungary, Iceland, Norway, Slovakia, Slovenia and Switzerland, which are the subject of the Agreement of 30 May 2002 between the National Insurers' Bureaux of the Member States of the European Economic Area and other Associate States, attached as an appendix to the Annex to this Decision.

Article 2

Decisions 91/323/EEC, 93/43/EEC, 97/828/EC, 99/103/EC and 2001/160/EC are repealed on 1 August 2003.

Article 3

Member States shall forthwith inform the Commission of measures taken to apply this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 28 July 2003.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

ANNEX

APPENDIX

Agreement between the national insurers' bureaux of the Member States of the European Economic Area and other Associate States

PREAMBLE

Having regard to the 72/166/EEC Directive of the Council of 24 April 1972 (First Directive relating to motor insurance) which provides that national insurers' bureaux of the Member States shall conclude between themselves an agreement under which each national insurers' bureau shall guarantee settlement of claims occurring in its territory and caused by the use of vehicles normally based in the territory of another Member State, whether or not such vehicles are insured, in accordance with the requirements of its national law on compulsory insurance,

Having regard to the fact that the aforesaid Directive provides that vehicles normally based in a third country shall be treated as vehicles normally based in the Community if the national insurers' bureaux of all Member States severally guarantee — each in accordance with the provisions of its own national law on compulsory insurance — settlement of claims in respect of accidents occurring in their territory caused by the use of such vehicles,

Having regard to the fact that, by application of these provisions, the national insurers' bureaux of the Member States and the national insurers' bureaux of other States have concluded several agreements aiming at satisfying the prescriptions of the Directive and that these bureaux have subsequently decided to substitute for them one single agreement known as The Multilateral Guarantee Agreement between National Insurers' Bureaux signed in Madrid on 15 March 1991,

Having regard to the fact that, at the General Assembly held in Rethymno (Crete) on 30 May 2002, the Council of Bureaux decided to incorporate all provisions of the Uniform Agreement between Bureaux and of the Multilateral Guarantee Agreement between National Insurers' Bureaux governing the relations between Bureaux into a single document known as Internal Regulations,

The undersigned Bureaux have concluded the following agreement:

Article 1

The undersigned Bureaux undertake, in the context of their reciprocal relations, to abide by the mandatory provisions as well as by the optional provisions of Sections II and III of the Internal Regulations, where applicable adopted by the Council of Bureaux on 30 May 2002 a copy of which is appended to this agreement — Appendix 1.

Article 2

The undersigned Bureaux grant reciprocal authority, in their own name and in the name of their members, to other signatory Bureaux to amicably settle any claim and to accept service of any judicial or extra-judicial process likely to lead to the payment of compensation arising out of accidents within the context and purpose of these Internal Regulations.

Article 3

The undertaking referred to in Article 1 shall come into force on 1 July 2003, at which date it shall substitute for the Uniform Agreement between Bureaux and for the Multilateral Guarantee Agreement between National Insurers' Bureaux at present binding on the signatories of this Agreement.

Article 4

This Agreement is concluded for an unlimited period of time. However, each signatory Bureau may decide to withdraw from this Agreement by giving written notice of that decision to the Secretary-General of the Council of Bureaux who shall, in turn, immediately so inform the other signatory Bureaux and the Commission of the European Union. Such withdrawal shall take effect on the expiry of a 12-month period from the date of despatch of such notification. The signatory Bureau concerned shall remain liable under this Agreement and its Annexes, to satisfy all reimbursement demands relating to the settlement of claims arising from accidents occurring up to the expiry of the period defined above.

Article 5

This Agreement is concluded between the undermentioned signatory Bureaux, in respect of the territories for which each of them is competent, in the form of three specimens in each of the English and French languages.

One specimen in each of the two languages shall be lodged respectively with the Secretariat of the Council of Bureaux, the General Secretariat of the Comité Européen des Assurances and the Commission of the European Union.

The Secretary-General of the Council of Bureaux shall provide each signatory Bureau with authorised copies of this Agreement.

Signed at Rethymno (Crete), 30 May 2002.

Austria, for the Verband der Versicherungsunternehmen Österreichs: Günter Albrecht, Secretary and Manager

Belgium, for the Bureau Belge des Assureurs Automobiles: Alain Pire, Directeur-Secrétaire Général

Switzerland (and Liechtenstein), for the Swiss National Bureau of Insurance: Martin Metzler, President

Cyprus, for the Motor Insurers' Fund: Aristos Pissiris, President and Andreas Charalambides, Manager/Secretary

Czech Republic, for the Česká Kancelár Pojistitelu: Jakub Hradec, Chief Executive

Germany, for the Deutsches Büro Grüne Karte e.V.: Ulf Lemor, Managing Director

Denmark (and the Faeroe Islands), for the Dansk Forening for International Motorkøretøjsforsikring: Steen Leth Jeppesen, Managing Director

Spain, for the Oficina Española de Aseguradores de Automóviles: José Ignacio Lillo Cebrián, President

France, for the Bureau Central Français: Alain Bouchon, President

Finland, for the Liikennevakuutuskeskus: Olli Latola, Chairman of the Board and Ulla Niku-Koskinen, Managing Director

United Kingdom of Great Britain and Northern Ireland, the Channel Islands, Gibraltar and the Isle of Man, for the Motor Insurers' Bureau: James Read, Chief Executive

Greece, for the Motor Insurer's Bureau: Michael Psalidas, Chairman and George Tzanis, Secretary-General

Hungary, for the Hungarian Motor Insurance Bureau: István Ragályi, Managing Director

Croatia, for the Hrvatski Ured Za Osiguranje: Ante Lui, General Manager

Italy (and the Republic of San Marino and the Vatican State), for the Ufficio Centrale Italiano (UCI): Raffaele Pellino, President

Ireland, for the Motor Insurers' Bureau: Michael Halligan, Chief Executive

Iceland, for the Alþjóðlegar Bifreidatryggingar á Íslandi: Sigmar Ármannsson, Managing Director

Luxembourg, for the Bureau Luxembourgeois des Assureurs: Paul Hammelmann, Secretary-General

Norway, for the Trafikkforsikringsforeningen: Jan Gunnar Knudsen, Managing Director

The Netherlands, for the Nederlands Bureau de Motorrijtuigverzekeraar: Frank Robertson, Chairman

Portugal, for the Gabinete Português de Carta Verde GPCV: Maria José Mesquita, Vice Chairman and Antonio Lourenço, Vogel

Sweden, for the Trafikförsäkringsföreningen: Ulf Blomgren, Managing Director

Slovakia, for the Slovenská kancelária poisťovateľov: Imrich Fekete, Chairman and Lydia Blaeková, Chief Executive

Slovenia, for the Slovensko Zavarovalno Zdrueenje, GIZ: Tjaša Korbar, Head of the Green Card Bureau (on behalf of Mirko Kalua, Director)

APPENDIX 1

INTERNAL REGULATIONS OF THE COUNCIL OF BUREAUX

Preamble

- (1) Whereas in 1949 the Working Party on Road Transport of the Inland Transport Committee of the Economic Commission for Europe of the United Nations sent to the Governments of Member States a recommendation ⁽¹⁾ inviting them to ask insurers covering third party liability risks in respect of the use of vehicles to conclude agreements for the establishment of uniform and practical provisions to enable motorists to be satisfactorily insured when entering countries where insurance against such risks is compulsory.
- (2) Whereas this recommendation concluded that the introduction of a uniform insurance document would be the best way to achieve that end and set out the basic principles of agreements to be concluded between insurers in the different countries.
- (3) Whereas the Inter-Bureaux Agreement, the text of which was adopted in November 1951 by representatives of the insurers in States which, at the time, had responded favourably to the recommendation, formed the basis of the relationship between these insurers.
- (4) Whereas:
 - (a) the purpose of the system, commonly known as the Green Card System, was to facilitate the international circulation of motor vehicles by enabling insurance of third party liability risks in respect of their use to fulfil the criteria imposed by the visited country and, in the case of accidents, to guarantee compensation of injured parties in accordance with the national law and regulations of that country;
 - (b) the international motor insurance card (Green Card), which is officially recognised by the government authorities of the States adopting the United Nations Recommendation, is proof in each visited country of compulsory civil liability insurance in respect of the use of the motor vehicle described therein;
 - (c) in each participating State a national bureau has been created and officially approved in order to provide a dual guarantee to:
 - its government that the foreign insurer will abide by the law applicable in that country and compensate injured parties within its limits,
 - the bureau of the visited country of the commitment of the member insurer covering third party liability in respect of the use of the vehicle involved in the accident;
 - (d) as a consequence of this non-profit-making dual mandate, each bureau is required to have its own independent financial structure based on the joint commitment of insurers authorised to transact compulsory civil liability insurance in respect of the use of motor vehicles operating in its national market which enables it to meet obligations arising out of agreements between it and other bureaux.
- (5) Whereas:
 - (a) some States, in order to further facilitate international road traffic, have abolished Green Card inspection at their frontiers by virtue of agreements signed between their respective Bureaux, mainly based on vehicle registration;
 - (b) by its Directive of 24 April 1972 ⁽²⁾ the Council of the European Union proposed to the Bureaux of Member States the conclusion of such an agreement; then known as the Supplementary Inter-Bureaux Agreement, which was signed on 16 October 1972;
 - (c) subsequent agreements, based on the same principles, enabled the bureaux of other countries to become members; and these agreements were then collected into a single document signed on 15 March 1991 and called the Multilateral Guarantee Agreement.
- (6) Whereas it is now desirable to incorporate all provisions governing the relations between bureaux into a single document, the Council of Bureaux, at its General Assembly held in Rethymno (Crete) on 30 May 2002 adopted these Internal Regulations.

⁽¹⁾ Recommendation No 5 adopted on January 1949, superseded by Appendix 2 of the Consolidated Resolution on the Facilitation of Road Transport adopted by the Working Party on Road Transport of the Inland Transport Committee of the Economic Commission for Europe of the United Nations, the text of which is provided as Appendix I.

⁽²⁾ Directive of the Council of 24 April 1972 (72/166/EEC) on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles and to the enforcement of the obligation to insure against such liability, the text of which is provided as Appendix II.

SECTION I

GENERAL RULES (MANDATORY PROVISIONS)*Article 1***Purpose**

The purpose of these Internal Regulations is to govern the reciprocal relations between National Insurers' Bureaux thereby enforcing the provisions of Recommendation No 5 adopted on 25 January 1949 by the Working Party on Road Transport of the Inland Transport Committee of the European Economic Commission of the United Nations, superseded by Annex 2 of the Consolidated Resolution on the Facilitation of Road Transport (RE4) adopted by the Working Party at its 74th session held on 25 to 29 June 1984, in its current version (hereinafter called recommendation No 5).

*Article 2***Definitions**

For the purpose of these Internal Regulations the following words and expressions shall have the meanings herein assigned to them and no other:

1. 'national insurers' bureau' (hereinafter called bureau): means the professional organisation which is a Member of the Council of Bureaux and constituted in the country of its establishment pursuant to Recommendation No 5;
2. 'insurer': means any undertaking authorised to conduct the business of compulsory third party liability insurance in respect of the use of motor vehicles;
3. 'member': means any insurer who is a member of a bureau;
4. 'correspondent': means any insurer or other person appointed by one or more insurers with the approval of the Bureau of the country in which the person is established with a view to handling and settling claims arising from accidents involving vehicles for which the insurer or insurers in question have issued an insurance policy and occurring in that country;
5. 'vehicle': means any motor vehicle intended for travel on land and propelled by mechanical power but not running on rails as well as any trailer whether or not coupled but only where the motor vehicle or trailer is made subject to compulsory insurance in the country in which it is being used;
6. 'accident': means any event causing loss or injury which may, pursuant to the law of the country where it occurs, fall within the scope of compulsory third party liability insurance in respect of the use of a vehicle;
7. 'injured party': means any person entitled to claim compensation in respect of any loss or injury caused by a vehicle;
8. 'claim': means any one or more claims for compensation presented by an injured party and arising out of the same accident;
9. 'policy of insurance': means a contract of compulsory insurance issued by a member covering civil liability in respect of the use of a vehicle;
10. 'insured': means any person whose third party liability is covered by a policy of insurance;
11. 'Green Card': means the international certificate of motor insurance conforming to any of the models approved by the Council of Bureaux;
12. 'Council of Bureaux': means the body to which all Bureaux must belong and which is responsible for the administration and the operation of the international motor civil liability insurance system (known as the Green Card System).

*Article 3***Handling of claims**

1. When a bureau is informed of an accident occurring in the territory of the country for which it is competent, involving a vehicle from another country it shall, without waiting for a formal claim, proceed to investigate the circumstances of the accident. It shall as soon as possible give notice of any such accident to the insurer who issued the Green Card or policy of insurance or, if appropriate, to the bureau concerned. Any omission to do so shall however not be held against it.

If, in the course of this investigation, the bureau notes that the insurer of the vehicle involved in the accident is identified and that a correspondent of this insurer has been approved in conformity with the provisions in Article 4, it shall forward this information promptly to the correspondent for further action.

2. On receipt of a claim arising out of an accident under the circumstances described above, if a correspondent of the insurer has been approved, the bureau shall forward the claim promptly to the correspondent so that it may be handled and settled in conformity with the provisions of Article 4. If there is no approved correspondent, it shall give immediate notice to the insurer who issued the Green Card or policy of insurance or, if appropriate, to the bureau concerned that it has received a claim and will handle it, or arrange for it to be handled, by an agent whose identity it shall also notify.

3. The bureau is authorised to settle any claim amicably or to accept service of any extra-judicial or judicial process likely to involve the payment of compensation.

4. All claims shall be handled by the bureau with complete autonomy in conformity with legal and regulatory provisions applicable in the country of accident relating to liability, compensation of injured parties and compulsory insurance in the best interests of the insurer who issued the Green Card or policy of insurance or, if appropriate, the bureau concerned.

The bureau shall be exclusively competent for all matters concerning the interpretation of the law applicable in the country of accident (even when it refers to the legal provisions applying in another country) and the settlement of the claim. Subject to this latter provision, the bureau shall, on express demand, inform the insurer, or the bureau concerned, before taking a final decision.

5. When the settlement envisaged is in excess of the conditions or limits applicable under the compulsory motor civil liability insurance law in force in the country of accident whilst covered under the policy of insurance, it shall consult the insurer in relation to that part of the claim which exceeds those conditions or limits. The consent of such insurer is not required if the applicable law imposes on the bureau the obligation to take account of the contractual guarantees in excess of such limits and conditions provided in the law relating to insurance against civil liability in respect of the use of motor vehicles in the country of accident.

6. A bureau may not of its own volition or without the written consent of the insurer or Bureau concerned, entrust the claim to any agent who is financially interested in it by virtue of any contractual obligation. If it does so, without such consent, its right to reimbursement shall be limited to one half of the sum otherwise recoverable.

Article 4

Correspondents

1. Subject to any agreement to the contrary binding it to other bureaux and/or to any national legal or regulatory provisions, each bureau shall set out the conditions under which it grants, refuses or withdraws its approval to correspondents established in the country for which it is competent.

However, this approval shall be granted automatically when requested in the name of a member of another Bureau for any establishment of this member in the country of the Bureau receiving the request provided that such establishment is authorised to transact insurance against civil liability in respect of the use of motor vehicles.

2. Bureaux in the Member States of the European Economic Area undertake when receiving such a request, to approve as correspondents in their country claims representatives already appointed by insurers of the other Member States pursuant to Directive 2000/26/EC. This approval cannot be withdrawn as long as the correspondent concerned retains its capacity as a claims representative under the said Directive unless it is in serious breach of its obligations under this Article.

3. Only a bureau shall have the authority, on the request of one of its members, to send to another bureau a request for approval of a correspondent established in the country of that bureau. This request shall be sent by fax or e-mail and supported by proof that the proposed correspondent accepts the requested approval.

The bureau concerned shall grant or refuse its approval within three months from the date of receipt of the request and shall notify its decision and its effective date to the bureau that made the request as well as to the correspondent concerned. In the event of no response being received, approval shall be deemed to have been granted and to have taken effect on the expiry of that period.

4. The correspondent shall handle all claims in conformity with any legal or regulatory provisions applicable in the country of accident relating to liability, compensation of injured parties and compulsory motor insurance, in the name of the bureau that has approved it and on behalf of the insurer that requested its approval, arising out of accidents occurring in that country involving vehicles insured by the insurer that requested its approval.

When any settlement envisaged exceeds the conditions or limits applicable under the compulsory motor civil liability insurance law applicable in the country of accident, whilst covered under the policy of insurance, the correspondent must comply with the provisions set out in Article 3(5).

5. The bureau that has granted its approval to a correspondent recognises it as exclusively competent to handle and settle claims in the name of the bureau and on behalf of the insurer that requested its approval. The bureau shall inform injured parties of this competence and forward to the correspondent any notifications relating to such claims. However it may, at any time and without any obligation to justify its decision, take over the handling and settlement of a claim from a correspondent.

6. If, for whatever reason, the bureau that granted the approval is required to compensate any injured party in place of the correspondent, it shall be reimbursed directly by the bureau through which the request for approval was sent, in accordance with the conditions set out in Article 5.

7. Subject to the provisions of Article 4(4), the correspondent is free to agree with the insurer that requested its approval the conditions for reimbursement of sums paid to injured parties and the method for calculating its handling fees which agreement, however, shall not be enforceable against any bureau.

If a correspondent is unable to obtain reimbursement of advance payments it has made in accordance with the conditions set out in Article 4.4 on behalf of the insurer that requested its approval, it shall be reimbursed by the bureau that approved it. The latter bureau shall subsequently be reimbursed by the bureau of which the insurer in question is a member in accordance with the conditions set out in Article 5.

8. When a bureau is informed that one of its members has decided to dismiss a correspondent, it shall immediately so inform the bureau that granted the approval. This latter bureau shall be at liberty to determine the date on which its approval will cease to have effect.

When a bureau that granted approval to a correspondent decides to withdraw it or is informed that the correspondent wishes to have its approval withdrawn, it shall immediately so inform the bureau that forwarded the request for the approval of the correspondent. It shall also inform the bureau of the date of the correspondent's effective withdrawal or the date on which its approval will cease to have effect.

Article 5

Conditions of reimbursement

1. When a bureau or the agent it has appointed for the purpose has settled all claims arising out of the same accident it shall send, within a maximum period of one year from the date of the last payment made in favour of an injured party, by fax or e-mail to the member of the bureau which issued the Green Card or policy of insurance or, if appropriate, to the bureau concerned a demand for reimbursement specifying:

- 1.1. the sums paid as compensation to injured parties under either an amicable settlement or a court order;
- 1.2. the sums disbursed for external services in the handling and settlement of each claim and all costs specifically incurred for the purposes of a legal action which would have been disbursed in similar circumstances by an insurer established in the country of the accident;
- 1.3. a handling fee to cover all other charges calculated under the rules approved by the Council of Bureaux.

When claims arising out of the same accident are defended and settled without any compensation being paid, such sums as provided in subparagraph (1)(2) above and the minimum fee fixed by the Council of Bureaux in conformity with subparagraph (1)(3) above may be claimed.

2. The demand for reimbursement shall specify that the amounts due are payable in the country and in the national currency of the beneficiary, free of costs, within a period of two months from the date of demand and that, on expiry of that period, late interest at 12 % per annum on the amount due from the date of the demand until the date of receipt of the remittance by the bank of the beneficiary shall apply automatically.

The demand for reimbursement may also specify that amounts expressed in the national currency are payable in euro, at the official rate of exchange current in the country of the claiming bureau at the date of the demand.

3. Under no circumstances shall demands for reimbursement include payments for fines, bail bonds or other financial penalties imposed upon an insured which are not covered by insurance against civil liability in respect of the use of motor vehicles in the country of accident.

4. Supporting documents, including the objective proof that compensation due to injured parties has been paid, shall be sent promptly on demand but without delay to the reimbursement.

5. Reimbursement of all sums cited in subparagraphs (1)(1) and (1)(2) above may be claimed in accordance with the conditions set out in this Article notwithstanding that the bureau may not have settled all claims arising out of the same accident. The handling fee provided for under subparagraph (1)(3) above may also be claimed if the principal sum which is the subject of the reimbursement is in excess of the amount fixed by the Council of Bureaux.

6. If, after satisfaction of a reimbursement demand, a claim is reopened or a further claim arising out of the same accident is made, the balance of the handling fee, if any, shall be calculated in accordance with the provisions in force at the time when the demand for reimbursement in respect of the re-opened or further claim is presented.

7. Where no claim for compensation has resulted from an accident, no handling fee may be claimed.

*Article 6***Obligation of guarantee**

1. Each bureau shall guarantee the reimbursement by its members of any amount demanded in accordance with the provisions of Article 5 by the bureau of the country of accident or by the agent that it has appointed for the purpose.

If a member fails to make the payment demanded within the period of two months specified in Article 5, the bureau to which this member belongs shall itself make the reimbursement in accordance with the conditions described hereunder, following receipt of a guarantee call made by the bureau of the country of accident or by the agent that it has appointed for the purpose.

The bureau standing as guarantor shall make the payment within a period of one month. On expiry of that period, late interest at 12 % per annum on the amount due, calculated from the date of the guarantee call to the date of receipt of the remittance by the beneficiary's bank, shall apply automatically.

The guarantee call shall be made by fax or e-mail within a period of 12 months after the date of despatch of the demand for reimbursement under Article 5. On expiry of that period and without prejudice to any late interest for which it may be liable, the liability of the Bureau standing as guarantor shall be limited to the amount claimed from its member plus 12 months interest calculated at 12 % per annum.

No guarantee call shall be admissible if made more than two years after the despatch of the demand for reimbursement

2. Each bureau guarantees that its members shall instruct the correspondents whose approval they have requested to settle claims in conformity with the provisions of the first paragraph of Article 4(4) above and forward to those correspondents or to the bureau of the country of accident all documents concerning all claims entrusted to them.

SECTION II

SPECIFIC RULES GOVERNING CONTRACTUAL RELATIONS BETWEEN BUREAUX BASED ON THE GREEN CARD (OPTIONAL PROVISIONS)

The provisions of this section apply where contractual relations between bureaux are based on the Green Card.

*Article 7***Issue and delivery of green cards**

1. Each bureau shall be responsible for printing its Green Cards or shall authorise its members to print them.
2. Each bureau shall authorise its members to issue Green Cards to their insurees solely for vehicles registered in any country for which it is competent.
3. Any member may be authorised by its bureau to issue green cards to its insurees in any country where no bureau exists provided that the member is established in that country. This option is limited to vehicles registered in the country in question.
4. All Green Cards are deemed to be valid for at least 15 days from their date of inception. In the event that a Green Card is issued for a lesser period, the bureau having authorised the issuing of the Green Card shall guarantee cover to the bureaux in the countries for which the card is valid for a period of 15 days from the date of inception of its validity.
5. Where an agreement signed between two bureaux is cancelled under Article 16(3)(5), all Green Cards delivered in their name for use in their respective territories shall be null and void as soon as the cancellation becomes effective.
6. Where an agreement is cancelled or suspended by the application of Article 16(3)(6), the residual period of validity of the Green Cards delivered in the name of the bureaux concerned for use in their respective territories shall be determined by the Council of Bureaux.

*Article 8***Confirmation of the validity of a Green Card**

Any request for confirmation of the validity of an identified Green Card sent by fax or e-mail to a bureau by the bureau of the country of accident or by any agent appointed for the purpose shall be given a definitive answer within three months of the request. In the event of no such response then on expiry of that period, the Green Card shall be deemed to be valid.

*Article 9***False, unauthorised or illegally altered Green Cards**

Any Green Card presented in a country for which it is valid, purporting to be issued under the authority of a bureau shall be guaranteed by that bureau, even if it is false, unauthorised or illegally altered.

However, the bureau's guarantee shall not apply where a Green Card relates to a vehicle which is not legally registered in that bureau's country, with the exception of the circumstances specified in Article 7(3).

SECTION III

SPECIFIC RULES GOVERNING CONTRACTUAL RELATIONS BETWEEN BUREAUX BASED ON DEEMED INSURANCE COVER (OPTIONAL PROVISIONS)

The provisions of this section apply when the relations between bureaux are based on deemed insurance cover, with certain exceptions.

*Article 10***Obligations of the bureaux**

The bureaux to which the provisions of this section apply shall guarantee, on a full reciprocity basis, the reimbursement of all amounts payable under these Regulations arising out of any accident involving a vehicle normally based in the territory of the State for which each of these bureaux is competent, whether the vehicle is insured or not.

*Article 11***The normally based concept**

1. The territory of the State in which the vehicle is normally based is determined on the basis of any of the following criteria:
 - 1.1. the territory of the State of which the vehicle bears a registration plate;
 - 1.2. where no registration is required for the type of vehicle but the vehicle bears an insurance plate, or a distinguishing sign analogous to a registration plate, the territory of the State in which the insurance plate or the sign is issued;
 - 1.3. where neither registration plate nor insurance plate nor distinguishing sign is required for certain types of vehicles, the territory of the State in which the person who has custody of the vehicle is permanently resident.
2. If a vehicle required to bear a registration plate bears no plate or plates not or no longer legally issued to it has been involved in an accident, the territory in which the accident occurred shall, for the settlement for any resulting claim, be deemed to be the territory where the vehicle is normally based.

*Article 12***Exemptions**

The provisions of this section do not apply to:

1. vehicles registered in countries other than the countries of the bureaux subject to the provisions of this section and for which a Green Card has been delivered by a member of any of these bureaux. In the event of an accident involving a vehicle for which a Green Card has been issued the bureaux concerned shall act according to the rules set out in Section II;
2. vehicles belonging to certain persons, if the State in which they are registered has designated in the other States an authority or body responsible for compensating injured parties in accordance with the conditions prevailing in the country of accident;
3. certain types of vehicles or certain vehicles bearing a special plate where their use in international traffic is made conditional by the law of the country visited on their holding a valid Green Card or a frontier insurance policy.

The list of vehicles referred to under 2 and 3 as well as the list of authorities or bodies appointed in the other States shall be drawn up by each State and communicated to the Council of Bureaux by the bureau of that State.

*Article 13***Confirmation of the territory in which a vehicle is normally based**

Any request for confirmation of the territory in which a vehicle is normally based sent by fax or e-mail to a bureau by the bureau of the country of the accident or by any agent appointed for the purpose shall be given a definitive answer within three months of the request. In the event of no such response being received then on the expiry of that period there shall be deemed to be confirmation that the vehicle is normally based in that bureau's territory.

*Article 14***Duration of the guarantee**

Bureaux may limit the duration of the guarantee they extend under Article 10 in respect of:

1. vehicles with temporary registration plates, the format of which have been notified previously to the Council of bureaux. In such cases, the duration of the guarantee shall be for 12 months after the date of expiry of validity as displayed on the plate;
2. any other vehicle falling within the terms of reciprocal agreements signed with other bureaux and communicated to the Council of Bureaux.

*Article 15***Unilateral application of guarantee based on a deemed insurance cover**

Save legal provisions to the contrary, bureaux may agree on any unilateral application of this section within the context of their bilateral relations.

SECTION IV

**RULES GOVERNING AGREEMENTS CONCLUDED BETWEEN NATIONAL INSURERS' BUREAUX
(MANDATORY PROVISIONS)***Article 16***Bilateral agreements — conditions**

1. Bureaux may conclude bilateral agreements between themselves whereby they undertake within the context of their reciprocal relations to abide by the mandatory provisions of these Internal Regulations, as well as the optional provisions specified herein.
2. Such agreements shall be signed in triplicate by the contracting bureaux, each of whom shall retain a copy. The third copy shall be sent to the Council of Bureaux which shall, after consultation with the concerned parties, inform them of the date commencement of their agreement.
3. Such agreements shall include clauses providing:
 - 3.1. identification of the contracting bureaux, mentioning their status as members of the Council of Bureaux and the territories for which they are competent;
 - 3.2. their undertaking to abide by the mandatory provisions of these Internal Regulations;
 - 3.3. their undertaking to abide by such optional provisions as mutually chosen and agreed;
 - 3.4. reciprocal authorities granted by these bureaux, in their own name and on behalf of their members, to settle claims amicably or to accept service of any extra-judicial or judicial process likely to lead to the payment of compensation resulting from any accident within the scope and purpose of these Internal Regulations;
 - 3.5. unlimited duration of the agreement, subject to the right of each contracting bureau to terminate it on 12 months notice simultaneously notified to the other party and to the Council of bureaux.
 - 3.6. automatic cancellation or suspension of the agreement if either contracting bureau ceases to be a Member of the Council of Bureaux or has its membership suspended.
4. A model of this agreement is appended (Annex III).

*Article 17***Exception**

1. By derogation to Article 16, the bureaux of Member States of the European Economic Area shall, in conformity with Article 2 of Directive 72/166/EEC of 24 April 1972 signify their reciprocal acceptance of these Internal Regulations by a multilateral agreement the commencement date of which is determined by the Commission of the European Union in collaboration with the Council of Bureaux.
2. The bureaux in non-member States of the European Economic Area may commit to this multilateral agreement by respecting the conditions fixed by the competent committee as acknowledged in the Constitution of the Council of Bureaux.

SECTION V

PROCEDURE FOR AMENDING THE INTERNAL REGULATIONS (MANDATORY PROVISIONS)*Article 18***Procedure**

1. Any amendment to these Regulations shall fall within the exclusive competence of the General Assembly of the Council of Bureaux.
2. By derogation to the above:
 - (a) any amendment to the provisions set out in Section III shall fall within the exclusive competence of the committee as acknowledged in the Constitution of the Council of bureaux. Those provisions are binding on bureaux which, although not members of this committee, have elected to apply Section III in their contractual relations with other bureaux; and
 - (b) any amendment to Article 4.2 shall fall within the exclusive competence of the bureaux of the European Economic Area.

SECTION VI

ARBITRATION (MANDATORY PROVISIONS)*Article 19***Arbitration clause**

Any dispute arising out of these Internal Regulations or related to them shall be resolved by arbitration in accordance with the arbitration rules of Uncitral (United Nations Commission on International Trade Law) currently in force.

The Council of Bureaux shall decide upon the fees of the arbitrators and the claimable costs.

The responsibility for the nomination of arbitrators shall rest with the President of the Council of Bureaux or, if unavailable, the Chairman of the Nomination Committee.

The arbitration court shall comprise three arbitrators.

The arbitration proceedings shall be conducted in English and French.

SECTION VII

ENTRY INTO FORCE (MANDATORY PROVISION)*Article 20***Entry into force**

These Regulations shall enter into force on 1 July 2003. As from this date they shall replace all uniform agreements and the Multilateral Guarantee Agreement, signed between bureaux.

ANNEXES

Annex I: Recommendation No 5

Annex II: Directive of 24 April 1972 (72/166/EEC)

Annex III: Model agreement between Bureaux.

The bureau

Member of the Council of Bureaux

and

The bureau

Member of the Council of Bureaux

Hereby undertake to abide by the mandatory provisions of the Internal Regulations adopted by the General Assembly of the Council of Bureaux on 30 May 2002 as well as to abide by the optional provisions of Section This undertaking shall also apply to any subsequent amendment of the said Internal Regulations.

Hereby grant reciprocal authority to accept service of any judicial or extra-judicial process likely to lead to the payment of damages or to settle amicably any claim arising out of accidents within the context of the Internal Regulations.

This agreement is concluded for an unlimited period. However, either signatory may terminate it at 12 months notice. Notice of termination shall be given simultaneously to the other party to the agreement and the Secretary General of the Council of Bureaux.

It is further agreed that this agreement shall be terminated or suspended automatically if either signatory ceases to be a Member of the Council of Bureaux or is suspended from membership thereof.

The date of entry into force of this agreement will be communicated to the signatories by the Secretary General of the Council of Bureaux after receipt of a copy signed by both parties.

APPENDIX 2

LIST OF DEROGATIONS

AUSTRIA

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

BELGIUM

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

SWITZERLAND (and LIECHTENSTEIN)

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

CYPRUS

1. Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.
2. Vehicles belonging to military forces and other military and civil personnel governed by international Agreements.

CZECH REPUBLIC

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

GERMANY

1. Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.
2. Military vehicles subject to the terms of international Agreements.

DENMARK (and the FAEROE ISLANDS)

1. Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.
2. Military vehicles subject to the terms of international Agreements.

FRANCE (and MONACO)

Military vehicles subject to the terms of international Agreements.

FINLAND

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (and the CHANNEL ISLANDS, GIBRALTAR and THE ISLE OF MAN)

NATO vehicles subject to the provisions of the London Convention of 19 June 1951 and the Paris Protocol of 28 August 1952.

GREECE

1. Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates. (Effective for accidents occurring on or after 1 October 1993).
2. Vehicles belonging to intergovernmental organisations (Green plates — bearing the letters 'CD' and 'ΔΣ' followed by the registration number).

3. Vehicles belonging to the armed forces and military and civil personnel of NATO (yellow plates — bearing the letters 'EA' followed by the registration number).
4. Vehicles belonging to the Greek armed forces (plates bearing the letters 'ES').
5. Vehicles belonging to allied forces in Greece (plates bearing the letters 'AFG').
6. Vehicles bearing test plates (white plates — bearing the letters 'ΔOK' followed by four figures on the registration number).

HUNGARY

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

ITALY (and the Republic of SAN MARINO and the VATICAN STATE)

1. Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.
2. Vehicles belonging to military forces and other military and civil personnel governed by international Agreements (as, for instance, plate 'AFI' and international organisations like NATO).
3. Vehicles with no registration plates (particularly motorised cycles).
4. Agricultural machines (such as agricultural tractors, their trailers and all other vehicles designed specifically for agricultural work).

IRELAND

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

ICELAND

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

LUXEMBOURG

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

NORWAY

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

THE NETHERLANDS

1. Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates. (Effective for accidents occurring on or after 1 October 1993).
2. Private vehicles belonging to Dutch military personnel and their families stationed in Germany.
3. Vehicles belonging to German military personnel stationed in The Netherlands.
4. Vehicles belonging to persons attached to Headquarters Allied Forces Central Europe.
5. Service vehicles of NATO armed forces.

PORTUGAL

1. Agricultural machines and motorised mechanical equipment for which registration plates are not required under Portuguese Law.
2. Vehicles belonging to foreign States and to International Organisations of which Portugal is a Member State: (white plates — red figures, preceded by the letters 'CD' or 'FM').
3. Vehicles belonging to the Portuguese State — (black plates — white figures, preceded by the letters 'AM', 'AP', 'EP', 'ME', 'MG' or 'MX', according to the Government department concerned).

SWEDEN

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

SLOVAKIA

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

SLOVENIA

Vehicles with temporary registration plates involved in accidents occurring more than 12 months after the date of expiry displayed on the temporary registration plates.

APPENDIX 3

SUSPENSIVE CLAUSES

FRANCE

The provision in Article 11(2) of the Internal Regulations shall not apply to the Bureau Central Français until the French regulatory provisions have been amended to ensure compliance or that an agreement enabling this application has been signed.

ITALY

The provision in Article 11(2) of the Internal Regulations shall not apply to Ufficio Centrale Italiano (UCI) until the regulatory provisions applicable in this country have been amended, according to the applicable European Community law, to ensure compliance.

PORTUGAL

The provision in Article 11(2) of the Internal Regulations shall not apply to Gabinete Português de Carta Verde until the regulatory provisions applicable in this country have been amended, according to the applicable European Community law, to ensure compliance.

SWITZERLAND

The provision in Article 11(2) of the Internal Regulations shall not apply to the Swiss National Bureau of Insurance until the regulatory provisions applicable in this country have been amended, according to the applicable European Community law, to ensure compliance.

COMMISSION DECISION
of 25 July 2003
extending the time period provided for in Article 8(2) of Council Directive 91/414/EEC

(notified under document number C(2003) 2692)

(Text with EEA relevance)

(2003/565/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2003/68/EC ⁽²⁾, and in particular the third subparagraph of Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulation (EC) No 1112/2002 ⁽³⁾ lays down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. This programme is ongoing and it has not been possible yet to complete decision-making on a number of active substances.
- (3) The Commission presented its progress report on 26 July 2001 ⁽⁴⁾. It concluded that progress has not been as good as was originally anticipated and therefore the deadline should be extended for those active substances for which industry has notified a commitment to prepare further the necessary dossiers within the time limits.

- (4) For those active substances the time period provided for in Article 8(2) of Directive 91/414/EEC should be prolonged in order to allow for the submission of dossiers and the evaluation thereof.
- (5) This extension of time does not prejudice the possibility of including or not including individual active substances in Annex I to Directive 91/414 as provided for in Article 8(2), fourth subparagraph, of that Directive.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The time period of 12 years provided for in Article 8(2) of Directive 91/414/EEC is extended until 31 December 2008 for the active substances listed in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 July 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 177, 16.7.2003, p. 12.

⁽³⁾ OJ L 168, 27.6.2002, p. 14.

⁽⁴⁾ COM(2001) 444 final.

ANNEX

LIST OF ACTIVE SUBSTANCES REFERRED TO IN ARTICLE 1

A. Chemical active substances

(2E,13Z)-Octadecadien-1-yl acetate	5-Decen-1-ol
(3E,13Z)-Octadecadien-1-yl acetate	5-Decen-1-yl acetate
(3Z,13Z)-Octadecadien-1-yl acetate	6-Benzyladenine
(7E,9E)-Dodecadienyl acetate	Acetic acid
(7E,9Z)-Dodecadienyl acetate	Aluminium ammonium sulfate
(7Z,11E)-Hexadecadien-1-yl acetate	Aluminium phosphide
(7Z,11Z)-Hexadecadien-1-yl acetate	Aluminium sulphate
(9Z,12E)-Tetradecadien-1-yl acetate	<i>Within the category of amino acids, the following:</i>
(E)-11-Tetradecenyl acetate	Gamma Aminobutyric acid
(E)-8-Dodecenyl acetate	L-Glutamic acid
(E,E)-8,10-Dodecadien-1-ol	L-Tryptophan
(E/Z)-8-Dodecenyl acetate	
(E/Z)-9-Dodecen-1-ol	Ammonium acetate
(E/Z)-9-Dodecenyl acetate	Ammonium carbonate
(Z)-11-Hexadecen-1-ol	Anthraquinone
(Z)-11-Hexadecen-1-yl acetate	Azadirachtin
(Z)-11-Hexadecenal	Bone oil
(Z)-11-Tetradecen-1-yl acetate	Brodifacoum
(Z)-13-Hexadecen-11-ynyl acetate	Bromadiolone
(Z)-13-Octadecenal	Calcium carbide
(Z)-7-Tetradecenal	Calcium chloride
(Z)-8-Dodecenol	Carbon dioxide
(Z)-8-Dodecenyl acetate	Chitosan
(Z)-9-Dodecenyl acetate	Chloralose
(Z)-9-Hexadecenal	Chlorophacinone
(Z)-9-Tetradecenyl acetate	cis-Zeatin
(Z,Z,Z,Z)-7,13,16,19-Docosatetraen-1-yl isobutyrate	Citronellol
1,4-Diaminobutane (Putrescine)	Citrus extract
1,7-Dioxaspiro-5,5-undecan	Cystein
1-Decanol	Denathonium benzoate
1-Naphthylacetamide	Didecyl-dimethylammonium chloride
1-Naphthylacetic acid	Difenacoum
1-Naphthylacetic acid ethylester	Dodecan-1-yl-acetate
1-Tetradecanol	Dodecyl alcohol
2,6,6-Trimethylbicyclo(3.1.1)hept-2-en-4-ol	EDTA and salts thereof
2-Naphthyloxyacetamide	Ethanol
2-Naphthyloxyacetic acid	Ethoxyquin
2-Phenylphenol (incl. Sodium salt)	Ethylene
3,7,11-Trimethyl-1,6,10-dodecatrien-3-ol (Nerolidol)	Farnesol/(Z,E)-3,7,11-trimethyl-2,6,10-dodecatrien-1-ol
3,7-Dimethyl-2,6-octadien-1-ol (Geraniol)	

Within the category of fatty acids, the following:

Decanoic acid
Fatty acid methylester
Fatty acid potassium salt
Heptanoic acid
Octanoic acid
Oleic acid
Pelargonic acid

Fatty alcohols

Folic acid

Formaldehyde

Formic acid

Garlic extract

Gelatine

Gibberellic acid

Gibberellin

Glutaraldehyde

Grapefruit seed extract

Hydrogen peroxide

Hydrolised proteins

Indolylacetic acid

Indolylbutyric acid

Iron sulphate

Kaolin

Kieselgur (Diatomaceous earth)

Lecithin

Lime sulphur

Magnesium phosphide

Maltodextrin

Marigold extract

Methyl nonyl ketone

Mimosa Tenuiflora extract

Nicotine

Paraffin oil

Pepper

Peracetic acid

Petroleum oils

Phoxim

Within the category of plant oils, the following:

Black currant bud oil

Citronella oil

Clove oil

Daphne oil

Etheric oil (Eugenol)

Etheric oils

Eucalyptus oil

Gaiac Wood oil

Garlic oil

Lemongrass oil

Marjoram oil

Olive oil

Orange oil

Pinus oil

Rape seed oil

Soya oil

Spear mint oil

Sunflower oil

Thyme oil

Ylang-Ylang oil

Potassium hydrogen carbonate

Potassium permanganate

Pyrethrins

Quartz sand

Quassia

Within the category of repellents (by smell) of animal or plant origin, the following:

Blood meal

Essential oils

Fatty acids, fish oil

Fish oil

Sheep fat

Tall oil

Tall oil crude

Rotenone

Sea-algae extract

Seaweed

Sodium aluminium silicate

Sodium hydrogen carbonate

Sodium hypochlorite

Sodium lauryl sulfate

Sodium metabisulphite

Sodium p-toluenesulphon-chloramide

Sulphur and Sulphur dioxide

Sulphuric acid

Tricalcium phosphate

Trimethylamine hydrochloride

Urea

Wheat gluten

Zinc phosphide

B. Micro-organisms

Bacillus sphaericus	Neodiprion sertifer nuclear polyhedrosis virus
Bacillus thuringiensis, subspecies aizawai	Phlebiopsis gigantea
Bacillus thuringiensis, subspecies israelensis	Streptomyces griseoviridis
Bacillus thuringiensis, subspecies kurstaki	Trichoderma harzianum
Bacillus thuringiensis, subspecies tenebrionis	Trichoderma polysporum
Beauveria bassiana	Trichoderma viride
Beauveria brongniartii (syn. B. tenella)	Verticillium dahliae
Cydia pomonella granulosis virus	Verticillium lecanii
Metarhizium anisopliae	

COMMISSION DECISION

of 28 July 2003

on the financial contribution towards carrying out the operations planned by the Member States in 2003 in implementing the control, inspection and surveillance systems applicable to the common fisheries policy*(notified under document number C(2003) 2693)*

(2003/566/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2001/431/EC of 28 May 2001 on a financial contribution by the Community to certain expenditure incurred by the Member States in implementing the control, inspection and surveillance systems applicable to the common fisheries policy ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

(1) Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, the Netherlands, Austria, Portugal, Finland, Sweden and the United Kingdom have forwarded to the Commission their fisheries control programmes for the period 1 January 2001 to 31 December 2003 together with applications for a financial contribution towards the expenditure to be incurred in carrying out the programmes. The Member States have submitted updated applications for 2003.

(2) Applications concerning the operations listed in Article 2 of Decision 2001/431/EC may qualify for Community funding. Having regard in particular to the provisions introduced in accordance with Council Regulation (EC) No 2371/2002 ⁽²⁾, priority is to be given to operations extending the satellite-based monitoring system to vessels under 24 metres long, implementing pilot projects for sending information by electronic means and for remote-sensing of fishing vessels, and to the training of national officials.

(3) The rate of the Community contribution for each operation, the conditions on which the expenditure is reimbursed and, for each Member State and each operation, the total amount of eligible expenditure in 2003 should be laid down.

(4) To promote the extension of the satellite-based monitoring system to vessels between 18 and 24 metres long, the rate of the Community contribution should be increased to more than 50 % of eligible expenditure, while complying with the ceiling laid down in Article 11 of Decision 2001/431/EC.

(5) Pursuant to Article 15 of Decision 2001/431/EC, the Member States must implement their scheduled expenditure within one year of the legal and financial commitment; this commitment must be made at the latest within the calendar year following the year of notification of the Commission Decision.

(6) Pursuant to Article 17(1) of Decision 2001/431/EC, Member States must submit their applications for reimbursement of expenditure to the Commission by 31 May of the year following the year in which it was incurred at the latest.

(7) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

This Decision establishes for 2003 the amount of the eligible expenditure for each Member State, the rates of the Community financial contribution and the conditions on which the contribution may be granted, to the extent that the eligible expenditure is actually used to implement the control programmes.

Article 2

Expenditure incurred in putting in place the mechanisms and IT networks necessary for exchanges of information linked to control shall qualify for a maximum financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex I.

Article 3

Expenditure relating to experiments with, and the implementation of, new technologies to improve the monitoring of fishing activities other than those provided for in Articles 4 and 5 shall qualify for a maximum financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex II.

⁽¹⁾ OJ L 154, 9.6.2001, p. 22.

⁽²⁾ OJ L 358, 31.12.2002, p. 59.

Article 4

Expenditure incurred in investments in extending the satellite-based monitoring system to vessels between 18 and 24 metres long shall qualify for a maximum financial contribution of 100 % of the eligible expenditure within the limits laid down in Annex III:

- the maximum admissible cost of purchasing satellite tracking devices installed in Community fishing vessels may not exceed EUR 4 500 per vessel,
- the financial contribution towards the purchase of satellite tracking devices shall be reduced to 50 % for that part of the expenditure in excess of EUR 1 500 per vessel.

Article 5

Expenditure incurred in implementing pilot projects for sending information by electronic means and for remote-sensing of fishing vessels shall qualify for a maximum financial contribution of 100 % of the eligible expenditure within the limits laid down in Annex IV.

Article 6

Expenditure incurred in the training of national officials involved in control activities shall qualify for a maximum financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex V.

Article 7

Expenditure relating to the acquisition or modernisation of vessels and aircraft actually used for control, inspection and surveillance of fishing activities shall qualify for a maximum financial contribution of 35 % of the eligible expenditure within the limits laid down in Annex VI.

Article 8

Expenditure incurred in implementing a system to assess expenditure incurred in controlling the common fisheries policy shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex VII.

Article 9

Member States shall submit their applications for reimbursement of the expenditure referred to in this Decision to the Commission by 31 May 2006 at the latest.

Article 10

Applications for reimbursement and for advances expressed in currencies other than the euro shall be converted into euro at the rate for the month in which they reach the Commission.

Article 11

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 28 July 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I —
ANEXO I — LIITE I — BILAGA I

(EUR)

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät menot Bidragsberättigande kostnader	Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição max. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag
BELGIË/BELGIQUE	24 790	12 395
DANMARK	640 000	320 000
DEUTSCHLAND	360 000	180 000
ΕΛΛΑΣ	1 500 000	750 000
ESPAÑA	923 812	461 906
FRANCE	153 000	76 500
IRELAND	615 552	307 776
ITALIA	1 141 370	570 685
NEDERLAND	443 732	221 866
ÖSTERREICH	0	0
PORTUGAL	74 820	37 410
SUOMI	900 000	450 000
SVERIGE	316 904	158 452
UNITED KINGDOM	527 662	431 448
		263 831
Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt	7 621 642	3 810 821

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II —
 BIJLAGE II — ANEXO II — LIITE II — BILAGA II

(EUR)

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät menot Bidragsberättigande kostnader	Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição max. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag
BELGIË/BELGIQUE	0	0
DANMARK	0	0
DEUTSCHLAND	127 824	63 912
ΕΛΛΑΣ	1 500 000	750 000
ESPAÑA	755 470	377 735
FRANCE	0	0
IRELAND	0	0
ITALIA	1 106 400	553 200
NEDERLAND	0	0
ÖSTERREICH	0	0
PORTUGAL	0	0
SUOMI	134 000	67 000
SVERIGE	0	0
UNITED KINGDOM	0	0
Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt	3 623 694	1 811 847

ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III — ALLEGATO III —
 BIJLAGE III — ANEXO III — LIITE III — BILAGA III

(EUR)

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät menot Bidragsberättigande kostnader	Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição max. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag
BELGIË/BELGIQUE	57 800	41 650
DANMARK	759 968	520 234
DEUTSCHLAND	468 000	234 000
ΕΛΛΑΣ	1 276 000	435 000
ESPAÑA	3 150 000	2 100 000
FRANCE	2 100 000	1 500 000
IRELAND	690 000	450 000
ITALIA	11 564 347	3 387 000
NEDERLAND	974 406	661 953
ÖSTERREICH	0	0
PORTUGAL	1 939 868	1 218 000
SUOMI	176 000	96 000
SVERIGE	351 470	210 000
UNITED KINGDOM	0	0
Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt	23 507 859	10 853 837

ANEXO IV — BILAG IV — ANHANG IV — ΠΑΡΑΡΤΗΜΑ IV — ANNEX IV — ANNEXE IV — ALLEGATO IV —
 BIJLAGE IV — ANEXO IV — LIITE IV — BILAGA IV

(EUR)

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät menot Bidragsberättigande kostnader	Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição max. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag
BELGIË/BELGIQUE	50 000	50 000
DANMARK	400 000	400 000
DEUTSCHLAND	0	0
ΕΛΛΑΣ	0	0
ESPAÑA	0	0
FRANCE	0	0
IRELAND	0	0
ITALIA	950 000	475 000
NEDERLAND	0	0
ÖSTERREICH	0	0
PORTUGAL	0	0
SUOMI	0	0
SVERIGE	259 945	259 945
UNITED KINGDOM	0	0
Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt	1 659 945	1 184 945

ANEXO V — BILAG V — ANHANG V — ΠΑΡΑΡΤΗΜΑ V — ANNEX V — ANNEXE V — ALLEGATO V —
BIJLAGE V — ANEXO V — LIITE V — BILAGA V

(EUR)

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät menot Bidragsberättigande kostnader	Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição max. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag
BELGIË/BELGIQUE	9 914	4 957
DANMARK	100 000	50 000
DEUTSCHLAND	20 713	10 357
ΕΛΛΑΣ	1 500 000	750 000
ESPAÑA	239 793	119 897
FRANCE	70 000	35 000
IRELAND	135 226	0
ITALIA	1 142 116	571 058
NEDERLAND	68 680	34 340
ÖSTERREICH	19 259	9 630
PORTUGAL	0	0
SUOMI	20 000	10 000
SVERIGE	27 319	13 660
UNITED KINGDOM	265 118	132 559
Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt	3 618 138	1 741 458

ANEXO VI — BILAG VI — ANHANG VI — ΠΑΡΑΡΤΗΜΑ VI — ANNEX VI — ANNEXE VI — ALLEGATO VI —
BIJLAGE VI — ANEXO VI — LIITE VI — BILAGA VI

(EUR)

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät menot Bidragsberättigande kostnader	Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição max. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag
BELGIË/BELGIQUE	346 510	80 500
DANMARK	4 030 000	0
DEUTSCHLAND	3 613 625	0
ΕΛΛΑΣ	1 100 000	385 000
ESPAÑA	15 118 519	2 832 199
FRANCE	4 600 000	0
IRELAND	9 831 503	3 244 500
ITALIA	350 000	122 500
NEDERLAND	0	0
ÖSTERREICH	0	0
PORTUGAL	8 170 400	0
SUOMI	0	0
SVERIGE	4 458 529	1 560 485
UNITED KINGDOM	14 356 620	4 456 059
Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt	65 975 306	12 681 243

ANEXO VII — BILAG VII — ANHANG VII — ΠΑΡΑΡΤΗΜΑ VII — ANNEX VII — ANNEXE VII —
ALLEGATO VII — BIJLAGE VII — ANEXO VII — LIITE VII — BILAGA VII

(EUR)

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenvaltio Medlemsstat	Gastos subvencionables Støtteberettigede udgifter Erstattungsfähige Ausgaben Επιλέξιμες δαπάνες Eligible expenditure Dépenses admissibles Spese ammissibili In aanmerking komende uitgaven Despesas elegíveis Hyväksyttävät menot Bidragsberättigande kostnader	Contribución max. de la Comunidad Fællesskabets max. fin. bidrag Max. Gemeinschaftsbeitrag Μέγιστη κοινοτική συμμετοχή Max. Community contribution Participation communautaire maximale Contributo max. della Comunità Maximale bijdrage van de Gemeenschap Contribuição max. da Comunidade Yhteisön osuus enintään Gemenskapens maximala bidrag
BELGIË/BELGIQUE	0	0
DANMARK	0	0
DEUTSCHLAND	0	0
ΕΛΛΑΣ	400 000	200 000
ESPAÑA	0	0
FRANCE	0	0
IRELAND	0	0
ITALIA	0	0
NEDERLAND	0	0
ÖSTERREICH	0	0
PORTUGAL	0	0
SUOMI	0	0
SVERIGE	0	0
UNITED KINGDOM	0	0
Total/I alt/Σύνολο/Totale/Totaal/ Yhteensä/Totalt	400 000	200 000

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

COUNCIL DECISION 2003/567/CFSP

of 21 July 2003

implementing Common Position 1999/533/CFSP relating to the European Union's contribution to the promotion of the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Common Position 1999/533/CFSP of 29 July 1999 relating to the European Union's contribution to the promotion of the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) ⁽¹⁾, and in particular Articles 1 and 4 thereof, in conjunction with Article 23(2) of the Treaty on European Union,

Whereas:

- (1) In accordance with Article 4 of Common Position 1999/533/CFSP, the European Union undertook to encourage all States which have not yet done so to sign and ratify the CTBT without delay, in particular those States on the list of 44, whose ratification is necessary for the entry into force of the CTBT.
- (2) It is appropriate to contribute to a successful outcome of the third conference pursuant to Article XIV of the CTBT, which will take place in Vienna from 3 to 5 September 2003, aiming at accelerating the CTBT-ratification process in order to facilitate the early entry into force of the CTBT,

HAS DECIDED AS FOLLOWS:

Article 1

Within the framework of the support for the early entry into force of the CTBT referred to in Article 1 of the Common Position 1999/533/CFSP, the European Union shall encourage all States which have not yet done so to sign and ratify the CTBT without delay.

For this purpose, the European Union shall encourage:

- (a) as a first priority, those States on the list of 44, whose signature and ratification is necessary for entry into force of the CTBT;

- (b) those States which have signed, but not ratified, the CTBT, in particular the States which will host stations of the International Monitoring System (IMS);
- (c) those States which have not signed the CTBT, in particular, the States which will host IMS stations.

Article 2

The European Union shall support the convening of the conference pursuant to Article XIV of the CTBT at political level.

Article 3

In order to accelerate the ratification process and to facilitate the early entry into force of the CTBT, the European Union may contact regional organisations (such as the African Union, Organisation of American States (OAS) and Association of East Asian States (ASEAN)).

Article 4

The Presidency shall inform the CTBT Provisional Technical Secretariat of the implementation of Articles 1 and 2.

Article 5

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

Article 6

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

Done at Brussels, 21 July 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 204, 4.8.1999, p. 1.

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

COUNCIL FRAMEWORK DECISION 2003/568/JHA
of 22 July 2003
on combating corruption in the private sector

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29, Article 31(1)(e) and Article 34(2)(b) thereof,

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

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

Whereas:

- (1) Along with globalisation, recent years have brought an increase in cross-border trade in goods and services. Any corruption in the private sector within a Member State is thus not just a domestic problem but also a transnational problem, most effectively tackled by means of a European Union joint action.
- (2) On 27 September 1996 the Council adopted the Act drawing up a Protocol to the Convention on the Protection of the European Communities' Financial Interests ⁽³⁾. The Protocol, which entered into force on 17 October 2002, contains definitions of and harmonised penalties for offences of corruption.
- (3) On 26 May 1997 the Council approved a Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union ⁽⁴⁾.
- (4) On 22 December 1998, the Council also adopted Joint Action 98/742/JHA on corruption in the private sector ⁽⁵⁾. In connection with the adoption of that Joint Action, the Council issued a statement to the effect that it agreed that the Joint Action represents the first step at European Union level towards combating such corruption, and that additional measures will be implemented at a later stage in the light of the outcome of the assessment which is to take place pursuant to Article 8(2) of the Joint Action. A report on Member States' transposition of that Joint Action into national law is not yet available.
- (5) On 13 June 2002 the Council adopted Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between the Member

States ⁽⁶⁾, in which corruption is included in the list of offences falling within the scope of the European arrest warrant, in respect of which prior verification of double criminality is not required.

- (6) Under Article 29 of the Treaty on European Union, it is the Union's objective to provide citizens with a high level of safety within an area of freedom, security and justice, an objective to be achieved by preventing and combating crime, organised or otherwise, including corruption.
- (7) According to point 48 of the conclusions of the European Council meeting in Tampere on 15 and 16 October 1999, corruption is an area of particular relevance in establishing minimum rules on what constitutes a criminal offence in Member States and the penalties applicable.
- (8) An OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions was approved at a negotiating conference on 21 November 1997, and the Council of Europe has also approved a Criminal Law Convention on Corruption, which opened for signature on 27 January 1999. That Convention is accompanied by an Agreement establishing the Group of States against Corruption (GRECO). Negotiations have also been opened for a UN Convention on combating corruption.
- (9) Member States attach particular importance to combating corruption in both the public and the private sector, in the belief that in both those sectors it poses a threat to a law-abiding society as well as distorting competition in relation to the purchase of goods or commercial services and impeding sound economic development. In that context the Member States which have not yet ratified the European Union Convention of 26 May 1997 and the Council of Europe Convention of 27 January 1999 will consider how to do so as soon as possible.

⁽¹⁾ OJ C 184, 2.8.2002, p. 5.

⁽²⁾ Opinion of 22 November 2002 (not yet published in the Official Journal).

⁽³⁾ OJ C 313, 23.10.1996, p. 1.

⁽⁴⁾ OJ C 195, 25.6.1997, p. 2.

⁽⁵⁾ OJ L 358, 31.12.1998, p. 2.

⁽⁶⁾ OJ L 190, 18.7.2002, p. 1.

(10) The aim of this Framework Decision is in particular to ensure that both active and passive corruption in the private sector are criminal offences in all Member States, that legal persons may also be held responsible for such offences, and that these offences incur effective, proportionate and dissuasive penalties,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Definitions

For the purposes of this Framework Decision:

- 'legal person' means any entity having such status under the applicable national law, except for States or other public bodies acting in the exercise of State authority and for public international organisations,
- 'breach of duty' shall be understood in accordance with national law. The concept of breach of duty in national law should cover as a minimum any disloyal behaviour constituting a breach of a statutory duty, or, as the case may be, a breach of professional regulations or instructions, which apply within the business of a person who in any capacity directs or works for a private sector entity.

Article 2

Active and passive corruption in the private sector

1. Member States shall take the necessary measures to ensure that the following intentional conduct constitutes a criminal offence, when it is carried out in the course of business activities:
 - (a) promising, offering or giving, directly or through an intermediary, to a person who in any capacity directs or works for a private-sector entity an undue advantage of any kind, for that person or for a third party, in order that that person should perform or refrain from performing any act, in breach of that person's duties;
 - (b) directly or through an intermediary, requesting or receiving an undue advantage of any kind, or accepting the promise of such an advantage, for oneself or for a third party, while in any capacity directing or working for a private-sector entity, in order to perform or refrain from performing any act, in breach of one's duties.
2. Paragraph 1 applies to business activities within profit and non-profit entities.
3. A Member State may declare that it will limit the scope of paragraph 1 to such conduct which involves, or could involve, a distortion of competition in relation to the purchase of goods or commercial services.

4. Declarations referred to in paragraph 3 shall be communicated to the Council at the time of the adoption of this Framework Decision and shall be valid for five years as from 22 July 2005.

5. The Council shall review this Article in due time before 22 July 2010 with a view to considering whether it shall be possible to renew declarations made under paragraph 3.

Article 3

Instigation, aiding and abetting

Member States shall take the necessary measures to ensure that instigating, aiding and abetting the conduct referred to in Article 2 constitute criminal offences.

Article 4

Penalties and other sanctions

1. Each Member State shall take the necessary measures to ensure that the conduct referred to in Articles 2 and 3 is punishable by effective, proportionate and dissuasive criminal penalties.
2. Each Member State shall take the necessary measures to ensure that the conduct referred to in Article 2 is punishable by a penalty of a maximum of at least one to three years of imprisonment.
3. Each Member State shall take the necessary measures in accordance with its constitutional rules and principles to ensure that where a natural person in relation to a certain business activity has been convicted of the conduct referred to in Article 2, that person may, where appropriate, at least in cases where he or she had a leading position in a company within the business concerned, be temporarily prohibited from carrying on this particular or comparable business activity in a similar position or capacity, if the facts established give reason to believe there to be a clear risk of abuse of position or of office by active or passive corruption.

Article 5

Liability of legal persons

1. Each Member State shall take the necessary measures to ensure that legal persons can be held liable for offences referred to in Articles 2 and 3 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:
 - (a) a power of representation of the legal person;
 - (b) an authority to take decisions on behalf of the legal person; or
 - (c) an authority to exercise control within the legal person.

2. Apart from the cases provided for in paragraph 1, each Member State shall take the necessary measures to ensure that a legal person can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission of an offence of the type referred to in Articles 2 and 3 for the benefit of that legal person by a person under its authority.

3. Liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are involved as perpetrators, instigators or accessories in an offence of the type referred to in Articles 2 and 3.

Article 6

Penalties for legal persons

1. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 5(1) is punishable by effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines and may include other penalties such as:

- (a) exclusion from entitlement to public benefits or aid;
- (b) temporary or permanent disqualification from the practice of commercial activities;
- (c) placing under judicial supervision; or
- (d) a judicial winding-up order.

2. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 5(2) is punishable by penalties or measures which are effective, proportionate and dissuasive.

Article 7

Jurisdiction

1. Each Member State shall take the necessary measures to establish its jurisdiction with regard to the offences referred to in Articles 2 and 3, where the offence has been committed:

- (a) in whole or in part within its territory;
- (b) by one of its nationals; or
- (c) for the benefit of a legal person that has its head office in the territory of that Member State.

2. Any Member State may decide that it will not apply the jurisdiction rules in paragraph 1(b) and (c), or will apply them only in specific cases or circumstances, where the offence has been committed outside its territory.

3. Any Member State which, under its domestic law, does not as yet surrender its own nationals shall take the necessary measures to establish its jurisdiction with regard to the offences referred to in Articles 2 and 3, when committed by its own nationals outside its territory.

4. Member States which decide to apply paragraph 2 shall inform the General Secretariat of the Council and the Commission accordingly, where appropriate with an indication of the specific cases or circumstances in which the decision applies.

Article 8

Repeal

Joint Action 98/742/JHA shall be repealed.

Article 9

Implementation

1. Member States shall take the necessary measures to comply with the provisions of this Framework Decision before 22 July 2005.

2. By the same date, Member States shall transmit to the General Secretariat of the Council and the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision. On the basis of a report established using this information and a written report from the Commission, the Council shall before 22 October 2005 assess the extent to which Member States have complied with the provisions of this Framework Decision.

Article 10

Territorial application

This Framework Decision shall apply to Gibraltar.

Article 11

Entry into force

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

Done at Brussels, 22 July 2003.

For the Council

The President

G. ALEMANN