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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1760/2003
of 7 October 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 8 October 2003.

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

Done at Brussels, 7 October 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 7 October 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	89,2
	060	84,9
	064	110,4
	068	88,6
	096	72,9
	999	89,2
0707 00 05	052	96,2
	999	96,2
0709 90 70	052	102,9
	999	102,9
0805 50 10	052	85,7
	382	58,3
	388	65,8
	524	61,9
	528	48,1
	999	64,0
0806 10 10	052	105,5
	064	114,9
	508	296,5
	999	172,3
0808 10 20, 0808 10 50, 0808 10 90	060	47,7
	388	76,2
	400	74,7
	508	103,4
	512	106,7
	720	47,8
	800	188,6
	804	106,9
	999	94,0
	0808 20 50	052
064		48,0
388		170,0
999		108,2

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

**COMMISSION REGULATION (EC) No 1761/2003
of 7 October 2003**

**derogating from Regulation (EC) No 2461/1999 for the 2003/04 marketing year as regards the use
of land set aside in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 1038/2001 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) The second subparagraph of Article 7 of Commission Regulation (EC) No 2461/1999 ⁽³⁾, as last amended by Regulation (EC) No 345/2002 ⁽⁴⁾, provides that where the land covered by contracts is reduced as a result of their amendments or where contracts are terminated, in order to maintain their rights to payments, applicants are required to set aside the land in question once more and abstain from selling, transferring or using raw materials grown on the land struck out of the contracts. Under the sixth subparagraph of Article 3(4) of that Regulation, that provision applies *mutatis mutandis* where the contract is replaced by a declaration.
- (2) As a result of the extreme drought that has affected certain regions of the Community for some months, the Commission adopted Regulations (EC) No 1360/2003 ⁽⁵⁾ and (EC) No 1408/2003 ⁽⁶⁾ authorising farmers, exceptionally, to use land declared as set aside in the regions affected for animal feed during the 2003/04 marketing year.
- (3) In view of the continuing difficulties in obtaining animal feed in the regions affected by the drought, a derogation should also be provided for to allow the use of the raw

material grown on land declared as set aside under Regulation (EC) No 2461/1999. Since that derogation complements the derogation provided for in Regulation (EC) No 1408/2003, it should apply from the same date.

- (4) 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

1. By way of derogation from point (b) of the second subparagraph of Article 7 of Regulation (EC) No 2461/1999, applicants in a region recognised as affected by drought under Regulations (EC) No 1360/2003 and (EC) No 1408/2003, who have been authorised by the competent authority to amend or terminate their contract or the declaration referred to in Article 3(4) of Regulation (EC) No 2461/1999 may use the raw material harvested on the land concerned for animal feed during the 2003/04 marketing year.

2. The Member States concerned shall take all necessary measures to ensure that the raw materials referred to in paragraph 1 are not used for lucrative purposes.

Article 2

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

It shall apply from 18 July 2003.

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

Done at Brussels, 7 October 2003.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 1.

⁽²⁾ OJ L 145, 31.5.2001, p. 16.

⁽³⁾ OJ L 299, 20.11.1999, p. 16.

⁽⁴⁾ OJ L 55, 26.2.2002, p. 10.

⁽⁵⁾ OJ L 194, 1.8.2003, p. 35.

⁽⁶⁾ OJ L 201, 8.8.2003, p. 5.

COMMISSION REGULATION (EC) No 1762/2003
of 7 October 2003
fixing the production levies in the sugar sector for the 2002/03 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the first indent of Article 15(8) thereof,

Whereas:

- (1) Article 8 of Commission Regulation (EC) No 314/2002 of 20 February 2002 laying down detailed rules for the application of the quota system in the sugar sector ⁽³⁾, as amended by Regulation (EC) No 1140/2003 ⁽⁴⁾, provides that the basic production levy and the B levy together with, if required, the coefficient referred to in Article 16(2) of Regulation (EC) No 1260/2001 for sugar, isoglucose and inulin syrup shall be fixed for each marketing year before 15 October in respect of the previous marketing year.
- (2) For the 2002/03 marketing year, the estimate of the overall loss recorded in accordance with Article 15(1) and (2) of Regulation (EC) No 1260/2001 requires, in accordance with paragraphs 3 and 4 of that Article, the adoption of 2 % for the basic levy and 19,962 for the B levy.
- (3) The overall loss recorded on the basis of known data and in accordance with Article 15(1) of Regulation (EC) No 1260/2001 is covered in its entirety by the receipts from the basic production levy and the B levy. So there

is no need to fix the coefficient referred to in Article 16(2) of that Regulation for the 2002/03 marketing year.

- (4) The Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The production levies in the sugar sector shall be as follows for the 2002/03 marketing year:

- (a) EUR 12,638 per tonne of white sugar as the basic production levy on A sugar and B sugar;
- (b) EUR 126,139 per tonne of white sugar as the B levy on B sugar;
- (c) EUR 5,330 per tonne of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (d) EUR 55,093 per tonne of dry matter as the B levy on B isoglucose;
- (e) EUR 12,638 per tonne of dry matter equivalent sugar/isoglucose as the basic production levy on A inulin syrup and B inulin syrup;
- (f) EUR 126,139 per tonne of dry matter equivalent sugar/isoglucose as the B levy on B inulin syrup.

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, 7 October 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 50, 21.2.2002, p. 40.

⁽⁴⁾ OJ L 160, 28.6.2003, p. 33.

**COMMISSION REGULATION (EC) No 1763/2003
of 7 October 2003**

fixing, for the 2002/03 marketing year, the amount to be paid by sugar manufacturers to beet sellers in respect of the difference between the maximum amount of the B levy and the amount of that levy to be charged

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002⁽²⁾, and in particular Article 18(5) thereof,

Whereas:

(1) Article 18(2) of Regulation (EC) No 1260/2001 provides that when the amount of the B levy is less than the maximum amount referred to in Article 15(4) of that Regulation, revised, where necessary, in accordance with paragraph 5 of that same Article, sugar manufacturers must pay beet sellers 60 % of the difference between the maximum amount of the levy in question and the amount of the levy to be charged. Article 9(1) of Commission Regulation (EC) No 314/2002 of 20 February 2002 laying down detailed rules for the application of the quota system in the sugar sector⁽³⁾, as amended by Regulation (EC) 1140/2003⁽⁴⁾, provides that the amount to be paid shall be fixed at the same time as the production levies and in accordance with the same procedure.

(2) For the 2002/03 marketing year, Commission Regulation (EC) No 1440/2002⁽⁵⁾ sets the maximum amount of the B levy at 37,5 % of the intervention price for white sugar and Commission Regulation (EC) No 1762/2003⁽⁶⁾ fixes the amount of the B levy for sugar to be charged for the said marketing year at 19,962 % of the intervention price for white sugar. This difference requires, in accordance with Article 18(2) of Regulation (EC) No 1260/2001, that the amount to be paid by sugar manufacturers to beet sellers should be fixed per tonne of beet of standard quality.

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

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in Article 18(2) of Regulation (EC) No 1260/2001 to be paid by sugar manufacturers to beet sellers in respect of the B levy shall be fixed for the 2002/03 marketing year at EUR 8,644 per tonne of beet of the standard quality.

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, 7 October 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 50, 21.2.2002, p. 40.

⁽⁴⁾ OJ L 160, 28.6.2003, p. 33.

⁽⁵⁾ OJ L 212, 8.8.2002, p. 3.

⁽⁶⁾ See page 4 of this Official Journal.

**COMMISSION REGULATION (EC) No 1764/2003
of 7 October 2003**

on the issue of import licences for sheepmeat and goatmeat products under GATT-WTO non-country-specific tariff quotas for the fourth quarter of 2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EC) No 2467/98 as regards the import and export of products in the sheepmeat and goatmeat sector ⁽²⁾, as last amended by Regulation (EC) No 272/2001 ⁽³⁾, and in particular Article 16(4) thereof,

Whereas:

- (1) Title II B of Regulation (EC) No 1439/95 contains detailed rules for the import and export of products in the sheepmeat and goatmeat sector with respect to the use of non-country-specific tariff quotas. Pursuant to Article 16(4) of Regulation (EC) No 1439/95, it is necessary to decide the extent to which import licences may be issued for applications lodged for the fourth quarter of 2003.
- (2) Pursuant to Article 15 of Regulation (EC) No 1439/95, the maximum quantity available for the fourth quarter of 2003 is the remaining balance of the total quota for the current year. Accordingly, the remaining quantity available for the fourth quarter of 2003 is limited to 36,868 tonnes for quota No 09.4037 (countries in group 5) in the Annex to Commission Regulation (EC) No 2366/2002 of 27 December 2002 opening Community tariff quotas for 2003 for sheep, goats, sheepmeat and goatmeat ⁽⁴⁾, as last amended by Regulation (EC) No 915/2003 ⁽⁵⁾. If the quantities covered by licence applications exceed the tariff quota of 36,868 tonnes they will be reduced proportionately.

- (3) Applications for a quantity of 50 tonnes were accepted in the Netherlands between 1 and 10 September 2003 for the importation of products originating in South Africa (group 5 of the Annex to Regulation (EC) No 2366/2002). No applications have been made for imports of products originating in countries listed in the other country groups in the Annex to Regulation (EC) No 2366/2002.
- (4) In view of the quantities available for the fourth quarter, the acceptance percentage should be 73,736 % for group 5.
- (5) The licences may be used only for products which comply with the veterinary rules in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

From a total of 36,868 tonnes available for the whole of the Community, the Netherlands may hereby issue import licences as provided for in Title II B of Regulation (EC) No 1439/95 for a quantity of 36,868 tonnes in carcase weight equivalent of products originating in South Africa applied for under quota No 09.4037 (group 5), referred to in the Annex to Regulation (EC) No 2366/2002, where the applications have been lodged between 1 and 10 September 2003 for the fourth quarter of 2003.

The net weight authorised must be calculated in accordance with Article 5 of Regulation (EC) No 2366/2002.

Article 2

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

It shall apply from 26 September 2003.

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

Done at Brussels, 7 October 2003.

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

⁽¹⁾ OJ L 341, 22.12.2001, p. 3.

⁽²⁾ OJ L 143, 27.6.1995, p. 7.

⁽³⁾ OJ L 41, 10.2.2001, p. 3.

⁽⁴⁾ OJ L 351, 28.12.2002, p. 73.

⁽⁵⁾ OJ L 130, 27.5.2003, p. 5.

**COMMISSION DIRECTIVE 2003/90/EC
of 6 October 2003**

setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species ⁽¹⁾, and in particular Article 7(2)(a) and (b) thereof,

Whereas:

- (1) Commission Directive 72/180/EEC of 14 April 1972 determining the characteristics and minimum conditions for examining varieties of agricultural plant species ⁽²⁾, as amended by Directive 2002/8/EC ⁽³⁾, has established, with a view to official acceptance of the varieties in the Member States' catalogues, the characteristics to be covered as a minimum by the examinations of the various species, as well as the minimum requirements for carrying out the examinations.
- (2) Test guidelines relating to the conditions for the examination of the varieties have been issued by the Administrative Council of the Community Plant Variety Office (CPVO) established by Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights ⁽⁴⁾, as last amended by Regulation (EC) No 1650/2003 ⁽⁵⁾, in respect of certain species.
- (3) Test guidelines establishing the conditions for the examinations of the varieties exist at international level. The International Union for the Protection of New Varieties of Plants (UPOV) has developed test guidelines.
- (4) Directive 72/180/EEC was amended by Directive 2002/8/EC to ensure consistency between the CPVO test guidelines and the conditions for examining the varieties with a view to their acceptance in the national catalogues of varieties of the Member States as far as CPVO test guidelines had been established. The CPVO has since issued guidelines for a number of other species.

- (5) It is appropriate to ensure consistency between the CPVO test guidelines and the conditions for the varieties with a view to their acceptance into national catalogues of the Member States.
- (6) It is appropriate to base the Community system on the UPOV test guidelines, in so far as the CPVO has not yet developed specific guidelines. National law applies for the species not covered by this Directive.
- (7) Directive 72/180/EEC should therefore be repealed.
- (8) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall provide for the inclusion in a national catalogue, within the meaning of Article 3(1) of Directive 2002/53/EC, of varieties of agricultural plant species which fulfil the requirements set out in paragraphs 2 and 3.
2. As regards distinctness, stability and uniformity:
 - (a) the species listed in Annex I shall comply with the conditions laid down in the 'Protocols for distinctness, uniformity and stability tests' of the Administrative Council of the Community Plant Variety Office (CPVO) listed in that Annex;
 - (b) the species listed in Annex II shall comply with the test guidelines for the conduct of tests for distinctness, uniformity and stability of the International Union for the Protection of new Varieties of Plants (UPOV) listed in that Annex.
3. As regards the value for cultivation or use, the varieties shall comply with the conditions laid down in Annex III, without prejudice to Article 4(2) of the Directive.

⁽¹⁾ OJ L 193, 20.7.2002, p. 1.

⁽²⁾ OJ L 108, 8.5.1972, p. 8.

⁽³⁾ OJ L 37, 7.2.2002, p. 7.

⁽⁴⁾ OJ L 227, 1.9.1994, p. 1.

⁽⁵⁾ OJ L 245, 29.9.2003, p. 28.

Article 2

All the varietal characteristics within the meaning of Article 1(2)(a), and any characteristics which are marked by an asterisk (*) in the test guidelines referred to in Article 1(2)(b) shall be used, providing that observation of a characteristic is not rendered impossible by the expression of any other characteristics, and providing that the expression of a characteristic is not prevented by the environmental conditions under which the test is conducted.

Article 3

Member States shall ensure that in respect of the species listed in Annexes I and II, the minimum requirements for carrying out the examinations in respect of trial design and growing conditions, as laid down in the test guidelines referred to in those Annexes, are fulfilled at the time of the examinations.

Article 4

Directive 72/180/EEC is repealed.

Article 5

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 31 March 2004 at the latest. They shall forthwith inform the Commission thereof.

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

2. Member States shall communicate to the Commission the text of the main provisions of domestic law they adopt in the field covered by this Directive.

Article 6

1. Where, on the entry into force of this Directive, varieties have not been accepted for inclusion in the Common Catalogue of varieties of agricultural plant species, and official examinations started prior to that date in accordance with the provisions of either

- (a) Directive 72/180/EEC or
- (b) the CPVO guidelines listed in Annex I or the UPOV guidelines listed in Annex II, according to the species,

the varieties concerned shall be deemed to fulfil the requirements of this Directive.

2. Paragraph 1 shall only apply where the trials lead to the conclusion that the varieties comply with the rules set out in either

- (a) Directive 72/180/EEC or
- (b) the CPVO guidelines listed in Annex I or the UPOV guidelines listed in Annex II, according to the species.

Article 7

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

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 6 October 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

LIST OF SPECIES WHICH SHALL COMPLY WITH CPVO TEST GUIDELINES

Sunflower, protocol TP-8 of 31.10.2002	Durum wheat, protocol TP-120 of 27.3.2002
Barley, protocol TP-19 of 27.3.2002	Maize, protocol TP-02 of 15.11.2001
Rye, protocol TP-58 of 31.10.2002	Potato, protocol TP-23 of 27.3.2002
Wheat, protocol TP-03/2 of 27.3.2002	

The text of these protocols can be found on the CPVO website (www.cpvo.eu.int).

ANNEX II

LIST OF SPECIES WHICH SHALL COMPLY WITH UPOV TEST GUIDELINES

Fodder beet, guideline TG/150/3 of 4.11.1994	Field pea, guideline TG/7/9 of 4.11.1994 (and correction 18.10.1996)
Velvet bent, guideline TG/30/6 of 12.10.1990	Red clover, guideline TG/5/7 of 4.4.2001
Red top, guideline TG/30/6 of 12.10.1990	White clover, guideline TG/38/7 of 9.4.2003
Creeping bent, guideline TG/30/6 of 12.10.1990	Field bean, guideline TG/8/6 of 17.4.2002
Brown top, guideline TG/30/6 of 12.10.1990	Common vetch, guideline TG/32/6 of 21.10.1988
Rescue grass, guideline TG/180/3 of 4.4.2001	Swede, guideline TG/89/6 of 4.4.2001
Alaska brome-grass, guideline TG/180/3 of 4.4.2001	Fodder radish, guideline TG/178/3 of 4.4.2001
Cocksfoot, guideline TG/31/8 of 17.4.2002	Groundnut/Peanut, guideline TG/93/3 of 13.11.1985
Tall fescue, guideline TG/39/8 of 17.4.2002	Turnip rape, guideline TG/185/3 of 17.4.2002
Sheep's fescue, guideline TG/67/4 of 12.11.1980	Swede rape, guideline TG/36/6 of 18.10.1996 (and correction 17.4.2002)
Meadow fescue, guideline TG/39/8 of 17.4.2002	Safflower, guideline TG/134/3 of 12.10.1990
Red fescue, guideline TG/67/4 of 12.11.1980	Cotton, guideline TG/88/6 of 4.4.2001
Italian ryegrass, guideline TG/4/7 of 12.10.1990	Flax/Linseed, guideline TG/57/6 of 20.10.1995
Perennial ryegrass, guideline TG/4/7 of 12.10.1990	Opium poppy, guideline TG/166/3 of 24.3.1999
Hybrid ryegrass, guideline TG/4/7 of 12.10.1990	White mustard, guideline TG/179/3 of 4.4.2001
Timothy, guideline TG/34/6 of 7.11.1984	Soya bean, guideline TG/80/6 of 1.4.1998
Smooth-stalked meadowgrass/Kentucky bluegrass, guideline TG/33/6 of 12.10.1990	Oats, guideline TG/20/10 of 1.10.1994
White lupin, guideline TG/66/3 of 14.11.1979	Rice, guideline TG/16/4 of 13.11.1985
Blue lupin, guideline TG/66/3 of 14.11.1979	Sorghum, guideline TG/122/3 of 6.10.1989
Yellow lupin, guideline TG/66/3 of 14.11.1979	Triticale, guideline TG/121/3 of 6.10.1989
Lucerne, guideline TG/6/4 of 21.10.1988	

The text of these guidelines can be found on the UPOV website (www.upov.int).

*ANNEX III***CHARACTERISTICS AS REGARDS THE EXAMINATION OF THE VALUE FOR CULTIVATION OR USE**

1. Yield.
2. Resistance to harmful organisms.
3. Behaviour with respect to factors in the physical environment.
4. Quality characteristics.

The methods used shall be specified when the results are submitted.

**COMMISSION DIRECTIVE 2003/91/EC
of 6 October 2003**

setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽¹⁾, as amended by Directive 2003/61/EC ⁽²⁾, and in particular Article 7(2)(a) and (b) thereof,

Whereas:

- (1) Commission Directive 72/168/EEC of 14 April 1972 determining the characteristics and minimum conditions for examining vegetable varieties ⁽³⁾, as amended by Directive 2002/8/EC ⁽⁴⁾ has established, with a view to official acceptance of the varieties in the Member States' catalogues, the characteristics to be covered as a minimum by the examinations of the various species, as well as the minimum requirements for carrying out the examinations.
- (2) Test guidelines relating to the conditions for the examination of the varieties have been issued by the Administrative Council of the Community Plant Variety Office (CPVO) established by Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights ⁽⁵⁾, as last amended by Regulation (EC) No 1650/2003 ⁽⁶⁾, in respect of certain species.
- (3) Test guidelines establishing the conditions for the examinations of the varieties exist at international level. The International Union for the Protection of New Varieties of Plants (UPOV) has developed test guidelines.
- (4) Directive 72/168/EEC was amended by Directive 2002/8/EC to ensure consistency between the CPVO test guidelines and the conditions for examining the varieties with a view to their acceptance in the national catalogues of varieties of the Member States, as far as CPVO test guidelines had been established. The CPVO has since issued guidelines for a number of other species.
- (5) It is appropriate to ensure consistency between the CPVO test guidelines and the conditions for the varieties, with a view to their acceptance into national catalogues of the Member States.

- (6) It is appropriate to base the Community system on the UPOV test guidelines, in so far as CPVO has not yet developed specific guidelines. National law applies for the species not covered by this Directive.
- (7) Directive 72/168/EEC should therefore be repealed.
- (8) The measures provided for in this directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall provide for the inclusion in a national catalogue within the meaning of Article 3(2) of Directive 2002/55/EC of varieties of vegetable species which fulfil the requirements set out in paragraph 2.
2. As regards distinctness, stability and uniformity:
 - (a) the species listed in Annex I shall comply with the conditions laid down in the 'Protocols for distinctness, uniformity and stability tests' of the Administrative Council of the Community Plant Variety Office (CPVO) listed in that Annex;
 - (b) the species listed in Annex II shall comply with the test guidelines for the conduct of tests for distinctness, uniformity and stability of the International Union for the Protection of new Varieties of Plants (UPOV) listed in that Annex.

Article 2

All the varietal characteristics within the meaning of Article 1(2)(a), and any characteristics which are marked by an asterisk (*) in the test guidelines referred to in Article 1(2)(b) shall be used, providing that observation of a characteristic is not rendered impossible by the expression of any other characteristics, and providing that the expression of a characteristic is not prevented by the environmental conditions under which the test is conducted.

Article 3

Member States shall ensure that in respect of the species listed in Annexes I and II, the minimum requirements for carrying out the examinations in respect of trial design and growing conditions, as laid down in the test guidelines referred to in those Annexes are fulfilled at the time of the examinations.

⁽¹⁾ OJ L 193, 20.7.2002, p. 23.

⁽²⁾ OJ L 165, 3.7.2003, p. 23.

⁽³⁾ OJ L 103, 2.5.1972, p. 6.

⁽⁴⁾ OJ L 37, 7.2.2002, p. 7.

⁽⁵⁾ OJ L 227, 1.9.1994, p. 1.

⁽⁶⁾ OJ L 245, 29.9.2003, p. 28.

Article 4

Directive 72/168/EEC is repealed.

Article 5

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 31 March 2004 at the latest. They shall forthwith inform the Commission thereof.

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

2. Member States shall communicate to the Commission the text of the main provisions of domestic law they adopt in the field covered by this Directive.

Article 6

1. Where, on the entry into force of this Directive, varieties have not been accepted for inclusion in the Common Catalogue of varieties of vegetable species, and official examinations started prior to that date in accordance with the provisions of either

- (a) Directive 72/168/EEC or
- (b) the CPVO guidelines listed in Annex I or the UPOV guidelines listed in Annex II, according to the species,

the varieties concerned shall be deemed to fulfil the requirements of this Directive.

2. Paragraph 1 shall only apply where the trials lead to the conclusion that the varieties comply with the rules set out in either

- (a) Directive 72/168/EEC or
- (b) the CPVO guidelines listed in Annex I or the UPOV guidelines listed in Annex II, according to the species.

Article 7

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

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 6 October 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

LIST OF SPECIES WHICH SHALL COMPLY WITH CPVO TEST GUIDELINES

Leek, protocol TP/85/1 of 15.11.2001	Melon, protocol TP/104/1 of 27.3.2002
Asparagus, protocol TP/130/1 of 27.3.2002	Cucumber/Gherkin, protocol TP/61/1 of 27.3.2002
Cauliflower, protocol TP/45/1 of 15.11.2001	Carrot, protocol TP/49/6 of 27.3.2002
Sprouting broccoli, protocol TP/151/1 of 27.3.2002	Lettuce, protocol TP/13/1 of 15.11.2001
Brussels sprouts, protocol TP/54/1 of 27.3.2002	Tomato, protocol TP/44/2 of 15.11.2001
Savoy cabbage, protocol TP/48/1 of 15.11.2001	French bean, protocol TP/12/1 of 15.11.2001
Cabbage, protocol TP/48/1 of 15.11.2001	Radish, protocol TP/64/6 of 27.3.2002
Red cabbage, protocol TP/48/1 of 15.11.2001	Spinach, protocol TP/55/6 of 27.3.2002
Chili/Capsicum/Pepper, protocol TP/76/1 of 27.3.2002	Corn salad/Lamb's lettuce, protocol TP/75/6 of 27.3.2002
Endive, protocol TP/118/1 of 27.3.2002	

The text of these protocols can be found on the CPVO website (www.cpvo.eu.int).

ANNEX II

LIST OF SPECIES WHICH SHALL COMPLY WITH UPOV TEST GUIDELINES

Chive/Welsh onion/Japanese bunching onion, guideline TG/161/3 of 1.4.1998	Watermelon, guideline TG/142/3 of 26.10.1993
Garlic, guideline TG/162/4 of 4.4.2001	Gourd/Pumpkin, guideline TG/155/3 of 18.10.1996
Celery, guideline TG/82/4 of 17.4.2002	Marrow/Squash, guideline TG/119/4 of 17.4.2002
Spinach beet/Chard/Leaf beet, guideline TG/106/3 of 7.10.1987	Artichoke, guideline TG/184/3 of 4.4.2001
Beetroot, guideline TG/60/6 of 18.10.1996	Fennel, guideline TG/183/3 of 4.4.2001
Curly kale, guideline TG/90/6 of 17.4.2002	Parsley, guideline TG/136/4 of 18.10.1991
Kohlrabi, guideline TG/65/4 of 17.4.2002	Runner bean, guideline TG/9/5 of 9.4.2003
Chinese cabbage, guideline TG/105/4 of 9.4.2003	Pea, guideline TG/7/9 of 4.11.1994 (and correction 18.10.1996)
Turnip, guideline TG/37/10 of 4.4.2001	Rhubarb, guideline TG/62/6 of 24.3.1999
Witloof chicory, guideline TG/173/3 of 5.4.2000	Scorzonera/Black salsify, guideline TG/116/3 of 21.10.1988
Leaf chicory, guideline TG/154/3 of 18.10.1996	Aubergine/Egg plant, guideline TG/117/4 of 17.4.2002
Industrial chicory, guideline TG/172/3 of 4.4.2001	Broad bean, guideline TG/206/1 of 9.4.2003

The text of these guidelines can be found on the UPOV website (www.upov.int).

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES of 24 September 2003 appointing a member of the Court of First Instance of the European Communities

(2003/694/EC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 224 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 140 thereof,

Whereas, pursuant to Articles 5 and 7, in conjunction with Article 47, of the Protocol on the Statute of the Court of Justice and following the resignation of Mr Koen LENAERTS, a member of the Court of First Instance should be appointed, for the remainder of his term of office, which runs until 31 August 2004,

HAVE DECIDED AS FOLLOWS:

Article 1

Mr Franklin DEHOUSSE is hereby appointed a member of the Court of First Instance of the European Communities from 7 October 2003 until 31 August 2004.

Article 2

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

Done at Brussels, 24 September 2003.

The President
U. VATTANI

COUNCIL

COUNCIL DECISION of 29 September 2003 appointing a member of the Committee of the Regions

(2003/695/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Austrian Government,

Whereas:

- (1) The Council adopted Decision 2002/60/EC of 22 January 2002 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) The seat of a member of the Committee of the Regions has become vacant following the resignation of Mr Alfred STINGL, of which the Council was notified on 9 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Heinz SCHADEN, Mayor of Salzburg, is hereby appointed a member of the Committee of the Regions in place of Mr Alfred STINGL for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 29 September 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 29 September 2003
appointing a member of the Committee of the Regions

(2003/696/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) The Council adopted Decision 2002/60/EC of 22 January 2002 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) The seat of a member of the Committee of the Regions has fallen vacant following the expiry of the term of office of Mr José Luis OLIVAS MARTÍNEZ, of which the Council was notified on 23 July 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Francisco CAMPS ORTIZ, Presidente de la Generalitat Valenciana, is hereby appointed a member of the Committee of the Regions in place of Mr José Luis OLIVAS MARTÍNEZ for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 29 September 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 29 September 2003
appointing an alternate member of the Committee of the Regions

(2003/697/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the German Government,

Whereas:

- (1) The Council adopted Decision 2002/60/EC of 22 January 2002 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) The seat of an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Friedrich Wilhelm HEINRICHS, of which the Council was notified on 11 August 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms Maria Theresia OPLADEN, Bürgermeisterin von Bergisch-Gladbach, Erste Vizepräsidentin des Städte- und Gemeindebundes NRW, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Friedrich Wilhelm HEINRICHS for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 29 September 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 29 September 2003
appointing an alternate member of the Committee of the Regions

(2003/698/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the German Government,

Whereas:

- (1) The Council adopted Decision 2002/60/EC of 22 January 2002 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) The seat of an alternate member of the Committee of the Regions has become vacant following the resignation of Mr Klaus Peter MÖLLER, of which the Council was notified on 5 May 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Norbert KARTMANN, President of the Parliament of Hessen, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Klaus Peter MÖLLER for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 29 September 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 29 September 2003
appointing a member of the Committee of the Regions

(2003/699/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the German Government,

Whereas:

- (1) The Council adopted Decision 2002/60/EC of 22 January 2002 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) The seat of a member of the Committee of the Regions has become vacant following the resignation of Mr Hans EVESLAGE, of which the Council was notified on 11 August 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Ernst Walter GÖRISCH, Bürgermeister von Alzey/Land, Vizepräsident des Deutschen Städte- und Gemeindebundes, is hereby appointed a member of the Committee of the Regions in place of Mr Hans EVESLAGE for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 29 September 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 29 September 2003
appointing an alternate member of the Committee of the Regions

(2003/700/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) The Council adopted Decision 2002/60/EC of 22 January 2002 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) The seat of an alternate member of the Committee of the Regions has become vacant following the expiry of the term of office of Mr José RIPOLL SERRANO, of which the Council was notified on 23 July 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Alejandro FONT DE MORA TURÓN, Consejero de Presidencia de la Generalitat Valenciana, is hereby appointed an alternate member of the Committee of the Regions in place of Mr José RIPOLL SERRANO for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 29 September 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COMMISSION

COMMISSION DECISION

of 29 September 2003

establishing pursuant to Directive 2001/18/EC of the European Parliament and of the Council a format for presenting the results of the deliberate release into the environment of genetically modified higher plants for purposes other than placing on the market

(notified under document number C(2003) 3405)

(Text with EEA relevance)

(2003/701/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ⁽¹⁾, and in particular the second sentence of Article 10 thereof,

Whereas:

(1) With regard to the deliberate release of genetically modified organisms (GMOs) for any purpose other than placing on the market, Article 10 of Directive 2001/18/EC requires the notifier of such a release, to send the competent authority, after completion of a release, and thereafter, at any intervals laid down in the consent on the basis of the results of the environmental risk assessment, the results of the release in terms of any risk to human health or the environment, with, where appropriate, particular reference to any kind of product that the notifier intends to notify at a later stage.

(2) To date, most GMOs deliberately released in the Community pursuant to Part B of Directive 2001/18/EC are genetically modified higher plants (GMHP). It is necessary, therefore, with regard to those plants, to establish the format to be used by the notifier when presenting the results of the release to the competent authority. That format should reflect the need to enable the fullest possible exchange of relevant information, presented in a standardised and easily comprehensible manner. The format should be kept as general as

possible so that, where appropriate, multi-sites, multi-annual releases or releases of several GMOs can be covered by a single report.

(3) Since genetic engineering is not restricted to higher plants, it will be necessary to establish formats for other types of GMOs, such as genetically modified (GM) animals (including GM insects), veterinary and medicinal products (containing or consisting of GMOs) or GM plants which could produce pharmaceutical products. Future developments may also make it necessary to adapt the report formats which have already been established.

(4) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 30 of Directive 2001/18/EC,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of presenting to the competent authority the results of the deliberate release into the environment of genetically modified higher plants (GMHP) pursuant to Article 10 of Directive 2001/18/EC, the notifier shall use the format set out in the Annex to this Decision, hereinafter 'the report format'.

Article 2

A report format shall relate to no more than one consent issued by the competent authority and shall be identified by a single notification number.

⁽¹⁾ OJ L 106, 17.4.2001, p. 1.

Article 3

1. For each notification number, a final report shall be delivered by the notifier, and final as well as intermediary post-release monitoring report(s) shall be delivered where appropriate. Both types of report shall be drawn up in accordance with the report format.

2. The final report shall be delivered after the last harvest of the GMHPs. Where no post-release monitoring is required for a notification, no further reports shall be necessary.

3. The final post-release monitoring report shall be delivered after completion of the post-release monitoring.

The competent authority shall, where appropriate, specify in the consent the duration of the post-release monitoring as well as the timetable for submission of the intermediary post-release monitoring reports.

4. The competent authority shall encourage notifiers to provide the report in an electronic form.

Article 4

The competent authority may require from the notifier additional information, in particular in the form of a logbook or interim reports, to be delivered in the course of the research programme, before the completion of a release.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2003.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX

FORMAT FOR THE PRESENTATION OF THE RESULT OF DELIBERATE RELEASE INTO THE ENVIRONMENT OF GENETICALLY MODIFIED HIGHER PLANTS IN ACCORDANCE WITH ARTICLE 10 OF DIRECTIVE 2001/18/EC

LOGO OF THE COMPANY OR RESEARCH INSTITUTE (OPTIONAL)

The report format shall be completed by the notifier.

The notifier shall fill in the report format according to the proposed form (tick boxes and/or, as far as possible, specific keywords to use in text fields).

The notifier shall illustrate as much as possible the reported data by means of diagrams, figures and tables. Statistical data could also be provided where relevant.

In the case of multi-sites, multi-events and/or multi-annual release(s), the notifier shall provide a general overview of the measures taken and effects observed for the full duration of the consent.

The space provided after each item is not indicative of the depth of the information required for the purposes of this report.

1. General information

1.1. **European notification number: B/XX/YY/ZZ**

1.2. **Member State of notification:**

1.3. **Date of consent and consent number:**

2. Report status

2.1. **Please indicate whether, according to Article 3 of the present Decision, the current report is:**

- the final report
- a post-release monitoring report
 - final intermediary

3. Characteristics of the release

3.1. **Scientific name of the recipient organism:**

3.2. **Transformation event(s) (acronym(s)) or vectors ⁽¹⁾ used (if transformation event identity not available):**.....

3.3. **Unique identifier, if available:**

3.4. **Please provide the following information as well as the field(s) layout:**

Geographical location(s) (administrative region and, where appropriate, grid reference)	Size of the release site(s) ⁽¹⁾ (m ²)	Identity ⁽²⁾ and approximate number of GM higher plants per event actually released (number of seeds/plants per m ²)	Duration of the release(s) (from...(day/month/year)..... until.....(d/m/y))

⁽¹⁾ Specify the size of the GM area and, where appropriate, the size of the non-GM area (e.g. non-GM border).

⁽²⁾ Vectors used.

⁽¹⁾ In the case of small-scale field trials where several lines may be tested, the vectors used should be mentioned, which gives insight into the introduced traits and/or genetic elements. In the case of large(n)-scale trials, the number of events notified is limited to only one or a few events.

4. **Any kind of product that the notifier intends to notify at a later stage**

4.1. **Does the notifier intend to notify the released transformation event(s) as product(s) for placing on the market under Community legislation(s) at a later stage?**

Yes No Unknown to date

If yes, indicate the country(ies) of notification:

If yes, specify for which use(s):

- Import
- Cultivation (e.g. seed/planting material production)
- Food
- Feed
- Pharmaceutical use (or processing for pharmaceutical use)
- Processing for
 - Food use
 - Feed use
 - Industrial use
- Others (specify):

5. **Type(s) of deliberate release(s)**

Please select the main type(s) (in boxes) as well as subtype(s) of the release(s). In the case of multi-sites, multi-events and/or multi-annual release(s), please provide a general overview of the type(s) of deliberate release(s) which has/have been carried out for the full duration of the consent. Please tick the appropriate type(s):

5.1. **Deliberate release(s) for research purposes**

5.2. **Deliberate release(s) for development purposes**

- Event screening
- Proof of concept ⁽²⁾
- Agronomic performances (e.g. efficiency/selectivity of plant protection product, yield capacity, germination capacity, crop establishment, plant vigour, plant height, susceptibility to climatic factors/diseases, etc.) (specify)
- Altered agronomic properties (e.g. disease/pest/drought/frost-resistance, etc.) (specify)
- Altered qualitative properties (prolonged shelf-life, enhanced nutritional value, modified composition, etc.) (specify)
- Stability of the expression
- Multiplication of lines
- Hybrid vigour study
- Molecular farming ⁽³⁾
- Phyto-remediation
- Others: (describe)

5.3. **Official testing**

- Variety registration on a national variety catalogue
 - DUS (= Distinctness, Uniformity and Stability)
 - VCU (= Value of Cultivation and Use)
- Others: (specify)

⁽²⁾ For example, testing the new trait under environmental conditions.

⁽³⁾ 'Molecular farming' means the production of substances (for instance, proteins, pharmaceuticals) by plants, which have been genetically modified for a particular trait. 'Molecular farming' could be defined as well as the production of plant-synthesised pharmaceuticals, plant-made pharmaceuticals, plant-based proteins production, etc.

- 5.4. **Herbicide authorisation**
- 5.5. **Deliberate release(s) for demonstration purposes**
- 5.6. **Seeds multiplication**
- 5.7. **Deliberate release(s) for biosafety/risk assessment research**
- Vertical gene transfer studies
 - Out-crossing with conventional crops
 - Out-crossing with wild relatives
 - Horizontal gene transfer studies (gene transfer to micro-organisms)
 - Management of volunteers
 - Potential changes in persistence or dispersal
 - Potential invasiveness
 - Potential effects on target organisms
 - Potential effects on non-target organisms
 - Observation of resistant relatives
 - Observations of resistant insects
 - Others: (describe).....
- 5.8. **Other(s) type(s) of deliberate release(s):**
- (describe)
6. **Method(s), result(s) of the release, management and monitoring measure(s) in respect of any risk to human health or the environment**
- 6.1. **Risk management measure(s)**
- Please report the risk-management measures, which have been used to avoid or minimise the spread of the GMO(s) outside the site(s) of release, and in particular those measures
- which were not originally notified in the application,
 - which were applied in addition to the conditions in the consent,
 - which the consent required only under certain conditions (e.g. dry periods, flooding),
 - for which the consent allowed the notifier a choice among different measures.
- Tick the examples where appropriate:
- 6.1.1. *Before the sowing/planting:*
- Clear labelling of the GM seeds/planting material lots (distinct from other seeds/tubers/etc.) (describe)
 - Segregation during the processing and transport of the seed/planting material (describe the method involved; provide example(s) of containment to prevent spillage during the processing and transport)
 - Destruction of superfluous seeds/planting material (describe the method involved)
 - Temporal isolation (specify)
 - Rotation (specify the previous crop(s))
 - Other(s): (specify).....
- 6.1.2. *During the sowing/planting activities:*
- Method of sowing/planting
 - Emptying and cleaning of the sowing/planting machinery on the field of release
 - Segregation during the sowing/planting (provide example(s) of containment to prevent spillage during the sowing/planting)
 - Other(s): (specify)

6.1.3. *During the period of release:*

- Isolation distance(s) (x metres)
 - from sexually compatible commercial plant species,
 - from sexually compatible wild relatives.
- Border row(s) (with the same crop or a different one, with a non-transgenic crop, x metres, etc.)
- Cage/net/fence/signpost (specify)
- Pollen trap (specify)
- Removal of GM inflorescences before flowering (indicate the frequency of the removal)
- Removal of bolters/relatives/hybrid partners (indicate the frequency of the removal, x metres around the GM field, etc.)
- Other(s): (specify):

6.1.4. *At the end of the release:*

- Harvest/destruction methods (of crop or parts of it)/other means (e.g. sampling and analysis of sugar beet pulp) (describe)
- Harvest/destruction before the ripeness of the seeds
- Effective removal of plant parts
- Segregated storage and transport of crop/waste (provide example(s) of containment to prevent spillage of collected seeds/crops/wastes)
- Clean up of machinery on the release site
- Destination of the waste, treatment of waste/surplus yield/plant residues (describe)
- Post-harvest treatment and cultivation measures on the release site (describe the method(s) for preparing and managing the release site at the end of the release, including cultivation practices)
- Other(s): (describe):

6.1.5. *Post-harvest measures*

Please indicate which measures were taken on the release site after the harvest:

- Frequency of visits (average):
- Subsequent crop (specify)
 - Crop rotation (specify)
 - Fallow/no crop (specify)
 - Superficial soil work/no deep ploughing
 - False-sowing beds
 - Control of volunteers (specify intervals and duration)
 - Appropriate chemical treatment(s) (specify)
 - Appropriate soil treatment(s) (specify)
 - Others (specify)

6.1.6. *Other(s) measure(s): (describe):*6.1.7. *Emergency plan(s)*

Indicate:

- (a) if the release proceeded as planned:
- Yes
 - No (describe for which reason, e.g. vandalism, climatic conditions, etc.):
- (b) if measures according to the emergency plan(s) (Article 6(2)(a)(vi) and Annex III.B of Directive 2001/18/EC) had to be taken:
- No
 - Yes (describe):

6.2. Post-release monitoring measures

Due to the fact that the current report format can be used for the final and post-release monitoring report(s), the notifier is asked to clearly make the difference between both types of report through this section 2 of Chapter 6. Please indicate whether

- **the post-release monitoring plan will start** (in the case of a final report, after the last harvest of the GM higher plants),
- **the post-release monitoring plan is ongoing** (in the case of an intermediary post-release monitoring report),
- **the post-release monitoring plan has been completed** (in the case of the final post-release monitoring report),
- **no post-release monitoring plan has to be fulfilled.**

The results of this monitoring are meant to confirm or invalidate earlier assumptions in the risk assessment.

According to the aforementioned cases, please indicate which monitoring measure(s) will be/are/were taken and where (on the release site/near the site (e.g. on fields edges)). Please be aware that all post-release monitoring measures taken during the whole post-release period shall be indicated here.

Specify:

- Monitoring measures within site

Duration:

Frequency of visits (average):

- Observation of resistant relatives
- Observation of resistant insects
- Control of volunteers (specify intervals and duration)
- Monitoring of gene flow (specify)
- Appropriate chemical treatment(s) and/or soil treatment(s)
- Others (specify)

- Monitoring measures of adjacent areas

Duration:

Frequency of visits (average):

Area monitored:

- Observation of resistant relatives
- Observation of resistant insects
- Control of volunteers and/or monitoring of feral populations (specify intervals and duration)
- Monitoring of gene flow (specify)
- Appropriate chemical treatment(s) and/or soil treatment(s)
- Others (specify)

6.3. Plan for observation(s)/method(s) involved

In this section the observation plan and the methods used to collect the effects, which have to be reported under the next section (section 6.4), need to be specified. Any amendments or modifications to the plan as proposed in the application and the SNIF ^(†) part B need to be specified in detail.

During the time between the notification and the final report submission, new scientific insights or methods may be developed which cause a change in the methods used. In particular these modifications need to be specified under this section.

6.4. Observed effect(s)

6.4.1. Explanatory note

All results of the deliberate release(s) in respect of any risk for human health or the environment shall be stated, without prejudice to whether the results indicate that any risk is increased, reduced or remains unchanged.

The main objectives of the information given in this section are:

- to confirm or invalidate any assumption regarding the occurrence and impact of potential effect(s) of the GMO(s) which was/were identified in the environmental risk assessment,
- to identify effect(s) of the GMO(s) which was/were not anticipated in the environmental risk assessment.

^(†) Summary notification information format (= SNIF).

COMMISSION DECISION**of 3 October 2003****amending Decision 2000/159/EC on the provisional approval of residue plans of third countries according to Council Directive 96/23/EC***(notified under document number C(2003) 3497)***(Text with EEA relevance)**

(2003/702/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 29 thereof,Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽³⁾, as last amended by Regulation (EC) No 807/2003 ⁽⁴⁾, and in particular Article 3 thereof,

Whereas:

- (1) Commission Decision 2000/159/EC of 8 February 2000 on the provisional approval of residue plans of third countries according to Council Directive 96/23/EC ⁽⁵⁾, as last amended by Decision 2003/485/EC ⁽⁶⁾, lists the third countries which have submitted a plan, setting out the guarantees offered by the third country as regards the monitoring of the groups of residues and substances referred to in Annex I to Directive 96/23/EC.
- (2) Certain third countries have presented residue monitoring plans to the Commission for products and species not indicated in the Annex of Decision 2000/159/EC. The evaluation of these monitoring plans and the addi-

tional information requested by the Commission provided sufficient guarantees on the residue monitoring in these third countries for the products or species indicated. These products and species should be added in the Annex of Decision 2000/159/EC for these countries.

- (3) Decision 2000/159/EC should therefore be amended accordingly.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2000/159/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 October 2003.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 125, 23.5.1996, p. 10.⁽²⁾ OJ L 122, 16.5.2003, p. 1.⁽³⁾ OJ L 302, 31.12.1972, p. 28.⁽⁴⁾ OJ L 122, 16.5.2003, p. 36.⁽⁵⁾ OJ L 51, 24.2.2000, p. 30.⁽⁶⁾ OJ L 164, 2.7.2003, p. 14.

ANNEX

‘ANNEX

The residue monitoring plans of the following third countries are provisionally approved on the basis of Council Directive 96/23/EC for the animals or primary animal products appearing with an “X” in the table.

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
AD	Andorra ⁽¹⁾	X	X		X								
AE	United Arab Emirates						X						
AF	Afghanistan		X ⁽²⁾										
AL	Albania		X				X						
AN	Netherlands Antilles ⁽³⁾												
AR	Argentina	X	X	X ⁽²⁾	X	X	X	X	X	X	X	X	X
AU	Australia	X	X	X	X	X	X	X	X	X	X	X	X
BD	Bangladesh		X ⁽²⁾				X						
BG	Bulgaria	X	X	X	X ⁽⁴⁾	X	X	X			X	X	X
BH	Bahrain		X ⁽²⁾										
BR	Brazil	X	X ⁽²⁾	X	X	X	X	X				X	X
BW	Botswana	X											
BY	Belarus				X ⁽³⁾								
BZ	Belize						X						X
CA	Canada	X	X	X	X	X	X	X	X		X	X	X
CH	Switzerland	X	X	X	X	X		X	X				
CL	Chile	X	X	X	X ⁽²⁾	X	X				X	X	X
CN	China		X ⁽²⁾	X ⁽²⁾									
CO	Colombia						X	X					

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
CR	Costa Rica	X ⁽²⁾	X ⁽²⁾	X ⁽²⁾			X						
CU	Cuba						X						X
CY	Cyprus	X	X	X	X ⁽³⁾	X	X	X	X	X	X	X	X
CZ	Czech Republic	X	X	X	X ⁽³⁾	X	X	X	X	X	X	X	X
EC	Ecuador						X						
EE	Estonia	X	X	X	X ⁽³⁾	X	X	X	X		X		X
EG	Egypt		X ⁽²⁾										
ER	Eritrea						X						
FK	Falkland Islands		X										
FO	Faeroe Islands						X						
GL	Greenland		X		X ⁽³⁾						X	X	
GT	Guatemala						X						X
HK	Hong Kong ⁽³⁾												
HN	Honduras		X ⁽²⁾				X						
HR	Croatia	X	X	X	X ⁽³⁾	X	X	X	X	X	X	X	X
HU	Hungary	X	X	X	X ⁽³⁾	X	X	X	X	X	X	X	X
ID	Indonesia						X						
IL	Israel					X	X	X	X			X	X
IN	India	X ⁽²⁾	X ⁽²⁾			X	X	X	X				X
IR	Iran		X ⁽²⁾				X						
IS	Iceland	X	X	X	X		X	X					
JM	Jamaica						X						
JP	Japan		X ⁽²⁾				X						

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
KE	Kenya												X
KR	South Korea						X						
KW	Kuwait		X (?)										
LB	Lebanon		X (?)										
LK	Sri Lanka						X						
LT	Lithuania	X	X	X	X (?)	X	X	X	X	X	X	X	X
LV	Latvia	X	X	X		X	X	X	X	X	X	X	X
MA	Morocco		X (?)				X						
MD	Moldova												X
MG	Madagascar						X						
MK	Former Yugoslav Republic of Macedonia (5)	X	X		X (?)			X					
MN	Mongolia		X (?)										
MT	Malta	X	X	X	X (?)	X	X	X	X	X			X
MX	Mexico	X	X (?)		X	X	X	X	X	X			X
MY	Malaysia					X (6)	X						
MZ	Mozambique						X						
NA	Namibia	X	X				X				X	X	
NC	New Caledonia	X					X				X	X	
NI	Nicaragua	X (?)	X (?)				X						X
NO	Norway (7)	X	X	X		X	X	X	X		X	X	X
NZ	New Zealand	X	X		X		X	X			X	X	X
OM	Oman	X (?)	X (?)				X						

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
PA	Panama	X	X (2)				X						
PE	Peru		X (2)			X	X						
PH	Philippines						X						
PK	Pakistan	X (2)	X (2)										
PL	Poland	X	X	X	X	X	X	X	X	X	X	X	X
PY	Paraguay	X	X (2)										X
RO	Romania	X	X	X	X	X	X	X	X	X	X	X	X
RU	Russia				X (3)							X (8)	
SC	Seychelles						X						
SG	Singapore (4)												
SI	Slovenia	X	X	X	X (3)	X	X	X	X	X	X	X	X
SK	Slovakia	X	X	X	X (3)	X	X	X	X	X	X	X	X
SM	San Marino (5)	X		X									X
SR	Suriname						X						
SV	El Salvador												X
SY	Syria		X (2)										
SZ	Swaziland	X											
TH	Thailand					X	X						
TM	Turkmenistan		X (2)										
TN	Tunisia		X (2)		X (3)	X	X				X	X	
TR	Turkey		X (2)				X						X
TW	Taiwan						X						X
TZ	Tanzania												X

Code ISO2	Country	Bovine	Ovine/ caprine	Swine	Equine	Poultry	Aquaculture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
UA	Ukraine				X ⁽¹⁾								
US	United States	X	X	X	X	X	X	X	X	X	X	X	
UY	Uruguay	X	X		X		X	X		X	X	X	X
UZ	Uzbekistan		X ⁽²⁾										
VE	Venezuela						X						
VN	Viet Nam						X						X
YT	Mayotte						X						
YU	Serbia and Montenegro	X	X	X	X ⁽³⁾								X
ZA	South Africa	X	X	X		X	X	X		X	X	X	X
ZM	Zambia												X
ZW	Zimbabwe	X					X					X	

⁽¹⁾ Initial residue monitoring plan approved by veterinary sub-group EC/Andorra (in accordance with Decision No 2/1999 of EC/Andorra Joint Committee of 22 December 1999 — OJ L 31, 5.2.2000, p. 84).

⁽²⁾ Only casings.

⁽³⁾ Third country using only raw material from other approved third countries for food production.

⁽⁴⁾ Exports of live horses for slaughter (food producing animals only).

⁽⁵⁾ Appropriate denomination still under discussion at UN.

⁽⁶⁾ Peninsular (western) Malaysia only.

⁽⁷⁾ Monitoring plan approved in accordance with Decision of EFTA Surveillance Authority No 223/96/COL of 4 December 1996 (OJ L 78, 20.3.1997, p. 38).

⁽⁸⁾ Only for reindeer from Murmansk region.

⁽⁹⁾ Monitoring plan approved in accordance with Decision No 1/94 of the EC-San Marino Cooperation Committee of 28 June 1994 (OJ L 238, 13.9.1994, p. 25).'

**DECISION No 1/2003 OF THE JOINT VETERINARY COMMITTEE SET UP BY THE AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN
AGRICULTURAL PRODUCTS**

of 29 July 2003

concerning the adoption of its Rules of Procedure

(2003/703/EC)

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter referred to as 'the Agreement'), and in particular Article 19(5) of Annex 11 thereto,

Whereas:

That Agreement entered into force on 1 June 2002,

HAS DECIDED TO ADOPT THE FOLLOWING RULES OF PROCEDURE:

Article 1

Chair

The office of chair of the Committee shall be held jointly by a representative of the European Community and a representative of the Swiss Confederation (hereinafter referred to as 'the heads of delegation').

Article 2

Secretariat

1. A representative of the European Community and a representative of the Swiss Confederation shall jointly perform the secretarial tasks of the Committee. The heads of delegation shall transmit the name and other particulars of the person carrying out the secretarial duties for each Party.
2. The heads of delegation may agree that the secretarial tasks shall be performed alternately by the two Parties for specific periods.

Article 3

Meetings

1. The heads of delegation shall fix the date and venue of meetings by joint agreement.
2. If a head of delegation requests that an extraordinary meeting be held, such a meeting shall be convened within 30 days of the request being received, except where a decision is taken to the contrary.
3. Unless otherwise decided, the meetings of the Committee shall not be public.

Article 4

Delegations

1. Before each meeting, the heads of delegation shall inform one another of the intended composition of their delegation.
2. The Parties shall appoint the heads of delegation who, outside the meetings, shall be the contact persons for all matters relating to the Agreement.
3. The Committee may invite persons who are not members of the delegations to attend meetings in order to provide information on specific issues.

*Article 5***Correspondence**

All correspondence relating to Annex 11 to the Agreement shall be sent to the secretariat of the Committee. The latter shall send a copy of all correspondence relating to Annex 11 to the Agreement to the heads of delegation and the Swiss Mission to the European Union.

*Article 6***Agendas for meetings**

1. The secretariat, in agreement with the heads of delegation, shall draw up the provisional agenda for each meeting. The provisional agenda shall be sent to the heads of delegation no later than five working days before the start of the meeting.
2. The provisional agenda shall include the items for which a request for their inclusion has reached the secretariat at least 15 days before the start of the meeting. The items shall be included in the agenda only if, where applicable, the documents relating to them have been sent to the secretariat no later than the date on which that agenda is sent.
3. The agenda shall be adopted by joint agreement by the heads of delegation at the start of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the heads of delegation so agree.
4. The heads of delegation may agree to reduce the time limits set out in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

1. The secretariat shall draw up draft minutes of each meeting. The draft shall state the decisions taken, the recommendations made and the conclusions adopted. The draft minutes shall be submitted to the Committee for approval. Once adopted by the Committee, the minutes shall be signed by the heads of delegation and the secretariat of the Committee. An original copy shall be kept by each of the Parties.
2. The draft minutes shall be drawn up within 10 working days of the meeting and shall be submitted to the Committee for approval by the written procedure set out in Article 9. If that procedure cannot be completed, the minutes shall be adopted by the Committee at its next meeting.

*Article 8***Adoption of instruments**

1. The decisions of the Committee within the meaning of Article 19 of Annex 11 to the Agricultural Agreement shall bear the title 'Decision', followed by a serial number, the date of their adoption and an indication of their subject matter.
2. The decisions of the Committee shall bear the signatures of the heads of delegation.
3. Either Party may decide to publish any instrument adopted by the Committee.

*Article 9***Written procedure**

1. The instruments of the Committee may be adopted by written procedure where the two heads of delegation so agree.
2. The Party proposing the use of the written procedure shall submit the draft instrument to the other Party. The other Party shall reply, indicating whether it accepts or does not accept the instrument, whether it proposes any amendments to the draft, or whether it requests further time for reflection. If the draft is adopted, it shall be finalised in accordance with Article 8.

*Article 10***Expenses**

Each Party shall bear the expenses it incurs in taking part in the meetings of the Committee.

*Article 11***Confidentiality**

The deliberations of the Committee shall be governed by professional secrecy.

*Article 12***Working groups**

The working groups shall operate under the authority of the Committee, to which they shall submit a written report after each of their meetings. The report shall be sent to the secretariat of the Committee, which shall forward it to the heads of delegation. This report may contain recommendations for the attention of the Committee.

For the Joint Veterinary Committee

The Heads of Delegation

Signed at Bern, 29 July 2003.

For the Swiss Confederation

Hans WYSS

Signed at Brussels, 26 June 2003.

For the European Community

Alejandro CHECCHI LANG
