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⁽¹⁾ Text with EEA relevance

Price: EUR 18

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC, EURATOM) No 64/2004**of 9 January 2004****laying down the weightings applicable from 1 July 2003 to the remuneration of officials of the European Communities serving in third countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, and in particular the first paragraph of Article 13 of Annex X thereto,

Having regard to the proposal from the Commission,

Whereas:

- (1) Account should be taken of changes in the cost of living in countries outside the Community and the weightings applicable from 1 July 2003 to remuneration paid in the currency of the country of employment to officials serving in third countries should be determined accordingly.
- (2) The weightings, in respect of which payment has been made on the basis of Regulation (EC, Euratom) No 1338/2003 ⁽²⁾, may lead to retrospective upward or downward adjustments to remuneration.
- (3) Provision should be made for back-payments in the event of an increase in remuneration as a result of the new weightings.
- (4) Provision should be made for the recovery of sums overpaid in the event of a reduction in remuneration as a result of the new weightings for the period between 1 July 2003 and the date of entry into force of this Regulation.
- (5) Provision should be made for any such recovery to be restricted to a period of no more than six months preceding the decision laying down the weightings and for its effects to be spread over a period of no more than twelve months following the date of that decision, as is

the case with the weightings applicable within the European Community to remuneration and pensions of officials and other servants of the European Communities,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 July 2003, the weightings applicable to the remuneration of officials of the European Communities serving in third countries payable in the currency of the country of employment shall be as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Union for the month preceding the date referred to in the first paragraph.

Article 2

1. The institutions shall make back-payments in the event of an increase in remuneration as a result of the weightings shown in the annex.

2. The institutions shall make retrospective downward adjustments to remuneration in the event of a reduction as a result of the weightings shown in the annex for the period between 1 July 2003 and the date of entry into force of this Regulation.

Retrospective adjustments involving the recovery of sums overpaid shall be restricted to a period of no more than six months preceding the date of entry into force of this Regulation. Recovery shall be spread over no more than twelve months from that date.

Article 3

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

⁽¹⁾ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 2182/2003 (OJ L 327, 16.12.2003, p. 1).

⁽²⁾ OJ L 189, 29.7.2003, p. 1.

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

Done at Brussels, 9 January 2004.

For the Council

The President

B. COWEN

ANNEX

Place of employment	Weightings July 2003
Afghanistan (*)	0,0
Albania	79,5
Algeria	77,1
Angola	109,6
Argentina	61,1
Australia	89,7
Bangladesh	56,7
Barbados	105,8
Belize	78,9
Benin	87,7
Bolivia	51,2
Bosnia and Herzegovina	74,5
Botswana	68,7
Brazil	58,0
Bulgaria	71,4
Burkina Faso	82,4
Burundi (*)	0,0
Cambodia	65,2
Cameroon	99,0
Canada	75,8
Cape Verde	75,9
Central African Republic	111,4
Chad	114,5
Chile	65,2
China	76,8
Colombia	53,7
Comoros	109,9
Congo	130,2
Costa Rica	75,2
Côte d'Ivoire	106,3
Croatia	95,5
Cuba (*)	0,0
Cyprus	100,1
Czech Republic	82,7
Democratic Republic of the Congo	138,7
Djibouti	97,6

Place of employment	Weightings July 2003
Dominican Republic	51,7
Ecuador (*)	0,0
Egypt	45,7
Equatorial Guinea	108,7
Eritrea	38,8
Estonia	75,5
Ethiopia	70,0
Fiji	70,5
Former Yugoslav Republic of Macedonia	75,7
Gabon	113,3
Georgia	82,0
Ghana	70,0
Guatemala	73,3
Guinea	71,3
Guinea-Bissau	136,6
Guyana	59,5
Haiti	82,7
Hong Kong	87,5
Hungary	73,3
India	48,2
Indonesia	86,6
Israel	93,8
Jamaica	77,4
Japan (Naka)	121,3
Japan (Tokyo)	129,2
Jordan	75,5
Kazakhstan	90,8
Kenya	83,0
Laos	70,1
Latvia	69,9
Lebanon	92,6

Place of employment	Weightings July 2003
Lesotho	55,0
Liberia (*)	0,0
Lithuania	75,5
Madagascar	78,6
Malawi	78,7
Malaysia	74,8
Mali	90,4
Malta	94,9
Mauritania	65,4
Mauritius	76,4
Mexico	80,4
Morocco	84,0
Mozambique	69,6
Namibia	64,2
Nepal	63,5
Netherlands Antilles	89,2
New Caledonia	119,9
Nicaragua	69,1
Niger	87,5
Nigeria	75,3
Norway	134,5
Pakistan	52,6
Papua New Guinea	68,4
Paraguay	60,8
Peru	80,8
Philippines	51,5
Poland	70,8
Romania	49,5
Russia	104,0
Rwanda	80,8
São Tomé and Príncipe	55,2
Saudi Arabia (*)	0,0
Senegal	79,3
Serbia and Montenegro	60,7

(*) Not available.

Place of employment	Weightings July 2003
Sierra Leone	72,9
Singapore (*)	0,0
Slovakia	79,0
Slovenia	85,3
Solomon Islands	81,0
Somalia (*)	0,0
South Africa	54,3
South Korea	88,9
Sri Lanka	57,2
Sudan	36,7
Suriname	50,2
Swaziland	55,0
Switzerland	119,2
Syria	56,6
Taiwan (*)	0,0
Tanzania	58,6
Thailand	58,7
The Gambia	38,0
Togo	97,2
Trinidad and Tobago	69,5
Tunisia	74,8
Turkey	79,7
Uganda	66,2
Ukraine	92,1
United States (New York)	104,7
United States (Washington DC)	101,3
Uruguay	57,1
Vanuatu	115,2
Venezuela	67,5
Vietnam	52,9
West Bank and Gaza Strip	87,7
Zambia	45,5
Zimbabwe (*)	0,0

COMMISSION REGULATION (EC) No 65/2004**of 14 January 2004****establishing a system for the development and assignment of unique identifiers for genetically modified organisms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1830/2003, of the European Parliament and of the Council, of 22 September 2003, concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC ⁽¹⁾, and in particular Article 8 thereof,

Whereas:

- (1) Regulation (EC) No 1830/2003 lays down a harmonised framework for the traceability of genetically modified organisms, hereinafter 'GMOs', and of food and feed products produced from GMOs through the transmission and holding of relevant information by operators for such products at each stage of their placing on the market.
- (2) Under that Regulation, an operator placing on the market products containing or consisting of GMOs is required to include, as part of that relevant information, the unique identifier assigned to each GMO as a means of indicating its presence and reflecting the specific transformation event covered by the consent or authorisation for placing that GMO on the market.
- (3) Unique identifiers should be developed in accordance with a particular format in order to ensure consistency both at Community and international level.
- (4) The consent or authorisation granted for the placing on the market of a given GMO under Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ⁽²⁾ or other Community legislation should specify the unique identifier for that GMO. Moreover, the person applying for such consent should ensure that the application specifies the appropriate unique identifier.
- (5) Where, prior to the entry into force of this Regulation, consents have been granted for the placing on the market of GMOs under Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms ⁽³⁾, it is necessary

to ensure that a unique identifier is or has been developed, assigned and appropriately recorded for each GMO covered by those consents.

- (6) In order to take account of and maintain consistency with developments in international fora, it is appropriate to have regard to the formats for unique identifiers established by the Organisation for Economic Cooperation and Development (OECD), for use in the context of its BioTrack product database and in the context of the Biosafety clearing house established by the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.
- (7) For the purposes of the full application of Regulation (EC) No 1830/2003, it is essential that this Regulation apply as a matter of urgency.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up under Article 30 of Directive 2001/18/EC,

HAS ADOPTED THIS REGULATION:

CHAPTER I**SCOPE***Article 1*

1. This Regulation shall apply to genetically modified organisms, hereinafter 'GMOs', authorised for the placing on the market in accordance with Directive 2001/18/EC or other Community legislation, and applications for placing on the market under such legislation.

2. This Regulation shall not apply to medicinal products for human and veterinary use authorised under Council Regulation (EEC) No 2309/93 ⁽⁴⁾, or applications for authorisation under that Regulation.

CHAPTER II**APPLICATIONS FOR THE PLACING ON THE MARKET OF GMOs***Article 2*

1. Applications for the placing on the market of GMOs shall include a unique identifier for each GMO concerned.

⁽¹⁾ OJ L 268, 18.10.2003, p. 24.

⁽²⁾ OJ L 106, 17.4.2001, p. 1. Directive as last amended by Regulation (EC) No 1830/2003.

⁽³⁾ OJ L 117, 8.5.1990, p. 15. Directive as last amended by Directive 2001/18/EC.

⁽⁴⁾ OJ L 214, 24.8.1993, p. 1.

2. Applicants shall, in accordance with the formats set out in the Annex, develop the unique identifier for each GMO concerned, following consultation of the OECD BioTrack product database, and the Biosafety clearing house, to determine whether or not a unique identifier has already been developed for that GMO in accordance with these formats.

Article 3

Where consent or authorisation is granted for the placing on the market of a GMO:

- (a) the consent or authorisation shall specify the unique identifier for that GMO;
- (b) the Commission, on behalf of the Community, or, where appropriate, the competent authority that has taken the final decision on the original application shall ensure that the unique identifier for that GMO is communicated as soon as possible, in writing, to the Biosafety clearing house;
- (c) The unique identifier for each GMO concerned shall be recorded in the relevant registers of the Commission.

CHAPTER III

GMOs FOR WHICH CONSENT FOR THEIR PLACING ON THE MARKET HAS BEEN GRANTED PRIOR TO THE ENTRY INTO FORCE OF THIS REGULATION

Article 4

1. Unique identifiers shall be assigned to all GMOs in respect of which, prior to the entry into force of this Regulation, consent has been granted under Directive 90/220/EEC for their placing on the market.

2. Relevant consent holders or where appropriate the competent authority that has taken the final decision on the original application shall consult the OECD BioTrack product database, and the Biosafety clearing house, to determine whether or not a unique identifier has already been developed for that GMO in accordance with the formats set out in the Annex.

Article 5

1. Where, prior to the entry into force of this Regulation, consent has been granted for the placing on the market of a GMO and where a unique identifier has been developed for that GMO in accordance with the formats set out in the Annex, paragraphs 2, 3 and 4 shall apply.

2. Each consent holder, or where appropriate the competent authority that has taken the final decision on the original application, shall within 90 days following the date of entry into force of this Regulation, communicate the following, in writing, to the Commission:

- (a) the fact that the unique identifier has already been developed in accordance with the formats set out in the Annex;
- (b) the details of the unique identifier.

3. The unique identifier for each GMO concerned shall be recorded in the relevant registers of the Commission.

4. The Commission, on behalf of the Community, or, where appropriate, the competent authority that has taken the final decision on the original application shall ensure that the unique identifier for that GMO is communicated as soon as possible, in writing, to the Biosafety clearing house.

Article 6

1. Where, prior to the entry into force of this Regulation, consent has been granted for the placing on the market of a GMO but where a unique identifier has not been developed for that GMO in accordance with the formats set out in the Annex, paragraphs 2, 3, 4 and 5 shall apply.

2. Each consent holder or, where appropriate, the competent authority that has taken the final decision on the original application, shall develop a unique identifier for the GMO concerned in accordance with the formats set out in the Annex.

3. The consent holder shall, within 90 days following the date of entry into force of this Regulation, communicate the details of the unique identifier, in writing, to the competent authority granting consent, which in turn shall immediately transmit these details to the Commission.

4. The unique identifier for each GMO concerned shall be recorded in the relevant registers of the Commission.

5. The Commission, on behalf of the Community, or, where appropriate, the competent authority that has taken the final decision on the original application shall ensure that the unique identifier for that GMO is communicated as soon as possible, in writing, to the Biosafety clearing house.

CHAPTER IV

FINAL PROVISION

Article 7

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

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

Done at Brussels, 14 January 2004.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX

FORMATS FOR UNIQUE IDENTIFIERS

The Annex below defines the format for the unique identifier for plants in Section A and for micro-organisms and animals in Section B.

SECTION A

1. Overall format

This Annex provides details as to the format to be used for unique identifiers for GMOs pending or authorised for the placing on the market under Community legislation. The format consists of three components comprising a number of alphanumeric digits and providing reference to the applicant/consent holder, transformation event and a means for verification.

The format comprises nine alphanumeric digits in total. The first component represents the applicant/consent holder and comprises two or three alphanumeric digits. The second component comprises five or six alphanumeric digits and represents the transformation event. The third component provides for verification and is represented by a final numerical digit.

The following provides an example of a unique identifier developed using this format.

C	E	D	-	A	B	8	9	1	-	6
---	---	---	---	---	---	---	---	---	---	---

or

C	E	-	A	B	C	8	9	1	-	5
---	---	---	---	---	---	---	---	---	---	---

The following sections provide guidance as to how the three individual components of the unique identifier should be developed.

2. Applicant/consent holder component

The first two or three alphanumeric digits represent the applicant/consent holder (for example, the first two or three letters of the applicant/consent holder organisation name), followed by a dash, such;

C	E	D	-
---	---	---	---

or

C	E	-
---	---	---

Applicants may already have assigned alphanumeric digits to indicate their identity and these appear in the applicant's code table within the OECD BioTrack product database. These applicants should continue to use these digits.

Any new applicant that is not identified within the database will not be permitted to use the existing codes listed in the applicant's code table within the database. The new applicant Should inform the national authorities, which should update the OECD BioTrack product database by including a new code (digits) that will be designed to identify the new applicant in the code table.

3. Transformation event component

The second set of five or six alphanumeric digits should represent the specific transformation event(s), which is the subject of the application for the placing on the market and/or consent, such as:

A	B	8	9	1	-
---	---	---	---	---	---

or

A	B	C	8	9	1	-
---	---	---	---	---	---	---

Clearly, an individual transformation event may occur in different organisms, species and varieties and the digits should be representative of the specific event in question. Again, applicants should, prior to formulating unique identifiers, consult the OECD BioTrack product database in terms of the unique identifiers that have been assigned to similar transformation events of the same organism/species in order to provide consistency and to avoid duplication.

Applicants should develop their own internal mechanism to avoid applying the same designation (digits) to a 'transformation event' if used in a different organism. Where similar transformation events are developed by two or more organisations, the 'applicant information' (see section 2) should enable applicants to generate a unique identifier for their own product, while at the same time ensuring its uniqueness from those generated by other applicants.

As regards new GMOs comprising more than one transformation event (often referred to as stacked-gene transformation events), applicants or consent holders should generate a novel unique identifier for such GMOs.

4. Verification component

The final digit of the unique identifier is for verification, which shall be separated from the rest of the unique identifier digits by a dash, such as:

-

6

or

-

5

The verification digit is intended to reduce errors by ensuring the integrity of the alphanumeric identifier, entered by the users of the database.

The rule to calculate the verification digit is as follows. The verification digit is made up of a single numerical digit. It is calculated by adding together the numerical values of each of the alphanumeric digits in the unique identifier. The numerical value of each of the digits is from 0 to 9 for the numerical digits (0 to 9) and 1 to 26 for the alphabetical digits (A to Z) (see sections 5 and 6). The total sum, if made up of several numerical digits, will be further calculated by adding the remaining digits together using the same rule, in an iterative process, until the final sum is a single numerical digit. For example, the verification digit for the code CED-AB891 is calculated as follows:

step one: $3 + 5 + 4 + 1 + 2 + 8 + 9 + 1 = 33$;

step two: $3 + 3 = 6$; therefore the verification digit is 6.

Therefore, the final unique identifier then becomes — CED-AB891-6.

5. Form of digits to be used in the unique identifier

0
1
2
3
4
5
6
7
8
9

6. Form of alphabetic characters to be used, plus numerical equivalents for calculating verification digit.

A=1
B=2
C=3
D=4
E=5
F=6
G=7
H=8
I=9
J=10
K=11
L=12
M=13
N=14
O=15
P=16
Q=17
R=18
S=19
T=20
U=21
V=22
W=23
X=24
Y=25
Z=26

Zero should be reflected by the symbol 0 to avoid confusion with the letter O.

SECTION B

The provisions of section A of this Annex shall apply to micro-organisms and animals unless another format for a unique identifier is adopted internationally and endorsed at Community level.

COMMISSION REGULATION (EC) No 66/2004
of 15 January 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 January 2004.

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

Done at Brussels, 15 January 2004.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 15 January 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	84,2
	204	39,5
	212	137,2
	999	87,0
0707 00 05	052	129,4
	204	122,9
	220	244,4
	999	165,6
0709 90 70	052	102,4
	204	58,1
	999	80,3
0805 10 10, 0805 10 30, 0805 10 50	052	49,6
	204	54,1
	212	58,9
	220	31,5
	421	33,9
	999	45,6
0805 20 10	052	77,9
	204	94,2
	999	86,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	81,6
	204	86,3
	464	86,4
	600	69,6
	624	73,1
	999	79,4
0805 50 10	052	74,6
	600	75,8
	999	75,2
0808 10 20, 0808 10 50, 0808 10 90	052	63,0
	060	39,9
	400	102,4
	404	96,9
	720	68,6
	999	74,2
0808 20 50	052	41,8
	060	61,1
	064	60,0
	400	90,0
	528	96,9
	720	34,5
	999	64,1

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 67/2004**of 15 January 2004****derogating from Regulation (EC) No 174/1999 as regards the term of validity of export licences in the milk and milk products sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(14) thereof,

Whereas:

- (1) Article 6 of Commission Regulation (EC) No 174/1999 ⁽²⁾ lays down the term of validity of export licences.
- (2) The accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the Community on 1 May 2004 will create a new situation on the market in milk products, which will require appropriate measures to be adopted for the management of export refunds.
- (3) To enable the new management measures for export refunds to take effect on the date of accession, the term of validity of export licences for milk products for which an application has been lodged up to 31 March 2004 should be limited to 30 April 2004.

- (4) A derogation from Regulation (EC) No 174/1999 should therefore be made.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 6 of Regulation (EC) No 174/1999, the term of validity of export licences with advance fixing of the refund which are applied for up to 31 March 2004 in respect of the products referred to in points (a) to (d) of that Article shall expire on 30 April 2004.

Article 2

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

It shall apply to export licences applied for as from the date of its entry into force.

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

Done at Brussels, 15 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1787/2003 (OJ L 270, 21.10.2003, p. 121).

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1948/2003 (OJ L 287, 5.11.2003, p. 13).

COMMISSION REGULATION (EC) No 68/2004
of 15 January 2004
amending Commission Regulation (EC) No 622/2003 laying down measures for the implementa-
tion of the common basic standards on aviation security
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2320/2002 of the European Parliament and the Council of 16 December 2002 establishing common rules in the field of civil aviation security ⁽¹⁾ and in particular Article 4(2) thereof,

Whereas:

- (1) The Commission is required, by virtue of Regulation (EC) No 2320/2002, to adopt measures for the implementation of common basic standards for aviation security throughout the European Union. Commission Regulation (EC) No 622/2003 of 4 April 2003 laying down measures for the implementation of the common basic standards on aviation security ⁽²⁾ was the first act containing such measures.
- (2) In accordance with Regulation 2320/2002 and in order to prevent unlawful acts, the measures laid down in Annex to Regulation (EC) No 622/2003 should be secret and should not be published. The same rule necessarily applies to any amending act.
- (3) There is, none the less, a need for a harmonised list, accessible to the public, setting out separately those articles that are prohibited from being carried by passengers into restricted areas and the cabin of an aircraft and those articles that are prohibited from being carried in baggage intended for stowage in the aircraft's hold.
- (4) It is recognised that such a list can never be exhaustive. The appropriate authority, therefore, should be permitted to prohibit other articles in addition to those

listed. It is appropriate that before and during the check-in phase passengers should be informed clearly of all articles that are prohibited.

- (5) There should also be harmonised rules governing staff, including flight crew, and their carrying of articles prohibited to passengers that are required to enable them to perform their duties.
- (6) Regulation (EC) No 622/2003 should be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security,

HAS ADOPTED THIS REGULATION:

Article 1

Objective

The Annex to Regulation (EC) No 622/2003 is amended as set out in the Annex to this Regulation.

Article 3 of that regulation shall apply as regards the confidential nature of the Annex.

Article 2

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

It shall apply as from 1 February 2004.

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

Done at Brussels, 15 January 2004.

For the Commission
Loyola DE PALACIO
Vice-President

⁽¹⁾ OJ L 355, 30.12.2002, p. 1.

⁽²⁾ OJ L 89, 5.4.2003, p. 9.

ANNEX

In accordance with Article 1 the annex is secret and shall not be published in the *Official Journal of the European Union*.

COMMISSION REGULATION (EC) No 69/2004**of 15 January 2004****authorising derogations from certain provisions of Council Directive 1999/105/EC in respect of the marketing of forest reproductive material derived from certain basic material**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material ⁽¹⁾, and in particular Article 6(7) thereof,

Whereas:

- (1) In accordance with Directive 1999/105/EC, forest reproductive material to be marketed is to be derived from basic material which fulfils the requirements laid down in the Annexes to that Directive.
- (2) Forest reproductive material derived from approved basic material may be marketed under several categories, including 'Qualified'.
- (3) Certain basic material of a species not previously covered by Council Directive 66/401/EEC ⁽²⁾ which produces forest reproductive material which does not fulfil all the requirements of Directive 1999/105/EC and cannot fulfil these requirements in a reasonable period of time due to the long life cycle.
- (4) In order to prevent a deficiency of basic material intended for the production of reproductive material, derogations should therefore be authorised for a limited period and subject to specific conditions.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation applies to basic material of *Pinus pinaster* Ait. which meets the requirements of Directive 1999/105/EC, with the exception of point 1(c) of Annex IV to that Directive.

⁽¹⁾ OJ L 11, 15.1.2000, p. 17.

⁽²⁾ OJ 125 11.7.1966, p. 2326/66.

2. Where reproductive material is derived from basic material of the type referred to in paragraph 1, Member States may authorise the marketing of such reproductive material under the category 'Qualified'.

For the purposes of this Regulation, definitions of 'basic material', 'reproductive material', 'qualified' and 'official body' provided for in Article 2 of Directive 1999/105/EC shall apply.

Article 2

1. Member States shall notify the Commission and other Member States of any basic material which has been approved to produce forest reproductive material under this Regulation.

2. The entry in the national list of approved basic material referred to in Article 10 of Directive 1999/105/EC shall indicate that the basic material has not fulfilled all the requirements of that Directive as following 'Article 6(7) of Directive 1999/105/EC'.

3. The entry in the Community List of approved basic material for the production of forest reproductive material referred to in Article 11 of Directive 1999/105/EC shall indicate that the basic material has not fulfilled all the requirements of that Directive as following 'Article 6(7) of Directive 1999/105/EC'.

4. The entry in the Master Certificate referred to in Article 12 first indent of Directive 1999/105/EC shall indicate that the basic material has not fulfilled all the requirements of that Directive as following 'Article 6(7) of Directive 1999/105/EC'. Detailed information is laid down in the Annex to this Regulation.

Article 3

During the marketing of forest reproductive material from the basic material authorised under Article 1 the supplier's label or documents required under Article 14(1) of Directive 1999/105/EC shall state that 'The material meets the requirements as foreseen by Commission Regulation (EC) No 69/2004'.

Article 4

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

It shall expire 15 years after its entry into force.

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

Done at Brussels, 15 January 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Information to be laid down in the Master Certificate as set out in Annex VIII part B

1. In paragraph 1(b) the wording 'Article 6(7) of Directive 1999/105/EC' and the appropriate name of the basic material shall be indicated.
 2. In paragraph 6 the wording 'Article 6(7) of Directive 1999/105/EC' and the register reference shall be indicated.
 3. In paragraph 20 the wording 'Article 6(7) of Directive 1999/105/EC' shall be indicated.
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COMMISSION REGULATION (EC) No 70/2004
of 15 January 2004
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1787/2003 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling prices

which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third-country markets;
- (b) the most favourable prices in third countries of destination for third-country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1948/2003 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽⁶⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 270, 21.10.2003, p. 121.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 287, 5.11.2003, p. 13.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

⁽⁶⁾ OJ L 104, 20.4.2002, p. 26.

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 16 January 2004.

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

Done at Brussels, 15 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 15 January 2004 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	1,911	0402 91 39 9300	L07	EUR/100 kg	8,058
0401 10 90 9000	970	EUR/100 kg	1,911	0402 91 99 9000	L07	EUR/100 kg	37,96
0401 20 11 9100	970	EUR/100 kg	0,000	0402 99 11 9350	L07	EUR/kg	0,1734
0401 20 11 9500	970	EUR/100 kg	2,953	0402 99 19 9350	L07	EUR/kg	0,1734
0401 20 19 9100	970	EUR/100 kg	0,000	0402 99 31 9150	L07	EUR/kg	0,1816
0401 20 19 9500	970	EUR/100 kg	2,953	0402 99 31 9300	L07	EUR/kg	0,2271
0401 20 91 9000	970	EUR/100 kg	3,737	0402 99 31 9500	L07	EUR/kg	0,0000
0401 20 99 9000	970	EUR/100 kg	0,000	0402 99 39 9150	L07	EUR/kg	0,1816
0401 30 11 9400	970	EUR/100 kg	8,624	0403 90 11 9000	L07	EUR/100 kg	63,59
0401 30 11 9700	970	EUR/100 kg	12,95	0403 90 13 9200	L07	EUR/100 kg	63,59
0401 30 19 9700	970	EUR/100 kg	0,00	0403 90 13 9300	L07	EUR/100 kg	92,23
0401 30 31 9100	L06	EUR/100 kg	31,46	0403 90 13 9500	L07	EUR/100 kg	96,26
0401 30 31 9400	L06	EUR/100 kg	49,14	0403 90 13 9900	L07	EUR/100 kg	102,58
0401 30 31 9700	L06	EUR/100 kg	54,20	0403 90 19 9000	L07	EUR/100 kg	103,20
0401 30 39 9100	L06	EUR/100 kg	31,46	0403 90 33 9400	L07	EUR/kg	0,9223
0401 30 39 9400	L06	EUR/100 kg	49,14	0403 90 33 9900	L07	EUR/kg	1,0258
0401 30 39 9700	L06	EUR/100 kg	54,20	0403 90 51 9100	970	EUR/100 kg	1,911
0401 30 91 9100	L06	EUR/100 kg	61,77	0403 90 59 9170	970	EUR/100 kg	12,95
0401 30 91 9500	L06	EUR/100 kg	0,00	0403 90 59 9310	L07	EUR/100 kg	31,46
0401 30 99 9100	L06	EUR/100 kg	61,77	0403 90 59 9340	L07	EUR/100 kg	46,03
0401 30 99 9500	L06	EUR/100 kg	90,78	0403 90 59 9370	L07	EUR/100 kg	46,03
0402 10 11 9000	L07	EUR/100 kg	64,50	0403 90 59 9510	L07	EUR/100 kg	46,03
0402 10 19 9000	L07	EUR/100 kg	64,50	0404 90 21 9120	L07	EUR/100 kg	55,02
0402 10 91 9000	L07	EUR/kg	0,6450	0404 90 21 9160	L07	EUR/100 kg	64,50
0402 10 99 9000	L07	EUR/kg	0,6450	0404 90 23 9120	L07	EUR/100 kg	64,50
0402 21 11 9200	L07	EUR/100 kg	64,50	0404 90 23 9130	L07	EUR/100 kg	93,05
0402 21 11 9300	L07	EUR/100 kg	93,05	0404 90 23 9140	L07	EUR/100 kg	97,12
0402 21 11 9500	L07	EUR/100 kg	97,12	0404 90 23 9150	L07	EUR/100 kg	103,50
0402 21 11 9900	L07	EUR/100 kg	103,50	0404 90 29 9110	L07	EUR/100 kg	104,14
0402 21 17 9000	L07	EUR/100 kg	64,50	0404 90 29 9115	L07	EUR/100 kg	104,76
0402 21 19 9300	L07	EUR/100 kg	93,05	0404 90 29 9125	L07	EUR/100 kg	105,83
0402 21 19 9500	L07	EUR/100 kg	97,12	0404 90 29 9140	L07	EUR/100 kg	113,74
0402 21 19 9900	L07	EUR/100 kg	103,50	0404 90 81 9100	L07	EUR/kg	0,6450
0402 21 91 9100	L07	EUR/100 kg	104,14	0404 90 83 9110	L07	EUR/kg	0,6450
0402 21 91 9200	L07	EUR/100 kg	104,76	0404 90 83 9130	L07	EUR/kg	0,9305
0402 21 91 9350	L07	EUR/100 kg	105,83	0404 90 83 9150	L07	EUR/kg	0,9712
0402 21 91 9500	L07	EUR/100 kg	113,74	0404 90 83 9170	L07	EUR/kg	1,0350
0402 21 99 9100	L07	EUR/100 kg	104,14	0404 90 83 9936	L07	EUR/kg	0,1734
0402 21 99 9200	L07	EUR/100 kg	104,76	0405 10 11 9500	L05	EUR/100 kg	173,66
0402 21 99 9300	L07	EUR/100 kg	105,83	0405 10 11 9700	L05	EUR/100 kg	178,00
0402 21 99 9400	L07	EUR/100 kg	111,70	0405 10 19 9500	L05	EUR/100 kg	173,66
0402 21 99 9500	L07	EUR/100 kg	113,74	0405 10 19 9700	L05	EUR/100 kg	178,00
0402 21 99 9600	L07	EUR/100 kg	121,76	0405 10 30 9100	L05	EUR/100 kg	173,66
0402 21 99 9700	L07	EUR/100 kg	126,30	0405 10 30 9300	L05	EUR/100 kg	178,00
0402 21 99 9900	L07	EUR/100 kg	131,56	0405 10 30 9700	L05	EUR/100 kg	178,00
0402 29 15 9200	L07	EUR/kg	0,6450	0405 10 50 9300	L05	EUR/100 kg	178,00
0402 29 15 9300	L07	EUR/kg	0,9305	0405 10 50 9500	L05	EUR/100 kg	173,66
0402 29 15 9500	L07	EUR/kg	0,9712	0405 10 50 9700	L05	EUR/100 kg	178,00
0402 29 15 9900	L07	EUR/kg	1,0350	0405 10 90 9000	L05	EUR/100 kg	184,52
0402 29 19 9300	L07	EUR/kg	0,9305	0405 20 90 9500	L05	EUR/100 kg	162,82
0402 29 19 9500	L07	EUR/kg	0,9712	0405 20 90 9700	L05	EUR/100 kg	169,32
0402 29 19 9900	L07	EUR/kg	1,0350	0405 90 10 9000	L05	EUR/100 kg	222,55
0402 29 91 9000	L07	EUR/kg	1,0414	0405 90 90 9000	L05	EUR/100 kg	178,00
0402 29 99 9100	L07	EUR/kg	1,0414	0406 10 20 9100	A00	EUR/100 kg	—
0402 29 99 9500	L07	EUR/kg	1,1170	0406 10 20 9230	L03	EUR/100 kg	—
0402 91 11 9370	L07	EUR/100 kg	6,804		L04	EUR/100 kg	27,02
0402 91 19 9370	L07	EUR/100 kg	6,804		075	EUR/100 kg	28,71
0402 91 31 9300	L07	EUR/100 kg	8,058		400	EUR/100 kg	—
					A01	EUR/100 kg	33,77

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9290	L03	EUR/100 kg	—	0406 20 90 9919	L03	EUR/100 kg	—
	L04	EUR/100 kg	25,14		L04	EUR/100 kg	66,03
	075	EUR/100 kg	26,70		075	EUR/100 kg	70,18
	400	EUR/100 kg	—		400	EUR/100 kg	24,32
	A01	EUR/100 kg	31,42		A01	EUR/100 kg	82,56
0406 10 20 9300	L03	EUR/100 kg	—	0406 20 90 9990	A00	EUR/100 kg	—
	L04	EUR/100 kg	11,03		L03	EUR/100 kg	—
	075	EUR/100 kg	11,71		L04	EUR/100 kg	5,56
	400	EUR/100 kg	—		075	EUR/100 kg	11,05
	A01	EUR/100 kg	13,78		400	EUR/100 kg	—
0406 10 20 9610	L03	EUR/100 kg	—	0406 30 31 9730	A01	EUR/100 kg	13,00
	L04	EUR/100 kg	36,65		L03	EUR/100 kg	—
	075	EUR/100 kg	38,94		L04	EUR/100 kg	8,14
	400	EUR/100 kg	—		075	EUR/100 kg	16,22
	A01	EUR/100 kg	45,81		400	EUR/100 kg	—
0406 10 20 9620	L03	EUR/100 kg	—	0406 30 31 9910	A01	EUR/100 kg	19,08
	L04	EUR/100 kg	37,17		L03	EUR/100 kg	—
	075	EUR/100 kg	39,49		L04	EUR/100 kg	5,56
	400	EUR/100 kg	—		075	EUR/100 kg	11,05
	A01	EUR/100 kg	46,46		400	EUR/100 kg	—
0406 10 20 9630	L03	EUR/100 kg	—	0406 30 31 9930	A01	EUR/100 kg	13,00
	L04	EUR/100 kg	41,50		L03	EUR/100 kg	—
	075	EUR/100 kg	44,08		L04	EUR/100 kg	8,14
	400	EUR/100 kg	—		075	EUR/100 kg	16,22
	A01	EUR/100 kg	51,86		400	EUR/100 kg	—
0406 10 20 9640	L03	EUR/100 kg	—	0406 30 31 9950	A01	EUR/100 kg	19,08
	L04	EUR/100 kg	60,97		L03	EUR/100 kg	—
	075	EUR/100 kg	64,79		L04	EUR/100 kg	11,84
	400	EUR/100 kg	—		075	EUR/100 kg	23,59
	A01	EUR/100 kg	76,22		400	EUR/100 kg	—
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9500	A01	EUR/100 kg	27,75
	L04	EUR/100 kg	50,81		L03	EUR/100 kg	—
	075	EUR/100 kg	53,98		L04	EUR/100 kg	8,14
	400	EUR/100 kg	—		075	EUR/100 kg	16,22
	A01	EUR/100 kg	63,51		400	EUR/100 kg	—
0406 10 20 9660	A00	EUR/100 kg	—	0406 30 39 9700	A01	EUR/100 kg	19,08
0406 10 20 9830	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	18,85		L04	EUR/100 kg	11,84
	075	EUR/100 kg	20,03		075	EUR/100 kg	23,59
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 10 20 9850	A01	EUR/100 kg	23,56		A01	EUR/100 kg	27,75
	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	22,85		L04	EUR/100 kg	11,84
	075	EUR/100 kg	24,28		075	EUR/100 kg	23,59
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 10 20 9870	A01	EUR/100 kg	28,57	0406 30 39 9950	A01	EUR/100 kg	27,75
	A00	EUR/100 kg	—		L03	EUR/100 kg	—
	A00	EUR/100 kg	—		L04	EUR/100 kg	13,39
	A00	EUR/100 kg	—		075	EUR/100 kg	26,67
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9100	A00	EUR/100 kg	—	0406 30 90 9000	A01	EUR/100 kg	31,37
0406 20 90 9913	L04	EUR/100 kg	42,13		L03	EUR/100 kg	—
	075	EUR/100 kg	44,76		L04	EUR/100 kg	14,04
	400	EUR/100 kg	15,39		075	EUR/100 kg	27,97
	A01	EUR/100 kg	52,67		400	EUR/100 kg	—
0406 20 90 9915	L03	EUR/100 kg	—	0406 40 50 9000	A01	EUR/100 kg	32,91
	L04	EUR/100 kg	55,61		L03	EUR/100 kg	—
	075	EUR/100 kg	59,09		L04	EUR/100 kg	64,53
	400	EUR/100 kg	20,51		075	EUR/100 kg	68,57
	A01	EUR/100 kg	69,52		400	EUR/100 kg	—
0406 20 90 9917	L03	EUR/100 kg	—	0406 40 90 9000	A01	EUR/100 kg	80,67
	L04	EUR/100 kg	59,10		L03	EUR/100 kg	—
	075	EUR/100 kg	62,80		L04	EUR/100 kg	66,27
	400	EUR/100 kg	21,80		075	EUR/100 kg	70,40
	A01	EUR/100 kg	73,87		400	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 90 13 9000	A01	EUR/100 kg	82,83
	L04	EUR/100 kg	59,10		L03	EUR/100 kg	—
	075	EUR/100 kg	62,80		L04	EUR/100 kg	72,87
	400	EUR/100 kg	21,80		075	EUR/100 kg	88,65
	A01	EUR/100 kg	73,87		400	EUR/100 kg	29,31
	L03	EUR/100 kg	—		A01	EUR/100 kg	104,30
	L04	EUR/100 kg	59,10		L03	EUR/100 kg	—
	075	EUR/100 kg	62,80		L04	EUR/100 kg	72,87
	400	EUR/100 kg	21,80		075	EUR/100 kg	88,65
	A01	EUR/100 kg	73,87		400	EUR/100 kg	29,31

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
0406 90 15 9100	L03	EUR/100 kg	—	0406 90 63 9100	L03	EUR/100 kg	—	
	L04	EUR/100 kg	75,30		L04	EUR/100 kg	79,89	
	075	EUR/100 kg	91,61		075	EUR/100 kg	97,95	
	400	EUR/100 kg	30,21		400	EUR/100 kg	31,11	
	A01	EUR/100 kg	107,78		A01	EUR/100 kg	115,23	
0406 90 17 9100	L03	EUR/100 kg	—	0406 90 63 9900	L03	EUR/100 kg	—	
	L04	EUR/100 kg	75,30		L04	EUR/100 kg	76,80	
	075	EUR/100 kg	91,61		075	EUR/100 kg	94,61	
	400	EUR/100 kg	30,21		400	EUR/100 kg	23,80	
	A01	EUR/100 kg	107,78		A01	EUR/100 kg	111,30	
0406 90 21 9900	L03	EUR/100 kg	—	0406 90 69 9100	A00	EUR/100 kg	—	
	L04	EUR/100 kg	73,79		0406 90 69 9910	L03	EUR/100 kg	—
	075	EUR/100 kg	89,56			L04	EUR/100 kg	76,80
	400	EUR/100 kg	21,67			075	EUR/100 kg	94,61
	A01	EUR/100 kg	105,36			400	EUR/100 kg	23,80
0406 90 23 9900	L03	EUR/100 kg	—	0406 90 73 9900		A01	EUR/100 kg	111,30
	L04	EUR/100 kg	64,80		L03	EUR/100 kg	—	
	075	EUR/100 kg	79,17		L04	EUR/100 kg	66,89	
	400	EUR/100 kg	—		075	EUR/100 kg	81,45	
	A01	EUR/100 kg	93,15		400	EUR/100 kg	25,61	
0406 90 25 9900	L03	EUR/100 kg	—	0406 90 75 9900	A01	EUR/100 kg	95,83	
	L04	EUR/100 kg	64,36		L03	EUR/100 kg	—	
	075	EUR/100 kg	78,32		L04	EUR/100 kg	67,34	
	400	EUR/100 kg	—		075	EUR/100 kg	82,34	
	A01	EUR/100 kg	92,14		400	EUR/100 kg	10,81	
0406 90 27 9900	L03	EUR/100 kg	—	0406 90 76 9300	A01	EUR/100 kg	96,86	
	L04	EUR/100 kg	58,30		L03	EUR/100 kg	—	
	075	EUR/100 kg	70,93		L04	EUR/100 kg	60,72	
	400	EUR/100 kg	—		075	EUR/100 kg	73,89	
	A01	EUR/100 kg	83,45		400	EUR/100 kg	—	
0406 90 31 9119	L03	EUR/100 kg	—	0406 90 76 9400	A01	EUR/100 kg	86,93	
	L04	EUR/100 kg	53,58		L03	EUR/100 kg	—	
	075	EUR/100 kg	65,29		L04	EUR/100 kg	68,01	
	400	EUR/100 kg	12,43		075	EUR/100 kg	82,75	
	A01	EUR/100 kg	76,82		400	EUR/100 kg	11,25	
0406 90 33 9119	L03	EUR/100 kg	—	0406 90 76 9500	A01	EUR/100 kg	97,36	
	L04	EUR/100 kg	53,58		L03	EUR/100 kg	—	
	075	EUR/100 kg	65,29		L04	EUR/100 kg	64,70	
	400	EUR/100 kg	12,43		075	EUR/100 kg	78,05	
	A01	EUR/100 kg	76,82		400	EUR/100 kg	11,25	
0406 90 33 9919	L03	EUR/100 kg	—	0406 90 78 9100	A01	EUR/100 kg	91,83	
	L04	EUR/100 kg	48,96		L03	EUR/100 kg	—	
	075	EUR/100 kg	59,89		L04	EUR/100 kg	62,75	
	400	EUR/100 kg	—		075	EUR/100 kg	77,91	
	A01	EUR/100 kg	70,45		400	EUR/100 kg	—	
0406 90 33 9951	L03	EUR/100 kg	—	0406 90 78 9300	A01	EUR/100 kg	91,66	
	L04	EUR/100 kg	49,46		L03	EUR/100 kg	—	
	075	EUR/100 kg	59,93		L04	EUR/100 kg	66,53	
	400	EUR/100 kg	—		075	EUR/100 kg	80,74	
	A01	EUR/100 kg	70,50		400	EUR/100 kg	—	
0406 90 35 9190	L03	EUR/100 kg	—	0406 90 78 9500	A01	EUR/100 kg	94,99	
	L04	EUR/100 kg	75,80		L03	EUR/100 kg	—	
	075	EUR/100 kg	92,63		L04	EUR/100 kg	65,90	
	400	EUR/100 kg	29,89		075	EUR/100 kg	79,51	
	A01	EUR/100 kg	108,97		400	EUR/100 kg	—	
0406 90 35 9990	L03	EUR/100 kg	—		A01	EUR/100 kg	93,54	
	L04	EUR/100 kg	75,80					
	075	EUR/100 kg	92,63					
	400	EUR/100 kg	19,54					
	A01	EUR/100 kg	108,97					
0406 90 37 9000	L03	EUR/100 kg	—					
	L04	EUR/100 kg	72,87					
	075	EUR/100 kg	88,65					
	400	EUR/100 kg	29,31					
	A01	EUR/100 kg	104,30					
0406 90 61 9000	L03	EUR/100 kg	—					
	L04	EUR/100 kg	80,30					
	075	EUR/100 kg	98,76					
	400	EUR/100 kg	27,82					
	A01	EUR/100 kg	116,19					

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 79 9900	L03	EUR/100 kg	—	0406 90 87 9400	L03	EUR/100 kg	—
	L04	EUR/100 kg	53,80		L04	EUR/100 kg	59,06
	075	EUR/100 kg	65,72		075	EUR/100 kg	73,39
	400	EUR/100 kg	—		400	EUR/100 kg	16,76
	A01	EUR/100 kg	77,32		A01	EUR/100 kg	86,34
0406 90 81 9900	L03	EUR/100 kg	—	0406 90 87 9951	L03	EUR/100 kg	—
	L04	EUR/100 kg	68,01		L04	EUR/100 kg	66,79
	075	EUR/100 kg	82,75		075	EUR/100 kg	81,27
	400	EUR/100 kg	23,15		400	EUR/100 kg	23,16
	A01	EUR/100 kg	97,36		A01	EUR/100 kg	95,62
0406 90 85 9930	L03	EUR/100 kg	—	0406 90 87 9971	L03	EUR/100 kg	—
	L04	EUR/100 kg	73,45		L04	EUR/100 kg	66,79
	075	EUR/100 kg	89,82		075	EUR/100 kg	81,27
	400	EUR/100 kg	28,85		400	EUR/100 kg	18,79
	A01	EUR/100 kg	105,68		A01	EUR/100 kg	95,62
0406 90 85 9970	L03	EUR/100 kg	—	0406 90 87 9972	L03	EUR/100 kg	—
	L04	EUR/100 kg	67,34		L04	EUR/100 kg	28,46
	075	EUR/100 kg	82,34		075	EUR/100 kg	34,77
	400	EUR/100 kg	25,24		400	EUR/100 kg	—
	A01	EUR/100 kg	96,86		A01	EUR/100 kg	40,91
0406 90 85 9999	A00	EUR/100 kg	—	0406 90 87 9973	L03	EUR/100 kg	—
0406 90 86 9100	A00	EUR/100 kg	—		L04	EUR/100 kg	65,59
0406 90 86 9200	L03	EUR/100 kg	—		075	EUR/100 kg	79,80
	L04	EUR/100 kg	61,79		400	EUR/100 kg	13,19
	075	EUR/100 kg	77,90		A01	EUR/100 kg	93,88
0406 90 86 9300	400	EUR/100 kg	15,15	0406 90 87 9974	L03	EUR/100 kg	—
	A01	EUR/100 kg	91,65		L04	EUR/100 kg	71,18
	L03	EUR/100 kg	—		075	EUR/100 kg	86,23
	L04	EUR/100 kg	62,68		400	EUR/100 kg	13,19
	075	EUR/100 kg	78,72		A01	EUR/100 kg	101,45
0406 90 86 9400	400	EUR/100 kg	16,61	0406 90 87 9975	L03	EUR/100 kg	—
	A01	EUR/100 kg	92,61		L04	EUR/100 kg	72,60
	L03	EUR/100 kg	—		075	EUR/100 kg	87,19
	L04	EUR/100 kg	66,59		400	EUR/100 kg	17,48
	075	EUR/100 kg	82,75		A01	EUR/100 kg	102,58
0406 90 86 9900	400	EUR/100 kg	18,79	0406 90 87 9979	L03	EUR/100 kg	—
	A01	EUR/100 kg	97,36		L04	EUR/100 kg	64,80
	L03	EUR/100 kg	—		075	EUR/100 kg	79,17
	L04	EUR/100 kg	73,45		400	EUR/100 kg	13,19
	075	EUR/100 kg	89,82		A01	EUR/100 kg	93,15
0406 90 87 9100	400	EUR/100 kg	22,00	0406 90 88 9100	A00	EUR/100 kg	—
	A01	EUR/100 kg	105,68		L03	EUR/100 kg	—
	A00	EUR/100 kg	—		L04	EUR/100 kg	50,84
	L03	EUR/100 kg	—		075	EUR/100 kg	63,62
	L04	EUR/100 kg	51,50		400	EUR/100 kg	16,61
0406 90 87 9200	075	EUR/100 kg	64,89	0406 90 88 9300	A01	EUR/100 kg	74,85
	400	EUR/100 kg	13,55				
	A01	EUR/100 kg	76,35				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	57,55				
0406 90 87 9300	075	EUR/100 kg	72,30				
	400	EUR/100 kg	15,30				
	A01	EUR/100 kg	85,05				

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

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

The other destinations are defined as follows:

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Malta, Turkey, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Croatia, Canada, Cyprus, Australia and New Zealand,

L04 Albania, Slovenia, Bosnia and Herzegovina, Serbia and Montenegro and the Former Yugoslav Republic of Macedonia,

L05 all destinations except Poland, Estonia, Latvia, Lithuania, Hungary, the Czech Republic, Slovakia and the United States of America,

L06 all destinations except Estonia, Latvia, Lithuania, Hungary and the United States of America,

L07 all destinations except Estonia, Latvia, Lithuania, Hungary, the Czech Republic, Slovakia and the United States of America,

'970' includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

COMMISSION REGULATION (EC) No 71/2004
of 15 January 2004
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 1110/2003 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 January 2004.

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

Done at Brussels, 15 January 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 158, 27.6.2003, p. 12.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	2,57
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	24,93
1005 10 90	Maize seed other than hybrid	42,76
1005 90 00	Maize other than seed ⁽²⁾	42,76
1007 00 90	Grain sorghum other than hybrids for sowing	24,93

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 31 December 2003 to 14 January 2004)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	131,81 (***)	79,36	162,25	152,25	132,25	109,89
Gulf premium (EUR/t)	27,08	12,69	—	—	—	—
Great Lakes premium (EUR/t)	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the two-week period preceding the day of fixing:

Freight/cost: Gulf of Mexico–Rotterdam: 25,87 EUR/t; Great Lakes–Rotterdam: 36,74 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 72/2004
of 15 January 2004
concerning tenders notified in response to the invitation to tender for the import of maize issued
in Regulation (EC) No 2315/2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 2315/2003 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EC) No 1839/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 9 to 15 January 2004 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 2315/2003.

Article 2

This Regulation shall enter into force on 16 January 2004.

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

Done at Brussels, 15 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 342, 30.12.2003, p. 34.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 256, 10.10.2000, p. 13.

COMMISSION REGULATION (EC) No 73/2004**of 15 January 2004****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1814/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1431/2003 ⁽⁴⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1814/2003 of 15 October 2003 on a special intervention measure for cereals in Finland and Sweden for the marketing year 2003/04 ⁽⁵⁾, and in particular Article 9 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries except Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Romania, Slovakia and Slovenia was opened pursuant to Regulation (EC) No 1814/2003.

- (2) Article 9 of Regulation (EC) No 1814/2003 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 9 to 15 January 2004, pursuant to the invitation to tender issued in Regulation (EC) No 1814/2003, the maximum refund on exportation of oats shall be EUR 16,95/t.

Article 2

This Regulation shall enter into force on 16 January 2004.

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

Done at Brussels, 15 January 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 203, 12.8.2003, p. 16.

⁽⁵⁾ OJ L 265, 16.10.2003, p. 25.

COMMISSION DIRECTIVE 2003/127/EC
of 23 December 2003
amending Council Directive 1999/37/EC on the registration documents for vehicles
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Directive 1999/37/EC laid down harmonised rules concerning the registration certificates for vehicles subject to registration in the Community.
- (2) In view of the increasing introduction of electronic and telematics equipment in vehicles, the Annexes to Directive 1999/37/EC should be adapted to scientific and technical progress to allow Member States to issue vehicle registration documents in microprocessor smart card format instead of paper documents.
- (3) Directive 1999/37/EC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Committee instituted by Article 8 of Council Directive 96/96/EC ⁽²⁾,
- (5) Member States should implement the necessary measures to ensure that the collection and processing of personal data required for the issuing of vehicle registration documents in the format of smart cards complies with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽³⁾,

Article 1

The Annexes to Directive 1999/37/EC are replaced by the text in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 15 January 2005 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 23 December 2003.

For the Commission
Loyola DE PALACIO
Vice-President

⁽¹⁾ OJ L 138, 1.6.1999, p. 57.

⁽²⁾ OJ L 46, 17.2.1997, p. 1.

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

ANNEX

'ANNEX I

PART I OF THE REGISTRATION CERTIFICATE ⁽¹⁾

- I. This part may be implemented in either of two formats: as a paper document or as a smart card. The characteristics of the paper document version are specified in Chapter II and those of the smart card version in Chapter III.

II. Specifications of Part I of the Registration Certificate in paper format

- II.1. The overall dimensions of the Registration Certificate shall not be greater than an A4 format (210 × 297 mm) or a folder of A4 format.

- II.2. The paper used for Part I of the Registration Certificate shall be made secure against forgery by using at least two of the following techniques:

- graphics,
- watermark,
- fluorescent fibres, or
- fluorescent imprints.

Member States are free to introduce additional security features.

- II.3. Part I of the Registration Certificate may consist of several pages. Member States shall determine the number of pages in accordance with the information contained in the document and its layout.

- II.4. The first page of Part I of the Registration Certificate shall contain:

- the name of the Member State issuing Part I of the Registration Certificate,
- the distinguishing mark of the Member State issuing Part I of the Registration Certificate, namely:
 - B Belgium
 - DK Denmark
 - D Germany
 - GR Greece
 - E Spain
 - F France
 - IRL Ireland
 - I Italy
 - L Luxembourg
 - NL Netherlands
 - A Austria
 - P Portugal
 - FIN Finland
 - S Sweden
 - UK United Kingdom,
- the name of the competent authority,
- the words "Part I of the Registration Certificate" or, if the certificate consists of one part only, the words "Registration Certificate", printed in large type in the language or languages of the Member States issuing the Registration Certificate; they shall also appear, after a suitable space, in small type in the other languages of the European Community,
- the words "European Community", printed in the language or languages of the Member State issuing Part I of the Registration Certificate,
- the number of the document.

⁽¹⁾ The certificate consisting of one part only will bear the words "Registration Certificate", and there will be no reference in the text to "Part I".

- II.5. Part I of the Registration Certificate shall also contain the following data, preceded by the corresponding harmonised Community codes:
- (A) registration number;
 - (B) date of first registration of the vehicle;
 - (C) personal data;
 - (C.1) holder of the Registration Certificate:
 - (C.1.1) surname(s) or business name,
 - (C.1.2) other name(s) or initial(s) (where appropriate),
 - (C.1.3) address in the Member State of registration on the date of issue of the document;
 - (C.4) Where the particulars specified in II.6, code C.2 are not included in the Registration Certificate, reference to the fact that the holder of the Registration Certificate:
 - (a) is the vehicle owner,
 - (b) is not the vehicle owner,
 - (c) is not identified by the Registration Certificate as being the vehicle owner;
 - (D) vehicle:
 - (D.1) make,
 - (D.2) type,
 - variant (if available),
 - version (if available);
 - (D.3) commercial description(s);
 - (E) vehicle identification number;
 - (F) mass:
 - (F.1) maximum technically permissible laden mass, except for motorcycles;
 - (G) mass of the vehicle in service with bodywork, and with coupling device in the case of a towing vehicle in service from any category other than M1;
 - (H) period of validity, if not unlimited;
 - (I) date of the registration to which this certificate refers;
 - (K) type-approval number (if available);
 - (P) engine;
 - (P.1) capacity (in cm³),
 - (P.2) maximum net power (in kW) (if available),
 - (P.3) type of fuel or power source;
 - (Q) power/weight ratio (in kW/kg) (only for motorcycles);
 - (S) seating capacity,
 - (S.1) number of seats, including the driver's seat,
 - (S.2) number of standing places (where appropriate).
- II.6. Part I of the Registration Certificate may, moreover, contain the following data, preceded by the corresponding harmonised Community codes:
- (C) personal data,
 - (C.2) owner of the vehicle (repeated as many times as there are owners),
 - (C.2.1) surname or business name,
 - (C.2.2) other name(s) or initial(s) (where appropriate),
 - (C.2.3) address in the Member State of registration, on the date of issue of the document,

- (C.3) natural or legal person who may use the vehicle by virtue of a legal right other than that of ownership,
 - (C.3.1) surname or business name,
 - (C.3.2) other name(s) or initial(s) (where appropriate),
 - (C.3.3) address in the Member State of registration, on the date of issue of the document,
- (C.5), (C.6), (C.7), (C.8): where a change in the personal data given in points II.5, code C.1, II.6, code C.2 and/or II.6, code C.3 does not give rise to the issue of a new Registration Certificate, the new personal data corresponding to these points may be included under codes (C.5), (C.6), (C.7) or (C.8); they are then broken down in accordance with the references in points II.5, code C.1, II.6, code C.2, II.6, code C.3 and II.5, code C.4;
- (F) mass:
 - (F.2) maximum permissible laden mass of the vehicle in service in the Member State of registration;
 - (F.3) maximum permissible laden mass of the whole vehicle in service in the Member State of registration;
- (J) vehicle category;
- (L) number of axles;
- (M) wheelbase (in mm);
- (N) for vehicles with a total exceeding 3 500 kg, distribution of the technically permissible maximum laden mass among the axles:
 - (N.1) axle 1 (in kg),
 - (N.2) axle 2 (in kg), where appropriate,
 - (N.3) axle 3 (in kg), where appropriate,
 - (N.4) axle 4 (in kg), where appropriate,
 - (N.5) axle 5 (in kg), where appropriate,
- (O) technically permissible maximum towable mass of the trailer:
 - (O.1) braked (in kg),
 - (O.2) unbraked (in kg);
- (P) engine:
 - (P.4) rated speed (in min⁻¹),
 - (P.5) engine identification number;
- (R) colour of the vehicle;
- (T) maximum speed (in km/h);
- (U) sound level:
 - (U.1) stationary (in dB(A)),
 - (U.2) engine speed (in min⁻¹),
 - (U.3) drive-by (in dB(A));
- (V) exhaust emissions:
 - (V.1) CO (in g/km or g/kWh),
 - (V.2) HC (in g/km or g/kWh),
 - (V.3) NO_x (in g/km or g/kWh),

- (V.4) HC + NO_x (in g/km),
- (V.5) particulates for diesel (in g/km or g/kWh),
- (V.6) corrected absorption coefficient for diesel (in min-1),
- (V.7) CO₂ (in g/km),
- (V.8) combined fuel consumption (in l/100 km),
- (V.9) indication of the environmental category of EC type-approval;
reference to the version applicable pursuant to Directive 70/220/EEC. ⁽¹⁾ or Directive 88/77/EEC ⁽²⁾.
- (W) fuel tank(s) capacity (in litres).

II.7 Member States may include additional information (in Part I of the Registration Certificate), in particular they may add between brackets to the identification codes, as laid down under II.5 and II.6, additional national codes.

III. **Specifications of Part I of the Registration Certificate in smart card format** (Alternative to the specimen in paper format described in Chapter II)

III.1 *Card format and data legible with the eye*

Being a microprocessor card, the chip card shall be designed in accordance with the standards mentioned in Chapter III.5. The data stored on the card should be legible with normal reading devices (such as for tachograph cards).

Printed on the front and back of the card shall be at least the data specified in Chapters II.4 and II.5; these data shall be legible with the eye (minimum character height: 6 points) and printed on as follows. (Examples of possible lay-outs are presented in Figure 1 at the end of this section.)

A. Basic imprint

The basic data shall contain the following:

Front

- (a) To the right of the chip location:
 - in the language(s) of the Member State issuing the Registration Certificate
 - the words "European Community";
 - the name of the Member State issuing the Registration Certificate;
 - the words "Part I of the Registration Certificate", or, if the certificate consists of one part only, the words "Registration Certificate" printed in large type;
 - another (e.g. previous national) designation of the equivalent document (optional);
 - the name of the competent authority (alternatively, also in the form of a personalisation imprint as per Letter B);
 - the unambiguous consecutive number of the document as used within the Member State (alternatively, also in the form of a personalisation imprint as per Letter B);
- (b) Above the chip location:
 - the distinguishing mark of the Member State issuing the Registration Certificate, white in a blue rectangle and surrounded by twelve yellow stars:

B Belgium

DK Denmark

D Germany

GR Greece

E Spain

F France

⁽¹⁾ Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from positive-ignition engines of motor vehicles (OJ L 76, 6.4.1970, p. 1), Directive as last amended by Commission Directive 2002/80/EC (OJ L 291, 28.10.2002, p. 20).

⁽²⁾ Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles (OJ L 36, 9.2.1988, p. 33). Directive as last amended by Commission Directive 2001/27/EC (OJ L 107, 18.4.2001, p. 10).

IRL Ireland

I Italy

L Luxembourg

NL The Netherlands

A Austria

P Portugal

FIN Finland

S Sweden

UK United Kingdom

- (c) Member States might consider adding, at the lower edge in small type and in their national language(s), the note: "This document should be produced to any authorised person requesting it."
- (d) The basic colour of the card is green (Pantone 362); alternatively, a green-to-white transition is possible.
- (e) A symbol representing a wheel (see proposed lay-out in Fig.1) shall be printed within the printing area in the bottom left corner of the card front.

In other respects, the provisions of Chapter III.13 shall apply.

B. Personalisation imprint

The personalisation imprint shall contain the following information:

Front

- (a) the name of the competent authority — see also Letter Aa)
- (b) the name of the authority issuing the Registration Certificate (optional)
- (c) the unambiguous consecutive number of the document as used within the Member State — see also Letter Aa)
- (d) The following data from Chapter II.5; according to Chapter II.7, individual national codes may be added to the preceding harmonised Community codes:

Code	Reference
(A)	registration number (official licence number)
(B)	date of first registration of the vehicle
(I)	date of the registration to which this certificate refers
personal data	
(C.1)	holder of the Registration Certificate
(C.1.1)	surname or business name
(C.1.2)	other name(s) or initial(s) (where appropriate)
(C.1.3)	address in the Member State of registration on the date of issue of the document
(C.4)	Where the particulars specified in Chapter II.6, code C.2 are not included in the imprint of the Registration Certificate defined in the Letters A and B, reference to the fact that the holder of the Registration Certificate
	(a) is the vehicle owner;
	(b) is not the vehicle owner;
	(c) is not identified as the vehicle owner in the Registration Certificate;

Back

The back shall bear at least the remaining data specified in Chapter II.5; in accordance with Chapter II.7, individual national codes may be added to the preceding harmonised Community codes.

In detail, these data are:

Code	Reference
<i>Vehicle Data</i> (in consideration of the notes in Chapter II.5)	
(D.1)	make
(D.2)	type (variant/version, where appropriate)
(D.3)	commercial description(s)
(E)	vehicle identification number
(F.1)	max. technically permissible laden mass, except for motorcycles (kg)
(G)	mass of the vehicle in service with bodywork, and with coupling device in the case of a towing vehicle in service from any category other than M1 (kg)
(H)	period of validity, if not unlimited
(K)	type-approval number (if available)
(P.1)	displacement (cm ³)
(P.2)	nominal power (kW)
(P.3)	type of fuel or power source
(Q)	power/weight ratio (in kW/kg) (only for motorcycles)
(S.1)	number of seats, including driver's seat
(S.2)	number of standing places (where appropriate)

Optionally, additional data from II.6 (with the harmonised codes) and II.7 may be added on the back of the card.

C. Physical security features of the smart card

The threats to the physical security of documents are:

- Production of false cards: creating a new object which bears great resemblance to the document, either by making it from scratch or by copying an original document.
- Material alteration: changing a property of an original document, e.g. modifying some of the data printed on the document.

The material used for Part I of the Registration Certificate shall be made secure against forgery by using at least three of the following techniques:

- microprinting,
- guilloche printing*,
- iridescent printing,
- laser engraving,
- ultraviolet fluorescent ink,
- inks with viewing angle — dependent colour*,
- inks with temperature — dependent colour*,
- custom holograms*,
- variable laser images,
- optical variable images.

Member States are free to introduce additional security features.

As a basis, the techniques indicated with an asterisk are to be preferred as they enable the law enforcement officers to check the validity of the card without any special means.

Figure 1: Examples of possible lay-outs of the mandatory data
(more optional and additional data may be added to the back side of the card)

III.2. *Data storage and protection*

Preceded by the harmonised common codes (where appropriate, in connection with the individual codes of the Member States according to Chapter II.7), the following data shall or may be additionally stored on the card surface bearing the legible information as per Chapter III.1:

(A) Data as per Chapters II.4 and II.5

All data specified in Chapters II.4 and II.5 shall be mandatorily stored on the card.

(B) Other data as per Chapter II.6

Moreover, the Member States are free to store more data as per Chapter II.6, to the necessary extent.

(C) Other data as per Chapter II.7

Optionally, additional information may be stored on the card.

The data from the letters A and B is stored in two corresponding files with transparent structure (see ISO/IEC 7816-4). The Member States may specify the storage of data from Letter C according to their requirements.

There are no read restrictions on these files.

Write access to these files shall be restricted to the national competent authorities (and their authorised agencies) in the Member State issuing the smart card.

Write access is permitted only after an asymmetric authentication with session key exchange for protecting the session between the vehicle registration card and a security module (e.g. a security module card) of the national competent authorities (or their authorised agencies). Thereby card verifiable certificates according to ISO/IEC 7816-8 are exchanged before the authentication process. The card verifiable certificates contain the corresponding public keys to be retrieved and to be used in the following authentication process. These certificates are signed by the national competent authorities and contain an authorisation object (certificate holder authorisation) according to ISO/IEC 7816-9 in order to encode role specific authorisation to the card. This role authorisation is related to the national competent authority (e.g. to update a data field).

The corresponding public keys of the national competent authority are stored as trust anchor (root public key) in the card.

The specification of the files and commands needed for the authentication process and the writing process is under the responsibility of the Member States. The security assurance has to be approved by common criteria evaluation according to EAL4+. The augmentations are as follows: 1. AVA_MSU.3 Analysis and testing for insecure states; 2. AVA_VLA.4 Highly resistant.

(D) Verification data for authenticity of registration data

The issuing authority calculates its electronic signature about the complete data of a file containing the data of the letter A or B and stores it in a related file. These signatures allow the authenticity of the stored data to be verified. The cards shall store the following data:

- electronic signature of registration data related to letter A,
- electronic signature of registration data related to letter B,

For verification of these electronic signatures the card shall store:

- certificates of the issuing authority calculating the signatures about the data of letters A, B.

Electronic signatures and the certificates shall be readable without restriction. Write access to electronic signatures and certificates shall be restricted to the national competent authorities.

III.3. *Interface*

External contacts should be used for interfacing. A combination of external contacts with a transponder is optional.

III.4. *Storage capacity of the card*

The card shall have sufficient capacity to store the data mentioned in Chapter III.2.

III.5. *Standards*

The chip card and reading devices used shall comply with the following standards:

- ISO 7810: Standards for identification cards (plastic cards): Physical characteristics
- ISO 7816-1 and -2: Physical characteristics of chip cards, dimensions and location of contacts
- ISO 7816-3: Electrical characteristics of contacts, transmission protocols
- ISO 7816-4: Communication contents, chip card data structure, safety architecture, access mechanisms
- ISO 7816-5: Structure of application identifiers, selection and execution of application identifiers, registration procedure for application identifiers (numbering system)
- ISO 7816-6: Inter-industry data elements for interchange
- ISO 7816-8: Integrated circuit(s) cards with contacts — Security related inter-industry commands
- ISO 7816-9: Integrated circuit(s) cards with contacts — Enhanced inter-industry commands

III.6. *Technical Characteristics and Transmission Protocols*

The format shall be ID-1 (normal size, see ISO/IEC 7810).

The card shall support transmission protocol T=1 in compliance with ISO/IEC 7816-3. Additionally other transmission protocols may be supported, e.g. T=0, USB or contactless protocols.

For bit transmission the “direct convention” shall be applied (see ISO/IEC 7816-3).

(A) Supply voltage, programming voltage

The card shall work with $V_{cc} = 3V (+/-0.3V)$ or with $V_{cc} = 5V (+/-0.5V)$. The card shall not require a programming voltage at pin C6.

(B) Answer to reset

The Information Field Size Card byte shall be presented at the ATR in character TA3. This value shall be at least “80h” (=128 bytes).

(C) Protocol parameter selection

The support of Protocol parameter selection (PPS) according to ISO/IEC 7816-3 is mandatory. It is used for selecting T=1, if T=0 is additionally present in the card, and to negotiate the Fi/Di parameters for achieving higher transmission rates.

(D) Transmission protocol T = 1

The support of chaining is mandatory.

The following simplifications are allowed:

- NAD Byte: not used (NAD should be set to “00”),
- S-Block ABORT: not used,
- S-Block VPP state error: not used.

The information field size device (IFSD) shall be indicated from the IFD immediately after ATR, i.e. the IFD shall transmit the S-Block IFS Request after ATR and the card shall send back S-Block IFS. The recommended value for IFSD is 254 bytes.

III.7. *Temperature range*

The registration certificate in smart card format shall properly function under all climatic conditions usually prevailing in the territories of the community and at least in the temperature range specified in ISO 7810. The cards shall be capable of operating correctly in the humidity range 10 % to 90 %.

III.8. *Physical lifetime*

If used in accordance with the environmental and electricity-related specifications, the card must function properly for a period of ten years. The material of the card must be chosen in such a way that this lifetime is ensured.

III.9. *Electrical characteristics*

During operation, the cards shall conform to Commission Directive 95/54/EC of 31 October 1995 ⁽¹⁾, related to electromagnetic compatibility, and shall be protected against electrostatic discharges.

III.10. *File structure*

Table 1 lists the mandatory elementary files (EF) of the application DF (see ISO/IEC 7816-4) DF.Registration. All these files have a transparent structure. The access requirements are described in Chapter III.2. The file sizes are specified by the Member States according to their requirements.

Table 1

Filename	File Identifier	Description
EF.Registration_A	"D001"	Registration data according to the Chapters II.4 and II.5
EF.Signature_A	"E001"	Electronic Signature about complete data content of EF.Registration_A
EF.C.IA_A.DS	"C001"	X.509v3 Certificate of the issuing authority calculating the signatures for EF.Signature_A
EF.Registration_B	"D011"	Registration data according Chapter II.6
EF.Signature_B	"E011"	Electronic Signature about complete data content of EF.Registration_B
EF.C.IA_B.DS	"C011"	X.509v3 Certificate of the issuing authority calculating the signatures for EF.Signature_B

III.11. *Data structure*

The stored certificates are in the X.509v3 format according ISO/IEC 9594-8. The electronic signatures are stored transparently.

The registration data is stored as BER-TLV data objects (see ISO/IEC 7816-4) in the corresponding elementary files. The value fields are coded as ASCII character as defined by ISO/IEC 8824-1, the values "C0"-“FF” are defined by ISO/IEC 8859-1 (Latin1 character set), ISO/IEC 8859-7 (Greek character set) or ISO/IEC 8859-5 (Cyrillic character set). The format of dates is YYYYMMDD.

Table 2 lists the Tags identifying the data objects corresponding to the registration data of the Chapters II.4 and II.5 together with additional data from Chapter III.1. Unless otherwise stated, the data objects listed in Table 2 are mandatory. Optional data objects may be omitted. The column of the Tag indicates the level of nesting.

Table 2

Tag				Description
"78"				Compatible tag allocation authority, nesting object "4F" (see ISO/IEC 7816-4 and ISO/IEC 7816-6)
	"4F"			Application identifier (see ISO/IEC 7816-4)
"71"				Inter-industry template (see ISO/IEC 7816-4 and ISO/IEC 7816-6) corresponding to mandatory data of the registration certificate Part 1, nesting all following objects

⁽¹⁾ Commission Directive 95/54/EC of 31 October 1995 adapting to technical progress Council Directive 72/245/EEC on the approximation of the laws of the Member States relating to the suppression of radio interference produced by spark-ignition engines fitted to motor vehicles and amending Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (OJ L 266, 8.11.1995 p. 1).

Tag				Description
	"80"			Version of Tag definition
	"9F33"			Name of the Member State issuing the registration certificate Part 1
	"9F34"			Another (e.g. previous national) designation of the equivalent document (optional)
	"9F35"			Name of the competent authority
	"9F36"			Name of the authority issuing the registration certificate (optional)
	"9F37"			Character set used: "00": ISO/IEC 8859-1 (Latin1 character set) "01": ISO/IEC 8859-5 (Cyrillic character set) "02": ISO/IEC 8859-7 (Greek character set)
	"9F38"			Unambiguous consecutive number of the document as used within the Member State
	"81"			Registration number
	"82"			Date of first registration
	"A1"			Personal data, nesting objects "A2" and "86"
		"A2"		Holder of the registration certificate, nesting objects "83", "84" and "85"
			"83"	Surname or business name
			"84"	Other names or initials (optional)
			"85"	Address in the Member State
		"86"		"00": is the vehicle owner "01": is not the vehicle owner "02": is not identified as the vehicle owner
	"A3"			Vehicle, nesting objects "87", "88" and "89"
		"87"		Vehicle make
		"88"		Vehicle type
		"89"		Vehicle commercial descriptions
	"8A"			Vehicle identification number
	"A4"			Mass nesting "8B"
		"8B"		Mass maximum technically permissible laden mass
	"8C"			Mass of the vehicle in service with bodywork
	"8D"			Period of validity
	"8E"			Date of the registration to which this certificate refers
	"8F"			Type approval number
	"A5"			Engine, nesting objects "90", "91", and "92"
		"90"		Engine capacity
		"91"		Engine maximum net power

Tag				Description
		"92"		Engine type of fuel
	"93"			Power weight ratio
	"A6"			Seating capacity nesting objects "94" and "95"
		"94"		Number of seats
		"95"		Number of standing places

Table 3 lists the Tags identifying the data objects corresponding to the registration data of Chapter II.6. The data objects listed in Table 3 are optional.

Table 3

Tag				Description
"78"				Compatible tag allocation authority, nesting object "4F" (see ISO/IEC 7816-4 and ISO/IEC 7816-6)
	"4F"			Application Identifier (see ISO/IEC 7816-4)
"72"				Inter-industry template (see ISO/IEC 7816-4 and ISO/IEC 7816-6) corresponding to optional data of the registration certificate Part 1, Chapter II.6, nesting all following objects
	"80"			Version of Tag definition
	"A1"			Personal data nesting objects "A7", "A8" and "A9"
		"A7"		Vehicle owner, nesting objects "83", "84" and "85"
			..	
		"A8"		Second vehicle owner, nesting objects "83", "84" and "85"
			..	
		"A9"		Person who may use the vehicle by virtue of legal right other than ownership nesting objects "83", "84", and "85"
			..	
	"A4"			Mass, nesting "96" and "97"
		"96"		Maximum permissible laden mass of the vehicle in service
		"97"		Maximum permissible laden mass of the whole vehicle in service
	"98"			Vehicle category
	"99"			Number of axles
	"9A"			Wheelbase
	"AD"			Distribution of the maximum permissible laden mass among the axles, nesting objects "9F1F", "9F20", "9F21", "9F22" and "9F23"
		"9F1F"		Axle 1

Tag				Description
		"9F20"		Axle 2
		"9F21"		Axle 3
		"9F22"		Axle 4
		"9F23"		Axle 5
	"AE"			Technically permissible maximum towable mass of the trailer, nesting objects "9B" and "9C"
		"9B"		Braked
		"9C"		Unbraked
	"A5"			Engine, nesting objects "9D" and "9E"
		"9D"		Rated speed
		"9E"		Engine identification number
	"9F24"			Colour of the vehicle
	"9F25"			Maximum speed
	"AF"			Sound level, nesting objects "DF26", "DF27" and "DF28"
		"9F26"		Stationary
		"9F27"		Engine speed
		"9F28"		Drive by
	"B0"			Exhaust emissions, nesting objects "9F29", "9F2A", "9F2B", "9F2C", "9F2D", "9F2E", "9F2F", "9F30" and "9F31"
		"9F29"		CO
		"9F2-A"		HC
		"9F2B"		NO _x
		"9F2C"		HC+NO _x
		"9F2-D"		Particulates of diesel
		"9F2E"		Corrected absorption coefficient for diesel
		"9F2F"		CO ₂
		"9F30"		Combined fuel consumption
		"9F31"		Indication of the environmental category of EC type-approval
	"9F32"			Fuel tanks capacity

Structure and format of the data according Chapter II.7 are specified by the Member States.

III.12. *Reading the registration data*

A. Application selection

The application "Vehicle Registration" shall be selectable by a SELECT DF (by name, see ISO/IEC 7816-4) with its application identifier (AID). The AID value is requested from a laboratory selected by the European Commission.

B. Reading data from files

The files corresponding to Chapter II, Letters A, B and D, shall be selectable by SELECT (see ISO/IEC 7816-4) with the command parameters P1 set to "02", P2 set to "04" and the command data field containing the file identifier (see Chapter X, Table 1). The returned FCP template contains the file size which can be useful for reading these files.

These files shall be readable with READ BINARY (see ISO/IEC 7816-4) with an absent command data field and L_c set to the length of the expected data, using a short L_c.

C. Verification of data authenticity

To verify the authenticity of the stored registration data, the corresponding electronic signature may be verified. This means that besides the registration data also the corresponding electronic signature may be read from the registration card.

The public key for signature verification can be retrieved by reading the corresponding issuing authority certificate from the registration card. Certificates contain the public key and the identity of the corresponding authority. The signature verification may be performed by another system than the registration card.

The Member States are free to retrieve the public keys and certificates for verifying the issuing authority certificate.

III.13. *Special provisions*

Irrespective of the other provisions herein, the Member States, after notifying the European Commission, may add colours, marks or symbols. In addition, for certain data of Chapter III.2 Letter C, the Member States may allow XML format and may allow access via TCP/IP.

Member States may, with the agreement of the European Commission, add other applications for which no harmonised rules or documents exist yet at EU level (e.g. roadworthiness certificate), on the vehicle registration card to realise additional vehicle related services.

ANNEX II

PART II OF THE REGISTRATION CERTIFICATE ⁽¹⁾

- I. This part may be implemented in either of two formats: as a paper document or as a smart card. The characteristics of the paper document version are specified in Chapter II and those of the smart card version in Chapter III.

II. Specifications of Part II of the registration certificate in paper format

- II.1. The overall dimensions of the registration certificate shall not be greater than an A4 format (210 × 297 mm) or a folder of A4 format.
- II.2. The paper used for part II of the registration certificate shall be made secure against forgery by using at least two of the following techniques:
- graphics,
 - watermark,
 - fluorescent fibres, or
 - fluorescent imprints.

Member States are free to introduce additional security features.

- II.3. Part II of the registration certificate may consist of several pages. Member States shall determine the number of pages in accordance with the information contained in the document and its layout.

- II.4. The first page of Part II of the registration certificate shall contain

- the name of the Member State issuing Part II of the registration certificate,
- the distinguishing mark of the Member State issuing Part II of the registration certificate, namely:
 - B Belgium
 - DK Denmark
 - D Germany
 - GR Greece
 - E Spain
 - F France
 - IRL Ireland
 - I Italy
 - L Luxembourg
 - NL Netherlands
 - A Austria
 - P Portugal
 - FIN Finland
 - S Sweden
 - UK United Kingdom,
- the name of the competent authority,
- the words "Part II of the Registration Certificate", printed in large type in the language or languages of the Member States issuing the registration certificate; they shall also appear, after a suitable space, in small type, in the other languages of the European Community,
- the words "European Community", printed in the language or languages of the Member State issuing Part II of the registration certificate,
- the number of the document.

⁽¹⁾ This Annex is concerned only with Registration Certificates consisting of Parts I and II.

- II.5. Part II of the Registration Certificate shall also contain the following data, preceded by the corresponding harmonised Community codes:
- (A) registration number
 - (B) date of the first registration of the vehicle
 - (D) vehicle:
 - (D.1) make,
 - (D.2) type,
 - variant (if available)
 - version (if available)
 - (D.3) commercial description(s)
 - (E) vehicle identification number
 - (K) type-approval number (if available)
- II.6. Part II of the registration certificate may, moreover, contain the following data, preceded by the corresponding harmonised Community codes:
- (C) personal data
 - (C.2) owner of the vehicle,
 - (C.2.1) surname(s) or business name,
 - (C.2.2) other name(s) or initial(s) (where appropriate),
 - (C.2.3) address in the Member State of registration, on the date of issue of the document,
 - (C.3) natural or legal person who may use the vehicle by virtue of a legal right other than that of ownership,
 - (C.3.1) surname(s) or business name,
 - (C.3.2) other name(s) or initial(s) (where appropriate),
 - (C.3.3) address in the Member State of registration, on the date of issue of the document
 - (C.5), (C.6) where a change in the personal data given in point II.6, code C.2 and/or point II.6, code C.3 does not give rise to the issue of a new Part II of the Registration Certificate, the new personal data corresponding to these points may be included under codes (C.5) or (C.6); they are broken down in accordance with point II.6, code C.2 and point II.6, code C.3.
 - (J) vehicle category.
- II.7. Member States may include additional information in Part II of the registration certificate; in particular, they may add between brackets to the identification codes, as laid down under points II.5 and II.6, additional national codes.
- III. **Specifications of Part II of the Registration Certificate in smart card format** (Alternative to the specimen in paper format described in Chapter II)
- III.1. *Card format and data legible with the eye*

Being a microprocessor card, the chip card shall be designed in accordance with the standards mentioned in Chapter III.5.

Printed on the front and back of the card shall be at least the data specified in Chapters II.4 and II.5; these data shall be legible with the eye (minimum character height: 6 points) and printed on as follows. (Examples of possible lay-outs are presented in Figure 2 at the end of this section)

A. Basic imprint

The basic data shall contain the following:

Front

- (a) To the right of the chip location:
 - in the language(s) of the Member State issuing the Registration Certificate
 - the words “European Community”,
 - the name of the Member State issuing the Registration Certificate,
 - the words “Part II of the Registration Certificate” printed in large type,
 - another (e.g. previous national) designation of the equivalent document (optional),
 - the name of the competent authority (alternatively, also in the form of a personalisation imprint as per Letter B),
 - the unambiguous consecutive number of the document as used within the Member State (alternatively, also in the form of a personalisation imprint as per Letter B).
 - (b) Above the chip location:
 - the distinguishing mark of the Member State issuing the Registration Certificate, white in a blue rectangle and surrounded by twelve yellow stars:
 - B Belgium
 - DK Denmark
 - D Germany
 - GR Greece
 - E Spain
 - F France
 - IRL Ireland
 - I Italy
 - L Luxembourg
 - NL The Netherlands
 - A Austria
 - P Portugal
 - FIN Finland
 - S Sweden
 - UK United Kingdom
- (c) Member States might consider adding, at the lower edge in small type and in their national language(s), the note: “This document should be kept in a safe place outside the vehicle.”
- (d) The basic colour of the card is red (Pantone 194); alternatively, a red-to-white transition is possible.
- (e) A symbol representing a wheel (see proposed lay-out) shall be printed within the printing area in the bottom left corner of the card front.

In other respects, the provisions of Chapter III.13 shall apply.

B. Personalisation imprint

The personalisation imprint shall contain the following information:

Front

- (a) the name of the competent authority — see also Letter Aa).
- (b) the name of the authority issuing the Registration Certificate (optional).
- (c) the unambiguous consecutive number of the document as used within the Member State — see also Letter Aa).

- (d) The following data from Chapter II.5; according to Chapter II.7, individual national codes may be added to the preceding harmonised Community codes.

<i>Code</i>	<i>Reference</i>
A	registration number (official licence number)
B	date of first registration of the vehicle

Back

The back shall bear at least the remaining data specified in Chapter II.5; according to Chapter II.7, individual national codes may be added to the preceding harmonised community codes.

In detail, these data are:

<i>Code</i>	<i>Reference</i>
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Vehicle data (in consideration of the notes in Chapter II.5)

D.1	make
D.2	type (variant/version, where appropriate)
D.3	commercial description(s)
E	vehicle identification number
K	type-approval number (if available)

Optionally, additional data from II.6 (with the harmonised codes) and II.7 may be added on the back of the card.

C. Physical security features of the smart card

The threats to the physical security of documents are:

- Production of false cards: creating a new object which bears great resemblance to the document, either by making it from scratch or by copying an original document.
- Material alteration: changing a property of an original document, e.g. modifying some of the data printed on the document.

The material used for Part II of the registration certificate shall be made secure against forgery by using at least three of the following techniques:

- microprinting,
- guilloche printing*,
- iridescent printing,
- laser engraving,
- ultraviolet fluorescent ink,
- inks with viewing angle — dependent colour*,
- inks with temperature — dependent colour*,
- custom holograms*,
- variable laser images,
- optical variable images.

Member States are free to introduce additional security features.

As a basis, the techniques indicated with an asterisk are to be preferred as they enable the law enforcement officers to check the validity of the card without any special means.

Figure 2: Examples of possible lay-outs of the mandatory data
(more optional and additional data may be added to the back side of the card)

III.2. *Data storage and protection*

Preceded by the harmonised common codes (where appropriate, in connection with the individual codes of the Member States according to Chapter II.7), the following data shall or may be additionally stored on the card surface bearing the legible information as per Chapter III.1:

(A) Data as per Chapters II.4 and II.5

All data specified in Chapters II.4 and II.5 shall be mandatorily stored on the card.

(B) Other data as per Chapter II.6

Moreover, the Member States are free to store more data as per Chapter II.6, to the necessary extent.

(C) Other data as per Chapter II.7

Optionally, further vehicle-related data of general interest may be stored on the card.

The data from the Letters A and B is stored in two corresponding files with transparent structure (see ISO/IEC 7816-4). The Member States may specify the storage of data from Letter C according to their requirements.

There are no read restrictions on these files.

Write access to these files shall be restricted to the national competent authorities (and their authorised Agencies) in the Member State issuing the smart card.

Write access is permitted only after an asymmetric authentication with session key exchange for protecting the session between the vehicle registration card and a Security Module (e.g. a Security Module Card) of the national competent authorities (or their authorised Agencies). Thereby Card Verifiable certificates according to ISO/IEC 7816-8 are exchanged before the authentication process. The Card Verifiable certificates contain the corresponding public keys to be retrieved and to be used in the following authentication process. These certificates are signed by the national competent authorities and contain an authorisation object (certificate holder authorisation) according to ISO/IEC 7816-9 in order to encode role specific authorisation to the card. This role authorisation is related to the national competent authority (e.g. to update a data field).

The corresponding public keys of the national competent authority are stored as trust anchor (root public key) in the card.

The specification of the files and commands needed for the authentication process and the writing process is under responsibility of the Member States. The security assurance has to be approved by Common Criteria Evaluation according to EAL4+. The augmentations are as follows: 1. AVA_MSU.3 Analysis and testing for insecure states; 2. AVA_VLA.4 Highly resistant.

(D) Verification data for authenticity of registration data

The issuing authority calculates its electronic signature about the complete data of a file containing the data of the Letter A or B and stores it in a related file. These signatures allow the authenticity of the stored data to be verified. The cards shall store the following data:

- electronic signature of registration data related to Letter A,
- electronic signature of registration data related to Letter B.

For verification of these electronic signatures the card shall store:

- certificates of the issuing authority calculating the signatures about the data of Letters A, B.

Electronic signatures and the certificates shall be readable without restriction. Write access to electronic signatures and certificates shall be restricted to the national competent authorities.

III.3. *Interface*

External contacts should be used for interfacing. A combination of external contacts with a transponder is optional.

III.4. *Storage capacity of the card*

The card shall have sufficient capacity to store the data mentioned in Chapter III.2.

III.5. *Standards*

The chip card and reading devices used shall comply with the following standards:

- ISO 7810: Standards for identification cards (plastic cards): Physical characteristics,
- ISO 7816-1 and — 2: Physical characteristics of chip cards, dimensions and location of contacts,
- ISO 7816-3: Electrical characteristics of contacts, transmission protocols,
- ISO 7816-4: Communication contents, chip card data structure, safety architecture, access mechanisms,
- ISO 7816-5: Structure of application identifiers, selection and execution of application identifiers, registration procedure for application identifiers (numbering system),
- ISO 7816-6: Inter-industry data elements for interchange,
- ISO 7816-8: Integrated circuit(s) cards with contacts — Security related inter-industry commands,
- ISO 7816-9: Integrated circuit(s) cards with contacts — Enhanced inter-industry commands,

III.6. *Technical characteristics and transmission protocols*

The format shall be ID-1 (normal size, see ISO/IEC 7810).

The card shall support transmission protocol T = 1 in compliance with ISO/IEC 7816-3. Additionally other transmission protocols may be supported, e.g. T=0, USB or contactless protocols. For bit transmission the "direct convention" shall be applied (see ISO/IEC 7816-3).

A. *Supply voltage, programming voltage*

The card shall work with $V_{cc} = 3V (+/-0.3V)$ or with $V_{cc} = 5V (+/-0.5V)$. The card shall not require a programming voltage at pin C6.

B. *Answer to reset*

The Information Field Size Card byte shall be presented at the ATR in character TA3. This value shall be at least "80h" (=128 bytes).

C. *Protocol parameter selection*

The support of protocol parameter selection (PPS) according to ISO/IEC 7816-3 is mandatory. It is used for selecting T=1, if T=0 is additionally present in the card, and to negotiate the Fi/Di parameters for achieving higher transmission rates.

D. *Transmission protocol T = 1*

The support of chaining is mandatory.

The following simplifications are allowed:

- NAD Byte: not used (NAD should be set to "00"),
- S-Block ABORT: not used,
- S-Block VPP state error: not used.

The information field size device (IFSD) shall be indicated from the IFD immediately after ATR, i.e. the IFD shall transmit the S-block IFS request after ATR and the card shall send back S-block IFS. The recommended value for IFSD is 254 bytes.

III.7. *Temperature range*

The registration certificate in smart card format shall properly function under all climatic conditions usually prevailing in the territories of the community and at least in the temperature range specified in ISO 7810. The cards shall be capable of operating correctly in the humidity range 10 % to 90 %.

III.8. *Physical lifetime*

If used in accordance with the environmental and electricity-related specifications, the card must function properly for a period of ten years. The material of the card must be chosen in such a way that this lifetime is ensured.

III.9. *Electrical characteristics*

During operation, the cards shall conform to Directive 95/54/EC, related to electromagnetic compatibility, and shall be protected against electrostatic discharges.

III.10. *File structure*

Table 1 lists the mandatory elementary files (EF) of the application DF (see ISO/IEC 7816-4) DF.Registration. All these files have a transparent structure. The access requirements are described in Chapter III.2. The file sizes are specified by the Member States according to their requirements.

Table 4

Filename	File Identifier	Description
EF.Registration_A	"D001"	Registration data according to the Chapters II.4 and II.5
EF.Signature_A	"E001"	Electronic Signature about complete data content of EF.Registration_A
EF.C.IA_A.DS	"C001"	X.509v3 Certificate of the issuing authority calculating the signatures for EF.Signature_A
EF.Registration_B	"D011"	Registration data according Chapter II.6
EF.Signature_B	"E011"	Electronic Signature about complete data content of EF.Registration_B
EF.C.IA_B.DS	"C011"	X.509v3 Certificate of the issuing authority calculating the signatures for EF.Signature_B

III.11. *Data structure*

The stored certificates are in the X.509v3 format according ISO/IEC 9594-8.

The electronic signatures are stored transparent.

The registration data is stored as BER-TLV data objects (see ISO/IEC 7816-4) in the corresponding elementary files. The value fields are coded as ASCII character as defined by ISO/IEC 8824-1, the values "C0"-“FF” are defined by ISO/IEC 8859-1 (Latin1 character set) or ISO/IEC 8859-7 (Greek character set) or ISO/IEC 8859-5 (Cyrillic character set). The format of dates is YYYYMMDD.

Table 2 lists the Tags identifying the data objects corresponding to the registration data of Chapter II.4 and II.5 together with additional data from Chapter III.1. Unless otherwise stated, the data objects listed in Table 2 are mandatory. Optional data objects may be omitted. The column of the Tag indicates the level of nesting.

Table 5

Tag				Description
"78"				Compatible tag allocation authority, nesting object "4F" (see ISO/IEC 7816-4 and ISO/IEC 7816-6)
	"4F"			Application identifier (see ISO/IEC 7816-4)
"73"				Inter-industry template (see ISO/IEC 7816-4 and ISO/IEC 7816-6) corresponding to mandatory data of the registration certificate Part 2, nesting all following objects
	"80"			Version of tag definition

Tag				Description
	"9F33"			Name of the Member State issuing the registration certificate Part 2
	"9F34"			Another (e.g. previous national) designation of the equivalent document (optional)
	"9F35"			Name of the competent authority
	"9F36"			Name of the authority issuing the registration certificate (optional)
	"9F37"			Character set used: "00": ISO/IEC 8859-1 (Latin1 character set) "01": ISO/IEC 8859-5 (Cyrillic character set) "02": ISO/IEC 8859-7 (Greek character set)
	"9F38"			Unambiguous consecutive number of the document as used within the Member State
	"81"			Registration number
	"82"			Date of first registration
	"A3"			Vehicle, nesting objects "87", "88" and "89"
		"87"		Vehicle make
		"88"		Vehicle type
		"89"		Vehicle commercial descriptions
	"8A"			Vehicle identification number
	"8F"			Type approval number

Table 6 lists the Tags identifying the data objects corresponding to the registration data of Chapter II.6. The data objects listed in Table 6 are optional.

Table 6

Tag				Description
"78"				Compatible tag allocation authority, nesting object "4F" (see ISO/IEC 7816-4 and ISO/IEC 7816-6)
	"4F"			Application identifier (see ISO/IEC 7816-4)
"74"				Inter-industry template (see ISO/IEC 7816-4 and ISO/IEC 7816-6) corresponding to optional data of the registration certificate Part 1, Chapter II.6, nesting all following objects
	"80"			Version of tag definition
	"A1"			Personal data nesting objects "A7", "A8" and "A9"
		"A7"		Vehicle owner nesting objects "83", "84" and "85"
			"83"	Surname or business name
			"84"	Other names or initials (optional)
			"85"	Address in the Member State
		"A8"		Second vehicle owner nesting objects "83", "84" and "85"
			...	

Tag				Description
		"A9"		Person who may use the vehicle by virtue of legal right other than ownership nesting objects "83", "84", and "85"
			...	
	"98"			Vehicle category

Structure and format of the data according Chapter II.7 are specified by the Member States.

III.12. *Reading the registration data*

A. Application selection

The Application "Vehicle Registration" shall be selectable by a SELECT DF (by name, see ISO/IEC 7816-4) with its Application identifier (AID). The AID value is requested from a laboratory selected by the European Commission.

B. Reading data from files

The files corresponding to Chapter II, letters A, B and D, shall be selectable by SELECT (see ISO/IEC 7816-4) with the command parameters P1 set to "02", P2 set to "04" and the command data field containing the file identifier (see Chapter X, Table 1). The returned FCP template contains the file size which can be useful for reading these files.

These files shall be readable with READ BINARY (see ISO/IEC 7816-4) with an absent command data field and L_c set to the length of the expected data, using a short L_c.

C. Verification of data authenticity

To verify the authenticity of the stored registration data, the corresponding electronic signature may be verified. This means that besides the registration data also the corresponding electronic signature may be read from the registration card.

The public key for signature verification can be retrieved by reading the corresponding issuing authority certificate from the registration card. Certificates contain the public key and the identity of the corresponding authority. The signature verification may be performed by another system than the registration card.

The Member States are free in retrieving the public keys and certificates for verifying the issuing authority certificate.

III.13. *Special provisions*

Irrespective of the other provisions herein, the Member States, after notifying the European Commission, may add colours, marks or symbols. In addition, for certain data of Chapter III.2 Letter C, the Member States may allow XML format and may allow access via TCP/IP. Member States may, with the agreement of the European Commission, add other applications for which no harmonised rules or documents exist yet at EU level (e.g. road-worthiness certificate), on the vehicle registration card to realise additional vehicle related services.'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 September 2003

on the exemption from the Climate Change Levy which the United Kingdom is planning to implement in respect of coalmine methane

(notified under document number C(2003) 3242)

(Only the English text is authentic)

(Text with EEA relevance)

(2004/50/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾, and in particular Article 7 thereof,

Having called on interested parties to submit their comments pursuant to those provisions ⁽²⁾ and having regard to their comments,

Whereas:

I. PROCEDURE

- (1) By letter dated 5 December 2002, the United Kingdom notified the Commission of its intention to grant an exemption from the Climate Change Levy (CCL) charged to suppliers in respect of electricity produced from coalmine methane (CM) from abandoned coalmines.
- (2) By letter dated 5 February 2003, the Commission informed the United Kingdom that it had decided to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the proposed exemption.
- (3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* ⁽³⁾. The Commission called on interested parties to submit their comments.

- (4) The Commission has received comments from interested parties. It has forwarded them to the United Kingdom, which was given the opportunity to react. In the light of the comments from interested parties, the Commission requested additional information by letter dated 26 May 2003. A meeting with the United Kingdom authorities was held on 11 June 2003. The United Kingdom's comments on the comments of interested parties and the information requested by the Commission were received by letter dated 10 July 2003.

II. DETAILED DESCRIPTION OF THE AID

- (5) The scheme will exempt from the Climate Change Levy (CCL) supplies of electricity generated from coalmine methane (CM) from abandoned coalmines.
- (6) The basic legislation for the CCL is contained in Schedule 6 to the Finance Act 2000. Section 126 of the Finance Act 2002 amends Schedule 6 to the Finance Act 2000 by inserting a new subparagraph (4A) after subparagraph (4) of paragraph 19 of that Schedule. The scheme will take effect from a day to be appointed by Treasury Order. The relevant secondary legislation (Regulations 46 to 51 of the CCL (General) Regulations 2001 — SI 2001/838) will include CM within their scope.
- (7) CM is a potent greenhouse gas, currently venting into the atmosphere. At present, there are four CM extraction sites being used for electricity generation with a total generating capacity of 35MW.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

⁽²⁾ OJ C 69, 22.3.2003, p. 9.

⁽³⁾ See footnote 2.

- (8) The aim of the scheme is to incentivise the industry to develop further installations at about 40 further sites of abandoned coalmines, with around 175MW added capacity. Because of the uncertainty as to the exact level of environmental benefit from the scheme, the Government intends to hold a review of the exemption in 2004/5. However, the scheme was originally notified for a duration of 10 years.
- (9) The minimum value of the exemption in its first year of operation will be around GBP 1 million. If the uptake of electricity generation plants fuelled by CM occurs as planned, revenue foregone will rise to GBP 6,3 million per annum.
- (10) The aid operates by giving a tax exemption equal to a flat rate of GBP 4,30 per MWh of electricity generated from CM. The United Kingdom authorities assumed at the time of notification that, as the estimated 40 plants incentivised by the exemption will not be all uneconomical up to point of the full support level, the measure will involve some dead-weight loss.
- (11) The scheme will directly benefit the generators/suppliers of electricity derived from CM, but the tax exemption is likely to be shared with the company which extracts the gas. There are three companies which currently extract CM to sell to electricity generators in the United Kingdom. These are Alkane Energy, StrataGas and Octagon Energy. The electricity generators working with them are Clarke Energy, Scottish and Southern Energy and Warwick Energy.
- CM. However, it is true that the use of CM for electricity production avoids the release of CM into the atmosphere as the unused CM is leaking. The Commission was of the opinion that the overall effect on greenhouse gas emissions did not alter the nature of the support in terms of State aid, but should be taken into account when assessing the compatibility of the measure with State aid rules.
- (13) The Commission had doubts as to whether the aid, which constituted operating aid, was compatible with the Community guidelines on State aid for environmental protection (hereafter 'the guidelines') ⁽⁵⁾.
- (a) The measure does not comply with point 51.2 of the guidelines as it is a new exemption from an existing tax and the United Kingdom authorities did not demonstrate a significant change in economic conditions that could justify such an exemption. Thus points 51.1(a) or (b) of the guidelines allowing for ten year tax exemptions are not applicable.
- (b) CM and electricity production from CM are not renewable energy sources within the meaning of the environmental guidelines and Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market ⁽⁶⁾. In any case, the United Kingdom did not claim that the measure was compatible with the relevant provisions in section E.3.3 of the guidelines related to renewable energy sources.

Grounds for initiating the procedure

- (12) Contrary to the United Kingdom, the Commission did not consider the selective advantage granted by the measure to be justified by the logic and nature of the tax system itself. The Commission considered that tax to be due because of the harmful effect of the use of energy on climate change. It is therefore in the nature of the tax to exempt the use of energy, the production of which has no harmful effect. This is the case, for example, for electricity from renewable sources, as these sources do not contribute to long-cycle CO₂ ⁽⁴⁾. Like electricity production from other fossil sources, electricity production from CM has harmful effects and is therefore of a different nature from electricity from renewable sources. In fact, electricity production from CM is no different in terms of CO₂ emissions than electricity production from natural gas. It would therefore be in the nature and logic of the tax system to tax electricity produced from
- (c) Under point 51.3 of the guidelines Member States may also encourage the development of processes for producing electric power from conventional energy sources such as gas that have an energy efficiency very much higher than the energy efficiency obtained with conventional production processes. In such cases, given the importance of such techniques for environmental protection and provided that the primary energy used reduces significantly the negative effects in terms of environmental protection, a total exemption from taxes may be justified for a period of five years where aid is non-degressive. The Commission doubted that that provision was applicable in this and in any case, the notified duration of 10 years exceeds the duration of five years permitted under point 51.3 of the guidelines. The conditions of point 51.1, which could allow a ten year duration under point 51.3, did not seem to be met.

⁽⁴⁾ See Commission Decision of 28 March 2001 relating to State aid C 18/2001 — United Kingdom, Climate Change Levy, (OJ C 185, 30.6.2001, p. 22), and in particular p. 35 and 36 on the exemption for electricity from some energy sources.

⁽⁵⁾ OJ C 37, 3.2.2001, p. 3.

⁽⁶⁾ OJ L 283, 27.10.2001, p. 33.

- (d) The provisions relating to waste management and energy saving (points 42 to 46 of the guidelines) also seemed not to be fulfilled. The aid is not degressive, it is not strictly limited to compensating for extra production costs by comparison with the market prices of the relevant product or service, and the aid is not limited to five years. Furthermore it is questionable whether the measure can be considered as aiming at managing waste or saving energy.
- (e) The United Kingdom claimed that Section F of the guidelines 'Policies, Measures and Instruments for Reducing Greenhouse Gases' should apply. That section applies to State aid potentially involved in common and coordinated policies and measures, including economic instruments, and also by means of the instruments established by the Kyoto Protocol itself, namely international emissions trading, joint implementation and the clean development mechanism. The Commission doubted that that section was applicable in this case.
- (f) Council Regulation (EC) No 1407/2002 of 23 July 2002 on State aid to the coal industry ⁽⁷⁾ did not seem applicable.
- (g) Finally, no other legal text based on Article 87(2) or (3) appeared to be relevant.
- (14) However, climate protection is a Community objective. The Commission recognised the environmental benefit for climate protection that could result from the measure, even if support for such a measure had not been envisaged by the environmental aid guidelines. However, the Commission was concerned that the design of the measure might lead to overcompensation.
- (15) The quantity of electricity which could be produced from CM in the United Kingdom is not negligible. The Commission considered the potential for electricity generation from CM not only in the United Kingdom but also in other Member States. The Commission was also aware that Member States at that stage were discussing the possibility for a facultative exemption from energy taxation of electricity produced from CM in the context of the draft directive for the taxation of energy products ⁽⁸⁾. For these reasons, the Commission wanted to give third parties the possibility to comment on the measure.
- 'renewable' source of electricity and benefits from the guaranteed feed-in prices under the 'Erneuerbare-Energien-Gesetz' (law for the promotion of renewable energy). While in Germany generators get GBP 46,00 per MWh, in the United Kingdom the price is GBP 17 per MWh. The United Kingdom CCL exemption would help to improve the economics of the sector and protect existing plants. In view of the economic situation in the United Kingdom it is unlikely that dead weight loss will occur. Considering the large fall in wholesale electricity prices from GBP 25 per MWh in 1998 to currently GBP17 per MWh, ACCMO even doubts that the scheme as an isolated measure will be sufficient for all the additional capacity being built, as indicated by the United Kingdom authorities.
- (b) ACCMO stresses the environmental importance of the scheme. In terms of green house gas reduction, electricity produced from CM is said to be better than all the renewable technologies because it captures and uses methane, which is currently being emitting to the atmosphere from abandoned coal-mines. In comparison with wind, for example, it reduces carbon dioxide equivalent emissions nine times more effectively per kWh generated. Generating electricity from captured CM also helps cut carbon dioxide emissions by substituting for fossil natural gas. The measure is targeted to the capture and use of a hazardous waste gas venting to the atmosphere and causing significant environmental damage.
- (c) ACCMO expects any benefit obtained from the CCL exemption to be shared out in roughly equal proportions between the CM gas suppliers and the generators using that energy source. The most important effect of the measure is, however, not to subsidise the power generators but to give the gas suppliers an economic benefit improving the rate of return on marginal projects.

III. COMMENTS FROM INTERESTED PARTIES

- (16) On 23 April 2003, the Commission received a letter dated 16 April 2003 containing comments from the Association of Coal Mine Methane Operators (ACMMO) which can be summarised as follows:

- (a) ACMMO compares the situation of new investments for greenhouse gas capture in the United Kingdom with the German market, where CM is legally a

IV. COMMENTS FROM THE UNITED KINGDOM

- (17) By letter of 10 July 2003, the United Kingdom authorities asked the Commission to consider approval of the notification under Section E.3.1, points 42 to 46 of the environmental aid guidelines (Rules applicable to all operating aid to promote waste management and energy saving).

⁽⁷⁾ OJ L 205, 2.8.2002, p. 1.

⁽⁸⁾ Fisc 311 Rev 1 ADD of 9.12.2002.

- (18) The United Kingdom authorities consider that the extraction of CM gas from abandoned coalmines and its use as fuel for electricity generation comply with the intentions of that Section. They consider that the use of CM for electricity generation represents a more efficient and environmentally responsible usage. The reasons for this are diversion of methane from leakage to the atmosphere to a use with significantly less polluting end products and reduction of fossil fuel usage from natural reservoirs. There are environmental benefits at the level of the extraction of the CM gas in terms of avoided emissions and waste management as in point 42(a), because it mitigates methane leakage to atmosphere, and there are environmental benefits at the level of its use as fuel for electricity generation in terms of energy saving because its use avoids gas extraction from natural gas resources, as in point 42(b) of the guidelines.
- (19) The use of CM for electricity production is the only practical one. There is only one other viable usage for CM. Two plants use it as burner tip fuel for certain manufacturing processes, such as ceramic and glass production. However, this use depends upon appropriate local demand for the gas, and is not applicable to most sites. Alternative measures of abatement/use of CM, such as flaring the emitted gas would be completely uneconomic and impractical and therefore do not represent a viable option — the variability that exists in the natural rate of gas flow, caused by atmospheric pressure, can result in flares being extinguished. The gas does not have a sufficiently high calorific value for it to be piped into the United Kingdom's gas grid to be mixed with natural gas.
- (20) Under Section E.3.1 of the guidelines, point 46 states that the duration of non-degressive aid should be limited to five years, and its intensity must not exceed 50 % of the extra costs.
- (21) The aid would not exceed 50 % of the extra costs. The aid provided by exemption from CCL is 0,43p/kWh. The United Kingdom authorities were advised by ACMMO that the total production costs of electricity can be divided 50/50 between the costs for CM gas and the costs for electricity generation for a typical current plant where the two operations act as separate business entities. Therefore the aid would amount to 0,215p/kWh in respect of the gas extraction and 0,215p/kWh in respect of the electricity production.
- (22) The United Kingdom authorities provided detailed cost figures to the Commission. Those figures are different from those the United Kingdom used previously and reflect the current economic scenario. Compared with their situation at the time of notification, potential beneficiaries are now faced with higher financing costs and the amount of viable gas on potential sites is less than expected (so increasing unit costs).
- (23) Regarding the CM gas, the latest information suggests that the production costs are 0,89 (existing plant) or 1,07 (in new plants) p/kWh (in terms of chemical energy), equivalent to 26 or 31 p/therm. This compares to the price for the alternative gas for this utilisation which would be natural gas at a price of around 20 p/therm. As the tax rebate is based on the electricity produced from the gas, i.e. half of 0,43 p/kwh = 0,215, it must be adjusted to allow a comparison with the price of natural gas. CM generators operate at 36 % efficiency (40 % expected for new plant), so only 36 % of the rebate (0,08p/kwh chemical energy) can be allocated to each unit of chemical energy. In terms of chemical energy the current market price of natural gas is 0,68 p/kWh. The rebate represents therefore between one and two fifths of the difference between the market price of natural gas (0,68 p/kWh) and the cost of CM gas (0,89 to 1,07 p/kWh). The aid provided is therefore less than 50 % of the extra costs.
- (24) Regarding the electricity production from CM, latest information suggests that the production costs are 2,13 (existing) or 2,37 (new) p/kWh excluding the costs of the CM gas, or 4,61 or 5,04p/kWh including the costs of the CM gas. This compares to the typical generation costs (indicative figures) for electricity from new build natural gas of 0,87p/kWh excluding gas costs, or 2,11p/kWh including gas costs. The aid provided is therefore less than 50 % of the extra costs.
- (25) As regards timescales, the British Government would accept a revision of the proposed timescale from ten years to five years, and would reserve the right to reapply for State aid approval at the end of the period.
- (26) At present there are no CM companies which are subsidiaries of coal companies and the British Government is not aware of any coal companies with plans to develop CM plant. The disused mines themselves are in public ownership.

V. ASSESSMENT OF THE AID

The existence of State aid

- (27) The CCL on electricity is charged to suppliers of electricity. The measure exempts electricity from CM from the levy. It is assumed that the whole tax exemption is passed on to the electricity generators using CM as input and to the CM gas suppliers in roughly equal proportions by the suppliers through higher purchase prices ⁽⁹⁾. These generators and the CM gas suppliers, which represent a specific category of undertakings, are therefore granted an advantage. The advantage is granted through State resources as the State suffers a loss of tax revenues. The recipients exercise an economic activity on markets (electricity and natural gas) on which there is trade between Member States. The scheme thereby distorts or threatens to distort competition and could affect trade between Member States.
- (28) The selective advantage which the measure grants, is not justified by the logic and nature of the tax system itself. In this respect, the Commission maintains the reasoning in its decision to initiate the procedure as summarised in point 12 of this decision. The Commission notes that by letter of 10 July 2003, the United Kingdom notified the scheme as State aid under the environmental aid guidelines.
- (29) In conclusion, the Commission considers that the tax exemption involves State aid to electricity generators using CM and to CM gas suppliers. Such an aid which is not linked to investment is operating aid.
- (30) As regards the argument from ACMMO that electricity from CM receives beneficial treatment under the German Erneuerbare-Energien-Gesetz which threatens competition, the Commission notes that following the ruling of the Court of Justice of the European Communities in Case C-379/98 PreussenElektra AG ⁽¹⁰⁾, the Commission decided that the EEG does not constitute State aid within the meaning of Article 87(1) of the EC Treaty ⁽¹¹⁾.
- (32) Methane from abandoned coalmines is a waste gas and when venting to the atmosphere a potent greenhouse gas. Methane from abandoned coalmines cannot be avoided or (with some minor exceptions) be viably used anymore, except for electricity production. If unused, the gas will leak to the atmosphere. The Commission therefore considers that the extraction of methane from abandoned coalmines for electricity production is a way of managing waste in a responsible manner and is therefore consistent with the spirit of point 42(a) of the guidelines.
- (33) Using CM for electricity production will lead to energy savings. It will contribute to saving other fossil fuel sources from being used for the same purpose. If unused, methane and CO₂ from other electricity production would vent into the atmosphere. By substituting other energy sources, it helps to decrease the total amount of greenhouse gases damaging the atmosphere. As the purpose of energy saving measures is the sustainable use of energy sources and the reduction of greenhouse gases, the measure can be considered to contribute to energy saving in line with point 42(b) of the guidelines ⁽¹²⁾.
- (34) Operating aid for waste management and energy saving can be considered compatible with point 46 of the guidelines, if the aid is limited to five years and does not exceed 50 % of the extra costs. By letter of 10 July 2003, the United Kingdom authorities have limited the duration of the scheme to five years and have demonstrated that the aid will not exceed 50 % of the extra costs either at the level of the CMM gas suppliers or at the level of the electricity generators.
- (35) In addition, the Commission notes that Article 15(1)(b) of the Common Position of the Council on the proposal for a Council Directive restructuring the Community framework for the taxation of energy products and electricity ⁽¹³⁾ envisages a facultative exemption from electricity taxation for electricity generated from methane emitted by abandoned coal mines.

Compatibility of the aid

- (31) The Commission assessed the compliance of the State aid with Article 87(3)(c) of the Treaty under the environmental aid guidelines, and in particular Section E.3.1 thereof.

⁽⁹⁾ It cannot be excluded that suppliers do not pass on the entire benefit of the exemption and keep a small part of it through their price negotiations with electricity generators using CMM. This is nevertheless supposed to be minimal. In all previous cases concerning exemptions or reductions from eco-taxes on electricity charged to suppliers, the Commission has considered that the real beneficiaries of the aid are the producers of electricity.

⁽¹⁰⁾ [2001] ECR I-2099.

⁽¹¹⁾ NN 27/2000 — Germany, EEG law, OJ C 164, 10.7.2002, p. 5.

- (36) For the reasons set out above, the Commission considers that the measure constitutes State aid within the meaning of Article 87(1) of the EC Treaty. The aid is in line with Article 87(3)(c) of the EC Treaty and the environmental aid guidelines.

⁽¹²⁾ For the same reasoning see Commission Decision on State aid N74/B/2002 — Finland; OJ C 59, 14.3.2003, p. 23, and in particular point 3.2.2 of the decision.

⁽¹³⁾ See footnote 8.

VI. CONCLUSION

HAS ADOPTED THIS DECISION:

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Article 1

The exemption from the Climate Change Levy, instituted by Section 126 of the Finance Act 2002, which the United Kingdom is planning to implement in respect of electricity produced from coalmine methane from abandoned coalmines is compatible with the common market within the meaning of Article 87(3)(c) of the Treaty.

Implementation of the aid is accordingly authorised for a period of five years.

Done at Brussels, 17 September 2003.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION
of 23 December 2003
on the financial contribution from the Community towards the eligible costs of the eradication of
avian influenza in the Germany in 2003

(notified under document number C(2003) 5009)

(Only the German text is authentic)

(Text with EEA relevance)

(2004/51/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 3(3) and Article 5(3) thereof,

Whereas:

- (1) As soon as the presence of avian influenza was officially confirmed in 2003, Germany reported that it had immediately implemented the control measures to be applied in the event of an outbreak of that disease as provided for in Council Directive 92/40/EEC of 19 May 1992 introducing Community measures for the control of avian influenza ⁽³⁾, as last amended by Regulation (EC) No 806/2003, as required in order to obtain a financial contribution from the Community for the eradication of the disease in accordance with Decision 90/424/EEC.
- (2) Avian influenza represents a serious danger to Community stocks. Accordingly, in order to prevent the spread of that disease and contribute to its eradication, the Community should contribute to eligible expenditures incurred by Germany. It is therefore appropriate that a financial contribution from the Community should be granted to Germany under the provisions of Decision 90/424/EEC in order to cover the costs related to the outbreak of avian influenza in 2003.
- (3) It is necessary to clarify the concepts of 'swift and adequate compensation of the livestock farmers' and 'destruction, cleaning, disinfection and disinsectisation costs' used in Article 3 (2) of Decision 90/424/EEC and the concepts of 'reasonable payments' and 'justified payments' mentioned in the present Decision.
- (4) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agriculture policy ⁽⁴⁾, veterinary and plant health measures undertaken in accordance with Community rules are to be financed under the Guarantee

Section of the European Agricultural Guidance and Guarantee Fund. For financial control purposes, Articles 8 and 9 of Regulation (EC) No 1258/1999 apply.

- (5) Having regard to the uncertainty on the final eligible amount needed to compensate the outbreak of the disease, the financial contribution at this stage should be limited to an advance of EUR 135 000, for the eligible costs incurred for the obligatory culling of the animals and the obligatory destruction of the eggs.
- (6) The financial contribution from the Community should be granted provided that the actions planned are carried out efficiently and that the competent authorities supply all the necessary information within the time limits laid down in this Decision.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS DECIDED AS FOLLOWS:

Article 1

Payment of a financial contribution from the Community to Germany

Germany may obtain a financial contribution from the Community of 50 % of the eligible expenditure for:

- (a) the swift and adequate compensation of the owners for their animals killed and their eggs destroyed pursuant to Article 10 of Council Directive 90/425/EEC ⁽⁵⁾ and Article 5 of Directive 92/40/EEC, under compulsory eradication measures mentioned the first and seventh indent of Article 3(2) of Decision 90/424/EEC, related to outbreaks of avian influenza which occurred in 2003, and in accordance with the present Decision;
- (b) the costs of the destruction of carcasses, eggs, contaminated feedingstuffs and equipment, the cleaning, disinsectisation and disinfection of holdings and equipment, mentioned in under the first, second and third indents of Article 3(2) of Decision 90/424/EEC, and in accordance with the present Decision.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 167, 22.6.1992, p. 1.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁵⁾ OJ L 224, 18.8.1990, p. 29.

*Article 2***Definitions**

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

- (a) 'swift and adequate compensation' means payment, within 90 days:
 - of the culling of the animals, for compensation corresponding to the market value as defined in Article 3(1),
 - of the destruction of the eggs, for compensation corresponding to the market value as defined in Article 3(1);
- (b) 'reasonable payments' means payments for the purchase of materials or services at proportionate prices compared to the market prices before the outbreak of the avian influenza;
- (c) 'justified payments' means payments for the purchase of materials or services of which the nature and the direct link with the compulsory culling of animals or the destruction of the eggs, as referred to in Article 1(a) is demonstrated.

*Article 3***The eligible expenditure covered by the financial contribution from the Community**

1. The maximum eligible expenditure for the compensation of the owners of the animals and the eggs shall be based on the market value figures for the different types of poultry and eggs at different stages of their life cycle.

2. When the compensation payments made by Germany pursuant to Article 1(a) are effected after the 90-day deadline laid down in Article 2(a), the eligible amounts shall be reduced for expenditure effected after the deadline as follows:

- 25 % for payments made between 91 and 105 days after the culling of the animals or the destruction of the eggs,
- 50 % for payments made between 106 and 120 days after the culling of the animals or the destruction of the eggs,
- 75 % for payments made between 121 and 135 days after the culling of the animals or the destruction of the eggs,
- 100 % for payments beyond 136 days after the culling of the animals or the destruction of the eggs.

However, the Commission will apply a different time scale and/or lower reductions or none at all, if exceptional management conditions are encountered for certain measures, or if other well-founded justifications are introduced by Germany.

3. The costs referred to in Article 1(b) eligible for a financial contribution shall only be those set out in Annex III.

4. The calculation of the financial contribution from the Community shall exclude:

- (a) value added tax;
- (b) salaries of civil servants;
- (c) use of public material other than consumables.

*Article 4***Conditions for payment and supporting documentation**

1. Subject to the results of the eventual checks referred to in Article 5, an advance of EUR 135 000 shall be paid on the basis of supporting documents submitted by Germany concerning the swift and adequate compensation of owners for the compulsory culling of the animals and compulsory destruction of the eggs in 2003 pursuant to Article 10 of Directive 90/425/EEC and Article 5 of Directive 92/40/EEC.

2. The balance of the financial contribution from the Community shall be fixed in accordance with the procedure laid down in Article 41 of Decision 90/424/EEC on the basis of:

- (a) a claim submitted in accordance with Annexes Ia, Ib and II within the time limits provided for in paragraph 3;
- (b) detailed documents confirming the figures in the claim referred to in point (a);
- (c) the results of the eventual on-the-spot checks by the Commission as referred in Article 5.

The documents referred to in point (b) as well as relevant commercial information shall be made available for on-the-spot checks by the Commission.

3. The claim referred to in paragraph 2(a) shall be provided in computerised form in accordance with Annexes Ia, Ib and II within 60 calendar days after the notification of this Decision.

When these deadlines are not observed, the financial contribution from the Community shall be reduced by 25 % for each month of delay.

*Article 5***On-the-spot checks by the Commission**

The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the implementation of the avian influenza eradication measures and the related costs incurred.

*Article 6***Addressee**

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX 1b

EGGS

Claim as referred to in Article 4

Outbreak No		Contact with outbreak No		Identification No of holding (if applicable)		Owner		Location of the holding or premise		Date of destruction		Destruction method		Weight at the moment of destruction		No of eggs per category		Amount paid/category						Other costs paid to the owner (without VAT)		Total compensation (without VAT)		Date of payment															
Name		First name										Rendering		Other (to be explained)				Layers		Broilers		Breeders		Ducks		Geese		Turkeys		Others													

ANNEX II

Claim as referred to in Article 4

'Other costs' incurred for (if applicable) holding No ... or list (excluding compensation for the value of animals)	
Item	Amount without VAT
Culling	
Destruction of carcasses (transport and treatment)	
Destruction of eggs (transport and treatment)	
Cleaning and disinfection (salary and products)	
Feedingstuffs (compensation and destruction)	
Equipment (compensation and destruction)	
Total	

ANNEX III

Eligible costs as referred to in Article 3(3)

1. Costs for the culling of the animals:
 - (a) salaries and fees of the culling-men specifically employed;
 - (b) consumables and specific equipment used for the culling;
 - (c) materials used for the transport of the animals to the culling place.
 2. Costs for the destruction of carcasses:
 - (a) rendering: transport of carcasses to the storage premises and to the rendering plant, storage of carcasses, treatment of carcasses in the rendering plant and destruction of the meal;
 - (b) burying: staff specifically employed, materials specifically rented for the transport and the burying of the carcasses and products used for the disinfection of the burying spot;
 - (c) burning: staff specifically employed, combustibles or other materials used, materials specifically rented for the transport of the carcasses and products used for the disinfection of the burning plant.
 3. Costs for the destruction of the eggs: salaries and fees for the staff specifically employed, combustibles or other materials used, materials specifically rented for the transport of the eggs and products used for the disinfection of the destruction spot.
 4. Costs for the cleaning, disinfection and disinsectisation of holdings:
 - (a) products used for cleaning, disinfection and disinsectisation;
 - (b) salaries and fees for the staff specifically employed.
 5. Costs for the destruction of contaminated feedingstuffs:
 - (a) compensation at purchase price of the feedingstuffs;
 - (b) materials specifically rented for the transport and destruction of the feedingstuffs.
 6. Cost for the compensation of contaminated equipment at market value and destruction of such equipment. Costs of compensation for reconstruction or renewal of farm buildings and infrastructure costs are ineligible.
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COMMISSION DECISION

of 9 January 2004

amending Decisions 90/14/EEC, 91/270/EEC, 92/471/EEC, 94/63/EC, 94/577/EC and 2002/613/EC as regards import conditions of semen of domestic animals of the bovine species, ova and embryos of domestic animals of the bovine and the porcine species, and semen of domestic animals of the porcine species and repealing Decision 93/693/EC

(notified under document number C(2003) 5401)

(Text with EEA relevance)

(2004/52/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species ⁽¹⁾, and in particular Article 8 thereof,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species ⁽²⁾, and in particular Article 7 thereof,

Having regard to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species ⁽³⁾, and in particular Article 7 thereof,

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down the animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC ⁽⁴⁾, and in particular Article 17(3)(a) thereof.

Whereas:

(1) Commission Decision 90/14/EEC of 20 December 1989 ⁽⁵⁾ establishes a list of third countries from which Member States may authorise the importation of deep-frozen semen of domestic animals of the bovine species.

⁽¹⁾ OJ L 194, 22.7.1988, p. 10. Directive as last amended by Directive 2003/43/EC (OJ L 143, 11.6.2003, p. 23).

⁽²⁾ OJ L 302, 19.10.1989, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽³⁾ OJ L 224, 18.8.1990, p. 62. Directive as last amended by Regulation (EC) No 806/2003.

⁽⁴⁾ OJ L 268, 14.9.1992, p. 54. Directive as last amended by Regulation (EC) No 1398/2003 (OJ L 198, 6.8.2003, p. 3).

⁽⁵⁾ OJ L 8, 11.1.1990, p. 71. Decision as last amended by Decision 2003/152/EC (OJ L 59, 4.3.2003, p. 28).

(2) Commission Decision 91/270/EEC of 14 May 1991 ⁽⁶⁾ establishes a list of third countries from which Member States may authorise the importation of embryos of domestic animals of the bovine species.

(3) Commission Decision 92/452/EEC of 30 July 1992 ⁽⁷⁾ establishes lists of embryo collection teams approved in third countries for export of bovine embryos to the Community.

(4) Commission Decision 92/471/EEC of 2 September 1992 ⁽⁸⁾ establishes animal health conditions and veterinary certification for importation of bovine embryos from third countries.

(5) Commission Decision 93/693/EC of 14 December 1993 ⁽⁹⁾ establishes a list of semen collection centres approved for the export to the Community of semen of domestic animals of the bovine species from third countries.

(6) Commission Decision 94/63/EC of 31 January 1994 ⁽¹⁰⁾ establishes a provisional list of third countries from which Member States may authorize imports of semen, ova and embryos of the ovine, caprine and equine species, ova and embryos of the porcine species.

(7) Commission Decision 94/577/EC of 15 July 1994 ⁽¹¹⁾ establishes animal health conditions and veterinary certification for importation of bovine semen from third countries.

⁽⁶⁾ OJ L 137, 29.5.1991, p. 56. Decision as last amended by Decision 96/572/EC (OJ L 250, 2.10.1996, p. 20).

⁽⁷⁾ OJ L 250, 29.8.1992, p. 40. Decision as last amended by Decision 2003/688/EC (OJ L 251, 3.10.2003, p. 19).

⁽⁸⁾ OJ L 270, 15.9.1992, p. 27. Decision as last amended by Decision 96/572/EC (OJ L 250, 2.10.1996, p. 20).

⁽⁹⁾ OJ L 320, 22.12.1993, p. 35. Decision as last amended by Decision 2003/152/EC (OJ L 59, 4.3.2003, p. 28).

⁽¹⁰⁾ OJ L 28, 2.2.1994, p. 47. Decision as last amended by Decision 2001/734/EC (OJ L 275, 18.10.2001, p. 19).

⁽¹¹⁾ OJ L 221, 26.8.1994, p. 26. Decision as last amended by Decision 99/495/EC (OJ L 192, 24.7.1992, p. 56).

(8) Commission Decision 2002/613/EC of 19 July 2002 ⁽¹⁾ lays down the importation conditions of semen of domestic animals of the porcine species.

HAS ADOPTED THIS DECISION:

Article 1

(9) Cyprus, Estonia, Lithuania, Latvia and Malta should be added to the list of third countries from which imports of semen of domestic animals of the bovine species are authorised under Decision 90/14/EEC in the light of the situation achieved with regard to animal health in those countries.

The Annex to Decision 90/14/EEC is amended in accordance with Annex I to this Decision.

Article 2

(10) Therefore, Cyprus, Estonia, Lithuania, Latvia, Malta and Slovenia should be added to the list of third countries from which imports of bovine semen are authorised under conditions set out in Decision 94/577/EC.

The Annex to Decision 91/270/EEC is amended in accordance with Annex II to this Decision.

Article 3

(11) Cyprus, Estonia, Lithuania, Latvia, Malta and Slovenia should be added to the list of third countries from which imports of embryos of domestic animals of the bovine are authorised under Decision 91/270/EEC in the light of the situation achieved with regard to animal health in those countries.

The entries for Czech Republic, Hungary and Slovakia in the Annex to Decision 92/452/EEC are deleted on the date these acceding States become Member States of the Community.

Article 4

(12) Therefore Cyprus, Estonia, Lithuania, Latvia, Malta and Slovenia should be added to the list of third countries from which imports of bovine embryos are authorised under conditions set out in Decision 92/471/EEC.

Part II of Annex A to Decision 92/471/EEC is amended in accordance with Annex III to this Decision.

Article 5

(13) The Czech Republic, Estonia, Lithuania, Latvia, Malta, Poland and Slovakia should be added to the list of third countries from which imports of semen of domestic animals of the porcine species are authorised under Decision 2002/613/EC in the light of the situation achieved with regard to animal health in those countries.

Decision 93/693/EC is repealed.

Article 6

(14) Decisions 90/14/EEC, 91/270/EEC, 92/452/EEC, 92/471/EEC, 94/63/EC, 94/577/EC and 2002/613/EC should therefore be amended accordingly.

Part III of the Annex to Decision 94/63/EEC is amended in accordance with Annex IV to this Decision.

Article 7

(15) Since Directive 2003/43/EC entered into force, the lists of semen collection and storage centres from which Member States shall authorise the importation of semen of domestic animals of the bovine species originating in third countries are prepared and updated in accordance with Article 9(1) of Directive 88/407/EEC and are made available to the public at the Commission's web-site. Consequently, the lists of approved collection centres included in Decision 93/693/EC are outdated and therefore obsolete.

Part II of Annex A to Decision 94/577/EC is amended in accordance with Annex V to this Decision.

Article 8

(16) Decision 93/693/EC should be therefore repealed accordingly.

1. Annexes I, II, III and IV to Decision 2002/613/EC are amended in accordance with the text in Annex VI to this Decision.

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

2. The entries for Cyprus, Hungary and Slovenia in Annex V to Decision 2002/613/EC are deleted on the date these acceding States become Member States of the Community.

Article 9

⁽¹⁾ OJ L 196, 25.7.2002, p. 45. Decision as last amended by Decision 2003/15/EC (OJ L 7, 11.1.1990, p. 90).

This Decision shall apply from 19 January 2004.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 9 January 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

The Annex to Decision 90/14/EEC is replaced by the following:

'ANNEX

List of third countries from which Member States authorise importation of semen of domestic animals of the bovine species

ISO code	Country	Remark
AU	Australia	
CA	Canada	
CH	Switzerland	
IL	Israel	
NZ	New Zealand	
RO	Romania	
US	United States of America	
CY	Cyprus	(*)
CZ	Czech Republic	(*)
EE	Estonia	(*)
HU	Hungary	(*)
LT	Lithuania	(*)
LV	Latvia	(*)
MT	Malta	(*)
PL	Poland	(*)
SI	Slovenia	(*)
SK	Slovakia	(*)

(*) Only applicable until this acceding State becomes a Member State of the Community.'

ANNEX II

The Annex to Decision 91/270/EEC is replaced by the following:

‘ANNEX

List of third countries from which Member States authorise importation of embryos of domestic animals of the bovine species

ISO code	Country	Remark
AR	Argentina	
AU	Australia	
CA	Canada	
CH	Switzerland	
HR	Croatia	
IL	Israel	
MK	Former Yugoslav Republic of Macedonia	(*)
NZ	New Zealand	
RO	Romania	
US	United States of America	
CY	Cyprus	(**)
CZ	Czech Republic	(**)
EE	Estonia	(**)
HU	Hungary	(**)
LT	Lithuania	(**)
LV	Latvia	(**)
MT	Malta	(**)
PL	Poland	(**)
SI	Slovenia	(**)
SK	Slovakia	(**)

(*) Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations.

(**) Only applicable until this acceding State becomes a Member State of the Community.’

ANNEX III

Part II of Annex A to Decision 92/471/EEC is replaced by the following:

PART II

List of countries approved to use the model animal health certificate at Part I of Annex A

ISO code	Country	Remark
AR	Argentina	
CA	Canada	
CH	Switzerland	
HR	Croatia	
IL	Israel	
MK	Former Yugoslav Republic of Macedonia	(*)
NZ	New Zealand	
RO	Romania	
US	United States of America	
CY	Cyprus	(**)
CZ	Czech Republic	(**)
EE	Estonia	(**)
HU	Hungary	(**)
LT	Lithuania	(**)
LV	Latvia	(**)
MT	Malta	(**)
PL	Poland	(**)
SI	Slovenia	(**)
SK	Slovakia	(**)

(*) Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations.

(**) Only applicable until this acceding State becomes a Member State of the Community.'

ANNEX IV

Part III of the Annex to Decision 94/63/EC is replaced by the following:

PART III

List of third countries from which Member States shall authorise imports of ova and embryos of the porcine species

Third countries from which imports of porcine semen is authorised in accordance with Commission Decision 2002/613/EC.'

ANNEX V

Part II of Annex A to Decision 94/577/EC is replaced by the following:

PART II

List of countries approved to use the model animal health certificate at Part I of Annex A

ISO code	Country	Remark
CH	Switzerland	
NZ	New Zealand	
RO	Romania	
CY	Cyprus	(*)
CZ	Czech Republic	(*)
EE	Estonia	(*)
HU	Hungary	(*)
LT	Lithuania	(*)
LV	Latvia	(*)
MT	Malta	(*)
PL	Poland	(*)
SI	Slovenia	(*)
SK	Slovakia	(*)

(*) Only applicable until this acceding State becomes a Member State of the Community.'

ANNEX VI

The Annexes to Decision 2002/613/EC are amended as follows:

1. Annex I is replaced by the following:

'ANNEX I

ISO code	Country	Remark
CA	Canada	
NZ	New Zealand	
US	United States of America'	

2. Annex II is replaced by the following:

'ANNEX II

ISO code	Country	Remark
CH	Switzerland	
CY	Cyprus	(*)
CZ	Czech Republic	(*)
EE	Estonia	(*)
HU	Hungary	(*)
LT	Lithuania	(*)
LV	Latvia	(*)
MT	Malta	(*)
PL	Poland	(*)
SI	Slovenia	(*)
SK	Slovakia	(*)

(*) Only applicable until this acceding State becomes a Member State of the Community.'

3. The words '(Canada, New Zealand, United States of America)' are removed from the title of Annex III.
4. The words '(Switzerland, Hungary, Cyprus, Slovenia)' are removed from the title of Annex IV.
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