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⁽¹⁾ Text with EEA relevance

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 131/2004
of 26 January 2004
concerning certain restrictive measures in respect of Sudan**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Article 1

Having regard to Council Common Position 2004/31/CFSP of 9 January 2004 concerning the imposition of an embargo on arms, munitions and military equipment ⁽¹⁾ on Sudan,

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

Having regard to the proposal from the Commission,

‘technical assistance’ means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services. Technical assistance includes verbal forms of assistance.

Whereas:

(1) In view of the ongoing civil war in Sudan, Common Position 2004/31/CFSP maintains the arms embargo imposed against that country by Council Decision 94/165/CFSP ⁽²⁾ and strengthens that embargo to include a ban on technical assistance and other services related to military activities, and on financial assistance related to military activities.

Article 2

It shall be prohibited:

(2) Common Position 2004/31/CFSP also makes provision for humanitarian exemptions to the arms embargo, including sale, supply, transfer or export of equipment and materiel for mine clearance operations in Sudan.

(a) to grant, sell, supply or transfer technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any person, entity or body in, or for use in Sudan;

(3) The embargoes on certain technical and financial assistance fall within the scope of the Treaty. Therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the embargoes as far as the territory of the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.

(b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance, directly or indirectly to any person, entity or body in, or for use in Sudan.

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

Article 3

The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to promote the transactions referred to in Article 2 shall be prohibited.

⁽¹⁾ OJ L 6, 10.1.2004, p. 55.

⁽²⁾ OJ L 75, 17.3.1994, p. 1. Decision repealed by Common Position 2004/31/CFSP.

Article 4

1. By way of derogation from Articles 2 and 3, the competent authorities of Member States as listed in the Annex, may authorise the provision of financing and financial assistance and technical assistance related to:

- (a) non-lethal military equipment intended solely for humanitarian or protective use, or for institution building programmes of the United Nations, the European Union and the Community;
- (b) material intended for European Union and United Nations crisis management operations;
- (c) mine clearance equipment and materiel for use in mine clearance.

2. No authorisations shall be granted for activities that have already taken place.

Article 5

Articles 2 and 3 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Sudan by United Nations personnel, personnel of the EU, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 6

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgements handed down by national courts.

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

Done at Brussels, 26 January 2004.

Article 7

The Commission shall be empowered to amend the Annex on the basis of information supplied by Member States.

Article 8

The Member States shall lay down the rules on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

The Member States shall notify these rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 9

This Regulation shall apply:

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person elsewhere who is a national of a Member State;
- (d) to any legal person, group or entity which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, group or entity doing business within the Community.

Article 10

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

For the Council
The President
B. COWEN

ANNEX

List of competent authorities referred to in Article 4

BELGIUM

Service public fédéral des affaires étrangères, commerce extérieur et coopération au développement
Egmont 1
Rue des Petits Carmes 19
B-1000 Bruxelles

Direction générale des affaires bilatérales
Service 'Afrique du sud du Sahara'
Téléphone (32-2) 501 88 75
Télécopieur (32-2) 501 38 26

Service public fédéral de l'économie, des PME, des classes moyennes et de l'énergie
ARE 4^e division, service des licences
Avenue du Général Leman 60
B-1040 Bruxelles
Téléphone (32-2) 206 58 16/27
Télécopieur (32-2) 230 83 22

Brussels Hoofdstedelijk Gewest — Région de Bruxelles-Capitale:
Kabinet van de minister van Financiën, Begroting, Openbaar Ambt en Externe Betrekkingen van de Brusselse Hoofdstedelijke regering
Kunstlaan 9
B-1210 Brussel

Cabinet du ministre des finances, du budget, de la fonction publique et des relations extérieures du gouvernement de la Région de Bruxelles-Capitale
Avenue des Arts 9
B-1210 Bruxelles
Téléphone (32-2) 209 28 25
Télécopieur (32-2) 209 28 12

Région wallonne:

Cabinet du ministre-président du gouvernement wallon
Rue Mazy 25-27
B-5100 Jambes-Namur
Téléphone (32-81) 33 12 11
Télécopieur (32-81) 33 13 13

Vlaams Gewest:

Administratie Buitenlands Beleid
Boudewijnlaan 30
B-1000 Brussel
Tel. (32-2) 553 59 28
Fax (32-2) 553 60 37

DENMARK

Erhvervs- og Boligstyrelsen
Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tlf. (45) 35 46 60 00
Fax (45) 35 46 60 01

Udenrigsministeriet
Asiatisk Plads 2
DK-1448 København K
Tlf. (45) 33 92 00 00
Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK-1216 København K
Tlf. (45) 33 92 33 40
Fax (45) 33 93 35 10

GERMANY

Concerning financing and financial assistance:

Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D-80281 München
Tel. (49-89) 2889-3800
Fax (49-89) 350163-3800

Concerning technical assistance and other services:

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29-35
D-65760 Eschborn
Tel. (49-61) 96 908-0
Fax (49-61) 96 908-800

GREECE

A. Freezing of Assets

Ministry of Economy and Finance
General Directory of Economic Policy
5 Nikis Str.
GR-101 80 Athens
Tel: (30) 210 333 27 86
Fax: (30) 210 333 28 10

A. Δέσμευση κεφαλαίων

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/νση Οικονομικής Πολιτικής
Νίκης 5
GR-101 80 Αθήνα
Τηλ.: (30) 210 333 27 86
Φαξ: (30) 210 333 28 10

B. Import-Export restrictions

Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Kornaroy Str. 1,
GR-105 63 Athens
Tel: (30) 210 328 64 01-3
Fax: (30) 210 328 64 04

B. Περιορισμοί εισαγωγών-εξαγωγών

Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής
Κορνάρου 1,
GR-105 63 Αθήνα
Τηλ.: (30) 210 328 64 01-3
Φαξ: (30) 210 328 64 04

SPAIN

Ministerio de Economía
Dirección General de Comercio e Inversiones
Paseo de la Castellana, 162
E-28046 Madrid
Tel.: (34) 913 49 38 60
Fax (34) 914 57 28 63

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale des douanes et des droits indirects
Cellule embargo — Bureau E2
Téléphone (33) 144 74 48 93
Télécopieur (33) 144 74 48 97

Ministère des affaires étrangères
Direction des Nations unies et des organisations internationales
Téléphone (33) 143 17 59 68
Télécopieur (33) 143 17 46 91

IRELAND

Department of Enterprise, Trade and Employment
Licensing Unit
Earlsfort Centre
Lower Hatch St.
Dublin 2
Ireland
Tel. (353) 1 631 2121
Fax (353) 1 631 2562

ITALY

Ministero degli Affari esteri
DGAE-Uff. X
Roma
Tel. (39) 06 36 91 37 50
Fax (39) 06 36 91 37 52

Ministero del Commercio estero
Gabinetto
Roma
Tel. (39) 06 59 93 23 10
Fax (39) 06 59 64 74 94

Ministero dei Trasporti
Gabinetto
Roma
Tel. (39) 06 44 26 71 16/84 90 40 94
Fax (39) 06 44 26 71 14

LUXEMBOURG

Ministère des affaires étrangères
Office des licences
21, rue Philippe II
L-2340 Luxembourg
Téléphone (352) 478 23 70
Télécopieur (352) 46 61 38

NETHERLANDS

Ministerie van Economische Zaken
Directoraat-generaal Buitenlandse Economische Betrekkingen
Directie Handelspolitiek en Investeringsbeleid
Bezuidenhoutseweg 153
2594 AG Den Haag
Nederland
Tel. (31) 70 379 76 58
Fax (31) 70 379 73 92

AUSTRIA

Bundesministerium für Wirtschaft und Arbeit
Abteilung C/2/2
Stubenring 1
A-1010 Wien
Tel. (43-1) 711 00
Fax (43-1) 711 00-8386

PORTUGAL

Ministério dos Negócios Estrangeiros
Direcção-Geral dos Assuntos Multilaterais
Largo Rilvas
P-1350-179 Lisboa
Tel.: (351-21) 394 60 72
Fax: (351-21) 394 60 73

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
00161 Helsinki/Helsingfors
Puhelin (358) 9 16 05 59 00
Faksi (358) 9 16 05 57 07

Puolustusministeriö/Försvarsministeriet
Eteläinen Makasiinikatu 8
00131 Helsinki/Helsingfors
PL/PB 31
Puhelin (358) 9 16 08 81 28
Faksi (358) 9 16 08 81 11

SWEDEN

Inspektionen för strategiska produkter (ISP)
Box 70 252
107 22 Stockholm
Tfn (46-8) 406 31 00
Fax (46-8) 20 31 00

Regeringskansliet
Utrikesdepartementet
Rättssekretariatet för EU-frågor
Fredsgatan 6
103 39 Stockholm
Tfn (46-8) 405 10 00
Fax (46-8) 723 11 76

UNITED KINGDOM

Sanctions Licensing Unit
Export Control Organisation Department of Trade and Industry
4 Abbey Orchard Street
London SW1P 2HT
United Kingdom
Tel. (44) 20 7215 0594
Fax (44) 20 7215 0593

COMMISSION REGULATION (EC) No 132/2004
of 27 January 2004
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 28 January 2004.

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

Done at Brussels, 27 January 2004.

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 27 January 2004 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	86,2
	204	38,5
	212	115,9
	999	80,2
0707 00 05	052	146,3
	204	53,9
	999	100,1
0709 90 70	052	97,3
	204	50,8
	999	74,1
0805 10 10, 0805 10 30, 0805 10 50	052	48,7
	204	52,8
	212	50,9
	220	40,5
	448	32,8
	999	45,1
0805 20 10	052	69,6
	204	92,4
	999	81,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	76,3
	204	74,2
	220	76,0
	464	76,8
	600	68,7
	624	80,3
	662	38,0
	999	70,0
0805 50 10	052	73,0
	600	62,0
	999	67,5
0808 10 20, 0808 10 50, 0808 10 90	052	40,9
	060	64,4
	400	84,5
	404	87,3
	720	73,2
	999	70,1
	0808 20 50	060
388		117,8
400		79,5
720		45,5
999		75,7

⁽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 133/2004
of 27 January 2004

determining the extent to which applications submitted in January 2004 for import licences for the tariff quotas for beef and veal provided for in Council Decision 2003/452/EC for the Republic of Slovenia can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,

Having regard to Commission Regulation (EC) No 2673/2000 of 6 December 2000 laying down detailed rules for the application of the tariff quota for imports of beef and veal provided for in Council Decision 2003/452/EC for the Republic of Slovenia ⁽²⁾, and in particular Article 4(4) thereof,

Whereas:

Article 1 of Regulation (EC) No 2673/2000 sets the quantity of beef and veal originating in Slovenia for the tariff quotas bearing the serial numbers 09.4082 and 09.4122. Pursuant to Article 2 thereof that quantity is to be staggered over two

periods, one of them running from 1 January to 30 June. The quantity of beef and veal for which import licences have been submitted under quota No 09.4082 is such that applications may be granted in full. No applications have been submitted under quota No 09.4122,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be granted for the full quantities covered by applications submitted from 1 January to 12 January 2004 for the quota bearing the serial number 09.4082 referred to in Article 1(2) of Regulation (EC) No 2673/2000.

Article 2

This Regulation shall enter into force on 28 January 2004.

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

Done at Brussels, 27 January 2004.

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

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 306, 7.12.2000, p. 19. Regulation as last amended by Regulation (EC) No 1886/2003 (OJ L 277, 28.10.2003, p. 8).

COMMISSION REGULATION (EC) No 134/2004
of 27 January 2004
fixing the standard fee per farm return for the 2004 accounting year of the farm accountancy data network

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 1915/83 of 13 July 1983 on certain detailed implementing rules concerning the keeping of accounts for the purpose of determining the incomes of agricultural holdings ⁽²⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 5(1) of Regulation (EEC) No 1915/83 provides that a standard fee shall be paid by the Commission to the Member States for each duly completed farm return forwarded to it within the period prescribed in Article 3 of that Regulation.

- (2) Commission Regulation (EC) No 113/2003 ⁽³⁾ fixed the amount of the standard fee for the 2003 accounting year at EUR 138 per farm return. The trend in costs and its effects on the cost of completing the farm return justify a revision of the fee.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

The standard fee provided for in Article 5(1) of Regulation (EEC) No 1915/83 shall be fixed at EUR 140.

Article 2

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

It shall apply for the 2004 accounting year.

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

Done at Brussels, 27 January 2004.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ 109, 23.6.1965, p. 1859/65. Regulation last amended by Regulation (EC) No 2059/2003 (OJ L 308, 25.11.2003, p. 1).

⁽²⁾ OJ L 190, 14.7.1983, p. 25.

⁽³⁾ OJ L 18, 23.1.2003, p. 3.

COMMISSION REGULATION (EC) No 135/2004
of 27 January 2004

supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications (Fraise du Périgord and Queso de Valdeón)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) Under Article 5 of Regulation (EEC) No 2081/92, France has sent the Commission an application for the registration of the name 'Fraise du Périgord' as a protected geographical indication, and Spain has sent the Commission an application for the registration of the name 'Queso de Valdeón' as a protected geographical indication.
- (2) In accordance with Article 6(1) of that Regulation, the applications have been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (3) No statement of objection, within the meaning of Article 7 of Regulation (EEC) No 2081/92, has been sent to the Commission following the publication in the *Official Journal of the European Union* ⁽²⁾ of the names listed in the Annex to this Regulation.

(4) The names consequently qualify for inclusion in the 'Register of protected designations of origin and protected geographical indications' and to be protected at Community level as protected geographical indications.

(5) The Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96 ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The names listed in the Annex to this Regulation are hereby added to the Annex to Regulation (EC) No 2400/96 and entered as protected geographical indications (PGI) in the 'Register of protected designations of origin and protected geographical indications' provided for in Article 6(3) of Regulation (EEC) No 2081/92.

Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 27 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ C 100, 26.4.2003, p. 17 (Fraise du Périgord).
OJ C 110, 8.5.2003, p. 15 (Queso de Valdeón).

⁽³⁾ OJ L 327, 18.12.1996, p. 11. Regulation last amended by Regulation (EC) No 2275/2003 (OJ L 336, 23.12.2003, p. 44).

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE TREATY, INTENDED FOR HUMAN CONSUMPTION

Fruit and vegetables

FRANCE

Fraise du Périgord (PGI)

Cheese

SPAIN

Queso de Valdeón (PGI)

COMMISSION REGULATION (EC) No 136/2004**of 22 January 2004****laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽¹⁾, and particularly Article 3(5), Article 4(5), Article 5(4), Article 8(7), Article 16(3) and Article 19(1) thereof,

Whereas:

- (1) The original requirements for veterinary checks on products entering the Community from third countries were laid down in Council Directive 90/675/EEC⁽²⁾, which has been repealed and replaced by Directive 97/78/EC.
- (2) In the light of experience gained since the adoption of Directive 90/675/EEC, there have been some changes to procedures introduced by Directive 97/78/EC. Commission Decision 93/13/EEC of 22 December 1992 laying down the procedures for veterinary checks at the Community border inspection posts on products from third countries⁽³⁾, as last amended by Decision 2003/279/EC⁽⁴⁾, was adopted on the basis of the first directive and should therefore be updated.
- (3) The certificate issued after completion of veterinary checks and currently laid down in Annex B to Decision 93/13/EEC should be adapted to take account of changes to procedures both for consignments meeting Community rules and for consignments not meeting Community rules, and whether for import into or transit of the Community.
- (4) Detailed rules concerning the use of that certificate are set out in Commission Decision 2000/208/EC of 24 February 2000 establishing detailed rules for the application of Council Directive 97/98/EC concerning the transit of products of animal origin from one third country to another third country by road only across the European Community⁽⁵⁾, and Commission Decision

2000/571/EC of 8 September 2000 laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport⁽⁶⁾.

- (5) However, it is necessary to lay down specific rules regarding the practical management of the certificate in situations where consignments receive veterinary clearance at the border inspection post but remain under customs supervision for fiscal reasons for some time. In such cases a system of traceability, and clarification as to the documentation to accompany the consignment, are required.
- (6) For the proper functioning of the system of veterinary checks in the single market all the information pertaining to a product should be brought together in a single document with a uniform design to reduce problems of differences of language in different Member States.
- (7) Specific details of harmonised sampling and laboratory testing of different types of product will be made the subject of later implementing decisions, but in the meantime national rules should continue to apply except in the case of particular safeguard measures.
- (8) Experience has shown that it is of fundamental importance to have good sources of information regarding all consignments entering the Community to reduce fraud and evasion of checks. Checking of manifests is a key feature of this information-gathering process but is a very substantial and time-consuming task that should be automated by electronic means wherever possible.
- (9) In addition to the efficient gathering of the pertinent information among all the appropriate operators, the competent authority should be allowed to have access to the relevant databases of the customs authorities. All the operators should be integrated to this system of databases to ensure the availability of updated information by those involved.

⁽¹⁾ OJ L 24, 30.1.1998, p. 9.

⁽²⁾ OJ L 373, 31.12.1990, p. 1.

⁽³⁾ OJ L 9, 15.1.1993, p. 33.

⁽⁴⁾ OJ L 101, 23.4.2003, p. 14.

⁽⁵⁾ OJ L 64, 11.3.2000, p. 20.

⁽⁶⁾ OJ L 240, 23.9.2000, p. 14.

- (10) Certain plant products posing a risk of spreading infectious or contagious diseases to animals should be subjected to veterinary checks. A list of such products should be drawn up together with a list of third countries or parts of third countries which may be authorised to export those products to the Community.
- (11) For small amounts of products of animal origin being carried for their personal consumption by passengers arriving from third countries, exemptions from the requirements of veterinary checks procedures are possible. Certain of those products are the subject of a safeguard measure in accordance with Commission Decision 2002/995/EC of 9 December 2002 laying down interim safeguard measures with regard to imports of products of animal origin for personal consumption⁽¹⁾. Reference to those measures should be retained pending the adoption of permanent rules in this sector.
- (12) The measures in this Regulation replace those laid down in Decision 93/13/EEC and that decision should therefore be repealed.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Veterinary checks

1. The documentary checks provided for in Article 4(3) of Directive 97/78/EC shall be carried out in accordance with Annex I to this Regulation.
2. The laboratory checks and analyses of official samples provided for in Article 4(4)(b) of Directive 97/78/EC shall be carried out in accordance with Annex II to this Regulation.

Article 2

Notification of arrival of products by means of the Common Veterinary Entry Document

1. Before the physical arrival of the consignment on Community territory the person responsible for the load shall notify the arrival of the products to the veterinary staff of the border inspection post to which the products are to be submitted, using the Common Veterinary Entry Document (CVED), as set out in Annex III.

⁽¹⁾ OJ L 353, 30.12.2002, p. 1.

2. The CVED shall be issued in accordance with the general rules relating to certification laid down in other relevant Community legislation.

3. The CVED shall be drawn up in an original and copies as determined by the competent authority to meet the requirements of this Regulation. The person responsible for the load shall fill in part 1 of the CVED and transmit this to the veterinary staff of the border inspection post.

4. Without prejudice to paragraphs 1 and 3, the information contained in the CVED may, with the agreement of the competent authorities concerned by the consignment, be made the object of an advanced notification through telecommunications or other systems of electronic data transmission. Where this is done, the information supplied in electronic form shall be that required by part 1 of the model CVED.

Article 3

Procedure to be followed after completion of the veterinary checks

1. After completion of the veterinary checks provided for in Article 4 of Directive 97/78/EC, part 2 of the CVED shall be completed under the responsibility of the official veterinarian responsible for the border inspection post. The CVED shall be signed by that official veterinarian or by another official veterinarian operating under supervision of the former, to give veterinary clearance to the consignment.

In the case of border inspection posts checking imports of fish in accordance with Commission Decision 93/352/EEC⁽²⁾, the designated official agent may carry out the functions of the official veterinarian including the completion and signature of the CVED.

2. The original of the CVED for consignments to which veterinary clearance has been given shall consist of parts 1 and 2 together, duly completed and signed.

3. The official veterinarian or the person responsible for the load shall notify the customs authorities for the border inspection post of the veterinary clearance of the consignment as provided for in paragraph 1 by submitting the original of the CVED, or by electronic means.

— After customs clearance⁽³⁾ is obtained, the original of the CVED shall accompany the consignment to the first establishment of destination.

— The official veterinarian at the border inspection post shall retain a copy of the CVED.

— The official veterinarian shall transmit a copy of the CVED to the person responsible for the load.

⁽²⁾ OJ L 144, 16.6.1993, p. 25.

⁽³⁾ The term 'customs clearance' in this Regulation means release for free circulation as defined in Article 79 of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

4. The official veterinarian shall retain the original veterinary certification or documentation issued by the third country and accompanying the consignment, as well as a copy of the CVED, for at least three years. However, for consignments of products in transit or for storage in a warehouse approved under Articles 12(4) or 13 of Directive 97/78/EC, and ultimately intended for destinations outside the Community, the original veterinary documents accompanying the consignment on arrival shall travel onwards with the consignment and only copies of these documents shall be retained at the border inspection post.

Article 4

Procedure to be followed where consignments of products have received veterinary clearance but are still under customs supervision

1. Where consignments of products have received veterinary clearance at the border inspection post as provided for in Article 3(1), but remain under customs supervision and are released for free circulation at a later stage, the procedure set out in paragraphs 2, 3 and 4 shall apply.

2. The original of the CVED shall accompany the consignment as long as the consignment remains under customs supervision through one or more establishments, until custom clearance is requested by the person responsible for the load.

3. For first customs clearance the person responsible for the load shall present the original of the CVED to the customs office responsible for the establishment where the consignment is located. This may also be done by electronic means, subject to authorisation of the competent authority.

4. Where the customs clearance has been requested as provided for in paragraph 3, the operator of the establishment shall:

- (a) keep a copy of the CVED accompanying the consignment;
- (b) record the date of reception of the consignment; and
- (c) record the date of customs clearance, or the dates of such clearance if the consignment is split up into parts as provided for in Article 5.

Article 5

Procedure to be followed where consignments under customs supervision are split up into parts

1. Where a consignment referred to in Article 4(1) is split up into parts, the original of the CVED shall be presented to the competent customs authorities responsible for the establishment where the consignment is split up. A copy of the CVED will then remain at the establishment where the consignment is split.

2. The competent authority responsible for the establishment in paragraph 1 may issue an authenticated photocopy of the original of the CVED to accompany each part consignment, marked with information on the revised quantity or weight.

The competent authority may require the operator of the establishment where the consignment is split to keep records to ensure traceability of the different parts of the consignment.

Records and copies of the CVED must be kept for three years.

Article 6

Coordination with other enforcement services

To ensure that all products of animal origin entering the Community undergo veterinary checks the competent authority and the official veterinarians of each Member State shall coordinate with other enforcement services to gather all pertinent intelligence regarding introduction of animal products. This shall apply in particular to the following:

- (a) information available to customs services;
- (b) information on ship, boat, rail or aircraft manifests;
- (c) other sources of information available to the road, rail, port or airport commercial operators.

Article 7

Access to databases and integration of information technology systems

For the purpose of Article 6, the competent authority shall have access to the databases or relevant parts thereof available to the customs services.

Subject to appropriate data security, the information technology systems used by the competent authority shall, in so far as is possible and where appropriate, be integrated with those of the customs services, and with those of commercial operators, in order to speed the transfer of information.

Article 8

Specific rules for products which form part of travellers' luggage or are sent as small consignments to private persons

1. Without prejudice to specific Community rules relating to certain products, the products referred to in Article 16(1)(a), (b), and (d) of Directive 97/78/EC shall not be subject to the systematic veterinary checks set out in Chapter 1 of that Directive if they are less than 1 kg in weight only and destined for personal human consumption.

However, such products may only be introduced into the Community from approved third countries or parts of approved third countries.

2. Paragraph 1 shall not affect the animal health and public health rules set out in the appropriate Community legislation.

3. For small packages containing products of animal origin introduced into Denmark from Greenland and the Faeroe Islands for direct consumption by private persons, the weight limit provided for in paragraph 1 shall be 5 kg.

4. For fish caught for recreation and introduced into Finland and Sweden from Russia in the personal luggage of travellers, for direct consumption by private persons, the weight limit provided for in paragraph 1 shall be 15 kg or one fish of any weight, whichever is higher.

Article 9

Veterinary checks of certain plant products

1. Member States shall submit the plant products listed in Annex IV, from the countries authorised and listed in Annex V, to the documentary checks referred to in Article 1(1) of this Regulation, and, as appropriate, to the laboratory checks referred to in Article 1(2) of this Regulation and other physical checks set out in Annex III to Directive 97/78/EC.

2. The requirements of Directive 97/78/EC and of this Regulation shall apply to all plant products listed in Annex IV to this Regulation which, in particular on account of their origin and subsequent destination, may give rise to the risk of spreading infectious or contagious animal diseases.

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

Done at Brussels, 22 January 2004.

Article 10

Use of electronic certification

The production, use, transmission and storage of the CVED as set down in the various situations described in this Regulation may be done by electronic means at the discretion of the competent authority.

Article 11

Repeal

Decision 93/13/EEC is repealed.

References to the repealed Decision shall be construed as references to this Regulation.

Article 12

Entry into force

This Regulation shall enter into force on 1 March 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

THE DOCUMENTARY CHECKS REFERRED TO IN ARTICLE 1(1)

The following rules are to be applied to the documentary checks on products from third countries:

1. For each consignment, the competent authority must ascertain the intended customs approved treatment or use to which the goods will be assigned.
2. Each certificate or document for animal health or public health which accompanies a consignment of products originating in a third country and presented to the border inspection post must be inspected in order to confirm as appropriate:
 - (a) that it is an original certificate or document;
 - (b) that it refers to a third country or part of a third country authorised to export to the Community, or, for non-harmonised products, to the Member State concerned;
 - (c) that its presentation and content correspond to the model drawn up for the product and third country concerned, or, for non-harmonised products, to the Member State concerned;
 - (d) that it meets the general principles of certification laid down in Annex IV to Council Directive 2002/99/EC⁽¹⁾;
 - (e) that it has been fully completed;
 - (f) that it relates to an establishment or vessel authorised or registered to export to the Community, or, for non-harmonised products, to the Member State concerned;
 - (g) that it is signed by the official veterinarian or, where appropriate, the representative of the official authority, and shows legibly and in capitals his/her name and position, and also that the official health stamp of the third country and official signature are in a different colour to that of the printing of the certificate, or, for electronic certificates, signature and stamp are made by a secure system;
 - (h) that part 1 of the CVED is correctly completed and that the information in it corresponds with information in other relevant official documents accompanying the consignment.

ANNEX II

THE LABORATORY CHECKS REFERRED TO IN ARTICLE 1(2)

The following rules are to be applied to the laboratory testing of products:

1. Member States must submit consignments of products presented for importation to a monitoring plan, with the objective to monitor conformity with Community legislation or, where applicable, national rules, and in particular to detect residues, pathogenic organisms or other substances dangerous to humans, animals or the environment. These monitoring plans must be based upon the nature of the products and the risk they represent, taking into account all relevant monitoring parameters such as frequency and number of incoming consignments and results of previous monitoring.
2. Where random tests are carried out under monitoring plans referred to in paragraph 1, and no immediate danger to public or animal health is suspected, the consignment tested may be released for free circulation before the laboratory results are obtained. In all cases the CVED accompanying the consignment must be annotated accordingly and the competent authority at the place of destination notified in accordance with Article 8 of Directive 97/78/EC.
3. Where the laboratory tests are carried out on the basis of suspicion of irregularity, available intelligence, a previous notification from the rapid alert system for food and feed (RASFF) or a safeguard measure, and when testing concerns a substance or a pathogenic agent which presents a direct or immediate animal or public health risk, the official veterinarian responsible for the border inspection post who carried out the test or the competent authority must withhold the consignment from veterinary clearance and release until satisfactory results of the laboratory tests are received. In the meantime the consignment shall remain under the control of the authorities and under the responsibility of the official veterinarian or designated official agent in the border inspection post that has carried out the veterinary controls.
4. Each Member State shall inform the Commission monthly of favourable and unfavourable results of laboratory testing that has been carried out in its border inspection posts.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

ANNEX III

THE COMMON VETERINARY ENTRY DOCUMENT (CVED)

Part 1: Details of consignment presented	1. Consignor / Exporter <input type="checkbox"/>		2. CVED reference number	
			Border Inspection Post	
			ANIMO Unit Number	
	3. Consignee		4. Person responsible for load	
	5. Importer		6. Country of origin + ISO code	7. Country from where consigned + ISO code
			8. Delivery address	
	9. Arrival at BIP (estimated date)		10. Veterinary documents Number(s)	
	11. Vessel name / Flight No. Bill of Lading No./ Airway Bill No. Wagon / Vehicle / Trailer No.		Date of issue Establishment of origin(where relevant) Veterinary approval number	
	12. Nature of goods, Number and type of packages		13. Commodity Code (CN, minimum first 4 digits)	
			14. Gross weight (kg)	
		15. Net weight (kg)		
Temperature		Chilled: <input type="checkbox"/>	Frozen: <input type="checkbox"/>	Ambient: <input type="checkbox"/>
16. Seal number and Container number				
17. Transhipment to <input type="checkbox"/>		18. For transit to 3rd Country <input type="checkbox"/>		
EU BIP	ANIMO unit no.:	To 3rd Country	+ ISO code	
3rd country	3rd Country ISO code:	Exit BIP:	ANIMO unit no.:	
19. Conform to EU requirements		20. For re-import <input type="checkbox"/>		
Conforms	<input type="checkbox"/>			
Does NOT conform	<input type="checkbox"/>			
21. For internal market		22. For NON- Conforming consignments		
Human consumption:	<input type="checkbox"/>	Customs warehouse	<input type="checkbox"/>	Registered No.
Animal feedingstuff:	<input type="checkbox"/>	Free zone or Free warehouse	<input type="checkbox"/>	Registered No.
Pharmaceutical use:	<input type="checkbox"/>	Ship supplier	<input type="checkbox"/>	Registered No.
Technical use:	<input type="checkbox"/>	Ship	<input type="checkbox"/>	Name
Other:	<input type="checkbox"/>			Port
23. Declaration		Place and date of declaration		
I, the undersigned person responsible for the load detailed above, certify that to the best of my knowledge and belief the statements made in section I of this document are true and complete and I agree to comply with the legal requirements of directive 97/78/EC, including payment for veterinary checks, for repossession of any consignment rejected after transit across the EU to a third country (Article 11.1.c), or costs of destruction if necessary.		Name of signatory		
		Signature		

Part 2: decision on consignment	24. Previous CVED: No <input type="checkbox"/> Yes <input type="checkbox"/> <input type="checkbox"/> Reference number:	25. CVED Reference Number:
	26. Documentary Check: Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>	27. Identity Check: Seal check <input type="checkbox"/> OR Full identity check <input type="checkbox"/> Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/>
	28. Physical Check: Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/> Not done 1. Reduced checks regime <input type="checkbox"/> 2. Other <input type="checkbox"/>	29. Laboratory Tests: No <input type="checkbox"/> Yes <input type="checkbox"/> Tested for: Random <input type="checkbox"/> Suspicion <input type="checkbox"/> Results: Satisfactory <input type="checkbox"/> Not satisfactory <input type="checkbox"/> Released pending a result <input type="checkbox"/>
	30. ACCEPTABLE for Transhipment: EU BIP <input type="checkbox"/> ANIMO unit no.: 3rd country <input type="checkbox"/> 3rd Country ISO code:	31. ACCEPTABLE for Transit Procedure <input type="checkbox"/> To 3rd Country + ISO code Exit BIP: ANIMO unit no.:
	32. ACCEPTABLE for Internal Market For Free Circulation Human consumption: <input type="checkbox"/> Animal feedingsstuff: <input type="checkbox"/> Pharmaceutical use: <input type="checkbox"/> Technical use: <input type="checkbox"/> Other: <input type="checkbox"/>	33. ACCEPTABLE if channelled Article 8 procedure <input type="checkbox"/> Re-import of EU products (Article 15) <input type="checkbox"/>
	35. NOT ACCEPTABLE 1. Re-export <input type="checkbox"/> 2. Destruction <input type="checkbox"/> 3. Transformation <input type="checkbox"/> By Date:	34. ACCEPTABLE for Specific Warehouse Procedure(Articles 12.4 and 13) Customs warehouse <input type="checkbox"/> Free zone or Free warehouse <input type="checkbox"/> Ship supplier <input type="checkbox"/> Direct to a ship <input type="checkbox"/>
	37. Details of Controlled Destinations (33-35) Approval no (where relevant): Address:	36. Reason for Refusal 1. Absence/Invalid certificate <input type="checkbox"/> 2. Non approved country <input type="checkbox"/> 3. Non approved establishment <input type="checkbox"/> 4. Prohibited product <input type="checkbox"/> 5. ID: Mis-match with documents <input type="checkbox"/> 6. ID: Health mark error <input type="checkbox"/> 7. Physical hygiene failure <input type="checkbox"/> 8. Chemical contamination <input type="checkbox"/> 9. Micro biological contamination <input type="checkbox"/> 10. Other <input type="checkbox"/>
	38. Consignment Resealed New seal no:	40. Official Veterinarian I the undersigned official veterinarian, or designated official agent, certify that the veterinary checks on this consignment have been carried out in accordance with EU requirements. Signature: Name (in Capital): Date:
	39. Full identification of border inspection post/competent authority and official stamp. Date:	42. Customs Document Reference: 43. Subsequent CVED Number(s):
	41. Exit Transit BIP: Formalities of exit from the EC and checks made of transiting goods confirmed in accordance with Article 11.2(e) of Directive 97/78/EC: Date:	Stamp

Notes for guidance for the CVED certificate ⁽¹⁾

General: Complete the certificate in capitals. Where there is an option to delete a box or it is not relevant, clearly deface or cross out the whole numbered box. To indicate positively any option, tick or mark the sign.

This certificate is to be completed for all consignments presented to a border inspection post, whether they are for consignments presented as meeting EU requirements and are for free circulation, consignments that will be subject to channelling or those consignments not meeting EU conditions and destined for transshipment, transit, or their placing in free zones, free warehouses or customs warehouses or for ship suppliers (chandlers). Channelling refers to consignments accepted under the conditions laid down in Article 8 of Directive 97/78/EC but that remain under veterinary control until a specified final destination is reached, usually for further treatment.

ISO codes where indicated refer to the international standard two letter code for any country.

Part 1

This section is for completion by the declarant or person responsible for the load as defined in Article 2(2)(e) of Directive 97/78/EC. Notes are shown against the relevant box number.

- Box 1. Consignor/exporter: Indicate the commercial organisation despatching the consignment (in the third country).
- Box 2. Border inspection post. If this information is not pre-printed on the document, please complete. The CVED reference number is the unique reference number given by the border inspection post issuing the certificate (repeated in box 25). The ANIMO unit number is unique to the border inspection post and is listed against its name on the list of approved border inspection posts published in the Official Journal.
- Box 3. Consignee: Indicate the address of the person or commercial organisation given on the third-country certificate. If this is not present on the certificate, the consignee in relevant commercial documents may be used.
- Box 4. Person responsible for the load (also agent or declarant): This is the person defined in Article 2(2)(e) of Directive 97/78/EC, who is in charge of the consignment when presented to the border inspection post and makes the necessary declarations to the competent authorities on behalf of the importer: give the name and address.
- Box 5. Importer: The importer may be remote from the actual border inspection post: give the name and address. If the importer and agent are the same indicate 'As box 4'.
- Box 6. Country of origin: This refers to where the final product was produced, manufactured or packaged.
- Box 7. Country from where consigned: This refers to the country where the consignment was placed aboard the means of final transport for the journey to the EU.
- Box 8. Include the delivery address in the EU. This applies both to conforming (box 19) and to non-conforming (box 22) products.
- Box 9. Give the estimated date that consignments are expected to arrive at the border inspection post.
- Box 10. Veterinary certificate/document: Date of issue: The date that the certificate/document was signed by the official veterinarian or the competent authority. Number: Give the unique official number of the certificate. For products from an approved or registered establishment or vessel, indicate the name and approval/registration number where appropriate. For embryos, ova or semen straws give an identity number of the approved collection team.

⁽¹⁾ Notes for guidance may be printed and distributed separately from the certificate itself.

- Box 11. Give full details of the means of arrival transport: for aircraft the flight number and air waybill number, for vessels the ship name and bill of lading number, for road vehicles the registration number plate with trailer number if appropriate, for railways the train identity and wagon number.
- Box 12. Nature of the goods: Indicate the species of animal, the treatment undergone by the products and the number and type of packages that comprise the load, e.g. 50 boxes of 2 kg, or the number of containers. Tick the appropriate transport temperature.
- Box 13. CN code: Give as a minimum the first four digits of the relevant Combined Nomenclature (CN) code established pursuant to Council Regulation (EEC) No 2658/87 as last amended. These codes are also listed in Commission Decision 2002/349/EC (and are equivalent to the HS headings). In the case of fishery products only, where there is one certificate with one consignment having contents with more than one commodity code, the additional codes may be annotated onto the CVED as appropriate.
- Box 14. Gross weight: Overall weight in kg. This is defined as the aggregate mass of the products with immediate containers and all their packaging, but excluding transport containers and other transport equipment.
- Box 15. Net weight: Weight of actual product excluding packaging in kg. This is defined as the mass of the products themselves without immediate containers or any packaging. Use units where a weight is inappropriate, e.g. 100 semen straws of X ml or 3 biological strains/embryos.
- Box 16. Give all seal and container identification numbers where relevant.
- Box 17. Transhipment: Use where a consignment is not to be imported at this border inspection post but is to travel onward in another vessel or aircraft either for importation into the EU at a second and subsequent border inspection post in the Community/EEA, or for a third-country destination. ANIMO unit number — see box 2.
- Box 18. Transit: For consignments that do not conform to EU requirements and are destined for a third country by movement across the relevant EU/EEA State by road, rail or waterway transport.
Exit BIP: Name of the border inspection post where the products are to leave the EU. ANIMO unit number — see box 2.
- Box 19. Conforming products: All products that will be presented for free circulation in the internal market including those that are acceptable but will be subjected to a 'channelling procedure' and those that after receiving veterinary clearance as acceptable for free circulation, may be stored under customs control, and receive customs clearance at a later stage, either at the customs office on which the border inspection post is geographically dependent, or at another location.
Non-conforming products: Those products not meeting EU requirements and that are for free zones, free warehouses, customs warehouses, ship chandlers or ships or transit to a third country.
- Box 20. Reimport refers to consignments of EU origin that have been refused acceptance or entry to a third country, and are being returned to the establishment of origin in the EU.
- Box 21. Internal market: This is for consignments that are being presented for distribution in the single market. Tick the category for which the consignment is being presented. This also applies to those consignments that after receiving veterinary clearance as acceptable for free circulation, may be stored under customs control, and receive customs clearance at a later stage, either at the customs office on which the border inspection post is geographically dependent, or at another location.
- Box 22. Complete this box for all non-conforming products where the consignment will be delivered and stored under veterinary control in a free zone, a free warehouse, a customs warehouse or a ship supplier (chandler).
NB: boxes 18 and 22 refer to veterinary procedures only.
- Box 23. Signature: This commits the signatory also to accepting back consignments in transit that are refused entry by a third country.

Part 2

This section is for completion by the official veterinarian or designated official agent (as in Decision 93/352/EEC) only.

For boxes 38 to 41 use a colour other than black.

- Box 24. Previous CVED: If there has been a previous CVED issued, indicate the serial number of this certificate.
- Box 25. This refers to the unique reference number given by the border inspection post issuing the certificate and is as in box 2.
- Box 26. Documentary check. To be completed for all consignments.
- Box 27. Tick 'seal check' where containers are not opened and the seal only is checked according to Article 4(4)(a)(i) of Directive 97/78/EC.
- Box 28. Physical checks:
Reduced checks refers to the regime laid down in Commission Decision 94/360/EEC where the consignment has not been selected for a physical check but is considered checked satisfactorily with documentary and identity check only.
'Other' refers to: reimport procedure, channelled goods, transhipment, transit or Article 12 and 13 procedures. These destinations can be deduced from other boxes.
- Box 29. Complete with the category of substance or pathogen for which an investigation procedure is undertaken. 'Random' indicates sampling where the consignment is not detained pending a result, in which case the competent authority of destination must be notified by ANIMO message (see Article 8 of Directive 97/78/EC). 'Suspicion' includes cases where the consignment has been detained pending a favourable result, or tested because of a previous notification from the rapid alert system for food and feed (RASFF), or tested because of a safeguard measure in operation.
- Box 30. Complete where relevant for acceptability for transhipment. Use where a consignment is not to be imported at this border inspection post but is to travel onward in another vessel or aircraft either for importation into the EU at a second and subsequent border inspection post in the Community/EEA, or for a third-country destination. See Article 9 of Directive 97/78/EC and Commission Decision 2000/25/EC⁽¹⁾. ANIMO unit number — see box 2.
- Box 31. Transit: Complete when it is acceptable to send consignments that do not conform to EU requirements to a third country across the EU/relevant EEA State by road, rail or waterway transport. This must be carried out under veterinary control in accordance with the requirements of Article 11 of Directive 97/78/EC and Decision 2000/208/EC.
- Box 32. This box is to be used for all consignments approved for free circulation within the single market. (It should also be used for consignments that meet EU requirements but for financial reasons are not being customs cleared immediately at the border inspection post, but are being stored under customs control in a customs warehouse or will be customs cleared later and/or at a geographically separate destination.)
- Boxes 33 and 34. Are to be used where consignments cannot be accepted for release for free circulation under veterinary rules, but are considered higher risk and are to be sent under veterinary and customs control to one of the controlled destinations provided for in Directive 97/78/EC. Acceptance for free zones, free warehouses and customs warehouses can only be granted when requirements laid down in Article 12(4) of Directive 97/78/EC are fulfilled.

⁽¹⁾ OJ L 9, 13.1.2000, p. 27.

- Box 33. For use where consignments are accepted but must be channelled to a specific destination laid down in Articles 8 or 15 of Directive 97/78/EC.
- Box 34. Use for all non-conforming consignments destined to be moved to or stored in warehouses approved in accordance with Article 12(4) or to operators authorised pursuant to Article 13 of Directive 97/78/EC.
- Box 35. Indicate clearly when import is refused, the subsequent process to be carried out. Give the date for completion of the action proposed. The address of any transformation establishment should be entered in box 37. After rejection or a decision for transformation, the date for further action should be also recorded in the 'follow-up action register'.
- Box 36. Reasons for refusal: For use as appropriate to add relevant information. Tick the appropriate box. Item 7 is for hygiene failure not covered by 8 or 9, including temperature control irregularities, putrefaction or dirty products.
- Box 37. Give approval number and address (or ship name and port) for all destinations where further veterinary control of the consignment is required i.e. for boxes 33: Channelling; 34: Warehouse procedure; 35: Transformation or destruction.
- Box 38. Use this box when the original seal recorded on a consignment is destroyed on opening the container. A consolidated list of all seals that have been used for this purpose should be kept.
- Box 39. Put here the official stamp of the border inspection post or competent authority.
- Box 40. Signature of the veterinarian, or in case of ports handling fish only, of the designated official agent as laid down in Decision 93/352/EC.
- Box 41. This box to be used by the transit border inspection post of exit from the EU when consignments are sent in transit across the EU and are checked outwards as laid down in Decision 2000/208/EC. In the absence of transit, this box may be used alternatively for additional comments as appropriate regarding e.g. non-removal of vertebral column or fees paid.
- Box 42. For use by customs services to add relevant information (e.g. for the number of the customs T1 or T5 certificate) where consignments remain under customs control for a while. This information is normally added after signature by the veterinarian.
- Box 43. For use when the original CVED certificate must remain at any one location and further 'daughter' CVED certificates must be issued.
-

ANNEX IV

THE LIST OF PLANT PRODUCTS REFERRED TO IN ARTICLE 9

Plant products subject to veterinary checks:

1. Straw
2. Hay

ANNEX V

THE LIST OF COUNTRIES REFERRED TO IN ARTICLE 9**Part I: Countries from which Member States are authorised to import hay and straw**

Australia

Belarus

Bulgaria

Canada

Chile

Croatia

Greenland

Iceland

New Zealand

Romania

South Africa (excluding that part of the foot-and-mouth disease control area situated in the veterinary region Northern and Eastern Transvaal, in the district of Ingwavuma of the veterinary region of Natal and in the border area with Botswana east of longitude 28°)

Switzerland

United States of America

Part II: Countries from which Member States are authorised to import hay and straw until 30 April 2004

Cyprus

Czech Republic

Estonia

Hungary

Latvia

Lithuania

Malta

Poland

Slovakia

Slovenia

COMMISSION REGULATION (EC) No 137/2004
of 27 January 2004

determining the percentage of quantities which may be allowed in respect of import licence applications lodged in January 2004 under tariff quotas for beef and veal provided for in Regulation (EC) No 1429/2002 for Estonia, Latvia and Lithuania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1429/2002 of 2 August 2002 laying down rules for the application of the tariff quotas for beef and veal provided for by Council Regulations (EC) No 1151/2002, (EC) No 1361/2002 and (EC) No 1362/2002 for Estonia, Latvia and Lithuania ⁽¹⁾, and in particular Article 2(2) and Article 4(3) thereof,

Whereas:

Articles 1 and 2 of Regulation (EC) No 1429/2002 fix the quantities of certain beef and veal products originating in Lithuania, Latvia and Estonia, which may be imported on special terms in respect of the period 1 January to 30 June 2004. The quantities of certain beef and veal products originating in Lithuania covered by import licence applications submitted must be reduced proportionately in accordance with

Article 4(3) of that Regulation. No applications were submitted for import licences for beef and veal products originating in Estonia and Latvia,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities covered by import licence applications submitted in the period 1 to 12 January 2004 for Lithuania under the quotas referred to in Regulation (EC) No 1429/2002 may be allowed to the extent of 63,0370 % of the quantity requested.

Article 2

This Regulation shall enter into force on 28 January 2004.

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

Done at Brussels, 27 January 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 206, 3.8.2002, p. 9. Regulation as amended by Commission Regulation (EC) No 1633/2002 (OJ L 247, 14.9.2002, p. 4).

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

COUNCIL COMMON POSITION 2004/85/CFSP
of 26 January 2004
concerning conflict prevention, management and resolution in Africa and repealing Common
Position 2001/374/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the conclusions of the European Councils of Cologne, Helsinki, Feira, Nice and the EU Programme for Prevention of Violent Conflicts,

Whereas:

- (1) The primary responsibility for prevention, management and resolution of conflicts on the African continent lies with Africans themselves.
- (2) The United Nations Security Council has the primary responsibility for the maintenance of international peace and security under the Charter of the United Nations.
- (3) In the drawing up of UN Security Council decisions, the defense of European Union positions and interests is fully ensured by the application of Article 19 of the Treaty on European Union.
- (4) On 14 May 2001 the Council adopted Common Position 2001/374/CFSP concerning conflict prevention, management and resolution in Africa ⁽¹⁾.
- (5) The promotion of peace, security and stability on the continent is one of the objectives of the African Union (AU) and the peaceful resolution of conflicts among Member States is one of the principles enshrined in the Constitutive Act of the AU. The prevention, management and resolution of conflicts have been the subject of dialogue with the Organisation of African Unity (OAU) and its successor, the AU, and are included in the Cairo Declaration and Plan of Action.
- (6) There is a link between conflict prevention and democracy, human rights, the rule of law and good governance, where development cooperation has a strategic role to play in strengthening capacities to manage conflicts in peaceful ways.

(7) The European Community and its Member States entered into a Partnership Agreement with the ACP States at Cotonou on 23 June 2000.

(8) The European Parliament adopted on 30 November 2000 a Resolution on Participation of Women in Peaceful Conflict Resolution; and the ACP-EU Joint Parliamentary Assembly adopted on 21 March 2002 a Resolution on Gender Issues.

(9) On 8 December 2003 the Council adopted Guidelines on Children and Armed Conflict,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The objective of this Common Position is to contribute to the prevention, management and resolution of violent conflicts in Africa by strengthening African capacity and means of action in this field, in particular through enhanced dialogue with and support for the AU and subregional organisations and initiatives, and civil society organisations. In doing this, the EU shall take further steps to promote coordination between the many actors that may be involved, including a closer coordination of the measures taken by the Community and its Member States.

2. The EU shall, as it strengthens its capacity in the areas of crisis management and conflict prevention, improve its close cooperation with the UN and relevant regional and subregional organisations in order to achieve the above objective. Cooperation with the UN on crisis management shall be taken forward in line with and as a part of the implementation of the Joint Declaration on UN-EU Cooperation in Crisis Management of 24 September 2003. The EU, notwithstanding its commitment to African ownership, shall remain prepared to become involved, whenever necessary, in crisis management in Africa with its own capabilities.

⁽¹⁾ OJ L 132, 15.5.2001, p. 3.

3. The EU shall develop long-term conflict prevention and peace-building initiatives, recognising that progress in these areas is a necessary precondition also for African States to build and sustain capacity to deal effectively with terrorism.

4. The EU shall develop a proactive, comprehensive and integrated approach, which shall also serve as a common framework for actions of individual Member States. As a part of this, and to enhance capacity for early action, a yearly survey shall continue to be drawn up by the Presidency assisted by the Secretary General/High Representative and the Commission, so as to identify and monitor potential violent conflicts and presenting the policy options necessary to prevent their outbreak or recurrence.

Article 2

Successful conflict prevention relies on preparedness to take action before a situation deteriorates into violence. Thus, while recognising the need to respond to existing crises, the EU's policy shall focus on preventing the outbreak and spreading of violent conflicts through early action, and on preventing the recurrence of violent conflict. In this context, EU action shall cover:

- conflict prevention by seeking to address the more structural root causes while targeting the direct causes — trigger factors — of violent conflicts,
- crisis management by addressing acute phases of conflicts and supporting efforts to bring the violence to an end,
- peace-building by seeking to support initiatives for containing violent conflict and to prepare for, and sustain, peaceful solutions to such conflicts,
- reconstruction by supporting the economic, political and social re-building of post-conflict States and societies to prevent the re-escalation of violence and to promote sustainable peace.

Article 3

In order to better contribute to conflict management as well as to respond to existing crises, the EU shall take into account:

- development of international legal systems, dispute resolution mechanisms, and cooperative arrangements at the regional level,
- institution building by increasing the effectiveness of African national security and judicial institutions including for counter-terrorism activities as well as by identifying specific action to assist African countries in implementing their commitments under the existing international instruments in all relevant fields, including the fight against terrorism and illicit trafficking,

- support for the ratification and full implementation of the Rome Statute of the International Criminal Court, which can play an important role in shaping national institutions for the fight against impunity. This includes the reinforcement of judicial institutions which have an important complementary role in this context.

Article 4

Recognising that the AU and African subregional organisations constitute the central actors in the prevention, management and resolution of conflicts in Africa:

1. the EU shall seek to increase its support to regional arrangements and efforts in conflict prevention by enhancing corporate responsibility, strengthening the rule of law, training in conflict prevention, building capacities for, *inter alia*, political and economic analyses, early warning systems, negotiation/mediation skills, improving international sanctioning and enforcement mechanisms, developing mechanisms that address economic factors that fuel conflicts, and strengthening linkages between regional organisations themselves as well as with local, national and regional non-State actors and other members of the international community. Efforts to support regional and subregional organisations in the area of conflict prevention shall be carefully coordinated by the Community and its Member States so as to develop joint initiatives and synergies, including through joint programming where appropriate;
2. the EU's support for and cooperation with the AU in the field of conflict prevention, management and resolution shall be pursued with a view to developing a long-term partnership, particularly in the framework of the follow-up to the Cairo Summit.

Article 5

Acknowledging that effective conflict prevention requires strategies to create enabling conditions for a stable and more predictable international environment, and comprehensive and balanced aid and developmental assistance programmes to alleviate the pressures that trigger violent conflict, the EU shall seek:

- to support the mainstreaming of conflict prevention perspectives within the framework of Community development and trade policy and its associated country and regional strategies,
- to introduce, as appropriate, conflict indicators and peace and conflict impact assessment tools in development and trade cooperation so as to reduce the risk of aid and trade fuelling conflict, and to maximise its positive impact on peace-building,

- to ensure that tangible dividends reach swiftly the population as a whole,
- to improve the coordination between the efforts of the Community and those of its Member States in this field,
- to improve development and trade cooperation with regional, subregional and local actors in order to ensure consistency between initiatives and to support African activities,
- to coordinate its efforts with the international financial institutions.

Article 6

With regard to the strengthening of African peace support operations capabilities:

1. the EU shall support, over the long term, the enhancement of African peace support operations capabilities, at regional, subregional and bilateral levels as well as the capacity of the African States to contribute to regional integration, peace, security and development. Notwithstanding such capacity enhancement, the Community and its Member States shall continue, on a case-by-case basis, to consider deploying their own operational means for conflict prevention and crisis management in Africa, in accordance with the principles of the UN Charter and in close cooperation with UN activities in the region, as successfully demonstrated through operation Artemis in the Ituri region of the Democratic Republic of Congo. Such considerations shall take into account the scope of capabilities developed under the EU crisis management capabilities, including the deployment of civilian personnel for longer-term responses to peace-building;
2. Member States and the Commission shall exchange information on all action taken to support African peace support operations capabilities with a view to improving coordination and developing synergies. This information shall be summarised in the annual review of this Common Position provided for in Article 14;
3. Member States and the Commission shall give higher priority to country and regional strategies and risk assessment. Country strategies can be developed with the use of standardised indicators and the assistance of expert groups. Risk assessment and country strategies would benefit from greater use of local knowledge, including information from local experts trained in early warning and risk assessment;
4. Member States and the Commission shall seek to achieve improved coordination of bilateral action in support of the AU and African subregional organisations, in particular the

Economic Community of West African States, the South African Development Community and the Intergovernmental Authority on Development, the Economic Community of Central African States and the Economic and Monetary Community of Central Africa, regarding African peace support operations capabilities;

5. Member States and the Commission shall systematically invite each other or the Presidency, as appropriate, to participate in exercises and seminars they organise with a view to reinforcing African peacekeeping capabilities;
6. coordination and exchanges on enhancement activities shall be sought with interested third parties, notably the United States, Canada and Japan in particular in the framework of the political dialogue with these countries;
7. the EU shall endeavour to improve further its coordination with the UN, and in particular with the Department of Peacekeeping Operations, on all activities aiming at strengthening African peace support operations capabilities;
8. the EU shall analyse how best to coordinate Member States' efforts in areas of training, equipment and exercises. This analysis shall take into consideration key areas of the Brahimi report on UN peace operations, including interoperability of troops and command and control structures;
9. on an ad hoc basis, the EU shall consider in due course initiating, where there is value added, capacity enhancement programmes in its own name, separately or in conjunction with programmes initiated by individual Member States. Such action might range from small-scale observer missions during peacekeeping exercises to more comprehensive training programmes.

Article 7

Member States shall continue to conduct a restrictive policy with regard to arms exports, fully applying the 1998 EU Code of Conduct on Arms Exports. Recognising that the availability and accumulation of arms exceeding legitimate security needs may be a factor contributing to instability, and that the curbing of the illicit trafficking in arms is an important contribution to the easing of tension and the reconciliation processes, the Member States and the Commission shall:

- cooperate in promoting international respect for arms embargoes and other relevant decisions by the UN Security Council and support initiatives to implement such measures effectively,
- continue to support and actively respect regional initiatives contributing to the prevention and combating of illicit trafficking in arms,

- cooperate to encourage associated countries to align themselves with principles adopted and measures taken by the EU. The EU shall further consider support for African efforts to improve controls on arms manufacture, import and export, and support for controlling or eliminating surplus small arms, as well as support for African efforts to tackle problems relating to small arms in accordance with Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons ⁽¹⁾,
- continue to support the UN Programme of Action on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects as well as the negotiations of the Protocol Against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organised Crime, adopted by the UN General Assembly on 31 May 2001.

Article 8

Recognising the importance of economic factors in conflicts in Africa, as well as the potential of diplomatic and economic measures for the prevention and resolution of violent conflicts:

1. the EU shall:

- seek to address economic factors that fuel conflicts,
- seek to promote the further integration of Africa into the world economy, and to support even access to the benefits and opportunities of this across societies,
- support economic and political cooperation, such as regional stabilisation arrangements, to strengthen relations between parties as a preventive and post-conflict peace-building measure,
- work to ensure that regional trade integration measures, within a policy context comprising safety nets for vulnerable groups, support conflict prevention and resolution;

2. the EU shall also:

- cooperate in promoting universal respect for embargoes related to the illegal exploitation of and trade in high value commodities and for other relevant decisions by the UN Security Council; and support initiatives to implement such measures effectively,

- actively work towards finding means to suppress illegal exploitation of natural resources which contributes to the eruption, escalation and continuation of violent conflicts,
- where appropriate, use restrictive measures, including economic and financial sanctions, targeted at actors who profit from and exacerbate violent conflicts. In this context, there is a need to further reflect on the (positive or negative) role to be played by the private sector in the area of conflict prevention and resolution.

Article 9

Throughout the different phases of the conflict cycle, the EU shall:

- evaluate the important role that 'non-State actors' can play either fuelling conflict or helping to resolve or prevent it. Either way, their role and the positive contribution they may make, needs to be accounted for,
- encourage the application of UN Security Council Resolution 1325 on Women, Peace and Security, through ensuring that a gender perspective informs planning, implementing and evaluating the impact of conflict, the needs of the different actors in conflict and the level and nature of participation in decision-making in the prevention, management and resolution of conflicts, including peace processes and negotiations,
- address the short, medium and long term impact of armed conflict on children in an effective and comprehensive manner, making use of the variety of tools at its disposal, and building on past and ongoing activities, in accordance with the EU Guidelines on Children and Armed Conflict. It shall also try to influence third country actors (governments as well as non-State actors including armed groups) to take effective measures to protect the rights of children affected by armed conflict.

Article 10

To reflect the need to maintain focus on a conflict even after it has become less acute, and to contribute to a more coherent and systematic approach to post-war situations in Africa, the EU shall:

- stand ready to support security sector reform within the framework of democratic principles, respect for human rights, the rule of law, and good governance, in particular in countries in transition from violent conflict to sustainable peace,
- continue and consolidate its support for tackling the problems of the destabilising accumulation and uncontrolled spread of small arms,

⁽¹⁾ OJ L 191, 19.7.2002, p. 1.

- enhance its support for the disarmament and sustainable reintegration of demobilised ex-combatants with particular attention to gender-based needs and the needs of children recruited to take part in military activities,
- increase its assistance to the removal of existing landmines, as well as it shall promote mine awareness and encourage the development of African capacities in de-mining,
- continue to support actions aimed at facilitating the reintegration of up-rooted populations in post-conflict situations, taking into account the relevant Guiding Principles on Internal Displacement, of the Representative of the UN Secretary General,
- encourage reconciliation and support reconstruction needed to allow countries emerging from conflict to relaunch policies for long term development,
- in accordance with the Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court ⁽¹⁾, reiterate in its political dialogue with its African counterparts its strong commitment to support the International Criminal Court and its position regarding the US-proposed non-surrender bilateral agreements.

Article 11

Given that a particular area of concern in Africa is the relationship between the radicalisation of religious groups and their vulnerability to terrorist recruitment, the EU shall evaluate possible cooperation at national and regional levels in this area suggesting avenues, utilising a range of instruments, to address this problem in a conflict prevention and peace-building perspective. In this context, the EU recalls the Joint Declaration on Terrorism adopted by the EU-Africa Ministerial Conference of Brussels (11 October 2001), as well as the Joint Declaration on Terrorism adopted by the EU Ministerial Conference of Ouagadougou (28 November 2002).

Article 12

Given the importance of HIV/AIDS and the scale of the epidemic in the African continent, the EU shall ensure that tackling HIV/AIDS is an integral part of EU strategies to prevent and mitigate conflict. In this context, assistance to peace support operations shall ensure elements on awareness and training for prevention of HIV/AIDS.

Article 13

The Council notes that the Commission intends to direct its action towards achieving the objectives and priorities of this Common Position, where appropriate by pertinent Community measures.

Article 14

On the basis of a report by the Presidency, in association with the Secretary General/High Representative and the Commission, this Common Position and the implementation thereof shall be reviewed annually and amended as appropriate.

Article 15

Common Position 2001/374/CFSP is hereby repealed.

Article 16

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

Article 17

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

Done at Brussels, 26 January 2004.

For the Council
The President
B. COWEN

⁽¹⁾ OJ L 150, 18.6.2003, p. 67.

COUNCIL JOINT ACTION 2004/86/CFSP
of 26 January 2004
appointing the European Union Special Representative in the Former Yugoslav Republic of Macedonia and amending Joint Action 2003/870/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Having regard to the Treaty on European Union, and in particular Article 14, Article 18(5) and Article 23(2) thereof,

Article 1 of Joint Action 2003/870/CFSP is hereby replaced by the following:

Whereas:

'Article 1

Mr Søren JESSEN-PETERSEN is appointed European Union Special Representative in the Former Yugoslav Republic of Macedonia.'

- (1) On 8 December 2003 the Council adopted Joint Action 2003/870/CFSP amending and extending the mandate of the Special Representative of the European Union in the Former Yugoslav Republic of Macedonia ⁽¹⁾ until 30 June 2004.

Article 2

This Joint Action shall enter into force on 1 February 2004.

- (2) On 17 November 2003, the Council agreed to appoint Mr Søren JESSEN-PETERSEN as the new European Union Special Representative in the Former Yugoslav Republic of Macedonia, replacing Mr Alexis BROUHNS.

Article 3

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

- (3) Joint Action 2003/870/CFSP should be amended accordingly,

Done at Brussels, 26 January 2004.

For the Council
The President
B. COWEN

⁽¹⁾ OJ L 326, 13.12.2003, p. 39.

COUNCIL JOINT ACTION 2004/87/CFSP
of 26 January 2004
amending Joint Action 2003/681/CFSP on the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL Proxima)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 29 September 2003, the Council adopted Joint Action 2003/681/CFSP⁽¹⁾, laying down, *inter alia*, financial arrangements, including the financing of per diems for 2003 out of the Community budget.
- (2) Per diems for 2004 should be financed out of the Community budget.
- (3) Joint Action 2003/681/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Article 10(1) of Joint Action 2003/681/CFSP shall be amended as follows:

1. in the first subparagraph, the following point shall be added:
 - (d) a maximum of EUR 6,555 million for per diems of EUR 100 per person for 2004 to be financed out of the Community budget.;

2. the second subparagraph shall be replaced by the following subparagraph:

'The financing of per diems for 2003 and 2004 out of the Community budget does not prejudice their amount and the modalities of their financing for the following years.;

3. the third subparagraph shall be deleted.

Article 2

This Joint Action shall enter into force on the date of its adoption.

It shall be applicable from 1 January 2004.

Article 3

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

Done at Brussels, 26 January 2004.

For the Council

The President

B. COWEN

⁽¹⁾ OJ L 249, 1.10.2003, p. 66.