

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1594/2003
of 12 September 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 13 September 2003.

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

Done at Brussels, 12 September 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 12 September 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

| CN code | Third country code ⁽¹⁾ | Standard import value |
|------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00 | 052 | 117,5 |
| | 060 | 116,7 |
| | 064 | 129,8 |
| | 094 | 81,8 |
| | 999 | 111,5 |
| 0707 00 05 | 052 | 120,2 |
| | 999 | 120,2 |
| 0709 90 70 | 052 | 85,7 |
| | 999 | 85,7 |
| 0805 50 10 | 388 | 69,9 |
| | 524 | 50,5 |
| | 528 | 50,8 |
| | 999 | 57,1 |
| 0806 10 10 | 052 | 74,7 |
| | 064 | 89,8 |
| | 999 | 82,3 |
| 0808 10 20, 0808 10 50, 0808 10 90 | 388 | 73,3 |
| | 400 | 71,5 |
| | 508 | 71,7 |
| | 512 | 82,6 |
| | 720 | 50,7 |
| | 800 | 159,7 |
| | 804 | 94,7 |
| | 999 | 86,3 |
| 0808 20 50 | 052 | 109,6 |
| | 388 | 84,6 |
| | 720 | 56,8 |
| | 999 | 83,7 |
| 0809 30 10, 0809 30 90 | 052 | 100,1 |
| | 999 | 100,1 |
| 0809 40 05 | 060 | 70,8 |
| | 064 | 63,4 |
| | 066 | 71,5 |
| | 068 | 54,5 |
| | 093 | 70,3 |
| | 094 | 58,5 |
| | 512 | 67,0 |
| | 624 | 126,2 |
| | 999 | 72,8 |

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

**COMMISSION REGULATION (EC) No 1595/2003
of 12 September 2003**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 126th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 126th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

No award shall be made as regards the sale of concentrated butter from intervention stocks.

Article 2

This Regulation shall enter into force on 13 September 2003.

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

Done at Brussels, 12 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 12 September 2003 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 126th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

| Formula | | A | | B | | |
|-------------------------|---------------------|--------------|-----------------|--------------|-----------------|-----|
| Incorporation procedure | | With tracers | Without tracers | With tracers | Without tracers | |
| Minimum selling price | Butter \geq 82 % | Unaltered | 213 | 215 | — | 215 |
| | | Concentrated | — | — | — | — |
| Processing security | | Unaltered | 126 | 126 | — | 126 |
| | | Concentrated | — | — | — | — |
| Maximum aid | Butter \geq 82 % | | 85 | 81 | — | 81 |
| | Butter $<$ 82 % | | 83 | 79 | — | 79 |
| | Concentrated butter | | 105 | 101 | 105 | 101 |
| | Cream | | — | — | 36 | 34 |
| Processing security | Butter | | 94 | — | — | — |
| | Concentrated butter | | 116 | — | 116 | — |
| | Cream | | — | — | 40 | — |

**COMMISSION REGULATION (EC) No 1596/2003
of 12 September 2003**

**fixing the maximum purchasing price for butter for the 79th invitation to tender carried out under
the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 79th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 9 September 2003, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 13 September 2003.

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

Done at Brussels, 12 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 53, 28.2.2003, p. 17.

COMMISSION REGULATION (EC) No 1597/2003
of 12 September 2003

fixing the maximum aid for concentrated butter for the 298th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 298th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

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

Article 2

This Regulation shall enter into force on 13 September 2003.

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

Done at Brussels, 12 September 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 1598/2003
of 12 September 2003**

amending Regulation (EEC) No 1609/88 as regards the latest date by which butter must have been taken into storage in order to be sold pursuant to Regulations (EEC) No 3143/85 and (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10,

Whereas:

- (1) Pursuant to Article 1 of Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the grant of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, the butter put up for sale must have been taken into storage before a date to be determined.
- (2) In view of the trends on the butter market and the quantities of stocks available, the date in Article 1 of Commission Regulation (EEC) No 1609/88 ⁽⁵⁾, as last

amended by Regulation (EC) No 1540/2003 ⁽⁶⁾, relating to the butter referred to in Regulation (EC) No 2571/97, should be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1609/88, the second subparagraph is hereby replaced by the following:

‘The butter referred to in Article 1(1)(a) of Regulation (EC) No 2571/97 must have been taken into storage before 1 November 2001.’

Article 2

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

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

Done at Brussels, 12 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

⁽⁵⁾ OJ L 143, 10.6.1988, p. 23.

⁽⁶⁾ OJ L 218, 30.8.2003, p. 38.

**COMMISSION REGULATION (EC) No 1599/2003
of 12 September 2003**

amending Regulation (EC) No 1516/2003 increasing the quantity of barley held by the British intervention agency for which a standing invitation to tender for the sale on the Common market has been opened

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 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 1516/2003 ⁽⁵⁾ opened a standing invitation to tender for the sale on the Community market of 45 300 tonnes of barley held by the British intervention agency.
- (3) The United Kingdom informed the Commission of the intention of its intervention agency to increase by 43 000 tonnes the quantity for which a standing invitation to tender for the sale on the Community market has been opened. In view of the market situation, the request of the United Kingdom should be granted.

- (4) This increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store without delay.
- (5) Regulation (EC) No 1516/2003 should be amended accordingly.
- (6) 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

Regulation (EC) No 1516/2003 is hereby amended as follows:

1. Article 1(1) is replaced by the following:
'1. The British intervention agency shall open a standing invitation for the sale on the Community market of 88 300 tonnes of barley held by it.'
2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 12 September 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 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 217, 29.8.2003, p. 29.

ANNEX

'ANNEX I

| Place of storage | Quantities (tonnes) |
|------------------|------------------------|
| England/Scotland | 88 300' |

COMMISSION REGULATION (EC) No 1600/2003
of 12 September 2003
concerning the 45th special invitation to tender issued under the standing invitation to tender
referred to in Regulation (EC) No 2799/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 26 of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder ⁽³⁾, as last amended by Regulation (EC) No 2238/2002 ⁽⁴⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of skimmed-milk powder held by them.

- (2) According to Article 30 of Regulation (EC) No 2799/1999, in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no award.
- (3) On the basis of the examination of the offers received, the tendering procedure should not be proceeded with.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 45th individual invitation to tender pursuant to Regulation (EC) No 2799/1999, in respect of which the time limit for the submission of tenders expired on 9 September 2003, no award shall be made.

Article 2

This Regulation shall enter into force on 13 September 2003.

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

Done at Brussels, 12 September 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 340, 31.12.1999, p. 3.

⁽⁴⁾ OJ L 341, 17.12.2002, p. 11.

COMMISSION REGULATION (EC) No 1601/2003
of 12 September 2003
prohibiting fishing for whiting by vessels flying the flag of the Netherlands

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 Commission Regulation (EC) No 1407/2003 ⁽⁴⁾, lays down quotas for whiting 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 quota allocated.
- (3) According to the information received by the Commission, catches of whiting in the waters of ICES division Vb (Faroese waters), by vessels flying the flag of the

Netherlands or registered in the Netherlands have exhausted the quota allocated for 2003. The Netherlands has prohibited fishing for this stock from 13 August 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of whiting in the waters of ICES division Vb (Faroese waters), by vessels flying the flag of the Netherlands or registered in the Netherlands are hereby deemed to have exhausted the quota allocated to the Netherlands for 2003.

Fishing for whiting in the waters of ICES division Vb (Faroese waters), by vessels flying the flag of the Netherlands or registered in the Netherlands 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 August 2003.

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

Done at Brussels, 12 September 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 201, 8.8.2003, p. 3.

COMMISSION REGULATION (EC) No 1602/2003
of 12 September 2003
prohibiting fishing for herring by vessels flying the flag of the Netherlands

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 fishing 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 Commission Regulation (EC) No 1407/2003 ⁽⁴⁾, lays down quotas for herring 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 quota allocated.
- (3) According to the information received by the Commission, catches of herring in the waters of ICES divisions I and II (EC waters, international waters and Norwegian

waters) by vessels flying the flag of the Netherlands or registered in the Netherlands have exhausted the quota for 2003. The Netherlands have prohibited fishing for this stock from 13 August 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of herring in the waters of ICES divisions I and II (EC waters, international waters and Norwegian waters) by vessels flying the flag of the Netherlands or registered in the Netherlands are hereby deemed to have exhausted the quota allocated to the Netherlands for 2003.

Fishing for herring in the waters of ICES divisions I and II (EC waters, international waters and Norwegian waters) by vessels flying the flag of the Netherlands or registered in the Netherlands is hereby prohibited, as are the retention on board, transhipment 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 August 2003.

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

Done at Brussels, 12 September 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 201, 8.8.2003, p. 3.

COMMISSION REGULATION (EC) No 1603/2003
of 12 September 2003
prohibiting fishing for ling by vessels flying the flag of Germany

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 catch limitations are required ⁽³⁾, as last amended by Commission Regulation (EC) No 1407/2003 ⁽⁴⁾, lays down quotas for ling 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 quota allocated.
- (3) According to the information received by the Commission, catches of ling in the waters of ICES divisions I and II (EC waters and waters not falling under the sovereignty or within the jurisdiction of third countries), by

vessels flying the flag of Germany or registered in Germany have exhausted the quota allocated for 2003. Germany has prohibited fishing for this stock from 29 August 2003. This date should consequently be adopted in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of ling in the waters of ICES divisions I and II (EC waters and waters not falling under the sovereignty or within the jurisdiction of third countries), by vessels flying the flag of Germany or registered in Germany are hereby deemed to have exhausted the quota allocated to Germany for 2003.

Fishing for ling in the waters of ICES divisions I and II (EC waters and waters not falling under the sovereignty or within the jurisdiction of third countries), by vessels flying the flag of Germany or registered in Germany 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 29 August 2003.

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

Done at Brussels, 12 September 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 201, 8.8.2003, p. 3.

COMMISSION REGULATION (EC) No 1604/2003
of 12 September 2003
prohibiting fishing for whiting by vessels flying the flag of Belgium

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 Commission Regulation (EC) No 1407/2003 ⁽⁴⁾, lays down quotas for whiting 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 quota allocated.
- (3) According to the information received by the Commission, catches of whiting in the waters of ICES zone VIII by vessels flying the flag of Belgium or registered in

Belgium have exhausted the quota allocated for 2003. Belgium has prohibited fishing for this stock from 1 September 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of whiting in the waters of ICES zone VIII by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2003.

Fishing for whiting in the waters of ICES zone VIII by vessels flying the flag of Belgium or registered in Belgium 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 1 September 2003.

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

Done at Brussels, 12 September 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 201, 8.8.2003, p. 3.

COMMISSION REGULATION (EC) No 1605/2003
of 12 September 2003
amending Regulation (EC) No 2805/95 fixing the export refunds in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular the second subparagraph of Article 63(3) and Article 64(5) thereof,

Whereas:

- (1) Pursuant to Article 63(1) of Regulation (EC) No 1493/1999, to the extent necessary to enable the products listed in Article 1(2)(a) and (b) of that Regulation to be exported on the basis of the prices for those products on the world market and within the limits of the Agreements concluded in accordance with Article 300 of the Treaty, the difference between those prices and the prices in the Community may be covered by an export refund.
- (2) Under Article 64(3) of Regulation (EC) No 1493/1999, the prices and destinations for refunds are to be fixed periodically taking account of the existing situation and likely trends with regard to the prices and availability of the products concerned on the Community market and the world market prices for those products.

- (3) In view of the accession of Latvia and Malta on 1 May 2004, refunds to those destinations in the wine sector should be abolished from the beginning of the 2003/04 wine year.
- (4) Commission Regulation (EC) No 2805/95 ⁽³⁾, as last amended by Regulation (EC) No 1175/2003 ⁽⁴⁾, should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2805/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 13 September 2003.

It shall apply from 16 September 2003.

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

Done at Brussels, 12 September 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.
⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 291, 6.12.1995, p. 10.
⁽⁴⁾ OJ L 164, 2.7.2003, p. 8.

ANNEX

to the Commission Regulation of 12 September 2003 amending Regulation (EC) No 2805/95 fixing the export refunds in the wine sector

| Product code | Destination | Unit of measurement | Amount of refund |
|-----------------|-------------|---------------------|------------------|
| 2009 69 11 9100 | W01 | EUR/hl | 39,023 |
| 2009 69 19 9100 | W01 | EUR/hl | 39,023 |
| 2009 69 51 9100 | W01 | EUR/hl | 39,023 |
| 2009 69 71 9100 | W01 | EUR/hl | 39,023 |
| 2204 30 92 9100 | W01 | EUR/hl | 39,023 |
| 2204 30 94 9100 | W01 | EUR/hl | 10,339 |
| 2204 30 96 9100 | W01 | EUR/hl | 39,023 |
| 2204 30 98 9100 | W01 | EUR/hl | 10,339 |
| 2204 21 79 9100 | W02 | EUR/hl | 5,358 |
| 2204 21 79 9100 | W03 | EUR/hl | 5,358 |
| 2204 21 80 9100 | W02 | EUR/hl | 6,473 |
| 2204 21 80 9100 | W03 | EUR/hl | 6,473 |
| 2204 21 83 9100 | W02 | EUR/hl | 7,317 |
| 2204 21 83 9100 | W03 | EUR/hl | 7,317 |
| 2204 21 84 9100 | W02 | EUR/hl | 8,842 |
| 2204 21 84 9100 | W03 | EUR/hl | 8,842 |
| 2204 21 79 9200 | W02 | EUR/hl | 6,271 |
| 2204 21 79 9200 | W03 | EUR/hl | 6,271 |
| 2204 21 80 9200 | W02 | EUR/hl | 7,578 |
| 2204 21 80 9200 | W03 | EUR/hl | 7,578 |
| 2204 21 79 9910 | W02 and W03 | EUR/hl | 3,771 |
| 2204 21 94 9910 | W02 and W03 | EUR/hl | 14,250 |
| 2204 21 98 9910 | W02 and W03 | EUR/hl | 14,250 |
| 2204 29 62 9100 | W02 | EUR/hl | 5,358 |
| 2204 29 62 9100 | W03 | EUR/hl | 5,358 |
| 2204 29 64 9100 | W02 | EUR/hl | 5,358 |
| 2204 29 64 9100 | W03 | EUR/hl | 5,358 |
| 2204 29 65 9100 | W02 | EUR/hl | 5,358 |
| 2204 29 65 9100 | W03 | EUR/hl | 5,358 |
| 2204 29 71 9100 | W02 | EUR/hl | 6,473 |
| 2204 29 71 9100 | W03 | EUR/hl | 6,473 |

| Product code | Destination | Unit of measurement | Amount of refund |
|-----------------|-------------|---------------------|------------------|
| 2204 29 72 9100 | W02 | EUR/hl | 6,473 |
| 2204 29 72 9100 | W03 | EUR/hl | 6,473 |
| 2204 29 75 9100 | W02 | EUR/hl | 6,473 |
| 2204 29 75 9100 | W03 | EUR/hl | 6,473 |
| 2204 29 62 9200 | W02 | EUR/hl | 6,271 |
| 2204 29 62 9200 | W03 | EUR/hl | 6,271 |
| 2204 29 64 9200 | W02 | EUR/hl | 6,271 |
| 2204 29 64 9200 | W03 | EUR/hl | 6,271 |
| 2204 29 65 9200 | W02 | EUR/hl | 6,271 |
| 2204 29 65 9200 | W03 | EUR/hl | 6,271 |
| 2204 29 71 9200 | W02 | EUR/hl | 7,578 |
| 2204 29 71 9200 | W03 | EUR/hl | 7,578 |
| 2204 29 72 9200 | W02 | EUR/hl | 7,578 |
| 2204 29 72 9200 | W03 | EUR/hl | 7,578 |
| 2204 29 75 9200 | W02 | EUR/hl | 7,578 |
| 2204 29 75 9200 | W03 | EUR/hl | 7,578 |
| 2204 29 83 9100 | W02 | EUR/hl | 7,317 |
| 2204 29 83 9100 | W03 | EUR/hl | 7,317 |
| 2204 29 84 9100 | W02 | EUR/hl | 8,842 |
| 2204 29 84 9100 | W03 | EUR/hl | 8,842 |
| 2204 29 62 9910 | W02 and W03 | EUR/hl | 3,771 |
| 2204 29 64 9910 | W02 and W03 | EUR/hl | 3,771 |
| 2204 29 65 9910 | W02 and W03 | EUR/hl | 3,771 |
| 2204 29 94 9910 | W02 and W03 | EUR/hl | 14,250 |
| 2204 29 98 9910 | W02 and W03 | EUR/hl | 14,250 |

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 2032/2000 (OJ L 243, 28.9.2000, p. 14).

The other destinations are defined as follows:

W01: Libya, Nigeria, Cameroon, Gabon, Saudi Arabia, United Arab Emirates, India, Thailand, Vietnam, Indonesia, Malaysia, Brunei, Singapore, Philippines, China, Hong Kong SAR, South Korea, Japan, Taiwan, Equatorial Guinea.

W02: All countries of the African continent with the exception of: Algeria, Morocco, Tunisia, South Africa.

W03: All destinations, with the exception of: Africa, America, Australia, Bosnia-Herzegovina, Croatia, Cyprus, Israel, Federal Republic of Yugoslavia (Serbia and Montenegro), Slovenia, Switzerland, the Former Yugoslav Republic of Macedonia, Turkey, Hungary, Bulgaria, Romania, Estonia, Lithuania, Poland, Czech Republic, Slovak Republic, Latvia and Malta.

COMMISSION REGULATION (EC) No 1606/2003
of 12 September 2003
determining the world market price for unginning cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginning cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginning cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 ⁽³⁾, as amended by Regulation (EC) No 1486/2002 ⁽⁴⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginning cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginning cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginning cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 29,541/100 kg.

Article 2

This Regulation shall enter into force on 13 September 2003.

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

Done at Brussels, 12 September 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

**COMMISSION REGULATION (EC) No 1607/2003
of 12 September 2003**

amending for the 22nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, as last amended by Commission Regulation (EC) No 1456/2003 ⁽²⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

(2) On 12 August and 9 September 2003, the Sanctions Committee decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Therefore, Annex I should be amended accordingly.

(3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended in accordance with the Annex to this Regulation.

Article 2

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, 12 September 2003.

For the Commission
Christopher PATTEN
Member of the Commission

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ OJ L 206, 15.8.2003, p. 27.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

1. The following entries shall be added under the heading 'Natural persons':

- (a) Mohamad Nasir ABAS (alias (a) Abu Husna, (b) Addy Mulyono, (c) Malik, (d) Khairudin, (e) Sulaeman, (f) Maman, (g) Husna), Taman Raja Laut, Sabah, Malaysia; date of birth: 6 May 1969, place of birth: Singapore; nationality: Malaysian; passport No: A 8239388; national identification No: 690506-71-5515.
- (b) Zulkifli ABDUL HIR (alias Musa Abdul Hir), Seksyen 17, Shah Alam, Selangor, Malaysia; date of birth: 5 January 1966; place of birth: Johor, Malaysia; nationality: Malaysian; passport No: A 11263265; national identification No: 660105-01-5297.
- (c) Fathur Rohman AL-GHOZHI (alias (a) Al Khozi, Fathur Rohman, (b) Al Khozi, Fathur Rahman, (c) Al-Gozi, Fathur Rohman, (d) Al-Gozi, Fathur Rahman, (e) Alghozi, Fathur Rohman, (f) Alghozi, Fathur Rahman, (g) Al-Gozhi, Fathur Rohman, (h) Al-Gozhi, Fathur Rahman, (i) Randy Alih, (j) Randy Ali, (k) Alih Randy, (l) Randy Adam Alih, (m) Sammy Sali Jamil, (n) Sammy Salih Jamil, (o) Rony Azad, (p) Rony Azad Bin Ahad, (q) Rony Azad Bin Ahmad, (r) Rony Azad Bin Amad, (s) Edris Anwar Rodin, (t) Abu Saad, (u) Abu Sa'ad, (v) Freedom Fighter); date of birth: 17 February 1971; place of birth: Madiun, East Java, Indonesia; nationality: Indonesian; passport No: Philippines GG 672613.
- (d) Agus DWIKARNA; date of birth: 11 August 1964; place of birth: Makassar, South Sulawesi, Indonesia; nationality: Indonesian.
- (e) Huda bin Abdul HAQ (alias (a) Ali Gufron, (b) Ali Ghufron, (c) Ali Gufron al Mukhlas, (d) Mukhlas, (e) Muklas, (f) Muchlas, (g) Sofwan); date of birth: (a) 9 February 1960 (b) 2 February 1960; place of birth: Solokuro subdistrict in Lamongan district, East Java province, Indonesia; nationality: Indonesian.
- (f) Azahari HUSIN, Taman Sri Pulai, Johor, Malaysia; title: Dr; date of birth: 14 September 1957; place of birth: Negeri Sembilan, Malaysia; nationality: Malaysian; passport No: A 11512285; national identification No: 570914-05-5411.
- (g) Salim Y Salamuddin JULKIPLI (alias (a) Kipli Sali, (b) Julkipli Salim); date of birth: 20 June 1967; place of birth: Tulay, Jolo Sulu, Philippines.
- (h) Abdul MANAF KASMURI (alias (a) Muhammad Al-Filipini, (b) Intan), Klang, Selangor, Malaysia; date of birth: 18 May 1955; place of birth: Selangor, Malaysia; nationality: Malaysian; passport No: A 9226483; national identification No: 550528-10-5991.
- (i) Amran MANSOR (alias Henry), Kg. Sg. Tiram, Johor, Malaysia; date of birth: 25 May 1964; place of birth: Johor, Malaysia; nationality: Malaysian; passport No: A 10326821; national identification No: 640525-01-5885.
- (j) Zulkifli MARZUKI, Taman Puchong Perdana, Selangor, Malaysia; date of birth: 3 July 1968; place of birth: Selangor, Malaysia; nationality: Malaysian; passport No: A 5983063; national identification No: 680703-10-5821.
- (k) Nordin MOHD TOP, Kg. Sg. Tiram, Johor, Malaysia; date of birth: 11 August 1969; place of birth: Johor, Malaysia; nationality: Malaysian; passport No: A 9775183; national identification No: 690811-10-5873.
- (l) Aris MUNANDAR; date of birth: approximately 34 to 40 years of age as of December 2002; place of birth: Sambi, Boyolali, Java, Indonesia.
- (m) Abdul Hakim MURAD (alias (a) Murad, Abdul Hakim Hasim, (b) Murad, Abdul Hakim Ali Hashim, (c) Murad, Abdul Hakim Al Hashim, (d) Saeed Akman, (e) Saeed Ahmed); date of birth: 4 January 1968; place of birth: Kuwait; nationality: Pakistani.
- (n) Imam SAMUDRA (alias (a) Abdul Aziz ben Sihabudin, (b) Faiz Yunshar, (c) Abdul Azis, (d) Kudama, (e) Hendri, (f) Heri, (g) Fatih, (h) Abu Omar; date of birth: 14 January 1970; place of birth: Serang, Banten, Indonesia.
- (o) Parlindungan SIREGAR (alias (a) Siregar, Parlin (b) Siregar, Saleh Parlindungan); date of birth: (a) 25 April 1957, (b) 25 April 1967; place of birth: Indonesia; nationality: Indonesian.
- (p) Yazld SUFAAT (alias (a) Joe, (b) Abu Zufar), Taman Bukit Ampang, Selangor, Malaysia; date of birth: 20 January 1964; place of birth: Johor, Malaysia; nationality: Malaysian; passport No: A 10472263; national identification No: 640120-01-5529.
- (q) Yassin SYWAL (alias (a) Salim Yasin, (b) Mochtar Yasin Mahmud, (c) Abdul Hadi Yasin, (d) Muhamad Mubarak, (e) Muhammad Syawal, (f) Abu Seta, (g) Mahmud, (h) Abu Muamar); date of birth: approximately 1972; nationality: Indonesian.
- (r) Wan Min WAN MAT (alias (a) Abu Hafis, (b) Wan Halim, (c) Abu Hidayah), Ulu Tiram, Johor, Malaysia; date of birth: 23 September 1960; place of birth: Kelantan, Malaysia; nationality: Malaysian; passport No: A 9703399; national identification No: 600923-03-5527.

- (s) Mukhlis YUNOS (alias (a) Yunos, Muklis, (b) Saifullah Mukhlis Yunos); date of birth: on or about 7 July 1966; place of birth: estimated to be in Lanao del Sur, Philippines.
- (t) Zaini ZAKARIA (alias Ahmad), Kota Bharu, Kelantan, Malaysia; date of birth: 16 May 1967; place of birth: Kelantan, Malaysia; nationality: Malaysian; passport No: A 11457974; national identification No: 670516-03-5283.
2. The entry 'Shamil BASAYEV, leader ("amir") of the Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (1)' under the heading 'natural persons' shall be replaced with the following:
'Shamil BASAYEV (alias Abdullakh Shamil Abu-Idris); place of birth: Dyshni-Vedeno, Chechnya, Russian Federation; date of birth: 14 January 1965; Russian passport No 623334 (January 2002).'
-

(1) This legal person, group or entity was added to Annex I by means of Regulation (EC) No 414/2003, OJ L 62, 6.3.2003, p. 24.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 12 September 2003

implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2003/480/EC

(2003/646/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) On 27 June 2003, the Council adopted Decision 2003/480/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/974/EC ⁽²⁾.
- (2) It is desirable to adopt an updated list of persons, groups and entities to which the aforesaid Regulation applies,

HAS DECIDED AS FOLLOWS:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be as follows:

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rème Lahdi) born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane) born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
3. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen Saudi Arabia

4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen Saudi Arabia
5. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen Saudi Arabia
6. ARIOUA, Azzedine born 20.11.1960 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)
7. ARIOUA, Kamel (a.k.a. Lamine Kamel) born 18.8.1969 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)
8. ASLI, Mohamed (a.k.a. Dahmane Mohamed) born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
9. ASLI, Rabah born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
10. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen Lebanon
11. DARIB, Nouredine (a.k.a. Carreto; a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)
12. DJABALI, Abderrahmane (a.k.a. Touil) born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)
13. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen Saudi Arabia
14. FAHAS, Sofiane Yacine born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
15. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, AHMED; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen Lebanon

⁽¹⁾ OJ L 344, 28.12.2001, p. 70.

⁽²⁾ OJ L 160, 28.6.2003, p. 81.

16. LASSASSI, Saber (a.k.a. Mimiche) born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
 17. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Abdul) born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555
 18. MOKTARI, Fateh (a.k.a. Ferdi Omar) born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
 19. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)
 20. NOUARA, Farid born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 21. RESSOUS, Hoari (a.k.a. Hallasa Farid) born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 22. SEDKAOUI, Noureddine (a.k.a. Nounou) born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 23. SELMANI, Abdelghani (a.k.a. Gano) born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 24. SENOUCI, Sofiane born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
 25. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA) born 8.2.1939 in Cabugao, Philippines
 26. TINGUALI, Mohammed (a.k.a. Mouh di Kouba) born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra);
2. GROUPS AND ENTITIES
1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)
 2. Al-Aqsa Martyr's Brigade
 3. Al-Takfir and Al-Hijra
 4. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
 5. Babbar Khalsa
 6. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
 7. Hamas (including Hamas-Izz al-Din al-Qassem)
 8. Holy Land Foundation for Relief and Development
 9. International Sikh Youth Federation (ISYF)
 10. Kahane Chai (Kach)
 11. Kurdistan Workers' Party (PKK)
 12. Lashkar e Tayyaba (LET)/Pashan-e-Ahle Hadis
 13. Mujahedin-e Khalq Organisation (MEK or MKO) (minus the 'National Council of Resistance of Iran' (NCRI)) (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Student's Society)
 14. New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA)
 15. Palestine Liberation Front (PLF)
 16. Palestinian Islamic Jihad (PIJ)
 17. Popular Front for the Liberation of Palestine (PFLP)
 18. Popular Front for the Liberation of Palestine-General Command, (a.k.a. PFLP-General Command, a.k.a. PFLP-GC)
 19. Revolutionary Armed Forces of Colombia (FARC)
 20. Revolutionary People's Liberation Army/Front/Party (DHKP/C), (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
 21. Shining Path (SL) (Sendero Luminoso)
 22. Stichting Al Aqsa (a.k.a. Stichting Al aqsa Nederland, a.k.a. Al Aqsa Nederland)
 23. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia).
- Article 2*
- Decision 2003/480/EC is hereby repealed.
- Article 3*
- This Decision shall be published in the *Official Journal of the European Union*.
- It shall take effect on the day of its publication.
- Done at Brussels, 12 September 2003.
- For the Council*
The President
F. FRATTINI

COMMISSION

COMMISSION DECISION

of 27 May 2003

on the State aid which Austria is planning to implement for BMW Motoren GmbH in Steyr

(notified under document number C(2003) 1664)

(Only the German text is authentic)

(Text with EEA relevance)

(2003/647/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾,

Having called on interested parties to submit their comments pursuant to those provisions,

Whereas:

(3) The Commission Decision to initiate the procedure was published in the *Official Journal of the European Communities* ⁽²⁾. The Commission called on interested parties to submit their comments. The Commission received no comments from interested parties.

(4) The Commission carried out a visit on site on 12 and 13 December 2003. By letters dated 7 November 2002 and 25 February 2003, Austria submitted comments on the initiation of the investigation procedure.

DETAILED DESCRIPTION

The beneficiary

(5) The beneficiary of the aid is BMW Motoren GmbH (hereinafter 'BMW'), which is a subsidiary of BMW AG, Munich. The engine plant in Steyr is the largest engine plant in the BMW group. It produces 4- and 6-cylinder petrol/diesel engines and develops diesel engines and diesel engine technology. In 2001, the plant produced 630 000 engines (47 % diesel and 53 % petrol engines) and employed around 2 500 persons.

(6) Five distinct measures, relating to regional aid, training aid, innovation aid, research and development aid and environmental aid, are planned for BMW. The total planned aid, which is to be granted under Article 51 of the Labour market promotion act, amounts to EUR 40,25 million.

PROCEDURE

(1) Austria notified the aid proposal to the Commission pursuant to Article 88(3) of the EC Treaty by letters dated 26 April 2002 and 7 May 2002. The Commission asked for additional information by letter dated 4 July 2002. Austria answered by letter dated 2 August 2002.

(2) By letter dated 4 October 2002, the Commission informed Austria that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the aid.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽²⁾ OJ C 308, 11.12.2002, p. 19.

Regional aid

- (7) The overall investment of EUR 459 million is to be carried out during the period 2002 to 2006. It aims at extending the production of internal parts and engines and at making production more flexible. The investment concerns mainly three production lines, for cylinder heads, crankshafts and crank cases, including bedplate, as well as an assembly line.
- (8) According to Austria, the mobile part of the investment concerns the production of crank cases and bedplates. This investment could have alternatively been carried out in the existing BMW plant in Landshut (Germany). The eligible costs of the mobile part of the investment amount to EUR 111,7 million (net present value EUR 103,56 million).
- (9) The plant in Steyr is located in an area (Upper Austria) that was recognised by the Commission as a regionally assisted area pursuant to Article 87(3)(c) of the EC Treaty, under the regional aid map for the period 2000 to 2006, with a regional ceiling of 12,5 % net grant equivalent for large companies (corresponding to 16,7 % gross grant equivalent). The planned regional aid amounts to EUR 18,99 million (net present value EUR 17,6 million).

Training aid

- (10) The training project runs from 2000 to 2006. Austria intends to grant training aid totalling EUR 6,86 million under Article 51(a) of the Labour market promotion act. The eligible investment cost of the general training project is EUR 5,96 million. The eligible investment cost of the specific training project is EUR 11,94 million. The aid for general training measures would amount to EUR 3,28 million and the aid for specific training measures would amount to EUR 3,58 million.
- (11) According to the information provided by the Austrian authorities, the training programme affects around 25 % of the workforce fundamentally and another 50 % to a large extent. As there is a large proportion of workers in the age range of 35 to 45, where the basic skills were acquired some time ago, the training needs to focus not so much on specific knowledge as on the updating of basic knowledge. Basic vocational training is given to trainees in several areas, in which the trainees acquire a formal qualification. This is tested and accredited by the State ('Facharbeiterprüfung bzw. Lehrabschlussprüfung'). In 2001, 88 trainees were being trained by BMW.
- (12) In the technical field, the following training areas are mentioned in the notification: product knowledge, production/tools-technology, control technology and

programming, process knowledge/capability, PC knowledge and web knowledge, visualisation interfaces, CA tools, simulation tools and methods, data interpretation, information and data management, quality and measurement methods, test and inspection technology, combinatory and analytical capabilities, social competence and working structures.

Environmental aid

- (13) According to Austria, the purpose of the investment is to bring the inspection technology used to test the engines produced up to 'state of the art', which is the 'cold control technology' (cold engine testing). The aim is to reduce emissions (CO₂, HC, NO_x, CO, particles) and to meet future legislative provisions. The currently used technology (hot engine testing) requires the engine to be fuelled between 8 and 12 minutes, which leads to higher emissions. By 2006, BMW therefore plans to check all engines on the basis of the cold control technology, which will lead to substantial savings in fuel and to a 95 % reduction in emissions. Based on the number of engines produced and fuel savings resulting from the project, according to Austria, the reduction in emissions compared to the current hot engine testing technology amounts for the year 2005 to 3 950 kg for HC, 9 100 kg for NO_x, 16 000 kg for CO and 1 520 000 kg for CO₂.
- (14) BMW is investing EUR 23,4 million in the project. The environmental programme covers a four-year period, from 2002 to 2005, and covers the following areas: extension of cold engine testing for 6-cylinder gasoline: EUR 6 million; cold engine testing for 6-cylinder diesel: EUR 8,6 million; cold engine testing for 6-cylinder gasoline: EUR 8,6 million; environmental data collection system: EUR 0,2 million.
- (15) According to Austria, the eligible investment amounts to EUR 6,33 million. The eligible investment has been calculated by deducting the saved fuel costs from the planning/development costs and the additional investment costs (compared to the current hot engine testing technology). Austria intends to support the environmental programme with a total aid amount of EUR 1,9 million (net present value EUR 1,77 million) and an aid intensity of 30 %.
- (16) According to Austria, the purpose of the research and development project is to implement 'state of the art' technology in engine control. The 'state of the art' is to

Research and development aid

- control the operation of the engine in a cold state in order to reduce emissions (CO₂, HC, NO_x, CO, particles) and to comply with future legal standards.
- (17) BMW is investing EUR 28,7 million in the project, of which EUR 11,67 million is considered industrial research and EUR 17,03 million precompetitive development. The programme covers a five-year period, from 2002 to 2006. Austria intends to support the research programme with a total aid amount of EUR 11,53 million (net present value EUR 10,63 million), namely EUR 6,42 for industrial research (aid intensity of 55 %) and EUR 5,11 million for precompetitive development (aid intensity of 30 %).
- (18) According to Austria, the industrial research programme covers the following areas.
- (19) *Homogeneous diesel combustion*: homogenous charge compression ignition (HCCI) is the engine-based method of meeting expected emissions legislation after 2008. A new type of diesel combustion is obtained through prehomogenisation of the directly injected diesel. Because of the very low local temperatures, NO_x formation is extremely low, accompanied by very low soot output [...](*). The investment cost amounts to EUR 4,56 million.
- (20) *Soot-filtering technique using plasma technology*: [...](*). The plasma particle filter is a possible solution. It consists of an emission electrode and a consecutively arranged porous filter ceramic, on which an alternating current plasma is placed. The soot particles are electrically charged by means of the emission electrode and oxygen is added. The particles are deposited in the next filter and burnt off through the plasma after energy is supplied. The investment cost amounts to EUR 3,15 million.
- (21) *Variable valve train for diesel engines*: because of the quality management of the fuel-air mixture without a throttle valve, there is considerably less improvement potential through valve train variability with diesel engines than with petrol engines. Nevertheless, variability in the valve train would bring considerable functional improvements. [...](*). In this way, exhaust gas recirculation within the combustion chamber and final discharge pressure are affected as important parameters for the start of ignition. The investment cost amounts to EUR 2,1 million.
- (22) *Advanced development of variable compression ratio with diesel engines*: the high compression ratios in direct-injected diesel engines in motor cars are only needed for reliable cold engine start and warm-up behaviour. With a lowering of the compression ratio it is possible to achieve an increase in performance without an ignition pressure increase through adjustment of the combustion chamber geometry and improvements in emission behaviour. Different adjustment mechanisms are conceivable [...](*). to represent the compression ratio. Ultimately, with all known adjustment principles, this involves a change in the distance between the piston and the cylinder head and hence the piston gap as a value relevant to combustion. The investment cost amounts to EUR 1,87 million.
- (23) According to Austria, the precompetitive research programme covers the following areas.
- (24) [...](*). *supercharger concept*: exhaust gas turbocharging is currently the standard with diesel engines in motor cars. BMW mass produces only exhaust gas turbochargers with variable turbine geometry (variable nozzle turbine — VNT). This greatly eases the conflict of aims between starting torque and rated power. Another approach is separation into two units. [...](*). The investment cost amounts to EUR 2,56 million.
- (25) *Third generation common rail*: The reduction in consumption and emissions offered by modern diesel engines in motor cars has become possible only thanks to the development of ultra-flexible injection systems. BMW uses the common rail system. [...](*). current series standard allows maximum pressures of up to 1 600 bar and a maximum of four injections per work cycle. The injection events are controlled by a hydraulic on/off valve with electromagnetic actuators. In [...](*). next generation, the actuator is to be replaced with a piezoelectric circuit element. In connection with further far-reaching changes to reduce moving masses and friction, the system speed will be considerably increased. [...](*). The investment cost amounts to EUR 2,9 million.
- (26) *Dispersion-restricting measures to comply with strictest exhaust gas standards (USA)*: The extremely low American limits for diesel engines are a very big challenge in terms of compliance with the limits and in-use monitoring (on-board diagnosis) of emission variations. Apart from reduction of NO_x and PM mean values, reduction of dispersion is also very important. This is the only way to guarantee the prescribed emission stability, even with very low limits. The investment cost amounts to EUR 3,92 million.

(*) Confidential information.

(27) *Soot filter* [...](*): There are two ways of using soot filters [...](*) at the start of the pre-competition phase: CSF (coated soot filter) = catalytic, coated monolith to reduce soot burning temperature; CRT (continuously regenerating trap) = filter regeneration of the deposited carbon using the NO₂ in the exhaust gas. [...](*) For operating conditions without continuous regeneration and therefore with soot collection, burn strategies involving adjustment of the engine are to be worked out. The investment cost amounts to EUR 4,43 million.

(28) *Barrel technology* [...](*): In the case of diesel engines for motor cars, the aluminium crankcase must be resistant to very high thermal and mechanical stress. One problem consists in adhering to the small gap width (distance between adjacent cylinders) in the BMW in-line engines. The barrel technology chosen is the key criterion for this. Essentially one can differentiate between a liner-free design and various liner solutions. In the precompetitive development phase the suitable technology for future BMW in-line engines will be selected from this range of solutions using FEM simulation, unit tests and test runs on engine test beds. The subsequent series development phase requires structural implementation and subsequent development of this technology. [...](*) The investment cost amounts to EUR 3,23 million.

Innovation aid

(29) BMW plans to carry out innovation investments of EUR 9,7 million during the period 2002 to 2004. Austria intends to support the investments with an aid amount of EUR 0,97 million. The aid is to be granted for the following projects: measurement of uniform distribution [...](*), variable valve train [...](*): EUR 4,5 million; dynamic chassis dynamometers: EUR 9,3 million; process development for the measurement of uniform distribution and dynamic chassis dynamometers: EUR 0,4 million.

(30) As regards the measurement of uniform distribution, Austria states that it would be necessary to carry out a full measurement of all cylinder head and valve train parts if the intended measuring procedure failed. In addition, all parts would need to be classified as to their tolerance situation and assigned to a corresponding cylinder head. Such a procedure would not be justifiable from a quality or economic point of view and threaten the deployment of the innovative variable valve train technology [...](*). As regards the risks involved in developing dynamic chassis dynamometers, Austria explained that a failure of the highly-sensitive measuring

equipment could result in severe disturbance to internal processes, since the realisable sampling rate was still relatively low. In addition, this would lead to longer routing in quality control.

GROUNDINGS FOR INITIATING THE PROCEDURE

(31) The Commission decided to initiate the procedure on the following grounds.

(32) The doubts concerning the regional investment aid related mainly to the proportionality of the aid and the increase in production capacity. The Commission considered it necessary to verify the investment costs in land and buildings in Steyr, which, according to Austria, would not be necessary to the same extent in Landshut. In addition, the Commission questioned whether, in the event of production in Steyr, the existing building in Landshut could have been used for alternative purposes, reducing the overall cost handicap.

(33) With respect to the planned training aid, the Commission mainly expressed doubts that Austria might have applied an excessively wide definition of general training and questioned whether Austria had combined the training aid with other State aid, possibly relating to the same eligible costs.

(34) As regards the planned environmental aid, the Commission had doubts that the project might not be eligible for environmental aid as the Community guidelines on State aid for environmental protection (referred to below as 'the environmental guidelines')⁽¹⁾ state that the design and manufacture of machines or means of transport which can be operated with fewer natural resources are not covered by the guidelines. In addition, Austria had not demonstrated which existing Community standards or more stringent national standards were being met or improved on by the project. Neither had Austria indicated that no Community standards exist. The Commission therefore had doubts whether the incentive effect of the project was achieved.

(35) The doubts with respect to the planned research and development aid concerned the required incentive effect of the aid. The Commission suspected that the planned aid did not induce the company to carry out additional research, but that the company was conducting normal day-to-day R & D activities. The Commission therefore had doubts whether BMW would not in any case have to undertake the whole of the research in question in order to remain competitive.

⁽¹⁾ OJ C 37, 3.2.2001, p. 3.

(36) The Commission also expressed doubts whether the innovation aid, as required, concerned genuinely new products and whether it carried a risk of failure. The Commission had doubts whether the project was genuinely innovative in the sense that the technology had not yet been used or marketed by other parties operating in the industry. In addition, there were doubts whether the aid provided an incentive for industrial or technological risk-taking.

COMMENTS FROM AUSTRIA

(37) By letters dated 7 November 2002 and 25 February 2003, Austria submitted comments on the opening of the investigation procedure.

(38) As regards the planned regional aid, Austria provided discounted values for the eligible investment and the aid. Additional explanations were given with respect to the transformational character and the costs of the investment, the potential alternative use of available building space in Landshut for the scenario involving production in Steyr, the effects of the project on capacity and the circumstances of the land sale in Steyr.

(39) As regards the planned training aid, Austria confirmed that the general training measures consists of basic vocational training, which is recognised and certified by public authorities. Detailed information and documentation on the content of the training was provided. In addition, Austria gave an assurance that there will be no cumulation of aid in relation to the same eligible costs, resulting in an aid intensity exceeding that fixed by the training aid regulation.

(40) As regards the planned environmental aid, Austria considered that the exception provided for in paragraph 6⁽¹⁾ of the environmental guidelines did not apply to the project in question, which only concerned the process of checking engines already produced. In addition, Austria indicated with respect to the incentive effect of the project that no Community standards for the testing process of engines existed.

(41) As regards the planned research and development aid, Austria stated that the aid in question did not concern the basic development of existing concepts, comprising the maintenance and development of competitiveness, the updating of models and the regional expansion of

the diesel range [...](^{*}). Instead it focused on the improvement of technological competence and a rapid improvement of functional characteristics of diesel engines. With respect to the incentive effect, Austria stated that, compared to the base year 2001, the company was increasing its R & D expenditure due to the project. In addition, Austria stated that the projects were being carried out with other industrial partners, universities and research institutes.

(42) As regards the planned innovation aid, Austria explained that the new element in the measurement of uniform distribution was the measurement of air volume. This technology would be unique for the measurement of series of 6-cylinder engines. As regards dynamic chassis dynamometers, Austria stated that this technology had been used by other manufacturers only in the R & D area and not, as in the case of the project in question, for the measurement of engine series.

ASSESSMENT OF THE AID

(43) The Commission considers that the measures constitute State aid within the meaning of Article 87(1) of the EC Treaty. They are evidently being financed by the State or through State resources; moreover, given that they represent a significant proportion of the project funding, they are likely to distort competition within the Community, giving an advantage to BMW over other companies not receiving aid. Lastly, the market for motor vehicles is characterised by extensive trade between Member States.

(44) Article 87(2) of the EC Treaty lists certain types of aid that are compatible with the EC Treaty. In view of the nature and purpose of the aid, and the geographical location of the firm, those provisions are not applicable to the project. Article 87(3) specifies other forms of aid which may be regarded as compatible with the common market. The Commission notes that the project is located in Upper Austria (Steyr), a region which qualifies for assistance under Article 87(3)(c).

(45) The aid is intended for BMW, which manufactures and assembles engines for motor vehicles. The firm is therefore part of the motor vehicle industry within the meaning of the Community framework for State aid to the motor vehicle industry (hereinafter 'the motor vehicle framework')^(?).

⁽¹⁾ 'The design and manufacture of machines or means of transport which can be operated with fewer natural resources are not covered by these guidelines'.

^(?) OJ C 279, 15.9.1997, p. 1.

Regional aid

- (46) The motor vehicle framework⁽¹⁾ specifies that all aid which the public authorities plan to grant to an individual project under authorised aid schemes for a firm operating in the motor vehicle industry must, in accordance with Article 88(3) of the Treaty, be notified before being granted if either of the following thresholds is reached: (i) the total cost of the project amounts to EUR 50 million; (ii) the total gross aid for the project, whether State aid or aid from Community instruments, amounts to EUR 5 million.
- (47) Both the total cost of the project and the amount of aid exceed the notification thresholds. Thus, in notifying both the training aid and the regional aid proposed for BMW, Austria has complied with the requirements of Article 88(3) of the EC Treaty.
- (48) Under the motor vehicle framework, the Commission must ensure that the aid is both necessary for the realisation of the project and proportional to the gravity of the regional problems. Both tests, necessity and proportionality, must be satisfied if the Commission is to authorise State aid in the motor vehicle industry.
- (49) Under point 3.2(a) of the motor vehicle framework, in order to demonstrate the necessity for regional aid, the aid recipient must clearly prove that it has an economically viable alternative location for its project. The existence of a viable alternative defines the 'mobility' of the project; no regional aid may be authorised for a project which is not geographically mobile.
- (50) Austria stated that the best viable alternative location to Steyr was the existing BMW plant in Landshut (Germany). The final location decision in favour of Steyr was taken on 10 October 2001. Austria provided a copy of the minutes from the meeting in which the decision was taken. In addition, the Commission received a copy of the location analysis. The analysis contains a comparison of costs of both locations and the respective layouts of the plants in Steyr and Landshut for both scenarios. The Commission notes that the location analysis is dated 22 June 2001, i.e. it was carried out prior to the location decision. On the basis of the documents submitted by Austria, Landshut is considered a viable alternative location to Steyr. The Commission concludes that the project is mobile in character and can therefore be considered eligible for regional aid, since the aid is necessary to attract the investment to the assisted region.
- (51) Regional aid intended for modernisation and rationalisation, which is generally not mobile, is not authorised in the motor vehicle sector. However, a transformation, involving a radical change in production structures on the existing site, is eligible for regional aid. The Commission verified on site that the planned project, which concerns the setting-up of completely new production facilities in a new building, does not include any elements of modernisation. It is considered to constitute a transformation, which is eligible for regional aid.
- (52) As regards the sale of land to BMW, Austria informed the Commission that the necessary area in Steyr was sold to BMW not by public authorities, but by a real estate company (Oberösterreichische Baulandentwicklungsfonds AG & Co) at market price. The purchase price corresponded to the price estimated by an independent, certified real estate expert before the purchase of the land. The Commission therefore considers that BMW did not receive any aid in relation to the purchase of the land.
- (53) Under point 3.2(c) of the motor vehicle framework, when considering the mobile aspects of a project, the Commission needs to ensure that the planned aid is in proportion to the regional problems it is intended to resolve. To that end, the cost-benefit analysis method (hereinafter referred to as 'CBA') is used.
- (54) A CBA compares, with regard to the mobile elements, the costs which an investor would bear in order to carry out the project in the region in question with those it would bear for an identical project in a different location, which makes it possible to determine the specific handicaps of the assisted region concerned. The Commission authorises regional aid within the limit of the regional handicaps resulting from the investment in the comparator plant.
- (55) The Commission notes that Austria has provided with the notification a CBA comparing the two locations, Steyr and Landshut. The investments are being carried out between 2002 and 2007. In accordance with point 3.2(c) of the motor vehicle framework, operating handicaps are assessed over three years, as from the start of commercial production in 2005, since the project in question concerns an extension of an existing site.
- (56) The Commission has evaluated the notified CBA with a view to ascertaining to what extent the proposed regional aid is in proportion to the regional problems it seeks to solve.

⁽¹⁾ Under paragraph 39 of the multisectoral framework on regional aid for large investment projects (OJ C 70, 19.3.2002, p. 8), notifications registered by the Commission before 1 January 2003 for the motor vehicle sector will be examined in the light of the criteria in force at the time of notification.

- (57) The CBA indicates a cost handicap of EUR 19,07 million (net present value) for the location in Steyr. While the CBA assumes slightly higher labour costs and material costs in Landshut compared to Steyr, the regional handicap of Steyr is mainly due to the investment costs in land (handicap of EUR 8 million) and buildings (handicap of EUR 15,05 million) in Steyr, which are not necessary to the same extent in Landshut. The reason for this is that, for the production of the crank cases and bedplates in Steyr, BMW needed to invest in the acquisition of land for a new production building. In Landshut the production of the crank cases could have been carried out in existing, slightly extended buildings and bedplates would have been purchased externally (costs for vendor tooling were taken into account in the CBA).
- (58) However, the Commission has modified the CBA with respect to another element. In Landshut, the production of crank cases would have taken place in an existing, extended building. As was noted on site, this building is currently used for the production of cylinder heads, which will be phased out in 2003. Therefore, in the event of production in Steyr, this building in Landshut could be used for alternative purposes. The Commission considers that the possibility of an alternative use of the existing building in Landshut, which would reduce the overall cost handicap in the Steyr scenario, should be taken into account in the CBA. On the basis of the information provided by Austria, these costs have been estimated at EUR 0,66 million (net present value of EUR 0,54 million) ⁽¹⁾.
- (59) This modification introduced in the analysis produces a cost-benefit result that slightly differs from the one initially notified. The net present value of the eligible investment costs in Steyr amount to EUR 103,56 million. The net present value of the regional handicap amounts to EUR 18,53 million, leading to a handicap intensity of the project, compared to Landshut, of 17,89 %.
- (60) The Commission finally needs to take into account the question of a 'top up', which means a change in the allowable aid intensity depending on the change in the group's production capacity and the assisted area status of the region. Aid proposals in support of investments that potentially aggravate the overcapacity problem of the industry can be modulated by the Commission by reducing the 'regional handicap ratio' by up to two percentage points. If the ratio between the capacity of the group after the investment and the capacity of the group before the investment is 1,01 or over, the 'regional handicap ratio' resulting from the CBA would be reduced by two percentage points, as provided in the motor vehicle framework for projects in an Article 87(3)(c) region that have a 'high' impact on the industry.
- (61) Following the initiation of the procedure, Austria explained that the capacity [...] ^(*), for which the crank cases are intended, will increase due to the investment in question [...] ^(*), which is a significant increase [...] ^(*). In addition, according to the motor vehicle framework, the relevant market for engine production by a vehicle manufacturer is the vehicle market for which the engines are built. As the crank cases and bedplates are intended for engines for passenger cars, the relevant capacity consequently is the production capacity for passenger cars. The Commission notes that the production capacity of the group amounts to [...] ^(*) before the investment and to [...] ^(*) after the investment. The capacity increase of the BMW group is due to the capacity of [...] ^(*) created by a new plant in Leipzig (Germany). Therefore, taking into account the significant capacity increase and the Article 87(3)(c) area status of the region, the motor vehicle framework requires a reduction of the 'regional handicap ratio' by two percentage points in the case in question. Consequently, the Commission reduced the allowable aid intensity of the project by two percentage points to 15,89 % for the investment in Steyr.
- (62) The net present value of the planned aid amounts to EUR 17,6 million, resulting in a planned aid intensity of 17 % gge. The planned aid intensity is higher than the regional handicap ratio as calculated in the CBA and modified by the top-up amounting to 15,89 % of the eligible investments. The regional aid ceiling is 16,7 % gge. Consequently, the Commission can only authorise an aid amount of 15,89 % of the eligible investment of EUR 103,56 million (net present value), which corresponds to EUR 16,46 million (net present value). The excess aid of EUR 1,14 million (net present value) is incompatible with the common market.

Training aid

- (63) Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid ⁽²⁾ ('the Regulation') applies to training aid in all sectors and provides that aid fulfilling all the conditions laid down in the Regulation is compatible with the common market and is exempt from the notification requirement of Article 88(3) of the EC Treaty, provided that the measure contains an express reference to the Regulation.

⁽¹⁾ Calculation based on an available area of 2 450 m² and a potential rent of EUR 90/m².

⁽²⁾ OJ L 10, 13.1.2001, p. 20.

- (64) Article 5 of the Regulation provides that the notification requirement continues to apply if the amount of aid granted to one enterprise for a single training project exceeds EUR 1 million. The Commission notes that the notified aid in this case amounts to approximately EUR 6,86 million (net present value EUR 6,29 million); that it is to be paid to one enterprise; and that the training project is a single project. The Commission also notes that the notification relates to an individual aid measure that is not granted under an approved scheme. The Commission therefore considers that the notification requirement applies to the proposed aid and that the notification must be assessed by the Commission in the light of the criteria set out in the Regulation.
- (65) Under Article 3(1) of the Regulation, individual aid is compatible with the common market within the meaning of Article 87(3) if it fulfils all of the conditions of the Regulation.
- (66) A distinction between specific and general training measures is drawn in Article 4 of the Regulation. Specific training is defined in Article 2 as training involving tuition directly and principally applicable to the employee's present or future position in the assisted firm and providing qualifications which are not, or only to a limited extent, transferable to other firms or fields of work.
- (67) General training is defined in Article 2 as training involving tuition which is not applicable only or principally to the employee's present or future position in the assisted firm, but which provides qualifications that are largely transferable to other firms or fields of work and thereby substantially improve the employability of the employee. It is linked to the overall activities of the firm and provides qualifications which are largely transferable to other firms or to other fields of work. Training is considered general if, for example, it is jointly organised by different independent enterprises, or if employees of different employees may avail themselves of the training; or if it is recognised, certified or validated by public authorities or bodies or by other bodies or institutions on which a Member State or the Community has conferred the necessary powers.
- (68) The eligible costs in the context of the training aid project are listed in Article 4(7) of the Regulation. As regards trainees' personnel costs, Austria confirmed that only hours during which the trainees effectively participate in the training have been taken into account. In accordance with Article 4(7)(f) of the Regulation, trainees' personnel costs have been taken into account only up to the amount of the total of the other eligible costs referred to in Article 4(7)(a) to (e). On the basis of the information provided by Austria, the Commission notes that the total eligible costs of the training programme amount to EUR 17,90 million.
- (69) Under Article 4(2) and (3), training aid is compatible with the common market if it complies with the specified aid intensities, in relation to eligible costs. Under the terms of the Regulation, the maximum aid intensities that can be authorised for the project in question, which is carried out by a large firm in an Article 87(3)(c) area, are 30 % for specific training and 55 % for general training.
- (70) In its decision to initiate proceedings, the Commission mainly noted that it had not received sufficient documentary evidence to allow it to verify the classification of a large part of the training measures as general training. In addition, the Commission expressed doubts as regards the possible combining of aid with other Community funding in relation to the same eligible costs, thus possibly exceeding the allowable aid intensity.
- (71) In its comments on the initiation of proceedings, Austria confirmed that the general training measures consist of basic vocational training which is jointly organised with another, independent company (MAN Steyr). Detailed information and documentation on the content of the basic vocational training was provided to the Commission. In all the basic vocational training measures, trainees will acquire a formal qualification which is recognised and certified by public authorities ('Facharbeiterprüfung bzw. Lehrabschlussprüfung').
- (72) This additional information and documentation have allowed the Commission to verify the general training character of the notified measures. The tuition provided is not only applicable to the employee's present or future position in the assisted firm, but provides qualifications which are largely transferable to other firms or fields of work and thereby substantially improve the employability of the employee.
- (73) The Commission concludes that the general training costs amount to EUR 5,96 million and the specific training costs to EUR 11,94 million. The applicable aid intensity ceiling for specific training is 30 % of eligible costs and the applicable aid intensity ceiling for general training is 55 % of eligible costs.

- (74) The allowable aid amounts to EUR 3,58 million for specific training (30 % of eligible costs) and to EUR 3,28 million for general training (55 % of eligible costs). The total allowable aid for the project is EUR 6,86 million and will be paid in yearly instalments until 2006 (net present value EUR 6,29 million).
- (75) Under Article 6(2) of the Regulation, aid exempted by the Regulation may not be cumulated with other State aid or with other Community funding in relation to the same eligible costs, if such cumulation would result in an aid intensity exceeding that fixed by the Regulation. Austria has assured the Commission that there will be no cumulation of aid in relation to the same eligible cost, such as would result in an aid intensity exceeding that fixed by the Regulation.
- (76) Pursuant to paragraphs 33 and 34 of the environmental guidelines, the maximum aid allowed for a company investing in Steyr, an assisted region, amounts to 35 % gross.
- (77) Paragraph 37 of the environmental guidelines lays down the rules concerning eligible costs. Eligible costs must be confined strictly to the extra investment costs necessary to meet the environmental objectives. This has the following consequences: where the cost of investment in environmental protection cannot be easily identified in the total cost, the Commission will take account of objective and transparent methods of calculation, e.g. the cost of a technically comparable investment that does not though provide the same degree of environmental protection. In all cases, eligible costs must be calculated net of the benefits accruing from any increase in capacity, cost savings engendered during the first five years of the life of the investment and additional ancillary production during that five-year period.

Environmental aid

- (76) The Commission considers that the environmental guidelines apply to the project in question. The exception provided for in paragraph 6 of the guidelines does not apply to the project in question, as the planned environmental aid does not concern the development or production of engines, but only the process of checking engines already produced.
- (77) Paragraphs 28 to 40 of the environmental guidelines lay down the rules when investment aid for environmental reasons can be authorised. Under paragraph 29 of the guidelines, investment aid enabling firms to improve on the Community standards applicable may be authorised up to 30 % gross of the eligible investment costs. These conditions also apply to aid where firms undertake investment in the absence of mandatory Community standards or where they have to undertake investment in order to comply with national standards that are more stringent than the applicable Community standards.
- (78) Paragraphs 33 and 34 of the guidelines lay down further rules for bonuses for firms located in assisted regions, according to which the maximum rate of aid applicable is the higher of the following options:
- either the basic rate for environmental investment aid, i.e. 30 % gross (standard system), 40 % gross (investments in energy saving, in renewable sources of energy or to promote the combined production of electric power and heat) or 50 % gross (investments in renewable sources of energy that supply an entire community), plus five percentage points gross in the regions covered by Article 87(3)(c) and 10 percentage points in the regions covered by Article 87(3)(a),
 - or the regional aid rate plus 10 percentage points gross.
- (80) The eligible investment amounts to EUR 6,33 million. The eligible investment has been calculated by deducting the saved fuel costs from the planning/development costs and the additional investment costs (compared to the current hot engine testing technology).
- (81) The Commission takes the view that, in accordance with paragraphs 20 and 29 of the guidelines, aid is not justified in the case of investments designed merely to bring large companies into line with new or existing Community technical standards. Aid may though be useful where it serves as an incentive to achieve levels of protection which are higher than those required by Community standards. This is the case when a Member State decides to adopt standards which are more stringent than the Community standards so as to achieve a higher level of environmental protection. It will also apply when a firm invests in environmental protection over and above the strictest existing Community standards or where no Community standards exist.
- (82) However, it has not been shown that aid has an incentive effect of this kind where it is designed merely to help firms to comply with existing or new Community technical standards. Such standards constitute the ordinary law with which firms must comply, and it is not necessary to provide them with aid in order to encourage them to obey the law. In view of the fact that no specific Community standards for engine testing technology exist, as made clear by Austria after the initiation of proceedings, the Commission concludes that the required incentive effect on the part of the project is achieved.

(84) The environmental aid planned for BMW amounts to EUR 1,9 million (net present value EUR 1,77 million), corresponding to an aid intensity of 30 % gross. The Commission notes that the aid intensity is below the maximum ceiling of 35 % that may be authorised under the environmental guidelines.

Research and development aid

(85) In view of the amounts of the investment and aid, the project was notified under paragraph 4.7 of the Community framework for State aid for research and development (referred to below as 'the R & D framework')⁽¹⁾. When it assesses compatibility of R & D aid, the Commission pays particular attention to the type of research carried out, the recipients of the aid, the accessibility of the results, the planned intensity and the incentive effect of the aid.

(86) Pursuant to point 6.2 of the R & D framework, the aid must induce firms to pursue research which they would not otherwise have pursued or could not have pursued within the same time-frame. State aid for R & D should therefore serve as an incentive for firms to undertake R & D activities in addition to their normal day-to-day operations. Member States are therefore required, when notifying R & D aid, to demonstrate that the aid is necessary as an incentive, and is on no account operational aid. Where this incentive effect is not evident, the Commission may consider such aid less favourably than it usually does. In order to verify that the planned aid will induce firms to pursue research which they would not otherwise have pursued, the Commission also takes account of quantifiable factors.

(87) The Commission attributes particular importance to the incentive requirement of R & D aid in the case of individual, close-to-the-market research projects to be undertaken by large firms and in all cases in which a significant proportion of the R & D expenditure has already been made prior to the aid application.

(88) The Commission notes that BMW qualifies as a large firm and, given the nature of the project, it assumes that the research is close-to-the-market. For these reasons, the Commission attributes particular importance to the incentive requirement of R & D aid in this case.

(89) With respect to the incentive effect, Austria stated in its comments on the initiation of proceedings that, compared to the base year 2001, the company was increasing its R & D expenses as a result of the project.

The Commission notes that the R & D expenditure as a proportion of total turnover over the same period only slightly increased [...]^(*), back to the same level as in 1999. The number of employees working in R & D decreased slightly during the same period from [...]^(*).

(90) Following the initiation of proceedings, Austria explained that the project focused on the improvement of technological competence and a rapid improvement of the functional characteristics of diesel engines. The Commission recognises that some parts of the envisaged R & D programme qualify as ambitious high-risk research in the public interest which would not be included in the normal day-to-day operation of the company. This concern the subprojects 'homogeneous diesel combustion', 'soot-filtering technique using plasma technology' and 'variable valve train for diesel engines'.

(91) Homogeneous diesel combustion aims at reducing noxious exhaust and particulate emissions. Nitrogen oxides, produced at significant levels during the diesel combustion, and particulate emissions can be considerably reduced by means of this technology. It also allows significant fuel economy to be achieved. However, while the technology is relatively easy to apply in a small part of an engine's operating range, i.e. at low torque and low engine speed, it is very difficult to expand this range to the full engine power. This requires a large-scale and ambitious research effort and involves a very high risk. Variable valve control (VVC) is used for increasing fuel efficiency. Because of the completely different combustion processes, VVC technology is less efficient in diesel engines than in petrol engines. The application of homogeneous diesel combustion could however offer new opportunities for the application of VVC to diesel engines in future. Research in this area is very costly, and the success of the research is far from assured. Research into the 'soot-filtering technique using plasma technology' in conjunction with particle filters is still at a very early stage and therefore risky. It could however prove to be promising in terms of the objective of removing fine particles in particular from diesel engines.

(92) The Commission also notes that the sixth framework programme of the European Community for research, technological development and demonstration activities, adopted pursuant to Decision No 1513/2002/EC of the European Parliament and of the Council⁽²⁾, encompasses similar research topics for the development of a future generation of clean and economical engines for cars, as part of the thematic priority 'sustainable surface transport'. The Commission concludes that the three subprojects 'homogenous diesel combustion', 'soot-filtering technique using plasma technology' and 'variable valve train for diesel engines' are carried out in addition to the company's day-to-day operations. The research aid for the three subprojects is thus necessary as an incentive to carry out the research activities.

⁽¹⁾ OJ C 45, 17.2.1996, p. 5.

⁽²⁾ OJ L 232, 29.8.2002, p. 1.

- (93) On the basis of the project description provided by the Austrian authorities, the Commission takes the view that these three subprojects can be regarded as industrial research with eligible investment costs of in total EUR 9,81 million. The allowable aid intensity for industrial research projects amounts to 55 %. Consequently, an aid amount of EUR 5,39 million is considered to be compatible with the R & D framework.
- (94) However, the Commission considers that the purpose of the remaining notified subprojects ('advanced development of variable compression ratio with diesel engines', '[...](*) supercharger concept', 'third generation common rail', 'dispersion-restricting measures to comply with strictest exhaust gas standards', 'soot filter [...](*)', 'barrel technology for [...](*) crankcase') is simply to make the diesel engines more competitive by improving diesel engine technology. In the motor vehicle industry, such research activities are carried out continuously as part of the normal activities of an engine manufacturer. Given the highly competitive world market for the product, it is commercially imperative to constantly develop completely new diesel engine technology. Therefore, BMW would in any case have had to undertake the research for these subprojects in order to stay competitive.
- (95) The Commission concludes that the remaining R & D subprojects carried out by BMW are normal for a company in the motor vehicle industry. As a consequence, the Commission takes the view that Austria failed to prove the incentive effect of these R & D projects. Thus, the planned aid for these projects is not compatible with the common market. Given that the incentive effect with regard to these subprojects has not been proven, the Commission does not consider that further analysis of the case, and notably of these single subprojects and of the admissible aid intensities, is necessary.
- (96) In addition to the points above, the Commission also notes that, although Austria claims that the projects are carried out with other industrial partners, universities and research institutes, it did not provide any substantial evidence which would support this claim. Neither did Austria demonstrate that the projects involve effective cross-border cooperation between independent partners in at least two Member States. The Commission therefore has to conclude that competitors will not necessarily benefit from the progress achieved through the research projects.
- (CEEC) of genuinely or substantially new products or processes, that is products or processes which have not yet been used or marketed by other parties operating in the industry. A genuine innovation carries a risk of failure, and the Commission will take account of the scale of this risk when it assesses the intensity of the aid envisaged.
- (98) Investment aid for innovation can therefore be authorised only in duly justified cases, as an incentive to industrial or technological risk-taking. The maximum intensity of such aid is set at 10 % of all eligible costs, corresponding to engineering activities and investments of direct and exclusive relevance to the innovative part of the project.
- (99) The Commission has analysed the project with the technical assistance of an external automotive expert. As a result of the analysis, the Commission takes the view that the project cannot be regarded as genuinely innovative in the sense that the technology has not yet been used or marketed by other parties operating in the industry.
- (100) As regards the measurement of uniform distribution VVT [...](*), the Commission notes that Austria stated that this technology is for the first time used for 6-cylinder engines. However, the technology has in fact already been implemented for 4- and 8-cylinder engines and can therefore not be considered genuinely innovative. As regards the dynamic chassis dynamometers, the Commission notes that according to Austria, this technology is for the first time used in series production. However, the Commission does not consider the technology genuinely innovative as it is already used by other manufacturers (for individual engines).
- (101) In addition, the Commission considers that the aid in question does not provide an incentive for industrial or technological risk-taking. In order to remain competitive, it is a necessary day-to-day activity for engine manufacturers to invest in 'state of the art' testing-and-measuring equipment. It can be assumed that BMW would have carried out the investment even in the absence of the planned aid.

HAS ADOPTED THIS DECISION:

Article 1

Innovation aid

- (97) According to the motor vehicle framework, innovation means the development and industrialisation in Europe, the EEA and the countries of central and eastern Europe

EUR 16,46 million (net present value) of the regional State aid amounting to EUR 17,6 million (net present value) which Austria is planning to implement for BMW Motoren GmbH, Steyr (BMW) for its investment in Steyr is compatible with the common market within the meaning of Article 87(3)(c) of the Treaty.

EUR 1,14 million (net present value) of that regional State aid is incompatible with the common market and may not be implemented.

Article 2

The State aid which Austria is planning to implement for BMW for training measures is compatible with the common market within the meaning of Article 87 of the Treaty up to a maximum of EUR 6,86 million in nominal value (net present value EUR 6,29 million).

Article 3

The State aid which Austria is planning to implement for BMW for environmental protection measures is compatible with the common market within the meaning of Article 87 of the Treaty up to a maximum of EUR 1,9 million in nominal value (net present value EUR 1,77 million).

Article 4

EUR 5,39 million of the State aid for research and development amounting to EUR 11,53 million which Austria is planning to implement for BMW for its investment in Steyr is compatible with the common market.

EUR 6,14 million of that aid is incompatible with the common market and may not be implemented.

Article 5

The State aid amounting to EUR 0,93 million (net present value) which Austria is planning to implement for BMW to promote innovation is incompatible with the common market within the meaning of Article 87 of the Treaty and may not be implemented.

Article 6

Austria shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 7

This Decision is addressed to the Republic of Austria.

Done at Brussels, 27 May 2003.

For the Commission

Mario MONTI

Member of the Commission

**DECISION No 24/2003
of 3 September 2003**

of the Joint Committee established under the Agreement on Mutual Recognition between the European Community and the United States of America related to the listing of Conformity Assessment Bodies under the Sectoral Annex on Electromagnetic Compatibility

(2003/648/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between the European Community and the United States of America and in particular Article 7 and 14,

Whereas the Joint Committee is to take a decision to list a Conformity Assessment Body or Bodies under a Sectoral Annex,

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Bodies in the Annex are added to the list of Conformity Assessment Bodies under column 'EC access to the US market' in section V of the Sectoral Annex on Electromagnetic Compatibility.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the Conformity Assessment Bodies indicated in the Annex has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are authorised to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall be effective from the date of the later of these signatures.

Signed in Washington DC, 16 July 2003.

Signed in Brussels, 3 September 2003.

On behalf of the United States of America

James SANFORD

On behalf of the European Community

Joanna KIOUSSI

ANNEX

EC Conformity Assessment Bodies added to the list of Conformity Assessment Bodies under column 'EC access to the US market' in section V of the Sectoral Annex on electromagnetic compatibility

EMCE GmbH
Laupheimer Str. 25d
D-88483 Burgrieden
Tel. (49 7392) 91 13 70
Fax (49 7392) 91 13 72

EMV TESTHAUS GmbH
Gustav-Hertz-Straße 35
D-94315 Straubing
Tel. (49 9421) 92 30 33
Fax (49 9421) 92 30 35

**DECISION No 25/2003
of 3 September 2003**

of the Joint Committee established under the Agreement on mutual recognition between the European Community and the United States of America related to the listing of conformity assessment bodies under the sectoral Annex on telecommunication equipment

(2003/649/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement on mutual recognition between the European Community and the United States of America and in particular Articles 7 and 14 thereof,

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

HAS DECIDED AS FOLLOWS:

1. The conformity assessment body in the Annex is added to the list of conformity assessment bodies in the column 'US access to the EC market' in section V of the sectoral Annex on telecommunication equipment.
2. The specific scope of listing, in terms of products and conformity assessment procedures, of the Conformity Assessment Body indicated in the attachment has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are authorised to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall be effective from the date of the later of these signatures.

Signed in Washington DC, on 16 July 2003.

Signed in Brussels, on 3 September 2003.

On behalf of the United States of America

James SANFORD

On behalf of the European Community

Joanna KIOUSSI

ANNEX

Conformity assessment body of the United States of America added to the list of conformity assessment bodies in the column 'US access to the EC market' in section V of the sectoral Annex on telecommunication equipment

Washington Laboratories, Ltd
7560 Lindbergh Drive
Gaithersburg, Maryland 20879
USA
Tel. (1-301) 417 02 20
Fax (1-301) 417 90 69

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

**COUNCIL DECISION 2003/650/CFSP
of 26 May 2003**

concerning the conclusion of the Agreement between the European Union and the Czech Republic on the participation of the Czech Republic in the European Union-led Forces in the Former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

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

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 27 January 2003, the Council adopted Joint Action 2003/92/CFSP on the European Union Military Operation in the Former Yugoslav Republic of Macedonia ⁽¹⁾.
- (2) Article 8 of that Joint Action provides that the detailed arrangements regarding the participation of third States shall be the subject of an agreement in conformity with Article 24 of the Treaty on European Union.
- (3) Following the Council Decision of 18 March 2003 authorising the Secretary-General/High Representative to open negotiations, the Secretary-General/High Representative negotiated an Agreement with the Czech Republic on the participation of the Czech Republic in the European Union-led Forces in the Former Yugoslav Republic of Macedonia.
- (4) This Agreement should be approved,

Article 1

The Agreement between the European Union and the Czech Republic on the participation of the Czech Republic in the European Union-led Forces in the Former Yugoslav Republic of Macedonia is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

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

Article 3

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

Article 4

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

Done at Brussels, 26 May 2003.

For the Council
The President
G. DRYS

⁽¹⁾ OJ L 34, 11.2.2003, p. 26.

AGREEMENT

between the European Union and the Czech Republic on the participation of the Czech Republic in the European Union-led Forces in the Former Yugoslav Republic of Macedonia

THE EUROPEAN UNION,

on the one hand, and

THE CZECH REPUBLIC,

on the other hand,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT

- the adoption by the Council of the European Union of Joint Action 2003/92/CFSP of 27 January 2003 on the European Union Military Operation in the Former Yugoslav Republic of Macedonia ⁽¹⁾,
- the invitation to the Czech Republic to participate in the EU-led operation,
- the successful completion of the Force Generation process and the recommendation by the Operation Commander and the EU Military Committee to agree on the participation of the Czech Republic forces in the EU-led operation,
- the Decision by the Political and Security Committee of 11 March 2003 to accept the contribution of the Czech Republic to the EU-led operation,
- the exchange of letters between the Government of the Former Yugoslav Republic of Macedonia and the Secretary-General/High Representative on the conduct of the Operation,
- the Agreement concluded on 21 March 2003 between the EU and the Government of the Former Yugoslav Republic of Macedonia on the status of the EUF and its personnel,

HAVE AGREED AS FOLLOWS:

Article 1

Framework and definitions

1. The Czech Republic shall associate itself with the provisions of the Joint Action 2003/92/CFSP in accordance with the provisions stipulated in the following Articles.

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

- (a) 'Operation Concordia' means the European Union Military Operation in the Former Yugoslav Republic of Macedonia foreseen in the Joint Action 2003/92/CFSP;
- (b) 'European Union-led Forces' (EUF) means EU military headquarters, constituent national units/elements contributing to the Operation Concordia, their assets and their means of transport;
- (c) 'EUF personnel' means the civilian and military personnel assigned to EUF;
- (d) 'Mechanism' means the Operational Financing Mechanism established by the Council Decision of 27 January 2003 to provide for the financing of the common costs of the European Union Military Operation in the Former Yugoslav Republic of Macedonia;

(e) 'Participating States' means Member States applying the Joint Action 2003/92/CFSP and Third States participating in the Operation Concordia by providing forces, personnel or assets;

(f) 'Claims Joint Commission' means the Joint Claims Commission set up pursuant to Article 13 of the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces (EUF) in the Former Yugoslav Republic of Macedonia.

Article 2

Participation in the Operation

1. The Czech Republic shall participate in the Operation Concordia with a contingent as determined in conformity with the Czech legal order and accepted on the occasion of the Force Generation Conference.

2. The Czech Republic shall ensure that its forces and personnel undertake their mission in conformity with the provisions of the Joint Action 2003/92/CFSP, the Operation Plan and implementing measures.

3. The Czech Republic shall inform the EU Operation Commander, the EUF Commander and the EU Military Staff of any change to its participation in the Operation Concordia.

⁽¹⁾ OJ L 34, 11.2.2003, p. 26.

*Article 3***Status**

1. The forces and personnel participating in the Operation Concordia shall be governed by the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led (EUF) forces in the Former Yugoslav Republic of Macedonia, and its implementing arrangements.

2. The status of personnel contributed to Headquarters or Command elements located outside FYROM shall be governed by arrangements between the Headquarters and Command elements concerned and the Czech Republic.

*Article 4***Chain of command**

1. The participation of the Czech Republic in the Operation Concordia is without prejudice to the decision-making autonomy of the European Union.

2. All forces and personnel shall remain under the full command of their national authorities.

3. National authorities shall transfer Operational Control (OPCON) to the EU Operation Commander. The Operation Commander is entitled to delegate his authority.

4. The Czech Republic shall have the same rights and obligations in terms of day-to-day management of the Operation Concordia as participating Member States in accordance with Article 8(4) of the Joint Action 2003/92/CFSP and the Political and Security Committee Decision FYROM/01/03 on the establishment of the Committee of Contributors.

5. The Czech Republic shall exercise jurisdiction over its personnel. The Operation Commander and the Force Commander may at any time request the withdrawal of the Czech Republic personnel.

6. A Senior Military Representative (SMR) shall be appointed by the Czech Republic to represent its national contingent in EUF. The SMR shall consult the EUF Commander on all matters affecting the Operation Concordia and shall be responsible for day-to-day contingent discipline.

*Article 5***Classified information**

The Czech Republic shall take appropriate measures to ensure that, when EU classified information is handled by its

personnel, this personnel respects the European Union Council's security regulations, which are contained in the Council Decision 2001/264/EC⁽¹⁾, and further guidance that may be issued by the Operation Commander.

*Article 6***Financial aspects**

1. Without prejudice to Article 7, the Czech Republic shall assume all the costs associated with its participation in the Operation Concordia unless the costs are subject to common funding as set out in the operational budget of the Operation.

2. In case the Joint Claims Commission decides to grant damages to natural or legal persons from FYROM, the Czech Republic shall pay for these damages if death, injury, damage or loss are caused by its personnel or its assets, unless the mechanism, in accordance with Article 9(3) of the Council Decision of 27 January 2003 establishing the mechanism, decides to pay for those damages.

*Article 7***Contributions to the common costs**

1. The Czech Republic shall contribute to the common costs of the Operation Concordia an amount of EUR 52 001 per six months.

2. An arrangement shall be concluded between the administrator of the mechanism, established by the Council Decision of 27 January 2003, to provide for the financing of the common costs of the operation and competent administrative authorities of the Czech Republic. This arrangement shall include provisions on:

- (a) the arrangements for payment and management of the financial contribution;
- (b) the verification arrangements covering control and audit of the financial contribution, where appropriate.

3. The contributions of the Czech Republic to the common costs of the Operation Concordia shall be deposited by the Czech Republic in the bank account which shall be indicated to that State by the administrator of the mechanism.

*Article 8***Non-compliance**

Should one of the Participating Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a one-month notice.


⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 9***Entry into force**

This Agreement shall enter into force upon signature. It shall remain in force for the duration of the contribution of the Czech Republic to the Operation Concordia.

Done at Brussels, on **23-06-2003**, in the English language in four copies.

For the European Union



For the Czech Republic



**COUNCIL COMMON POSITION 2003/651/CFSP
of 12 September 2003**

updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2003/482/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

- (1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ⁽¹⁾.
- (2) On 27 June 2003, the Council adopted Common Position 2003/482/CFSP updating Common Position 2001/931/CFSP and repealing Common Position 2003/402/CFSP ⁽²⁾.
- (3) Common Position 2001/931/CFSP provides for a review at regular intervals.
- (4) It is necessary to update the Annex to Common Position 2001/931/CFSP and repeal Common Position 2003/482/CFSP.
- (5) A list has been drawn up in compliance with the criteria laid down in Article 1(4) of Common Position 2001/931/CFSP,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The list of persons, groups and entities to which Common Position 2001/931/CFSP applies is contained in the Annex.

Article 2

Common Position 2003/482/CFSP is hereby repealed.

Article 3

This Common Position shall take effect on the date of its adoption.

Article 4

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

Done at Brussels, 12 September 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ OJ L 344, 28.12.2001, p. 93.

⁽²⁾ OJ L 160, 28.6.2003, p. 100.

ANNEX

List of persons, groups and entities referred to in Article 1⁽¹⁾

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rème Lahdi) born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane) born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
3. *ALBERDI URANGA, Itziar (E.T.A. Activist) born 7.10.1963 in Durango (Biscay), identity card No 78.865.693
4. *ALBISU IRIARTE, Miguel (E.T.A. Activist; Member of Gestoras Pro-amnistía) born 7.6.1961 in San Sebastián (Guipúzcoa), identity card No 15.954.596
5. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia; citizen Saudi Arabia
6. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen Saudi Arabia
7. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen Saudi Arabia
8. *APAOLAZA SANCHO, Iván (E.T.A. Activist; Member of K.Madrid) born 10.11.1971 in Beasain (Guipúzcoa), identity card No 44.129.178
9. ARIOUA, Azzedine born 20.11.1960 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)
10. ARIOUA, Kamel (a.k.a. Lamine Kamel) born 18.8.1969 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)
11. ASLI, Mohamed (a.k.a. Dahmane Mohamed) born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
12. ASLI, Rabah born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
13. *ARZALLUS TAPIA, Eusebio (E.T.A. Activist) born 8.11.1957 in Regil (Guipúzcoa), identity card No 15.927.207
14. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen Lebanon
15. *BERASATEGUI ESCUDERO, Ismael (E.T.A. Activist; Member of K. Behorburu) born 15.6.1969 in Eibar (Guipúzcoa), identity card No 15.379.555
16. DARIB, Nouredine (a.k.a. Carreto; a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)
17. DJABALI, Abderrahmane (a.k.a. Touil) born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)
18. *ECHEBERRIA SIMARRO, Leire (E.T.A. Activist) born 20.12.1977 in Basauri (Bizcay), identity card No 45.625.646
19. *ECHEGARAY ACHIRICA, Alfonso (E.T.A. Activist) born 10.1.1958 in Plencia (Bizcay), identity card No 16.027.051
20. *ELCORO AYASTUY, Paulo (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.10.1973 in Vergara (Guipúzcoa), identity card No 15.394.062
21. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen Saudi Arabia
22. FAHAS, Sofiane Yacine born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
23. *FIGAL ARRANZ, Antonio Agustín (E.T.A. Activist; Member of Kas/Ekin) born 2.12.1972 in Baracaldo (Biscay), identity card No 20.172.692
24. *GOGEOASCOECHEA ARRONATEGUI, Eneko (E.T.A. Activist), born 29.4.1967 in Guernica (Biscay), identity card No 44.556.097
25. *GOIRICELAYA GONZALEZ, Cristina (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna), born 23.12.1967 in Vergara (Guipúzcoa), identity card No 16.282.556

(¹) Persons, groups and entities marked with an * shall be the subject of Article 4 only.

26. *IPARRAGUIRRE GUENECHEA, Ma Soledad (E.T.A. Activist) born 25.4.1961 in Escoriaza (Navarra), identity card No 16.255.819
27. *IZTUETA BARANDICA, Enrique (E.T.A. Activist) born 30.7.1955 in Santurce (Biscay), identity card No 14.929.950
28. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, AHMED; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen Lebanon
29. LASSASSI, Saber (a.k.a. Mimiche) born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
30. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul) born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555
31. MOKTARI, Fateh (a.k.a. Ferdi Omar) born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
32. *MORCILLO TORRES, Gracia (E.T.A. Activist; Member of Kas/Ekin) born 15.3.1967 in San Sebastián (Guipúzcoa), identity card No 72.439.052
33. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)
34. *MUÑO A ORDOZGOITI, Aloña (E.T.A. Activist; Member of Kas/Ekin) born 6.7.1976 in Segura (Guipúzcoa), identity card No 35.771.259
35. *NARVÁEZ GOÑI, Juan Jesús (E.T.A. Activist) born 23.2.1961 in Pamplona (Navarra), identity card No 15.841.101
36. NOUARA, Farid born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
37. *ORBE SEVILLANO, Zigor (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.9.1975 in Basauri (Biscay), identity card No 45.622.851
38. *OTEGUI UNANUE, Mikel (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 8.10.1972 in Itsasondo (Guipúzcoa), identity card No 44.132.976
39. *PALACIOS ALDAY, Gorka (E.T.A. Activist; Member of K.Madrid), born 17.10.1974 in Baracaldo (Biscay), identity card No 30.654.356
40. *PEREZ ARAMBURU, Jon Iñaki (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 18.9.1964 in San Sebastián (Guipúzcoa), identity card No 15.976.521
41. *QUINTANA ZORROZUA, Asier (E.T.A. Activist; Member of K.Madrid), born 27.2.1968 in Bilbao (Biscay), identity card No 30.609.430
42. RESSOUS, Hoari (a.k.a. Hallasa Farid) born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
43. *RUBENACH ROIG, Juan Luis (E.T.A. Activist; Member of K.Madrid), born 18.9.1964 in Bilbao (Biscay), identity card No 18.197.545
44. *SAEZ DE EGUILAZ MURGUIONDO, Carlos (E.T.A. Activist; Member of Kas/Ekin) born 9.12.1963 in San Sebastián (Guipúzcoa), identity card No 15.962.687
45. SEDKAOUI, Noureddine (a.k.a. Nounou) born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
46. SELMANI, Abdelghani (a.k.a. Gano) born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
47. SENOUCI, Sofiane born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
48. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA) born 8.2.1939 in Cabugao, Philippines
49. TINGUALI, Mohammed (a.k.a. Mouh di Kouba) born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra)
50. *URANGA ARTOLA, Kemen (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna) born 25.5.1969 in Ondarroa (Biscay), identity card No 30.627.290
51. *VALLEJO FRANCO, Iñigo (E.T.A. Activist) born 21.5.1976 in Bilbao (Biscay), identity card No 29.036.694
52. *VILA MICHELENA, Fermín (E.T.A. Activist; Member of Kas/Ekin) born 12.3.1970 in Irún (Guipúzcoa), identity card No 15.254.214

2. GROUPS AND ENTITIES

1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)
 2. Al-Aqsa Martyr's Brigade
 3. Al-Takfir and Al-Hijra
 4. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
 5. Babbar Khalsa
 6. *Continuity Irish Republican Army (CIRA)
 7. *Euskadi Ta Askatasuna/Tierra Vasca y Libertad/Basque Fatherland and Liberty (E.T.A.) (The following organisations are part of the terrorist group E.T.A.: K.a.s., Xaki, Ekin, Jarrai-Haika-Segi, Gestoras pro-amnistía, Askatasuna, Batasuna (a.k.a. Herri Batasuna, a.k.a. Euskal Herritarrok))
 8. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
 9. *Grupos de Resistencia Antifascista Primero de Octubre/Antifascist Resistance Groups First of October (G.R.A.P.O.)
 10. Hamas (including Hamas-Izz al-Din al-Qassem)
 11. Holy Land Foundation for Relief and Development
 12. International Sikh Youth Federation (ISYF)
 13. Kahane Chai (Kach)
 14. Kurdistan Workers' Party (PKK)
 15. Lashkar e Tayyaba (LET)/Pashan-e-Ahle Hadis
 16. *Loyalist Volunteer Force (LVF)
 17. Mujahedin-e Khalq Organisation (MEK or MKO) (minus the 'National Council of Resistance of Iran' (NCRI)) (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Student's Society)
 18. New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA)
 19. *Orange Volunteers (OV)
 20. Palestine Liberation Front (PLF)
 21. Palestinian Islamic Jihad (PIJ)
 22. Popular Front for the Liberation of Palestine (PFLP)
 23. Popular Front for the Liberation of Palestine-General Command, (a.k.a. PFLP-General Command, a.k.a. PFLP-GC)
 24. *Real IRA
 25. *Red Hand Defenders (RHD)
 26. Revolutionary Armed Forces of Colombia (FARC)
 27. *Revolutionary Nuclei/Epanastatiki Pirines
 28. *Revolutionary Organisation 17 November/Dekati Evdomi Noemvri
 29. Revolutionary People's Liberation Army/Front/Party (DHKP/C), (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
 30. *Revolutionary Popular Struggle/Epanastatikos Laikos Agonas (ELA)
 31. Shining Path (SL) (Sendero Luminoso)
 32. Stichting Al Aqsa (a.k.a. Stichting Al Aqsa Nederland, a.k.a. Al Aqsa Nederland)
 33. *Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF)
 34. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia)
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