

English edition

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1776/2003
of 29 September 2003**

amending Regulation (EC) No 527/2003 authorising the offer and delivery for direct human consumption of certain wines imported from Argentina which may have undergone oenological processes not provided for in Regulation (EC) No 1493/1999

THE COUNCIL OF THE EUROPEAN UNION,

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⁾, and in particular Article 45(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Negotiations are currently underway between the Community, represented by the Commission, and Argentina on an agreement on trade in wine. These involve in particular the respective oenological processes of the two parties and the protection of geographical indications.
- (2) With a view to ensuring the continued smooth progress of these negotiations, the derogation allowing the addition of malic acid to wines produced on the territory of Argentina and imported into the Community should be extended until the entry into force of the Agreement resulting from the above negotiations, but not later than 30 September 2004,

HAS ADOPTED THIS REGULATION:

Article 1

The second subparagraph of Article 1(1) of Council Regulation (EC) No 527/2003 ⁽²⁾ shall be replaced by the following:

'However, this authorisation shall only be valid until the entry into force of the Agreement resulting from the negotiations with Argentina on an agreement on trade in wine involving in particular oenological practices and the protection of geographical indications, and not later than 30 September 2004.'

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, 29 September 2003.

For the Council
The President
G. ALEMANNIO

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 78, 25.3.2003, p. 1.

COMMISSION REGULATION (EC) No 1777/2003
of 10 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 11 October 2003.

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

Done at Brussels, 10 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 10 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	93,1
	060	102,5
	064	110,4
	068	67,7
	204	140,1
	999	102,8
0707 00 05	052	101,8
	999	101,8
0709 90 70	052	101,8
	999	101,8
0805 50 10	052	87,9
	388	63,6
	524	77,8
	528	51,9
	999	70,3
0806 10 10	052	100,0
	064	114,9
	508	301,7
	999	172,2
0808 10 20, 0808 10 50, 0808 10 90	060	38,7
	388	73,6
	400	51,8
	508	108,4
	512	104,5
	720	45,2
	800	185,5
	804	104,8
	999	89,1
0808 20 50	052	103,6
	064	49,4
	388	170,0
	720	85,2
	999	102,1

⁽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 1778/2003
of 10 October 2003
suspending the buying-in of butter 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 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⁾,

Having regard to 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⁾, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 1658/2003 suspending the buying-in of butter in certain Member States ⁽⁵⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Spain under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 1658/2003 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Germany, Greece, Spain, France, the Netherlands, Austria, Luxembourg, Finland, Sweden and the United Kingdom.

Article 2

Regulation (EC) No 1658/2003 is hereby repealed.

Article 3

This Regulation shall enter into force on 11 October 2003.

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

Done at Brussels, 10 October 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.

⁽⁵⁾ OJ L 234, 20.9.2003, p. 8.

**COMMISSION REGULATION (EC) No 1779/2003
of 10 October 2003**

on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 649/2003 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2003 to 30 June 2004 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 October 2003 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of November 2003 for 4 330,967 t.

Article 2

This Regulation shall enter into force on 11 October 2003.

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

Done at Brussels, 10 October 2003.

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

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 95, 11.4.2003, p. 13.

COMMISSION REGULATION (EC) No 1780/2003
of 10 October 2003
amending Regulation (EC) No 2366/98 laying down detailed rules for the application of the system
of production aid for olive oil for the 1998/99 to 2003/04 marketing years

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1638/98 of 20 July 1998 amending Regulation No 136/66/EEC on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1513/2001 ⁽²⁾, and in particular Article 2(4) thereof,

Whereas:

- (1) Article 2(1) of Regulation (EC) No 1638/98 provides for the creation of a geographical information system (GIS) to improve knowledge of and checks on the production of olive oil at the level of the individual producer. Article 2a of Regulation (EC) No 1638/98 provides that, as from 1 November 2003, olive trees and corresponding areas, the presence of which is not attested by an olive cultivation GIS established in accordance with Article 2 of that Regulation, cannot constitute a basis for aid to be paid to olive producers under the common market organisation in oils and fats.
- (2) Articles 23 to 26 of Commission Regulation (EC) No 2366/98 ⁽³⁾, as last amended by Regulation (EC) No 2383/2002 ⁽⁴⁾, lay down rules for the application of the olive cultivation GIS and the conditions under which it may be deemed to have been completed at regional or national level.
- (3) More particularly, the third subparagraph of Article 26(3) of Regulation (EC) No 2366/98 provides for a procedure under which the Commission is to determine whether the olive cultivation GIS has been completed on the basis of a report from the Member State concerned. Given the fact that the creation of a GIS is to become a

compulsory requirement for obtaining olive oil production aid, and in order to simplify administrative procedures to enable the GIS to be used rapidly and effectively, the requirement that that procedure be followed should be abolished.

- (4) However, the Member States' obligation to inform the Commission of the measures taken to create the olive cultivation GIS and of its completion should be maintained.
- (5) Article 26(3) of Regulation (EC) No 2366/98 should therefore be amended.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

Article 26(3) of Regulation (EC) No 2366/98 is hereby replaced by the following:

'3. The Member States shall inform the Commission of national measures taken under Articles 23 to 26 and of completion of the olive cultivation GIS at Member State level or, where applicable, regional level.'

Article 2

This Regulation shall enter into force on the seventh 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, 10 October 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 210, 28.7.1998, p. 32.

⁽²⁾ OJ L 201, 26.7.2001, p. 4.

⁽³⁾ OJ L 293, 31.10.1998, p. 50.

⁽⁴⁾ OJ L 358, 31.12.2002, p. 122.

COMMISSION REGULATION (EC) No 1781/2003
of 10 October 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 29,595/100 kg.

Article 2

This Regulation shall enter into force on 11 October 2003.

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

Done at Brussels, 10 October 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.

COUNCIL DIRECTIVE 2003/92/EC
of 7 October 2003
amending Directive 77/388/EEC as regards the rules on the place of supply of gas and electricity

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

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

Having regard to the opinion of the European Economic and Social Committee ⁽³⁾,

Whereas:

(1) Increasing liberalisation of the gas and electricity sector, aimed at completing the internal market for electricity and natural gas, has revealed a need to review the current VAT rules on the place of supply of those goods, set out in the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽⁴⁾, in order to modernise and simplify the operation of the VAT system within the context of the internal market, a strategy to which the Commission is committed.

(2) Electricity and gas are treated as goods for VAT purposes, and, accordingly, the place of their supply with respect to cross-border transactions has to be determined in accordance with Article 8 of Directive 77/388/EEC. However, since electricity and gas are difficult to track physically it is particularly difficult to determine the place of supply under the current rules.

(3) In order to attain a real internal market for electricity and gas without VAT obstacles, the place of supply of gas through the natural gas distribution system and of electricity, before the goods reach the final stage of consumption, should be determined to be the place where the customer has established his business.

(4) The supply of electricity and gas in the final stage, from traders and distributors to final consumer, should be taxed at the place where the customer has effective use and consumption of the goods, in order to ensure that taxation takes place in the country where actual consumption takes place. This is normally the place where the meter of the customer is located.

(5) Electricity and gas are supplied through distribution networks, to which network operators provide access. In order to avoid double or non-taxation, it is necessary to harmonise the rules governing the place of supply of the transmission and transportation services. Access to and use of the distribution systems and the provision of other services directly linked to these services should therefore be added to the list of specific instances set out in Article 9, paragraph 2(e) of Directive 77/388/EEC.

(6) The import of gas through the natural gas distribution system, or of electricity, should be exempted in order to avoid double taxation.

(7) Those changes in the rules governing the place of supply of gas through the natural gas distribution system, or of electricity, should be combined with a compulsory reverse charge when the customer is a person identified for VAT purposes.

(8) Directive 77/388/EEC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/388/EEC is hereby amended as follows:

1. in Article 8(1), the following points are added:

‘(d) in the case of the supply of gas through the natural gas distribution system, or of electricity, to a taxable dealer: the place where that taxable dealer has established his business or has a fixed establishment for which the goods are supplied, or, in the absence of such a place of business or fixed establishment, the place where he has his permanent address or usually resides.

“Taxable dealer” for the purposes of this provision means a taxable person whose principal activity in respect of purchases of gas and electricity is reselling such products and whose own consumption of these products is negligible.

⁽¹⁾ Proposal of 5 December 2002 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 13.5.2003 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 26.3.2003 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 145, 13.6.1977, p.1. Directive as last amended by Directive 2002/93/EC (OJ L 331, 7.12.2002, p. 27).

- (e) in the case of the supply of gas through the natural gas distribution system, or of electricity, where such a supply is not covered by point (d): the place where the customer has effective use and consumption of the goods. Where all or part of the goods are not in fact consumed by this customer, these non consumed goods are deemed to have been used and consumed at the place where he has established his business or has a fixed establishment for which the goods are supplied. In the absence of such a place of business or fixed establishment, he is deemed to have used and consumed the goods at the place where he has his permanent address or usually resides.;
2. in Article 9(2)(e), the following indent is inserted after the eighth indent:
- ‘— the provision of access to, and of transport or transmission through, natural gas and electricity distribution systems and the provision of other directly linked services.’;
3. in Article 14(1), the following point is added:
- ‘(k) import of gas through the natural gas distribution system, or of electricity.’;
4. Article 21(1)(a), in the version set out in Article 28g, is replaced by the following:
- ‘(a) the taxable person carrying out the taxable supply of goods or of services, except for the cases referred to in (b), (c) and (f). Where the taxable supply of goods or of services is effected by a taxable person who is not established within the territory of the country, Member States may, under the conditions determined by them, lay down that the person liable to pay tax is the person for whom the taxable supply of goods or of services is carried out.’
5. in Article 21(1), in the version set out in Article 28g, the following point is added:
- ‘(f) persons who are identified for value added tax purposes within the territory of the country and to whom goods are supplied under the conditions set out in Article 8(1)(d) or (e), if the supplies are carried out by a taxable person not established within the territory of the country.’;
6. in Article 22(1)(c), in the version set out in Article 28h, the first indent is replaced by the following:
- ‘— Every taxable person, with the exception of those referred to in Article 28a(4), who, within the territory of the country, effects supplies of goods or of services giving him the right of deduction, other than supplies of goods or of services for which tax is payable solely by the customer or the recipient in accordance with Article 21(1)(a), (b), (c) or (f). However, Member States need not identify certain taxable persons referred to in article 4(3).’;
7. in Article 28a(5)(b) the following indent is added:
- ‘— the supply of gas through the natural gas distribution system, or of electricity, under the conditions set out in Article 8(1)(d) or (e).’

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive on 1 January 2005. They shall forthwith inform the Commission thereof. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 7 October 2003.

For the Council
The President
G. TREMONTI

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 2 October 2003

appointing an alternate member of the Committee of the Regions

(2003/711/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) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (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 Luis GONZÁLEZ VALLVÉ, of which the Council was notified on 19 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Carlos Javier FERNÁNDEZ CARRIEDO, Comisionado de Acción Exterior — Gobierno de Castilla y León, is hereby appointed an alternate member of the Committee of the Regions in place of Mr José Luis GONZÁLEZ VALLVÉ for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 2 October 2003.

For the Council

The President

G. PISANU

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 2 October 2003
appointing an alternate member of the Committee of the Regions

(2003/712/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) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of an alternate member of the Committee of the Regions has become vacant following the resignation of Ms Karola JAMNIG-STELLMACH, of which the Council was notified on 17 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms Sandra SPECKERT, Mitglied der Bremischen Bürgerschaft, is hereby appointed an alternate member of the Committee of the Regions in place of Ms Karola JAMNIG-STELLMACH for the remainder of her term of office, which ends on 25 January 2006.

Done at Brussels, 2 October 2003.

For the Council
The President
G. PISANU

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 2 October 2003
appointing an alternate member of the Committee of the Regions

(2003/713/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) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (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 Antoni GARCÍAS I COLL, of which the Council was notified on 19 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Joan HUGUET I ROTGER, Diputado del Parlamento de las Islas Baleares, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Antoni GARCÍAS I COLL for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 2 October 2003.

For the Council
The President
G. PISANU

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 2 October 2003
appointing a member of the Committee of the Regions

(2003/714/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) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of a member of the Committee of the Regions has become vacant following the expiry of the term of office of Mr Francesc ANTICH I OLIVER, of which the Council was notified on 19 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Jaume MATAS I PALOU, Presidente — Gobierno Balear, is hereby appointed a member of the Committee of the Regions in place of Mr Francesc ANTICH I OLIVER for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 2 October 2003.

For the Council
The President
G. PISANU

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 2 October 2003
appointing an alternate member of the Committee of the Regions

(2003/715/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) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (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 Francisco AZNAR VALLEJO, of which the Council was notified on 19 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Javier MORALES FEBLES, Comisionado de Acción Exterior — Gobierno de Canarias, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Francisco AZNAR VALLEJO for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 2 October 2003.

For the Council
The President
G. PISANU

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 2 October 2003
appointing a member of the Committee of the Regions

(2003/716/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) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of a member of the Committee of the Regions has fallen vacant following the expiry of the mandate of Mr José Joaquín MARTÍNEZ SIESO, of which the Council was notified on 23 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Miguel Ángel REVILLA ROIZ, Presidente — Gobierno de Cantabria, is hereby appointed a member of the Committee of the Regions in place of Mr José Joaquín MARTÍNEZ SIESO for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 2 October 2003.

For the Council
The President
G. PISANU

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 2 October 2003
appointing an alternate member of the Committee of the Regions

(2003/717/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) On 22 January 2002 ⁽¹⁾ the Council adopted a Decision 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 mandate of Mr Juan José FERNÁNDEZ GÓMEZ, of which the Council was notified on 23 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms Dolores GOROSTIAGA SAIZ, Vicepresidenta — Gobierno de Cantabria, is hereby appointed an alternate member of the Committee of the Regions in place of Mr Juan José FERNÁNDEZ GÓMEZ for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 2 October 2003.

For the Council
The President
G. PISANU

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 2 October 2003

appointing 12 Greek members and 12 Greek alternate members of the Committee of the Regions

(2003/718/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 Greek Government,

Whereas:

- (1) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seats of 12 members and 12 alternate members of the Committee of the Regions have become vacant following the resignation of all the Greek members and alternate members of the Committee of the Regions, of which the Council was notified on 12 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

(a) The following are hereby appointed members of the Committee of the Regions for the remainder of the term of office, which ends on 25 January 2006.

- | | |
|--------------------------------|---|
| 1. Ms YENNIMATA, Phophi | Chief Executive of the extended province of Athens-Piraeus
President of the Greek Union of Provinces |
| 2. Mr CHATZOPOULOS, Christos | Chief Executive of the extended province of Evros-Rodopi |
| 3. Mr TATSIS, Konstantinos | Chief Executive of the extended province of Xanthi-Drama-Kavala |
| 4. Mr SGOUROS, Yannis | Prefect of Athens |
| 5. Mr STAMATIS, Dimitrios | Prefect of Aitolia and Akarmania |
| 6. Mr KOUKOULOPOULOS, Paris | Mayor of Kozani President of the Union of Urban and Rural Municipalities |
| 7. Ms BAKOYANNI, Theodora | Mayor of Athens |
| 8. Mr KARAVOLAS, Andreas | Mayor of Patras |
| 9. Mr TZANIKOS, Panayotis | Mayor of Marousi |
| 10. Mr KAMARAS, Pavlos | Mayor of Pevki-Attica |
| 11. Mr PALEOLOGOS, Christos | Municipal Counsellor
Municipality of Livadia |
| 12. Mr TZATZANIS, Konstantinos | Municipal Counsellor
Municipality of Piraeus |

(b) The following are hereby appointed alternate members of the Committee of the Regions for the remainder of the term of office, which ends on 25 January 2006.

- | | |
|-------------------------------|---------------------------|
| 1. Mr MACHIMARIS, Georgios | Prefect of Corfu |
| 2. Mr MACHERIDIS, Yannis | Prefect of the Dodecanese |
| 3. Mr LAMBRINOUDIS, Polydoros | Prefect of Chios |
| 4. Mr KATSAROS, Loukas | Prefect of Larisa |

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

- | | |
|-----------------------------|-----------------------------|
| 5. Mr SPARTSIS, Ioannis | Prefect of Imathia |
| 6. Mr KOURAKIS, Yannis | Mayor of Heraklion, Crete |
| 7. Mr KOUTSOULIS, Georgios | Mayor of Kalamata |
| 8. Mr IKONOMIDIS, Panayotis | Mayor of Arta |
| 9. Mr PREVEZANOS, Dimitris | Mayor of Skiathos |
| 10. Mr KOTRONIAS, Yorgos | Mayor of Lamia |
| 11. Mr YEORGAKIS, Theodoros | Mayor of Heliopolis, Attica |
| 12. Mr KLAPAS, Miltiadis | Mayor of Preveza |

Done at Brussels, 2 October 2003.

For the Council
The President
G. PISANU

**COUNCIL DECISION
of 2 October 2003**

appointing three Dutch members and three Dutch alternate members of the Committee of the Regions

(2003/719/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 Netherlands Government,

Whereas:

- (1) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) Three seats of members of the Committee of the Regions have fallen vacant following the expiry of the mandates of Ms JACOBS, Mr VAN KLAVEREN and Mr VERBURG, and three seats of alternate members have fallen vacant following the expiry of the mandates of Mr BOERTJENS, Ms KALLEN-MORREN and Mr VAN NISTELROOIJ, of which the Council was notified on 10 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

- (a) The following are hereby appointed members of the Committee of the Regions for the remainder of the term of office, which ends on 25 January 2006:
 1. Mr G.J. JANSEN, Commissaris van de Koningin in de provincie Overijssel, to replace Ms JACOBS;
 2. Mr P.A. BIJMAN, gedeputeerde van de provincie Fryslân, to replace Mr VAN KLAVEREN;
 3. Mr J.P.J. LOKKER, gedeputeerde van de provincie Utrecht, to replace Mr VERBURG.
- (b) The following are hereby appointed alternate members of the Committee of the Regions for the remainder of the term of office, which ends on 25 January 2006:
 1. Mr H. BLEKER, gedeputeerde van de provincie Groningen, to replace Mr BOERTJENS;
 2. Mr M.J.A. EURLINGS, gedeputeerde van de provincie Limburg, to replace Ms KALLEN-MORREN;
 3. Mr O. HOES, gedeputeerde van de provincie Noord-Brabant, to replace Mr VAN NISTELROOIJfor the remainder of the term of office, which ends on 25 January 2006.

Done at Brussels, 2 October 2003.

For the Council
The President
G. PISANU

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 2 October 2003
appointing a member of the Committee of the Regions

(2003/720/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) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾.
- (2) The seat of a member of the Committee of the Regions has become vacant following the expiry of the term of office of Mr Román RODRÍGUEZ RODRÍGUEZ, of which the Council was notified on 19 September 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Adán MARTÍN MENIS, Presidente — Gobierno de Canarias is hereby appointed a member of the Committee of the Regions in place of Mr Román RODRÍGUEZ RODRÍGUEZ for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 2 October 2003.

For the Council
The President
G. PISANU

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COMMISSION

COMMISSION DECISION

of 29 September 2003

amending Council Directive 92/118/EEC as regards requirements for collagen intended for human consumption and repealing Decision 2003/42/EC

(notified under document number C(2003) 3393)

(Text with EEA relevance)

(2003/721/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽¹⁾, as last amended by Commission Decision 2003/42/EC⁽²⁾, and in particular the second paragraph of Article 15 thereof,

Whereas:

- (1) Specific public health conditions for the preparation of collagen intended for human consumption should be laid down. Provided that these conditions are the same for collagen intended for human consumption and collagen not intended for human consumption, and provided that hygiene conditions are also the same, it should be possible to produce and/or store both types of collagen in the same establishment.
- (2) The authorisation and registration, inspection and hygiene conditions for the establishments preparing collagen should be set. Certain health conditions contained in Council Directive 77/99/EEC of 21 December 1976 on health problems affecting the production and marketing of meat products and certain other products of animal origin⁽³⁾, as last amended by Regulation (EC) No 807/2003⁽⁴⁾, and in Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs⁽⁵⁾, are relevant for the preparation of collagen.

- (3) Article 2.3.13.7 of the International Animal Health Code (2001) issued by the International Office of Epizootics on BSE recommends that if gelatine and collagen are prepared exclusively from hides and skins, veterinary administrations should authorise their import and transit through their territories without restriction, regardless of the status of the exporting countries.

- (4) Under Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies⁽⁶⁾, as last amended by Commission Regulation (EC) No 1234/2003⁽⁷⁾, hides and skins within the meaning of Directive 92/118/EEC, derived from healthy ruminants and collagen derived from such hides and skins are not subject to restrictions on placing on the market.

- (5) The Scientific Steering Committee adopted an opinion on the safety of collagen on 10 and 11 May 2001, addressing the question of the safety in relation to transmissible spongiform encephalopathies (hereinafter TSE) of collagen produced from ruminant hides.

- (6) The raw material used for the production of collagen consists mainly of bovine connective tissue of hides and tendons, calf skins, sheep skins and pig skins. To ensure the safety of the raw material, it must derive from animals that pass *ante* and *post mortem* inspections as fit for human consumption. Such material must also be collected, transported, stored and handled in the most hygienic ways possible.

⁽¹⁾ OJ L 62, 15.3.1993, p. 49.

⁽²⁾ OJ L 13, 18.1.2003, p. 24.

⁽³⁾ OJ L 26, 31.1.1977, p. 85.

⁽⁴⁾ OJ L 122, 16.5.2003, p. 36.

⁽⁵⁾ OJ L 175, 19.7.1993, p. 1.

⁽⁶⁾ OJ L 147, 31.5.2001, p. 1.

⁽⁷⁾ OJ L 173, 11.7.2003, p. 6.

- (7) To guarantee traceability of the raw material, collection centres and tanneries, which intend to supply the raw material, should be authorised and registered. A model commercial document should also be prescribed to accompany the raw material during transportation and at time of delivery to the collection centres, tanneries and collagen processing plants.
- (8) It is appropriate to amend the current commercial document for raw material destined for the production of gelatine for human consumption, to take into account particulars in relation to control procedures in certain Member States.
- (9) The standards for the finished product should be fixed to ensure that it is not contaminated with substances or micro-organisms presenting a risk to consumer health. Pending a scientific evaluation of such standards, it is appropriate to include, on a provisional basis, generally accepted standards as regards contamination. The requirements for packaging, storage and transport of the finished product should also be laid down.
- (10) It is necessary to lay down specific health rules for the importation of collagen and raw material destined for the production of collagen intended for human consumption. Specimens of health certificates to accompany the imported collagen and raw material destined for the production of collagen for human consumption should be drawn up. It is also necessary for the Commission to recognise conditions offering equivalent guarantees based on a proposal submitted by a third country.
- (11) The adoption of specific rules for the production of collagen should be without prejudice to the adoption of rules for the prevention and control of TSE.
- (12) Directive 92/118/EEC should therefore be amended accordingly.
- (13) Decision 2003/42/EC amended Directive 92/118/EEC, with effect from 30 September 2003, as regards the specific health conditions for collagen intended for human consumption and certification requirements for collagen and raw material for collagen production, intended for dispatch to the European Community for human consumption.
- (14) The Community imports from third countries raw material and collagen, including collagen meeting certain technical requirements which is not available in the Community.
- (15) The United Kingdom has requested a postponement of the application of the new specific health conditions to enable account to be taken of its producers who are dependent on imports from third countries.
- (16) The negotiations to find a resolution to problems in relation to imports of collagen aimed at allowing such imports to continue in full compliance with the new specific health conditions can now be considered concluded.
- (17) It is appropriate to allow time for the conclusion of the administrative steps of those negotiations but that period should be as short as possible.
- (18) An error has been found in the Annex to Decision 2003/42/EC in that the commercial document model for raw material destined for the production of collagen unintentionally requires a stamp of an official veterinarian. That error should be corrected.
- (19) For the sake of clarity, Decision 2003/42/EC should therefore be repealed and replaced by the present Decision.
- (20) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Directive 92/118/EEC is amended in accordance with the Annex to this Decision.

Article 2

Article 1 of this Decision shall apply from 31 December 2003.

It shall not apply to collagen intended for human consumption that was produced or imported before that date.

Article 3

Decision 2003/42/EC is repealed with immediate effect.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Chapter 4 of Annex II to Directive 92/118/EEC is amended as follows:

1. The heading 'Section A' is inserted before the title.
2. In Part VIII, point II, under the headings 'Other animal products plant', 'Centres of collection' and 'Tannery', the second line is replaced by the following: 'Registration number'.
3. The following section B is added:

'SECTION B**SPECIFIC HEALTH CONDITIONS FOR THE COLLAGEN INTENDED FOR HUMAN CONSUMPTION****I. General**

1. This Section lays down the health conditions for putting on the market and imports of collagen intended for human consumption.
2. For the purposes of this Section, the definitions of "hides and skins" and "tanning" in section A shall apply.

The following definitions shall also apply:

- (a) "collagen" means protein-based product derived from hides, skins and tendons of animals, including bones in the case of pigs, poultry and fish only, manufactured using the method set in Part V below.
 - (b) "collagen intended for human consumption" means collagen intended for consumption either as food or incorporated into or wrapped around food or product to be consumed by humans.
3. Collagen intended for human consumption shall comply with the conditions in Parts II to X below.

II. Establishments producing collagen

Collagen intended for human consumption shall come from establishments that fulfil the conditions in Part I of Section A.

III. Raw materials and establishments supplying them

1. The following raw materials may be used for the production of collagen intended for human consumption:
 - (a) hides and skins of farmed ruminant animals;
 - (b) pig skins, bones and intestines;
 - (c) poultry skin and bones;
 - (d) tendons;
 - (e) wild game hides and skins; and
 - (f) fish skin and bones.
2. The use of hides and skins submitted to tanning processes is prohibited.
3. The raw materials shall meet the following requirements:
 - for the raw materials listed in paragraph 1(a) to (d) above, the requirements set in Paragraph 4 of Part II of Section A apply;
 - for the raw material referred to in paragraph 1(e) above, the requirements set in Paragraph 5 of Part II of Section A apply;
 - for the raw materials listed in paragraph 1(a) to (e) above, the requirements set in Paragraph 6 of Part II of Section A apply, except that no raw material shall come from plants degreasing ruminant bones; and
 - for the raw material referred to in paragraph 1(f) above, the requirements set in Paragraph 7 of Part II of Section A apply.

4. The collection centres and tanneries supplying the raw material for the production of collagen intended for human consumption shall be specifically authorised for the purpose and registered by the competent authorities and fulfil the requirements set in Paragraph 8 of Part II of Section A.

IV. Transport and storage of the raw material

1. Transport and storage of the raw material destined for the production of collagen shall be done in accordance with Part III of Section A.
2. During transportation and at the time of delivery at the collection centres, tanneries and collagen processing plants, raw materials must be accompanied by a commercial document in conformity with the model laid down in Part IX of this Section.

V. Manufacture of collagen

1. Collagen must be produced by a process that ensures that the raw material is subjected to a treatment involving washing, pH adjustment using acid or alkali followed by one or more rinses, filtration and extrusion; or by an equivalent process approved by the Commission after consultation of the appropriate Scientific Committee.
2. After having been subjected to the process referred to at paragraph 1 above, collagen may undergo a drying process.
3. Collagen not intended for human consumption may be produced and stored in the same establishment as collagen intended for human consumption only if it is produced and stored using exactly the same conditions set in this Section.
4. The use of preservatives other than those permitted under Community legislation is prohibited.

VI. Finished products

Appropriate measures, including tests shall be carried out to ensure that each production batch of collagen meets the microbiological and residues criteria set in Part V of Section A, but where necessary to achieve desired products such as collagen-based casings, no moisture and ash limit shall apply.

VII. Packaging, storage and transport

1. Collagen intended for human consumption must be wrapped, packaged, stored and transported under satisfactory hygiene conditions and, in particular, fulfil the conditions set in Paragraph 1 of Part VI of Section A.
2. Wrappings and packages containing collagen must bear an identification mark giving the particulars listed in the first indent of Paragraph 2 of Part VI of Section A, and carry the words "Collagen fit for human consumption" and the date of preparation and the batch number.
3. During transportation collagen must be accompanied by a commercial document, in accordance with Article 3(A)(9)(a) of Directive 77/99/EEC, bearing the words "Collagen fit for human consumption" and the date of preparation and the batch number.

VIII. Import from third countries of collagen and raw materials intended for the production of collagen for human consumption

1. Member States shall authorise import into the Community of collagen intended for human consumption only if it:
 - (a) comes from third countries listed in Part XIII of the Annex to Commission Decision 94/278/EC⁽¹⁾;
 - (b) comes from establishments meeting the conditions laid down in Part II of this Section;

⁽¹⁾ OJ L 120, 11.5.1994, p. 44.

- (c) has been produced from raw material that met the requirements of Parts III and IV of this Section;
 - (d) has been manufactured in compliance with the conditions set out in Part V of this Section;
 - (e) satisfies the criteria in Part VI and the wrapping, packaging, storage and transport conditions in Part VII(1) of this Section;
 - (f) bears on its wrappings and packages an identification mark giving the particulars specified in the sixth indent of Part VII(A) of Section A; and
 - (g) is accompanied by a health certificate that conforms to the model laid down in Part X(a) of this Section.
2. Member States shall authorise import into the Community of the raw material listed in Part III(1) of this Section for the production of collagen intended for human consumption only if:
- (a) it comes from third countries listed in Council Decision 79/542/EEC ⁽¹⁾ or in Commission Decision 94/85/EC ⁽²⁾ or in Decision 94/86/EC ⁽³⁾ or in Commission Decision 97/296/EC ⁽⁴⁾, as appropriate; and
 - (b) a health certificate conforming to the model laid down in Part X(b) of this Section accompanies each consignment of the raw material.
3. The health certificates referred to in paragraphs 1(g) and 2(b) above shall consist of one sheet, and shall be completed in at least one official language of the Member State through which the consignment first enters the Community, and in at least one official language of the Member State of destination.
4. The Commission may recognise, in accordance with the procedure of Article 18, the health measures applied by a third country for the production of collagen intended for human consumption as offering guarantees equivalent to those offered for putting collagen on the market in the Community, if the third country concerned supplies objective proof in this respect. When the Commission recognises such equivalence, it shall adopt in accordance with the same procedure, the conditions governing the importation of collagen for human consumption.

⁽¹⁾ OJ L 146, 14.6.1979, p. 15.

⁽²⁾ OJ L 44, 17.2.1994, p. 31.

⁽³⁾ OJ L 44, 17.2.1994, p. 33.

⁽⁴⁾ OJ L 122, 14.5.1997, p. 21.

IX. Commercial document model
for raw material destined for the production of collagen intended for human consumption

Commercial document number:

1. Identification of the raw material

Nature (e.g. hides and skin):

Animal species (e.g. bovine, pig):

Net weight (kg):

Identification mark (pallet or container):

2. Origin of the raw material

— Slaughterhouse

Address of the establishment:

.....

Veterinary approval/registration number:

— Cutting plant

Address of the establishment:

.....

Veterinary approval/registration number:

— Meat products plant

Address of the establishment:

.....

Veterinary approval/registration number:

— Other animal products plant

Address of the establishment:

.....

Registration number:

— Wild game processing plant

Address of the establishment:

.....

Veterinary approval number:

— Fish products plant

Address of the establishment:

.....

Veterinary approval/registration number:

— Collection centres

Address of the establishment:

.....

Registration number:

.....

— Tannery

Address of the establishment:

.....

Registration number:

— Retail shop

Address:.....

.....

— Premises adjacent to sales points, where the cutting and the storage of meat and poultry is performed for the sole purpose of supplying the final consumer directly

Address:.....

3. Destination of the raw material

Name of the collection centre/tannery/collagen plant ⁽¹⁾ where the raw material is sent:

.....

Address:.....

.....

4. Declaration

I, the undersigned, declare that I have read and understood the provisions of Parts III and IV of Section B of Chapter 4 of Annex II to Directive 92/118/EEC, and that:

- hides and skins from farmed ruminant animals/pig skins, bones and intestines/poultry skin and bones/tendons described above are derived from animals that have been slaughtered in a slaughterhouse and whose carcasses have been found fit for human consumption following *ante* and *post mortem* inspections, and/or ⁽¹⁾
- hides and skins from wild game described above are derived from killed animals whose carcasses have been found fit for human consumption following the inspection laid down in Article 3 of Council Directive 92/45/EEC (OJ L 268, 24.9.1991, p. 15), and/or ⁽¹⁾
- fish skin and bones described above come from plants manufacturing fishery products for human consumption or registered in accordance with Council Directive 91/493/EEC (OJ L 268, 24.9.1991, p. 15) ⁽¹⁾.

Done at on.....
(place) (date)

.....
(Signature of the owner of the plant or his/her representative) ⁽²⁾

.....
(Name in block letters)

⁽¹⁾ Delete as appropriate.
⁽²⁾ The signature must be of a colour different from that of printing.

X(a) Health Certificate Model
for collagen intended for dispatch to the European Community for human consumption

Note for the importer: this certificate is for veterinary purposes only and must accompany the consignment until it reaches the border inspection post.

Reference number of the health certificate:

Country of destination:

Exporting country:

Responsible Ministry:

Certifying department:

1. Identification of collagen

Type of products:

Animal species and nature of the raw materials used (e.g. bovine hides and skin):

.....

Date of manufacture:

Type of packaging:

Number of packages:

Guaranteed storage period:

Net weight (kg):

Address(es) and registration number(s) of authorised and registered production establishment(s):

.....

2. Destination of collagen

The collagen will be sent from:
 (place of loading)

to:
 (country and place of destination)

by the following means of transport ⁽¹⁾:

Name and address of consigner:

.....

Name and address of consignee:

.....

⁽¹⁾ Indicate the name or registration number (railway wagons and lorries), the flight number (aircraft) or the name (ship). This information is to be updated in the case of unloading and reloading.

3. **Health attestation**

I, the undersigned, declare that I am aware of the provisions of Section B of Chapter 4 of Annex II to Directive 92/118/EEC, and certify that the collagen described above:

- comes from establishments meeting the conditions laid down in Part II of that Section;
- has been produced from raw materials which met the conditions in Parts III and IV of that Section;
- has been produced in compliance with the conditions in Part V of that Section; and
- satisfies the conditions in Parts VI and VII(1) of that Section.

Done at on
(place) (date)

.....
(Signature of official veterinarian^(?))

.....
(Name in block letters)



^(?) The signature and the stamp must be of a colour different from that of printing.

X(b) Health Certificate Model

for raw material intended for dispatch to the European Community for the production of collagen for human consumption

Note for the importer: this certificate is for veterinary purposes only and must accompany the consignment until it reaches the border inspection post.

Reference number of the health certificate:

Country of destination:

Exporting country:

Responsible Ministry:

Certifying department:

1. Identification of the raw material

Animal species and nature (e.g. bovine skin and hides, pig skin):

Date of production:

Type of packaging:

Number of packages:

Guaranteed storage period:

Net weight (kg):

2. Origin of raw material

Address(es) and registration number(s) of authorised and registered production establishment(s):

.....

3. Destination of raw material

The raw material will be sent from:
(place of loading)

to:
(country and place of destination)

by the following means of transport ⁽¹⁾:

Name and address of consigner:

.....

Name and address of consignee:

.....

⁽¹⁾ Indicate the name or registration number (railway wagons and lorries), the flight number (aircraft) or the name (chip). This information is to be updated in the case of unloading and reloading.

COMMISSION DECISION**of 6 October 2003****on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as liquid-applied bridge deck waterproofing kits***(notified under document number C(2003) 3483)***(Text with EEA relevance)**

(2003/722/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ⁽¹⁾, as amended by Directive 93/68/EEC ⁽²⁾, and in particular Article 13(4) thereof,

Whereas:

- (1) The Commission is required to select, between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the least onerous possible procedure consistent with safety. This means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required.
- (2) Article 13(4) requires that the procedure thus determined shall be indicated in the mandates and in the technical specifications; therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications.
- (3) The two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC. It is necessary therefore to specify clearly the methods by which the two procedures shall be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems.

- (4) The procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of section 2 of Annex III. The procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of section 2 of Annex III.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control.

Article 2

The procedure for attesting conformity as set out in Annex II shall be indicated in the mandates for guidelines for European technical approvals.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 October 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 40, 11.2.1989, p. 12.

⁽²⁾ OJ L 220, 30.8.1993, p. 1.

ANNEX I

Liquid-applied bridge deck waterproofing kits

— For use exclusively in bridge decks

ANNEX II

Liquid-applied bridge deck waterproofing kits*Systems of attestation of conformity*

For the product(s) and intended use(s) listed below, EOTA is requested to specify the following system(s) of attestation of conformity in the relevant guideline for European technical approvals:

Product	Intended use	Level(s) or class(es) (reaction to fire)	Attestation of conformity system(s)
Liquid-applied bridge deck waterproofing kits	in bridge decks	—	2+

System 2+: See Directive 89/106/EEC, Annex III(2)(ii), first possibility including certification of factory production control by an approved body on the basis of initial inspection of factory and of factory production control as well as of continuous surveillance, assessment and approval of the factory production control.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of the CPD and, where applicable, clause 1.2.3 of the interpretative document). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he or she does not wish to declare the performance of the product in that respect.

COMMISSION DECISION
of 30 September 2003
concerning the validity of certain binding tariff information

(notified under document number C(2003) 3517)

(Only the English text is authentic)

(2003/723/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾, and in particular Article 12(5)(a)(iii) and Article 248 thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1335/2003 ⁽⁴⁾, and in particular the second indent of Article 9(1) thereof,

Whereas:

- (1) The binding tariff information referred to in the Annex is inconsistent with other binding tariff information, and the tariff classification it contains is incompatible with the general rules for the interpretation of the Combined Nomenclature set out in Part I, Section I A of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁵⁾, as last amended by Commission Regulation (EC) No 2176/2002 ⁽⁶⁾.
- (2) The binding tariff information referred to in the Annex concerns an article that is made from woven strips, of polyethylene of a width not exceeding 5 mm and has a coating on both sides which is visible to the naked eye. This article has therefore to be classified under heading 3926, by application of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and note 2(a)(3) to Chapter 59.

- (3) The said binding tariff information should cease to be valid. The customs administration which issued the information should therefore revoke it as soon as possible and notify the Commission to that effect.
- (4) According to Article 12(6) of Regulation (EEC) No 2913/92 the holder should be given, during a certain period of time, the possibility of invoking binding tariff information which has ceased to be valid subject to the conditions laid down in Article 14(1) of Regulation (EEC) No 2454/93.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The binding tariff information referred to in column 1 of the table set out in the Annex, which has been issued by the customs authorities specified in column 2 for the tariff classification specified in column 3 shall cease to be valid.
2. The customs authorities specified in column 2 shall revoke the BTI referred to in column 1 at the earliest possible date and in any case not later than 10 days from the notification of this Decision.
3. The customs authority which revokes the binding tariff information shall notify this to the Commission.

Article 2

The binding tariff information referred to in the Annex can continue to be invoked under Article 12(6) of Regulation (EEC) No 2913/92 for a certain period of time provided that the conditions laid down in Article 14(1) of Regulation (EEC) No 2454/93 are met.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 187, 26.7.2003, p. 16.

⁽⁵⁾ OJ L 256, 7.9.1987, p. 1.

⁽⁶⁾ OJ L 331, 7.12.2002, p. 3.

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 30 September 2003.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX

	Binding Tariff Information (reference)	Customs authority	Tariff classification
	1	2	3
No 1	UK 103189888	HM Customs & Excise Southend-on-Sea United Kingdom	6306 12 00

COMMISSION DECISION
of 10 October 2003

granting a temporary derogation from Directive 82/894/EEC as regards the frequency of notification of primary outbreaks of bovine spongiform encephalopathy

(notified under document number C(2003) 3561)

(Text with EEA relevance)

(2003/724/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community ⁽¹⁾, as last amended by Regulation (EC) No 807/2003 ⁽²⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Directive 82/894/EEC lays down rules for the notification of outbreaks of certain animal diseases, including bovine spongiform encephalopathy (BSE), in the Community. That Directive provides that Member States are to notify primary outbreaks of BSE to both the Commission and the other Member States within 24 hours. Directive 82/894/EEC also provides that secondary outbreaks of BSE are to be notified to the Commission every week.
- (2) Various Commission decisions, the last one being Decision 98/12/EC ⁽³⁾, granted temporary derogations to the Member States from the requirements under Directive 82/894/EEC to notify primary outbreaks of BSE within 24 hours. The temporary derogation granted in Decision 98/12/EC provides that all outbreaks of BSE are to be notified to the Commission every week.
- (3) Outbreaks of BSE continue to occur in the Community. In the light of experience gained, the weekly reporting of outbreaks of BSE required for secondary outbreaks

appears to be sufficient. Accordingly, it is appropriate to maintain a temporary derogation to Member States permitting primary outbreaks of BSE to be notified to the Commission on a weekly basis.

- (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

By way of a derogation from Article 3(1) of Directive 82/894/EEC, all outbreaks of bovine spongiform encephalopathy shall be notified until 31 December 2007 in accordance with Article 4 of that Directive.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 October 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 378, 31.12.1982, p. 58.

⁽²⁾ OJ L 122, 16.5.2003, p. 36.

⁽³⁾ OJ L 4, 8.1.1998, p. 63.

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

COUNCIL DECISION 2003/725/JHA

of 2 October 2003

amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 32 and Article 34(2)(c) thereof,

Article 1

Having regard to the initiative of the Kingdom of Belgium, the Kingdom of Spain and the French Republic,

The provisions of Article 40 of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders are hereby amended as follows:

Having regard to the opinion of the European Parliament,

1. The first subparagraph of paragraph 1, shall be replaced by the following:

Whereas:

'1. Officers of one of the Member States who are keeping a person under surveillance in their country as part of a criminal investigation into an extraditable criminal offence because he is suspected of involvement in an extraditable criminal offence or, as a necessary part of a criminal investigation, because there is serious reason to believe that he can assist in identifying or tracing such a person, shall be authorised to continue their surveillance in the territory of another Member State where the latter has authorised cross-border surveillance in response to a request for assistance made in advance with supporting reasons. Conditions may be attached to the authorisation.'

(1) The provisions of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders ⁽¹⁾ which concern cross-border surveillance should be amended and their scope broadened with a view to increasing the success of criminal investigations, particularly those concerning offences connected with organised crime.

2. Paragraph 7 shall be amended as follows:

(2) The United Kingdom is taking part in this Decision, in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community and Article 8(2) of Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽²⁾.

(a) in the third indent, 'rape' shall be replaced by 'a serious offence of a sexual nature';

(b) in the fifth indent, 'forgery of money' shall be replaced by 'counterfeiting and forgery of means of payment';

(c) the following indents shall be added:

(3) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point H of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽³⁾,

— serious fraud;

— smuggling of aliens;

— money laundering;

— illicit trafficking in nuclear and radioactive substances;

— participation in a criminal organisation as referred to in Council Joint Action 98/733/JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union;

— terrorist offences as referred to in Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism.'

⁽¹⁾ OJ L 239, 22.9.2000, p. 19.

⁽²⁾ OJ L 131, 1.6.2000, p. 43.

⁽³⁾ OJ L 176, 10.7.1999, p. 31.

Article 2

1. This Decision shall not be binding upon Ireland.
2. This Decision shall not apply to Gibraltar.
3. This Decision shall only apply to the Channel Islands subject to Article 5(1) of Decision 2000/365/EC.

Article 3

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

Done at Brussels, 2 October 2003.

For the Council
The President
G. PISANU
