

English edition

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 540/2004
of 24 March 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 March 2004.

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

Done at Brussels, 24 March 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 March 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	98,9
	204	47,2
	212	125,1
	624	124,8
	999	99,0
0707 00 05	052	135,4
	096	93,1
	204	13,1
	999	80,5
0709 90 70	052	126,7
	204	56,3
	999	91,5
0805 10 10, 0805 10 30, 0805 10 50	052	41,7
	204	49,1
	212	57,6
	220	64,9
	400	39,3
	624	58,1
	999	51,8
0805 50 10	052	57,0
	220	31,0
	999	44,0
0808 10 20, 0808 10 50, 0808 10 90	388	88,5
	400	108,4
	404	79,7
	508	71,5
	512	82,3
	524	87,5
	528	74,1
	720	85,9
	999	84,7
	0808 20 50	388
512		66,8
528		66,2
720		34,9
999		62,2

⁽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 REGULATION (EC) No 541/2004
of 23 March 2004
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 2004.

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

Done at Brussels, 23 March 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council (OJ L 311, 12.12.2000, p. 17).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	38,59	287,39	357,80	25,99
1.30	Onions (other than seed) 0703 10 19	42,58	317,11	394,79	28,68
1.40	Garlic 0703 20 00	139,30	1 037,40	1 291,54	93,82
1.50	Leeks ex 0703 90 00	69,22	515,48	641,76	46,62
1.80	White cabbages and red cabbages 0704 90 10	97,03	722,57	899,57	65,35
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43	457,47	569,54	41,37
1.100	Chinese cabbage ex 0704 90 90	77,30	575,65	716,67	52,06
1.130	Carrots ex 0706 10 00	26,04	193,92	241,42	17,54
1.140	Radishes ex 0706 90 90	54,72	407,48	507,30	36,85
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	307,74	2 291,75	2 853,16	207,26
1.170	Beans:				
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	125,32	933,27	1 161,90	84,40
1.170.2	— Beans (<i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	160,66	1 196,44	1 489,53	108,20
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	347,59	2 588,52	3 222,63	234,10
1.200.2	— other 0709 20 00	508,45	3 786,44	4 714,01	342,44
1.210	Aubergines (eggplants) 0709 30 00	132,86	989,43	1 231,81	89,48
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	61,24	456,06	567,78	41,25
1.230	Chantarelles 0709 59 10	994,91	7 409,09	9 224,11	670,07
1.240	Sweet peppers 0709 60 10	216,84	1 614,84	2 010,43	146,04
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	83,50	621,83	774,16	56,24
2.30	Pineapples, fresh ex 0804 30 00	94,74	705,56	878,41	63,81

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.40	Avocados, fresh ex 0804 40 00	154,74	1 152,38	1 434,68	104,22
2.50	Guavas and mangoes, fresh ex 0804 50 00	—	—	—	—
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	—	—	—	—
2.60.3	— Others 0805 10 50	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	153,53	1 143,31	1 423,38	103,40
2.70.2	— Monreales and satsumas ex 0805 20 30	126,59	942,72	1 173,65	85,26
2.70.3	— Mandarines and wilkings ex 0805 20 50	90,42	673,37	838,33	60,90
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	60,29	449,01	559,01	40,61
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	88,73	660,81	822,68	59,76
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	49,38	367,75	457,84	33,26
2.90.2	— pink ex 0805 40 00	60,37	449,56	559,69	40,66
2.100	Table grapes 0806 10 10	130,86	974,52	1 213,26	88,14
2.110	Water melons 0807 11 00	50,14	373,39	464,86	33,77
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	62,12	462,64	575,98	41,84
2.120.2	— Other ex 0807 19 00	94,01	700,06	871,56	63,31
2.140	Pears				
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—
2.150	Apricots 0809 10 00	608,11	4 528,60	5 637,97	409,56
2.160	Cherries 0809 20 95 0809 20 05	338,62	2 521,70	3 139,45	228,06

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.170	Peaches 0809 30 90	130,66	973,01	1 211,37	88,00
2.180	Nectarines ex 0809 30 10	124,68	928,50	1 155,96	83,97
2.190	Plums 0809 40 05	94,86	706,42	879,48	63,89
2.200	Strawberries 0810 10 00	146,43	1 090,47	1 357,60	98,62
2.205	Raspberries 0810 20 10	304,95	2 270,96	2 827,28	205,38
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 223,11	9 108,50	11 339,82	823,76
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	145,75	1 085,40	1 351,29	98,16
2.230	Pomegranates ex 0810 90 95	308,67	2 298,67	2 861,77	207,89
2.240	Khakis (including sharon fruit) ex 0810 90 95	214,04	1 593,96	1 984,43	144,16
2.250	Lychees ex 0810 90 30	—	—	—	—

**COMMISSION REGULATION (EC) No 542/2004
of 24 March 2004**

**derogating for 2004 from Regulations (EC) No 1371/95 and (EC) No 1372/95 as regards the dates
for issuing export licences in the egg and poultrymeat sectors**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Articles 3(2), 8(13) and 15 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular Articles 3(2), 8(12) and 15 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1371/95 ⁽³⁾ and Commission Regulation (EC) No 1372/95 ⁽⁴⁾ laying down detailed rules for implementing the system of export licences in the egg and poultrymeat sectors, respectively, provide that export licences are to be issued on the Wednesday following the week in which the licence applications are lodged, provided that no particular measures have been taken by the Commission in the meantime.
- (2) Because of public holidays in 2004 and the irregular publication of the *Official Journal of the European Union* during those holidays, the period for consideration will be too brief to guarantee proper administration of the market. It should therefore be extended.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 3(3) of Regulations (EC) No 1371/95 and (EC) No 1372/95, licences shall be issued on the dates given in the table below provided that no particular measures, as provided for in paragraph 4 of that Article, have been taken prior to those dates:

Period for lodging licence applications	Date of issue
from 5 to 9 April 2004	15 April 2004
from 24 to 28 May 2004	3 June 2004
from 25 to 29 October 2004	5 November 2004

Article 2

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

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

Done at Brussels, 24 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 806/2003.

⁽³⁾ OJ L 133, 17.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 2260/2001 (OJ L 305, 22.11.2001, p. 11).

⁽⁴⁾ OJ L 133, 17.6.1995, p. 26. Regulation as last amended by Regulation (EC) No 1383/2001 (OJ L 186, 7.7.2001, p. 26).

**COMMISSION REGULATION (EC) No 543/2004
of 24 March 2004**

amending Regulation (EC) No 1520/2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amounts of such refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) Articles 5(2) and 7(2) of Commission Regulation (EC) No 1520/2000 ⁽²⁾ provide a system for advance fixing of the rate of refund applicable to goods exported during the validity period of a refund certificate. Where the system of advance fixing is applied, the rate of refund in force on the day on which the application for advance fixing is lodged applies to goods exported at a later date during the validity period of the refund certificate.
- (2) However, as the rates of refund for milk, sugar, cereals and rice are liable to be fixed or modified on Thursdays, there would be a risk of applications for advance fixing for those products being lodged for speculative reasons if such applications lodged on a Thursday were deemed to have been submitted on that day. In order to reduce that risk it should therefore be provided that where an application for advance fixing is lodged on a Thursday, the application is deemed to have been submitted on the following working day.
- (3) Article 21 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽³⁾ provides that no refund is to be granted on products that are not of sound and fair marketable quality on the day of acceptance of the export declaration. In order to ensure that this rule is uniformly applied it should be stipulated in Regulation (EC) No 1520/2000 that for a refund to be granted on the products that are indicated in Article 1 of Council

Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products ⁽⁴⁾, or Article 1 of Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products ⁽⁵⁾, and appear in Annex B to Regulation (EC) No 1520/2000, they must be prepared in accordance with the requirements of those directives and carry the required health mark.

- (4) As some operators may, in practice, require time to make the arrangements necessary to ensure that the packaging on their goods bear the requisite health mark, this requirement should not apply before 15 April 2004.
- (5) Therefore, Regulation (EC) 1520/2000 should be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1520/2000 is amended as follows:

1. In Article 5(2), the second subparagraph is replaced by the following:
- ‘Where the system of advance fixing of the rate of the refund is applied, the rate in force on the day on which the application for advance fixing is lodged shall apply to goods exported at a later date during the period of validity of the refund certificate in accordance with the provisions of Article 9(2). However, applications for advanced fixing lodged on a Thursday shall be deemed to have been submitted on the following working day.’

⁽¹⁾ OJ L 318, 20.12.1993, p. 18. Regulation as last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

⁽²⁾ OJ L 177, 15.7.2000, p. 1. Regulation as last amended by Regulation (EC) No 307/2004 (OJ L 52, 21.2.2004, p. 35).

⁽³⁾ OJ L 102, 17.4.1999, p. 11. Regulation as last amended by Regulation (EC) No 2010/2003 (OJ L 297, 15.11.2003, p. 13).

⁽⁴⁾ OJ L 268, 14.9.1992, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁵⁾ OJ L 212, 22.7.1989, p. 87. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

2. Article 7(2) is replaced by the following:

'2. The party concerned may request advance fixing of the refund rates in force on the day of lodging of the application. In that case, the advance fixing concerns all the applicable refund rates. The sole application for advance fixing may be lodged under the conditions in Annex F either at the time of application for the refund certificate or on the day of granting of the refund certificate but before the last day of validity thereof.

The advance fixing shall not apply to exports taking place before the date of application.

By way of derogation from the first subparagraph, and in so far as the relevant applications relate to requests for advance fixing of refund rates, applications for advance fixing lodged on a Thursday will be deemed to have been submitted on the following working day.'

3. In Article 16, the following paragraph 10 is added:

'10. For a refund to be granted on goods falling within CN codes 0403 10 51 to 0403 10 99, 0403 90 71 to 0403 90 99, 0405 20 10, 0405 20 30 and 2105 00 99, the

goods must meet the requirements in Directive 92/46/EEC, in particular the requirement of having been prepared in an approved establishment and of complying with the health-marking requirements specified in point A of Chapter IV of Annex C thereto.

For a refund to be granted on goods falling within CN codes 3502 11 90 and 3502 19 90, the goods must comply with the provisions laid down in Chapter XI of the Annex to Directive 89/437/EEC.'

Article 2

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

Article 1(3) shall apply from 15 April 2004.

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

Done at Brussels, 24 March 2004.

For the Commission
Erkki LIIKANEN
Member of the Commission

**COMMISSION REGULATION (EC) No 544/2004
of 24 March 2004**

laying down transitory measures to be adopted on account of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia in respect of the reserve drawn up in accordance with Article 14 of Regulation (EC) No 1520/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 41(2) thereof,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2580/2000 ⁽²⁾, and in particular Articles 8(3), first subparagraph, and 16 thereof,

Whereas:

(1) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 543/2004 ⁽⁴⁾, provides that, other than for certain exemptions, the granting of export refunds on goods is conditional on production of a refund certificate. These refund certificates are made available to operators in six tranches over the budget period, with deadlines for applications applying in respect of each tranche. Refund certificates may only be issued to applicants established in the European Union.

(2) On the occasion of the forthcoming accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, operators in these new Member States may apply in the period from 1 to 7 May 2004 for refund certificates from the fifth tranche which will be valid for use from 1 June 2004. However, these operators will not have access to refund certificates issued from previous tranches and therefore will not have access to refund certificates valid for use in the period from 1 to 31 May 2004.

(3) In circumstances where operators established in the new Member States will not have access to refund certificates valid in the period from 1 to 31 May 2004 it is appropriate to adopt special temporary measures exempting such operators from the requirement of presenting refund certificates in the period from 1 to 31 May 2004.

(4) Accordingly, it is appropriate to make certain derogations from Article 14 of Regulation (EC) No 1520/2000 so as to enable operators in new Member States to qualify, in the period from 1 to 31 May 2004, for the exemption provided by the said Article.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Article 14 of Regulation (EC) No 1520/2000 is derogated from for the budgeting year ending 15 October 2004 as follows:

1. The limit of the total reserve mentioned in the first subparagraph of paragraph 1 shall be increased to EUR 40 million.
2. The specified limit of EUR 75 000 mentioned in the first subparagraph of paragraph 2 shall not apply to applications from operators established in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia in respect of exports taking place in the period from 1 to 31 May 2004, of goods manufactured or assembled in the Member State in which the operator is established.
3. The sum mentioned in the second subparagraph of paragraph 3 shall be increased to EUR 30 million.

⁽¹⁾ OJ L 318, 20.12.1993, p. 18.

⁽²⁾ OJ L 298, 25.11.2000, p. 5.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ See page 8 of this Official Journal.

Article 2

This Regulation shall enter into force on 1 May 2004. It shall expire on 16 October 2004.

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

Done at Brussels, 24 March 2004.

For the Commission
Erkki LIIKANEN
Member of the Commission

COMMISSION REGULATION (EC) No 545/2004
of 24 March 2004

amending Council Regulation (EC) No 32/2000 in the light of amendments to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 32/2000 of 17 December 1999 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas and establishing detailed rules for adjusting the quotas, and repealing Regulation (EC) No 1808/95⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1789/2003 of 11 September 2003 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽²⁾ has amended the combined nomenclature codes for certain products of Annexes I and IV to Regulation (EC) No 32/2000. These Annexes should therefore be amended accordingly
- (2) This Regulation should apply from the date of entry into force of Regulation (EC) No 1789/2003.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

Article 1

Regulation (EC) No 32/2000 is amended as follows:

1. In Annex I, for serial number 09.0048, in the second column, CN code 'ex 0304 20 95' is replaced by 'ex 0304 20 94'.
2. Annex IV is amended as follows:
 - (a) the codes for serial number 09.0104 are amended as follows:
 - (i) the codes '4818 20' to '4823 90 90' in the column 'CN code' and the text concerning Chapter 48 in the column 'Description' are deleted;
 - (ii) code 'ex 9113 90 90' is replaced by 'ex 9113 90 80';
 - (b) for serial number 09.0106, in the column 'CN code', code '6217 17 00' is replaced by '6217 10 00'.
 - (c) the codes for serial number 09.0104 are amended as follows:
 - (i) the codes '4818 20 10 10' to '4823 90 90 20' are deleted;
 - (ii) in the column 'TARIC code', the figure '10' is inserted for CN code '7117 19 99';
 - (iii) code '9113 90 90 10' is replaced by '9113 90 80 11'.

Article 2

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

It shall apply from 1 January 2004.

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

Done at Brussels, 24 March 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 5, 8.1.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 384/2003 (OJ L 55, 1.3.2003, p. 15).

⁽²⁾ OJ L 281, 30.10.2003, p. 1.

COMMISSION REGULATION (EC) No 546/2004
of 24 March 2004

amending Annexes I, II and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 324/2004 ⁽²⁾, and in particular Articles 6, 7 and 8 thereof,

Whereas:

- (1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals.
- (2) Maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs.
- (3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue).
- (4) For the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues.

- (5) In the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey.
- (6) Nafcillin should be inserted into Annex I to Regulation (EEC) No 2377/90.
- (7) Oxalic acid should be inserted into Annex II to Regulation (EEC) No 2377/90.
- (8) In order to allow for the completion of scientific studies, Oxolinic acid should be inserted into Annex III to Regulation (EEC) No 2377/90.
- (9) An adequate period should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Directive 2001/82/EC ⁽³⁾ of the European Parliament and of the Council to take account of the provisions of this Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THE FOLLOWING REGULATION:

Article 1

Annexes I, II and III to Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

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

It shall apply from the 60th day following its publication.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1.

⁽²⁾ OJ L 58, 26.2.2004, p. 16.

⁽³⁾ OJ L 311, 28.11.2001, p. 1.

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

Done at Brussels, 24 March 2004.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

A. The following substance(s) is(are) inserted in Annex I to Regulation (EEC) No 2377/90

1. Anti-infectious agents
- 1.2. Antibiotics
- 1.2.1. Penicillins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Nafcillin	Nafcillin	All ruminants ⁽¹⁾	300 µg/kg 300 µg/kg 300 µg/kg 300 µg/kg 30 µg/kg	Muscle Fat Liver Kidney Milk

⁽¹⁾ For intramammary use only.'

B. The following substance(s) is(are) inserted in Annex II to Regulation (EEC) No 2377/90

7. Anti-infectious agents

Pharmacologically active substance(s)	Animal species
'Oxalic acid	Honey bees'

C. The following substance(s) is(are) inserted in Annex III to Regulation (EEC) No 2377/90

1. Anti-infectious agents
- 1.2. Antibiotics
- 1.2.6. Quinolones

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
'Oxolinic acid ⁽¹⁾	Oxolinic acid	Bovine ⁽²⁾	100 µg/kg 50 µg/kg 150 µg/kg 150 µg/kg	Muscle Fat Liver Kidney

⁽¹⁾ Provisional MRLs expire 1 January 2006.

⁽²⁾ Not for use in animals from which milk is produced for human consumption.'

COMMISSION REGULATION (EC) No 547/2004
of 24 March 2004
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 ⁽²⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market.
- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 2004.

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

Done at Brussels, 24 March 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1513/2001 (OJ L 201, 26.7.2001, p. 4).

⁽²⁾ OJ L 78, 31.3.1972, p. 1. Regulation as last amended by Regulation (EEC) No 2962/77 (OJ L 348, 30.12.1977, p. 53).

ANNEX

to the Commission Regulation of 24 March 2004 fixing the export refunds on olive oil

Product code	Destination	Unit of measurement	Amount of refund
1509 10 90 9100	A00	EUR/100 kg	0,00
1509 10 90 9900	A00	EUR/100 kg	0,00
1509 90 00 9100	A00	EUR/100 kg	0,00
1509 90 00 9900	A00	EUR/100 kg	0,00
1510 00 90 9100	A00	EUR/100 kg	0,00
1510 00 90 9900	A00	EUR/100 kg	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 548/2004
of 24 March 2004
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1166/2003 ⁽³⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 March 2004.

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

Done at Brussels, 24 March 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 162, 1.7.2003, p. 57. Regulation as last amended by Regulation (EC) No 421/2004 (OJ L 68, 5.3.2004, p. 18).

ANNEX

to the Commission Regulation of 24 March 2004 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	16,71	7,95
1701 11 90 ⁽¹⁾	16,71	14,25
1701 12 10 ⁽¹⁾	16,71	7,76
1701 12 90 ⁽¹⁾	16,71	13,73
1701 91 00 ⁽²⁾	19,97	16,43
1701 99 10 ⁽²⁾	19,97	10,98
1701 99 90 ⁽²⁾	19,97	10,98
1702 90 99 ⁽³⁾	0,20	0,44

⁽¹⁾ For the standard quality as defined in Annex I, point II, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ For the standard quality as defined in Annex I, point I, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 December 2003

laying down rules for the implementation of Council Decision 2001/792/EC, Euratom establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions

(notified under document number C(2003) 5185)

(Text with EEA relevance)

(2004/277/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community and the Treaty establishing the European Atomic Energy Community,

Having regard to Council Decision 2001/792/EC, Euratom of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions ⁽¹⁾, and in particular Article 8(2)(a) to (e) and (g) thereof,

Whereas:

(1) The Community mechanism established by Decision 2001/792/EC, hereinafter referred to as 'the mechanism', is intended to provide support in the event of major emergencies which may require urgent response action, including emergencies occurring within the context of crisis management referred to in Title V of the Treaty on European Union. In the event of the latter the Joint Declaration by the Council and the Commission on the use of the Community civil protection mechanism in crisis management referred to in Title V of the Treaty on European Union will be taken into account.

(2) The mechanism is intended to help ensure better protection primarily of people, but also of the environment and property, in the event of a major emergency, including accidental marine pollution, as provided for in Decision No 2850/2000/EC of the European Parliament and of the Council of 20 December 2000 setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution ⁽²⁾.

(3) Participation in the Community mechanism is open to Member States, but should also be open to Norway, Iceland and Liechtenstein in the light of Decision of the EEA Joint Committee No 135/2002 of 27 September 2002 amending Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms ⁽³⁾. With regard to the candidate countries, participation should be open to those countries having signed a memorandum of understanding with the Commission.

(4) A procedure for the provision of up-to-date information on the resources available in the States participating in the mechanism for different types of interventions should be established, in order to facilitate, in the event of emergency, the mobilisation of intervention teams, experts and other resources and to ensure a better use of those resources.

(5) A monitoring and information centre should be established which should be accessible and able to react immediately 24 hours a day in order to serve the States participating in the mechanism and the Commission.

(6) The monitoring and information centre is an essential element of the mechanism because it ensures uninterrupted links with the civil protection operational contact points of the States participating in the mechanism. The monitoring and information centre should, in case of emergency, provide immediate access to essential information on experts, intervention teams and other intervention support available.

⁽¹⁾ OJ L 297, 15.11.2001, p. 7.

⁽²⁾ OJ L 332, 28.12.2000, p. 1.

⁽³⁾ OJ L 336, 12.12.2002, p. 36.

- (7) A common emergency communication and information system (CECIS) should be established in order to enable communication and sharing information between the monitoring and information centre and the designated contact points.
- (8) The CECIS is an essential element of the mechanism because it should guarantee the authenticity, integrity and confidentiality of information exchanged among the States participating in the mechanism under routine conditions as well as in emergencies.
- (9) The CECIS should be set up on the basis of a global implementation plan (GIP) as part of the PROCIV-NET project conducted and financed in the context of a programme for the interchange of data between administrations, the IDA programme as provided for in Decision No 1719/1999/EC of the European Parliament and the Council of 12 July 1999 on a series of guidelines, including the identification of projects of common interest, for trans-European networks for the electronic interchange of data between administrations (IDA) ⁽¹⁾, as last amended by Decision No 2046/2002/EC ⁽²⁾, and Decision No 1720/1999/EC of the European Parliament and of the Council of 12 July 1999 adopting a series of actions and measures in order to ensure interoperability of and access to trans-European networks for the electronic interchange of data between administrations (IDA) ⁽³⁾, as last amended by Decision No 2045/2002/EC ⁽⁴⁾.
- (10) The availability of experts capable of organising and coordinating intervention teams represents an important element of the Community mechanism. In order to enable an efficient selection of the experts required, it is essential to agree on common selection criteria
- (11) The tasks of the experts should be defined and the procedure for dispatching them should be determined.
- (12) A training programme should be set up, with a view to improving the coordination of civil protection assistance interventions by ensuring compatibility and complementarity between the intervention teams and by improving the competence of experts. The programme should include joint courses and exercises and an exchange system, combined with lectures, case studies, working groups, simulations, and practical exercises, appropriate to the content of each action. The setting up of such a training programme is also in the spirit of Council Resolution 2002/C 43/01 of 28 January on reinforcing cooperation in the field of civil protection training ⁽⁵⁾.
- (13) In the framework of the Community mechanism, the definition of clear intervention rules is important to ensure efficient assistance in case of emergency.

- (14) The measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 4(1) of Council Decision 1999/847/EC ⁽⁶⁾,

HAS ADOPTED THIS DECISION:

CHAPTER I

GENERAL PROVISIONS

Article 1

This Decision establishes rules implementing Decision 2001/792/EC, Euratom, as regards the following:

1. information on the relevant resources available for civil protection assistance intervention;
2. the establishment of a monitoring and information centre;
3. the establishment of a common emergency communication and information system, hereinafter referred to as 'CECIS';
4. the assessment and/or coordination teams, including criteria for the selection of experts;
5. establishment of a training programme;
6. interventions inside and outside the Community.

Article 2

For the purpose of this Decision the following definitions shall apply:

- (a) 'participating States' means the Member States, the candidate countries having signed a memorandum of understanding with the Commission, and Norway, Iceland and Liechtenstein;
- (b) 'third countries' means countries not participating in the mechanism.

CHAPTER II

RESOURCES AVAILABLE

Article 3

1. The participating States shall provide the Commission with the following information on the resources available for civil protection assistance interventions:
 - (a) the intervention teams identified in accordance with Article 3(a) of Decision 2001/792/EC, Euratom, and in particular
 - (i) the size of the teams and the mobilisation time foreseen,
 - (ii) their availability for interventions within the participating States and in third countries,

⁽¹⁾ OJ L 203, 3.8.1999, p. 1.

⁽²⁾ OJ L 316, 20.11.2002, p. 4.

⁽³⁾ OJ L 203, 3.8.1999, p. 9.

⁽⁴⁾ OJ L 316, 20.11.2002, p. 1.

⁽⁵⁾ OJ C 43, 16.2.2002, p. 1.

⁽⁶⁾ OJ L 327, 21.12.1999, p. 53.

- (iii) their availability for short, medium or long-term missions,
 - (iv) their means of transportation, and their degree of self-sufficiency,
 - (v) any other relevant information;
- (b) the experts selected in accordance with Article 3(b) of Decision 2001/792/EC/Euratom.

2. The information referred to in paragraph 1 shall be regularly updated.

3. The Monitoring and Information Centre, established in accordance with Article 4, shall compile the information referred to in paragraph 1 of this Article and make it available through the CECIS set up in accordance with Article 7.

4. The information referred to in paragraph 1 is based on a mission scenario approach for inside the participating States and outside these States.

CHAPTER III

MONITORING AND INFORMATION CENTRE

Article 4

A monitoring and information centre accessible and able to react immediately 24 hours a day is hereby established and is located in the premises of the Commission.

Article 5

The day-to-day duties of the Monitoring and Information Centre shall include, in particular,

1. regularly updating the information provided by the participating States on the intervention team and experts identified and selected in accordance with Article 3(a) and (b) of Decision 2001/792/EC, Euratom, as well as other intervention support and medical resources that might be available for interventions;
2. pooling the information provided on the capability of the participating States to maintain a production of serums and vaccines or other necessary medical resources and on the stocks which might be available for intervention in the event of a major emergency and compile this information in the information system secured at the appropriate level;
3. regularly updating its working and emergency procedures;
4. contacting the contact points of the participating States with the aim of preparing, if necessary, a report on major emergencies;

5. participating in the 'lessons learned' programme and disseminating its results;
6. involvement in the preparation, organisation, and follow-up of the training courses;
7. involvement in the preparation, organisation, and follow-up of the field and tabletop exercises.

Article 6

In the event of a major emergency, the Monitoring and Information Centre shall operate according to the provisions set out in Chapter VII.

CHAPTER IV

COMMON EMERGENCY COMMUNICATION AND INFORMATION SYSTEM

Article 7

A common emergency communication and information system (CECIS) is hereby established.

Article 8

The CECIS shall consist of the following three components:

- (a) a network layer, consisting of the physical network connecting the competent authorities and the contact points in the participating States and the Monitoring and Information Centre;
- (b) an application layer, consisting of the databases and other information systems necessary for the functioning of the civil protection assistance interventions and in particular those needed:
 - (i) for communicating notifications,
 - (ii) for ensuring communication and information sharing between the Monitoring and Information Centre and competent authorities and the contact points,
 - (iii) for compiling information on serums and vaccines or other medical resources and on stocks,
 - (iv) for disseminating lessons learnt from interventions;
- (c) a security layer, consisting of the set of systems, rules and procedures necessary for ensuring the confidentiality of the data stored in and exchanged via the CECIS.

Article 9

1. The CECIS shall be set up and operate in accordance with Decision No 1719/1999/EC and Decision No 1720/1999/EC.

2. The network layer shall be operated using the trans-European services for telematics between administrations (TESTA), an IDA generic service as set out in Article 4 of Decision No 1720/1999/EC.

3. The application layer shall be a web-enabled multilingual database, accessible over TESTA and linked with the use of a normal SMTP e-mail application.

4. The security layer shall be based on the use of the public key infrastructure for closed user groups (IDA PKI-CUG), an IDA generic service as set out in Article 4 of Decision No 1720/1999/EC.

Article 10

The handling of documents, databases, and information systems classified up to 'EU RESTRICTED' within the CECIS shall conform to the provisions set out in Council Decision 2001/264/EC ⁽¹⁾ and in Commission Decision 2001/844/EC, ECSC, Euratom ⁽²⁾.

Documents and information classified as 'EU CONFIDENTIAL' or higher, shall be transmitted pursuant to special arrangements between the originator and the recipient(s).

The security classification of the CECIS shall be upgraded as appropriate.

Article 11

1. The participating States shall submit to the Commission the appropriate information using the 'Country card template' set out in the Annex.

2. The participating States shall provide information on contact points in the context of civil protection and, where appropriate, of other services handling natural, technological, radiological or environmental accidents, including accidental marine pollution.

3. The participating States shall notify the Commission of any changes to the information referred to in paragraphs 1 and 2 immediately.

Article 12

A user group consisting of representatives nominated by the participating States shall be established. It shall assist the Commission in the validation and testing of the CECIS.

Article 13

1. A global implementation plan (GIP) for the implementation of the CECIS is hereby established. According to the GIP the Commission shall:

- (a) establish specific agreements in the context of the respective IDA framework contracts for the implementation of the network and security layers;

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

⁽²⁾ OJ L 317, 3.12.2001, p. 1.

- (b) on the basis of an open call for tenders, establish agreements for the development and validation of the application layer as well as for the feasibility studies;

- (c) ensure that all persons involved in the development and validation phases as well as the subsequent feasibility studies are appropriately cleared to handle information classified at least 'EU CONFIDENTIAL' according to Decision 2001/264/EC and Commission Decision 2001/844/EC, ECSC, Euratom;

- (d) ensure the management of the project in view of the final installation of the CECIS. In this respect, the Commission shall provide and update a general plan and shall coordinate the development, validation, and implementation phases with the participating States, and the selected contractor(s). The Commission shall also take into account the needs and requirements of the participating States;

- (e) follow up, validate and test the separate layers and the completed CECIS with the help of the user group;

- (f) ensure the training of trainers and that the participating States are regularly informed of the advancement of the project;

- (g) ensure security of the project mainly by not permitting unauthorised dissemination of sensitive information;

- (h) ensure, via the Commission's Data Centre, that the server is appropriately connected to TESTA and is available on at least the same service level as the rest of the network;

- (i) ensure the implementation of the PKI through the Telecommunications Centre;

- (j) provide all the necessary support for the implementation phase of the project and ensure necessary maintenance and support thereafter.

2. The participating States shall ensure the fulfilment of the engagements undertaken in the context of the country card template, such as connection to the TESTA II network, availability of conformant web browsers and e-mail clients and implementation of PKI procedures, in line with the approved planning.

CHAPTER V

ASSESSMENT AND/OR COORDINATION TEAMS, INCLUDING CRITERIA FOR THE SELECTION OF EXPERTS

Article 14

The participating States shall provide and regularly update their information on the experts selected in accordance with Article 3(b) of Decision 2001/792/EC, Euratom.

Article 15

The experts shall be classified in the following categories:

- (a) technical experts;
- (b) assessment experts;
- (c) coordination team members;
- (d) coordination head.

Article 16

1. The technical experts shall be able to provide advice on specific, highly technical topics and on risks involved and be available for missions.

2. The assessment experts shall be able to provide an assessment of the situation and advise on the appropriate action to be taken and be available for missions.

3. The coordination team members may include a deputy coordination head, persons responsible for logistics and communications and other personnel as necessary. If requested, the technical experts and the assessment experts may be incorporated into the coordination team in order to assist the coordination head for the whole duration of a mission.

4. The coordination head shall be responsible for leading the assessment and coordination team during an intervention. She/he shall assume proper liaison with the authorities of the affected country, with the Monitoring and Information Centre, with other international organisations and, in case of any civil protection assistance interventions outside the participating States, also with the Member State holding the Presidency of the Council of the European Union or its representative and with the Commission delegation in that country and with the office or official representative of the European Community Humanitarian Aid Office (ECHO) in that country.

Article 17

The information on the experts shall be compiled by the Commission in an expert database and be made available through the CECIS.

Article 18

The experts shall, where necessary, follow the training programme set up in accordance with Article 21.

Article 19

In the event of a request for assistance, the participating States shall be responsible for activating the available experts and put them in touch with the Monitoring and Information Centre.

Article 20

1. The Monitoring and Information Centre shall be capable of mobilising and dispatching the designated experts at very short notice after the experts have been activated by the participating States.

2. The Monitoring and Information Centre shall follow the dispatch procedure based on the confirmation for mission used by the Commission for the secondment of experts in emergency situations, which covers the following elements:

- (a) written confirmation of the mission;
- (b) the objectives of the mission;
- (c) the envisaged duration of the mission;
- (d) the local contact person information;
- (e) the insurance condition coverage;
- (f) the daily compensation allowance to cover expenses;
- (g) the specific payment conditions;
- (h) guidelines for technical experts, assessment experts, coordination experts and heads.

CHAPTER VI

TRAINING PROGRAMME*Article 21*

1. A training programme covering civil protection assistance interventions is set up. The programme shall include general and specific courses, exercises and an exchange of experts system. The programme shall be aimed at the target groups set out in Article 22.

2. The Commission shall be responsible for the coordination and organisation of the training programme and for defining the content and the schedule of the training programme.

Article 22

The target groups of the training programme shall be:

- (a) participating States' intervention teams;
- (b) participating States' intervention team leaders, their deputies and liaison officers;
- (c) experts of the participating States as set out in Article 15;
- (d) national key contact point staff;
- (e) officials of the Community institutions.

Article 23

The general and specific courses shall be aimed at the different target groups set out in Article 22(b) to (e).

Article 24

The exercises shall, in particular with regard to the target group set out in Article 22(a), aim at:

- (a) improving the response capacity and providing the necessary practice of the teams meeting the criteria for participation in civil protection assistance interventions;
- (b) improving and verifying the procedures and establishing a common language for the coordination of civil protection assistance interventions and reducing the response time in major emergencies;
- (c) enhancing operational cooperation between the civil protection services of the participating States;
- (d) sharing lessons learned.

Article 25

The exchange system shall include the exchange of experts between participating States and/or the Commission, with the aim of enabling experts to:

1. gain experience in other fields;
2. become acquainted with various techniques and operational procedures used;
3. study approaches taken by other participating emergency services and institutions.

Article 26

Where appropriate, additional training opportunities to meet identified needs for the smooth and efficient operation of civil protection assistance interventions shall be provided.

Article 27

1. The Commission shall ensure coherence of the level of training and its content.
2. The participating States and the Commission shall designate their trainees for each training session.
3. The Commission shall organise an appropriate evaluation system of the training actions organised.

CHAPTER VII

INTERVENTIONS INSIDE AND OUTSIDE THE COMMUNITY*Article 28***Alert phase**

1. In the event of a major emergency within the participating States or imminent threat thereof, which causes or is capable of causing transboundary effects or which may result

in a call for assistance through the Monitoring and Information Centre from one or more countries, the competent authority and/or contact points of the State in which the emergency is imminent or has occurred, shall without delay inform the Monitoring and Information Centre via the established communication channels.

2. If the Commission has been informed of a major emergency occurring in a third country, which may require civil protection assistance, the Monitoring and Information Centre shall take contact with the competent authorities of the Member State holding the Presidency of the Council of the European Union and with the other relevant Commission services in order to inform them of the situation.

3. The Monitoring and Information Centre shall collect the essential information on early warnings and transmit that through the established communication channels and networks to the competent civil protection authorities of all participating States and/or their contact points.

4. A participating State affected by a major emergency shall keep the Monitoring and Information Centre informed of the evolution of the situation if any risks for transboundary consequences may appear. The Monitoring and Information Centre shall subsequently inform other participating States and relevant Commission services and regularly update its information of any evolution of the situation.

*Article 29***Requests for assistance**

1. A participating State or a third country affected by a major emergency shall, if assistance is required through the Community mechanism, address a formal request for civil protection assistance to the Monitoring and Information Centre.

2. In case of a major emergency occurring in a third country, which may require civil protection assistance, the Commission may decide on its own initiative to inform the third country of potential Community assistance if needed. The Monitoring and Information Centre shall keep the Member State holding the Presidency of the Council of the European Union regularly informed of any developments.

3. The State requesting assistance shall provide the Monitoring and Information Centre with all relevant information concerning the situation, and in particular, specific needs, the support requested and the location.

If assistance in the form of experts and/or intervention teams and means is requested, the requesting State shall inform the Monitoring and Information Centre about the time frame and location of arrival of the assistance, and the on-site operational contact point managing the emergency.

4. Following coordination between the Monitoring and Information Centre and the requesting State, the Monitoring and Information Centre shall dispatch the request for assistance to the participating States and, where appropriate consult the resources database and inform the relevant Commission services. Any changes in the initial request for assistance by the requesting State shall immediately be transmitted to all participating States.

5. Following the formal request, the participating States shall immediately inform the Monitoring and Information Centre about their current capacity for providing assistance, indicating its scope and terms.

6. The information referred to in paragraph 5 shall immediately be compiled and transmitted by the Monitoring and Information Centre to the requesting State and to the other participating States.

7. The requesting State shall inform the Monitoring and Information Centre of which intervention teams and means it has selected.

8. With regard to requests for intervention teams and means, the Monitoring and Information Centre shall inform the participating States of the selection of the requesting State. The participating States providing the assistance shall keep the Monitoring and Information Centre regularly informed on the dispatch of the intervention teams and means.

9. With regard to requests for experts, the Monitoring and Information Centre shall:

- (a) contact the participating States, using the 'expert database' set up in accordance with Article 17, and enquire about the availability of experts ready to leave, whenever necessary, within three hours after their designation;
- (b) after consultation with the requesting State, make a selection from amongst the available experts and inform the participating States accordingly;
- (c) immediately make contact with the experts and proceed to dispatch them in accordance with the dispatch procedure set out in Article 20(2);
- (d) on the basis of an updated report established by the requesting State, the Monitoring and Information Centre shall prepare a briefing for the experts and intervention team leaders before their dispatch.

10. In the event of a major emergency occurring in a third country, the Monitoring and Information Centre shall work in close consultation with the Member State holding the Presidency of the Council of the European Union and relevant Commission services.

11. The requesting State shall activate its own arrangements allowing coordination of the dispatched assistance at national or regional levels. The requesting State shall facilitate border crossings for the interventions and ensure logistical support.

Article 30

Direction of interventions

1. In the event of a major emergency occurring inside the Community, the requesting State shall direct the assistance intervention in accordance with Article 5(3) and(4) of Decision 2001/792/EC, Euratom.
2. In the event of a major emergency occurring outside the Community, the assessment and coordination teams shall carry out their tasks in accordance with Article 16. The coordination is ensured by the Member State holding the Presidency of the Council of the European Union or its appointed representative.

Article 31

Interventions in third countries

In third countries, the Community assistance intervention may either be conducted as an autonomous operation between the affected third country and the Monitoring and Information Centre and the representative of the Member State holding the Presidency of the Council of the European Union, or as a contribution to an intervention led by the EU or by an international organisation.

Article 32

Expert missions

1. The dispatched experts shall carry out the tasks set out in Article 16. They shall report regularly to the requesting State authorities and to the Monitoring and Information Centre.
2. The Monitoring and Information Centre shall keep the participating States informed about the progress of the expert mission.
3. With regard to the progress of the expert missions in third countries, the Monitoring and Information Centre shall keep the Delegation of the Commission in the country concerned and the representative of the Member State holding the Presidency of the Council of the European Union informed as well as the relevant services of the Commission.
4. The requesting State shall inform the Monitoring and Information Centre on a regular basis about the evolution of ongoing activities at the site of the emergency.
5. In the case of interventions in third countries, the coordination head shall inform the Monitoring and Information Centre on a regular basis of the evolution of ongoing activities on the site of the emergency.

6. The Monitoring and Information Centre shall compile all information received and distribute it to the contact points and competent authorities of the participating States.

Article 33

Operational disengagement

1. The requesting State or any of the participating States providing assistance shall inform the Monitoring and Information Centre and the dispatched Community experts and assistance intervention teams when their assistance is no longer required or can no longer be provided. The effective disengagement shall be organised in an appropriate way by the requesting State and the participating States; the Monitoring and Information Centre shall be kept informed thereof.

2. In third countries, the coordination head shall report to the Monitoring and Information Centre when assistance is no longer required or can no longer be provided. The Monitoring and Information Centre shall transmit this information to the delegation of the Commission in that country and the representative of the Member State holding the Presidency of the Council of the European Union as well as the relevant Commission services. The Monitoring and Information Centre in coordination with the Member State holding the Presidency of the Council of the European Union and the requesting State shall ensure the effective disengagement.

Article 34

Reporting and lessons learnt

1. The competent authorities of the requesting State and of the participating States having provided assistance, as well as the dispatched Community experts, shall present their conclusions on all aspects of the intervention to the Monitoring and Information Centre. A summary report shall then be prepared by the Monitoring and Information Centre on the assistance provided.

2. The Monitoring and Information Centre shall disseminate lessons learnt in order to evaluate and to improve the civil protection assistance interventions.

Article 35

Costs

1. If not agreed otherwise, the State requesting assistance shall bear the costs of assistance provided by the participating States.

2. The Participating State providing assistance may, bearing in mind in particular the nature of the emergency and the extent of any damage, offer its assistance entirely or partially free of charge. That State may also waive all or part of the reimbursement of its costs at any time.

3. If not agreed otherwise, for the duration of the intervention, the requesting State shall house and feed the assisting teams from the participating States, and, if their supplies and provisions run out, shall replenish them at its own expense. Nevertheless, assisting teams shall be initially logistically independent and self-sufficient for a reasonable period depending on the used assets and shall inform the Monitoring and Information Centre accordingly.

4. Costs for dispatching Community experts shall be handled in accordance with Article 20. The Commission shall bear these costs.

Article 36

Compensation for damage

1. The requesting State shall refrain from making any request for compensation from participating States for damage caused to their property or service staff where such damage is the consequence of the assistance intervention provided for by this Decision, unless it is proven to be the result of fraud or serious misconduct.

2. In the event of damage suffered by third parties as the result of assistance interventions, the requesting State and the participating State providing assistance shall cooperate to facilitate compensation of such damage.

Article 37

This Decision is addressed to the Member States.

Done at Brussels, 29 December 2003.

For the Commission

Margot WALLSTRÖM

Member of the Commission

ANNEX

According to Article 5

**Country card template for _____ (country)
in view of the establishment of the common emergency communication and information system (CECIS)**

as laid down in Article 4(b) of Council Decision 2001/792/EC, Euratom establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions ⁽¹⁾

Competent national authority: _____

Member of the Management and Regulatory Committee

First name		Last name	
	Street		City
	Postcode		
Tel.		Fax	E-mail:

(in case of deputy members please fill in similar table)

Information on the site(s) of the contact point(s) to be connected to the CECIS

Institution			
Street			
City			
Postcode			
	Head of the operational service of the contact point organisation	Contact person for technical matters	Local security registration officer
Last name			
Given name			
Tel.			
Fax			
E-mail			

(Add lines in case of more than one site)

Role and tasks

In the context of the development, validation and implementation phases of the PROCIV-NET Stage I project (CECIS) _____ (country) undertakes to fulfil the following:

1. NETWORK LAYER

The site(s) of the national competent authority will connect to the Common communication and information network through the following (please tick a box):

Off-net permanent access to TESTA II: this is a direct connection between the site and the nearest Eurogate through a leased line provided by the TESTA II provider (Equant). The package includes (a) a leased line of 128 kbps; (b) an ISDN back-up; (c) a Cisco 2610 IP Plus router; (d) a maintenance level 3 (24 hours × seven days with four hours MTTR). The estimated costs are the following:

- One-time installation charges according to the attached offer by Equant. This cost is subsidised by the European Commission.
- Yearly recurring charges: according to the attached offer by Equant. This cost is subsidised by the European Commission during the first year of operation but has to be paid by the national competent authority for the subsequent years.

⁽¹⁾ OJ L 297, 15.11.2001, p. 7.

The Service Level Agreement that applies to the TESTA II service covers the quality of service for this type of connection ⁽²⁾.

Permanent access to TESTA II through the national network for _____ (country).

Please specify the date on which the site(s) of the contact points mentioned will be connected to the national network: _____ (date or mention 'Already connected').

Depending on the option selected, the authorised technical personnel will conduct all the necessary adjustments to ensure that the interconnection will be operational according to the project plan.

The Commission shall ensure that all persons involved in the development, validation and implementation are appropriately cleared to handle information classified at least 'EU CONFIDENTIAL' according to the Council Decision of 19 March 2001 adopting the Council's security regulations (2001/264/EC) ⁽³⁾.

2. APPLICATION LAYER

Workstations of personnel authorised to access the CECIS will be equipped with:

- a standard web browser (i.e. Microsoft Internet Explorer or Netscape — version 5.0 or later)
- a standard SMTP e-mail client supporting SSL.

3. SECURITY LAYER

E-mail and session security will be ensured through the IDA public key infrastructure (PKI) that provides for implementation of SSL. To this end the national competent authority undertakes to establish the following for each site connected to the common communication and information system:

Nominate a local security registration officer.

Ensure that the web browser and e-mail systems installed support 128-bit SSL encryption.

4. IMPLEMENTATION PLANNING

As mentioned in the relevant global implementation plan (GIP), the network, application and security layers will be developed and implemented under the responsibility of the European Commission according to the established work programme for the project. During the implementation period, the administrative and local technical contacts will be available to provide support to the respective contractors responsible of the development and implementation.

AGREEMENT

We agree with the above and undertake:

- to provide to the European Commission all necessary information and assistance in the context of the development and implementation phases of the project entitled 'PROCIV-NET Stage I'.
- to ensure the availability of the necessary budgetary resources for the functioning of the connection with TESTA II after the first year of operation (in case of selection of the first connection mode).

Member of the Management and Regulatory Committee:

.....
(Signature)

.....
(Date)

⁽²⁾ Text available on request as well as online within the IDA website at : <http://europa.eu.int/ISPO/ida>.

⁽³⁾ OJ L 101, 11.4.2001, p. 1.

Director-General:

.....
(Signature)

.....
(Date)

(This signature is required in case of selection of the solution 'Off-net permanent access to TESTA II' that implies the availability of budgetary resources after the first year of operation).

Please transmit a signed copy by normal mail or fax to the Civil Protection and Environmental Accidents Unit, DG Environment, European Commission as well as an e-mail copy to civil-protection@cec.eu.int

COMMISSION DECISION**of 10 February 2004****on the Community position on the amendment of the Appendices to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products**

(2004/278/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision 2002/309/EC, Euratom of the Council and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven agreements with the Swiss Confederation⁽¹⁾, and in particular the second subparagraph of Article 5(2) thereof,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products, hereinafter, 'the Agriculture Agreement', entered into force on 1 June 2002.
- (2) Article 6 of the Agriculture Agreement sets up a Joint Committee for Agriculture responsible for administering the Agriculture Agreement and ensuring that it operates smoothly.
- (3) Article 11 of the Agriculture Agreement provides that the Joint Committee for Agriculture may decide to amend Annexes 1 and 2 and the Appendices to the other Annexes to the Agreement.
- (4) The Community position to be taken by the Commission in the Joint Committee for Agriculture regarding the amendments to the Appendices must be defined.

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

HAS DECIDED AS FOLLOWS:

Article 1

The Community position to be adopted by the Commission in the Joint Committee for Agriculture set up by Article 6 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products shall be based on the draft Decision of the Joint Committee for Agriculture annexed to this Decision.

Article 2

The decision of the Joint Committee for Agriculture shall be published in the *Official Journal of the European Union* after adoption.

Done at Brussels, 10 February 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 114, 30.4.2002, p. 1.

ANNEX

DECISION No 1/2004 OF THE JOINT COMMITTEE FOR AGRICULTURE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS**of 17 February 2004****concerning the amendments to the Appendices to Annex 4**

(2004/.../EC)

THE JOINT COMMITTEE FOR AGRICULTURE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

Whereas:

- (1) The Agreement entered into force on 1 June 2002.
- (2) The purpose of Annex 4 is to facilitate trade between the Parties in plants, plant products and other objects subject to plant health measures. The said Annex 4 is to be supplemented by a number of Appendices as described in the Joint Declaration on the implementation of Annex 4 annexed to the Agreement (with the exception of Appendix 5, which was adopted at the time the Agreement was concluded).
- (3) The text annexed to this Decision divides up the subjects covered by the Appendices as follows.
- (4) Appendix 1.A to this Decision defines the plants, plant products and other objects, originating in either Party, for which both Parties have similar legislation leading to equivalent results and which may be traded between them with a plant passport.
- (5) Appendix 1.B to this Decision defines the plants, plant products and other objects, originating outside the territories of the Parties, for which the plant health provisions of both Parties relating to imports lead to equivalent results and which may be traded between them with a plant passport if they are listed in Appendix 1.A or freely if not listed therein.
- (6) Appendix 1.C to this Decision defines the plants, plant products and other objects, originating in either Party, for which the Parties do not have similar legislation and do not recognise the plant passport.
- (7) Plants, plant products and other objects not explicitly listed in Appendix 1 and not subject to plant health measures in either Parties may be traded between the Parties without documentary, identity or plant health checks in connection with plant health measures.
- (8) Appendix 2 defines the legislation of both Parties having similar results.
- (9) Appendix 3 lists the authorities responsible for issuing plant passports.
- (10) Appendix 4 defines the zones referred to in Article 4 of Annex 4 and the specific requirements relating thereto which must be complied with by both Parties.
- (11) The references to the legislation in Appendix 5 should be amended to take account of changes in the legislation since the end of negotiations,

HAS DECIDED AS FOLLOWS:

Article 1

The Appendices to Annex 4 to the Agreement are hereby replaced by the text annexed to this Decision.

Article 2

This Decision shall enter into force on 1 April 2004.

Signed at Brussels, 17 February 2004.

For the Joint Committee on Agriculture

The Heads of Delegations

For the European Community

Michael SCANNELL

For the Swiss Confederation

Christian HÄBERLI

For the Secretariat of the Joint Committee on Agriculture

Hans-Christian BEAUMOND

APPENDIX 1

PLANTS, PLANT PRODUCTS AND OTHER OBJECTS

A. **Plants, plant products and other objects, originating in either Party, for which both Parties have similar legislation leading to equivalent results and recognise the plant passport**1. *Plants and plant products*

1.1. Plants intended for planting, not including seeds

Beta vulgaris L.*Humulus lupulus* L.*Prunus* L., not including *Prunus laurocerasus* L. and *Prunus lusitanica* L.

1.2. Plants not including fruit or seeds, but including live pollen for pollination

Chaenomeles Lindl.*Crataegus* L.*Cydonia* Mill.*Eriobotrya* Lindl.*Malus* Mill.*Mespilus* L.*Pyracantha* Roem.*Pyrus* L.*Sorbus* L., not including *Sorbus intermedia* (Ehrh.) Pers.

1.3. Plants of stoloniferous and tuberous species intended for planting

Solanum L. and hybrids thereof

1.4. Plants, not including fruit

Vitis L.

1.5. Plants, not including fruit or seeds

Rhododendron spp., not including *Rhododendron simsii* Planch.*Viburnum* spp.

1.6. Wood which has totally or partially retained its natural round surface, with or without bark, or which is presented in the form of chips, particles, sawdust, wood waste or scrap

(a) where it has been obtained in whole or in part from the plants as described hereafter:

Castanea Mill., excluding wood which has been stripped of bark,*Platanus* L., including wood which has not kept its natural round surface,

and

(b) where it meets one of the following descriptions:

CN code	Description
4401 10 00	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 22 00	Wood in chips or particles

CN code	Description
ex 4401 30	Wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms
4403 99	Wood in the rough, whether or not stripped of bark or sapwood, or squared: — other than treated with paint, stains, creosote or other preservatives — other than coniferous, <i>Quercus</i> spp. or <i>Fagus</i> spp.
ex 4404 20 00	Split poles: piles, pickets and stakes of wood, pointed but not sawn lengthwise: — other than coniferous
4406 10 00	Railway or tramway sleepers (cross-ties) of wood — not impregnated
ex 4407 99	Wood sawn or chipped lengthwise, sliced or peeled, not planed, sanded or finger-jointed, of a thickness exceeding 6 mm; in particular beams, planks, flitches, boards, laths: — other than coniferous, tropical woods, <i>Quercus</i> spp. or <i>Fagus</i> spp.

1.7. Isolated bark

Castanea Mill.

2. *Plants, plant products and other objects produced by producers authorised to produce for sale to persons professionally engaged in plant production, other than plants, plant products and other objects prepared and ready for sale to the final consumer and for which it is guaranteed that the production thereof is clearly separate from that of other products*

2.1. Plants intended for planting, not including seeds

Abies Mill.

Apium graveolens L.

Argyranthemum spp.

Aster spp.

Brassica spp.

Castanea Mill.

Cucumis spp.

Dendranthema (DC) Des Moul.

Dianthus L. and hybrids thereof

Exacum spp.

Fragaria L.

Gerbera Cass.

Gypsophila L.

Impatiens L.: all varieties of hybrids from New Guinea

Lactuca spp.

Larix Mill.

Leucanthemum L.

Lupinus L.

Pelargonium L'Hérit. ex Ait.

Picea A. Dietr.

Pinus L.

Platanus L.

Populus L.

Prunus laurocerasus L. and *Prunus lusitanica* L.

Pseudotsuga Carr.

Quercus L.

Rubus L.

Spinacia L.

Tanacetum L.

Tsuga Carr.

Verbena L.

and other plants of herbaceous species, other than plants of the family *Gramineae*, bulbs, corms, rhizomes and tubers.

2.2. Plants intended for planting, not including seeds

Solanaceae, other than those referred to in item 1.3.

2.3. Rooted plants or plants with an attached or associated cultivation medium

Araceae

Marantaceae

Musaceae

Persea spp.

Strelitziaceae

2.4. Seeds and bulbs intended for planting

Allium ascalonicum L.

Allium cepa L.

Allium schoenoprasum L.

2.5. Plants intended for planting

Allium porrum L.

2.6. Bulbs and bulbous rhizomes intended for planting

Camassia Lindl.

Chionodoxa Boiss.

Crocus flavus Weston cv. Golden Yellow

Galanthus L.

Galtonia candicans (Baker) Decne

Gladiolus Tourn. ex L.: miniaturised varieties and hybrids thereof, such as *G. callianthus* Marais, *G. colvillei* Sweet, *G. nanus* hort., *G. ramosus* hort. and *G. tubergenii* hort.

Hyacinthus L.

Iris L.

Ismene Herbert (= *Hymenocallis* Salisb.)

Muscari Mill.

Narcissus L.

Ornithogalum L.

Puschkinia Adams

- Scilla* L.
Tigridia Juss.
Tulipa L.
- B. **Plants, plant products and other objects, originating outside the territories of the Parties, for which the plant health provisions of both Parties relating to imports lead to equivalent results and which may be traded between them with a plant passport if they are listed in part A of this Appendix or freely if not listed therein**
1. *Without prejudice to the plants listed in part C of this Appendix, all plants intended for planting, not including seeds*
2. *Seeds*
- 2.1. *Seeds originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay*
- Cruciferae*
Gramineae not including *Oryza* spp.
Trifolium spp.
- 2.2. *Seeds originating elsewhere than in the territory of either Party*
- Allium ascalonicum* L.
Allium cepa L.
Allium porrum L.
Allium schoenoprasum L.
Capsicum spp.
Helianthus annuus L.
Lycopersicon lycopersicum (L.) Karst. ex Farw.
Medicago sativa L.
Phaseolus L.
Prunus L.
Rubus L.
Zea mays L.
- 2.3. *Seeds originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa or the United States*
- Triticum*
Secale
X *Triticosecale*
3. *Parts of plants, not including fruit or seeds*
- Acer saccharum* Marsh., originating in North American countries
Apium graveolens L. (leafy vegetables)
Aster spp. originating in non-European countries (cut flowers)
Castanea Mill.
Conifers (*Coniferales*)
Dendranthema (DC) Des Moul.
Dianthus L.
Eryngium L., originating in non-European countries (cut flowers)
Gypsophila L.
Hypericum L., originating in non-European countries (cut flowers)
Lisianthus L., originating in non-European countries (cut flowers)
Ocimum L. (leafy vegetables)

- Orchidaceae* (cut flowers)
Pelargonium L'Hérit. ex Ait.
Populus L.
Prunus L., originating in non-European countries
Rhododendron spp., not including *Rhododendron simsii* Planch.
Rosa L., originating in non-European countries (cut flowers)
Quercus L.
Solidago L.
Trachelium L., originating in non-European countries (cut flowers)
Viburnum spp.
4. *Fruit*
- Annona* L., originating in non-European countries
Cydonia L., originating in non-European countries
Diospyros L., originating in non-European countries
Malus Mill., originating in non-European countries
Mangifera L., originating in non-European countries
Momordica L.
Passiflora L., originating in non-European countries
Prunus L., originating in non-European countries
Psidium L., originating in non-European countries
Pyrus L., originating in non-European countries
Ribes L., originating in non-European countries
Solanum melongena L.
Syzygium Gaertn., originating in non-European countries
Vaccinium L., originating in non-European countries
5. *Tubers other than for planting*
- Solanum tuberosum* L.
6. *Wood which has totally or partially retained its natural round surface, with or without bark, or which is presented in the form of chips, particles, sawdust, wood waste or scrap*
- (a) where it has been obtained in whole or in part from the plants as described hereafter:
- *Castanea* Mill.
 - *Castanea* Mill., *Quercus* L., including wood which has not retained its natural round surface, originating in countries in North America
 - *Conifers* (Coniferales) other than *Pinus* L., including wood which has not retained its natural round surface, originating in non-European countries
 - *Platanus* L., *Pinus* L., including wood which has not kept its natural round surface
 - *Populus* L., originating in countries of the American continent
 - *Acer saccharum* Marsh., including wood which has not kept its natural surface, originating in North American countries
- and
- (b) where it meets one of the following descriptions:

CN code	Description
4401 10 00	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
ex 4401 21 00	Wood in chips or particles: — coniferous, originating in non-European countries

CN code	Description
4401 22	Wood in chips or particles: — other than coniferous
ex 4401 30	Wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms
ex 4403 20	Wood in the rough, whether or not stripped of bark or sapwood, or squared: — other than treated with paint, stains, creosote or other preservatives coniferous, originating in non-European countries
4403 91 00	Wood in the rough, whether or not stripped of bark or sapwood, or squared: — other than treated with paint, stains, creosote or other preservatives — of <i>Quercus</i> spp.
4403 99	Wood in the rough, whether or not stripped of bark or sap wood, or squared: — other than treated with paint, stains, creosote or other preservatives — other than coniferous, <i>Quercus</i> spp. or <i>Fagus</i> spp.
ex 4404 10 00	Split poles: piles, pickets and stakes of wood, pointed but not sawn lengthwise: — coniferous, originating in non-European countries
ex 4404 20 00	Split poles: piles, pickets and stakes of wood, pointed but not sawn lengthwise: — other than coniferous
4406 10 00	Railway or tramway sleepers (cross-ties) of wood — not impregnated
ex 4407 10	Wood sawn or chipped lengthwise, sliced or peeled, not planed, sanded or finger-jointed, of a thickness exceeding 6 mm; in particular beams, planks, flitches, boards, laths: — coniferous, originating in non-European countries
ex 4407 91	Wood sawn or chipped lengthwise, sliced or peeled, not planed, sanded or finger-jointed, of a thickness exceeding 6 mm; in particular beams, planks, flitches, boards, laths: — of <i>Quercus</i> spp.
ex 4407 99	Wood sawn or chipped lengthwise, sliced or peeled, not planed, sanded or finger-jointed, of a thickness exceeding 6 mm; in particular beams, planks, flitches, boards, laths: — other than coniferous, tropical woods, <i>Quercus</i> spp. or <i>Fagus</i> spp.
ex 4415 10	Packing cases, boxes, crates and drums of wood originating in non-European countries
ex 4415 20	Pallets, box pallets and other load boards, of wood originating in non-European countries
ex 4416 00	Barrels of wood, including staves, of <i>Quercus</i> spp.

Pallets and box pallets (CN code ex 4415 20) are also exempted where they satisfy the standards applicable to 'UIC' pallets and bear a mark attesting to such compliance.

7. Soil and growing medium

- (a) Soil and growing medium as such, which consists in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark, other than that composed entirely of peat.
- (b) Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in part of any solid inorganic substance, intended to sustain the vitality of the plants, originating in:
 - Turkey,
 - Belarus, Estonia, Georgia, Latvia, Lithuania, Moldova, Russia or the Ukraine,
 - non-European countries, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia.

8. *Isolated bark of*
 - conifers (*coniferales*)
 9. *Cereals of the following species originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa or the United States*
 - Triticum*
 - Secale*
 - X *Triticosecale*
- C. Plants, plant products and other objects, originating in either Party, for which the Parties do not have similar legislation and do not recognise the plant passport**
1. *Plants and plant products coming from Switzerland which must be accompanied by a plant health certificate when imported by a Member State of the Community*
 - 1.1. *Plants intended for planting, not including seeds*
 - Clausena* Burm. f.
 - Murraya* Koenig ex L.
 - Palmae*, not including *Phoenix* spp. originating in Algeria or Morocco
 - 1.2. *Parts of plants, not including fruit or seeds*
 - Phoenix* spp.
 - 1.3. *Seeds*
 - Oryza* spp.
 - 1.4. *Fruit*
 - Citrus* L. and hybrids thereof
 - Fortunella* Swingle and hybrids thereof
 - Poncirus* Raf. and hybrids thereof
 2. *Plants and plant products coming from a Member State of the Community which must be accompanied by a plant health certificate when imported into Switzerland*
 3. *Plants and plant products coming from Switzerland, importation of which into a Member State of the Community is prohibited*
 - 3.1. *Plants, not including fruit or seeds*
 - Citrus* L. and hybrids thereof
 - Fortunella* Swingle and hybrids thereof
 - Phoenix* spp. originating in Algeria or Morocco
 - Poncirus* Raf. and hybrids thereof
 4. *Plants and plant products coming from a Member State of the Community, importation of which into Switzerland is prohibited*
 - 4.1. *Plants*
 - Cotoneaster* Ehrh.
 - Stranvaesia* Lindl.
-

APPENDIX 2

LEGISLATION

European Community provisions

- Council Directive 69/464/EEC of 8 December 1969 on control of potato wart disease
- Council Directive 69/465/EEC of 8 December 1969 on control of potato cyst eelworm
- Council Directive 69/466/EEC of 8 December 1969 on control of San José scale
- Council Directive 74/647/EEC of 9 December 1974 on control of carnation leaf-rollers
- Commission Decision 91/261/EEC of 2 May 1991 recognising Australia as being free from *Erwinia amylovora* (Burr.) Winsl. et al.
- Commission Directive 92/70/EEC of 30 July 1992 laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones in the Community
- Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration
- Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardisation for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement
- Commission Decision 93/359/EEC of 28 May 1993 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of wood of *Thuja* L. originating in the United States of America
- Commission Decision 93/360/EEC of 28 May 1993 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of wood of *Thuja* L. originating in Canada
- Commission Decision 93/365/EEC of 2 June 1993 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of heat-treated coniferous wood originating in Canada, and establishing the details of the indicator system to be applied to the heat-treated wood
- Commission Decision 93/422/EEC of 22 June 1993 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of kiln-dried coniferous wood originating in Canada, and establishing the details of the indicator system to be applied to the kiln-dried wood
- Commission Decision 93/423/EEC of 22 June 1993 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of kiln-dried coniferous wood originating in the United States of America, and establishing the details of the indicator system to be applied to the kiln-dried wood
- Commission Directive 93/50/EEC of 24 June 1993 specifying certain plants not listed in Annex V, part A, to Council Directive 77/93/EEC, the producers of which, or the warehouses and dispatching centres in the production zones of such plants, shall be listed in an official register
- Commission Directive 93/51/EEC of 24 June 1993 establishing rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone
- Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot
- Commission Directive 94/3/EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger

- Commission Directive 95/44/EC of 26 July 1995 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections, as last amended by Commission Directive 97/46/EC
- Commission Decision 97/5/EC of 12 December 1996 recognising Hungary as being free from *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckerman et Kotthoff) Davis et al.
- Commission Directive 98/22/EC of 15 April 1998 laying down the minimum conditions for carrying out plant health checks in the Community, at inspection posts other than those at the place of destination, of plants, plant products or other objects coming from third countries
- Council Directive 98/57/EC of 20 July 1998 on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.
- Commission Decision 98/83/EC of 8 January 1998 recognising certain third countries and certain areas of third countries as being free of *Xanthomonas campestris* (all strains pathogenic to *Citrus*), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*), as last amended by Decision 2003/129/EC
- Commission Decision 98/109/EC of 2 February 1998 authorising Member States temporarily to take emergency measures against the dissemination of Thrips palmi Karny as regards Thailand
- Commission Decision 1999/355/EC of 26 May 1999 on emergency measures against the dissemination of *Anoplophora glabripennis* (Motschulsky) as regards China (except Hong Kong), as amended by Decision 1999/516/EC of 28 July 1999
- Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, as last amended by Regulation (EC) No 806/2003
- Commission Decision 2001/218/EC of 12 March 2001 requiring Member States temporarily to take additional measures against the dissemination of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pinewood nematode) as regards areas in Portugal, other than those in which it is known not to occur, as last amended by Decision 2003/127/EC
- Commission Decision 2001/219/EC of 12 March 2001 on temporary emergency measures in respect of wood packing comprised in whole or in part of non-manufactured coniferous wood originating in Canada, China, Japan and the United States of America
- Commission Decision 2001/575/EC of 13 July 2001 recognising Slovakia and Slovenia as being free from *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckerman et Kotthoff) Davis et al.
- Commission Decision 2002/757/EC of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov.
- Commission Decision 2002/360/EC of 13 May 2002 establishing the amendments to be made to the measures taken by Austria to protect itself against the introduction of *Anoplophora glabripennis* (Motschulsky)
- Commission Decision 2002/674/EC of 22 August 2002 recognising Slovakia as being free from *Erwinia amylovora* (Burr.) Winsl. et al.
- Commission Decision 2003/64/EC of 28 January 2003 on provisional measures to prevent the introduction into and the spread within the Community of pepino mosaic virus as regards tomato plants, intended for planting
- Commission Decision 2003/450/EC of 18 June 2003 recognising the provisions in the Czech Republic on combating *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckerman and Kotthoff) Davis et al. as equivalent to the Community provisions

Swiss provisions

- Ordinance of 28 February 2001 on plant protection (RO 2001 1191), as last amended on 26 November 2003 (RO 2003 4925)
 - Ordinance of the DFE of 15 April 2002 on prohibited plants (RO 2002 1098)
 - OFAG ordinance of..... 2003 on temporary plant health measures (RO 2003.....)
-

APPENDIX 3

AUTHORITIES RESPONSIBLE FOR ISSUING PLANT PASSPORTS

European Community**BELGIUM**

Agence fédérale pour la sécurité de la chaîne alimentaire
Administration du contrôle de la production végétale primaire
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Boulevard Simon Bolivar 30
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Federaal Agentschap voor de Veiligheid van de Voedselketen
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GERMANY

BADEN-WÜRTTEMBERG	Landesanstalt für Pflanzenschutz Reinsburgstraße 107 D-70197 Stuttgart Regierungspräsidium Stuttgart — Pflanzenschutzdienst — Stuttgart Regierungspräsidium Karlsruhe — Pflanzenschutzdienst — Karlsruhe Regierungspräsidium Freiburg — Pflanzenschutzdienst — Freiburg
BAYERN	Bayerische Landesanstalt für Landwirtschaft — Institut für Pflanzenschutz — Freising
BERLIN	Pflanzenschutzamt Berlin — Amtliche Pflanzengesundheitskontrolle — Berlin
BRANDENBURG	Landesamt für Verbraucherschutz und Landwirtschaft — Abteilung PS-Pflanzenschutzdienst — Frankfurt (Oder)
BREMEN	Lebensmittelüberwachungs-, Tierschutz- und Veterinärdienst des Landes Bremen — Pflanzengesundheitskontrolle — Bremen und Bremerhaven
HAMBURG	Institut für Angewandte Botanik der Universität Hamburg — Abteilung Amtliche Pflanzenbeschau — Hamburg
HESSEN	Regierungspräsidium Gießen — Pflanzenschutzdienst Hessen — Wetzlar

MECKLENBURG-VORPOMMERN	Landespflanzenschutzamt Mecklenburg-Vorpommern Rostock
NIEDERSACHSEN	Landwirtschaftskammer Hannover — Pflanzenschutzamt — Hannover Landwirtschaftskammer Weser-Ems — Pflanzenschutzamt — Oldenburg
NORDRHEIN-WESTFALEN	Pflanzenschutzdienst der Landwirtschaftskammer Rheinland Bonn Pflanzenschutzdienst der Landwirtschaftskammer Westfalen-Lippe Münster
RHEINLAND-PFALZ	Aufsichts- und Dienstleistungsdirektion Trier Aufsichts- und Dienstleistungsdirektion Koblenz Aufsichts- und Dienstleistungsdirektion Neustadt a.d. Weinstraße
SAARLAND	Landwirtschaftskammer für das Saarland — Pflanzenschutzamt — Saarbrücken
SACHSEN	Sächsische Landesanstalt für Landwirtschaft — Fachbereich Pflanzliche Erzeugung — Dresden
SACHSEN-ANHALT	Amt für Landwirtschaft und Flurneuordnung Altmark — Sachgebiet Pflanzenschutz — Stendal Amt für Landwirtschaft und Flurneuordnung Mitte — Sachgebiet Pflanzenschutz — Halberstadt Amt für Landwirtschaft und Flurneuordnung Anhalt — Sachgebiet Pflanzenschutz — Dessau Amt für Landwirtschaft und Flurneuordnung Süd — Sachgebiet Pflanzenschutz — Weißenfels
SCHLESWIG-HOLSTEIN	Amt für ländliche Räume Kiel — Abteilung Pflanzenschutz — Kiel Amt für ländliche Räume Lübeck — Abteilung Pflanzenschutz — Lübeck Amt für ländliche Räume Husum — Abteilung Pflanzenschutz — Husum
THÜRINGEN	Thüringer Landesanstalt für Landwirtschaft Jena — Referat Pflanzenschutz — Erfurt-Kühnhäuser

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ANDALUCÍA	Dirección General de la Producción Agraria c/Tabladilla s/n E-41013 Sevilla Tel. (34-95) 503 22 79 Fax (34-95) 503 31 62
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BALEARES	Dirección General de Agricultura c/Foners 10 E-07006 Palma de Mallorca Tel. (34-971) 17 61 05 Fax (34-971) 17 61 56
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CASTILLA Y LEÓN	Dirección General de Producción Agropecuaria c/Rigoberto Cortejoso 14 E-47014 Valladolid Tel. (34-983) 41 90 02 Fax (34-983) 41 92 38
CASTILLA LA MANCHA	Dirección General de la Producción Agropecuaria c/Pintor Matías Moreno 4 E-45002 Toledo Tel. (34-925) 26 67 11 Fax (34-925) 26 68 97
CATALUÑA	Dirección General de Producción Agraria e Innovación Rural Gran Via de las Cortes Catalanas 612 E-08007 Barcelona Tel. (34-93) 304 67 00 Fax (34-93) 304 67 60
EXTREMADURA	Servicio de Sanidad Vegetal Av. De Portugal s/n E-06800 Mérida — Badajoz Tél: (34-924) 00 23 40 Fax (34-924) 00 21 36
GALICIA	Dirección General de Producción y Sanidad Agropecuaria Edificio Administrativo San Cayetano s/n E-15781 Santiago de Compostela — A Coruña Tel. (34-981) 54 47 77 Fax (34-981) 54 57 35
LA RIOJA	Dirección General del Instituto de Calidad de la Rioja Av. de la Paz 8 E-26071 Logroño Tel. (34-941) 29 16 00 Fax (34-941) 29 16 02
MADRID	Dirección General de Agricultura Ronda de Atocha 17 E-28012 Madrid Tel. (34-91) 580 19 28 Fax (34-91) 580 19 53
MURCIA	Dirección General de Industrias y Asociacionismo Agrario Plaza Juan XXIII s/n E-30071 Murcia Tel. (34-968) 36 27 31 Fax (34-968) 36 22 26

NAVARRA	Dirección General de Agricultura y Ganadería c/Tudela 20 E-31003 Pamplona Tel. (34-848) 42 66 32 Fax (34-848) 42 67 10
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VALENCIA	Dirección General de Investigación e Innovación Agraria y Ganadería c/Amadeo de Saboya 2 E-46010 Valencia Tel. (34-96) 342 48 36 Fax (34-96) 342 48 43

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- OBERÖSTERREICH Landwirtschaftskammer für Oberösterreich
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A-4021 Linz
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- SALZBURG Kammer für *Land-* und Forstwirtschaft in Salzburg
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- STEIERMARK Landwirtschaftliches Versuchszentrum Steiermark
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- TIROL Amt der Tiroler Landesregierung
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- VORARLBERG Landwirtschaftskammer für Vorarlberg
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- WIEN Magistrat der Stadt Wien
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APPENDIX 4**ZONES REFERRED TO IN ARTICLE 4 AND SPECIAL REQUIREMENTS RELATING TO THEM**

The zones referred to in Article 4 and the special requirements relating to them which must be complied with by both Parties are defined in the two Parties' respective legislative and administrative provisions set out below.

European Community provisions

Commission Directive 2001/32/EC of 8 May 2001 recognising protected zones exposed to particular plant health risks in the Community and repealing Directive 92/76/EEC, as last amended by Commission Directive 2003/46/EC

Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, as last amended by Regulation (EC) No 806/2003

Swiss provisions

Ordinance of 28 February 2001 on plant protection, Annex 4, part B (RO 2001 1191), as last amended on 26 November 2003 (RO 2003 4925)

APPENDIX 5**EXCHANGE OF INFORMATION**

The notifications referred to in Article 9(1) are the following:

- notifications of interception of consignments and harmful organisms from third countries or from part of the territories of the Parties and presenting an imminent plant health danger as provided for in Directive 94/3/EC,
- notifications as provided for in Article 16 of Directive 2000/29/EC.

COMMISSION DECISION
of 19 March 2004
concerning guidance for implementation of Directive 2002/3/EC of the European Parliament and
of the Council relating to ozone in ambient air

(notified under document number C(2004) 764)

(Text with EEA relevance)

(2004/279/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 relating to ozone in ambient air ⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) Directive 2002/3/EC establishes long-term objectives, target values, an alert threshold and an information threshold for concentrations of ozone in ambient air.
- (2) Article 7 of Directive 2002/3/EC requires Member States under particular conditions to draw up short-term action plans, where there is a risk of exceedances of the alert threshold. The guidance developed by the Commission in this respect should in accordance with Article 7(3) provide Member States with examples of measures, the effectiveness of which has been assessed.
- (3) In accordance with Article 9(3) of Directive 2002/3/EC, the Commission should provide Member States with guidelines for an appropriate strategy to measure ozone precursor substances in ambient air, as part of the guidance to be developed under Article 12 of that Directive.
- (4) In drawing up the guidance and guidelines in question the Commission has called upon expertise in the Member States and in the European Environment Agency.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 12(2) of Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management ⁽²⁾,

HAS ADOPTED THIS DECISION:

Article 1

1. The guidance with regard to the drawing up of short-term action plans in accordance with Article 7 of Directive 2002/3/EC shall be as set out in Annex I to this Decision.
2. When developing and implementing the short-term action plans, Member States shall consider the relevant examples of measures set out in Annex II to this Decision in accordance with Article 7(3) of Directive 2002/3/EC.
3. The guidelines for an appropriate strategy for measuring ozone precursor substances in accordance with Article 9(3) of Directive 2002/3/EC shall be as set out in Annex III to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 March 2004.

For the Commission
Margot WALLSTRÖM
Member of the Commission

⁽¹⁾ OJ L 67, 9.3.2002, p. 14.

⁽²⁾ OJ L 296, 21.11.1996, p. 55.

ANNEX I

GENERAL ASPECTS FOR CONSIDERATION BY MEMBER STATES WHEN DRAWING UP SHORT-TERM ACTION PLANS IN ACCORDANCE WITH ARTICLE 7 OF DIRECTIVE 2002/3/EC

Article 7 of Directive 2002/3/EC sets out the requirements for short-term action plans. Article 7(1) in particular requires Member States in accordance with Article 7(3) of Directive 96/62/EC to draw up action plans, at appropriate administrative levels, indicating specific measures to be taken in the short term, taking into account particular local circumstances, for the zones where there is a risk of exceedances of the alert threshold, if there is a significant potential for reducing that risk or for reducing the duration or severity of any exceedance of the alert threshold. However, according to Article 7(1) of Directive 2002/3/EC it is up to Member States to identify whether there is significant potential for reducing the risk, duration or severity of any exceedance, taking account the national geographical, meteorological and economic conditions.

With regard to the EU long-term policy, the key question is whether short-term action plans still offer a significant additional potential for reducing the risk of exceedances of the alert value ($240 \mu\text{g}/\text{m}^3$) or for reducing their duration or severity.

In the following the guidance on appropriate short-term actions is given with regard to geographical differences, regional extension and duration of possible measures.

1. GEOGRAPHICAL ASPECT

Regarding the need for short-term actions to avoid exceedance of the $240 \mu\text{g}/\text{m}^3$ threshold, the 15 Member States can be split up into three groups:

1. In the Nordic countries (Finland, Sweden and Denmark) and Ireland no exceedances of the alert threshold happened so far (according to data reported to European Environment Agency AIRBASE) and in view of the implementation of the abovementioned long-term policy, they are even more unlikely to happen in the future.

Therefore Nordic countries and Ireland would not need to prepare short-term actions plans as there seems to be no risk of any exceedance of the alert threshold.

2. Air mass transport in north-western and central European countries is most frequently dominated by advection and often gives rise to long range transboundary pollution transport.

There are clear indications that for most parts of the north-western and central European countries exceedances of the alert threshold are diminishing. Short-term measures already in the mid-90s showed only a restricted reduction potential and implementation of the EU long-term strategy will necessitate the generalised and permanent application of some former short-term measures.

Therefore countries in which there is no significant potential for reducing the risk of exceedances through short-term action plans would not need to prepare such plans.

3. Major cities and regions in southern Member States experience, on the other hand, more often recirculation of air masses due to topography and the influence of the sea. In some cases the same air masses are recirculating several times⁽¹⁾. Due to high natural VOC emissions, emission reductions of VOC are relatively ineffective (so-called 'NO_x-limited' regime).

No significant trend of ozone peak values can be seen in the ensemble of rather limited and only recent time series. Moreover in those areas there is a lack of knowledge with regard to the efficiency of short-term measures.

Therefore cities and/or regions in southern Europe characterised by particular orographic conditions can, in principle, locally profit from short-term measures for reducing the risk or severity of exceedances of the alert value, especially for exceptional situations of extreme O₃-episodes such as experienced in 2003.

2. REGIONAL EXTENSION OF MEASURES

Local scale efforts to reduce temporarily the emissions of ozone precursors will be locally more paying in recirculation regimes than it might be in mainly by advection dominated regions.

Some countries (e.g. France) have both regimes depending on the region. Those countries may develop separate short-term action plans for southern cities, which might not be efficient at all for agglomerations or regions located in the more northern advection dominated part of the country.

⁽¹⁾ For example, Millán, M.M., Salvador, R., Mantilla, E., Kallos, G., 1997. Photo-oxidant dynamics in the Western Mediterranean in summer; Results of European research projects. J. Geophys. Res., 102, D7, 8811-8823.

The solution to ozone air pollution problems requires a proper diagnosis of the processes in each region and for each time of year, as well as of the links between the regions. Remedial short-term actions can be effective in some airsheds during some times of the year and not in others. Similarly, short-term actions may require a regional-wide assessment and approach, where layering and transport account for a significant part of the observed ozone.

3. SHORT-TERM VERSUS LONG-TERM MEASURES

Only long-term permanent large scale and drastic reductions of the ozone precursor emissions will sustainably bring down ozone peak concentrations as well as ozone background levels in urban and rural areas all over the EU. These reductions will follow from the ozone Directive itself and from the closely related Directive 2001/81/EC on national emission ceilings for certain atmospheric pollutants ⁽¹⁾ (in its turn endorsed by Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants ⁽²⁾). Furthermore EU-wide regulations to reduce VOCs (Directive 94/63/EC on the control of volatile organic compound emissions resulting from the storage of petrol and its distribution from terminals to service stations ⁽³⁾; Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations ⁽⁴⁾; Directive 96/61/EC concerning integrated pollution prevention and control ⁽⁵⁾) as well as pending strategies to regulate the VOC content in products will reduce ozone peak levels. These European-wide permanent emission reductions are expected to reduce the ozone peak values by 20 to 40 % depending on the scenario and the region.

To be efficient, short-term actions would have to result in emission reductions of the same order of magnitude. Moreover these actions would have to be taken well in advance, e.g. one or two days, of an exceedance event (either on the basis of forecasts or during the whole summer season), and should have the appropriate regional extension (see above).

It should be noted that dissemination of information on ozone concentrations and recommendations to the public and to appropriate health care bodies is obligatory. Combined with adequate ozone forecasting this dissemination of information may reduce the exposure duration or exposure intensity of the population to the high ozone values.

Temporary measures (triggered by exceedance of the hourly threshold of 240 µg/m³) which are locally limited reduce the ozone peak concentrations by at most 5 % (primarily because of the relatively small emission reduction effects). This is the case for almost all traffic related measures such as speed limits, driving ban for non-catalysed vehicles when limited to the (sub)regional scale.

The combination of several locally limited measures (including industry and households) may result in a higher ozone peak reduction potential, but it is clear that a regional strategy is substantially more efficient than individual local measures. The total ozone peak reduction potential however is not expected to be larger than 20 %.

In some regions, where the ozone formation is VOC-limited, the above temporary and locally limited measures may even result in higher ozone peak concentrations.

⁽¹⁾ OJ L 309, 27.11.2001, p. 22.

⁽²⁾ OJ L 309, 27.11.2001, p. 1.

⁽³⁾ OJ L 365, 31.12.1994, p. 24.

⁽⁴⁾ OJ L 85, 29.3.1999, p. 1.

⁽⁵⁾ OJ L 257, 24.9.1996, p. 26.

ANNEX II

Short-term measures: Examples and experience

1. FIELD EXPERIMENT: HEILBRONN/NECKARSULM (GERMANY)

The field experiment in the Heilbronn/Neckarsulm conurbation (approximately 200 000 inhabitants) started with abatement actions on Thursday 23 June, 1994, and lasted until Sunday 26 June, 1994. It was accompanied by measurements at four fixed stations, with 15 mobile units, with an aircraft and balloons and included model calculations on the basis of a detailed emission inventory. The study was designed to answer the following question, taking a typical summer smog episode as an example.

- Can peak ozone concentrations during an episode be significantly reduced by local and temporary abatement actions, and how can reductions of NO_x and VOC be achieved by realistic measures?
- Are local and temporary short term actions, such as traffic bans, feasible on the basis of a given infrastructure, and will they be accepted by the public?

Three zones were defined for the experiment. The total model area consisted of 910 km². Within the inventory area (400 km²), comparably mild abatement actions were applied; a speed limit of 70 km/h or less was imposed on all roads including motorways, and industry and smaller enterprises promised emission reductions on a voluntary basis. In the downtown area of 45 km², traffic bans were enforced; however cars equipped with controlled catalytic converters and low emitting diesel vehicles were exempted from this ban, as well as essential traffic, such as fire brigades, suppliers of fresh food, and medicines. Additional measures included a speed limit of 60 km/h or less and voluntary emission reductions by industry and smaller enterprises.

Fair weather, with maximum temperatures climbing from 25 °C to about 30 °C, prevailed during the experiment, with cloud cover on the afternoons of 25 and 27 June. Wind speeds were moderate (i.e. 2 to 4 m/s on 23 and 25 to 27) or elevated (i.e. 4 to 7 m/s on 24), the meteorological conditions thus being favourable, but not exceptionally good for ozone production.

As a result of the abatement actions the precursor emissions in the model area were reduced by 15 to 19 % for NO_x and 18 to 20 % for VOC. In the downtown area the ambient concentrations were thus reduced by up to 30 % for NO_x and up to 15 % for VOC.

However no significant changes of the ozone burden beyond measurement uncertainty could be detected. This result is in accordance with model calculations. A closer examination of the results revealed three main reasons for this lack of response in the ozone burden.

- The area with strict abatement actions was too small (45 km²).
- The voluntary reductions in the industrial sector (especially VOC) were not sufficient.
- Due to meteorological conditions during the experiment ozone concentrations were mainly influenced by regional ozone transport instead of local ozone production.
- Due to moderate wind speed any effects could only have been observed further downwind of the area where the field experiment took place.

References:

Umweltministerium Baden-Württemberg (Hrsg.):

Ozonversuch Neckarsulm/Heilbronn. Dokumentation über die Vorbereitung und Durchführung des Versuchs, Stuttgart, 1995

Umweltministerium Baden-Württemberg (Hrsg.):

Ozonversuch Neckarsulm/Heilbronn, Wissenschaftliche Auswertungen, Stuttgart, 1995

Bruckmann, P. and M. Wichmann-Fiebig: 1997. The efficiency of short-term actions to abate summer smog: Results from field studies and model calculations. EUROTRAC Newsletter, 19, 2 to 9.

2. GERMAN PROGRAMME OF CONTROL CONCEPTS AND MEASURES FOR OZONE — 'SUMMER SMOG'

2.1. **Objective**

The aim of this research project was the determination and evaluation of the effectiveness of large scale (German-, respectively EU-wide) as well as of local emission control measures on elevated ground level ozone concentrations in midsummer episodes by applying photochemical dispersion models. Thus, the research project was designed to contribute to scientific conclusions as regards the effectiveness of ozone abatement strategies. Furthermore, taking into account the ongoing political discussions to advance legislation for ozone abatement at federal and at state levels, the findings of this project were to contribute to improving the basis for decision-making.

The simulations were among others conducted for an ozone episode in 1994 (from 23 July to 8 August). Ground-level peak ozone concentrations of 250 to 300 $\mu\text{g}/\text{m}^3$ (1h-values) were observed in the afternoon. The results of the model calculations are summarised below.

2.2. Effect of various measures on ozone concentrations in Germany

Permanent reduction measures: By 2005, the emission control measures already implemented (EC Directives, national environmental legislation, etc.) will reduce the ozone precursor emissions nationwide by 37 % for NO_x and by 42 % for VOC. For this scenario, decreases of the afternoon's ozone peak concentrations ranging from 15 to 25 % are calculated in large parts of the modelling domain. Peak values of 300 $\mu\text{g}/\text{m}^3$, for instance, would thus be lowered by 60 $\mu\text{g}/\text{m}^3$ on the average. The calculated number of grid hours⁽¹⁾ at ground level, during which in the base case run threshold values of 180, respectively 240 $\mu\text{g}/\text{m}^3$, are exceeded, is reduced by 70 to 80 % in the scenario.

In the case of additional permanent reduction measures (-64 % NO_x ; -72 % VOC)⁽²⁾, the calculated afternoon's peak concentrations are 30 to 40 % lower than in the base case run. The calculated frequency of number of grid hours exceeding threshold values of 180, respectively 240 $\mu\text{g}/\text{m}^3$, is reduced by approximately 90 %.

Temporary reduction measures: In the case of a 'severe' nationwide speed limit (-15 % NO_x ; -1 % VOC), the model simulations show a decrease in the calculated frequency of grid hours exceeding the threshold of ground-level ozone concentrations of 180 $\mu\text{g}/\text{m}^3$ by approx. 14 %. The domain-related rates of reductions of peak ozone concentrations in the afternoon hours range from 2 to 6 %.

In the case of a nationwide driving ban for passenger cars without a three-way catalyst (-29 % NO_x ; -32 % VOC), the simulation shows a 29 % decrease of the calculated number of grid hours with ground-level ozone concentrations above 180 $\mu\text{g}/\text{m}^3$. The domain-related rates of reduction of peak ozone concentrations in the afternoon hours range from 5 to 10 %. A hypothetical 48-hour earlier release of the measure results in an additional reduction of ozone peak concentrations of 2 %.

2.3. Effect of various measures on ozone concentrations in three selected German regions

The local scale analysis of the effectiveness of control measures was performed for three selected model regions: Rhine-Main-Neckar (Frankfurt), Dresden and Berlin-Brandenburg. In all three regions, ozone peak concentrations significantly exceeded 200 $\mu\text{g}/\text{m}^3$ (1h-value) over several days in the episode studied.

Permanent reduction measures: On local scales, for the three model regions, the permanent large-scale control measures (up to -30 % NO_x ; up to -31 % VOC; both plus effects in Germany/Europe) result in a decrease of the calculated peak ozone concentrations in the range of 30 to 40 %. Afternoon peak values of 240 to 280 $\mu\text{g}/\text{m}^3$ would thus drop below 200 $\mu\text{g}/\text{m}^3$. The effectiveness of permanent large-scale control measures is significantly higher than that of temporary measures (see below), although the emission-related reduction effects are 'only' in the magnitude of -30 to -40 %. The higher efficiency of permanent control measures is caused by the abovementioned decrease of the precursor emissions at the national (European) level. Thus, the background concentrations of ozone and ozone precursors are reduced.

Temporary reduction measures: Local speed limits (up to -14 % NO_x ; -1 % VOC) and local driving bans including non-low emission diesel cars (up to -25 % NO_x ; up to -28 % VOC) exert only minor effects on peak ozone concentrations, at maximum -4 % for speed limits and -7 % for traffic bans. As background concentrations of ozone and precursors remain unaffected by local measures, they solely have an impact on the local ozone production. This accounts for the low efficiency of this type of measures.

Local control strategies, temporarily implemented, are able to achieve moderate decreases in the afternoon peak ozone concentrations in the domain exposed to the measures when there are conditions of very little exchange of air masses. Even by exhausting all available local control potentials (and hence by applying the most stringent actions), the effects on peak ozone levels cannot be placed on a par with those of permanent emission control.

⁽¹⁾ The number of grid hours corresponds to the number of hours throughout the entire episode during which a concentration threshold was exceeded in a given grid cell, summed up over all grid cells of the surface layer in the model domain.

⁽²⁾ The figures in brackets indicate the emission reductions.

References:

Motz, G., Hartmann, A. (1997)

Determination and evaluation of effects of local, regional and larger-scale (national) emission control strategies on ground level peak ozone concentrations in summer episodes by means of emission analyses and photochemical modelling, summary of the study commissioned by the German Federal Environmental Agency — UFO-Plan Nr. 10402812/1).

www.umweltbundesamt.de/ozon-e

3. THE NETHERLANDS

In order to examine the range of effectiveness of short-term abatement actions in the Netherlands between 1995 and 2010 the National Institute of Public Health and the Environment (RIVM) conducted a model study (EUROS model). A base grid resolution of 60 km was used for the whole model domain, whereas within the area Benelux and Germany local grid refinement to 15 km was applied. The simulations were performed using three different smog episodes in 1994, emission base years 1995, 2003 and 2010 and 5 different types of short-term actions. The three basic short-term actions concerned road traffic on a nationwide scale: S1 speed limits, S2 driving bans for cars without catalyts, S3 driving bans for trucks on inner urban roads. Scenario S4 imposes the combined effect of S1, S2 and S3 throughout the Netherlands, S5 does the same for the Benelux and part of Germany (North-Rhine-Westphalia) and S6, a hypothetical scenario, presumes no emissions of precursors in the Netherlands (a bottom-end extreme sensitivity test. The effectiveness of the different scenarios throughout time is given in table 1.

Table 1

An overview of the effects of short-term actions on the national precursor emission total. Values are a percentage of the national emission total

Countries that are affected		NL	NL	NL	NL	Benelux/ Germany	NL	
Scenario number		S1	S2	S3	S4	S5	S6	
Effect on national emission total	NO _x	1995	- 3	- 14	- 3	- 19	- 19	- 100
		2003	- 2	- 6	- 3	- 11	- 11	- 100
		2010	- 1	0	- 2	- 3	- 3	- 100
	VOC	1995	0	- 13	- 1	- 14	- 14	- 100
		2003	0	- 5	- 1	- 6	- 6	- 100
		2010	0	0	- 1	- 1	- 1	- 100

All short-term actions solely concerned road traffic since other sectors appeared not very effective in reducing ozone precursor emissions and/or with considerable economic consequences.

As a result of the short-term measures the nationwide averaged 95 percentile values increased by a few percent for both 1995 and 2003. Only the bottom end extreme case showed a reduction of a few percent. The effectiveness of short term actions in 2010 becomes negligible (see also table 1). It seems therefore that the effectiveness of short term traffic measures reduces rapidly in time due to a decreasing number of cars without catalytic converters. Grid refined results (15 × 15 km²) show that the increase of 95 percentile values is mainly due to increasing values in the highly industrialised/populated areas (the NO-titration effect), while on the other hand ozone concentrations are hardly affected in less industrialised/populated areas. A substantial reduction in the ozone maxima can only be obtained through permanent and large-scale measures as is shown e.g. by the reduction of 95 percentile values between base years 2003 and 2010 of about 9 %.

Reference:

C.J.P.P. Smeets and J.P. Beck, Effects of short-term abatement measures on peak ozone concentrations during summer smog episodes in the Netherlands. Rep. 725501004/2001, RIVM, Bilthoven, 2001.

4. AUSTRIA

In Austria, the Federal Act on Ozone of 1992 contained the necessity to enact short-term action plans in the case of very high ozone levels. The relevant alarm threshold was 300 $\mu\text{g}/\text{m}^3$ as three-hour mean value. The trigger for taking action was the concentration level exceeding 260 $\mu\text{g}/\text{m}^3$ as three-hour mean value, taking into account that the implementation of plans takes some time. Most measures related to traffic (mainly ban of vehicles without catalytic converters). However, measures have never had to be taken, as the abovementioned level triggering action had never been reached. The regulation has been adapted to Directive 2002/3/EC in July 2003.

In general, ozone levels in Austria are mainly influenced by long range transport. In Alpine areas ozone shows a less pronounced diurnal cycle compared to other regions (UBA, 2002). As a consequence, relatively high long-term mean values are observed at those stations. However, levels in excess of the alarm threshold set in Directive 2002/3/EC (240 $\mu\text{g}/\text{m}^3$) have not been recorded in the last couple of years in Alpine areas.

Highest ozone peak concentrations (with very few exceedances⁽¹⁾) of 240 $\mu\text{g}/\text{m}^3$ as one-hour mean value) can be observed in the plume of Vienna, usually in the north-eastern parts of Austria. The ozone levels can exceed the ozone levels outside the plume by up to 50 $\mu\text{g}/\text{m}^3$ and more.

A photochemical transport model was developed to simulate ozone formation in this region (Baumann et al., 1998). Using this model, the effect of emission reductions within the study area on the ozone levels were investigated (Schneider, 1999).

The results are, in general, in line with results from other, more comprehensive studies and can be summarised as follows: The only significant effects of short-term emission reductions in Austria on ozone levels are predicted for the city of Vienna and in its plume. Within the city area of Vienna, where presumably exposure is most significant, slight reductions of NO_x emissions (10 to 20 %) tend to increase ozone levels, while ozone production decreases as the air mass moves out of Vienna.

References:

UBA (2002). 6. Umweltkontrollbericht. Umweltbundesamt, Wien.

Baumann et al. (1997). Pannonisches Ozonprojekt. Zusammenfassender Endbericht. ÖFZS A-4136. Forschungszentrum Seibersdorf.

Schneider J. (1999). Untersuchungen über die Auswirkungen von Emissionsreduktionsmaßnahmen auf die Ozonbelastung in Nordostösterreich. UBA-BE-160.

5. FRANCE

The French law on air quality and the rational use of energy, adopted on 30 December 1996, requires that in the event of peak pollution incidents, measures must be taken. When alert thresholds are reached or likely to be reached, the prefect shall immediately inform the public and shall take measures to restrict the extent and effects of the pollution peak on the population.

A decree taken by the prefect defines the emergency measures that shall be implemented in case of a peak pollution event and the area where it shall be. The alert procedure includes two levels:

- a level of information and recommendation when the information threshold is reached (180 $\mu\text{g}/\text{m}^3$ for ozone),
- an alert level when the alert threshold is reached or likely to be reached (360 $\mu\text{g}/\text{m}^3$ for ozone).

The information threshold is often exceeded. In that case, recommendations are advised to the public.

When the alert threshold is reached or likely to be reached, the prefect must immediately inform the public. Moreover the following recommendations are given in that case:

- try to avoid refuelling,
- recommendation not to use gasoline-powered lawn equipment,
- recommendation to use water-based paint products and to avoid using solvents,
- recommendation to use non-polluting means of transport,

⁽¹⁾ On average one day per year; however, in about half of the years since 1990 no exceedances were measured at all.

- reduction of speed limits (by 20 km/h) on a large scale,
- reduction of industrial activities if NO_x and/or VOCs emissions,
- no solvent fill in industries,
- no burn out of flares in refineries.

Mandatory local short-term actions as prepared by the Prefect services are based on transport measures. Speed limits on roads and motorways are to be reduced by 20 %. Such measures are implemented, when a pollution event is forecast for the following day. In the event of any measures restricting or suspending motor vehicle traffic taken by the regional prefect under alert procedure, access to public passenger transport shall be made free of charge.

So far the alert threshold has been exceeded only once in the south of France in March 2001, in the Berre industrial area, near Marseille. In this industrial area, the petrochemical activity is responsible for about 70 % of the emissions of NO_x and VOC, whereas NO_x and VOC are mainly due to transport around Marseille (VOC 98 %; NO_x 87 %). The night before 21 March, the weather conditions were anticyclonic, no wind, little convection and a warm air mass about 600 meters above, stopping the vertical dispersion of the pollutants. No industrial incident, that might have increased the emissions of pollutants was declared on 21 March. As no pollution peak had been forecasted for 22 March, no short-term measures were planned. On the evening of 21 March, the meteorological conditions changed and the concentrations of ozone decreased rapidly.

As the local short-term action plan was restricted to transport measures, the concerned industrial installations were asked to propose measures to reduce the NO_x and VOC emissions of their plants. They proposed:

- to avoid burning out the flares,
- to defer some maintenance actions,
- to defer the degasification of a production unit,
- to use low nitrogen fuels (pitch),
- to avoid transferring liquids if no VOC recuperation equipment were available.

The prefect services are now working to extend short-term measures to industrial plants.

6. GREECE

6.1. Short-term actions in the Athens area

Elevated ozone concentrations are frequently observed at the northern and eastern suburbs of the Athens basin. In that case the public must be informed and in addition specific suggestions are given in order to reduce transport and supply of fuel-carrying tanker trucks.

Mainly due to the none-obligatory character of these suggestions and the complex meteorology and emissions pattern at the huge Athens territory there is no clear view on the effectiveness of these measures.

6.2. Permanent measures in Athens

In the centre of Athens municipality area, there is the 'ring' where private car-circulation is regulated in relation to the last digit of the number plate (odd/even number). Since the beginning of the 80s the measure remains in force all year, except during the month of August, on working days from 5.00 to 20.00 (15.00 on Fridays). The ring has an area of approximately 10 km².

The number plate measure is not related to ozone ambient concentration levels, but mainly aims to reduce primary pollutants in the centre of Athens. Preliminary studies have not clearly shown a relationship between this measure and the ozone concentrations.

ANNEX III

GUIDELINES ON A STRATEGY TO MEASURE OZONE PRECURSORS ACCORDING TO ARTICLE 9(3) OF DIRECTIVE 2002/3/EC

Member States are required by Article 9(3) of Directive 2002/3/EC to monitor ozone precursors at least in one measuring station. According to the paragraph on guidance, an appropriate strategy for this monitoring shall be given. Annex VI of Directive 2002/3/EC further states that the objectives of such monitoring should be:

- to analyse trends,
- to check efficiency of emission reduction strategies,
- to check consistency of emission inventories,
- to help attribute the contribution of emission sources to pollution concentration,
- to support the understanding of ozone formation and precursor dispersion,
- to support the understanding of photochemical models.

1. RECOMMENDATIONS FOR A MONITORING STRATEGY

The foremost objective of monitoring ozone precursors should be to analyse trends and thereby check the efficiency of emission reductions. Additional source related trend analyses are recommended.

To check the consistency of inventories and to attribute the contribution of particular sources is considered a rather difficult task on a regular basis in the monitoring networks. With one mandatory station alone, these objectives cannot be reached. Consequently, additional voluntary measurements nationally or in international cooperation are recommended. While for trend analysis long-term continuous monitoring is indispensable, measurement campaigns are more appropriate for source attribution studies. During such measurement campaigns it is recommended to analyse the full spectrum of the VOC listed in Annex VI to Directive 2002/3/EC. To support the understanding of ozone formation, of precursor dispersion, and of photochemical models, in addition to the VOC listed in Annex VI to Directive 2002/3/EC, measurements of photo-reactive species (e.g. HO₂- and RO₂-radicals, PAN) are advisable. For this more research oriented monitoring, again, measurement campaigns are recommended.

It may be supposed that the NO_x monitoring is covered by following the requirements of Directive 1999/30/EC. Parallel monitoring of VOC with NO_x is recommended.

1.1. Recommendations for the location of the mandatory measuring station

Each Member State shall set up at least one station to analyse the general trend of the precursors. It is recommended to place the corresponding station monitoring the full spectrum of VOC listed in Annex VI to Directive 2002/3/EC at a site representative for precursor emissions and ozone formation. Preferably this site should be located in the urban background and should not be directly influenced by local strong sources such as traffic or large industrial installations.

1.2. Further Recommendations**1.2.1. Monitoring rural background concentrations**

Measurements of VOC at rural background stations are part of the EMEP monitoring programme. It is particularly recommended to set up monitoring sites in those areas where no EMEP monitoring sites exist. In the south it should be considered to include some of the most abundant biogenic hydrocarbons, e. g. the monoterpenes α -pinene and limonene, in the monitoring programme.

1.2.2. Source oriented monitoring

Major sources of VOC are road traffic, particular industrial plants and the use of solvents. The compounds to be monitored for analysing trends depend on the source type whereby the following strategy is recommended.

- Road traffic

BTX-monitoring is useful to analyse trends in emissions from road traffic but monitoring of more components, e.g. acetylene, may be necessary. With regard to the expected reduction of benzene in fuels it should be ensured that in any case toluene and xylenes are analysed. The full VOC spectrum should be monitored at least at one traffic site. In general strong similarities in spectrum may be expected at different sites with similar characteristics of the vehicle fleet.

— Industrial plants

Petrochemical plants emit a broad spectrum of VOC. The decision on compounds to be monitored depends strongly on this spectrum and must be based on a case-by-case study. At least one monitoring station should be located upwind and downwind of the major sources with respect to the prevailing wind direction.

— Solvent use (commercial areas)

The decision on the selection of VOC to be monitored is most difficult in this case, as there may be several minor sources. It should be based on any knowledge on the spectrum emitted giving also regard to cover those with the highest ozone production potential.

COMMISSION DECISION
of 19 March 2004

laying down transitional measures for the marketing of certain products of animal origin obtained in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

(notified under document number C(2004) 845)

(Text with EEA relevance)

(2004/280/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 42 thereof

Whereas:

- (1) From 1 May 2004, products of animal origin obtained in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (the new Member States), will have to be placed on the market in compliance with the relevant Community rules in particular as regards the structure of and hygiene in establishments and the control and the health marking of the products.
- (2) In particular, those products will be subject to the requirements laid down in Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat ⁽¹⁾, Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat ⁽²⁾, Council Directive 77/99/EEC of 21 December 1976 on health problems affecting intra-Community trade in meat products ⁽³⁾, Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products ⁽⁴⁾ Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽⁵⁾, Council Directive 91/495/EEC of 27 November 1990 concerning

public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat ⁽⁶⁾, Council Directive 92/45/EEC of 16 June 1992 on public health and animal health problems relating to the killing of wild game and the placing on the market of wild game meat ⁽⁷⁾, Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products ⁽⁸⁾, Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC ⁽⁹⁾ and Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations ⁽¹⁰⁾.

- (3) Certain of those products of animal origin obtained in the new Member States before the date of Accession may be in stocks after the date of Accession. However, those products of animal origin may not comply with all the Community veterinary requirements.
- (4) In order to facilitate the transition from the existing regime in the new Member States to that resulting from the application of the Community veterinary legislation, it is appropriate to lay down transitional measures for the marketing of those products.
- (5) Those measures should take account of the origin of those products of animal origin and the stocks of packaging and packing and labels material bearing printed marks.

⁽¹⁾ OJ L 121, 29.7.1964, p. 2012/64. Directive as last amended by Directive 95/23/EC (OJ L 243, 11.10.1995, p. 7).

⁽²⁾ OJ L 55, 8.3.1971, p. 23. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽³⁾ OJ L 26, 31.1.1977, p. 85. Directive as amended by Regulation (EC) No 807/2003.

⁽⁴⁾ OJ L 212, 22.7.1989, p. 87. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁵⁾ OJ L 268, 24.9.1991, p. 15. Directive as amended by Regulation (EC) No 806/2003.

⁽⁶⁾ OJ L 268, 24.9.1991, p. 41. Directive as amended by Regulation (EC) No 806/2003.

⁽⁷⁾ OJ L 268, 14.9.1992, p. 35. Directive as amended by Regulation (EC) No 806/2003.

⁽⁸⁾ OJ L 268, 14.9.1992, p. 1. Directive as amended by Regulation (EC) No 806/2003.

⁽⁹⁾ OJ L 62, 15.3.1993, p. 49. Directive as amended by Commission Regulation (EC) No 445/2004 (OJ L 72, 11.3.2004, p. 60).

⁽¹⁰⁾ OJ L 368, 31.12.1994, p. 10. Directive as corrected by Regulation (EC) No 806/2003.

- (6) Article 53 of the Act of Accession provides that the new Member States are to be considered as having received notification of Decision upon accession.
- (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

This Decision shall apply to products of animal origin which are covered by Directives 64/433/EEC, 71/118/EEC, 77/99/EEC, 89/437/EEC, 91/493/EEC, 91/495/EEC, 92/45/EEC, 92/46/EEC, 92/118/EEC and 94/65/EC and obtained before 1 May 2004 in establishments in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (the new Member States).

Article 2

1. Products referred to in Article 1 may from 1 May to 31 December 2004 be placed on the market in the new Member State of origin provided that they bear the national mark prescribed in that new Member State before 1 May 2004 for products of animal origin fit for human consumption.

2. Member States shall ensure, in accordance with Council Directive 89/662/EEC⁽¹⁾ and in particular Article 3 thereof, that products referred to in paragraph 1 are not traded between Member States.

Article 3

By way of derogation from Article 2(1), Member States shall from 1 May to 31 August 2004 authorise the trade in products referred to in Article 1 which are obtained in establishments authorised to export to the Community provided that the products:

- (a) bear the Community export health mark of the establishments concerned;
- (b) are accompanied by a document as set out in the Directives referred to in Article 1 in which the competent authority of the new Member States of origin certifies the following:
'Produced before 1 May 2004, in conformity with Commission Decision 2004/280/EC.'

Article 4

Stocks of preprinted wrapping and packaging material and labels bearing the mark prescribed in the new Member State of origin before 1 May 2004 for products of animal origin fit for human consumption, may be used until 31 December 2004, for the placing on the domestic market as provided for in Article 2.

Article 5

The Decision shall apply subject to and as from the date of entry into force of the 2003 Treaty of Accession.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 19 March 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.