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I

(Acts whose publication is obligatory)

Addendum to Council Regulation (EC) No 314/2004 of 19 February 2004 concerning certain restrictive measures in respect of Zimbabwe ⁽¹⁾

Statement concerning the Council Common Position renewing restrictive measures against Zimbabwe and the Council Regulation concerning certain restrictive measures in respect of Zimbabwe

The prohibition against making funds or economic resources available shall not prevent the crediting of the frozen accounts by financial institutions that receive funds transferred by third parties to the account of the listed person or entity, provided that any additions to such accounts will also be frozen. The financial institution should inform the competent authorities regarding such transactions.

⁽¹⁾ OJ L 55, 24.2.2004, p. 1.

COMMISSION REGULATION (EC) No 320/2004
of 24 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⁾, 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 25 February 2004.

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

Done at Brussels, 24 February 2004.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to the Commission Regulation of 24 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	88,2
	204	37,1
	212	115,9
	999	80,4
0707 00 05	052	144,3
	068	88,3
	204	32,1
	999	88,2
0709 10 00	220	68,9
	999	68,9
0709 90 70	052	104,9
	204	65,7
	999	85,3
0805 10 10, 0805 10 30, 0805 10 50	052	47,2
	204	45,9
	212	51,1
	220	45,5
	600	41,8
	624	62,1
	999	48,9
0805 20 10	204	100,9
	999	100,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,1
	204	93,1
	220	88,5
	400	58,9
	464	71,6
	600	97,2
	624	76,4
	999	79,4
0805 50 10	052	60,0
	999	60,0
0808 10 20, 0808 10 50, 0808 10 90	060	38,9
	388	111,5
	400	98,9
	404	90,1
	508	105,8
	512	95,0
	528	98,7
	720	76,6
	999	89,4
0808 20 50	060	65,7
	388	76,0
	400	88,5
	512	65,9
	528	86,4
	720	152,2
999	89,1	

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION DIRECTIVE 2004/21/EC
of 24 February 2004
relating to restrictions on the marketing and use of 'azo colourants' (thirteenth adaptation to
technical progress of Council Directive 76/769/EEC)
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/61/EC⁽¹⁾ of the European Parliament and of the Council of 19 July 2002 amending for the nineteenth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (azocolourants) and in particular Article 2 thereof,

Whereas:

- (1) According to Directive 2002/61/EC amending for the nineteenth time Council Directive 76/769/EEC⁽²⁾ of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of dangerous substances and preparations certain azocolourants are not to be used in textiles and leather articles. Those textiles or leather articles may not be placed on the market unless they conform to the requirements set out in that Directive.
- (2) Article 2 of Directive 2002/61/EC requires the adoption of testing methods for the application of point 43 of Annex I to Directive 76/769/EEC.
- (3) The European Committee for Standardisation (CEN) has developed testing methods, which should be used for testing textile and leather articles in accordance with the application of point 43 of Annex I to Directive 76/769/EEC.
- (4) This Directive should apply without prejudice to Community legislation laying down minimum requirements for the protection of workers, in particular Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work⁽³⁾, and Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to carcinogens at work (Sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC⁽⁴⁾).

- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee for the adaptation to technical progress of the Directives on the removal of technical barriers to trade in dangerous substances and preparations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC is amended as set out in the Annex to this Directive.

Article 2

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

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 24 February 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 243, 11.9.2002, p. 15.

⁽²⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Directive 2003/53/EC of the European Parliament and of the Council (OJ L 178, 17.7.2003, p. 24).

⁽³⁾ OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁴⁾ OJ L 196, 26.7.1990, p. 1. Directive as last amended by Directive 1999/38/EC (OJ L 138, 1.6.1999, p. 66).

ANNEX

Annex I to Directive 76/769/EEC is amended as follows:

1. In point 43, Azocolourants, in the second column point 1 is replaced by the following:

'1. Azodyes which, by reductive cleavage of one or more azo groups, may release one or more of the aromatic amines listed in the Appendix, in detectable concentrations, i.e. above 30 ppm in the finished articles or in the dyed parts thereof, according to the testing methods listed in that Appendix, may not be used in textile and leather articles which may come into direct and prolonged contact with the human skin or oral cavity, such as:

- clothing, bedding, towels, hairpieces, wigs, hats, nappies and other sanitary items, sleeping bags,
- footwear, gloves, wristwatch straps, handbags, purses/wallets, briefcases, chair covers, purses worn round the neck,
- textile or leather toys and toys which include textile or leather garments,
- yarn and fabrics intended for use by the final consumer.'

2. In point 43 of the Appendix the following is added:

'List of testing methods

European Standardisation Organisation (*)	Reference and title of the standard	Reference document	Reference of the superseded standard
CEN	Leather — Chemical tests — Determination of certain azo colourants in dyed leathers	CEN ISO/TS 17234:2003	NONE
CEN	Textiles — Methods for the determination of certain aromatic amines derived from azo colorants — Part 1: Detection of the use of certain azo colorants accessible without extraction	EN 14362-1:2003	NONE
CEN	Textiles — Methods for determination of certain aromatic amines derived from azo colorants — Part 2: Detection of the use of certain azo colorants accessible by extracting the fibres	EN 14362-2:2003	NONE

(*) ESO: European Standardisation Organisations:

CEN: rue de Stassart 36, B-1050 Bruxelles; tel. (32-2) 550 08 11, fax: (32-2) 550 08 19. <http://www.cenorm.be>

CENELEC: rue de Stassart 35, B-1050 Bruxelles; tel. (32-2) 519 68 71, fax: (32-2) 519 69 19. <http://www.cenelec.org>

ETSI: 650, route des Lucioles, F-06921 Sophia Antipolis; tel. (33) 492 94 42 00, fax: (33) 493 65 47 16. <http://www.etsi.org>

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT

DECISION OF THE EUROPEAN PARLIAMENT

of 29 January 2004

on the discharge in respect of the implementation of the general budget of the European Union for the 2001 financial year — Section VII — Committee of the Regions

(2004/180/EC)

THE EUROPEAN PARLIAMENT,

- having regard to the revenue and expenditure account and balance sheet in respect of the financial year 2001 (SEC(2002) 405 — C5-0247/2002),
- having regard to the annual report of the European Court of Auditors for the financial year 2001, together with the institutions' replies (C5-0538/2002) ⁽¹⁾,
- having regard to the statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the European Court of Auditors pursuant to Article 248 of the EC Treaty (C5-0538/2002),
- having regard to the Council's recommendation of 7 March 2003 (C5-0087/2003),
- having regard to Articles 272(10) and 275 of the EC Treaty,
- having regard to Article 22(2) and (3) of the Financial Regulation of 21 December 1977 ⁽²⁾ and Article 50 of the Financial Regulation of 25 June 2002 ⁽³⁾,
- having regard to the observations of the Financial Controller of the Committee of the Regions in his note to the Committee of the Regions' Secretary-General of 25 September 2001,
- having regard to the letter from the Committee of the Regions' Director of Administration to the Chairman of the Committee on Budgetary Control of 27 February 2003,
- having regard to the letter from the Court of Auditors received on 11 July 2003 by the Committee of the Regions in response to its request for an audit of the 2001 accounts and the interim case report by OLAF dated 28 July 2003,
- having regard to the final report by OLAF dated 8 October 2003 and the comments of the Committee of the Regions on that report, forwarded by letter of 29 October 2003,
- having regard to Rule 93a and Annex V of its Rules of Procedure,

⁽¹⁾ OJ C 295, 28.11.2002, p. 1.

⁽²⁾ OJ L 356, 31.12.1977, p. 1.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

- having regard to its decision and resolution of 8 April 2003 ⁽¹⁾ postponing discharge,
 - having regard to the report of the Committee on Budgetary Control (A5-0486/2003),
1. Gives discharge to the Secretary-General of the Committee of the Regions in respect of the implementation of the budget for the 2001 financial year;
 2. Records its comments in the accompanying resolution;
 3. Instructs its President to forward this decision and the accompanying resolution to the Council, the Commission, the Court of Auditors, the Committee of the Regions and the European Economic and Social Committee, and to have them published in the *Official Journal of the European Union* (L series).

The Secretary-General
Julian PRIESTLEY

The President
Pat COX

⁽¹⁾ OJ L 148, 16.6.2003, pp. 57 and 58.

RESOLUTION**of the European Parliament containing the comments accompanying the decision concerning the discharge in respect of the implementation of the general budget of the European Union for the 2001 financial year — Section VII — Committee of the Regions**

THE EUROPEAN PARLIAMENT,

- having regard to the revenue and expenditure account and balance sheet in respect of the financial year 2001 (SEC(2002) 405 — C5-0247/2002),
 - having regard to the annual report of the European Court of Auditors for the financial year 2001, together with the institutions' replies (C5-0538/2002) ⁽¹⁾,
 - having regard to the statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the European Court of Auditors pursuant to Article 248 of the EC Treaty (C5-0538/2002),
 - having regard to the Council's recommendation of 7 March 2003 (C5-0087/2003),
 - having regard to Articles 272(10) and 275 of the EC Treaty,
 - having regard to Article 22(2) and (3) of the Financial Regulation of 21 December 1977 ⁽²⁾ and Article 50 of the Financial Regulation of 25 June 2002 ⁽³⁾,
 - having regard to the observations of the Financial Controller of the Committee of the Regions (COR) in his note to the Committee of the Regions' Secretary-General of 25 September 2001,
 - having regard to the letter from the Committee of the Regions' Director of Administration to the Chairman of the Committee on Budgetary Control of 27 February 2003,
 - having regard to the letter from the Court of Auditors received on 11 July 2003 by the Committee of the Regions in response to its request for an audit of the 2001 accounts and the interim case report by OLAF dated 28 July 2003,
 - having regard to Rule 93a and Annex V of its Rules of Procedure,
 - having regard to its decision and resolution of 8 April 2003 ⁽⁴⁾ postponing discharge,
 - having regard to the report of the Committee on Budgetary Control (A5-0486/2003),
1. Recalls that by its decision of 8 April 2003 it postponed discharge with respect to the 2001 accounts of the Committee of the Regions for the following reasons:
 - the contradictions and differences of interpretation between the documents produced by the Financial Controller and the Director of Administration which had been received in the context of the discharge procedure and confirmed in the meeting of its Committee on Budgetary Control of 19 March 2003;
 - the specific request already made by the Financial Controller for external assistance in addressing the outstanding problems of financial management;
 - concerns raised by the Financial Controller regarding reimbursements for participation at external meetings, travel reimbursements and daily allowances;
 2. Reiterates that in its abovementioned resolution of 8 April 2003 it called on the Committee of the Regions immediately to commission a detailed, full and independent audit, to be carried out by a recognised external institution — preferably the European Court of Auditors — on the Committee's overall budget implementation, as well as the financial and administrative management, taking the view that the audit should examine, *inter alia*, the areas listed above and attest to the sound financial management of the institution, and should be delivered to the discharge authority as soon as possible in order for it to be able to consider the final discharge decision for 2001;

⁽¹⁾ OJ C 295, 28.11.2002, p. 1.

⁽²⁾ OJ L 356, 31.12.1977, p. 1.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁴⁾ OJ L 148, 16.6.2003, pp. 57 and 58.

3. Notes that in response to that resolution and at the request of the Committee of the Regions, the Court of Auditors undertook (in a letter dated 14 May 2003) 'to widen the scope of the current audit relating to the statement of assurance for 2002. The audit will thus include an analysis of the control procedures in place and an examination of the legality and regularity of a sample of underlying transactions. In particular, we will examine a sample of transactions underlying the 2001 accounts for budget line 1004 — Travel and subsistence allowance for formal and other meetings'; recalls that the Court undertook in a meeting of Parliament's committee responsible to communicate its conclusions in good time to allow the committee to draft and submit a second report to Parliament during autumn 2003;

4. Notes the Court's conclusion communicated in a letter ⁽¹⁾ signed by its President as follows:

'It was noted that checks were tightened in 2002, following a report of the Financial Controller in September 2001 and the nomination of a new imprest account holder in January 2002.

The findings of the Court's reviews and examinations of the Committee's 2001 accounts do not show any substantial infringement of the budgetary or financial rules applicable to expenditure made by the Committee of the Regions in 2001. The findings are in line with the Court's statement of assurance included in its annual report for the financial year 2001'

5. Points out that the conclusions of the Court of Auditors appear to contradict its own findings, contained in the 2002 sector letter addressed to the Committee of the Regions and made available to the European Parliament's Committee on Budgetary Control, which show that in a sample of 30 transactions, eight errors were detected;

6. Notes that the letter from the Court of Auditors did not represent the 'detailed, full and independent audit' it had requested from the Committee of the Regions; regrets that the audit carried out by the Court of Auditors did not detect the shortcomings existing in the implementation of procedures for concluding contracts and tenders by the Committee of the Regions, which make up a large part of the European Anti-Fraud Office (OLAF) report; notes however, that the shortcomings referred to are mentioned in the 2002 annual report;

7. Criticises the Court of Auditors, which, in contrast to OLAF, failed to detect any irregularities in the Committee of the Regions; expects the Court of Auditors to issue a statement, by the end of February 2004, providing a detailed explanation of the reasons which led to these differing results;

8. Notes the following remarks based on some of OLAF's conclusions:

(a) procurement procedures

- there is no concrete evidence of elements suggesting personal gain or harmful intent on the part of the staff of the Committee of the Regions, nor any financial loss to the Committee of the Regions;
- however, there is evidence of systematic incompetence and disregard for the essential rules of tendering procedures and financial management, including elements of fraud and fake offers;
- an endemic culture of unprofessionalism and improvisation was revealed;
- the Committee of the Regions should in future provide its staff with training in financial and tendering procedures;

⁽¹⁾ Undated letter from Mr Fabra Vallés to Sir Albert Bore received by the Committee of the Regions on 11 July 2003.

- the Committee of the Regions should involve its legal service in administrative procedures;
 - its President should consider opening disciplinary proceedings in relation to the officials concerned;
- (b) payment of allowances to Members of the Committee of the Regions
- several Members submitted false or incomplete expenses claims and/or supporting documents, in contravention of Article 196 of the Belgian Penal Code as well as Belgian Royal Decision of 31 May 1933 on declarations concerning allowances and subventions;
 - the administration of the Committee of the Regions should adopt detailed rules in relation to presence lists and allowances;
 - the Committee of the Regions' rules on whistle-blowers should be brought into line with the model agreed between Parliament, Council and Commission;
 - payments to certain Members should be re-evaluated and, where appropriate, recoveries made;
 - the Committee of the Regions should consider whether to institute disciplinary proceedings in respect of the failure by officials working for the Committee, to inform OLAF of facts of which they were aware, which were liable to constitute an irregularity detrimental to the Community's financial interests;
- (c) role of the Financial Controller
- there was disrespect for the institutional role of the Financial Controller, the Advisory Committee on Procurements and Contracts and the overruling power of the President;
 - the efforts of the administration were focused on discouraging or destabilising the bringer of the bad news, in this case the Financial Controller, rather than on changing things for the benefit of the Committee of the Regions;
9. Recalls Article 10 of Regulation (EC) No 1073/1999 of the European Parliament and of the Council ⁽¹⁾ in respect of OLAF, under which the Director of OLAF is explicitly required to forward to the judicial authorities information concerning matters liable to result in criminal proceedings; stresses that the Regulation does not provide the Director with any discretionary powers and that it is for the competent judicial authorities alone to decide whether or not criminal proceedings will be instituted;
10. Notes the following comments of the Committee of the Regions annexed to a letter from the Committee's President, dated 29 October 2003:
- (a) it does not seem necessary to refer the case to judicial authorities with regard to the conduct of any present or former Member or personnel of the Committee of the Regions;
- (b) in relation to Members' allowances:
- the outstanding amount of EUR 9 552,12 from Member 'A' ⁽²⁾ will be recovered, as far as is legally and administratively possible, from his heirs;
 - the contested amount of EUR 261,50 for a daily allowance of Member 'B' in 2000 has already been paid back to the Committee of the Regions;
 - the case in relation to Member 'C' has been re-evaluated in detail and the analysis shows a balance amount of EUR 1 140,23 in favour of the Member;
 - the relevant rules and the application forms for Members' allowances would be re-assessed;

⁽¹⁾ OJ L 136, 31.5.1999, p. 1.

⁽²⁾ This amount refers to 1998 and so does not fall under the scope of this discharge report.

- (c) in relation to tendering procedures:
- there was no financial loss to the Committee of the Regions;
 - the Committee of the Regions had decided not to renew the contract for printing newsletters with the firm in question;
- (d) in relation to general management:
- the Committee of the Regions had adopted a new staff policy in April 2003;
 - at its meeting of 8 October 2003 the Committee of the Regions' Bureau had agreed to draw up a work plan to improve the administration and management of the Committee of the Regions, involving three working parties which would submit a reform proposal to the Bureau for a decision in February 2004;
 - the Committee of the Regions had accepted the request by the former Secretary-General, whose appointment was annulled by the Court of First Instance on 18 September 2003 (Case T-73/01) on procedural grounds, to be granted unpaid personal leave from his current position as an A 2 grade Committee of the Regions official with effect from 1 February 2004 onwards, and to be granted early retirement with effect from 1 September 2004;
11. Notes the statement made by the President of the Committee of the Regions before the committee responsible on 4 November 2003, in which he acknowledged that there had been an 'endemic culture of cronyism in the Committee of the Regions in 2001', and in which he announced his intention to submit an overall proposal for the administrative reform of the Committee of the Regions to its Bureau in February 2004; considers that this proposal should be drawn up with the active help of an independent outside expert, such as a former Member of the Court of Auditors, and welcomes the acting Secretary-General's undertaking to this effect; calls on the Committee of the Regions to forward the text of the proposal to the European Parliament as soon as possible; considers that such a proposal must include guarantees as to the ability of the internal auditor to carry out his duties in a professional and independent manner;
12. Calls on the President of the Committee of the Regions to include an action plan for the complete overhaul of the institution, similar to that introduced by the Commission in March 2000, containing specific measures, targets and deadlines that will enable progress to be measured;
13. Supports criticisms and recommendations regarding the opening of disciplinary proceedings against a number of Committee of the Regions officials, including two named officials, and welcomes the acting Secretary-General's commitment to that effect;
14. Supports the work of the internal auditor; condemns, without prejudice to the outcome of the proceedings initiated by the internal auditor pursuant to Article 24 of the Staff Regulations, the official obstruction to which the Financial Controller/internal auditor and his staff have been subjected by the administration of the Committee of the Regions in the course of the exercise of their duties under the Financial Regulation; praises the internal auditor and his staff for their serious and repeated (but ultimately unsuccessful) attempts at convincing the administration and the Bureau of the Committee of the Regions of the need to take remedial action; recognises that in the absence of the protection normally afforded to officials who report wrongdoing, the internal auditor was right to take his concerns directly to the European Parliament and should not suffer any adverse consequences as a result;
15. Notes that the rules relating to the payment of allowances to Members of the Committee of the Regions were revised on 19 November 2002 and that they now stipulate that tickets and boarding cards must be produced before any reimbursement is paid;
16. Demands a declaration by the Committee of the Regions that everything possible will be done to ensure that all its Members cooperate sincerely in order to guarantee consistent and correct application of the rules on the payment of allowances to its Members;

17. Insists that all possible steps should be taken to recover all the sums unduly paid to Members and former Members of the Committee of the Regions; considers however that under no circumstances can claims from Members be backdated;
 18. Notes the judgment handed down by the Court of First Instance on 18 September 2003 annulling the appointment of the Secretary-General of the Committee of the Regions (Case T-73/01);
 19. Calls on the Committee of the Regions to take a decision on whether or not disciplinary proceedings should be instituted to determine whether officials of the Committee are to be held responsible, and to inform Parliament of its decision;
 20. Asks that the Committee of the Regions refuse the request by the former Secretary-General, whose appointment was annulled by the Court of First Instance on 18 September 2003 on procedural grounds, to be granted unpaid personal leave from his current position as an A 2 grade Committee of the Regions official, and to be granted early retirement with effect from 1 September 2004;
 21. Calls on the Committee of the Regions to provide a full report on the current discharge decision in good time for it to be taken into account in the context of the discharge procedure for the 2002 financial year; considers that the President must assume personal responsibility for implementation of the reforms and expects to be regularly informed of progress; determines to re-evaluate the commitment to the reform process in its next discharge decision for 2002;
 22. Insists that the President, as he has undertaken to do, ensure respect throughout the institution for the office and person of the internal auditor, and that his advice and counsel be taken seriously; expects the reform measures to allow open reporting of irregularity and fraud without risk of individual or institutional harassment as has occurred in the past;
 23. Asks the Committee of the Regions to take the necessary measures to ensure that in future bona fide whistle-blowers do not receive the same treatment to which the Financial Controller was subjected;
 24. Demands that the internal auditor receive a formal apology from the President and Secretary-General of the Committee of the Regions as soon as the proceedings initiated by the internal auditor pursuant to Article 24 of the Staff Regulations have come to a conclusion, and without prejudice to the outcome of those proceedings.
-

COUNCIL

COUNCIL DECISION

of 13 January 2004

on the signature and provisional application of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004

(2004/181/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1), 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) The Commission negotiated an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria.
- (2) Subject to its conclusion at a later date, the Agreement should be signed.
- (3) Arrangements should be made for the provisional application of the Agreement from 1 January 2004,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is authorised to designate the person(s) entitled to sign, on behalf of the European Community, the Agreement in the form of an Exchange of Letters

between the European Community and the Republic of Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004, subject to its conclusion at a later date.

The text of the Agreement is attached to this Decision.

Article 2

The Agreement referred to in Article 1 shall be applied on a provisional basis from 1 January 2004.

Article 3

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

Done at Brussels, 13 January 2004.

For the Council

The President

B. COWEN

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**between the European Community and the Republic of Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004***A. Letter from the European Community*

Sir,

I have the honour to inform you that, following negotiations between the delegation of the Republic of Slovenia and the delegation of the European Community, the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in Slovenia, with a maximum authorised weight of over 7,5 tonnes, using 6, 7 or 8 points, when these vehicles transit Austria, regardless of whether they are laden or not.

Heavy goods vehicles using more than 8 points are not allowed to transit Austria.

Heavy goods vehicles that require 5 points or less are exempt from this system.

2. The number of points allocated to the heavy goods vehicles registered in Slovenia and transiting Austria, from 1 January 2004 until 30 April 2004, is 118 816 points.
3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Slovenia concerning the system of ecopoints to be applied to Slovenian transit traffic through Austria as from 1 January 1997 ⁽¹⁾.

The joint committee established by the Agreement between the European Community and the Republic of Slovenia in the field of transport shall adopt, if necessary, further measures concerning the procedures relating to the transitional points system, the distribution of points and the technical issues concerning the application of the present Exchange of Letters.

4. This Agreement shall enter into force on the day following the notification of both parties that the internal procedure leading to the conclusion of this Agreement is finished.

It shall be applied on a provisional basis from 1 January 2004.

It shall expire on 30 April 2004.

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.

Please accept Sir, the assurance of my highest considerations.

⁽¹⁾ OJ L 182, 16.7.1999, p. 21.

B. Letter from the Republic of Slovenia

Sir,

I refer to your preceding letter, in which you inform me of the following:

I have the honour to inform you that, following negotiations between the delegation of the Republic of Slovenia and the delegation of the European Community, the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in Slovenia, with a maximum authorised weight of over 7,5 tonnes, using 6, 7 or 8 points, when these vehicles transit Austria, regardless of whether they are laden or not.

Heavy goods vehicles using more than 8 points are not allowed to transit Austria.

Heavy goods vehicles that require 5 points or less are exempt from this system.

2. The number of points allocated to the heavy goods vehicles registered in Slovenia and transiting Austria, from 1 January 2004 until 30 April 2004, is 118 816 points.
3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Slovenia concerning the system of ecopoints to be applied to Slovenian transit traffic through Austria as from 1 January 1997 ⁽¹⁾.

The joint committee established by the Agreement between the European Community and the Republic of Slovenia in the field of transport shall adopt, if necessary, further measures concerning the procedures relating to the transitional points system, the distribution of points and the technical issues concerning the application of the present Exchange of Letters.

4. This Agreement shall enter into force on the day following the notification of both parties that the internal procedure leading to the conclusion of this Agreement is finished.

It shall be applied on a provisional basis from 1 January 2004.

It shall expire on 30 April 2004.

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Please accept Sir, the assurance of my highest considerations.

⁽¹⁾ OJ L 182, 16.7.1999, p. 21.

COUNCIL DECISION
of 13 January 2004

on the signature and provisional application of an administrative arrangement in the form of an Exchange of Letters between the European Community and the Swiss Confederation concerning the transitional points system applicable to heavy goods vehicles travelling through Austria

(2004/182/EC)

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 71(1), 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) The Commission negotiated an administrative arrangement in the form of an Exchange of Letters between the European Community and the Swiss Confederation concerning the transitional points system applicable to heavy goods vehicles travelling through Austria.
- (2) Subject to its conclusion at a later date, the administrative arrangement should be signed.
- (3) Arrangements should be made for the provisional application of the administrative arrangement from 1 January 2004,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is authorised to designate the person(s) entitled to sign, on behalf of the European Community, the administrative arrangement in the form of an

Exchange of Letters between the European Community and the Swiss Confederation concerning the transitional points system applicable to heavy goods vehicles travelling through Austria, subject to its conclusion at a later date.

The text of the Agreement is attached to this Decision.

Article 2

The administrative arrangement referred to in Article 1 shall be applied on a provisional basis from 1 January 2004.

Article 3

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

Done at Brussels, 13 January 2004.

For the Council

The President

B. COWEN

ADMINISTRATIVE ARRANGEMENT IN THE FORM OF AN EXCHANGE OF LETTERS
between the European Community and the Swiss Confederation concerning the transitional points
system applicable to heavy goods vehicles travelling through Austria

A. Letter from the European Community

Sir,

I have the honour to inform you that, following negotiations between the delegation of the Swiss Confederation and the delegation of the European Community held in the context of Article 11 of the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road ⁽¹⁾, the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in Switzerland, with a maximum authorised weight of over 7,5 tons, using 6, 7 or 8 points, when these vehicles transit Austria, regardless of whether they are laden or not.

Heavy goods vehicles using more than 8 points are not allowed to transit Austria.

Heavy goods vehicles that require 5 points or less are exempt from this system.

2. The number of points allocated to the heavy goods vehicles registered in Switzerland and transiting Austria is:
for 2004, 140 992 points;
for 2005, 133 572 points;
for 2006, 126 151 points.

One fifth of these points shall be distributed in the form of paper points.

3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in the Convention between the Head of the Federal Department for the environment, transport, energy and communication of the Swiss Confederation and the Federal Ministry for science and transport of the Republic of Austria concerning the application of a system of ecopoints for vehicles in transit through Austria, concluded on 9 September 1999.

The Community-Switzerland Inland Transport Committee shall adopt, if necessary, further measures concerning the procedures relating to the transitional points system, the distribution of points and the technical issues concerning the application of the present Exchange of Letters.

4. This agreement shall enter into force on the day following the notification of both parties that the internal procedure leading to the conclusion of this Agreement is finished.

It shall be applied on a provisional basis from 1 January 2004.

The Agreement shall expire when Regulation (EC) No 2327/2003 of the European Parliament and of the Council of 22 December 2003 establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy ⁽²⁾, expires.

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.

Please accept Sir, the assurance of my highest considerations.

⁽¹⁾ OJ L 114, 30.4.2002, p. 91.

⁽²⁾ OJ L 345, 31.12.2003, p. 30.

B. Letter from the Swiss Confederation

Sir,

I refer to your preceding letter, in which you inform me of the following:

I have the honour to inform you that, following negotiations between the delegation of the Swiss Confederation and the delegation of the European Community held in the context of Article 11 of the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road ⁽¹⁾, the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in Switzerland, with a maximum authorised weight of over 7,5 tons, using 6, 7 or 8 points, when these vehicles transit Austria, regardless of whether they are laden or not.

Heavy goods vehicles using more than 8 points are not allowed to transit Austria.

Heavy goods vehicles that require 5 points or less are exempt from this system.

2. The number of points allocated to the heavy goods vehicles registered in Switzerland and transiting Austria is:
for 2004, 140 992 points;
for 2005, 133 572 points;
for 2006, 126 151 points.

One fifth of these points shall be distributed in the form of paper points.

3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in the Convention between the Head of the Federal Department for the environment, transport, energy and communication of the Swiss Confederation and the Federal Ministry for science and transport of the Republic of Austria concerning the application of a system of ecopoints for vehicles in transit through Austria, concluded on 9 September 1999.

The Community-Switzerland Inland Transport Committee shall adopt, if necessary, further measures concerning the procedures relating to the transitional points system, the distribution of points and the technical issues concerning the application of the present Exchange of Letters.

4. This Agreement shall enter into force on the day following the notification of both parties that the internal procedure leading to the conclusion of this Agreement is finished.

It shall be applied on a provisional basis from 1 January 2004.

The Agreement shall expire when Regulation (EC) No 2327/2003 of the European Parliament and of the Council of 22 December 2003 establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy ⁽²⁾, expires.

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Please accept Sir, the assurance of my highest considerations.

⁽¹⁾ OJ L 114, 30.4.2002, p. 91.

⁽²⁾ OJ L 345, 31.12.2003, p. 30.

COUNCIL DECISION**of 13 January 2004****on the signature and provisional application of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria**

(2004/183/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1), 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) The Commission negotiated an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria.
- (2) Subject to its conclusion at a later date, the Agreement should be signed.
- (3) Arrangements should be made for the provisional application of the Agreement from 1 January 2004,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is authorised to designate the person(s) entitled to sign, on behalf of the European Community, the Agreement in the form of an Exchange of Letters

between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria, subject to its conclusion at a later date.

The text of the Agreement is attached to this Decision.

Article 2

The Agreement referred to in Article 1 shall be applied on a provisional basis from 1 January 2004.

Article 3

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

Done at Brussels, 13 January 2004.

For the Council

The President

B. COWEN

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria***A. Letter from the European Community*

Sir,

I have the honour to inform you that, following the outcome of the conciliation procedure between the Council and the European Parliament on Regulation (EC) No 2327/2003 of the European Parliament and of the Council ⁽¹⁾ establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy, negotiations between the delegation of the Republic of Croatia and the delegation of the European Community were held in the context of Protocol 6 to the Interim Agreement on trade and trade-related matters between the European Community and the Republic of Croatia ⁽²⁾, and taking into account the provisions of Article 11, paragraph 5 of Protocol 6 to the Stabilisation and Association Agreement ⁽³⁾ between the European Communities and their Member States and the Republic of Croatia, and the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in Croatia, with a maximum authorised weight of more than 7,5 tons, using 6, 7 or 8 points, when these vehicles transit Austria, regardless of whether they are laden or not.

Heavy goods vehicles using more than 8 points are not allowed to transit Austria.

Heavy goods vehicles that require 5 points or less are exempt from this system.

2. The number of points allocated to the heavy goods vehicles registered in Croatia and transiting Austria is:

for 2004, 172 378 points;

for 2005, 163 305 points;

for 2006, 154 233 points.

3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Croatia concerning the system of ecopoints to be applied to Croatian transit traffic through Austria as from 1 January 2003 ⁽⁴⁾.

The Interim Committee, and thereafter the Stabilisation and Association Council, shall adopt, if necessary, further measures concerning the procedures relating to the transitional points system, the distribution of points and the technical issues concerning the application of the present Exchange of Letters.

4. This Agreement shall enter into force on the day following the notification of both parties that the internal procedure leading to the conclusion of this Agreement is finished.

It shall be applied on a provisional basis from 1 January 2004.

The Agreement shall expire when Regulation (EC) No 2327/2003 of the European Parliament and of the Council of 22 December 2003 establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy, expires.

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.

Please accept Sir, the assurance of my highest considerations.

⁽¹⁾ OJ L 345, 31.12.2003, p. 30.

⁽²⁾ OJ L 330, 14.12.2001, p. 3.

⁽³⁾ Whose ratification is pending.

⁽⁴⁾ OJ L 150, 18.6.2003, p. 33.

B. Letter from the Republic of Croatia

Sir,

I refer to your preceding letter, in which you inform me of the following:

I have the honour to inform you that, following the outcome of the conciliation procedure between the Council and the European Parliament on Regulation (EC) No 2327/2003 of the European Parliament and of the Council ⁽¹⁾ establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy, negotiations between the delegation of Republic of Croatia and the delegation of the European Community were held in the context of Protocol 6 to the Interim Agreement on trade and trade-related matters between the European Community and the Republic of Croatia ⁽²⁾, and taking into account the provisions of Article 11, paragraph 5 of Protocol 6 to the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Croatia ⁽³⁾, and the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in Croatia, with a maximum authorised weight of more than 7,5 tons, using 6, 7 or 8 points, when these vehicles transit Austria, regardless of whether they are laden or not.

Heavy goods vehicles using more than 8 points are not allowed to transit Austria.

Heavy goods vehicles that require 5 points or less are exempt from this system.

2. The number of points allocated to the heavy goods vehicles registered in Croatia and transiting Austria is:
for 2004, 172 378 points;
for 2005, 163 305 points;
for 2006, 154 233 points.

3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Croatia concerning the system of ecopoints to be applied to Croatian transit traffic through Austria as from 1 January 2003 ⁽⁴⁾.

The Interim Committee, and thereafter the Stabilisation and Association Council, shall adopt, if necessary, further measures concerning the procedures relating to the transitional points system, the distribution of points and the technical issues concerning the application of the present Exchange of Letters.

4. This Agreement shall enter into force on the day following the notification of both parties that the internal procedure leading to the conclusion of this agreement is finished.

It shall be applied on a provisional basis from 1 January 2004.

The Agreement shall expire when Regulation (EC) No 2327/2003 of the European Parliament and of the Council of 22 December 2003 establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy, expires.

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Please accept Sir, the assurance of my highest considerations.

⁽¹⁾ OJ L 345, 31.12.2003, p. 30.

⁽²⁾ OJ L 330, 14.12.2001, p. 3.

⁽³⁾ Whose ratification is pending.

⁽⁴⁾ OJ L 150, 18.6.2003, p. 33.

COUNCIL DECISION
of 13 January 2004

on the signature and provisional application of an Agreement in the form of an Exchange of Letters between the European Community and the former Yugoslav Republic of Macedonia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria

(2004/184/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1), 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) The Commission negotiated an Agreement in the form of an Exchange of Letters between the European Community and the former Yugoslav Republic of Macedonia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria.
- (2) Subject to its conclusion at a later date, the Agreement should be signed.
- (3) Arrangements should be made for the provisional application of the Agreement from 1 January 2004,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is authorised to designate the person(s) entitled to sign, on behalf of the European Community, the Agreement in the form of an Exchange of Letters

between the European Community and the former Yugoslav Republic of Macedonia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria, subject to its conclusion at a later date.

The text of the Agreement is attached to this Decision.

Article 2

The Agreement referred to in Article 1 shall be applied on a provisional basis from 1 January 2004.

Article 3

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

Done at Brussels, 13 January 2004.

For the Council

The President

B. COWEN

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**between the European Community and the former Yugoslav Republic of Macedonia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria***A. Letter from the European Community*

Sir,

I have the honour to inform you that, following negotiations between the delegation of the former Yugoslav Republic of Macedonia and the delegation of the European Community held in the context of Article 12, paragraph 3, letter (b) of the Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of transport ⁽¹⁾, the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in the former Yugoslav Republic of Macedonia, with a maximum authorised weight of over 7,5 tons, using 6, 7 or 8 points, when these vehicles transit Austria, regardless of whether they are laden or not.

Heavy goods vehicles using more than 8 points are not allowed to transit Austria.

Heavy goods vehicles that require 5 points or less are exempt from this system.

2. The number of points allocated to the heavy goods vehicles registered in the former Yugoslav Republic of Macedonia and transiting Austria is:
for 2004, 68 780 points;
for 2005, 65 160 points;
for 2006, 61 540 points.

3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in the Agreement in the form of an Exchange of Letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria as from 1 January 1999 ⁽²⁾.

The Joint Transport Committee established by the Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of transport ⁽³⁾ shall adopt, if necessary, further measures concerning the procedures relating to the transitional points system, the distribution of points and the technical issues concerning the application of the present Exchange of Letters.

4. This Agreement shall enter into force on the day following the notification of both parties that the internal procedure leading to the conclusion of this Agreement is finished.

It shall be applied on a provisional basis from 1 January 2004.

The Agreement shall expire when Regulation (EC) No 2327/2003 of the European Parliament and of the Council of 22 December 2003 establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy ⁽⁴⁾, expires.

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.

Please accept Sir, the assurance of my highest considerations.

⁽¹⁾ OJ L 348, 18.12.1997, p. 170.

⁽²⁾ OJ L 75, 21.3.2003, p. 34.

⁽³⁾ OJ L 348, 18.12.1997, p. 169.

⁽⁴⁾ OJ L 345, 31.12.2003, p. 30.

B. Letter from the former Yugoslav Republic of Macedonia

Sir,

I refer to your preceding letter, in which you inform me of the following:

I have the honour to inform you that, following negotiations between the delegation of the former Yugoslav Republic of Macedonia and the delegation of the European Community held in the context of Article 12, paragraph 3, letter (b) of the Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of transport ⁽¹⁾, the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in the former Yugoslav Republic of Macedonia, with a maximum authorised weight of over 7,5 tons, using 6, 7 or 8 points, when these vehicles transit Austria, regardless of whether they are laden or not.

Heavy goods vehicles using more than 8 points are not allowed to transit Austria.

Heavy goods vehicles that require 5 points or less are exempt from this system.

2. The number of points allocated to the heavy goods vehicles registered in the former Yugoslav Republic of Macedonia and transiting Austria is:

for 2004, 68 780 points;

for 2005, 65 160 points;

for 2006, 61 540 points.

3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in the agreement in the form of an Exchange of Letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria as from 1 January 1999 ⁽²⁾.

The Joint Transport Committee established by the Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of transport ⁽³⁾ shall adopt, if necessary, further measures to the transitional points system concerning the procedures relating to the transitional points system, the distribution of points and the technical issues concerning the application of the present Exchange of Letters.

4. This Agreement shall enter into force on the day following the notification of both parties that the internal procedure leading to the conclusion of this Agreement is finished.

It shall be applied on a provisional basis from 1 January 2004.

The Agreement shall expire when Regulation (EC) No 2327/2003 of the European Parliament and of the Council of 22 December 2003 establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy ⁽⁴⁾, expires.

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Please accept Sir, the assurance of my highest considerations.

⁽¹⁾ OJ L 348, 18.12.1997, p. 170.

⁽²⁾ OJ L 75, 21.3.2003, p. 34.

⁽³⁾ OJ L 348, 18.12.1997, p. 169.

⁽⁴⁾ OJ L 345, 31.12.2003, p. 30.

COUNCIL DECISION
of 19 February 2004
concerning the adoption of a supplementary research programme to be implemented by the Joint
Research Centre for the European Atomic Energy Community

(2004/185/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 7 thereof,

Having regard to the proposal from the Commission submitted after consultation of the Scientific and Technical Committee,

Having regard to the opinion of the Board of Governors of the Joint Research Centre (JRC),

Whereas:

- (1) Within the framework of the European research area, the supplementary research programme involving the high flux reactor (HFR) is one of the principal means available in the Union to contribute to safe nuclear technologies, to materials research for thermonuclear fusion, to fundamental research, to medical research and medical applications and to training in these areas.
- (2) The financial contributions to this supplementary programme will come directly from the Netherlands and France,

HAS ADOPTED THIS DECISION:

Article 1

The supplementary research programme on the operation of HFR, hereinafter referred to as 'the programme', the objectives of which are set out in Annex I, is hereby adopted for a period of three years, starting on 1 January 2004.

Article 2

The financial contributions estimated as necessary for the execution of the programme amount to about EUR 30,6 million. The breakdown of the contributions is given in Annex II. It includes provision for the reactor decommissioning.

Article 3

The Commission shall be responsible for the implementation of the programme, and to this end, shall call upon the services of the JRC. The JRC Board of Governors shall be kept informed about the implementation of the programme.

Article 4

The Commission shall each year, before 15 June, submit to the European Parliament, to the Council and to the European Economic and Social Committee a report on the implementation of this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 19 February 2004.

For the Council
The President
M. McDOWELL

ANNEX I

SCIENTIFIC AND TECHNICAL OBJECTIVES

The programme's aims are primarily:

1. To provide more than 250 days per year of operation of the HFR in order to guarantee availability of neutrons for experiments.
2. To allow for the rational use of this reactor according to the needs of research institutions requiring HFR support in areas such as: improvement of safety of existing nuclear reactors, health, including the development of medical isotopes to answer the questions of medical research and the testing of medical therapeutic techniques, fusion, fundamental research and training and waste management, including the possibility of developing nuclear fuel devoted to the elimination of weapon-grade plutonium.

ANNEX II**BREAKDOWN OF THE CONTRIBUTIONS**

The contributions to the programme will come from the Netherlands and France.

The breakdown of these contributions is as follows:

The Netherlands: EUR 29,75 million

France: EUR 0,90 million

Total: EUR 30,65 million

COMMISSION

COMMISSION DECISION

of 16 February 2004

amending certain Annexes to Decision 96/510/EC as regards the zootechnical requirements for the importation of semen, ova and embryos of the equine species

(notified under document number C(2004) 388)

(Text with EEA relevance)

(2004/186/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 94/28/EC of 23 June 1994 laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species⁽¹⁾, and in particular the third indent of Article 5, the second indent of Article 6 and the second indent of Article 7 thereof,

Whereas:

- (1) Specific particulars should appear in a zootechnical certificate in order to establish the origin and the identification of an animal from which semen, ova and embryos comes.
- (2) Model certificates for intra-Community trade in equine semen, ova and embryos are laid down in Commission Decision 96/79/EC of 12 January 1996 laying down the zootechnical certificates of semen, ova and embryos from registered equidae⁽²⁾.
- (3) Model certificates for imports from third countries of semen, ova and embryos of the bovine, porcine, ovine and caprine species are laid down in Commission Decision 96/510/EC of 18 July 1996 laying down the pedigree and zootechnical certificates for the importation of breeding animals, their semen, ova and embryos⁽³⁾.
- (4) In the interest of consistency of Community rules, the pedigree and zootechnical certificates laid down in Decision 96/510/EC should be supplemented with provisions

for the importation from third countries of semen, ova and embryos of the equine species. Those provisions should be based on the zootechnical requirements that apply to intra-Community trade in semen, ova and embryos of those species.

- (5) Decision 96/510/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Zootechnics,

HAS ADOPTED THIS DECISION:

Article 1

Annexes IV, V and VI to Decision 96/510/EC are amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 February 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 178, 12.7.1994, p. 66.

⁽²⁾ OJ L 19, 25.1.1996, p. 41.

⁽³⁾ OJ L 210, 20.8.1996, p. 53.

ANNEX

Annexes IV, V and VI to Decision 96/510/EC are replaced by the following:

'ANNEX IV

Pedigree and zootechnical certificate for the importation of semen of pure-bred breeding animals of the bovine species, breeding animals of the porcine species, pure-bred breeding sheep and Goats and of registered equidae		
A. <i>Particulars of donor male</i>		
1. Species (bovine, porcine, ovine, caprine equine) ⁽¹⁾	2. Breed/genetic type	
3. Issuing body	4. Name and address of the authority maintaining the herdbook or register in the third country of origin	
5. Name and address of the breeder		
6. Name (optional)	7. Original entry No	
8. Date of birth	9. Blood group ⁽²⁾	
10. Pedigree ⁽³⁾		
Sire Original herd-book No	Grandsire ⁽⁴⁾ Original herd-book No	
	Granddam ⁽⁴⁾ Original herd-book No	
Dam Original herd-book No	Grandsire Original herd-book No	
	Granddam ⁽⁴⁾ Original herd-book No	
11. All available results of performance tests and up-to-date results of the genetic evaluation with name of the body which assessed the genetic value, on the animal itself and its parents and grandparents ⁽³⁾ ⁽⁵⁾		
12. Reliability of the genetic evaluation (only for dairy bulls) (at least 0,5)		
<i>Validity</i>		
13. Date and place	14. NAME IN CAPITAL LETTERS AND TITLE OF SIGNATORY	15. Signature

B. <i>Particulars of semen</i>		
1. Semen identification system (colour, number, etc.)		2. Identification of the container
3. Origin of the semen (address of semen collection/storage centre)		4. Destination of semen (name and address of consignee)
Identification of straw(s)	Number of doses	Date of collection
<i>Validity</i>		
5. Date and place	6. NAME IN CAPITAL LETTERS AND TITLE OF SIGNATORY	7. Signature
<p>(¹) Delete as appropriate. (²) Or other appropriate method approved in accordance with Community legislation, only necessary for cattle, equidae, sheep and goats. (³) Not necessary for hybrid pigs. (⁴) Not necessary for registered equidae. (⁵) If necessary use additional paper.</p>		

ANNEX V

Pedigree and zootechnical certificate for the importation of ova of pure-bred breeding animals of the bovine species, breeding animals of the porcine species, pure-bred breeding sheep and goats and of registered equidae		
A. Particulars of donor female		
1. Species (bovine, porcine, ovine, caprine equine) ⁽¹⁾	2. Breed/genetic type	
3. Issuing body	4. Name and address of the authority maintaining the herdbook or register in the third country of origin	
5. Name and address of the breeder		
6. Name (optional)	7. Original entry No	
8. Fecha de nacimiento	9. Blood group ⁽²⁾	
10. Pedigree ⁽³⁾		
Sire Original herd-book No	Grandsire ⁽⁴⁾ Original herd-book No	
	Granddam ⁽⁴⁾ Original herd-book No	
Dam Original herd-book No	Grandsire Original herd-book No	
	Granddam ⁽⁴⁾ Original herd-book No	
11. All available results of performance tests and up-to-date results of the genetic evaluation with name of the body which assessed the genetic value, on the animal itself and its parents and grandparents ⁽³⁾ ⁽⁵⁾		
Validity		
12. Date and place	13. NAME IN CAPITAL LETTERS AND TITLE OF SIGNATORY	14. Signature

B. <i>Particulars of ova</i>		
1. Ova identification system (colour, number, etc.)		2. Identification of the container
3. Origin of the ova (address of ova collection team)		4. Destination of ova (name and address of consignee)
Identification of straw(s)	Number of ova per straw	Date of collection
<i>Validity</i>		
5. Date and place	6. NAME IN CAPITAL LETTERS AND TITLE OF SIGNATORY	7. Signature
<p>(¹) Delete as appropriate. (²) Or other appropriate method approved in accordance with Community legislation, only necessary for cattle, equidae, sheep and goats. (³) Not necessary for hybrid pigs. (⁴) Not necessary for registered equidae. (⁵) If necessary use additional paper.</p>		

ANNEX VI

Pedigree and zootechnical certificate for the importation of embryos of pure-bred breeding animals of the bovine species, breeding animals of the porcine species, pure-bred breeding sheep and goats and of registered equidae		
A. Particulars of donor male		
1. Species (bovine, porcine, ovine, caprine equine) ⁽¹⁾	2. Breed/genetic type	
3. Issuing body	4. Name and address of the authority maintaining the herdbook or register in the third country of origin	
5. Name and address of the breeder		
6. Name (optional)	7. Original entry No	
8. Date of birth	9. Blood group ⁽²⁾	
10. Pedigree ⁽³⁾		
Sire Original herd-book No	Grandsire ⁽⁴⁾ Original herd-book No	
	Granddam ⁽⁴⁾ Original herd-book No	
Dam Original herd-book No	Grandsire Original herd-book No	
	Granddam ⁽⁴⁾ Original herd-book No	
11. All available results of performance tests and up-to-date results of the genetic evaluation with name of the body which assessed the genetic value, on the animal itself and its parents and grandparents ⁽³⁾ ⁽⁵⁾		
Validity		
12. Date and place	13. NAME IN CAPITAL LETTERS AND TITLE OF SIGNATORY	14. Signature

B. <i>Particulars of donor female</i>		
1. Species (bovine, porcine, ovine, caprine equine) ⁽¹⁾	2. Breed/genetic type	
3. Issuing body	4. Name and address of the authority maintaining the herdbook or register in the third country of origin	
5. Name and address of the breeder		
6. Name (optional)	7. Original entry No	
8. Date of birth	9. Blood group ⁽²⁾	
10. Pedigree ⁽³⁾		
Sire Original herd-book No	Grandsire ⁽⁴⁾ Original herd-book No	
	Granddam ⁽⁴⁾ Original herd-book No	
Dam Original herd-book No	Grandsire Original herd-book No	
	Granddam ⁽⁴⁾ Original herd-book No	
11. All available results of performance tests and up-to-date results of the genetic evaluation with name of the body which assessed the genetic value, on the animal itself and its parents and grandparents ⁽³⁾ ⁽⁵⁾		
<i>Validity</i>		
12. Date and place	13. NAME IN CAPITAL LETTERS AND TITLE OF SIGNATORY	14. Signature

C. <i>Particulars of embryos</i>		
1. Embryo identification system (colour, number, etc.)		2. Identification of the container
3. Origin of the embryo(s) (address of embryo collection team)		4. Destination of embryo(s) (name and address of consignee)
Identification of straw(s)	Number of embryos per straw	Date of collection
<i>Validity</i>		
5. Date and place	6. NAME IN CAPITAL LETTERS AND TITLE OF SIGNATORY	7. Signature
<p>(¹) Delete as appropriate. (²) Or other appropriate method approved in accordance with Community legislation, only necessary for cattle, equidae, sheep and goats. (³) Not necessary for hybrid pigs. (⁴) Not necessary for registered equidae. (⁵) If necessary use additional paper.</p>		

COMMISSION DECISION
of 24 February 2004
concerning protection measures in relation to highly pathogenic avian influenza in the United States of America

(notified under document number C(2004) 640)

(Text with EEA relevance)

(2004/187/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as amended by Directive 96/43/EC ⁽²⁾, and in particular Article 18(1) thereof,

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 ⁽³⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) Avian influenza is a highly contagious viral disease in poultry and birds, which can quickly take epizootic proportions liable to present a serious threat to animal and public health and to reduce sharply the profitability of poultry farming.
- (2) There is a risk that the disease agent might be introduced via international trade in live poultry and poultry products.
- (3) On 23 February 2004 the United States of America confirmed one outbreak of highly pathogenic avian influenza in a poultry flock in the State of Texas (Gonzales County), which has been detected as positive during surveillance carried out on 17 February 2004.
- (4) This detected avian influenza virus strain is of subtype H5N2 and therefore different from the strain currently causing the epidemic in Asia. Current knowledge suggests that the risk to public health in relation to this subtype is inferior to the risk of the strain circulating in Asia, which is an H5N1 virus subtype.
- (5) However, in view of the animal health risk of disease introduction into the Community, it is appropriate as an immediate measure to suspend imports of live poultry, ratites, farmed and wild feathered game birds and hatching eggs of these species from the United States of America.

(6) In accordance with Commission Decision 2000/666/EC ⁽⁴⁾ importation of birds other than poultry is authorised from all member countries of the OIE (World Organisation for Animal Health) subject to animal health guarantees provided by the country of origin, and to strict post-import quarantine measures in the Member States.

(7) However, the importation of birds other than poultry, and also of pet birds accompanying their owners into the Community from the United States of America should be suspended as an additional measure in order to exclude any possible risk for disease occurrence in quarantine stations under the authority of the Member States.

(8) Furthermore, the importation into the Community from the United States of America should be suspended for fresh meat of poultry, ratites, wild and farmed feathered game, meat preparations and meat products consisting of, or containing meat of, those species, obtained from birds slaughtered after 27 January 2004, and for eggs for human consumption.

(9) Commission Decision 97/222/EC ⁽⁵⁾ lays down the list of third countries from which Member States may authorise the importation of meat products, and establishes treatment regimes in order to prevent the risk of disease transmission via such products. The treatment that must be applied to the product depends on the health status of the country of origin, in relation to the species the meat is obtained from; in order to avoid an unnecessary burden on trade, imports of poultrymeat products originating in the United States of America treated to a temperature of at least 70 °Celsius throughout the product should continue to be authorised.

(10) Sanitary control measures applicable to such products allow the exclusion from the scope of this Decision of channelled imports of raw material for the manufacture of animal feedingstuffs and pharmaceutical or technical products.

⁽¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽²⁾ OJ L 162, 1.7.1996, p. 1.

⁽³⁾ OJ L 24, 31.1.1998, p. 9.

⁽⁴⁾ OJ L 278, 31.10.2000, p. 26. Decision as last amended by Decision 2002/279/EC (OJ L 99, 16.4.2002, p. 17).

⁽⁵⁾ OJ L 98, 4.4.1997, p. 39. Decision as last amended by Decision 2004/118/EC (OJ L 36, 7.2.2004, p. 34).

- (11) The United States of America have signed an Agreement with the European Community on sanitary measures to protect public and animal health in trade in live animals and animal products ⁽¹⁾.
- (12) As soon as the United States of America has communicated further information on the disease situation and the control measures taken in this respect the measures taken on Community level in relation to this outbreak should be reviewed.
- (13) The revision of the Decision should take into account the regionalisation measures proposed by the veterinary authorities of the United States of America in accordance with the provisions in the Veterinary Agreement.
- (14) The provisions of this Decision will be reviewed at the meeting of the Standing Committee on the Food Chain and Animal Health scheduled for 2 and 3 March 2004,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall suspend the importation from the territory of the United States of:

- live poultry, ratites, farmed and wild feathered game and hatching eggs of these species,
- birds other than poultry, including pet birds accompanying their owners,
- eggs for human consumption.

Article 2

Member States shall suspend the importation from the territory of the United States of:

- fresh meat of poultry, ratites, farmed and wild feathered game,
- meat preparations and meat products consisting of, or containing meat of, those species.

Article 3

1. By derogation from Article 2, Member States shall authorise the importation of the products covered by this Article which have been obtained from birds slaughtered before 27 January 2004.

2. In the veterinary certificates accompanying consignments of the products mentioned in paragraph 1 the following words as appropriate to the species shall be included:

'Fresh poultrymeat/fresh ratite meat/fresh meat of wild feathered game/fresh meat of farmed feathered game/meat product consisting of, or containing meat of, poultry, ratites, farmed or wild feathered game meat/meat preparation consisting of, or containing meat of, poultry, ratites, farmed or wild feathered game meat ^(A) obtained from birds slaughtered before 27 January 2004 and in accordance with Article 3(1) of Commission Decision 2004/187/EC.

^(A) Delete as appropriate.'

3. By derogation from Article 2, Member States shall authorise the importation of meat products consisting of, or containing meat of, poultry, ratites, farmed and wild feathered game, when the meat of these species has undergone one of the specific treatments referred to under point B, C or D in part IV of the Annex to Decision 97/222/EC.

Article 4

The Member States shall amend the measures they apply to imports so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 5

This Decision shall be reviewed in the light of the disease evolution and information supplied by the veterinary authorities of the United States of America.

Article 6

This Decision shall apply until 23 March 2004.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 24 February 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ Council Decision 98/258/EC (OJ L 118, 21.4.1998, p. 1).