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I

(Information)

EUROPEAN PARLIAMENT

COUNCIL

COMMISSION

INTERINSTITUTIONAL AGREEMENT**on better law-making**

(2003/C 321/01)

THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community and, in particular, to Article 5 thereof and the Protocol on the application of the principles of subsidiarity and proportionality annexed thereto,

Having regard to the Treaty on European Union,

Drawing attention to Declaration No 18 on the estimated costs under Commission proposals and to Declaration No 19 on the implementation of Community law, both of which are annexed to the Maastricht Final Act,

Drawing attention to the Interinstitutional Agreements of 25 October 1993 on the procedures for implementing the principle of subsidiarity⁽¹⁾, of 20 December 1994 on accelerated working method for the official codification of legislative texts⁽²⁾, of 22 December 1998 on common guidelines for the quality of drafting of Community legislation⁽³⁾, and of 28 November 2001 on a more structured use of the recasting technique for legal acts⁽⁴⁾,

Noting the Presidency Conclusions of the meetings of the European Council held on 21 and 22 June 2002 in Seville and on 20 and 21 March 2003 in Brussels,

Emphasising that this Agreement is concluded without prejudice to the outcome of the Intergovernmental Conference which will be held following the Convention on the Future of Europe,

HAVE AGREED AS FOLLOWS:

Common commitments and objectives

1. The European Parliament, the Council of the European Union and the Commission of the European Communities

hereby agree to improve the quality of law-making by means of a series of initiatives and procedures set out in this inter-institutional agreement.

2. In exercising the powers and in compliance with the procedures laid down in the Treaty, and recalling the importance which they attach to the Community method, the three Institutions agree to observe general principles such as democratic legitimacy, subsidiarity and proportionality, and legal certainty. They further agree to promote simplicity, clarity and consistency in the drafting of laws and the utmost transparency of the legislative process.

They call on the Member States to ensure a proper and prompt transposition of Community law into national law within the prescribed time limits, pursuant to the Presidency Conclusions of the European Council at its Stockholm, Barcelona and Seville meetings.

Better coordination of the legislative process

3. The three Institutions agree to ensure that general coordination of their legislative activity is improved, thereby providing an essential foundation for better law-making within the European Union.

4. The three Institutions agree to improve the coordination of their preparatory and legislative work in the context of the codecision procedure and to publicise it in appropriate fashion.

The Council will inform the European Parliament in good time of the draft multiannual strategic programme which it recommends for adoption by the European Council. The three Institutions will forward to each other their respective annual legislative timetables with a view to reaching agreement on joint annual programming.

In particular, the European Parliament and the Council will seek to establish, for each legislative proposal, an indicative timetable for the various stages leading to the final adoption of that proposal.

⁽¹⁾ OJ C 329, 6.12.1993, p. 135.

⁽²⁾ OJ C 102, 4.4.1996, p. 2.

⁽³⁾ OJ C 73, 17.3.1999, p. 1.

⁽⁴⁾ OJ C 77, 28.3.2002, p. 1.

Wherever multiannual programming has an interinstitutional impact, the three Institutions will initiate cooperation through the appropriate channels.

As far as possible, the Commission's annual law-making and work programme will include indications as to the choice of legislative instrument and the legal basis envisaged for each measure to be put forward.

5. The three Institutions will, in the interests of efficiency, ensure as far as possible a better synchronisation of the treatment of common dossiers by the preparatory bodies⁽¹⁾ of each branch of the legislative authority⁽²⁾.

6. The three Institutions will keep each other permanently informed about their work throughout the legislative process. This information will be based on appropriate procedures, including dialogue between the European Parliament, in committee and plenary, and the Council Presidency and the Commission.

7. The Commission will submit an annual progress report on its legislative proposals.

8. The Commission will ensure that, as a general rule, Commissioners are present for discussions at European Parliament committee meetings and plenary sittings on draft legislation for which they are responsible.

The Council will continue the practice of maintaining intensive contact with the European Parliament by means of regular participation in plenary debates, as far as possible by the Ministers concerned. The Council will also endeavour to participate regularly in the work of the parliamentary committees and in other meetings, preferably at ministerial level or at some other appropriate level.

9. The Commission will take account of requests made by the European Parliament or the Council, on the basis respectively of Article 192 or Article 208 of the EC Treaty, for the submission of legislative proposals. It will reply rapidly and appropriately to the parliamentary committees concerned and to the Council's preparatory bodies.

Greater transparency and accessibility

10. The three Institutions confirm the importance which they attach to greater transparency and to the increased provision of information to the public at every stage of their legislative work, whilst taking into account their respective rules of procedure. They will ensure in particular that public debates at political level are broadcast as widely as possible through the systematic use of new communication technologies such as, *inter alia*, satellite broadcasting and Internet video-streaming. They will also ensure that the public has greater access to EUR-Lex.

⁽¹⁾ Committee at the European Parliament; the working party and Permanent Representatives' Committee at the Council.

⁽²⁾ For the purposes of this Agreement, 'legislative authority' means only the European Parliament and the Council.

11. The three Institutions will hold a joint press conference to announce the successful outcome of the legislative process in the codecision procedure, once they have reached agreement, whether after first reading, second reading or conciliation.

Choice of legislative instrument and legal basis

12. The Commission will explain and justify to the European Parliament and to the Council its choice of legislative instrument, where possible as part of its annual work programme or of the normal dialogue procedures and, at all events, in the explanatory memoranda attached to its initiatives. It will consider any request in this connection from the legislative authority, and it will take account of the results of any consultations which it has undertaken before tabling its proposals.

It will ensure that the action it proposes is as simple as is compatible with the proper attainment of the objective of the measure and the need for effective implementation.

13. The three Institutions recall the definition of the term 'directive' (Article 249 of the EC Treaty) and the relevant provisions of the Protocol on the application of the principles of subsidiarity and proportionality. In its proposals for directives, the Commission will ensure that a proper balance is struck between general principles and detailed provisions, in a manner that avoids excessive use of Community implementing measures.

14. The Commission will provide a clear and comprehensive justification for the legal basis used for each proposal. In the event of a change being made to the legal basis after any Commission proposal has been presented, the European Parliament will be duly re-consulted by the Institution concerned, in full compliance with the case-law of the Court of Justice of the European Communities.

15. In the explanatory memoranda to its proposals, the Commission will, in every instance, set out the legal arrangements which currently exist at Community level in the area affected by the proposal. The Commission will also explain in its explanatory memoranda how the measures proposed are justified in the light of the principles of subsidiarity and proportionality. The Commission will also give an account of the scope and the results of the prior consultation and the impact analyses that it has undertaken.

Use of alternative methods of regulation

16. The three Institutions recall the Community's obligation to legislate only where it is necessary, in accordance with the Protocol on the application of the principles of subsidiarity and proportionality. They recognise the need to use, in suitable cases or where the Treaty does not specifically require the use of a legal instrument, alternative regulation mechanisms.

17. The Commission will ensure that any use of co-regulation or self-regulation is always consistent with Community law and that it meets the criteria of transparency (in particular the publicising of agreements) and representativeness of the parties involved. It must also represent added value for the general interest. These mechanisms will not be applicable where fundamental rights or important political options are at stake or in situations where the rules must be applied in a uniform fashion in all Member States. They must ensure swift and flexible regulation which does not affect the principles of competition or the unity of the internal market.

— Co-regulation

18. Co-regulation means the mechanism whereby a Community legislative act entrusts the attainment of the objectives defined by the legislative authority to parties which are recognised in the field (such as economic operators, the social partners, non-governmental organisations, or associations).

This mechanism may be used on the basis of criteria defined in the legislative act so as to enable the legislation to be adapted to the problems and sectors concerned, to reduce the legislative burden by concentrating on essential aspects and to draw on the experience of the parties concerned.

19. The legislative act must abide by the principle of proportionality defined in the EC Treaty. Agreements between social partners must comply with the provisions laid down in Articles 138 and 139 of the EC Treaty. In the explanatory memoranda to its proposals, the Commission will explain to the competent legislative authority its reasons for proposing the use of this mechanism.

20. In the context defined by the basic legislative act, the parties affected by that act may conclude voluntary agreements for the purpose of determining practical arrangements.

The draft agreements will be forwarded by the Commission to the legislative authority. In accordance with its responsibilities, the Commission will verify whether or not those draft agreements comply with Community law (and, in particular, with the basic legislative act).

At the request of *inter alia* the European Parliament or of the Council, on a case-by-case basis and depending on the subject, the basic legislative act may include a provision for a two-month period of grace following notification of a draft agreement to the European Parliament and the Council. During that period, each Institution may either suggest amendments, if it is considered that the draft agreement does not meet the objectives laid down by the legislative authority, or object to the entry into force of that agreement and, possibly, ask the Commission to submit a proposal for a legislative act.

21. A legislative act which serves as the basis for a co-regulation mechanism will indicate the possible extent of co-regulation in the area concerned. The competent legislative authority will define in the act the relevant measures to be taken in order to follow up its application, in the event of non-compliance by one or more parties or if the agreement fails. These measures may provide, for example, for the regular supply of information by the Commission to the legislative authority on follow-up to application or for a revision clause under which the Commission will report at the end of a specific period and, where necessary, propose an amendment to the legislative act or any other appropriate legislative measure.

— Self-regulation

22. Self-regulation is defined as the possibility for economic operators, the social partners, non-governmental organisations or associations to adopt amongst themselves and for themselves common guidelines at European level (particularly codes of practice or sectoral agreements).

As a general rule, this type of voluntary initiative does not imply that the Institutions have adopted any particular stance, in particular where such initiatives are undertaken in areas which are not covered by the Treaties or in which the Union has not hitherto legislated. As one of its responsibilities, the Commission will scrutinise self-regulation practices in order to verify that they comply with the provisions of the EC Treaty.

23. The Commission will notify the European Parliament and the Council of the self-regulation practices which it regards, on the one hand, as contributing to the attainment of the EC Treaty objectives and as being compatible with its provisions and, on the other, as being satisfactory in terms of the representativeness of the parties concerned, sectoral and geographical cover and the added value of the commitments given. It will, nonetheless, consider the possibility of putting forward a proposal for a legislative act, in particular at the request of the competent legislative authority or in the event of a failure to observe the above practices.

Implementing measures (committee procedure)

24. The three Institutions emphasise the important role played by implementing measures in legislation. They note the outcome of the Convention on the Future of Europe relating to the establishment of rules governing the exercise by the Commission of the implementing powers conferred on it.

The European Parliament and the Council emphasise that, in accordance with their respective powers, they have begun consideration of the proposal which the Commission adopted on 11 December 2002 with a view to amending Council Decision 1999/468/EC⁽¹⁾.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

Improving the quality of legislation

25. The three Institutions, exercising their respective powers, will ensure that legislation is of good quality, namely that it is clear, simple and effective. The Institutions consider that improvement of the pre-legislative consultation process and more frequent use of impact assessments (both *ex ante* and *ex post*) will help towards this objective. They are committed to the full application of the Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of drafting of Community legislation.

(a) Pre-legislative consultation

26. During the period preceding the submission of legislative proposals, the Commission will, having informed the European Parliament and the Council, conduct the widest possible consultations, the results of which will be made public. In certain cases, where the Commission deems it appropriate, the Commission may submit a pre-legislative consultation document on which the European Parliament and the Council may choose to deliver an opinion.

(b) Impact analyses

27. Pursuant to the Protocol on the application of the principles of subsidiarity and proportionality, the Commission will take due account in its legislative proposals of their financial or administrative implications, for the Union and the Member States in particular. Furthermore, each of the three Institutions will take into account the objective of ensuring that application in the Member States is appropriate and effective.

28. The three Institutions agree on the positive contribution of impact assessments in improving the quality of Community legislation, with particular regard to the scope and substance thereof.

29. The Commission will continue to implement the integrated advance impact-assessment process for major items of draft legislation, combining in one single evaluation the impact assessments relating *inter alia* to social, economic and environmental aspects. The results of the assessments will be made fully and freely available to the European Parliament, the Council and the general public. In the explanatory memorandum to its proposals, the Commission will indicate the manner in which the impact assessments have influenced them.

30. Where the codecision procedure applies, the European Parliament and Council may, on the basis of jointly defined criteria and procedures, have impact assessments carried out prior to the adoption of any substantive amendment, either at first reading or at the conciliation stage. As soon as possible after this Agreement is adopted, the three Institutions will carry out an assessment of their respective experiences and will consider the possibility of establishing a common methodology.

(c) Consistency of texts

31. The European Parliament and the Council will make all appropriate arrangements for improving the scrutiny carried

out by their respective departments of the wording of texts adopted under the codecision procedure, with a view to avoiding any inaccuracies or inconsistencies. To this end, the Institutions may agree on a short period of grace in order to allow such legal verification to be performed before the act is finally adopted.

Better transposition and application

32. The three Institutions emphasise the need for Member States to comply with Article 10 of the EC Treaty, they call upon the Member States to ensure that Community law is properly and promptly transposed into national law within the prescribed deadlines; and they deem such transposition to be essential to the consistent and effective application of that legislation by the courts, the administrations, members of the public and economic and social operators.

33. The three Institutions will ensure that all directives include a binding time limit for the transposition of their provisions into national law. They will insert into directives a time limit for transposition that is as short as possible and that generally does not exceed two years. The three Institutions hope that the Member States will make a renewed effort as regards the transposition of directives within the time limits which they specify. In this connection, the European Parliament and the Council note that the Commission is proposing to step up cooperation with the Member States.

The three Institutions point out that, under the EC Treaty, the Commission has the power to initiate an infringement procedure in instances where a Member State fails to transpose legislation within the stipulated time limit; and the European Parliament and Council note the commitments given by the Commission on this subject ⁽¹⁾.

34. The Commission will draw up annual reports on the transposition of directives in the various Member States, with tables showing transposition rates. Those reports will be communicated to the European Parliament and to the Council, and will be made public.

The Council will encourage the Member States to draw up, for themselves and in the interests of the Community, their own tables which will, as far as possible, illustrate the correlation between the directives and the transposition measures and to make them public. It calls on those Member States which have not yet done so to appoint a transposition coordinator as soon as possible.

Simplifying and reducing the volume of legislation

35. In order to make Community law easier to read and to apply, the three Institutions agree, firstly, to update and condense existing legislation and, secondly, significantly to simplify it. They will take the Commission's multiannual programme as a basis for this task.

⁽¹⁾ Commission communication of 12 December 2002 on better monitoring of the application of Community law, COM(2002) 725 final, p. 20 and 21.

Legislation will be updated and condensed *inter alia* through the repeal of acts which are no longer applied and through the codification or recasting of other acts.

The purpose of legislative simplification is to improve and adapt legislation by amending or replacing acts and provisions which are too unwieldy and too complex to be applied. Such simplification will be carried out through the recasting of existing acts or by means of new legislative proposals, whilst maintaining the substance of Community policies. In this connection, the Commission will select the areas of current law which are suitable for simplification, on the basis of criteria laid down once the legislative authority has been consulted.

36. Within six months of the date upon which this Agreement comes into force, the European Parliament and

the Council, whose task it would be as legislative authority to adopt at the final stage the proposals for simplified acts, need to modify their working methods by introducing, for example, ad hoc structures with the specific task of simplifying legislation.

Implementation and monitoring of the Agreement

37. The implementation of this Agreement will be monitored by the High-Level Technical Group for Interinstitutional Cooperation.

38. The three Institutions will take the necessary steps to ensure that their staff have the means and resources required for the proper implementation of the provisions of this Agreement.

Hecho en Estrasburgo, el dieciseis de diciembre de dos mil tres.

Udfærdiget i Strasbourg den sekstende december to tusind og tre.

Geschehen zu Straßburg am sechzehnten Dezember zweitausendunddrei.

Έγινε στις Στρασβούργο, στις δέκα έξι Δεκεμβρίου δύο χιλιάδες τρία.

Done at Strasbourg on the sixteenth day of December in the year two thousand and three.

Fait à Strasbourg, le seize décembre deux mille trois.

Fatto a Strasburgo, addì sedici dicembre duemilatre.

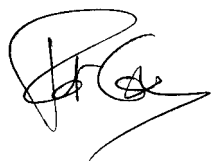
Gedaan te Straatsburg, de zestiende december tweeduizenddrie.

Feito em Estrasburgo, em dezasseis de Dezembro de dois mil e três.

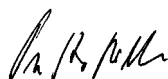
Tehty Strasbourgissa kuudentenatoista päivänä joulukuuta vuonna kaksituhattakolme.

Som skedde i Strasbourg den sextonde december tjugohundratre.

For the European Parliament
The President



For the Council
The President



p.o.

For the Commission
The President



COUNCIL

AGREEMENT

between the Member States of the European Union concerning the status of military and civilian staff seconded to the institutions of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Member States put at the disposal of the European Union to act in this context

(EU SOFA)

(2003/C 321/02)

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

Having regard to the Treaty on European Union (TEU), and in particular Title V thereof;

Whereas:

- (1) The European Council has decided, in pursuit of the Common Foreign and Security Policy (CFSP), to give the EU the capabilities required to take and implement decisions on the full range of conflict prevention and crisis management tasks defined in the TEU.
- (2) National decisions to send forces from Member States of the European Union (hereinafter 'Member States') into the territory of other Member States and to receive such forces from Member States in the context of the preparation and execution of the tasks referred to in Article 17(2) of the TEU, including exercises, will be taken in accordance with the provisions of Title V of the TEU, and in particular with Article 23(1) thereof, and will be the subject of separate arrangements between the Member States concerned.
- (3) Specific agreements will have to be concluded with the third countries concerned in the case of exercises or operations taking place outside the territory of the Member States.
- (4) Under the provisions of this Agreement, the rights and obligations of the parties under international agreements and other international instruments establishing international tribunals, including the Rome Statute of the International Criminal Court, will remain unaffected,

HAVE AGREED AS FOLLOWS:

PART I

PROVISIONS COMMON TO ALL MILITARY AND CIVILIAN STAFF

Article 1

In this Agreement, the term:

1. 'military staff' shall mean:

- (a) military personnel seconded by the Member States to the General Secretariat of the Council in order to form the European Union Military Staff (EUMS);
- (b) military personnel, other than personnel from the EU institutions, who may be drawn upon by the EUMS from the Member States in order to provide temporary augmentation if requested by the European Union Military Committee (EUMC), for activities in the context of the preparation and execution of the tasks referred to in Article 17(2) of the TEU, including exercises;
- (c) military personnel from the Member States who are seconded to the headquarters and forces which may be made available to the EU, or personnel thereof, in the context of the preparation and execution of the tasks referred to in Article 17(2) of the TEU, including exercises;

2. 'civilian staff' shall mean civilian personnel seconded by the Member States to EU institutions for activities in the context of the preparation and execution of the tasks referred to in Article 17(2) of the TEU, including exercises, or civilian personnel, with the exception of locally hired personnel, working with headquarters or forces or otherwise made available to the EU by the Member States for the same activities;

3. 'dependant' shall mean any person defined or recognised as a member of the family or designated as a member of the household of the military or civilian staff member by the laws of the sending State. Where, however, such laws regard only a person living under the same roof as the military or civilian staff member, this condition shall be considered satisfied if the person in question is mainly dependent on that person;

4. 'force' shall mean individuals belonging to, or entities made up of, military staff and civilian staff as defined in paragraphs 1 and 2, provided that the Member States concerned may agree that certain individuals, units, formations or other entities are not to be regarded as constituting or included in a force for the purposes of this Agreement;

5. 'headquarters' shall mean headquarters, located within the territory of the Member States, set up by one or several Member States or by an international organisation, and which may be made available to the EU in the context of the preparation and execution of the tasks referred to in Article 17(2) of the TEU, including exercises;

6. 'sending State' shall mean the Member State to which the military or civilian staff member or the force belongs;

7. 'receiving State' shall mean the Member State in the territory of which the military or civilian staff member, the force or the headquarters is located, whether stationed, deployed, or passing in transit, in connection with an individual or collective mission order or order of secondment to the EU institutions.

Article 2

1. Member States shall facilitate, if necessary, the entry, stay and departure of staff referred to in Article 1 for purposes of official business, and of their dependants. However, staff and dependants may be required to provide evidence that they fall within the categories described in Article 1.

2. For this purpose, and without prejudice to the relevant rules applicable to the free movement of persons under Community law, an individual or collective movement order or order of secondment to the EU institutions shall suffice.

Article 3

It is the duty of military and civilian staff as well as their dependants to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of this Agreement.

Article 4

For the purposes of this Agreement:

1. Driving permits or licences issued by the military services of the sending State shall be recognised in the territory of the receiving State for comparable military vehicles.
2. Authorised personnel of any Member State may provide the personnel of the forces and headquarters of any other Member State with medical and dental care.

Article 5

Military staff, and any civilian staff concerned, shall wear uniform in accordance with the regulations in force in the sending State.

Article 6

Vehicles bearing a registration plate specific to the armed forces or the administration of the sending State shall display, in addition to their registration number, a distinctive nationality mark.

PART II

PROVISIONS APPLICABLE ONLY TO MILITARY OR CIVILIAN STAFF SECONDED TO THE EU INSTITUTIONS

Article 7

Military or civilian staff seconded to the EU institutions may possess and carry arms in accordance with Article 13 when they are working with headquarters or forces which may be made available to the EU in the context of the preparation and execution of the tasks referred to in Article 17(2) of the TEU, including exercises, or when they participate in missions in connection with such tasks.

Article 8

1. Military or civilian staff seconded to the EU institutions shall enjoy immunity from legal process of any kind in respect of words spoken or written, and of acts performed by them in the exercise of their official functions; that immunity shall continue even after their secondment has ceased.

2. The immunity referred to in this Article shall be granted in the interests of the EU, and not for the benefit of the staff concerned.

3. Both the competent authority of the sending State and the relevant EU institutions shall waive the immunity enjoyed by military or civilian staff seconded to the EU institutions where such immunity would impede the course of justice and where such competent authority and relevant EU institution may do so without prejudice to the interests of the European Union.

4. The EU institutions shall cooperate at all times with the competent authorities of the Member States in order to facilitate the smooth administration of justice and shall take action to prevent any abuse of the immunities granted under this Article.

5. Should a competent authority or a judicial body in a Member State consider that an abuse of an immunity granted under this Article has occurred, the competent authority of the sending State and the relevant EU institution shall, upon request, consult the competent authority of the Member State concerned to determine whether such abuse has occurred.

6. If consultations fail to achieve a result satisfactory to both parties, the dispute shall be examined by the relevant EU institution with a view to reaching a settlement.

7. If it is not possible to settle such a dispute, the detailed arrangements for its settlement shall be adopted by the relevant EU institution. As far as the Council is concerned, it shall adopt such arrangements unanimously.

PART III

PROVISIONS APPLICABLE ONLY TO HEADQUARTERS AND FORCES AND TO THE MILITARY AND CIVILIAN STAFF WORKING WITH THEM

Article 9

In the context of the preparation and execution of the tasks referred to in Article 17(2) of the TEU, including exercises, the headquarters and forces, and personnel thereof, referred to in Article 1 and their equipment shall be authorised to transit and temporarily deploy within the territory of a Member State subject to the agreement of the competent authorities of that Member State.

Article 10

Military and civilian staff shall receive emergency medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

Article 11

Subject to agreements and arrangements already in force or which may, after the entry into force of this Agreement, be entered into or made between the authorised representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to the units, formations or other entities the buildings and grounds which they require, as well as facilities and services connected therewith. These agreements and arrangements shall, as far as possible, comply with the regulations governing the accommodation and billeting of similar units, formations or other entities of the receiving State.

In the absence of a specific arrangement to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

Article 12

1. The units, formations or entities normally made up of military or civilian staff shall have the right to police, by agreement with the receiving State, all camps, establishments,

headquarters or other premises occupied exclusively by them. The police of such units, formations or entities may take all appropriate measures to ensure the maintenance of order and security on such premises.

2. Outside these premises, the police referred to in paragraph 1 shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the units, formations or entities.

Article 13

1. Military staff may possess and carry service arms, on condition that they are authorised to do so by their orders and subject to arrangements with the authorities of the receiving State.

2. Civilian staff may possess and carry service arms, on condition that they are authorised to do so under national regulations of the sending State and subject to the agreement of the authorities of the receiving State.

Article 14

Headquarters and forces shall benefit from the same post and telecommunications facilities, travelling facilities and concessions with regard to fares, as the forces of the receiving State in accordance with the rules and regulations of that State.

Article 15

1. The archives and other official documents of headquarters kept in premises used by those headquarters or in the possession of any properly authorised member of the headquarters shall be inviolable, unless the headquarters have waived this immunity. The headquarters shall, at the request of the receiving State and in the presence of a representative of that State, verify the nature of any documents to confirm that they are entitled to immunity under this Article.

2. Should a competent authority or a judicial body of the receiving State consider that an abuse of the inviolability conferred by this Article has occurred, the Council shall, upon request, consult the competent authorities of the receiving State to determine whether such an abuse has occurred.

3. If consultations fail to achieve a result satisfactory to both parties concerned, the dispute shall be examined by the Council with a view to reaching a settlement. If it is not possible to settle such a dispute, the detailed arrangements for its settlement shall be adopted by the Council unanimously.

Article 16

With a view to avoiding double taxation, for the application of double taxation Conventions concluded between Member States and without prejudice to the right of the receiving State to tax military and civilian staff who are its nationals or who are ordinarily resident in the receiving State:

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which military or civilian staff are in the territory of that State by reason solely of their being military or civilian staff shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation.
2. Military and civilian staff shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such staff by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.
3. Nothing in this Article shall prevent taxation of military or civilian staff with respect to any profitable enterprise, other than their employment as such staff, in which they may engage in the receiving State, and, except as regards their salary and emoluments and the tangible movable property referred to in paragraph 2, nothing in this Article shall prevent taxation to which, even if regarded as having their residence or domicile outside the territory of the receiving State, such staff are liable under the law of that State.
4. Nothing in this Article shall apply to duty. 'Duty' shall mean customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes which are no more than charges for services rendered.

Article 17

1. The authorities of the sending State shall have the right to exercise all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over military as well as over civilian staff where those civilian staff are subject to the law governing all or any of the armed forces of the sending State, by reason of their deployment with those forces.
2. The authorities of the receiving State shall have the right to exercise jurisdiction over military and civilian staff and their dependants, with respect to offences committed within the territory of the receiving State and punishable by the laws of that State.
3. The authorities of the sending State shall have the right to exercise exclusive jurisdiction over military as well as over civilian staff where those civilian staff are subject to the law

governing all or any of the armed forces of the sending State, by reason of their deployment with those forces, with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.

4. The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over military and civilian staff and their dependants with respect to offences, including offences relating to its security, punishable by its law but not by the law of the sending State.

5. For the purposes of paragraphs 3, 4 and 6, a security offence against a State shall include:

- (a) treason against the State;
- (b) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

6. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

- (a) the competent authorities of the sending State shall have the primary right to exercise jurisdiction over military as well as over civilian staff where those civilian staff are subject to the law governing all or any of the armed forces of the sending State, by reason of their deployment with those forces, in relation to:
 - (i) offences solely against the property or security of that State, or offences solely against the person or property of military or civilian staff of that State or of a dependant;
 - (ii) offences arising out of any act or omission done in the performance of official duty;

- (b) in the case of any other offence, the authorities of the receiving State shall have the primary right to exercise jurisdiction;

- (c) if the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

7. The provisions of this Article shall not imply any right for the authorities of the sending State to exercise jurisdiction over persons who are nationals of, or ordinarily resident in, the receiving State, unless they are members of the force of the sending State.

Article 18

1. Each Member State shall waive all its claims against any other Member State for damage to any property owned by it and used in connection with the preparation and execution of the tasks referred to in Article 17(2) of the TEU, including exercises, if such damage:

- (a) was caused by military or civilian staff from the other Member State in the execution of their duties in connection with the aforementioned tasks; or
- (b) arose from the use of any vehicle, vessel or aircraft owned by the other Member State and used by its services, provided either that the vehicle, vessel or aircraft causing the damage was used in connection with the aforementioned tasks, or that the damage was caused to property being so used.

Claims for maritime salvage by a Member State against any other Member State shall be waived, provided that the vessel or cargo salvaged was owned by a Member State and being used by its armed services in connection with the aforementioned tasks.

2. (a) In the case of damage caused or arising as stated in paragraph 1 with regard to other property owned by a Member State and located in its territory, the issue of the liability of any other Member State shall be determined and the amount of damage shall be assessed, unless the Member States concerned agree otherwise, by negotiation between those Member States.

- (b) However, each Member State shall waive its claim in any such case where the damage is less than an amount to be determined by a Decision of the Council acting unanimously.

Any other Member State whose property has been damaged in the same incident shall also waive its claim up to the abovementioned amount.

3. For the purposes of paragraphs 1 and 2, the term 'owned by a Member State' in the case of a vessel includes a vessel on bare boat charter to that Member State or requisitioned by it on bare boat terms or seized by it in prize, except to the extent that the risk of loss or liability is borne by some entity other than such Member State.

4. Each Member State shall waive all its claims against any other Member State for injury or death suffered by any military or civilian staff of its services while such staff were engaged in the performance of their official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 and 7 apply) arising out of acts or omissions of military or civilian staff done in the performance of official duty, or out of any other act, omission or occurrence for which a force is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Member States, shall be dealt with by the receiving State in accordance with the following provisions:

- (a) claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces;
- (b) the receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency;
- (c) such payment, whether made pursuant to settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Member States concerned;
- (d) every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with subparagraph (e), points (i), (ii) and (iii). In default of a reply within two months, the proposed distribution shall be regarded as accepted;
- (e) the cost incurred in satisfying claims pursuant to subparagraphs (a), (b), (c) and (d) and paragraph 2 shall be distributed between the Member States, as follows:
 - (i) where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent chargeable to the receiving State and 75 per cent chargeable to the sending State;
 - (ii) where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them; however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States;
 - (iii) where the damage was caused by the services of the Member States and it is not possible to attribute it specifically to one or more of those services, the amount awarded or adjudged shall be distributed equally among the Member States concerned; however, if the receiving State is not one of the States by whose services the damage was caused, its contribution shall be half that of each of the sending States concerned;
 - (iv) every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State;

(f) should the application of subparagraphs (b) and (e) cause a Member State serious hardship, it may request that the other Member States concerned settle the matter by negotiation between them on a basis of a different nature;

(g) military or civilian staff shall not be subject to any proceedings for the enforcement of any judgment given against them in the receiving State in a matter arising from the performance of their official duties;

(h) except in so far as subparagraph (e) applies to claims covered by paragraph 2, the provisions of this paragraph shall not apply to any claim arising out of, or in connection with, the navigation or operation of a ship or the loading, carriage or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 does not apply.

6. Claims against military or civilian staff arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner:

(a) the authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter;

(b) the report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount;

(c) if an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid;

(d) nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against military or civilian staff unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorised use of any vehicle of the services of a sending State shall be dealt with in accordance with paragraph 6, except in so far as the unit, formation or entity in question is legally responsible.

8. If a dispute arises as to whether a tortious act or omission of military or civilian staff was done in the performance of official duty or as to whether the use of any vehicle of the services of a sending State was unauthorised, the question shall be settled by negotiation between the Member States concerned.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for military or civilian staff in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5(g).

10. The authorities of the sending State and of the receiving State shall cooperate in the procurement of evidence for a fair hearing and disposal of claims with regard to which the Member States are concerned.

11. Any dispute relating to the settlement of claims which cannot be resolved by negotiations between the Member States concerned shall be submitted to an arbitrator selected by agreement between the Member States concerned from among the nationals of the receiving State who hold, or have held, high judicial office. If the Member States concerned are unable within two months to agree upon an arbitrator, each Member State concerned may request the President of the Court of Justice of the European Communities to select a person with the aforesaid qualifications.

PART IV

FINAL PROVISIONS

Article 19

1. This Agreement shall be subject to approval by the Member States in accordance with their respective constitutional requirements.

2. Member States shall notify the Secretary-General of the Council of the European Union of the completion of the constitutional procedures for the approval of this Agreement.

3. This Agreement shall enter into force on the first day of the second month following the notification by the last Member State of the completion of its constitutional procedures referred to in paragraph 2.

4. The Secretary-General of the Council of the European Union shall act as depository of this Agreement. The depository shall publish this Agreement in the *Official Journal of the European Union*, as well as information about its entry into force following the completion of the constitutional procedures referred to in paragraph 2.

5. (a) This Agreement shall be applicable only to the metropolitan territory of the Member States.

(b) Any Member State may notify the Secretary-General of the Council of the European Union that this Agreement shall also apply to other territories for whose international relations it is responsible.

6. (a) Provisions of parts I and III of this Agreement shall be applicable only to headquarters and forces, and personnel thereof, which may be made available to the EU in the context of the preparation and execution of the tasks referred to in Article 17(2) of the TEU, including exercises, in so far as the status of such headquarters or forces, and personnel thereof, is not regulated by another agreement.
- (b) Where the status of such headquarters and forces, and personnel thereof, is regulated by another agreement and these headquarters and forces, and personnel thereof, are acting in the abovementioned context specific arrangements may be concluded between the EU and the States or Organisations concerned, in order to agree which agreement shall be applicable to the operation or exercise concerned.
- (c) Where it has not been possible to conclude such specific arrangements, the other Agreement shall remain applicable to the operation or exercise concerned.
7. Where third countries participate in activities to which this Agreement is applicable, agreements or arrangements regulating such participation may include a provision stating that this Agreement is also applicable to those third countries in the context of those activities.
8. The provisions of this Agreement may be amended by unanimous written agreement between the representatives of the governments of the Member States of the European Union, meeting within the Council.

Hecho en Bruselas, el diecisiete de noviembre de dos mil tres.

Udfærdiget i Bruxelles den syttende november to tusind og tre.

Geschehen zu Brüssel am siebzehnten November zweitausendunddrei.

Έγινε στις Βρυξέλλες, στις δέκα επτά Νοεμβρίου δύο χιλιάδες τρία.

Done at Brussels on the seventeenth day of November in the year two thousand and three.

Fait à Bruxelles, le dix-sept novembre deux mille trois.

Fatto a Bruxelles, addì diciassette novembre duemilatre.

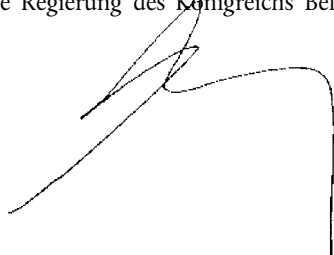
Gedaan te Brussel, de zeventiende november tweeduizenddrie.

Feito em Bruxelas, em dezassete de Novembro de dois mil e três.

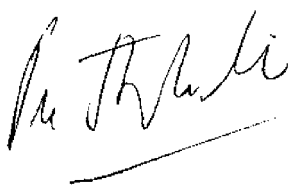
Tehty Brysselissä seitsemäntenätoista päivänä marraskuuta vuonna kaksituhattakolme.

Som skedde i Bryssel den sjuttonde november tjugohundratre.

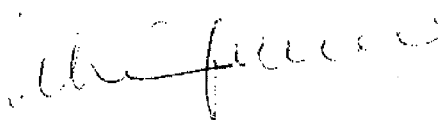
Pour le gouvernement du Royaume de Belgique
Voor de Regering van het Koninkrijk België
Für die Regierung des Königreichs Belgien



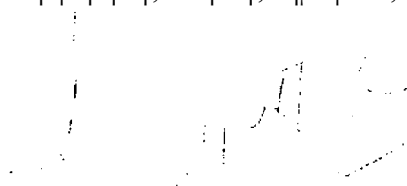
For regeringen for Kongeriget Danmark



Für die Regierung der Bundesrepublik Deutschland



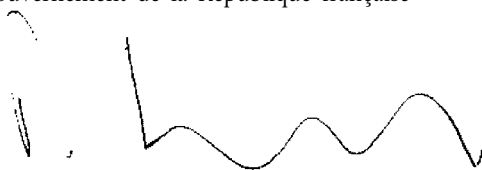
Για την Κυβέρνηση της Ελληνικής Δημοκρατίας



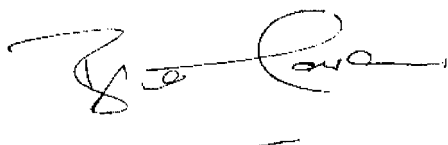
Por el Gobierno del Reino de España



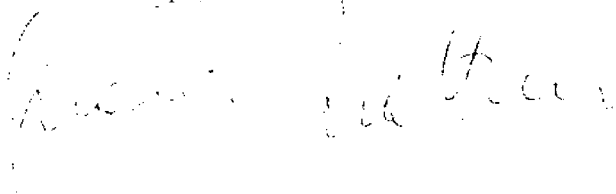
Pour le gouvernement de la République française



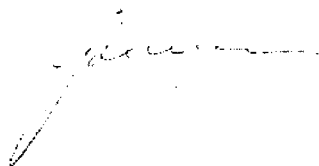
Thar ceann Rialtas na hÉireann
For the Government of Ireland



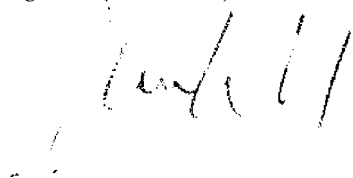
Per il Governo della Repubblica italiana



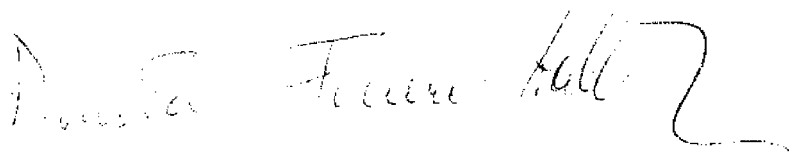
Pour le gouvernement du Grand-Duché de Luxembourg



Voor de Regering van het Koninkrijk de Nederlanden



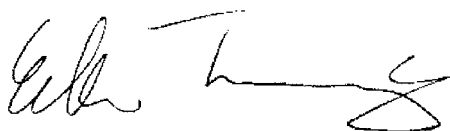
Für die Regierung der Republik Österreich

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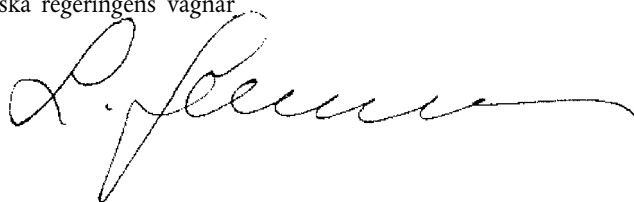
Pelo Governo da República Portuguesa

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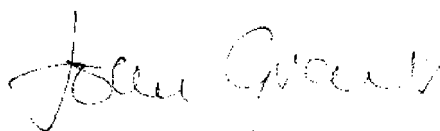
Suomen hallituksen puolesta
På finska regeringens vägnar

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På svenska regeringens vägnar

Handwritten signature of R. Löfdén in black ink.

For the Government of the United Kingdom of Great Britain and Northern Ireland

Handwritten signature of John Gorton in black ink.

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ANNEX

STATEMENTS

STATEMENT BY THE EU MEMBER STATES

After signature of this Agreement, Member States will make their best efforts to fulfil as soon as possible the requirements of their own constitutional procedures, in order to allow a prompt entry into force of the Agreement.

STATEMENT BY DENMARK

When signing this Agreement, Denmark recalled the Protocol on the position of Denmark annexed to the Treaty on the European Union and the Treaty establishing the European Community. Danish approval of the Agreement will take place in observance of that Protocol, and any reservation or declaration which Denmark may have to make in this connection shall be limited to the scope of part II of the said Protocol and shall in no way prevent the entry into force of the Agreement and the full implementation of it by the other Member States.

STATEMENT BY IRELAND

Nothing in this Agreement, in particular Articles 2, 9, 11, 12, 13 and 17, shall authorise or require legislation or any other action by Ireland which is prohibited by the Constitution of Ireland and, in particular, Article 15.6.2 thereof.

STATEMENT BY THE REPUBLIC OF AUSTRIA REGARDING ARTICLE 17 OF THE AGREEMENT

The acceptance of the jurisdiction by military authorities of the sending state in accordance with Article 17 of the 'Agreement between the Member States of the European Union concerning the status of military and civilian staff on secondment to the Military Staff of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Member States put at the disposal of the European Union to act in this context (EU SOFA)' by Austria does not apply to the exercise, on the territory of Austria, of jurisdiction by courts of a sending state.

STATEMENT BY SWEDEN

The Government of Sweden hereby declares that Article 17 of the present Agreement does not encompass a right for the sending State to exercise jurisdiction within the territory of Sweden. In particular, the said provision does not confer on the sending State the right to establish courts or to execute sentences within the territory of Sweden.

This does in no way affect the allocation of jurisdiction as between the sending and receiving State under Article 17. Nor does it affect the right of a sending State to exercise such jurisdiction within its own territory after the return to the sending State of the persons covered by Article 17.

Furthermore, this does not preclude that appropriate measures, which are immediately necessary to ensure the maintenance of order and security within the force, be taken by the military authorities of a sending State within the territory of Sweden.

COUNCIL DECISION**of 22 December 2003****appointing the members and alternate members of the Advisory Committee on Safety and Health at Work**

(2003/C 321/03)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 202 thereof,

Having regard to Council Decision 2003/C 218/01 of 22 July 2003 on the setting up of an Advisory Committee on Safety and Health at Work, and in particular Article 3 thereof,

Having regard to the list of candidates submitted to the Council by the Governments of the Member States,

Whereas the members and alternate members of the Advisory Committee on Safety and Health at Work should be appointed for a period of three years,

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed members and alternate members of the Advisory Committee on Safety and Health at Work for the period from 1 January 2004 to 31 December 2006:

I. GOVERNMENT REPRESENTATIVES

Country	Members	Alternates
Belgium	Mr Christian DENEVE	Mr Marc HESELMANS Mr Jean-Marie LAMOTTE
Denmark	Mr Jens JENSEN	Mr Søren STRANGE Mr Jesper OLSEN
Germany	Mr Ulrich BECKER	Ms Anette RÜCKERT Mr Ulrich KULLMANN
Greece	Mr Antonios CHRISTODOULOU	Ms Stamatia PISIMISI Mr Dimitrios KOLERIS
Spain	Mr Leodegario FERNÁNDEZ SÁNCHEZ	Mr Francisco Javier PINILLA GARCIA Ms Marta JIMÉNEZ AGUEDA
France	Mr Marc BOISNEL	Mr Robert PICCOLI Mr Dominique DUFUMIER
Ireland	Mr Michael HENRY	Mr Pat DONNELLAN Mr Daniel KELLY
Italy		
Luxembourg	Mr Paul WEBER	Mr Robert HUBERTY Mr Carlo STEFFES
Netherlands	Mr R. FERINGA	Mr H. V. V. SCHRAMA Mr C. L. M. THIJSSEN
Austria	Ms Eva-Elisabeth SZYMANSKI	Mr Robert MURR Dr Gertrud BREINDL
Portugal	Mr Eduardo Rafael LEANDRO	Ms Maria João MANZANO Mr João VEIGA E MOURA
Finland	Mr Mikko HURMALAINEN	Ms Anna-Liisa SUNDQUIST Mr Matti LAMBERG

Country	Members	Alternates
Sweden	Mr Bertil REMAEUS	Mr Bo BARREFELT Ms Maria SCHÖNEFELD
United Kingdom	Ms Susan MAWER	Mr Peter BROWN Mr René Mc TAGGART

II. TRADE UNION REPRESENTATIVES

Country	Members	Alternates
Belgium	Mr François PHILIPS	Mr Herman FONCK Mr Stéphane LEPOUTRE
Denmark	Ms Lone JACOBSEN	Mr Henrik F. AHLERS Mr Jan KAHR
Germany	Ms Marina SCHRÖDER	Mr Maximilian ANGERMAIER Mr Herbert KELLER
Greece	Mr Yannis ADAMAKIS	Mr Yannis KONSTANTINIDIS Mr Michail RAMBIDIS
Spain	Mr Angel CÁRCOBA ALONSO	Mr Tomás LÓPEZ ARIAS Mr Javier TORRES FERNÁNDEZ
France	Mr Gilles SEITZ	Mr Pierre-Jean COULON Mr Dominique OLIVIER
Ireland	Mr Sylvester CRONIN	Ms Louise O'DONNELL Mr Fergus WHELAN
Italy		
Luxembourg	Mr Marcel GOEREND	Mr Antoine GIARDIN Mr Alain KINN
Netherlands	Mr W. VAN VEELEN	Mr A. W. WOLTMEIJER
Austria	Mr Alexander HEIDER	Ms Ingrid REIFINGER Ms Renate CZESKLEBA
Portugal	Mr Armando COSTA FARIAS	Mr Luís NASCIMENTO LOPES Mr Joaquim Filipe COELHAS DIONÍSIO
Finland	Ms Raili PERIMÄKI-DIETRICH	Ms Riitta TYÖLÄJÄRVI Ms Jaana MEKLIN
Sweden	Mr Sven BERGSTRÖM	Ms Kerstin HILDINGSSON Mr Börje SJÖHOLM
United Kingdom	Mr Tom MELLISH	Mr Owen TUDOR Ms Liz SNAPE

III. EMPLOYERS' REPRESENTATIVES

Country	Members	Alternates
Belgium	Mr Ir. Kris DE MEESTER	Mr Jos BORMANS Mr André PELEGRIN
Denmark	Mr Thomas PHILBERT NIELSEN	Mr Torben JEPSEN Mr Anders Just PEDERSEN
Germany	Mr Stefan SCHNEIDER	Mr Thomas HOLTSMANN Mr Herbert BENDER

Country	Members	Alternates
Greece	Mr Pavlos KIRIAKONGONAS	Ms Natassa AVLONITOU ...
Spain	Mr Pera TEIXIDO CAMPÁS	Ms Pilar IGLESIAS VALCARCE Mr José A. CARRASCO MORENO
France	Ms Véronique CAZALS	Mr Franck GAMBELLI Mr Patrick LEVY
Ireland	Mr Kevin ENRIGHT	Mr Tony BRISCOE ...
Italy		
Luxembourg	Mr Gilbert HOFFMANN	Mr Pierre BLAISE Mr Guy WALERS
Netherlands	Mr J. J. H. KONING	Ms C. S. FRENKEL Ms A. ARENSEN
Austria	Mr Heinrich BRAUNER	Mr Franz DUNGL Ms Christa SCHWENG
Portugal	Mr José COSTA TAVARES	Mr José Luís BARROSO Mr Marcelino PENA COSTA
Finland	Mr Tapio KUIKKO	Mr Antti MÄHÖNEN Mr Rauno TOIVONEN
Sweden	Mr Eric JANNERFELDT	Ms Bodil MELLBLOM Ms Christin N. GRANBERG
United Kingdom	Mr Bruce M. WARMAN	Mr Roger ALESBURY Ms Janet Lynne ASHERSON

Article 2

The Council shall appoint the members not yet nominated at a later date.

Article 3

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

Done at Brussels, 22 December 2003.

For the Council

The President

A. MATTEOLI

COUNCIL CONCLUSIONS**of 22 December 2003****on dock dues**

(2003/C 321/04)

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:

- the particular handicaps of the outermost regions recognised by the Treaty,
- the importance of specific measures to support their socio-economic development,
- the Seville European Council's request that the Council and the Commission complete certain priority proceedings, in particular the question of dock dues in the French overseas departments,

CONSIDERS IT DESIRABLE that the continuity of the dock dues arrangements should be ensured during the period between 1 January 2004 and 30 June 2004, with a view to the forthcoming decision on those arrangements;

INTENDS TO EXAMINE as soon as possible the Commission proposal regarding the future of those arrangements, taking account in particular of the principles of necessity and proportionality.

COMMISSION

Euro exchange rates ⁽¹⁾

30 December 2003

(2003/C 321/05)

1 euro =

Currency			Exchange rate	Currency			Exchange rate
USD	US dollar		1,2496	LVL	Latvian lats		0,6685
JPY	Japanese yen		133,72	MTL	Maltese lira		0,4312
DKK	Danish krone		7,4446	PLN	Polish zloty		4,6882
GBP	Pound sterling		0,7036	ROL	Romanian leu		41 072
SEK	Swedish krona		9,077	SIT	Slovenian tolar		236,85
CHF	Swiss franc		1,5594	SKK	Slovak koruna		41,145
ISK	Iceland króna		89,63	TRL	Turkish lira		1 752 635
NOK	Norwegian krone		8,421	AUD	Australian dollar		1,6742
BGN	Bulgarian lev		1,9559	CAD	Canadian dollar		1,638
CYP	Cyprus pound		0,5862	HKD	Hong Kong dollar		9,701
CZK	Czech koruna		32,56	NZD	New Zealand dollar		1,9139
EEK	Estonian kroon		15,6466	SGD	Singapore dollar		2,1278
HUF	Hungarian forint		261,69	KRW	South Korean won		1 496,13
LTL	Lithuanian litas		3,4523	ZAR	South African rand		8,2333

⁽¹⁾ Source: reference exchange rate published by the ECB.

Explanatory Notes concerning Annex III — Definition of the concept of originating products and methods of administrative cooperation — to the Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part

(2003/C 321/06)

Article 1(f) — ‘Ex-works price’

The ex-works price of a product shall include:

- the value of all supplied materials used in manufacture; and
- all costs (material costs as well as other costs) effectively incurred by the manufacturer. For example, the ex-works price of recorded video cassettes, records, discs, media-carrying computer software and other such products comprising an element of intellectual property rights shall as far as possible include all costs with regard to the use of intellectual property rights for the manufacture of the goods, paid for by the manufacturer, whether or not the holder of such rights has his seat or residence in the country of production.

No account shall be taken of commercial price reductions (e.g. for early payment, or large quantity deliveries).

Article 4(1)(e) — ‘Wholly obtained products’ — Hunting

The concept of ‘hunting’ laid down in Article 4(1)(e) shall also be applicable to fishing conducted within inland waters (i.e. rivers and lakes) in the Community or in Chile.

Article 9 — Origin rule for sets

The origin rule for sets applies only to sets within the meaning of General Rule 3 for the interpretation of the Harmonized System.

According to this provision each product of which the set is composed, with the exception of products the value of which does not exceed 15 per cent of the total value of the set, must fulfil the origin criteria for the heading under which the product would have been classified if it were a separate product and not included in a set regardless of the heading under which the whole set is classified in accordance with the text of the General Rule referred to above.

These provisions remain applicable even if the 15 per cent tolerance is used for that product which under the text of the General Rule referred to above determines the classification of the whole set.

Article 14 — Drawback in cases of errors

Drawback or remission of duty can only be given in the case that a proof of origin has been wrongly issued or made out if the following three conditions have been met:

- (a) the wrongly issued or made out proof of origin is returned to the authorities in the country of export, or, as an alternative, a written statement is made by the authorities in the importing country that no preference has been or will be granted;
- (b) the products used in the manufacture would have been entitled to drawback or remission of duties under the provisions in force if a proof of origin had not been used to claim preference; and
- (c) the period allowed for repayment has not been exceeded and the conditions laid down in the internal legislation of the country concerned governing repayment are met.

Article 16 — Documentary evidence for used goods

Evidences of origin may be issued also for used or any other goods where, because of a considerable time lapse between the date of production on the one hand and the date of exportation on the other hand, the usual supporting documents are no longer available, provided that:

- (a) the date of production or importation of the goods lies beyond that period of time during which, according to the respective legislation in the country of exportation, records must be kept by traders;
- (b) the goods can be deemed to be originating on the grounds of other evidences, like declarations of the producer or any other trader, an expert's opinion, by marks on the goods or descriptions of them, etc.; and
- (c) there is no indication that the goods do not comply with the requirements of the origin rules.

Article 16 and 23 — Submission of proof of origin in case of electronic transmission of the import declaration

In cases where import declarations are transmitted electronically to the customs authorities of the importing country, it rests with these authorities to decide, within the framework and according to the provisions of the customs legislation applicable in the importing country, when and to what extent the documents constituting evidence of originating status shall actually be submitted.

Article 16 — Description of goods on movement certificate EUR.1

Cases of large consignments or generic description of goods

When the box, on the movement certificate EUR.1, provided for the description of the goods is insufficient to permit specification of the necessary particulars for identifying the goods, particularly in the case of large consignments, the exporter may specify the goods to which the certificate relates on attached invoices of the goods and, if necessary, additional commercial documents on condition that:

- (a) the invoices numbers are shown in Box 10 of the movement certificate EUR.1,
 - (b) the invoices and, where relevant, additional commercial documents are firmly attached to the certificate prior to presentation to customs or competent governmental authorities of the exporting country,
- and
- (c) the customs or competent governmental authorities have stamped the invoice and additional commercial documents, officially attaching them to the certificates.

Article 16 — Goods exported by a customs clearance agent

A customs clearance agent may be allowed to act as the authorised representative of the person who is the owner of the goods or has a similar right of disposal over them, even in cases where the person is not situated in the exporting country, as long as the agent is in a position to prove the originating status of the goods.

Article 16 — Documents accompanying a movement certificate EUR.1

An invoice relating to goods exported under preference from the territory of one of the Parties and accompanying a movement certificate EUR.1 can be made out in a third country.

Article 16 — Terms and abbreviations used for countries, group of countries or territories in a movement certificate EUR.1

Goods originating in the Community may be indicated in Box 4 of the certificate ⁽¹⁾ as originating in:

- the Community, or
- both a Member State and the Community.

Any other term referring unequivocally to the Community may also be used such as, *inter alia*, the European Community, the European Union or an abbreviated form like for example EC, EU, etc. (including the equivalent translations in the languages in which the Agreement is drawn up).

⁽¹⁾ Identical terms and abbreviations may be legitimately used in Box 2 of the movement certificate EUR.1.

Accordingly, Chile may be indicated as the country of origin also by using its official abbreviations, CL (Iso-Alpha-2) and CHL (Iso-Alpha-3) ⁽¹⁾.

Article 17 — Technical reasons

A movement certificate EUR.1 may be rejected for 'technical reasons' because it was not made out in the prescribed manner. These are the cases which may give rise to subsequent presentation of a retrospectively-endorsed certificate and they include, by way of example, the following:

- the movement certificate EUR.1 has been made out on a form other than the prescribed one (e.g. no guilloche background, differs significantly from the model in size or colour, no serial number, not printed in one of the officially-prescribed languages),
- one of the mandatory boxes (e.g. Box 4 on the EUR.1) has not been filled in, except for box 8,
- Tariff classification of the good at least at a heading (4 digits code) level ⁽²⁾ is not included in Box 8,
- the movement certificate EUR.1 has not been stamped and signed (i.e. in Box 11),
- the movement certificate EUR.1 is endorsed by a non-authorised authority,
- the stamp used is a new one which has not yet been notified,
- the movement certificate EUR.1 presented is a copy or photocopy rather than the original,
- the entry in Box 5 refers to a country that does not belong to the Agreement (e.g. Israel or Cuba).

Action to be taken

The document should be marked 'DOCUMENT NOT ACCEPTED', stating the reason(s), and then returned to the importer in order to enable him to get a new document issued retrospectively. The customs authorities, however, may keep a photocopy of the rejected document for the purposes of post-clearance verification or if they have grounds for suspecting fraud.

Article 20 — Practical application of the provisions concerning invoice declaration

The following guidelines shall apply:

- (a) the indication of non-originating products and therefore products which are not covered by the invoice declaration should not be made on the declaration itself. However, this indication should appear on the invoice in a precise way so as to avoid any misunderstandings;

⁽²⁾ Accordingly, the proof of origin may legitimately contain a more specific tariff classification of the good.

- (b) declarations made on photocopied invoices are acceptable provided such declarations bear the signature of the exporter under the same conditions as the original. Approved exporters who are authorised not to sign invoice declarations are not required to sign invoice declarations made on photocopied invoices;
- (c) an invoice declaration on the reverse of the invoice is acceptable;
- (d) the invoice declaration may be made on a separate sheet of the invoice provided that the sheet may be considered as part of the invoice. A complementary form may not be used;
- (e) an invoice declaration made out on a label which is subsequently attached to the invoice is acceptable provided there is no doubt that the label has been affixed by the exporter. For example, the exporter's stamp or signature should cover both the label and the invoice.

Article 20 — Value basis for the issue and acceptance of invoice declarations made out by any exporter

The ex-works price may be used as the value basis for deciding when an invoice declaration can be used instead of a movement certificate EUR.1 in reference to the value limit laid down in Article 20(1)(b). If the ex-works price is used as the value basis, the importing country shall accept invoice declarations made out by reference to that.

In cases where there is no ex-works price owing to the fact that the consignment is supplied free of charge, the customs value established by the authorities of the country of importation shall be considered as the basis for the value limit.

Article 21 — Approved exporter

The term 'exporter' may refer to persons or undertakings, regardless of whether they are producers or traders, as long as they comply with all the other provisions of Annex III. Customs clearance agents may not be granted approved exporter status within the meaning of Annex III.

The status of approved exporter may be granted only after an exporter has submitted a written application. When examining this, the customs or competent governmental authorities should give particular consideration to the following points:

- whether the exporter exports regularly: here, rather than focusing on a given number of consignments or a particular sum, the customs or competent governmental authorities should look into how regularly the operator carries out such operations;
- whether the exporter is at all times in a position to supply evidence of origin for the goods to be exported. In this connection it is necessary to consider whether the exporter knows the current rules of origin and is in possession of all the documents proving origin. In the case of producers, the authorities must make sure that

the undertaking's stock accounts allow identification of the origin of goods and, in the case of new undertakings, that the system they have installed will permit such identification. For operators who are traders only, examination should focus more specifically on their usual trade flows;

- whether, in the light of his past exporting record, the exporter offers sufficient guarantees concerning the originating status of the goods and the ability to meet all resulting obligations.

Once an authorisation has been issued, exporters must:

- undertake to issue invoice declarations only for goods for which they hold all the necessary proof or accounting elements at the time of issue;
- assume full responsibility for the way the authorisation is used, particularly for incorrect origin statements or other misuse of the authorisation;
- assume responsibility for ensuring the person in the undertaking responsible for completing invoice declarations knows and understands the rules of origin;
- undertake to keep all documentary proofs of origin for a period of at least three years from the date that the declaration was made;
- undertake to produce proof of origin to the customs or competent governmental authorities at any time, and allow inspections by those authorities at any time.

The customs or competent governmental authorities must carry out regular controls on authorised exporters. These controls must ensure the continued compliance of the use of the authorisation and may be carried out at intervals determined, if possible, on the basis of risk analysis criteria.

The customs or competent governmental authorities must notify the Commission of the European Communities of the national numbering system used for designating authorised exporters. The Commission of the European Communities will then pass on the information to the customs authorities of the other countries.

Article 24 — Importation by instalments

An importer wishing to take advantage of the provisions of this article must inform the exporter before the first instalment is exported that a single proof of origin for the complete product is required.

In the event of each instalment being made up only of originating products and such instalments being accompanied by proofs of origin, those separate proofs of origin shall be accepted by the customs authorities of the importing country for the instalments concerned, instead of a single proof of origin issued for the complete product.

Article 31 — Refusal of preferential treatment without verification

This covers cases in which the proof of origin is considered inapplicable, *inter alia*, for the following reasons:

- the goods description box (Box 8 on EUR.1) is not filled in or refers to goods other than those presented;
- the proof of origin has been issued by a country which does not belong to the Agreement even if the goods originate in the Community or in Chile (e.g. EUR.1 issued in Israel for products originating in Chile);
- one of the mandatory boxes on the movement certificate EUR.1 bears traces of non-authenticated erasures or alterations (e.g. the boxes describing the goods or stating the number of packages, the country of destination or the country of origin);
- the time-limit on the movement certificate EUR.1 has expired for reasons other than those covered by the regulations (e.g. exceptional circumstances), except where the goods were presented before expiry of the time-limit;
- the proof of origin is produced subsequently for goods that were initially imported fraudulently;

- Box 4 on the movement certificate EUR.1 names a country not party to the agreement under which preferential treatment is being sought.

Action to be taken

The proof of origin should be marked 'INAPPLICABLE' and retained by the customs authorities to which it was presented in order to prevent any further attempt to use it. Without prejudice to legal actions initiated according to internal legislation, the customs authorities of the importing country shall inform, where it is appropriate to do so, the customs or competent governmental authorities of the country of exportation about the refusal without delay.

Article 31 — Time-limits for the verification of evidences of origin

No country shall be obliged to answer a request for subsequent verification, as provided for in Article 31, received more than three years after the date of issue of a movement certificate EUR.1 or the date of making out an invoice declaration.

Appendix I — Introductory note 6.1

The special rule for textile materials excludes linings and interlinings. The 'pocketing fabric' is a special woven fabric that is exclusively used for the production of pockets and can therefore not be considered as normal lining or interlining. The special rule applies therefore to 'pocketing fabric' (for trousers). The rule applies to woven fabrics in the piece as well as to finished pockets originating in third countries.

Articles 17 and 31

DA	AFVIST DOKUMENT	UANVENDELIGT
DE	DOKUMENT NICHT ANGENOMMEN	NICHT ANWENDBAR
EL	ΑΠΟΡΡΙΠΤΕΤΑΙ	ΜΗ ΑΠΟΔΕΚΤΟ
EN	DOCUMENT NOT ACCEPTED	INAPPLICABLE
ES	DOCUMENTO RECHAZADO	INAPLICABLE
FI	ASIAKIRJA HYLÄTTY	EI VOIDA KÄYTTÄÄ
FR	DOCUMENT REFUSÉ	INAPPLICABLE
IT	DOCUMENTO RESPINTO	INAPPLICABILE
NL	DOCUMENT GEWEIGERD	NIET VAN TOEPASSING
PT	DOCUMENTO RECUSADO	NÃO APLICÁVEL
SV	EJ GODTAGET DOKUMENT	OANVÄNDBART

Commission communication concerning Article 4(3) of Directive 98/27/EC of the European Parliament and of the Council on injunctions for the protection of consumers' interests, concerning the entities qualified to bring an action under Article 2 of this Directive

(2003/C 321/07)

(Text with EEA relevance)

The authorities of the Member States concerned have recognised the entities mentioned below as being qualified to bring actions for an injunction under Article 2 of Directive 98/27/EC.

BELGIUM

Association belge des consommateurs Test-Achats — Belgische verbruikersunie Test-Aankoop

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Télécopieur (32-2) 542 32 50
Courrier électronique: membres@test-achats.be
www.test-achats.be

Hollandstraat 13
B-1060 Brussel
Telefoon (32-2) 542 32 32
Fax (32-2) 542 32 50
E-mail: leden@test-aankoop.be
www.test-aankoop.be

DENMARK

1. Forbrugerombudsmanden

(Consumer Ombudsman)
Amagerfælledvej 56
DK-2300 København S
Tel. (45) 32 66 90 00
Fax (45) 32 66 91 00
E-mail: fs@fs.dk
Website: www.fs.dk
(English: www.consumer.dk/index-uk.htm)

Purpose of the Consumer Ombudsman

The Consumer Ombudsman ensures, with reference to the Marketing Act, that the law is observed, more specifically from the point of view of consumers.

The Consumer Ombudsman is competent to *bring actions under the following Directives*:

- Council Directive 84/450/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising.
- Council Directive 85/577/EEC of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises.
- Council Directive 87/102/EEC of 22 December 1986 for the approximation of the laws, regulations and administrative provisions of the Member States concerning

consumer credit, as most recently amended by Directive 98/7/EC.

- Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities, as amended by Directive 97/36/EC.
- Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours.
- Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.
- Directive 94/47/EC of the European Parliament and the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis.
- Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts.
- Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees.
- Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce').

2. Lægemiddelstyrelsen

(Danish Medicines Agency)
Frederikssundsvej 378
DK-2730 Brønshøj
Tel. (45) 44 88 91 11
Fax (45) 44 91 73 73
E-mail: dkma@dkma.dk
Website: www.dkma.dk

Purpose of the Danish Medicines Agency

The task of the Danish Medicines Agency is to approve the placing on the market of medicines that are effective and safe, to help ensure that social security expenditure on medicines is in reasonable proportion to the therapeutic benefits, and to monitor the area of medicinal products and medicinal equipment.

The Danish Medicines Agency is competent to *bring actions* in the event of contraventions of Council Directive 92/28/EEC of 31 March 1992 on the advertising of medicinal products for human use.

GERMANY

1.	Aktion Bildungsinformation e.V. (ABI)	Alte Poststraße 5 D-70173 Stuttgart	Protects consumers' interests by offering information and advice; authorised to bring collective actions in the interest of consumers
2.	Verbraucherzentrale Bundesverband e.V.	Markgrafenstraße 66 D-10969 Berlin	Association incorporating three former organisations: Stiftung Verbraucherinstitut, Arbeitsgemeinschaft der Verbraucherverbände e.V. and Verbraucherschutzverein e.V. (VSV) Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
3.	Berliner Mieterverein e.V.	Wilhelmstraße 74 D-10117 Berlin	Protects tenants' interests in Berlin by offering information and advice; authorised to bring collective actions in the interest of tenants
4.	Bund der Energieverbraucher e.V.	Grabenstraße 7 D-53619 Rheinbreitbach	Protects energy consumers' interests; authorised to bring collective actions in the interest of energy consumers
5.	Bund der Versicherten e.V.	Rönkrei 28 D-22399 Hamburg	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
6.	Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband e.V. (VZBV)	Markgrafenstraße 66 D-10969 Berlin	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
7.	Bundesverband privater Kapitalanleger e.V.	Am Goldgraben 6 D-37073 Göttingen	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
8.	Datenschutzbund Hamburg e.V.	Am Diebsteich 1 D-22761 Hamburg	Protects consumers' interests by providing information and advice, especially in the field of data protection; authorised to bring collective actions in the interest of consumers
9.	Deutsche Gesellschaft für Sonnenenergie e.V.	Augustenstraße 79 D-80333 München	Protects consumers' interests by providing information and advice, especially in the fields of renewable energy forms and rational use of energy, focusing particularly on solar energy; authorised to bring collective actions in the interest of consumers

10.	Deutscher Mieterbund — Kieler Mieterverein e.V.	Eggerstedtstraße 1 D-24103 Kiel	Protects consumers' interests in Kiel in the field of tenancy law by providing information and advice; authorised to bring collective actions in the interest of consumers
11.	Deutscher Mieterbund — Landesverband Mecklenburg- Vorpommern e.V.	Dr.-Külz-Straße 18 D-19053 Schwerin	Protects consumers' interests in Mecklenburg-Western Pomerania in the field of tenancy law by providing information and advice; authorised to bring collective actions in the interest of consumers
12.	Deutscher Mieterbund — Landesverband der Mietervereine in Nordrhein-Westfalen e.V.	Luisenstraße 12 D-44137 Dortmund	Protects consumers' interests in the field of tenancy law by providing information and advice; authorised to bring collective actions in the interest of consumers
13.	Deutscher Mieterbund — Landesverband Schleswig-Holstein e.V.	Eggerstedtstraße 1 D-24103 Kiel	Protects consumers' interests in Schleswig-Holstein in the field of tenancy law by providing information and advice; authorised to bring collective actions in the interest of consumers
14.	Deutscher Mieterbund Mieterbund Rhein-Ruhr e.V.	Rathausstraße 18—20 D-47166 Duisburg	Protects tenants' interests in Duisburg by providing information and advice; authorised to bring collective actions in the interest of tenants
15.	Deutscher Mieterbund — Mieterverein Groß-Velbert und Umgebung e.V.	Friedrich-Ebert-Straße 62—64 D-42549 Velbert	Protects tenants' interests in the Velbert region by providing information and advice; authorised to bring collective actions in the interest of tenants
16.	Deutscher Mieterbund — Mieterverein Hamm und Umgebung e.V.	Südring 1 D-59065 Hamm	Protects tenants' interests in the Hamm region by providing information and advice; authorised to bring collective actions in the interest of tenants
17.	Deutscher Mieterbund — Mieterverein Iserlohn e.V.	Vinckestraße 4 D-58636 Iserlohn	Protects tenants' interests in Iserlohn by providing information and advice; authorised to bring collective actions in the interest of tenants
18.	Deutscher Mieterbund — Mieterverein Kassel und Umgebung e.V.	Königsplatz 59/ Eingang Poststraße 1 D-34117 Kassel	Protects tenants' interests in the Kassel region by providing information and advice; authorised to bring collective actions in the interest of tenants
19.	Deutscher Mieterbund — Mieterverein Schwerin und Umgebung e.V.	Dr.-Külz-Straße 18 D-19053 Schwerin	Protects tenants' interests in the Schwerin region by providing information and advice; authorised to bring collective actions in the interest of tenants

20.	Deutscher Mieterbund — Mieterverein Siegerland und Umgebung e.V.	Koblenzer Straße 5 D-57072 Siegen	Protects tenants' interests in the Siegerland region by providing information and advice; authorised to bring collective actions in the interest of tenants
21.	DMB — Mieterverein Stuttgart und Umgebung e.V.	Moserstraße 5 D-70182 Stuttgart	Protects tenants' interests in the Stuttgart region by providing information and advice; authorised to bring collective actions in the interest of tenants
22.	DMB — Mieterschutzverein Frankfurt am Main e.V.	Eckenheimer Landstraße 339 D-60320 Frankfurt am Main	Protects the interests of tenants in Frankfurt am Main by providing information and advice; authorised to bring collective actions in the interest of tenants
23.	Deutscher Mieterbund — Mieterschutzverein Wiesbaden und Umgebung e.V.	Adelheidstraße 70 D-65185 Wiesbaden	Protects tenants' interests in the Wiesbaden region by providing information and advice; authorised to bring collective actions in the interest of tenants
24.	Deutsche Schutzvereinigung Auslandsimmobilien e.V.	Zähringer Straße 373 D-79108 Freiburg	Protects the interests of private house, flat and land owners with property abroad and other persons with interests in foreign property by providing information and advice; authorised to bring collective actions in the interest of the above persons
25.	Mieter helfen Mietern, Münchner Mieterverein e.V.	Weißburger Straße 25 D-81667 München	Protects the interests of tenants in Munich by providing information and advice; authorised to bring collective actions in the interest of tenants
26.	Mieter und Pächter e.V.	Prinzenstraße 7 D-44135 Dortmund	Protects the interests of tenants and lessees in Dortmund by providing information and advice; authorised to bring collective actions in the interest of tenants
27.	Mieterverein Bochum, Hattingen und Umgegend e.V.	Brückstraße 58 D-44787 Bochum	Protects tenants' interests in Bochum, Hattingen and the region by providing information and advice; authorised to bring collective actions in the interest of tenants
28.	Mieterverein für Lüdenscheid und Umgegend e.V.	Lösenbacher Straße 3 D-58507 Lüdenscheid	Protects tenants' interests in the Lüdenscheid region by providing information and advice; authorised to bring collective actions in the interest of tenants
29.	Mieterverein Gelsenkirchen e.V. im Deutschen Mieterbund	Gabelsberger Straße 9 D-45879 Gelsenkirchen	Protects the interests of tenants and lessees by providing information and advice; authorised to bring collective actions in the interest of tenants

30.	Mieterverein Köln e.V.	Mühlenbach 49 D-50676 Köln	Protects the interests of tenants in Cologne by providing information and advice; authorised to bring collective actions in the interest of tenants
31.	Mieterverein München e.V.	Sonnenstraße 10 D-80331 München	Protects the interests of tenants in Munich by providing information and advice; authorised to bring collective actions in the interest of tenants
32.	Schutzverband für Verbraucher und Dienstleistungsnehmer e.V. — Endverbraucher, Kapitalanleger, Versicherte	Spessarttring 37 D-63110 Rodgau	Protects the interests of consumers and service users by providing information and advice; authorised to bring collective actions in the interest of consumers and service users
33.	Verbraucherzentrale Baden-Württemberg e.V.	Paulinenstraße 47 D-70178 Stuttgart	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
34.	Verbraucherschutzverein e.V. (VSV)	Lützowstraße 33—36 D-10785 Berlin	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
35.	Verbraucherzentrale Berlin e.V.	Bayreuther Straße 40 D-10787 Berlin	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
36.	Verbraucher-Zentrale Brandenburg e.V.	Templiner Straße 21 D-14473 Potsdam	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
37.	Verbraucher-Zentrale des Landes Bremen e.V.	Altenweg 4 D-28195 Bremen	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
38.	Verbraucher-Zentrale Hamburg e.V.	Kirchenallee 22 D-20099 Hamburg	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
39.	Verbraucher-Zentrale Hessen e.V.	Große Friedberger Straße 13—17 D-60313 Frankfurt/Main	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
40.	Verbraucherzentrale Mecklenburg-Vorpommern e.V.	Strandstraße 98 D-18055 Rostock	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers

41.	Verbraucher-Zentrale Niedersachsen e.V.	Herrenstraße 14 D-30159 Hannover	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
42.	Verbraucher-Zentrale Nordrhein-Westfalen Landesarbeitsgemeinschaft der Verbraucherverbände e.V.	Mintropstraße 27 D-40215 Düsseldorf	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
43.	Verbraucherzentrale Rheinland-Pfalz e.V.	Ludwigstraße 6 D-55116 Mainz	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
44.	Verbraucherzentrale des Saarlandes Landesarbeitsgemeinschaft der Verbraucherverbände e.V.	Hohenzollernstraße 11 D-66117 Saarbrücken	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
45.	Verbraucher-Zentrale Sachsen e.V.	Bernhardstraße 7 D-04315 Leipzig	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
46.	Verbraucherzentrale Sachsen-Anhalt e.V.	Steinbockgasse 1 D-06108 Halle	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers
47.	Verbraucherzentrale Thüringen e.V.	Eugen-Richter-Straße 45 D-99085 Erfurt	Protects consumers' interests by providing information and advice; authorised to bring collective actions in the interest of consumers

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4, boulevard de la Villette
F-75955 Paris Cedex 19
Téléphone (33) 142 03 83 50
Télécopieur (33) 155 80 84 12
Courrier électronique: asseco@cfdt.fr
Site Internet: www.cfdt.fr/asseco
Président: M. Jean-Louis Bauzon
Secrétaire général: M. Patrick Guyot

CGL

6/8, Villa Gagliardini
F-75020 Paris
Téléphone (33) 140 31 90 22
Télécopieur (33) 140 31 92 74
Courrier électronique: CGL.Nat@wanadoo.fr
Président: M. Henry de Gaulle
Secrétaire générale: M^{me} Josiane de la Fonchais

CLCV

13, rue Niépce
F-75014 Paris
Téléphone (33) 156 54 32 10
Télécopieur (33) 143 20 72 02
Courrier électronique: clcv@clcv.org
Site Internet: www.clcv.org
Présidente: M^{me} Arlette Haedens
Secrétaire générale: M^{me} Reine-Claude Mader

CNAFAL

108, avenue Ledru-Rollin
F-75011 Paris
Téléphone (33) 147 00 02 40
Télécopieur (33) 147 00 01 86
Courrier électronique: cnafal@wanadoo.fr
Site Internet: cnafa.com
Présidente: M^{me} Michèle Fournier-Bernard
Secrétaire général: M. Patrick Ollivier

CNAFC

28, place Saint-Georges
F-75009 Paris
Téléphone (33) 148 78 81 61
Télécopieur (33) 148 78 07 35
Courrier électronique: afc_conso@compuserve.com
Site Internet: www.afcfrance.org
Président: M. Paul de Viguerie
Directeur: M. Olivier Braillon

CNL

8, rue Mériel
F-93104 Montreuil Cedex
Téléphone (33) 148 57 04 64
Télécopieur (33) 148 57 28 16
Courrier électronique: cnl-lf@wanadoo.fr
Président: M. Jean-Pierre Giacomo
Administrateur: M. Robert Boules

CSF

53, rue Riquet
F-75019 Paris
Téléphone (33) 144 89 86 80
Télécopieur (33) 140 35 29 52
Courrier électronique: c.s.f@wanadoo.fr
Site Internet: perso.wanadoo.fr/c.s.f
Présidente: M^{me} Étiennette Guerlin
Secrétaire général: M. François Édouard

FAMILLES DE FRANCE

28, place Saint-Georges
F-75009 Paris
Téléphone (33) 144 53 45 90
Télécopieur (33) 145 96 07 88
Courrier électronique: famillesdefrance@wanadoo.fr
Site Internet: www.famillesdefrance.asso.fr
Président: M. Henri Joyeux
Secrétaire générale: M^{me} Christine Therry

FAMILLES RURALES

7, cité d'Antin
F-75009 Paris
Téléphone (33) 144 91 88 88
Télécopieur (33) 144 91 88 89

Courrier électronique: famillesrurales@wanadoo.fr
Site Internet: www.famillesrurales.org
Présidente: M^{me} Marie-Claude Petit
Directeur: M. Jean-Yves Martin

FNAUT

32, rue Raymond-Losserand
F-75014 Paris
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Télécopieur (33) 143 35 14 06
Courrier électronique: fnaut@wanadoo.fr
Site Internet: perso.wanadoo.fr/fnaut
Président: M. Jean Sivardière
Secrétaire générale: M^{me} Simone Bigorgne

INDECOSA-CGT

263, rue de Paris
F-93516 Montreuil Cedex
Téléphone (33) 148 18 84 26
Télécopieur (33) 148 18 84 82
Courrier électronique: indecosa@cgt.fr
Site Internet: www.cgt.fr/indecosa
Président: M. Philippe Antoine
Secrétaire général: M. Daniel Tournez

ORGECO

16, avenue du Château
F-94300 Vincennes
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Télécopieur (33) 143 65 33 76
Courrier électronique: orgeco@wanadoo.fr
Site Internet: perso.wanadoo.fr/orgeco/
Président: M. Yves Sirot

UFC-QUE CHOISIR

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F-75011 Paris
Téléphone (33) 143 48 55 48
Télécopieur (33) 143 48 44 35
Courrier électronique: mouvement@quechoisir.org
Site Internet: www.quechoisir.org
Présidente: M^{me} Marie-José Nicoli
Directeur: M. Jean-Louis Redon

UFCS

6, rue Béranger
F-75003 Paris
Téléphone (33) 144 54 50 54
Télécopieur (33) 144 54 50 66
Courrier électronique: ufcsnational@wanadoo.fr
Site Internet: www.ufcs.org
Présidente: M^{me} Chantal Jannet
Secrétaire générale: M^{me} Christine Touffait

UNAF

28, place Saint-Georges
F-75009 Paris
Téléphone (33) 149 95 36 00
Télécopieur (33) 140 16 12 76
Courrier électronique: nbrun@unaf.fr
Site Internet: www.unaf.fr
Président: M. Hubert Brin
Directeur: M. Jean-Michel Rossignol

GREECE

1. **Consumers' association — New consumers' institute (NEO INKA)**
Akadimias 7, GR-106 71 Athens
Tel. (30-210) 363 24 43
Fax (30-210) 363 39 76
2. **Consumers' protection centre of Thessaloniki (KEPKA)**
Tsimiski 54, GR-546 23 Thessaloniki
Tel. (30) 2310 26 94 49
Fax (30) 2310 24 22 11
3. **Consumers' association 'the quality of life' (EKPIZO)**
Valtetsiou 43-45, GR-106 81 Athens
Tel. (30-210) 330 44 44
Fax (30-210) 330 05 91
4. **Greek consumers' organisation (EKATO)**
Dimokritou 10, GR-543 52 Thessaloniki
Tel. (30) 2310 85 70 07/866 80 07
Fax (30) 2310 86 74 56
5. **Consumers' institute (INKA) of Ioannina**
Th. Paschidi 52, GR-454 45 Ioannina
Tel./Fax (30) 26510 651 78
6. **Citizens' rights organisation**
Kolokotroni 134, Piraeus
Tel. (30-210) 360 04 10
Fax (30-210) 360 04 11
7. **Consumers' institute (INKA) of Macedonia**
Monastiriou 17, GR-546 27 Thessaloniki
Tel. (30) 2310 53 52 63
Fax (30) 2310 23 80 61
8. **Consumers' institute (INKA) of Corfu**
Plateia Iroon Kypriakou Agona 19, Corfu
Tel. (30) 26610 481 69/428 63
Fax (30) 26610 381 81

IRELAND

Director of Consumer Affairs
4-5 Harcourt Road
Dublin 2
Ireland
Tel. (353-1) 402 55 00
Fax (353-1) 402 55 01
E-mail: odca@entemp.ie
Website: www.odca.ie

ITALY

1. **ACU — Associazione Consumatori Utenti — Onlus**
Via Bazzini 4, I-20131 Milano (MI)
Tel. (39) 02 70 63 06 68
Fax (39) 02 70 63 67 77
2. **Adiconsum**
Via G. M. Lancisi 25, I-00161 Roma (RM)
Tel. (39) 06 641 70 21
Fax (39) 06 44 17 02 30
3. **ADOC — Associazione Difesa Orientamento Consumatori**
Via Lucullo 6, I-00187 Roma (RM)
Tel. (39) 06 482 58 49
Fax (39) 06 481 90 28
4. **Centro Tutela Consumatori Utenti Onlus — Verbraucherzentrale Südtirol**
Via Dodiciville 11, I-39100 Bolzano (BZ)
Tel. (39) 047 197 55 97
Fax (39) 047 197 99 14
5. **Cittadinanzattiva**
Via Flaminia 53, I-00196 Roma (RM)
Tel. (39) 06 36 71 81
Fax (39) 06 36 71 83 33
6. **Codacons — Coordinamento delle associazioni per la tutela dell'ambiente e per la difesa dei diritti degli utenti e consumatori**
Viale Mazzini 73, I-00195 Roma (RM)
Tel. (39) 06 372 58 09
Fax (39) 06 370 17 09
7. **Comitato Consumatori Altroconsumo**
Via Valassina 22, I-20159 Milano (MI)
Tel. (39) 02 66 89 01
Fax (39) 02 66 89 02 88
8. **Confconsumatori**
Via Aurelio Saffi 16, I-43100 Parma (PR)
Tel. (39) 052 123 01 34
Fax (39) 052 128 52 17
9. **Federconsumatori — Federazione Nazionale di Consumatori e Utenti**
Via Gioberti 54, I-00185 Roma (RM)
Tel. (39) 06 49 27 04 34
Fax (39) 06 49 27 04 52
10. **Lega Consumatori**
Via Orchidee 4/A, I-20147 Milano (MI)
Tel. (39) 02 48 30 36 59
Fax (39) 02 48 30 26 11
11. **Movimento Consumatori**
Via Carlo Maria Maggi 14, I-20154 Milano (MI)
Tel. (39) 02 33 60 30 60
Fax (39) 02 34 93 74 00
12. **Movimento Difesa del Cittadino**
Via Adis Abeba 1, I-00199 Roma (RM)
Tel. (39) 06 86 39 92 08
Fax (39) 06 86 38 84 06
13. **Unione Nazionale Consumatori**
Via Duilio 13, I-00192 Roma (RM)
Tel. (39) 06 326 95 31
Fax (39) 06 323 46 16
14. **ADUSBEP — Associazione difesa utenti servizi bancari e finanziari**
Via Farini 62, I-00185 Roma (RM)
Tel. (39) 06 481 86 32
Fax (39) 06 481 86 33
Posta elettronica: info@adusbef.it

NETHERLANDS**Consumentenbond**

Enthovenplein 1
Postbus 1000
2500 BA Den Haag
Nederland
Tel. (31-70) 445 45 45
Fax (31-70) 445 45 96
1e) Koos Peters, kpeters@consumentenbond.nl
2e) Wibbo Koole, wkoole@consumentenbond.nl
Website: www.consumentenbond.nl

AUSTRIA**1. Wirtschaftskammer Österreich**

Represents and promotes the common interests of its members and of industry and trade and individual members (§ 1 of the *Wirtschaftskammergesetz* = Chamber of Commerce Act). Protection of the collective interests of consumers pursuant to § 28(1), § 28(a)(1) and § 29(1) of the KSchG and § 1, § 2(1) and § 14(1) of the UWG.

Wirtschaftskammer Österreich
Wiedner Hauptstraße 63
A-1045 Wien
Tel. (43-1) 501 05 42 96
Fax (43-1) 50 20 62 43
E-mail: huberta.maitz-strassnig@wko.at

2. Bundesarbeitskammer

Represents and promotes the social, economic, occupational and cultural interests of workers; contributes to improving the economic and social situation of workers and their families, implements measures in matters pertaining to education, culture, environmental protection, consumer protection, the organisation of leisure time, the protection and promotion of health and living conditions, the promotion of full employment; involved in the establishing of prices and competition rules; provides advice and legal protection in matters pertaining to labour law and social law, including representation. Protects the collective interests of consumers pursuant to § 28(1), § 28(a)(1) and § 29(1) of the KSchG and § 1, § 2(1) and § 14(1) of the UWG.

Bundesarbeitskammer
Prinz-Eugen-Straße 20-22
A-1040 Wien
Tel. (43-1) 501 65 25 50
Fax (43-1) 501 65 25 32
E-mail: helmut.gahleitner@akwien.or.at

3. Präsidentenkonferenz der Landwirtschaftskammern Österreichs

Promotes the national economic role of agriculture and forestry and represents their common interests. Protects the collective interests of consumers pursuant to § 28(1), § 28(a)(1) and § 29(1) of the KSchG and § 1, § 2(1) and § 14(1) of the UWG.

Präsidentenkonferenz der Landwirtschaftskammern
Österreichs
Löwenstraße 12
A-1010 Wien
Tel. (43-1) 534 41 85 00
Fax (43-1) 534 41 85 09
E-mail: pkrecht@pklwk.at

4. Österreichischer Gewerkschaftsbund

Represents the social, economic and cultural interests of all gainfully employed people other than the self-employed (manual workers, white-collar workers, public servants, including apprentices or persons in a similar situation), the unemployed, even if they have not yet had the opportunity to be gainfully employed (other than in self-employment), pupils and students who intend to go into gainful employment (other than self-employment) and other occupational groups (such as freelancers or people working in private practice), provided that they can be compared, in terms of their activity, to people who are gainfully employed other than in self-employment. Protects the collective interests of consumers pursuant to § 28(1), § 28(a)(1) and § 29(1) of the KSchG and § 1, § 2(1) and § 14(1) of the UWG.

Österreichischer Gewerkschaftsbund
Hohenstaufengasse 10-12
A-1010 Wien
Tel. (43-1) 53 44 44 05
Fax (43-1) 53 44 45 52
E-mail: thomas.maurer-muehlleitner@oegb.or.at

5. Verein für Konsumenteninformation

Advises, informs and protects consumers with regard to misleading and unfair advertising and sales methods, and in legal matters pertaining to the purchase of goods and services. Protects the collective interests of consumers pursuant to § 28(1), § 28(a)(1) and § 29(1) of the KSchG and § 1, § 2(1) and § 14(1) of the UWG.

Verein für Konsumenteninformation
Mariahilferstraße 81
A-1010 Wien
Tel. (43-1) 58 87 73 33
Fax (43-1) 588 77 75
E-mail: pkolba@vki.or.at

6. Österreichischer Landarbeiterkammertag

Promotes cooperation between chambers of agricultural workers, provides advice and deals with common matters that fall within the sphere of responsibility of the chambers of agricultural workers (employees' sections). Protection of the collective interests of consumers pursuant to § 28(1), § 28(a)(1) and § 29(1) of the KSchG and § 1, § 2(1) and § 14(1) of the UWG.

Österreichischer Landarbeiterkammertag
Marco d'Aviano-Gasse 1
A-1015 Wien
Tel. (43-1) 512 23 31
Fax (43-1) 512 23 31 70
E-mail: oelakt@netway.at

7. Österreichischer Seniorenrat (Bundesaltenrat Österreichs)

Ensures that all economic, social and cultural facilities are accessible to the older generation in keeping with its needs, contributes to solving problems of social, old-age and health policy, and supports the provision of advice, information and care to the elderly. Protects the collective interests of consumers pursuant to § 28(1), § 28(a)(1) and § 29(1) of the KSchG and § 1, § 2(1) and § 14(1) of the UWG.

Österreichischer Seniorenrat
(Bundesaltenrat Österreichs)
Sperrgasse 8-10/III
A-1150 Wien
Tel. (43-1) 892 34 65
Fax (43-1) 892 34 65 24
E-mail: kontakt@seniorenrat.at

8. Schutzverband gegen den unlauteren Wettbewerb

Combats unfair competition, especially trade libel in economic life, protects the collective interests of consumers pursuant to § 28(1), § 28(a)(1) and § 29(1) of the KSchG and § 1, § 2(1) and § 14(1) of the UWG.

Schutzverband gegen den unlauteren Wettbewerb
Schwarzenbergplatz 14
A-1040 Wien
Tel. (43-1) 514 50 32 92
Fax (43-1) 505 78 93
E-mail: office@schutzverband.at

SUOMI/FINLAND

1. Kuluttaja-asiamies

(the Consumer Ombudsman) is responsible for:

- general supervision of consumer protection in connection with marketing and conditions of contract,
- supervision of radio and television advertising to check compliance with the regulations governing ethical principles in advertising and teleshopping and the protection of minors, and to pinpoint cases where television and radio broadcasts include marketing which is unfair or misleading to the consumer.

2. Kuluttajat — Konsumenterna ry

(registered consumer organisation) monitors the effectiveness and progress of consumer protection).

3. Suomen Kuluttajaliitto

(Finnish Consumers' Association) monitors consumers' interests through independent civil action in the community and in relation to the market.

4. Kuluttajavirasto

(National Consumer Administration of Finland) supervises the provision of security in connection with package travel.

5. Rahoitustarkastus

(Financial Inspection Authority) supervises consumer credit marketing and conditions of contract, with the consumer ombudsman.

6. Lääkelaitos

(National Agency for Medicines) supervises medicine advertising.

7. Sosiaali- ja terveydenhuollon tuotevalvontakeskus

(National Product Control Agency for Welfare and Health) supervises tobacco and alcohol advertising.

8. Telehallintokeskus

(Telecommunications Administration Centre) supervises television and radio advertising, excluding:

- regulations governing ethical principles in advertising and teleshopping and the protection of minors
- alcohol and tobacco advertising.

SPAIN

1. Instituto Nacional del Consumo (National Consumers' Institute)

This is an autonomous body coming under the Ministry for Health and Consumer Affairs which, in keeping with Article 51 of the Constitution and Act 26/84 on Consumer and User Protection, promotes and fosters consumer and user rights.

Chairman: The Under-Secretary for Health and Consumer Affairs
Address: Príncipe de Vergara, 54
E-28006 Madrid
Tel. (34) 915 75 49 30.

2. Asociación de Usuarios de la Comunicación (AUC) (Association of Media Users)

The purpose of the association is to defend the general interests and basic rights of consumers as laid down by law, both individual and collective ones. To this end, it has set itself the goal of promoting education and training for consumers and users, especially as regards rational consumption of goods and use of services, thus making it easier for them to understand the information directed at them by the mass media.

Chairman: Alejandro Perales Albert
Address: Cavanilles, 29, 6° B
E-28007 Madrid
Tel. (34) 915 01 67 73.

3. Confederación Española de Organizaciones de Amas de Casa, Consumidores y Usuarios (CEACCU) (Spanish Confederation of Organisations of Housewives, Consumers and Users)

The Confederation's tasks include defending the interest of housewives, consumers and users via the channels laid down in the applicable legislation, promoting and drawing up reliable and useful information for housewives, consumers and users, promoting education to improve their ability to make sound choices and decisions, and coordinating its member organisations' action plans.

Chairwoman: Isabel Ávila Fernández-Monge
Address: San Bernardo, 97/99
E-28015 Madrid
Tel. (34) 915 94 50 89.

4. Directorate-General for Consumer Affairs (Government of Aragón)

Management body attached to the Ministry of Health, Consumer Affairs of the Government of Aragón

The Director-General for Consumer Affairs

Address: Paseo María Agustín 36, Edificio Pignatelli,
Puerta 30, 2º Planta,
E-50004 Zaragoza
Tel. (34) 976 71 56 12

5. Directorate-General for Industry, Trade and Consumer Affairs (Government of La Rioja)

Management body attached to the Ministry of Economy and Finance of the Government of La Rioja

The Director-General for Industry, Trade and Consumer Affairs

Address: C/ Portales, 46
E-26071 Logroño
Tel. (34) 941 29 13 39

6. Directorate-General for Consumer Affairs (Government of Madrid)

Management body attached to the Ministry of Economy and Technical Innovation of the Government of Madrid

The Director-General for Consumer Affairs

Address: C/ Ventura Rodríguez, nº 7
E-28008 Madrid
Tel. (34) 915 80 22 00

7. Directorate for Consumer Affairs (Basque Government)

Management body attached to the Basque Government Department of Industry, Trade and Tourism

The Director of Consumer Affairs

Address: San Sebastián, 1
E-01010 Vitoria
Tel. (34) 945 01 99 23

8. Legal Advisory Service (Catalonia Regional Government)

Appointed by the Department of Labour, Industry, Trade and Tourism of the Catalonia Regional Government

Legal Advisory Service

Department of Labour, Industry, Trade and Tourism

Address: Paseo de Gracia, 105 (Torre Muñoz)
E-08008 Barcelona
Tel. (34) 934 84 93 00

9. Directorate-General for Consumer Affairs (Regional Government of Castile-La Mancha)

Management body attached to the Ministry of Health of the Regional Government of Castile-La Mancha

The Director-General for Consumer Affairs

Address: C/ Berna, 1
E-45071 Toledo
Tel. (34) 925 28 45 29

10. Directorate-General for Consumer Affairs (Junta de Andalucía)

Management body attached to the Regional Ministry of Internal Affairs, Junta de Andalucía

The Director-General for Consumer Affairs

Address: Plana Nueva, 4
E-41071 Seville
Tel. (34) 955 04 14 78

11. Directorate-General for Trade and Tourism (Government of Navarre)

Management body attached to the Department of Industry and Technology, Trade, Tourism and Employment of the Government of Navarre

The Director-General for Trade and Tourism

Address: Parque Tomás Caballero, 1, 4ª planta
E-31005 Pamplona
Tel. (34) 948 42 77 30

12. Organisation of Consumers and Users (OCU)

This organisation was set up to educate, inform, guide, defend and represent consumers and users.

Chair: Mr Carlos Sánchez-Reyes de Palacio
Address: Albarracín, 21
E-28037 Madrid
Tel. (34) 902 30 01 87

13. Federación Unión Cívica de Consumidores y Amas de Hogar de España (UNAE — Spanish Civic Union Federation of Consumers and Housewives)

This organisation was set up to protect consumers of goods and users of services, with particular focus on consumption within the family and the figure of the housewife as administrator of the household economy.

Chair: Mrs Margarita Fernández de Lis
Address: Villanueva, 8
E-28001 Madrid
Tel. (34) 915 75 72 19

14. Asociación para la Defensa de los Impositores de Bancos y Cajas de Ahorro de España (ADICAE, Spanish Association for the Defence of Savers in Banks and Savings Banks)

This Association is intended to defend consumers' interests in respect of banks, savings banks, insurers and other financial institutions. It also provides protection and advice to consumers and users on any consumer issues.

Chair: Mr Manuel Pardos Vicente
Address: Gavín, 12
E-50001 Zaragoza
Tel. (34) 976 39 00 60

15. Federación de Usuarios-Consumidores Independientes (FUCI, Federation of Independent Users and Consumers)

Set up to train and inform consumers and users and promote and develop their rights by publicising, encouraging the exercise of and demanding respect for these rights.

Chair: Mrs Agustina Laguna Trujillo
Address: Joaquín Costa, 61
E-28002 Madrid
Tel. (34) 915 64 01 18

16. Confederation of Consumers and Users

The Confederation was set up to protect consumers, specifically through training, information and legal defence activities and lobbying businesses and/or the Government to ensure that the rights enshrined in the legislation are implemented throughout Spanish society.

Chair: Mrs Maria Rodríguez Sánchez
Address: Cava Baja, 30
E-28005 Madrid
Tel. (34) 913 64 02 76, (34) 913 64 05 22

SWEDEN

Information on national measures taken to fulfil Sweden's obligations in the European Union:

In accordance with Articles 4(2) and 5(2) of Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests, we hereby provide the following information:

Article 4(2): The *Konsumentverket* (National Consumer Agency) is the central managing authority for consumer questions, and is charged with looking after consumers' interests.

The National Consumer Agency and the Consumer Ombudsman are authorised to bring actions under Article 2.

Article 5(2): The rules governing prior consultation are contained in § 4 of the Act (2000:1175) on access to justice

for certain foreign consumer authorities and consumer organisations (see Annex).

UNITED KINGDOM

1. Office of Fair Trading (OFT)

The purpose of the Office of Fair Trading is to make the markets work well for consumers. Its objectives are: (a) to help maximise consumer welfare in the long term, protecting vulnerable consumers' interests by: empowering consumers through information and redress; protecting them by preventing abuse; and promoting competitive and responsive supply; (b) to make sure that competition works well in markets for goods and services so as to make those markets more efficient and benefit consumers.

2. The Information Commissioner

The Information Commissioner has a number of specific duties under the Data Protection and Freedom of Information Acts, including promoting the following of good practice and observance of the requirements of both acts including, in the case of data protection, observance of the data protection principles by data controllers; the encouragement of the production of codes of practice by others; and the dissemination of information to the public about the Acts.

3. The Civil Aviation Authority

The Civil Aviation Authority has a number of specific functions under the Civil Aviation Act 1982 including furthering the reasonable interest of users of air transport services and protection against the consequences of air transport organiser failure through the licensing of provision of flight accommodation.

4. The Gas and Electricity Markets Authority

The Gas and Electricity Markets Authority is responsible for regulating the gas and electricity markets in Great Britain and protecting the interests of gas and electricity customers.

5. The Director-General of Electricity Supply for Northern Ireland

The Director-General of Electricity Supply for Northern Ireland is responsible for regulating the gas and electricity markets in Northern Ireland and protecting the interests of gas and electricity customers.

6. The Director-General of Telecommunications

The Director-General for Telecommunications is the regulator for the UK telecommunications industry whose responsibilities include promoting the interests of consumers, purchasers and other users of telecommunications services provided and telecommunications apparatus supplied.

7. The Director-General of Water Services

The Director-General of Water Services is the economic regulator of the privatised water industry in England and Wales. His responsibilities include protecting the interests of the consumers with regard to pricing and standards of service and adjudicating certain disputes between appointed companies and their customers.

8. The Rail Regulator

The Rail Regulator is responsible for the regulation of the railways in Great Britain. The Regulator's responsibilities include protecting the interests of users of railway services.

9. Every weights and measures authority in Great Britain

Weights and measures authorities are part of local government in Great Britain. They enforce the law and regulations governing the sale and supply of goods and services and provide advice services for consumers and business.

10. The Department of Enterprise, Trade and Investment in Northern Ireland

The Department of Enterprise, Trade and Investment in Northern Ireland enforces the law and regulations governing the sale and supply of goods and services in Northern Ireland, and provide advice for consumers and business.

ANNEX

Act (2000:1175) on access to justice for certain foreign consumer authorities and consumer organisations promulgated on 7 December 2000

Pursuant to the decision of the Swedish Parliament ⁽¹⁾ the following provisions are laid down ⁽²⁾.

Scope

§ 1 This Act applies to infringements of provisions implementing the Directives listed in an Annex to Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests.

However, the Act applies only to those infringements of provisions aimed at protecting consumers' interests that affect consumers in countries of the EEA (European Economic Area) other than Sweden.

Bringing of actions before Swedish courts by qualified entities

§ 2 An authority or organisation in an EEA country other than Sweden may bring an action in a Swedish court on the grounds of an infringement as referred to in § 1 if it is a qualified entity included in a special list drawn up by the European Union and published in the *Official Journal of the European Communities*.

§ 3 The action must be for measures to be taken against someone for failure to comply with a provision as provided for in § 1. The measures sought must be:

1. a prohibition or injunction pursuant to §§ 14-16, § 17(1) and §§ 8-20 of the Swedish Marketing Act (1995:450), or a prohibition pursuant to §§ 3 and 6 of the Swedish Consumer Contracts Act (1994:1512);
2. an injunction to pay the Swedish State a special fee as provided for in Chapter 10, §§ 5 and 6, of the Radio and Television Act (1996:844); or
3. imposition of a fine prescribed in those cases referred to in 1. Act (2001:401).

§ 4 An action may be brought only if:

1. the applicant has tried, through consultation, to make the other party cease the alleged infringement; and
2. the alleged infringement has still not ceased two weeks after the other party has received the request for consultation.

Competent court

§ 5 The action shall be brought before:

1. the Market Court (*Marknadsdomstolen*) in cases seeking a prohibition or injunction as provided for in the Marketing Act (1995:450), and in cases seeking a prohibition pursuant to the Swedish Consumer Contracts Act (1994:1512);
2. the Stockholm County Administrative Court (*Länsrätten*) in cases seeking special fees as provided for in the Radio and Television Act (1996:844);
3. the competent district court (*tingsrätten*) in accordance with Chapter 10 of the Code of Judicial Procedure (*Rättegångsbalken*), or the Stockholm city court, in cases seeking imposition of a fine. Act (2001:401).

⁽¹⁾ Prop 2000/01:34, bet. 2000/01:LU3, rskr 2000/01:84.

⁽²⁾ See Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests (OJ L 166, 11.6.1998, p. 51, Celex 31998L0027).

Publication of an application for registration pursuant to Article 6(2) of Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin

(2003/C 321/08)

This publication confers the right to object to the application pursuant to Articles 7 and 12d of the abovementioned Regulation. Any objection to this application must be submitted via the competent authority in a Member State, in a WTO member country or in a third country recognised in accordance with Article 12(3) within a time limit of six months from the date of this publication. The arguments for publication are set out below, in particular under 4.6, and are considered to justify the application within the meaning of Regulation (EEC) No 2081/92.

COUNCIL REGULATION (EEC) No 2081/92

APPLICATION FOR REGISTRATION: ARTICLE 5

PDO (x) PGI ()

National application No: 4/2001

1. *Responsible department in the Member State*

Name: Ministero delle Politiche agricole e forestali

Address: Via XX Settembre, 20 — I-00187 Roma

Tel. (39-06) 481 99 68

Fax (39-06) 42 01 31 26

E-mail: qualita@politicheagricole.it

2. *Applicant group*

Name: Comitato Promotore richiesta riconoscimento Miele della Lunigiana DOP

Address: c/o Comunità Montana della Lunigiana, P.zza della Libertà — I-54013 Fivizzano (MS)

Composition: producers/processors (x) other ().

3. *Type of product*: Other products of animal origin — (Honey) Category 1.4.

4. *Specification*

(summary of requirements under Article 4(2))

4.1. *N a m e*: 'Miele della Lunigiana'

4.2. *D e s c r i p t i o n*: The following types of honey:

acacia honey, produced on flowers of *Robinia pseudoacacia* L;

chestnut honey, produced on flowers of *Castanea sativa* M.

Acacia *Miele della Lunigiana* has the following characteristics:

- Organoleptic characteristics: remains clear and liquid for a long period. Towards the end of the marketing period, some crystallisation with a viscous consistency may occur, depending on the moisture content. The honey is of a very light, transient colour, ranging from almost colourless to straw coloured. It has a light, fruity, candied aroma, similar to that of the flowers, while the flavour is decidedly sweet, slightly acidic but not bitter. The taste is very delicate, typically of vanilla, with little persistence and no after-taste.

- Chemico-physical and microscopic characteristics: the moisture content is no more than 18 % while the hydroxymethylfurfural (HMF) content does not exceed 10 mg/kg when the honey is put in the pot.
- Melissopalinalological characteristics: the honey sediment is generally low in pollen, with less than 20 000 grains of acacia pollen per 10 g of honey.

Chestnut *Miele della Lunigiana* has the following characteristics:

- Organoleptic characteristics: remains liquid for a long period. Towards the end of the marketing period partial and irregular crystallisation may occur. The honey is dark in colour, often with reddish tones. It has a fairly strong, penetrating aroma. The flavour is persistent, with some degree of bitterness.
- Chemico-physical and microscopic characteristics: the moisture content is no more than 18 % while the hydroxymethylfurfural (HMF) content does not exceed 10 mg/kg when the honey is put in the pot.
- Melissopalinalological characteristics: the honey sediment is rich in pollen, with more than 100 000 grains of chestnut pollen per 10 g of honey.

4.3. **Geographical area:** Acacia and chestnut *Miele della Lunigiana* is produced, processed and packed in the Comunità Montana della Lunigiana, an area of around 97 000 ha in the Province of Massa Carrara in the Region of Tuscany.

4.4. **Proof of origin:** The Lunigiana is a natural and historical area in Tuscany extending along the valley of the River Magra to its confluence with the Vara. It probably owes its name to the colony of Luni founded in 177 BC. The Valley was always an important communications route between peninsular Italy, the Po Valley and the countries beyond the Alps. The Roman consular road that ran from Pisa to Luni and Genoa and then on to Arles followed the route of a prehistoric way. The first certain indications of bee-keeping in Lunigiana are given by the *Estimo generale* (census) of 1508, which considered bee-keeping as a productive activity and imposed a tax on each hive kept. The census shows a total of 331 hives, mostly owned by rich families. Most families had more than one hive and the products obtained were used for various purposes: honey was used as a sweetener, as an ingredient in cakes and as a medicine while wax was used for making candles. The importance of bee-keeping is attested to by the statutes of the different communes and *usi civici* (local laws regulating activities on communal land), which lay down strict rules on the recovery of stray swarms, the location of hives and other aviary-management operations.

Legal documents from the XVIIIth century record court cases concerning the theft of hives.

Honey producers are entered on a register, held and kept up to date by the inspection body, and each year declare the number of hives they own and the volume of honey produced. Packing is carried out within the defined area by approved undertakings entered on a register. The inspection body verifies that the technical requirements laid down in the specification for entry on the registers are satisfied and that all those involved throughout the production chain fulfil their obligations in order to ensure the traceability of the product.

4.5. **Method of production:** Production hives may be 'stationary', i.e. remain in the same place throughout the year, or 'nomadic', i.e. may be moved within the defined area while the flowers concerned are in bloom. On harvesting, the frames must be totally empty. Hives used for production are managed as follows:

- the colonies must be kept in orderly hives, i.e. multiple-storey hives with moveable combs;
- the prophylactic and therapeutic measures necessary to prevent disease in the hives must be carried out;
- any artificial feeding must be suspended before the frames are inserted and must, in any case, only comprise sugar and water;
- the combs in the frames must be empty and clean when placed in the hive and must never have contained a brood; when the frames are inserted, a queen excluder or other instrument must be used to prevent eggs being laid in the frame;
- the frames must be withdrawn only after the bees have been removed using a method that preserves the quality of the product (for example, a bee escape or a bee blower); the use of repellents is prohibited.

The honey must be extracted and processed as follows:

- the honey must be extracted, processed and stored on premises within the production area;
- all the equipment used for extracting, processing and storing the honey must be made from materials designed for food use;
- the honey must be extracted using a centrifugal extractor; it must be filtered using a filter that allows the key constituents of the honey to pass through; after filtering, the honey must be placed in containers for decantation;
- where the honey must be heated for technical reasons (transfer, placing in pots, etc.), the heat treatment must be limited to the time necessary for the operation concerned and the temperature of the product must never exceed 40 °C.

The product must be packed within the area referred to in Article 3 of the specification. Packing within the defined geographical area, along with the other phases of production, is a traditional practice in the area and is justified in order to:

- (a) protect the quality of the product, in that packing within the defined area avoids any risk of a deterioration in the honey's chemico-physical and organoleptic characteristics that the unavoidable movements and variations in physical and environmental conditions occurring transport to another area might cause;
- (b) guarantee the control and traceability of the product by ensuring the effectiveness of the compulsory checks carried out by the authorised body at all stages of production provided for in Article 7 of the specification (within the meaning of Article 10 of Regulation (EEC) No 2081/92).

4.6. Link: The production area is generally mountainous, to the north and east the Tuscan-Emilian Apennines separates it from the Po Valley, while to the south the limestone chain of the Apuan Alps and to the west the end of the Ligurian Apennines divides Lunigiana from the neighbouring valleys. In the centre of the area is a wide, alluvial, intramontane basin with a complex system of rivers, the River Magra being the most important, in which all the area's streams meet. The vicinity of Lunigiana to the sea and the complexity of the mountain landscape create a wide range of microclimates, with the lower-lying areas subject to the effects of thermal inversion, creating frequent night-time fogs that often last until late morning, and the hills enjoying a milder climate.

The soils and the mountainous nature of Lunigiana have meant that production in the area has always been extensive rather than intensive and this, together with a lack of industrial development, has preserved the environment with its abundant woodland. Lunigiana has around 65 000 ha of woodland, accounting for 67 % of its area. The most common species are acacia (*Robinia pseudo-acacia*) and chestnut (*Castanea sativa*). Acacia, used for consolidating slopes, now grows naturally and is widespread in abandoned areas. During the brief but intense flowering period in April/May, bees produce large quantities of nectar from the blossom.

Chestnut trees, which have been grown since Roman times, have been an important resource for peasant families in Lunigiana, both as a source of food and for other uses (charcoal, wood and tannin) and during the flowering period in June and July are visited by bees. The abundance of these two species has therefore, over time, encouraged beekeepers to produce the two types of honey.

The environment is suited to bee-keeping because of the scarce population and the activity is carried out throughout the area. The abundance of the two species, acacia and chestnut, and the favourable sequence of flowering permit the production of particularly pure honey.

Bee-keeping has always been carried out in Lunigiana and a number of historical documents attest to this and to the product's renown. A document from Napoleonic times shows the number of hives in operation and the production and sale of honey to a range of traders. The same document shows that there was a candle factory producing for the local market. The area has a continuous tradition of the production of honey and bee products going back centuries and the establishment in 1873 of the Beekeepers' Association, the principal aim of which was the dissemination of rational bee-keeping practices, is a clear demonstration of the activity's deep roots in Lunigiana.

4.7. Inspection body

Name: BIOAGRICOOOP srl

Address: Via Fucini, 10 — I-40033 Casalecchio di Reno (BO)

4.8. Labelling: The product must be packed in the defined production area and only glass containers with a twist-off lid with a capacity of between 30 g and 1 000 g are allowed. The marking and presentation of the packed product are regulated by law. In addition to the wording laid down, labels must bear the following:

- 'Miele della Lunigiana' di Acacia o di Castagno (Acacia or Chestnut *Miele della Lunigiana*);
- DOP — Denominazione di origine protetta (PDO Protected Designation of Origin);
- the logo of the PDO within the meaning of Regulation (EC) No 1726/98: the logo may appear on the label or on the seal attached to the packaging;
- the date of minimum durability as referred to in Articles 3 and 9 of Directive 2000/13/EC must be indicated with the following wording 'Best before end ...', with the month and year, and must not be more than two years following the date of packing.

4.9. National requirements: —

EC No: IT/00195/2001.05.01.

Date of receipt of the full application: 20 October 2003.

Publication of an application for registration pursuant to Article 6(2) of Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin

(2003/C 321/09)

This publication confers the right to object to the application pursuant to Articles 7 and 12d of the abovementioned Regulation. Any objection to this application must be submitted via the competent authority in a Member State, in a WTO member country or in a third country recognised in accordance with Article 12(3) within a time limit of six months from the date of this publication. The arguments for publication are set out below, in particular under 4.6, and are considered to justify the application within the meaning of Regulation (EEC) No 2081/92.

COUNCIL REGULATION (EEC) No 2081/92

APPLICATION FOR REGISTRATION: ARTICLE 5

PDO () PGI (x)

National application number: EL-09/01-5

1. *Responsible department in Member State*

Name: ΥΠΟΥΡΓΕΙΟ ΓΕΩΡΓΙΑΣ (Ministry of Agriculture)
Δ/ΝΣΗ ΠΑΠ ΔΕΝΔΡΟΚΗΠΕΥΤΙΚΗΣ (Fruit and horticulture)

Tel. (30-1) 02 12 41 78

Fax (30-1) 05 24 80 13.

2. *Applicant group*

Name: Επιχείρηση Ανάπτυξης Πρωτογενούς Τομέα Δήμου Μελιτειών

Address: Μοραίτικα Κέρκυρας, GR-49084 Κέρκυρα

Composition: Producers/processors (x) Other ().

3. *Type of product: 1.5 — Oils and fats*

4. *Specification Name*

(Summary of requirements under Article 4(2))

4.1. *N a m e* : 'ΑΓΙΟΣ ΜΑΤΘΑΙΟΣ ΚΕΡΚΥΡΑΣ' (Agios Mathaios Kerkyras)

4.2. *D e s c r i p t i o n* : The olive belongs to the genus *Olea* of the family *Oleaceae*. The cultivated olive is the species *Olea europea sativa*. It includes a large number of improved varieties that are propagated by cultivating or grafting cuttings. An evergreen thriving in warm dry areas, it is one of the very few trees that can produce fruit on even infertile stony soils. It reaches a height of 15-20 metres. Its most important products are olive oil and table olives.

The variety used in the production of AGIOS MATHAIOS KERKYRAS virgin olive oil is Koroneiki. The olive oil is green to greenish yellow in colour, depending on the degree of ripeness, and very limpid. It has a fruity aroma which is particularly strong when the oil is new, and a bitter-sweet taste. In terms of its chemical characteristics, the oil has low acidity and the numbers for peroxides and the factors K270, K232 and Delta K are particularly low. The oil is described as 'virgin olive oil'.

The oil is produced by crushing the fruit. It is an important food product and a basic constituent of the Mediterranean diet, which recent research shows to be among the healthiest.

4.3. **Geographical area:** The area in which the Koroneiki olive variety is grown and used to produce the virgin olive oil for which registration as a protected geographical indication product (PGI) is sought is the district of Agios Mathaios in the municipality of Melitea in the Prefecture of Kerkira. The total number of trees of the Koroneiki variety in the delimited area is 25 000. These trees account for 12,7 % of the total number of olive trees.

4.4. **Proof of origin:** The olive is known from historical sources and archaeological finds show it to have been grown in Greece since ancient times. For instance olive seeds were recognised among the seeds found during the excavations of Phaistos (Middle Minoan period, 1800-2000 BC). From Ancient Greece down to the present day, the olive has been the country's most sacred tree and is directly linked to its culture and nutrition. Its history originated on the coasts of the Mediterranean and Asia Minor. In Greece, the roots of the sacred tree reach back into antiquity. The diet, religion and art of the Ancient Greeks all embraced the olive, its branch being used as a symbol of peace, wisdom and victory. Even the winners in the Olympic Games received a wild olive branch as their prize and Athena was established as goddess of Attica when she presented the tree as source of wealth.

Olive cultivation on Kerkira, the island of the Phaeacians, is mentioned in Homer but was not particularly significant, since vinegrowing was dominant on the island. The situation remained more or less unchanged until the 16th century but at the beginning of the 17th century, when the island was controlled by the Venetians, its landowners were induced by a combination of edicts and a type of subsidy to abandon vinegrowing and change to systematic olive growing. Their acceptance of the change was so widespread that travellers of the time spoke of the island being one vast olive grove.

From that period until today, olive growing has been the main resource of the agrarian population of Kerkira and particularly of the inhabitants of Agios Mathaios. The traditional method of cultivation, the fruit of many years' experience, together with the specific soil and weather conditions of the area, produce a particularly remarkable oil of which D. Sarakomenos, one of the pioneers of agricultural science in Greece, said, 'If it received the necessary care in its preparation it would hold first place among table oils'.

4.5. **Method of production:** The olives are harvested in phases, beginning when the fruit is ripe around mid-November. The olives are harvested by beating. The worker stands on the ground or on a ladder and beats the olive-growing branches with a pole, taking care not to cause any damage that might encourage pathogenic attack. Nets are spread below the trees to catch the falling fruit.

After some leaf removal, the olives are put into 50 kg bags or into plastic boxes and taken to the olive mills within the delimited area for immediate processing.

After removal of the foreign bodies the olives are washed and burst and the paste is kneaded at low temperature not exceeding 30 °C for 30 minutes. The oil is then extracted by centrifugation or by crushing in the traditional way.

The equipment that comes into contact with the paste and the oil is of stainless steel. The oil is stored in covered stainless-steel vats until it is dispatched for marketing.

4.6. **Link:** Koroneiki is one of the best Greek olive varieties and is used exclusively to produce fine quality oil. The characteristics of the oil from this specific area must be ascribed to its particular soil and weather conditions. It is the most northerly point of cultivation of the Koroneiki variety in Greece. This, and the fact that the trees are grown on sloping ground of average fertility in an area with a temperate climate, as in the rest of the country, but with one of the highest levels of rainfall in Greece, leads to an outstanding product.

4.7. Inspection body

Name: Νομαρχιακή Αυτοδιοίκηση Κερκύρας Διεύθυνση Γεωργίας

Address: Σαμάρα 13, GR-49100 Κέρκυρα.

4.8. Labelling: The product's packaging must carry the words ΠΑΡΘΕΝΟ ΕΛΑΙΟΛΑΔΟ 'ΑΓΙΟΣ ΜΑΤΘΑΙΟΣ ΚΕΡΚΥΡΑΣ' Π.Γ.Ε. (PARTHENO ELEOLADO 'AGIOS MATHAIOS KERKYRAS' PGI) and the indications specified in Article 4(8) of PD 61/93.

4.9. National requirements: The general provisions of Presidential Decree 61/93 on production procedure for PDO and PGI products apply.

EC No: EL/00214/01.11.15

Date of receipt of full application: 21 October 2003.

Publication of an application for registration pursuant to Article 6(2) of Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin

(2003/C 321/10)

This publication confers the right to object to the application pursuant to Articles 7 and 12d of the abovementioned Regulation. Any objection to this application must be submitted via the competent authority in a Member State, in a WTO member country or in a third country recognised in accordance with Article 12(3) within a time limit of six months from the date of this publication. The arguments for publication are set out below, in particular under 4.6, and are considered to justify the application within the meaning of Regulation (EEC) No 2081/92.

COUNCIL REGULATION (EEC) No 2081/92

APPLICATION FOR REGISTRATION: ARTICLE 5

PDO (x) PGI ()

National application No: 8/2001

1. Responsible department in Member State

Name: Ministero delle Politiche agricole e forestali

Address: Via XX Settembre, 20 — I-00187 Roma

Tel. (39-06) 481 99 68

Fax (39-06) 42 01 31 26

E-mail: qualita@politicheagricole.it

2. Applicant group

Name: Associazione Produttori Olivicoli delle Province di Lucca e Massa Carrara ASSOPROL — Lucca-Massa Carrara

Address: Via delle Tagliate, 370 — I-55100 Lucca

Composition: Producers/processors (x) other ().

3. *Type of product*: Group 1.5 — Oils and fats — Extra virgin olive oil.

4. *Specification*

(Summary of requirements under Article 4(2))

4.1. *N a m e* : 'Lucca'

4.2. *D e s c r i p t i o n* : Extra virgin olive oil with the following characteristics:

- colour: yellow with green lights of varying intensity;
- odour: slight to moderate of olive fruitiness;
- taste: sweet with a hot and bitter taste derived from the intensity of the fruitiness detected;
- panel test: > 7;
- total acidity, in oleic acid by weight, not more than 0,5 grams per 100 grams of oil;
- peroxide number: max 12 Meq O₂/kg;
- oleic acid > 72 %;
- linoleic acid 5-9 %;
- linolenic acid < 0,9 %;
- total tocopherols not less than 90 mg/litre;
- total polyphenols not less than 100 mg/litre.

4.3. *G e o g r a p h i c a l a r e a* : The area of the Region of Tuscany where olives for the production of Lucca extra virgin olive oil are produced and processed includes the municipalities of: Capannori, Lucca, Montecarlo, Altopascio, Porcari, Villa Basilica in the Piana di Lucca area, the municipalities of Camaione, Massarosa, Viareggio, Forte dei Marmi, Pietrasanta, Serravezza and Stazzema in the Versilia area and the municipalities of Bagni di Lucca, Borgo Mozzano, Pescaglia, Barga, Coreglia Antelminelli and Minucciano in the Media Valle and Garfagnana area, as shown in the specification.

4.4. *P r o o f o f o r i g i n* : The development of agriculture, both production and marketing, in the Lucca area is linked to olive growing. To understand this link, we need to look no further than the fact that in 787 the owner of a good olive grove on a leased farm producing a variety of crops took only the olives in rent for the farm and left the tenant everything else that grew there.

In classical times the province of Lucca was rich in olive groves as is demonstrated by its place names. Some clearly refer to the olive tree, such as 'Ulettori', on the hill at Pieve a Elici, 'Ulivella' near to Camaione, 'Oliveto' near Arliano and 'Oliveteci' near Varno.

The importance of oil production, for food and other purposes increased in the fourteenth century, a time when the whole of Tuscany was trying to increase and protect olive growing.

At local level, laws were being made to regulate precisely behaviour which would influence quality and also identify the varieties most commonly grown. In the province of Lucca some varieties still grown today are recorded. In time, thanks to the skill and persistence of producers, it became possible to market oil.

As the local historian Cesare Sardi notes, Lucca became home to the main oil producing industries and adopted marketing rules forbidding its sale elsewhere without a licence and the fraudulent withholding of oil from the market to get a better price.

Production, processing and bottling are carried out in the designated area. The reasons why bottling is carried out there are concerned with the need to preserve and special characteristics and quality of Lucca oil, ensuring that the checks by the outside body take place in the presence of the producers concerned. For them, the Protected Designation of Origin is of the utmost importance and offers, in accordance with the aims and thrust of the Regulation, an opportunity to increase incomes. Furthermore, that operation is traditionally carried out in the designated geographical area.

To ensure the traceability of the product, producers who intend to market extra virgin oil under this designation must register their olive groves and processing and bottling plants on the lists held and updated by the inspection body.

- 4.5. **Method of production:** Lucca extra virgin olive oil is produced from the varieties of olive tree in the olive groves, Frantoio, Frantoiano or Frantoiana up to 90 %, Leccino up to 30 % and other minor varieties up to 15 %.

Cultivation must respect the following techniques:

- pruning must be carried out at least every two years;
- organic and mineral fertilisers must be applied;
- the land must be grassed over or cultivation must be only superficial;
- chemical weedkillers are allowed where the use of machines is impossible;
- plant-health protection, particularly against *Bactrocera oleae*, must be carried out in accordance with directed programmes laid down by the Consorzio and following regional rules.

The olives are harvested direct from the tree, by hand or using mechanical aids, no later than 31 December of each year.

Maximum production of olives for the production of extra virgin oil may not exceed 7 000 kg per hectare in specialist cultivation areas and in groves with mixed cultivation the average production of olive per tree may not exceed 20 kg.

The maximum yield of oil may not exceed 19 %.

Olives must be transported in a way which ensures that they are perfectly preserved. Until milling, which must take place within two days of harvest, the olives must be kept in rigid ventilated containers stored in a cool place.

Olives must be sent to the mill within three days of harvest.

The oil production operations must comply with the time and temperature for crushing, respectively no more than 50 minutes and 28 degrees centigrade. If the olives are very dry, water for dilution at a temperature of not more than 20 degrees centigrade may be used.

- 4.6. **Link:** The designated geographical area is generally uniform as regards soil, climate and structure. The area concerned has poor soils, sloping and sometimes terraced, with steep slopes which, uniquely for Tuscany, appear virtually to cling to the sides of the Apennines and the Apuan Alps. The geology, basically Eocene, is varied and includes large amounts of Galestro, Calcare and Albarese rocks.

Rainfall is a climate feature of great importance for the moulding of local olive growing and the proper and successful development of olive groves in this area. Although structural difficulties and problems of access to land do not allow the use of irrigation, the high rainfall (averaging between a minimum of 1 058 mm and a maximum of 2 008 mm) is sufficient for the cultivation of olives and contributes to the special features of the local product.

In the territory of Lucca, olive trees and oil have always been important not only for the economy but also for lifestyle and social customs. There is a variety of historical evidence linking social and cultural life in the area with olive growing. The connection is demonstrated by the various rules which have over time governed the production and marketing of olive oil from around AD 1000-1200.

Among the various documents which demonstrate that and witness to the link between quality and production and hence to checks that the oil actually came from Lucca, the letter of 1241 (State archive DPIL spedale 24 gennaio 1241) is a prime example referring to the sale of 22 libbre (pounds) of oil which would be reduced to 15 if the olives did not come from a single year's crop, the remaining quantity would be paid the following year.

The special features of oil from Lucca and its organoleptic qualities became clear with the passage of time and the establishment in 1594 of the 'Offizio sopra l'olio', a body active in the public economy with the task of regulating export licenses for all oil depending on the harvest, even determining retail prices as a means of regulating the market.

Attention was also paid to production since from 1800 onwards the Accademia dei Georgofili too was active in the scientific and experimental field disseminating the results of research on the commonest diseases affecting olive trees.

4.7. **Inspection body**

Name: CERTIQUALITY — Istituto di certificazione della qualità — Settore Certiagro

Address: Via G. Giardino, 4 — I-20123 Milan.

- 4.8. **Labelling:** Extra virgin olive oil must be marketed in containers or bottles with a capacity not exceeding 5 litres.

The labels must bear in clear and indelible letters both the wording required by the rules on labelling and the name 'Lucca' as protected designation of origin.

They must also include the graphic symbol with the specific and unmistakable logo, which must be next to the protected designation of origin.

The graphic symbol is in the form of a circle with irregular saw-toothed edges like a wax seal measuring 2 × 2 cm and dark green in colour as described in the specification.

4.9. **National requirements:** —

EC No: IT/00199/11.06.2001.

Date of receipt of complete application: 9 October 2003.

Publication of a request under Article 9 of Regulation (EEC) No 2081/92 to amend one or more parts of the specification of a name registered under Article 17 or Article 6 of that Regulation

(2003/C 321/11)

Publication confers the right to object within the meaning of Article 7 and 12d of the Regulation. Any objections to this request must be forwarded via the competent authority of a mMember State, a WTO member country or a third country recognised under Article 12(3) within six months of the publication date.

The amendment is not a minor one and it must therefore be published under Article 6(2) of the Regulation.

COUNCIL REGULATION (EEC) No 2081/92**Application to amend a specification: Article 9**

1. *Registered name:* 'Baena'.

2. *Responsible department in the Member State*

Name: Subdirección General de Sistemas de Calidad Diferenciada, Dirección General de Alimentación
— Secretaría General de Agricultura y Alimentación del MAPA — España

Address: Paseo de la Infanta Isabel, 1, E-28014 Madrid

Tel. (34) 913 47 53 61

Fax (34) 913 47 57 70

3. *Amendments requested*

— *Specification headings:*

- ☐ Name
- ☐ Description
- ☒ Geographical area
- ☐ Proof of origin
- ☐ Method of production
- ☐ Link
- ☐ Labelling
- ☐ National requirements

— *Amendments:*

In the paragraph 'Production'

Where it reads 'The production area of olive oil covered by the Designation of Origin "Baena" is made up of land located in the municipal districts of Baena, Castro del Río, Luque, Doña Mencía, Nueva Carteya and Zuheros, ...'.

Add 'Cabra'.

4. *Date of receipt of the full application:* 7 October 2003.

Prior notification of a concentration**(Case COMP/M.3350 — Norsk Hydro/WINGAS/HydroWingas/JV)****Candidate case for simplified procedure**

(2003/C 321/12)

(Text with EEA relevance)

1. On 22 December 2003 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertakings Norsk Hydro UK Ltd (UK), ultimately controlled by Norsk Hydro ASA ('Norsk Hydro', Norway) and WINGAS GmbH ('WINGAS', Germany), acquire, within the meaning of Article 3(1)(b) of the Regulation, joint control of the undertaking HydroWingas Ltd ('Hydro-Wingas', UK), by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

— Norsk Hydro: aluminium, agriculture, oil, gas, energy production, chemicals and petrochemicals,

— WINGAS: transportation, storage and sale of natural gas,

— HydroWingas: supply and trading of natural gas.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Regulation (EEC) No 4064/89 ⁽³⁾, it should be noted that this case is a candidate for treatment under the procedure set out in the notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.3350 — Norsk Hydro/WINGAS/HydroWingas/JV, to:

European Commission,
Directorate-General for Competition,
Merger Registry,
J-70,
B-1049 Brussels.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

Communication from OLAF

(2003/C 321/13)

In accordance with Article 280(5) of the EC Treaty, the Commission has presented to the European Parliament and the Council its annual report on the protection of the Community's financial interests and the fight against fraud for 2002. The report describes the joint efforts made in 2002 by the Member States and the Community in combating fraud and irregularities, and gives details of the principal achievements. It was produced in close collaboration with the Member States.

The report is available in the eleven official languages of the European Union on the Internet at:

http://europa.eu.int/comm/anti_fraud/reports/index_en.html

Communication from the Commission of 19 December 2003 concerning the calculation of the average Community share of electricity market opening, as defined in Directive 96/92/EC⁽¹⁾, concerning common rules for the internal market in electricity

(2003/C 321/14)

(Text with EEA relevance)

According to the calculations made by the Commission under Article 19(1) 2nd and 3rd paragraph of Directive 96/92/EC, the Community's average share of the electricity market opening in the period 1 January 2004 to 1 July 2004 is 34,76 %.

This figure has been calculated by adding, on the one hand electricity consumed by final consumers consuming more than 9 GWh in all the Member States and, on the other, total net consumption in all the Member States, and then dividing the first figure by the second.

⁽¹⁾ OJ L 27, 30.1.1997, p. 20.
