

English edition

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 193/2004
of 4 February 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 5 February 2004.

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

Done at Brussels, 4 February 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 4 February 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	111,3
	204	47,3
	212	129,8
	999	96,1
0707 00 05	052	143,8
	204	37,1
	220	204,2
	999	128,4
0709 10 00	220	13,5
	999	13,5
0709 90 70	052	108,2
	204	45,8
	999	77,0
0805 10 10, 0805 10 30, 0805 10 50	052	51,6
	204	46,9
	212	45,2
	220	47,6
	624	55,1
	999	49,3
0805 20 10	052	71,8
	204	100,1
	999	86,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	78,8
	204	138,4
	220	76,9
	464	74,3
	600	74,0
	624	76,0
	999	86,4
0805 50 10	052	73,5
	600	58,3
	999	65,9
0808 10 20, 0808 10 50, 0808 10 90	052	65,0
	060	50,7
	400	81,5
	404	95,4
	512	73,4
	720	59,1
	999	70,9
0808 20 50	060	64,2
	388	116,9
	400	71,3
	528	103,7
	720	30,3
	999	77,3

⁽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 194/2004
of 4 February 2004

amending Regulation (EC) No 133/2004 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:

- (1) Article 1 of Commission Regulation (EC) No 133/2004 ⁽³⁾ determines the extent to which applications submitted in January 2004 for import licences for the tariff quotas for beef and veal provided for in Decision 2003/452/EC for the Republic of Slovenia can be accepted. As a result of an administrative error, an application submitted under quota No 09.4122 was not taken into account when adopting that Regulation. The

quantity of beef and veal for which import licences have been submitted under quota No 09.4122 is such that applications may be granted in full.

- (2) Article 1 of Regulation (EC) No 133/2004 should be amended as regards the import licences to be issued,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 133/2004 is replaced by the following:

'Article 1

Import licences shall be granted for the full quantities covered by applications submitted from 1 to 12 January 2004 for the quotas bearing the serial numbers 09.4082 and 09.4122 referred to in Article 1(2) of Regulation (EC) No 2673/2000.'

Article 2

This Regulation shall enter into force on 5 February 2004.

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

Done at Brussels, 4 February 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 modified by Regulation (EC) No 1886/2003 (OJ L 277, 28.10.2003, p. 8).

⁽³⁾ OJ L 21, 28.1.2004, p. 7.

COMMISSION REGULATION (EC) No 195/2004
of 4 February 2004
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2294/2003 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.
- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.

- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of the second subparagraph of Article 4(1) of Regulation (EC) No 1503/96 results in an adjustment of the import duties that have been fixed as from 15 May 2003 by Commission Regulation (EC) No 832/2003 ⁽⁵⁾ as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be adjusted in compliance with Article 4 of Regulation (EC) No 1503/96 and fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 5 February 2004.

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

Done at Brussels, 4 February 2004.

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 340, 24.12.2003, p. 12.

⁽⁵⁾ OJ L 120, 15.5.2003, p. 15.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽⁵⁾				
	Third countries (except ACP and Bangla- desh) ⁽⁷⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	199,36	65,44	95,34		149,52
1006 20 13	199,36	65,44	95,34		149,52
1006 20 15	199,36	65,44	95,34		149,52
1006 20 17	246,35	81,88	118,83	0,00	184,76
1006 20 92	199,36	65,44	95,34		149,52
1006 20 94	199,36	65,44	95,34		149,52
1006 20 96	199,36	65,44	95,34		149,52
1006 20 98	246,35	81,88	118,83	0,00	184,76
1006 30 21	367,51	116,24	168,85		275,63
1006 30 23	367,51	116,24	168,85		275,63
1006 30 25	367,51	116,24	168,85		275,63
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	367,51	116,24	168,85		275,63
1006 30 44	367,51	116,24	168,85		275,63
1006 30 46	367,51	116,24	168,85		275,63
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	367,51	116,24	168,85		275,63
1006 30 63	367,51	116,24	168,85		275,63
1006 30 65	367,51	116,24	168,85		275,63
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	367,51	116,24	168,85		275,63
1006 30 94	367,51	116,24	168,85		275,63
1006 30 96	367,51	116,24	168,85		275,63
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 2286/2002 (OJ L 348, 21.12.2002, p. 5) and amended Commission Regulation (EC) No 638/2003 (OJ L 93, 10.4.2003, p. 3).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	246,35	416,00	199,36	367,51	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	290,68	200,94	361,54	429,08	—
(b) fob price (EUR/tonne)	—	—	—	337,70	405,24	—
(c) Sea freight (EUR/tonne)	—	—	—	23,84	23,84	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 196/2004
of 4 February 2004
determining the world market price for ungin­ned 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 ungin­ned 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 ungin­ned 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 ungin­ned 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 ungin­ned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for ungin­ned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 29,836/100 kg.

Article 2

This Regulation shall enter into force on 5 February 2004.

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

Done at Brussels, 4 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

COMMISSION REGULATION (EC) No 197/2004
of 4 February 2004
concerning applications for export licences for rice and broken rice with advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1342/2003 of 28 July 2003, laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, and in particular the second subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8(3) of Regulation (EC) No 1342/2003 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported. Commission Regulation (EC) No 163/2004 ⁽⁴⁾ fixes refunds under the procedure provided for in the abovementioned paragraph for 1 000 tonnes for all the destinations 064 and 066 defined in the Annex to that Regulation.

- (2) For all the destinations 064 and 066, quantities applied for on 3 February 2004 are in excess of the available quantity. A percentage reduction should therefore be fixed for export licence applications submitted on 3 February 2004.
- (3) In view of its purpose, this Regulation should take effect from the day of its publication in the Official Journal,

HAS ADOPTED THIS REGULATION:

Article 1

For all the destinations 064 and 066 defined in the Annex to Regulation (EC) No 163/2004, applications for export licences for rice and broken rice with advance fixing of the refund submitted pursuant to that Regulation on 3 February 2004 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 27,08 % has been applied.

Article 2

For all the destinations 064 and 066 defined in the Annex to Regulation (EC) No 163/2004, applications for export licences for rice and broken rice submitted from 4 February 2004 shall not give rise to the issue of export licences pursuant to that Regulation.

Article 3

This Regulation shall enter into force on 5 February 2004.

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

Done at Brussels, 4 February 2004.

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

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 189, 29.7.2003, p. 12.

⁽⁴⁾ OJ L 27, 30.1.2004, p. 30.

II

(Acts whose publication is not obligatory)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

of 22 January 2004

giving a discharge to the Secretary-General of the Convention on the Future of the European Union in respect of the implementation for the financial year 2002 of the budget of the Fund set up for the financing of the Convention

(2004/106/EU)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Decision 2002/176/EU of the Representatives of the Governments of the Member States, meeting within the Council, of 21 February 2002, setting up a Fund for the financing of the Convention on the Future of the European Union and laying down the financial rules for its management ⁽¹⁾, and in particular Article 20 thereof,

Having regard to the assent of the European Parliament of 16 December 2003 on the discharge to be given to the Secretary-General of the Convention on the Future of the European Union in respect of the implementation for the financial year 2002 of the budget of the Fund set up for the financing of the Convention,

Having regard to the assent of the Council of 5 June 2003 on the discharge to be given to the Secretary-General of the Convention on the Future of the European Union in respect of the implementation for the financial year 2002 of the budget of the Fund set up for the financing of the Convention,

Having regard to the assent of the Commission of 9 September 2003 on the discharge to be given to the Secretary-General of the Convention on the Future of the European Union in respect of the implementation for the financial year 2002 of the budget of the Fund set up for the financing of the Convention,

Having examined the revenue and expenditure account, balance sheet and report by the Court of Auditors, for the financial year 2002 ⁽²⁾, as submitted to them,

Whereas, according to the revenue and expenditure account for the financial year 2002:

— revenue amounted to EUR 4 033 835,

— expenditure disbursed from appropriations amounted to EUR 500 392;

Whereas EUR 3 499 608 in appropriations for payments have been carried forward from the financial year 2002 to the financial year 2003;

⁽¹⁾ OJ L 60, 1.3.2002, p. 56.

⁽²⁾ OJ C 122, 22.5.2003, p. 1.

Whereas in its report the Court of Auditors concluded that its audit had enabled it to obtain reasonable assurance that the accounts for the financial year ended 31 December 2002 were reliable and that the underlying transactions were, on the whole, legal and regular;

Whereas the Secretary-General of the Convention on the Future of the European Union made no comments on the Court's report,

HAVE DECIDED AS FOLLOWS

Sole Article

A discharge is hereby given to the Secretary-General of the Convention on the Future of the European Union in respect of the implementation for the financial year 2002 of the budget of the Fund set up for the financing of the Convention.

Done at Brussels, 22 January 2004.

The President
A. ANDERSON

COUNCIL

COUNCIL DECISION of 22 December 2003

relating to the conclusion of an additional Protocol, laying down the trade arrangements for certain fish and fishery products, to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part

(2004/107/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is desirable to complete by means of an additional Protocol the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part ⁽¹⁾, so as to provide for preferential conditions for the importation into the Community of certain fish and fishery products originating in Romania, and into Romania of certain fish and fishery products originating in the Community.
- (2) To that end a new Protocol laying down the trade arrangements for certain fish and fishery products should be added to the said Europe Agreement.
- (3) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Additional Protocol, laying down the trade arrangements for certain fish and fishery products, to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, is hereby approved on behalf of the Community.

The text of the Additional Protocol is attached to this Decision.

Article 2

The President of the Council shall notify the Community's approval of the Protocol to the Government of Romania according to Article 4 thereof.

Done at Brussels, 22 December 2003.

For the Council

The President

A. MATTEOLI

⁽¹⁾ OJ L 357, 31.12.1994, p. 2.

ADDITIONAL PROTOCOL,

laying down the trade arrangements for certain fish and fishery products, to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part,

and

ROMANIA,

of the other part,

Whereas:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, hereinafter referred to as 'the Europe Agreement', was signed in Brussels on 1 February 1993 and entered into force on 1 February 1995.
- (2) Chapter III of the Europe Agreement provides for negotiations to conclude reciprocal tariff concessions in the fisheries sector.
- (3) To this effect technical negotiations based on Article 24 of the Europe Agreement were carried out and successfully concluded between the Community and Romania to agree on reciprocal tariff concessions in the fisheries sector.
- (4) The negotiated concessions in the fisheries sector modify the bilateral concessions granted under the Agreement, which should, therefore, be amended by means of a Protocol adjusting the trade aspects of the Europe Agreement.
- (5) The Community and Romania also agreed on implementing the negotiated tariff concessions as soon as possible on a gradual basis, having decided to apply the agreed tariff concessions with a view to establishing fully liberalised trade in fish and fishery products,

HAVE AGREED AS FOLLOWS:

Article 1

The customs duties applied respectively by the Community and Romania for fish and fishery products as defined in Article 1 of Council Regulation (EC) No 104/2000 ⁽¹⁾, originating in Romania or the Community with the exception of products mentioned in Article 2 of this Protocol, shall be progressively reduced according to the following timetable:

- (a) from the date of entry into force of this Protocol, to 75 % of the basic customs duties;
- (b) from 1 January 2005, to 50 % of the basic customs duties;
- (c) from 1 January 2006, to 25 % of the basic customs duties;
- (d) from 1 January 2007, to 0 % of the basic customs duties.

The basic customs duties to which the successive reductions referred to in this Article will be applied will be the MFN duties applicable at the time of entry into force of this Protocol.

Any agreement on earlier application of full free trade in fish and fishery products, with the exception of those mentioned in Article 2, shall be implemented, if commonly agreed, in accordance with Article 6 of this Protocol.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

Article 2

The customs duties applied by the Community and Romania to products originating in Romania and the Community respectively falling under CN codes ⁽²⁾ 0301 93 00, 0302 11 10, 0302 11 20, 0302 11 80, 0302 23 00, 0302 61 80, 0302 69 11, 0302 69 55, 0303 21 10, 0303 21 20, 0303 21 80, 0303 33 00, 0303 71 80, 0303 79 11, 0303 79 65, 0304 10 15, 0304 10 17, 0304 10 19, 0304 20 15, 0304 20 17, 0304 20 19, 0305 49 45, 0305 59 50, 0305 63 00, 0305 69 90, 1604 12, 1604 13, 1604 15 11, 1604 15 19, 1604 16 00, shall be progressively reduced according to the following timetable:

- (a) from 1 January 2007, to 75 % of the basic customs duties;
- (b) from 1 January 2008, to 50 % of the basic customs duties;
- (c) from 1 January 2009, to 25 % of the basic customs duties;
- (d) from 1 January 2010, to 0 % of the basic customs duties.

⁽²⁾ As defined in Commission Regulation (EC) No 1832/2002 of 1 August 2002 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 290, 28.10.2002, p. 1).

The basic customs duties to which the successive reductions referred to in this Article will be applied will be the MFN duties applicable at the time of entry into force of this Protocol.

Article 3

The reductions referred to in Articles 1 and 2 shall be calculated using common mathematics principles taking into account that:

- (a) all the figures which have less than 50 (included) after the decimal point shall be rounded down to the nearest whole number;
- (b) all the figures which have more than 50 after the decimal point shall be rounded up to the nearest whole number;
- (c) all the tariffs below 2 % shall automatically be fixed at 0 %.

Article 4

This Protocol shall form an integral part of the Europe Agreement.

Article 5

This Protocol shall enter into force on the first day of the month following the date on which the Parties have notified each other of the accomplishment of their internal procedures for acceptance.

Article 6

This Protocol may be amended by decision of the Association Council.

Hecho en Bruselas, el quince de enero de dos mil cuatro.

Udfærdiget i Bruxelles den femtende januar to tusind og fire.

Geschehen zu Brüssel am fünfzehnten Januar zweitausendundvier.

Έγινε στις Βρυξέλλες, στις δεκαπέντε Ιανουαρίου δύο χιλιάδες τέσσερα.

Done at Brussels on the fifteenth day of January in the year two thousand and four.

Fait à Bruxelles, le quinze janvier deux mille quatre.

Fatto a Bruxelles, addì quindici gennaio duemilaquattro.

Gedaan te Brussel, de vijftiende januari tweeduizendvier.

Feito em Bruxelas, em quinze de Janeiro de dois mil e quatro.

Tehty Brysselissä viidentenätoista päivänä tammikuuta vuonna kaksituhattaneljä.

Som skedde i Bryssel den femtonde januari tjugohundrafyra.

Încheiat la Bruxelles, în ziua de cincisprezece ianuarie, anul două mii patru.

Por la Comunidad Europea

På Det Europæiske Fællesskabs vegne

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

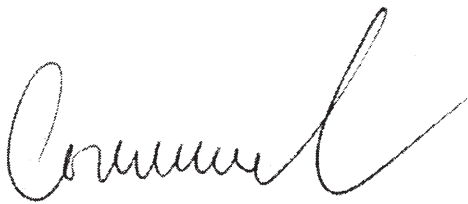
Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

Pentru Comunitatea europeană

Por Rumania
På Rumæniens vegne
Für Rumänien
Για τη Ρουμανία
For Romania
Pour la Roumanie
Per la Romania
Voor Roemenië
Pela Roménia
Romanian puolesta
På Rumäniens vägnar
Pentru România

A large, stylized handwritten signature in black ink, appearing to be the name 'Corina' or similar, written in a cursive script.

COMMISSION

COMMISSION DECISION

of 28 January 2004

amending Annex C to Council Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC

(notified under document number C(2003) 5381)

(Text with EEA relevance)

(2004/108/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC⁽¹⁾, and in particular Article 15 thereof,

Having regard to the requests submitted by Germany, Italy, Austria and the United Kingdom,

Whereas:

- (1) Germany, Italy, Austria and the United Kingdom have submitted reasoned requests for amendments to Annex C to Directive 92/51/EEC.
- (2) Germany has requested that the professional title 'occupational therapist' ('Beschäftigungs- und Arbeitstherapeut') be supplemented by the professional title 'ergotherapist' ('Ergotherapeut'). The Amendment of the Occupational Therapy Law (Beschäftigungs- und Arbeitstherapeutengesetz) of 25 May 1976 in the version in force on 8 March 1994, which entered into force on 1 January 1999, introduced the professional title 'ergotherapist' ('Ergotherapeut') for use alongside the existing title.
- (3) Italy has requested removal of the reference to 'chiroprapist' ('podologo'), since Ministerial Decree (Decreto ministeriale) No 666 of 14 September 1994 lays down the professional qualifications for chiroprapists and provides that the relevant university diploma requiring three years' study is to constitute the mandatory training for that profession. Following the entry into force of that Decree, the profession of chiroprapist falls within the scope of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher

education diplomas awarded on completion of professional education and training of at least three years' duration⁽²⁾.

- (4) Austria has requested the addition of two new professions in the field of bookkeeping: 'commercial bookkeeper' ('Gewerblicher Buchhalter'), in accordance with the Trade, Crafts and Industry Act 1994 (Gewerbeordnung 1994) and 'independent bookkeeper' ('Selbständiger Buchhalter'), in accordance with the Act on Professions in the Field of Public Accountancy 1999 (Bundesgesetz über die Wirtschaftstreuhandberufe 1999). The training schemes have been submitted. Given the level of specialisation and responsibility of holders of this qualification, it should be regarded as comparable to a diploma.
- (5) Austria has requested deletion from Annex C of the activity of advertising and promotion agencies ('Werbeagentur') in the context of the renewal of the law on Professions 1997, BGBl. I No 63/1997, (Gewerbeordnungsnovelle 1997, BGBl. I No 63/1997), since that activity is no longer regulated.
- (6) The United Kingdom has requested addition of the profession of 'listed veterinary nurse' as National Vocational Qualification (NVQ) level 3 in the United Kingdom as a result of changes to the United Kingdom's training requirements for that profession. The Royal College of Veterinary Surgeons is accredited by the Qualifications and Curriculum Authority (QCA) as the relevant awarding body. Annex C to Directive 92/51/EEC already includes NVQ qualifications at that level.
- (7) Directive 92/51/EEC should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee set up under Article 15 of Directive 92/51/EEC,

⁽¹⁾ OJ L 209, 24.7.1992, p. 25. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 19, 24.1.1989, p. 16. Directive as amended by Directive 2001/19/EC of the European Parliament and of the Council (OJ L 206, 31.7.2001, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

Annex C to Directive 92/51/EEC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 January 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX

Annex C to Directive 92/51/EEC is amended as follows:

1. Under heading 1, 'Paramedical and childcare training courses', the text is amended as follows:
 - (a) under the subheading 'in Germany', the indent '— occupational therapist ("Beschäftigungs- und Arbeitstherapeut")' is replaced by '— occupational therapist/ergotherapist ("Beschäftigungs- und Arbeitstherapeut/Ergotherapeut")';
 - (b) under the subheading 'in Italy', the indent '— chiropodist ("podologo")' is deleted.
2. Under heading 4, 'Technical sector', the text under the subheading 'in Austria' is amended as follows:
 - (a) the following indents are added:
 - (i) '— commercial bookkeeper ("Gewerblicher Buchhalter"), in accordance with the Trade, Crafts and Industry Act 1994 (Gewerbeordnung 1994),'
 - (ii) '— independent bookkeeper ("Selbständiger Buchhalter"), in accordance with the Act on Professions in the Field of Public Accountancy 1999 (Bundesgesetz über die Wirtschaftstreuhandberufe 1999).'
 - (b) the indent '— advertising and promotion agency ("Werbeagentur")' is deleted.
3. Under heading 5, 'United Kingdom courses accredited as National Vocational Qualifications or Scottish Vocational Qualifications', in the text under the subheading 'Training for', the following indent is added:

'— listed veterinary nurse.'

COMMISSION DECISION**of 29 January 2004****amending Decision 95/328/EC establishing health certification for fishery products from third countries which are not yet covered by a specific decision***(notified under document number C(2004) 129)***(Text with EEA relevance)**

(2004/109/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and placing on the market of fishery products ⁽¹⁾, and in particular Article 11 thereof,

Whereas:

- (1) Commission Decision 95/328/EC of 25 July 1995 establishing health certification for fishery products from third countries which are not yet covered by a specific decision ⁽²⁾ is valid until 31 December 2003.
- (2) Commission Decision 97/296/EC ⁽³⁾ establishes the list of third countries from which the import of fishery products for human consumption is authorised. Part II of that list contains the third countries which are not yet covered by a specific decision but which satisfy the requirements of Article 2(2) of Council Decision 95/408/EC ⁽⁴⁾. According to Decision 95/408/EC that list is valid until 31 December 2005.
- (3) The date of validity of Decision 95/328/EC should be in line with the date of validity of the provisional list established by Decision 97/296/EC.

(4) Decision 95/328/EC should therefore be amended accordingly.

(5) 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

In Article 4 of Decision 95/328/EC, 'to 31 December 2003' is replaced by 'to 31 December 2005'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 January 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 15. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 191, 12.8.1995, p. 32. Decision as last amended by Decision 2001/67/EC (OJ L 22, 24.1.2001, p. 41).

⁽³⁾ OJ L 122, 14.5.1997, p. 21. Decision as last amended by Decision 2004/36/EC (OJ L 8, 14.1.2004, p. 8).

⁽⁴⁾ OJ L 243, 11.10.1995, p. 17. Decision as last amended by Decision 2003/912/EC (OJ L 345, 31.12.2003, p. 112).

COMMISSION DECISION

of 29 January 2004

on measures to assess the residual BSE risk in products derived from bovine animals/on a Community financial contribution for measures to assess the residual BSE risk in products derived from bovine animals*(notified under document number C(2004) 132)*

(2004/110/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Articles 19 and 20 thereof,

Whereas:

- (1) According to Decision 90/424/EEC the Community is to undertake the scientific measures necessary for the development of Community veterinary legislation.
- (2) A quantitative assessment of the bovine spongiform encephalopathy (BSE) residual risk in gelatine, tallow and dicalcium phosphate from bovine bones, tallow from fat tissues and tallow from rendered mixtures of tissues is currently being carried out. The methodology for that assessment was adopted by the former Scientific Steering Committee at its meeting of 12 and 13 September 2002.
- (3) The current work undertaken on the assessment of the residual BSE risk needs to be updated in the light of new scientific evidence.
- (4) Cross-contamination by feed containing animal proteins and intended for non-ruminants is considered to be the main remaining source of BSE infection since the introduction of the ruminant feed ban in 1994. 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 ⁽²⁾ prohibits the feeding of animal protein to farmed animals, with the exception of certain animal proteins, the 'extended feed ban'. Despite the extended feed ban, very small amounts of animal proteins are detected in a limited number of samples of feedingstuffs.
- (5) It is therefore necessary to extend the current risk assessment to an assessment of the risk posed by feed containing limited amounts of meat-and-bone meal. This

extension could also consider the variation of the residual risk posed by the presence of the vertebral column according to the age of the animals.

- (6) The measures provided for in this Decision are necessary for the development of Community veterinary legislation and should, therefore, qualify for a financial contribution from the Community.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Commission shall ensure that the current scientific work on a quantitative risk assessment of the residual BSE risk is updated in view of new scientific evidence, and shall in particular ensure the inclusion in this assessment of the residual BSE risks posed by feed containing low amounts of meat-and-bone meal.

The Commission shall report on the outcome of the risk assessment to the Standing Committee on the Food Chain and Animal Health.

Article 2

1. In carrying out the measures provided for in Article 1, the Commission shall take as a basis the methodology recommended by the former Scientific Steering Committee at its meeting of 12 and 13 September 2002.

If necessary, the Commission shall request the European Food Safety Authority (the Authority) to provide updates for the risk assessment's methodology.

2. The Commission shall invite the Authority to provide technical assistance and to express an opinion on the report referred to in Article 1.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1915/2003 (OJ L 283, 31.10.2003, p. 29).

Article 3

For the measures provided for in Article 1 the financial contribution by the Community shall not exceed EUR 50 000.

Article 4

This Decision shall apply from 1 January 2004.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 29 January 2004.

For the Commission
David BYRNE
Member of the Commission

COMMISSION DECISION

of 29 January 2004

on the implementation of surveys for avian influenza in poultry and wild birds in Member States, to be carried out during 2004*(notified under document number C(2004) 134)*

(2004/111/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

(1) Pursuant to Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽²⁾ regular monitoring of poultry flocks and wild birds in order to assess the possible presence of disease in these populations is not foreseen.

(2) Experience has shown that certain strains of the avian influenza virus, which are currently not covered by the control measures of the Directive, have the ability to mutate to highly pathogenic strains after having circulated in the poultry population for some time.

(3) This situation is liable to cause high mortality in poultry and severe economic losses to the poultry industry, which could be decreased by implementing a screening system in the Member States to allow an earlier detection and control of such precursor strains.

(4) The Scientific Committee on Animal Health and Animal Welfare has issued an opinion on the definition of avian influenza and the use of vaccination against avian influenza. In this report it was recommended to change the definition for avian influenza in order to include more avian influenza strains for which eradication measures are appropriate. Furthermore, surveys should be carried out to determine the prevalence of such strains in different poultry populations. This should allow an estimate of the costs for the modified disease control measures.

(5) In November 2001 the Commission organised a symposium on the preparedness for influenza pandemics in humans. It was stressed that surveys in various animal populations should be carried out to better assess the zoonotic impact of such infections.

(6) Both the zoonotic aspect and the animal health implications underline the need of surveys for influenza in animal populations.

(7) In 2002 and 2003 all Member States have implemented surveys for avian influenza in poultry and most countries have also carried out a screening in wild birds according to Commission Decision 2002/649/EC ⁽³⁾.

(8) The individual programmes and the Community's financial contribution to each of these programmes have been approved by Decision 2002/673/EC ⁽⁴⁾.

(9) During these surveys the presence of different subtypes of H5 and H7 avian influenza viruses has been detected in poultry in several Member States. Although the current prevalence of avian influenza viruses can be considered rather low, it can be concluded that it is important to follow up these positive findings and to continue the surveillance in the year 2004 to better understand the epidemiology of the avian influenza viruses.

(10) Member States should submit their programmes for approval by the Commission so that financial assistance by the Community may be granted.

(11) Article 32 of the Act of Accession of 2003 lays down that the new Member States are to receive the same treatment as the present Member States as regards expenditure under veterinary funds.

(12) However, no financial commitment may be made for any programme before the accession of the concerned acceding Member State has taken place. Furthermore, the monitoring of certain diseases in acceding Member States can also be co-financed by other Community instruments.

(13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,

⁽¹⁾ OJ L 224, 18.8.1990, p. 19. Decision as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1.).

⁽²⁾ OJ L 167, 22.6.1992, p. 1.

⁽³⁾ OJ L 213, 9.8.2002, p. 38.

⁽⁴⁾ OJ L 228, 24.8.2002, p. 27. Decision as amended by Decision 2003/21/EC (OJ L 8, 14.1.2003, p. 37).

HAS ADOPTED THIS DECISION:

Article 1

Member States shall submit for approval to the Commission by 15 March 2004 plans for the implementation of surveys for avian influenza in poultry and wild birds.

Article 2

The Community's financial contribution towards the measures referred to in Article 1 shall be at the rate of 50 % of the costs incurred in Member States for sampling and analysing of samples up to a maximum of EUR 600 000 for all Member States in total.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 January 2004.

For the Commission
David BYRNE
Member of the Commission

COUNCIL AND COMMISSION

COUNCIL AND COMMISSION DECISION of 22 December 2003

on the signature on behalf of the European Community and of the European Atomic Energy Community of the Agreement on Scientific and Technological Cooperation between the European Community and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part

(2004/112/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAVE DECIDED AS FOLLOWS:

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 1

Having regard to the Treaty establishing the European Community, and in particular Article 170, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

1. Subject to conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Agreement on Scientific and Technological Cooperation between the European Community and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second subparagraph of Article 101 thereof,

2. Subject to conclusion at a later date, the President of the Commission is hereby authorised to designate the person empowered to sign, on behalf of the European Atomic Energy Community, the Agreement on Scientific and Technological Cooperation between the European Community and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part.

Having regard to the proposal from the Commission,

Whereas:

Article 2

(1) The Commission has negotiated, on behalf of the Communities, an Agreement on Scientific and Technological Cooperation with the Swiss Confederation.

Subject to reciprocity, the Agreement on Scientific and Technological Cooperation between the European Community and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, shall be applied on a provisional basis as from 1 January 2004 pending the completion of the procedures for its conclusion.

(2) This Agreement was initialled by the representatives of the Parties on 5 September 2003.

The text of the Agreement is annexed to this Decision.

(3) Subject to conclusion at a later date, the Agreement should be signed on behalf of the Communities.

Done at Brussels, 22 December 2003.

(4) Subject to reciprocity, this Agreement should be applied on a provisional basis as from 1 January 2004 pending the completion of the procedures for its conclusion, as provided for by Article 14(2) thereof,

For the Council

For the Commission

The President

The President

A. MATTEOLI

R. PRODI

AGREEMENT

on Scientific and Technological Cooperation between the European Community and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part

THE COUNCIL OF THE EUROPEAN UNION, acting on behalf of the European Community, and THE COMMISSION OF THE EUROPEAN COMMUNITIES (hereinafter referred to as 'the Commission'), acting on behalf of the European Atomic Energy Community, hereinafter referred to collectively as 'the Communities',

of the one part, and

THE SWISS FEDERAL COUNCIL, acting on behalf of the Swiss Confederation, hereinafter referred to as 'Switzerland',

of the other part,

hereinafter referred to as 'the Parties',

CONSIDERING that the close relationship between Switzerland and the Communities is of benefit to the Parties;

CONSIDERING the importance of scientific and technological research for the Communities and for Switzerland and their mutual interest in cooperating in this matter in order to make better use of resources and to avoid unnecessary duplication;

WHEREAS Switzerland and the Communities are currently implementing research programmes in fields of common interest;

WHEREAS the Communities and Switzerland have an interest in cooperating on these programmes to their mutual benefit;

CONSIDERING the interest of the Parties in encouraging the mutual access of their research entities to research and technological development activities in Switzerland, on the one hand, and to the Communities' Framework Programmes for research and technological development, on the other;

WHEREAS the European Atomic Energy Community and Switzerland concluded a Cooperation Agreement in 1978 in the field of controlled thermonuclear fusion and plasma physics (hereinafter referred to as the 'Fusion Agreement');

WHEREAS the Parties concluded a Framework Agreement on 8 January 1986 for scientific and technical cooperation, which entered into force on 17 July 1987 (hereinafter referred to as 'the Framework Agreement');

CONSIDERING that Article 6 of the Framework Agreement states that the cooperation aimed at by the Framework Agreement is to be carried out through appropriate agreements;

WHEREAS on 21 June 1999 the Communities and Switzerland signed an Agreement on Scientific and Technological Cooperation ⁽¹⁾, which expired on 31 December 2002;

CONSIDERING that Article 9(2) of the abovementioned Agreement provides for renewal of the Agreement with a view to participation in new multiannual Framework Programmes for research and technological development, under mutually agreed conditions;

WHEREAS the Sixth Framework Programme of the European Community for research, technological development and demonstration activities (2002 to 2006) (hereinafter referred to as 'the Sixth EC Framework Programme') was adopted by Decision No 1513/2002/EC ⁽²⁾ and Regulation (EC) No 2321/2002 ⁽³⁾ of the European Parliament and of the Council, and by Council Decisions 2002/834/EC ⁽⁴⁾, 2002/835/EC ⁽⁵⁾ and 2002/836/EC ⁽⁶⁾ and the Sixth Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities, also contributing to the creation of the European Research Area (2002 to 2006) was adopted by Council Decision 2002/668/Euratom ⁽⁷⁾, Council Regulation (Euratom) No 2322/2002 ⁽⁸⁾ and Council Decisions 2002/837/Euratom ⁽⁹⁾ and 2002/838/Euratom ⁽¹⁰⁾ (hereinafter referred to as 'the Sixth EC and Euratom Framework Programmes');

⁽¹⁾ OJ L 114, 30.4.2002, p. 468.

⁽²⁾ OJ L 232, 29.8.2002, p. 1.

⁽³⁾ OJ L 355, 30.12.2002, p. 23.

⁽⁴⁾ OJ L 294, 29.10.2002, p. 1.

⁽⁵⁾ OJ L 294, 29.10.2002, p. 44.

⁽⁶⁾ OJ L 294, 29.10.2002, p. 60.

⁽⁷⁾ OJ L 232, 29.8.2002, p. 34.

⁽⁸⁾ OJ L 355, 30.12.2002, p. 35.

⁽⁹⁾ OJ L 294, 29.10.2002, p. 74.

⁽¹⁰⁾ OJ L 294, 29.10.2002, p. 86.

WHEREAS without prejudice to the provisions of the Treaties establishing the Communities, this Agreement and any activities entered into under it will in no way affect the powers vested in the Member States to undertake bilateral activities with Switzerland in the fields of science, technology, research and development, and to conclude, where appropriate, agreements to that end,

HAVE AGREED AS FOLLOWS:

Article 1

Subject matter

1. The form and conditions of Swiss participation in the implementation of the whole of the Sixth EC and Euratom Framework Programmes shall be as laid down in this Agreement, without prejudice to the terms of the Fusion Agreement. Legal entities established in Switzerland may participate in all the specific programmes of the Sixth EC and Euratom Framework Programmes.

2. Swiss legal entities may participate in the activities of the Joint Research Centre of the Communities, as far as this participation is not covered by paragraph 1.

3. Legal entities established in the Communities, including the Joint Research Centre, may participate in research programmes and/or projects in Switzerland on themes equivalent to those of the programmes of the Sixth EC and Euratom Framework Programmes.

4. For the purposes of this Agreement 'legal entity' means any natural or any legal person created under the national law at its place of establishment or under Community law, having legal personality and being entitled to have rights and obligations of any kind in its own name. This shall include, *inter alia*, universities, research organisations, industrial companies, including small and medium-sized enterprises, and individuals.

Article 2

Forms and means of cooperation

Cooperation shall take the following forms:

1. Participation of legal entities established in Switzerland in all specific programmes adopted under the Sixth EC and Euratom Framework Programmes, in accordance with the terms and conditions laid down in the rules for the participation of undertakings, research centres and universities both in research, technological development and demonstration activities of the European Community and in research and training activities of the European Atomic Energy Community.

Switzerland shall be taken into consideration, alongside the Member States of the European Union, for any indirect action under the Sixth EC Framework Programme based on Article 169 of the Treaty establishing the European Community, subject to participation in the same indirect action by at least two Member States or associated candidate countries.

2. Financial contribution by Switzerland to the budgets of the programmes adopted for the implementation of the Sixth EC and Euratom Framework Programmes, as defined in Article 5(2).

3. Participation of legal entities established in the Communities in Swiss research programmes and/or projects decided by the Federal Council on themes equivalent to those of the Sixth EC and Euratom Framework Programmes, in accordance with the terms and conditions laid down in the relevant Swiss regulations and with the agreement of the partners in the specific project and the management of the corresponding Swiss programme. Legal entities established in the Communities participating in Swiss research programmes and/or projects shall cover their own costs, including their relative share of the project's general management and administrative costs.

4. In addition to timely provision of information and documentation concerning the implementation of the Sixth EC and Euratom Framework Programmes and of the Swiss programmes and/or projects, the cooperation between the Parties may include the following forms and means:

- (a) regular exchanges of views on research policy guidelines and priorities and plans in Switzerland and in the Communities;
- (b) exchanges of views on the prospects and development of cooperation;
- (c) timely exchanges of information on the implementation of the research programmes and projects in Switzerland and in the Communities and on the results of the work undertaken under this Agreement;
- (d) joint meetings;
- (e) visits and exchanges of researchers, engineers and technicians;
- (f) regular contacts and follow-up between programme or project leaders in Switzerland and in the Communities;
- (g) participation by experts in seminars, symposia and workshops.

Article 3

Adaptation

Cooperation may be adapted and developed at any time by mutual agreement between the Parties.

*Article 4***Intellectual property rights and obligations**

1. Subject to Annex A and applicable law, legal entities established in Switzerland participating in the Communities' research programmes shall, as regards ownership, exploitation and dissemination of information and intellectual property arising from such participation, have the same rights and obligations as legal entities established in the Communities. This provision shall not apply to the results obtained from projects started before the entry into force of this Agreement.

2. Subject to Annex A and applicable law, legal entities established in the Communities taking part in Swiss research programmes and/or projects, as provided for in Article 2(3), shall, as regards ownership, exploitation and dissemination of information and intellectual property arising from such participation, have the same rights and obligations as legal entities established in Switzerland participating in the programmes and/or projects in question.

*Article 5***Financial provisions**

1. Commitments entered into by the Communities prior to the entry into force of this Agreement — as well as the payments which result from these — shall give rise to no contribution on the part of Switzerland. Switzerland's financial contribution deriving from participation in the implementation of the Sixth EC and Euratom Framework Programmes shall be established in proportion to and in addition to the amount available each year in the general budget of the European Union for commitment appropriations to meet the Commission's financial obligations stemming from work to be carried out in the forms necessary for the implementation, management and operation of the programmes and activities covered by this Agreement.

2. The proportionality factor governing Switzerland's contribution to the Sixth EC and Euratom Framework Programmes, except the Fusion Programme, shall be obtained by establishing the ratio between Switzerland's gross domestic product, at market prices, and the sum of gross domestic products, at market prices, of the Member States of the European Union. The Swiss contribution to the Fusion Programme shall continue to be calculated on the basis of the corresponding agreement.

This ratio shall be calculated on the basis of the latest statistical data from Eurostat, available at the time of publication of the preliminary draft budget of the European Union for the same year.

3. The rules governing Switzerland's financial contribution are set out in Annex B.

*Article 6***Switzerland/Communities Research Committee**

1. The Switzerland/Communities Research Committee set up in the Framework Agreement shall review, evaluate and ensure the proper implementation of this Agreement. Any issues arising from the implementation or interpretation of this Agreement shall be referred to this Committee.

2. The Committee may decide to amend the references to Community acts in Annex C.

*Article 7***Participation**

1. Without prejudice to the provisions of Article 4, legal entities established in Switzerland participating in the Sixth EC and Euratom Framework Programmes shall have the same contractual rights and obligations as entities established in the Communities.

2. For legal entities established in Switzerland, the terms and conditions applicable for the submission and evaluation of proposals and those for the granting and conclusion of contracts under the Communities' programmes shall be the same as those applicable for contracts concluded under the same programmes with legal entities established in the Communities.

3. An appropriate number of Swiss experts shall be taken into consideration in the selection of evaluators or referees under the Communities' research and technological development programmes.

4. Without prejudice to the provisions of Article 1(3), Article 2(3) and Article 4(2) and to existing regulations and rules of procedure, legal entities established in the Communities may participate under equivalent terms and conditions to Swiss partners in programmes and/or projects of the Swiss research programmes mentioned in Article 2(3). The Swiss authorities may make participation in a project by one or more legal entities established in the Communities subject to joint participation by at least one Swiss entity.

*Article 8***Mobility**

Each Party shall undertake, in accordance with existing regulations and agreements in force, to guarantee the entry and stay — as far as indispensable for successful accomplishment of the activity concerned — of a limited number of their researchers participating, in Switzerland and in the Communities, in the activities covered by this Agreement.

*Article 9***Revision and future collaboration**

1. Should the Communities revise or extend their research programmes, this Agreement may be revised or extended under mutually agreed conditions. The Parties shall exchange information and views concerning any such revision or extension, as well as on any matters which affect directly or indirectly Switzerland's cooperation in the fields covered by the Sixth EC and Euratom Framework Programmes. Switzerland shall be notified of the exact content of the revised or extended programmes within two weeks of their adoption by the Communities. In case of such revision or extension of the research programmes, Switzerland may terminate this Agreement by giving six months' notice. The Parties shall give notice of any intention to terminate or to extend this Agreement within three months after the adoption of the Communities' decision.

2. Should the Communities adopt new multiannual Framework Programmes for research and technological development, this Agreement may be renewed or renegotiated under conditions agreed mutually between the Parties. The Parties shall exchange information and views on the preparation of such programmes or other current and future research activities through the Switzerland/Communities Research Committee.

*Article 10***Relation to other international agreements**

The provisions of this Agreement shall apply without prejudice to the advantages envisaged by other international agreements binding one of the Parties and reserved only for legal entities established on the territory of that Party.

*Article 11***Territorial application**

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the Communities are applied and under the conditions laid down in those Treaties and, on the other, to the territory of Switzerland.

*Article 12***Annexes**

Annexes A, B and C shall form an integral part of this Agreement.

*Article 13***Amendment and termination**

1. This Agreement shall apply for the duration of the Sixth EC and Euratom Framework Programmes.

2. This Agreement may be amended only in writing by common consent between the Parties. The procedure for entry into force of the amendments shall be the same as the procedure applicable to this Agreement.

3. Each Party may terminate this Agreement at any time, subject to six months' written notice.

4. Projects and activities in progress at the time of termination and/or expiry of this Agreement shall continue until their completion under the conditions laid down in this Agreement. The Parties shall settle by common consent any other consequences of termination.

*Article 14***Entry into force and provisional application**

1. This Agreement shall be ratified or concluded by the Parties in accordance with their respective rules. It shall enter into force on the dates of the final notification of completion of the procedures necessary to this end and shall come into effect on 1 January 2004.

2. Should the procedures for ratification or conclusion of the Agreement signed not be completed in 2003, the Parties shall apply this Agreement provisionally from 1 January 2004 until its entry into force.

Should one of the Parties inform the other that it will not conclude the Agreement, it is hereby agreed that:

- the Communities shall reimburse to Switzerland its contribution to the general budget of the European Union, as provided for in Article 2(2),
- however, the funds committed by the Communities for participation by legal entities established in Switzerland in indirect action, including the reimbursements provided for in Article 2(1), shall be deducted by the Communities from the abovementioned reimbursement,
- projects and activities started during this provisional application and still in progress at the time of the abovementioned notification shall continue until their completion under the conditions laid down in this Agreement.

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of those texts being equally authentic.

Hecho en Bruselas, el dieciséis de enero de dos mil cuatro.
Udfærdiget i Bruxelles den sekstende januar to tusind og fire.
Geschehen zu Brüssel am sechzehnten Januar zweitausendundvier.
Έγινε στις Βρυξέλλες, στις δεκαέξι Ιανουαρίου δύο χιλιάδες τέσσερα.
Done at Brussels on the sixteenth day of January in the year two thousand and four.
Fait à Bruxelles, le seize janvier deux mille quatre.
Fatto a Bruxelles, addì sedici gennaio duemilaquattro.
Gedaan te Brussel, de zestiende januari tweeduizendvier.
Feito em Bruxelas, em dezasseis de Janeiro de dois mil e quatro.
Tehty Brysselissä kuudentenatoista päivänä tammikuuta vuonna kakstituhattaneljä.
Som skedde i Bryssel den sextonde januari tjugohundrafyra.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
För Europeiska gemenskapen



Por la Comunidad Europea de la Energía Atómica
For Det Europæiske Atomenergifællesskab
Für die Europäische Atomgemeinschaft
Για την Ευρωπαϊκή Κοινότητα Ατομικής Ενέργειας
For the European Atomic Energy Community
Pour la Communauté européenne de l'énergie atomique
Per la Comunità europea dell'energia atomica
Voor de Europese Gemeenschap voor Atoomenergie
Pela Comunidade Europeia da Energia Atómica
Euroopan atomienergiayhteisön puolesta
För Europeiska atomenergigemenskapen



Für die Schweizerische Eidgenossenschaft

Pour la Confédération suisse

Per la Confederazione svizzera



ANNEX A

PRINCIPLES ON THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS

I. SCOPE

For the purposes of this Agreement, 'intellectual property' shall have the meaning defined in Article 2 of the Convention establishing the World Intellectual Property Organisation, signed at Stockholm on 14 July 1967.

For the purposes of this Agreement, 'knowledge' means the results, including information, whether or not they can be protected, as well as copyrights or rights pertaining to such information, following applications for, or the issue of, patents, designs, plant varieties, supplementary protection certificates or similar forms of protection.

II. INTELLECTUAL PROPERTY RIGHTS OF THE LEGAL ENTITIES OF THE PARTIES

1. Each Party shall ensure that the intellectual property rights of the legal entities of the other Party participating in the activities undertaken under this Agreement and the rights and obligations resulting from such participation are treated in a manner compatible with the relevant international conventions applicable to the Parties, notably the TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights administered by the World Trade Organisation), the Berne Convention (Paris Act 1971) and the Paris Convention (Stockholm Act 1967).
2. Legal entities established in Switzerland participating in indirect action under the Sixth EC and Euratom Framework Programmes shall have intellectual property rights and obligations under the conditions set out in Regulation (EC) No 2321/2002 of the European Parliament and of the Council, in Council Regulation (Euratom) No 2322/2002 and in the contract concluded with the European Community, in accordance with point 1.

Where Switzerland participates in indirect action under the Sixth EC Framework Programme, implemented in accordance with Article 169 of the Treaty establishing the European Community, Switzerland shall have the same intellectual property rights and obligations as the Member States participating therein, as set out in the relevant decision of the European Parliament and of the Council and in the contract concluded with the European Community, in accordance with point 1.

3. Legal entities established in a European Union Member State participating in Swiss research programmes and/or projects shall have the same intellectual property rights and obligations as legal entities established in Switzerland participating in these research programmes or projects, in accordance with point 1.

III. INTELLECTUAL PROPERTY RIGHTS OF THE PARTIES

1. Unless otherwise agreed between the Parties, the following rules shall apply to the knowledge generated by the Parties in the course of the activities undertaken in accordance with Article 2(4) of this Agreement:
 - (a) the Party generating the knowledge shall have ownership thereof. Where their respective shares in the work cannot be determined, the Parties shall co-own the knowledge;
 - (b) the Party holding ownership shall grant the other Party rights of access to the knowledge with a view to the activities referred to in Article 2(4) of this Agreement. No charge shall be made for granting rights of access to the knowledge.
2. Unless otherwise agreed between the Parties, the following rules shall apply to scientific literature from the Parties:
 - (a) where a Party publishes data, information and technical or scientific results arising from the activities undertaken under this Agreement in journals, articles, reports and books, including audiovisual works and software, a worldwide, non-exclusive, irrevocable royalty-free licence to translate, adapt, transmit and publicly distribute the works in question shall be granted to the other Party;
 - (b) all copies of copyrighted data and information to be publicly distributed and prepared under this section shall indicate the names of the author or authors, unless an author expressly declines to be named. Copies shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.
3. Unless otherwise agreed between the Parties, the following rules shall apply to undisclosed information of the Parties:
 - (a) at the time of submission to the other Party of information relating to the activities undertaken under this Agreement, each Party shall identify the information which it wishes to remain undisclosed;
 - (b) for the specific purposes of application of this Agreement, the receiving Party may, on its own responsibility, communicate undisclosed information to bodies or persons under its authority;

- (c) with the prior written consent of the Party providing undisclosed information, the receiving Party may disseminate such information more widely than otherwise permitted by subparagraph (b). The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for wider dissemination, and each Party shall grant such approval to the extent permitted by its domestic policies, regulations and laws;
 - (d) non-documentary undisclosed or other confidential information provided in seminars or other meetings of the representatives of the Parties arranged under this Agreement, or information arising from the attachment of staff, use of facilities or indirect action must remain confidential, where the recipient of such undisclosed or other confidential or privileged information was made aware of the confidential character of the information before it was communicated, in accordance with subparagraph (a);
 - (e) each Party shall ensure that undisclosed information which it acquires in accordance with subparagraphs (a) and 3(d) shall be controlled as provided for in this Agreement. If one of the Parties becomes aware that it will be, or may be expected to become, unable to meet the non-dissemination provisions of subparagraphs (a) and (d), it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.
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ANNEX B

FINANCIAL RULES GOVERNING THE CONTRIBUTION OF SWITZERLAND REFERRED TO IN ARTICLE 5 OF THIS AGREEMENT

I. DETERMINATION OF FINANCIAL PARTICIPATION

1. The Commission shall communicate to Switzerland together with relevant background material as soon as possible and at the latest on 1 September of each year:
 - (a) the amounts in commitment appropriations in the statement of expenditure of the preliminary draft budget of the European Union corresponding to the two Framework Programmes;
 - (b) the estimated amount of the contributions derived from the preliminary draft budget, corresponding to the participation of Switzerland in the two Framework Programmes.Nonetheless, in order to facilitate internal budgetary procedures, the Commission services shall provide corresponding indicative figures at the latest on 30 May of each year.
2. As soon as the general budget has been finally adopted, the Commission shall communicate to Switzerland the abovementioned amounts in the statement of expenditure corresponding to the participation of Switzerland.

II. PAYMENT PROCEDURES

1. The Commission shall issue, at the latest on 15 June and 15 November of each financial year, a call for funds to Switzerland corresponding to its contribution under this Agreement. These calls for funds shall provide respectively for the payment of:
 - six twelfths of Switzerland's contribution not later than 20 July, and
 - six twelfths of its contribution not later than 15 December.However, in the last year of the two Framework Programmes, the full amount of Switzerland's contribution shall be paid not later than 20 July.
2. The contributions of Switzerland shall be expressed and paid in euros.
3. Switzerland shall pay its contribution under this Agreement according to the schedule in paragraph 1. Any delay in payment shall give rise to the payment of interest at a rate equal to the one-month inter-bank offered rate (EURIBOR) as on page 248 of Telerate. This rate shall be increased by 1,5 % for each month of delay. The increased rate shall be applied to the entire period of delay. However, the interest shall be due only if the contribution is paid more than 30 days after the scheduled payment dates mentioned in paragraph 1.
2. Travel costs incurred by Swiss representatives and experts for the purposes of taking part in the work of the research committees and those involved in the implementation of the two Framework Programmes shall be reimbursed by the Commission on the same basis as, and in accordance with, the procedures currently in force for the representatives and experts of the Member States of the Communities.

III. CONDITIONS FOR IMPLEMENTATION

1. The financial contribution of Switzerland to the two Framework Programmes in accordance with Article 5 of this Agreement shall normally remain unchanged for the financial year in question.
2. The Commission, at the time of the closure of the accounts relating to each financial year (n), within the framework of the establishment of the revenue and expenditure account, shall proceed to the regularisation of the accounts with respect to the participation of Switzerland, taking into consideration modifications which have taken place, either by transfer, cancellations, carry-overs, or by supplementary and amending budgets during the financial year. This regularisation shall occur at the time of the first payment for the year n+1. However, the final such regularisation shall occur not later than July of the fourth year following the end of the two Framework Programmes.

Payment by Switzerland shall be credited to the European Communities' programmes as budget receipts allocated to the appropriate budget heading in the statement of revenue of the general budget of the European Union.

IV. INFORMATION

1. At the latest on 31 May of each financial year (n + 1), the statement of appropriations for the two Framework Programmes, related to the previous financial year (n), shall be prepared and transmitted to Switzerland for information, according to the format of the Commission's revenue and expenditure account.
 2. The Commission shall communicate to Switzerland all other general financial data relating to the implementation of the two Framework Programmes which is made available to the associated States.
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ANNEX C

FINANCIAL CONTROL OF SWISS PARTICIPANTS IN THE COMMUNITY PROGRAMMES COVERED BY THIS AGREEMENT

I. DIRECT COMMUNICATION

The Commission shall communicate directly with the participants in the Sixth EC and Euratom Framework Programmes established in Switzerland and with their subcontractors. They may submit directly to the Commission all relevant information and documentation which they are required to submit on the basis of the instruments referred to in this Agreement and of the contracts concluded to implement them.

II. AUDITS

1. In accordance with Council Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾ of 25 June 2002 and Commission Regulation (EC, Euratom) No 2342/2002 ⁽²⁾ and with the other rules referred to in this Agreement, the contracts concluded with participants in the programme established in Switzerland may provide for scientific, financial, technological or other audits to be conducted at any time on the premises of the participants and of their subcontractors by Commission agents or by other persons mandated by the Commission.
2. Commission agents and other persons mandated by the Commission shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form. This right of access shall be stated explicitly in the contracts concluded to implement the instruments referred to in this Agreement.
3. The European Court of Auditors shall have the same rights as the Commission.
4. The audits may be conducted after the Sixth EC and Euratom Framework Programmes or this Agreement expire, on the terms laid down in the contracts in question.
5. The Swiss Federal Audit Office shall be informed in advance of the audits conducted on Swiss territory. Such notification shall not be a legal precondition for carrying out such audits.

III. ON-THE-SPOT CHECKS

1. Within the framework of this Agreement, the Commission (OLAF) shall be authorised to carry out on-the-spot checks and inspections on Swiss territory, in accordance with the terms and conditions laid down in Council Regulation (Euratom, EC) No 2185/96 ⁽³⁾.
2. On-the-spot checks and inspections shall be prepared and conducted by the Commission in close collaboration with the Swiss Federal Audit Office or with the other competent Swiss authorities designated by the Swiss Federal Audit Office, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent Swiss authorities may participate in the on-the-spot checks and inspections.
3. If the Swiss authorities concerned so wish, the on-the-spot checks and inspections may be carried out jointly by the Commission and them.
4. Where the participants in the Sixth EC and Euratom Framework Programmes resist an on-the-spot check or inspection, the Swiss authorities, acting in accordance with national rules, shall give Commission inspectors such assistance as they need to allow them to discharge their duty in carrying out an on-the-spot check or inspection.
5. The Commission shall report as soon as possible to the Swiss Federal Audit Office any fact or suspicion relating to an irregularity which has come to its notice in the course of the on-the-spot check or inspection. In any event the Commission shall be required to inform the abovementioned authority of the result of such checks and inspections.

IV. INFORMATION AND CONSULTATION

1. For the purposes of proper implementation of this Annex, the competent Swiss and Community authorities shall regularly exchange information and, at the request of one of the Parties, shall conduct consultations.
2. The competent Swiss authorities shall inform the Commission without delay of any fact or suspicion which has come to their notice relating to an irregularity in connection with the conclusion and implementation of the contracts concluded in application of the instruments referred to in this Agreement.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 357, 31.12.2002, p. 1.

⁽³⁾ OJ L 292, 15.11.1996, p. 2.

V. CONFIDENTIALITY

Information communicated or acquired in any form under this Annex shall be covered by professional secrecy and protected in the same way as similar information is protected by Swiss law and by the corresponding provisions applicable to the Community institutions. Such information may not be communicated to persons other than those within the Community institutions or in the Member States or Switzerland whose functions require them to know it nor may it be used for purposes other than to ensure effective protection of the Parties' financial interests.

VI. ADMINISTRATIVE MEASURES AND PENALTIES

Without prejudice to application of Swiss criminal law, administrative measures and penalties may be imposed by the Commission in accordance with Regulations (EC, Euratom) No 1605/2002 and (EC, Euratom) No 2342/2002 and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests ⁽¹⁾.

VII. RECOVERY AND ENFORCEMENT

Decisions taken by the Commission under the Sixth EC Framework Programme within the scope of this Agreement which impose a pecuniary obligation on persons other than States shall be enforceable in Switzerland. The enforcement order shall be issued, without any further control than verification of the authenticity of the act, by the authorities designated by the Swiss government, which shall inform the Commission thereof. Enforcement shall take place in accordance with the Swiss rules of procedure. The legality of the enforcement decision shall be subject to control by the Court of Justice of the European Communities.

Judgments given by the Court of Justice of the European Communities pursuant to an arbitration clause in a contract under the Sixth EC and Euratom Framework Programmes shall be enforceable on the same terms.

⁽¹⁾ OJ L 312, 23.12.1995, p. 1.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 2286/2003 of 18 December 2003 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code**

(Official Journal of the European Union L 343 of 31 December 2003)

On page 4, in Article 3(1):

for: '1. This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.'

read: '1. This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.'

Corrigendum to Council Directive 88/344/EEC of 13 June 1988 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients

(Official Journal of the European Communities L 157 of 24 June 1988)

On page 29, Article 2(4):

for: '4. Water, to which substances regulating acidity or alkalinity may have been added, other food substances which possess solvent properties and ethanol are authorized as extraction solvents in the manufacture of foodstuffs or food ingredients.'

read: '4. Water, to which substances regulating acidity or alkalinity may have been added, and other food substances which possess solvent properties are authorised as extraction solvents in the manufacture of foodstuffs or food ingredients.'
