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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 222/2004
of 9 February 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 10 February 2004.

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

Done at Brussels, 9 February 2004.

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

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

ANNEX

to the Commission Regulation of 9 February 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	115,6
	204	55,7
	212	129,8
	999	100,4
0707 00 05	052	131,1
	204	29,7
	220	204,2
	999	121,7
0709 10 00	204	13,5
	999	13,5
0709 90 70	052	117,9
	204	38,8
	999	78,4
0805 10 10, 0805 10 30, 0805 10 50	052	45,2
	204	50,4
	212	48,0
	220	62,8
	400	44,5
	624	56,9
	999	51,3
0805 20 10	204	95,9
	999	95,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	70,1
	204	128,2
	220	76,9
	464	71,3
	600	76,4
	624	73,3
	999	82,7
0805 50 10	052	73,5
	600	58,8
	999	66,2
0808 10 20, 0808 10 50, 0808 10 90	052	65,0
	060	53,0
	400	100,6
	404	90,7
	512	73,4
	528	93,3
	720	85,6
	999	80,2
0808 20 50	060	63,8
	388	101,2
	400	85,8
	528	88,3
	720	34,5
	999	74,7

⁽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 223/2004**of 9 February 2004****supplementing the Annex to Regulation (EC) No 2301/97 on the entry of certain names in the Register of certificates of specific character provided for in Council Regulation (EEC) 2082/92 on certificates of specific character for agricultural products and foodstuffs (Hushållsost)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs⁽¹⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) In accordance with Article 7 of Regulation (EEC) No 2082/92, Sweden has forwarded an application to the Commission for the name 'Hushållsost' to be entered in the Register of certificates of specific character.
- (2) The description 'traditional speciality guaranteed' can only be used with names entered in that Register.
- (3) No objection under Article 8 of that Regulation was sent to the Commission following the publication in the *Official Journal of the European Union*⁽²⁾ of the name set out in the Annex hereto.

(4) As a consequence, the name set out in the Annex should be entered in the Register of certificates of specific character and thereby protected as a traditional speciality guaranteed within the Community under Article 13(1) of Regulation (EEC) No 2082/92.

(5) The Annex hereto supplements the Annex to Commission Regulation (EC) No 2301/97⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The name in the Annex hereto is hereby added to the Annex to Regulation (EC) No 2301/97 and entered in the Register of certificates of specific character in accordance with Article 9(1) of Regulation (EEC) No 2082/92.

Protection under Article 13(2) of that Regulation shall not apply.

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*.

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

Done at Brussels, 9 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 9. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 22, 16.5.2003, p. 1).

⁽²⁾ OJ C 110, 8.5.2003, p. 18 (Hushållsost).

⁽³⁾ OJ L 319, 21.11.1997, p. 8. Regulation as last amended by Regulation (EC) No 317/2003 (OJ L 46, 20.2.2003, p. 19).

ANNEX

SWEDEN

Cheese— Hushållsost

COMMISSION REGULATION (EC) No 224/2004

of 9 February 2004

determining the aid referred to in Council Regulation (EC) No 1255/1999 for the private storage of butter and cream and derogating from Regulation (EC) No 2771/1999

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 10 thereof,

Whereas:

- (1) Article 34(2) of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾ stipulates that the amount of aid for private storage referred to in Article 6(3) of Regulation (EC) No 1255/1999 is to be fixed each year.
- (2) The third subparagraph of Article 6(3) of Regulation (EC) No 1255/1999 specifies that the aid shall be fixed in the light of storage costs and the likely trend in prices for fresh butter and butter from stocks.
- (3) Regarding storage costs, notably the costs for entry and exit of the products concerned, the daily costs for cold storage and the financial costs of storage should be taken into account.
- (4) Regarding the likely trend in prices, consideration should be given to the reductions of the butter intervention prices foreseen in Article 4(1) of Regulation (EC) No 1255/1999 and the resulting decreases expected for market prices for fresh butter and butter from stocks and higher aid should be awarded for applications for contracts received before 1 July 2004.
- (5) To avoid excessive applications for private storage before that date, an indicative quantity and a communication mechanism enabling the Commission to establish when this quantity is reached need to be introduced for the period ending 1 July 2004. This indicative quantity should be fixed taking into consideration the quantities covered by storage contracts in past years.
- (6) Article 29(1) of Regulation (EC) No 2771/1999 stipulates that the entry into storage must take place between 15 March and 15 August. The current difficult situation on the butter market justifies bringing the entry date for

butter and cream storage operations in 2004 forward to 1 March. Consequently a derogation from that Article should be introduced.

- (7) 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

1. The aid referred to in Article 6(3) of Regulation (EC) No 1255/1999 shall be calculated per tonne of butter or butter equivalent for contracts concluded in 2004 on the basis of the following elements:

- (a) for all contracts:
 - EUR 24 for fixed storage costs,
 - EUR 0,35 for the costs of cold storage for each day of contractual storage,
 - an amount per day of contractual storage, calculated on the basis of 90 % of the intervention price for butter in force on the day the contractual storage begins and on the basis of an annual interest rate of 2,25 %; and
- (b) EUR 147,60 for contracts which have been concluded on the basis of applications received by the intervention agency before 1 July 2004.

2. The intervention agency shall register the date of receipt of the applications to conclude a contract as referred to in Article 30(1) of Regulation (EC) No 2771/1999 as well as the corresponding quantities and dates of manufacture and the place at which the butter is stored.

The Member States shall inform the Commission no later than 12 noon (Brussels time) on each Tuesday of the quantities covered during the preceding week by such applications. Once it is communicated by the Commission to the Member States that the applications have reached 90 000 tonnes Member States shall inform the Commission each day before 12 noon (Brussels) of the quantities covered by applications of the preceding day.

3. The Commission will suspend the application of paragraph 1(b) and 2 once it has observed that the applications referred to in paragraph 1(b) have reached 120 000 tonnes.

⁽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 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 359/2003 (OJ L 53, 28.2.2003, p. 17).

Article 2

By way of derogation from Article 29(1) of Regulation (EC) No 2771/1999, entry into storage in 2004 may take place from 1 March.

Article 3

This Regulation shall enter into force on the third day following that 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, 9 February 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 225/2004
of 9 February 2004
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 ⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those

considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 31,901/100 kg.

Article 2

This Regulation shall enter into force on 10 February 2004.

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

Done at Brussels, 9 February 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 December 2003

on the conclusion of the Agreement on scientific and technological cooperation between the European Community and the Kingdom of Morocco

(2004/126/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 170 thereof, in conjunction with the first sentence of the first subparagraph of Article 300(2) and Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated, on behalf of the Community, an Agreement on scientific and technological cooperation with the Kingdom of Morocco.
- (2) The Agreement was signed on behalf of the Community on 26 June 2003 in Thessaloniki, subject to possible conclusion at a later date.
- (3) The Agreement should be approved,

Article 1

The Agreement on scientific and technological cooperation between the European Community and the Kingdom of Morocco is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, acting on behalf of the Community, give the notification provided for in Article 7 of the Agreement ⁽²⁾.

Done at Brussels, 22 December 2003.

For the Council

The President

A. MATTEOLI

⁽¹⁾ Opinion delivered on 4 December 2003 (not yet published in the Official Journal).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

on scientific and technical cooperation between the European Community and the Kingdom of Morocco

THE EUROPEAN COMMUNITY (hereinafter referred to as the Community),

of the one part,

and

THE KINGDOM OF MOROCCO (hereinafter referred to as Morocco),

of the other part,

hereinafter referred to as the Parties,

HAVING REGARD TO the Treaty establishing the European Community, and in particular Article 170 thereof, in conjunction with the first sentence of Article 300(2) and the first subparagraph of Article 300(3) thereof,

HAVING REGARD TO Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the Sixth Framework Programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) ⁽¹⁾,

CONSIDERING the importance of science and technology for their economic and social development and the reference thereto in Article 47 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, which entered into force on 1 March 2000 ⁽²⁾,

CONSIDERING that the Community and Morocco are pursuing research, technological development and demonstration activities in a number of areas of common interest, and that participation in each other's research and development activities on a basis of reciprocity will provide mutual benefits,

DESIRING to establish a formal cooperation framework for scientific and technological research with a view to extending and intensifying the conduct of cooperative activities in areas of common interest and to encourage the application of the results of such cooperation to the economic and social benefit of both Parties,

CONSIDERING the desire to open up the European Research Area to third countries, and in particular the Mediterranean partner countries,

HAVE AGREED AS FOLLOWS:

Article 1

(e) appropriate protection of intellectual property rights.

Purpose and principles

1. The Parties shall encourage, develop and facilitate cooperative scientific and technological activities between the Community and Morocco in fields of common interest where they are pursuing scientific research and technological development activities.

Article 2

Terms of cooperation

2. The cooperative activities should be conducted on the basis of the following principles:

- (a) promotion of a knowledge-based society for the benefit of the economic and social development of the two Parties;
- (b) mutual benefit based on an overall balance of advantages;
- (c) reciprocal access to activities under the scientific research and technological development programmes and projects (hereinafter research) undertaken by each Party in the fields covered by this Agreement;
- (d) timely exchange of information which may affect cooperative activities;

1. Moroccan legal entities, both public and private, shall participate in indirect actions under the European Community Framework Programme for research, technological development and demonstration activities contributing towards the creation of the European Research Area, (hereinafter the Framework Programme), under the same conditions as those applicable to legal entities of Member States of the European Union, subject to the terms and conditions established by or referred to in Annexes I and II.

2. Community legal entities shall participate in Morocco's research projects in fields equivalent to those of the Framework Programme under the same conditions as those applicable to Moroccan legal entities, subject to the terms and conditions established by or referred to in Annexes I and II.

⁽¹⁾ OJ L 232, 29.8.2002, p. 1.

⁽²⁾ OJ L 70, 18.3.2000, p. 2.

3. Cooperation may also take the following forms and means:

- (a) joint meetings;
- (b) regular discussions on the guidelines and priorities for research policies and planning in Morocco and in the Community;
- (c) exchanges of views and consultation on cooperation and development prospects;
- (d) timely provision of information concerning the implementation and results of joint research programmes and projects of Morocco and of the Community undertaken with the framework of this Agreement;
- (e) visits and exchanges of researchers, engineers and technicians, including for the purposes of research training;
- (f) exchanges and sharing of scientific equipment and materials;
- (g) regular contacts between Moroccan and Community research programme or project managers;
- (h) participation of experts of both Parties in thematic seminars, symposiums and workshops;
- (i) exchanges of information on practices, laws, regulations and programmes concerning cooperation under this Agreement;
- (j) reciprocal access to scientific and technical information concerned by this cooperation;
- (k) any other arrangement adopted by the EC-Morocco Joint Scientific and Technical Cooperation Committee referred to in Article 4, and in conformity with the policies and procedures applicable in both Parties.

Article 3

Enhancement of cooperation

1. The Parties undertake to make every effort, within the framework of their respective legislation in force, to facilitate the free movement and establishment of researchers participating in the activities covered by this Agreement and to facilitate the entry into and exit from their territories of materials, data or equipment intended for use in these activities.

2. Where, in accordance with its own rules, the European Community grants contract funding other than in the form of a repayable loan to a legal entity established in Morocco to participate in a Community indirect action, the Government of Morocco will ensure, in the framework of its legislation in force, that no fiscal charge or levy is imposed on the operations benefiting from such funding.

Article 4

Management of the Agreement

1. The coordination and promotion of the activities covered by this Agreement will be carried out on behalf of Morocco by the government authority responsible for scientific research

and on behalf of the Community by the services of the European Commission responsible for the Framework Programme acting as executive agents for the Parties (hereinafter the executive agents).

2. The executive agents shall set up an EC-Morocco Joint Scientific and Technical Cooperation Committee with responsibility for:

- (a) monitoring the implementation and evaluating the impact of this Agreement, and propose any revisions to it which may be necessary, subject to the accomplishment by each Party of its own procedures for the purpose;
- (b) to propose any appropriate measure aimed at improving and developing scientific and technological cooperation under this Agreement;
- (c) regularly examining the guidelines and priorities of Moroccan and Community research policies and planning and the prospects for future cooperation under this Agreement.

3. The EC-Morocco Joint Scientific and Technical Cooperation Committee shall be composed of an equal number of representatives of the executive agents of each Party. It shall adopt its rules of procedure.

4. The EC-Morocco Scientific and Technical Cooperation Committee shall meet at least once a year in the Community and in Morocco alternately. Extraordinary meetings may be held at the request of either Party. The conclusions and recommendations of the EC-Morocco Scientific and Technical Cooperation Committee shall be sent, for information, to the Association Committee of the Euro-Mediterranean Agreement between the European Union and the Kingdom of Morocco.

Article 5

Terms and conditions of participation

Reciprocal participation in the research activities covered by this Agreement shall take place in accordance with the conditions set out in Annex I and shall be subject to the legislation, regulations, policies and conditions governing the implementation of the programmes in force on the territory of each Party.

Article 6

Dissemination and utilisation of results and information

The dissemination and utilisation of the results of information acquired and/or exchanged, and the management, allocation and exercise of intellectual property rights arising from the research activities carried out under this Agreement shall be subject to the conditions set out in Annex II to this Agreement.

Article 7

Final provisions

1. Annexes I and II shall form an integral part of this Agreement.

All questions or disputes relating to the interpretation or implementation of this Agreement shall be settled by mutual agreement between the Parties.

2. This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their necessary procedures to this end have been completed.

Every four years the Parties will evaluate the impact of the Agreement on the intensity of their scientific and technical cooperation.

This Agreement may be amended or its scope enlarged by agreement between the Parties. Amendments or extensions shall enter into force on the date on which the Parties have notified each other in writing that the necessary procedures to this end have been completed.

This Agreement may be terminated at any time by either Party with six months written notice.

The projects and activities in progress at the time of any termination of this Agreement will continue until their completion under the conditions laid down in this Agreement, unless the two Parties decide otherwise.

3. If one of the Parties decides to modify its research programmes or projects referred to in paragraph 1 of Article 1, the executive agent of that Party shall notify the executive agent of the other Party of the precise content of the amendments in question.

In that event, and by way of derogation from subparagraph 2 of paragraph 2 of this Article, this Agreement may be terminated under mutually agreed conditions if either of the Parties notifies the other within one month of its intention to terminate this Agreement following the adoption of the amendments referred to in subparagraph 1.

4. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Kingdom of Morocco. This shall not exclude the carrying-out of cooperative activities on the high seas, in space, or on the territory of third countries in accordance with international law.

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

Hecho en Salónica el veintiséis de junio de dos mil tres.

Udfærdiget i Thessaloniki, den seksogtyvende juni to tusind og tre.

Geschehen zu Thessaloniki am sechszwanzigsten Juni zweitausenddreißig.

Έγινε στη Θεσσαλονίκη, στις είκοσι έξι Ιουνίου δύο χιλιάδες τρία.

Done at Thessaloniki, twenty-sixth day of June, in the year two thousand and three.

Fait à Thessalonique, le vingt-six juin deux mille trois.

Fatto a Salonicco, addì ventisei giugno duemilatre.

Gedaan te Thessaloniki, de zesentwintigste juni tweeduizenddrie.

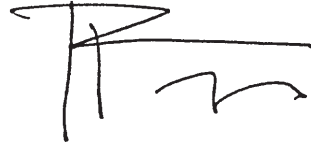
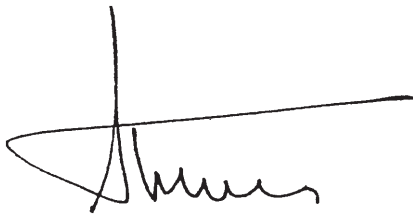
Feito em Salónica, em vinte e seis de Junho de dois mil e três.

Tehty Thessalonikissa kahdentenäkymmenentenäkuudentena päivänä kesäkuuta vuonna kaksituhattakolme.

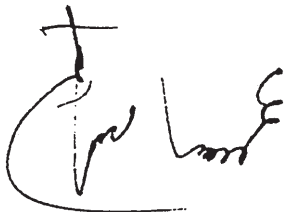
Som skedde i Thessaloniki den tjugosjätte juni tjugohundratre.

حرر في تيسالونيك بتاريخ 26 يونيو 2003

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



عن حكومة المملكة المغربية



ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF LEGAL ENTITIES OF MEMBER STATES OF THE EUROPEAN UNION AND OF THE KINGDOM OF MOROCCO

For the purpose of this Agreement, a legal entity means any natural person, or any legal person created under the national law of its place of establishment or under Community law, having legal personality and being entitled to have rights and obligations of any kind in its own name.

I. Terms and conditions for the participation of legal entities established in Morocco in indirect actions under the EC Research Framework Programme

1. The participation of legal entities established in Morocco in indirect actions under the Framework Programme shall be in accordance with the participation rules laid down pursuant to Article 167 of the Treaty establishing the European Community for the implementation of the Framework Programme ⁽¹⁾.

In addition, legal entities established in Morocco may participate in indirect actions carried out under Article 164 of the Treaty establishing the European Community.

2. The Community may grant funding to legal entities established in Morocco participating in the indirect actions referred to in paragraph 1 in accordance with the terms and conditions laid down by the participation rules referred to in paragraph 1 adopted by the European Parliament and the Council pursuant to Article 167 of the Treaty establishing the European Community, the financial regulations of the European Community and any other applicable Community legislation.
3. A contract concluded by the Community with any legal entity established in Morocco participating in an indirect action must provide for audits and verifications to be carried out by, or under the authority of, the Commission or the Court of Auditors of the European Communities.

In a spirit of cooperation and mutual interest, the relevant authorities of Morocco will provide any reasonable and feasible assistance as may be necessary or helpful to perform such audits and verifications.

II. Terms and conditions for the participation of legal entities of Member States of the European Union in Morocco's research programmes and projects

1. Any legal entity established in the European Community created under the national law of one of the Member States of the European Union or under European Community law may participate in Morocco's research and development projects or programmes in cooperation with legal entities established in Morocco.
2. Subject to paragraph 1 and to Annex II, the rights and obligations of legal entities established in the Community participating in Morocco's research and development projects or programmes, the terms and conditions applicable to the submission and evaluation of proposals and the granting and conclusion of contracts shall be subject to Morocco's laws, regulations and government directives governing the operation of research and development programmes under the conditions applicable to legal entities established in Morocco, taking into account the nature of the cooperation between Morocco and the European Community in this field.

Funding of legal entities established in the Community participating in Morocco's research and development projects and programmes shall be subject to Morocco's laws, regulations and government directives governing the operation of research and development programmes under the conditions applicable to legal entities of third countries participating in Morocco's research and development projects and programmes.

3. Morocco will regularly inform the European Community and its own legal entities of opportunities for legal entities established in the European Community to participate in its research and development projects and programmes.

⁽¹⁾ See the Sixth Framework Programme (2002-2006) Article 6 of Regulation (EC) 2321/2002 of the European Parliament and of the Council of 16 December 2002 (OJ L 355, 30.12.2002, p. 23).

ANNEX II

PRINCIPLES CONCERNING THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS**I. Application**

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

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

II. Intellectual property rights of legal entities of the Parties

1. Each Party shall ensure that the intellectual property rights of legal entities of the other Party participating in activities carried out pursuant to this Agreement and the related rights and obligations arising from such participation, shall be consistent with the relevant international conventions that are applicable to the Parties, including the TRIPS Agreement (Agreement on trade-related aspects of intellectual property Rights administered by the World Trade Organisation) as well as the Berne Convention (Paris Act 1971) and the Paris Convention (Stockholm Act 1967).
2. Legal entities established in Morocco participating in an indirect action under the Framework Programme shall have the same rights and obligations with regard to intellectual property as legal entities established in the Community participating in the indirect action. These rights and obligations with regard to intellectual property are laid down in the rules for the dissemination of research results adopted pursuant to Article 167 of the Treaty establishing the European Community⁽¹⁾ and the contract concluded with the Community for the implementation of the indirect action, such rights and obligations being in compliance with paragraph 1.
3. Legal entities established in the Community participating in Morocco's research programmes or projects shall have the same rights and obligations with regard to intellectual property as those of legal entities established in Morocco participating in such research programmes or projects, such rights and obligations being in compliance with paragraph 1.
4. Each Party shall ensure that the legal entities which it represents takes all necessary steps to define and protect their intellectual property rights.

III. Intellectual property rights of the Parties

1. Except if otherwise specifically agreed by the Parties, the following rules shall apply to knowledge generated by the Parties in the course of activities carried out under Article 2(3) of this Agreement:
 - (a) the Party generating such knowledge shall be the owner of that knowledge. Where the knowledge has been generated jointly and the two Parties' respective share of the work cannot be ascertained, they shall have joint ownership of such knowledge;
 - (b) the Party owning the knowledge shall grant access rights to it to the other Party for carrying out activities referred to in Article 2(3) of this Agreement. Such access rights shall be granted on a royalty-free basis.
2. Except if otherwise specifically agreed by the Parties, the following rules shall apply to scientific literary works of the Parties:
 - (a) where a Party publishes scientific and technical data, information and results by means of journals, articles, reports, books, including video and software, arising and relating to activities carried out pursuant to this Agreement, a worldwide, non-exclusive, irrevocable, royalty-free licence shall be granted to the other Party to translate, reproduce, adapt, transmit and publicly distribute such works;
 - (b) all copies of data and information protected by copyright prepared in this context for public distribution shall indicate the names of the author(s) of the work unless an author explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

⁽¹⁾ See the Sixth Framework Programme (2002-2006) Article 6 of Regulation (EC) 2321/2002 of the European Parliament and of the Council (OJ L 355, 30.12.2002, p. 23).

3. Except if otherwise specifically agreed by the Parties, the following rules shall apply to undisclosed information of the Parties:
- (a) when communicating to the other Party information necessary for the activities carried out pursuant to this Agreement, each Party shall identify that information it wishes to remain undisclosed;
 - (b) the Party receiving the information may, under its own responsibility, communicate undisclosed information to entities or persons under its authority for the specific purposes of implementing this Agreement;
 - (c) with the prior written consent of the Party providing undisclosed information, the other Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3(b). The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will provide such approval to the extent permitted by its domestic policies, regulations and laws;
 - (d) non-documentary undisclosed or other confidential information provided in seminars and other meetings between representatives of the Parties arranged under this Agreement, or information arising from the attachment of staff, use of facilities or the carrying-out of indirect actions, shall remain confidential where the recipient of such undisclosed or other confidential or privileged information was made aware of the confidential character of the information communicated at the time such communication was made, according to paragraph 3(a);
 - (e) each Party shall endeavour to ensure that undisclosed information received by it under paragraph 3(a) and 3(d) is controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions laid down in paragraph 3(a) and 3(d), it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.
-

COUNCIL DECISION
of 22 December 2003
on the conclusion of the Agreement on scientific and technological cooperation between the
European Community and the Tunisian Republic

(2004/127/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 170 thereof, in conjunction with the first sentence of the first subparagraph of Article 300(2) and Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Commission has negotiated, on behalf of the Community, an Agreement on scientific and technological cooperation with the Tunisian Republic.
- (2) The Agreement was signed on behalf of the Community on 26 June 2003 in Thessaloniki, subject to possible conclusion at a later date.
- (3) The Agreement should be approved,

Article 1

The Agreement on scientific and technological cooperation between the European Community and the Tunisian Republic is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, acting on behalf of the Community, give the notification provided for in Article 7 of the Agreement ⁽²⁾.

Done at Brussels, 22 December 2003.

For the Council

The President

A. MATTEOLI

⁽¹⁾ Opinion of 4 December 2003 (not yet published in the Official Journal).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**on scientific and technical cooperation between the European Community and the Tunisian Republic**

THE EUROPEAN COMMUNITY

hereinafter 'the Community',

of the one part, and

THE TUNISIAN REPUBLIC,

hereinafter 'TUNISIA',

of the other part,

hereinafter referred to as the 'Parties',

HAVING REGARD to the Treaty establishing the European Community, and in particular Article 170 thereof, in conjunction with the first sentence of Article 300(2) and the first subparagraph of Article 300(3) thereof,

HAVING REGARD to Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) ⁽¹⁾,

CONSIDERING the importance of science and technology for their economic and social development and the reference thereto in Article 47 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Tunisian Republic, of the other part, which entered into force on 1 March 1998 ⁽²⁾,

CONSIDERING that the Community and Tunisia are pursuing research, technological development and demonstration activities in a number of areas of common interest, and that participation in each other's research and development activities on a basis of reciprocity will provide mutual benefits,

DESIRING to establish a formal cooperation framework for scientific and technological research with a view to extending and intensifying the conduct of cooperative activities in areas of common interest and to encourage the application of the results of such cooperation to the economic and social benefit of both Parties,

CONSIDERING the desire to open up the European Research Area to third countries, and in particular the Mediterranean partner countries,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose and principles

1. The Parties shall encourage, develop and facilitate cooperative scientific and technological activities between the Community and Tunisia in fields of common interest where they are pursuing scientific research and technological development activities.

2. The cooperative activities should be conducted on the basis of the following principles:

- (a) promotion of a knowledge-based society for the benefit of the economic and social development of the two parties;
- (b) mutual benefit based on an overall balance of advantages;
- (c) reciprocal access to activities under the scientific research and technological development programmes and projects (hereinafter research) undertaken by each party in the fields covered by this Agreement;

(d) timely exchange of information which may affect cooperative activities;

(e) appropriate protection of intellectual property rights.

Article 2

Terms of cooperation

1. Tunisian legal entities shall participate in indirect actions ⁽³⁾ under the European Community framework programme for research, technological development and demonstration activities contributing towards the creation of the European Research Area, hereinafter 'the framework programme', under the same conditions as those applicable to legal entities of Member States of the European Union, subject to the terms and conditions established by or referred to in Annexes I and II.

⁽¹⁾ OJ L 232, 29.8.2002, p. 1.

⁽²⁾ OJ L 97, 30.3.1998, p. 2.

⁽³⁾ See Regulation (EC) No 2321/2002 of the European Parliament and of the Council (OJ L 355, 30.12.2002, p. 23).

2. Community legal entities shall participate in Tunisia's research projects in fields equivalent to those of the framework programme under the same conditions as those applicable to Moroccan legal entities, subject to the terms and conditions established by or referred to in Annexes I and II.

3. Cooperation may also take the following forms and means:

- (a) joint meetings;
- (b) regular discussions on the guidelines and priorities for research policies and planning in Tunisia and in the Community;
- (c) exchanges of views and consultation on cooperation and development prospects;
- (d) timely provision of information concerning the implementation and results of joint research programmes and projects of Tunisia and of the Community undertaken within the framework of this Agreement;
- (e) visits and exchanges of researchers, engineers and technicians, including for the purposes of research training;
- (f) exchanges and sharing of scientific equipment and materials;
- (g) regular contacts between Tunisian and Community research programme or project managers;
- (h) participation of experts of both Parties in thematic seminars, symposiums and workshops;
- (i) exchanges of information on practices, laws, regulations and programmes concerning cooperation under this Agreement;
- (j) reciprocal access to scientific and technical information concerned by this cooperation;
- (k) any other arrangement adopted by the EC-Tunisia Joint Scientific and Technical Cooperation Committee referred to in Article 4, and in conformity with the policies and procedures applicable in both parties.

Article 3

Enhancement of cooperation

1. The parties undertake to make every effort, within the framework of their respective legislation in force, to facilitate the free movement and establishment of researchers participating in the activities covered by this Agreement and to facilitate the entry into and exit from their territories of materials, data or equipment intended for use in these activities.

2. Where, in accordance with its own rules, the Community grants funding to a legal entity established in Tunisia to participate in a Community indirect action, Tunisia will ensure that no fiscal or customs levy or charge is imposed on the operation in question.

Article 4

Management of the Agreement

1. The coordination and promotion of the activities covered by this Agreement will be carried out on behalf of Tunisia by the Ministry responsible for scientific research and on behalf of the Community by the services of the European Commission responsible for the Framework Programme acting as executive agents for the parties (hereinafter the executive agents).

2. The executive agents shall set up an EC-Tunisia Joint Scientific and Technical Cooperation Committee with responsibility for:

- (a) monitoring the implementation and evaluating the impact of this Agreement, and proposing any revisions to it which may be necessary, in accordance with the provisions of Article 7(2);
- (b) proposing any appropriate measure aimed at improving and developing scientific and technological cooperation under this Agreement;
- (c) regularly examining the guidelines and priorities of Tunisian and Community research policies and planning and the prospects for future cooperation under this Agreement.

3. The EC-Tunisia Joint Scientific and Technical Cooperation Committee shall be composed of an equal number of representatives of the executive agents of each Party. It shall adopt its rules of procedure.

4. The EC-Tunisia Scientific and Technical Cooperation Committee shall meet at least once a year in the Community and in Tunisia alternately. Extraordinary meetings may be held at the request of either Party. The conclusions and recommendations of the EC-Tunisia Scientific and Technical Cooperation Committee shall be sent, for information, to the Association Committee of the Euro-Mediterranean Agreement between the European Union and the Tunisian Republic.

Article 5

Terms and conditions of participation

Reciprocal participation in the research activities covered by this Agreement shall take place in accordance with the conditions set out in Annex I and shall be subject to the legislation, regulations, policies and conditions governing the implementation of the programmes in force on the territory of each Party.

Article 6

Dissemination and utilisation of results and information

The dissemination and utilisation of the results of information acquired and/or exchanged, and the management, allocation and exercise of intellectual property rights arising from the research activities carried out under this Agreement shall be subject to the conditions set out in Annex II.

Article 7

Final provisions

1. Annexes I and II shall form an integral part of this Agreement.

All questions or disputes relating to the interpretation or implementation of this Agreement shall be settled by mutual agreement between the Parties.

2. This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their necessary procedures to this end have been completed.

Every four years the Parties will evaluate the impact of the Agreement on the intensity of their scientific and technical cooperation.

This Agreement may be amended or its scope enlarged by agreement between the Parties. Amendments or extensions shall enter into force on the date on which the Parties have notified each other in writing that the necessary procedures to this end have been completed.

This Agreement may be terminated, at any time, by either Party with six months written notice.

The projects and activities in progress at the time of any termination of this Agreement will continue until their completion under the conditions laid down in this Agreement.

3. If one of the Parties decides to modify its research programmes or projects referred to in Article 1(1), the executive agent of that Party shall notify the executive agent of the other Party of the precise content of the amendments in question.

In that event, and by way of derogation from the second subparagraph of paragraph 2 of this Article, this Agreement may be terminated under mutually agreed conditions if either of the Parties notifies the other within one month of its intention to terminate this Agreement following the adoption of the amendments referred to in the first subparagraph.

4. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Tunisian Republic. This shall not exclude the carrying-out of cooperative activities on the high seas, in space, or on the territory of third countries in accordance with international law.

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

Hecho en Salónica el veintiséis de junio de dos mil tres.

Udfærdiget i Thessaloniki, den seksogtyvende juni to tusind og tre.

Geschehen zu Thessaloniki am sechszwanzigsten Juni zweitausenddreie.

Έγινε στη Θεσσαλονίκη, στις είκοσι έξι Ιουνίου δύο χιλιάδες τρία.

Done at Thessaloniki, this twenty-sixth day of June, in the year two thousand and three.

Fait à Thessalonique, le vingt-six juin deux mille trois.

Fatto a Salonicco, addì ventisei giugno duemilatre.

Gedaan te Thessaloniki, de zesentwintigste juni tweeduizenddrie.

Feito em Salónica, em vinte e seis de Junho de dois mil e três.

Tehty Thessalonikissa kahdentenäkymmenentenäkuudentena päivänä kesäkuuta vuonna kaksituhattakolme.

Som skedde i Thessaloniki den tjugosjätte juni tjugohundratre.

تسالونيك في 26 جوان 2003

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

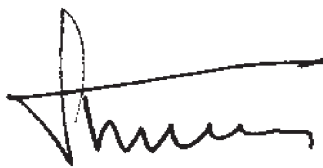
Per la Comunità europea

Voor de Europese Gemeenschap


Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar



عن حكومة الجمهورية التونسية



المراسم

ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF LEGAL ENTITIES OF MEMBER STATES OF THE EUROPEAN UNION AND OF THE TUNISIAN REPUBLIC

For the purpose of this Agreement, a legal entity means any natural person, or any legal person created under the national law of its place of establishment or under Community law, having legal personality and being entitled to have rights and obligations of any kind in its own name.

I. Terms and conditions for the participation of legal entities established in Tunisia in indirect actions under the EC research framework programme

1. The participation of legal entities established in Tunisia in indirect actions under the framework programme shall be in accordance with the participation rules laid down pursuant to Article 167 of the Treaty establishing the European Community for the implementation of the framework programme ⁽¹⁾.

In addition, legal entities established in Tunisia may participate in indirect actions carried out under Article 164 of the Treaty establishing the European Community.

2. The Community may grant funding to legal entities established in Tunisia participating in the indirect actions referred to in paragraph 1 in accordance with the terms and conditions laid down by the participation rules referred to in paragraph 1 adopted by the European Parliament and the Council pursuant to Article 167 of the Treaty establishing the European Community, the financial regulations of the European Community and any other applicable Community legislation.
3. A contract concluded by the Community with any legal entity established in Tunisia participating in an indirect action must provide for audits and verifications to be carried out by, or under the authority of, the Commission or the Court of Auditors of the European Communities.

In a spirit of cooperation and mutual interest, the relevant authorities of Tunisia will provide any reasonable and feasible assistance as may be necessary or helpful to perform such audits and verifications.

II. Terms and conditions for the participation of legal entities of Member States of the European Union in Tunisia's research programmes and projects

1. Any legal entity established in the European Community created under the national law of one of the Member States of the European Union or under European Community law may participate in Tunisia's research and development projects or programmes in cooperation with legal entities established in Tunisia.
2. Subject to paragraph 1 and to Annex II, the rights and obligations of legal entities established in the Community participating in Tunisia's research and development projects or programmes, the terms and conditions applicable to the submission and evaluation of proposals and the granting and conclusion of contracts shall be subject to Tunisia's laws, regulations and government directives governing the operation of research and development programmes under the conditions applicable to legal entities established in Tunisia, taking into account the nature of the cooperation between Morocco and the European Community in this field.

Funding of legal entities established in the Community participating in Morocco's research and development projects and programmes shall be subject to Tunisia's laws, regulations and government directives governing the operation of research and development programmes under the conditions applicable to legal entities of third countries participating in Tunisia's research and development projects and programmes.

⁽¹⁾ See the sixth framework programme (2002 to 2006) Article 6 of Regulation (EC) No 2321/2002 of the European Parliament and of the Council (OJ L 355, 30.12.2002, p. 23).

ANNEX II

PRINCIPLES CONCERNING THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS**I. Application**

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

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

II. Intellectual property rights of legal entities of the Parties

1. Each Party shall ensure that the intellectual property rights of legal entities of the other Party participating in activities carried out pursuant to this Agreement and the related rights and obligations arising from such participation, shall be consistent with the relevant international conventions that are applicable to the Parties, including the TRIPS Agreement (Agreement on trade-related aspects of intellectual property Rights administered by the World Trade Organisation) as well as the Berne Convention (Paris Act 1971) and the Paris Convention (Stockholm Act 1967).
2. Legal entities established in Tunisia participating in an indirect action under the framework programme shall have the same rights and obligations with regard to intellectual property as legal entities established in the Community participating in the indirect action. These rights and obligations with regard to intellectual property are laid down in the rules for the dissemination of research results adopted pursuant to Article 167 of the Treaty establishing the European Community⁽¹⁾ and the contract concluded with the Community for the implementation of the indirect action, such rights and obligations being in compliance with paragraph 1.
3. Legal entities established in the Community participating in Tunisia's research programmes or projects shall have the same rights and obligations with regard to intellectual property as those of legal entities established in Tunisia participating in such research programmes or projects, such rights and obligations being in compliance with paragraph 1.
4. The Parties shall encourage the legal entities concerned to define and protect their intellectual property rights in compliance with their respective laws.

III. Intellectual property rights of the Parties

1. Except if otherwise specifically agreed by the Parties, the following rules shall apply to knowledge generated by the Parties in the course of activities carried out under Article 2(3) of this Agreement:
 - (a) the Party generating such knowledge shall be the owner of that knowledge. Where the knowledge has been generated jointly and the two Parties' respective share of the work cannot be ascertained, they shall have joint ownership of such knowledge;
 - (b) the Party owning the knowledge shall grant access rights to it to the other Party for carrying out activities referred to in Article 2(1) and (2) of this Agreement. Such access rights shall be granted on a royalty-free basis.
2. Except if otherwise specifically agreed by the Parties, the following rules shall apply to scientific literary works of the Parties:
 - (a) where a Party publishes scientific and technical data, information and results by means of journals, articles, reports, books, or videos, arising and relating to activities carried out pursuant to this Agreement, a worldwide, non-exclusive, irrevocable, royalty-free licence shall be granted to the other Party to translate, reproduce, adapt, transmit and publicly distribute such works;
 - (b) all copies of data and information protected by copyright prepared in this context for public distribution shall indicate the names of the author(s) of the work unless an author explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties;

⁽¹⁾ See the sixth framework programme (2002 to 2006) Article 6 of Regulation (EC) No 2321/2002 of the European Parliament and of the Council (OJ L 355, 30.12.2002, p. 23).

3. Except if otherwise specifically agreed by the Parties, the following rules shall apply to undisclosed information of the Parties:
- (a) when communicating to the other Party information necessary for the activities carried out pursuant to this Agreement, each Party shall identify that information it wishes to remain undisclosed;
 - (b) the Party receiving the information may, under its own responsibility, communicate undisclosed information to entities or persons under its authority for the specific purposes of implementing this Agreement;
 - (c) with the prior written consent of the Party providing undisclosed information, the other Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3(b). The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will provide such approval to the extent permitted by its domestic policies, regulations and laws;
 - (d) non-documentary undisclosed or other confidential information provided in seminars and other meetings between representatives of the Parties arranged under this Agreement, or information arising from the attachment of staff, use of facilities or the carrying-out of indirect actions, shall remain confidential where the recipient of such undisclosed or other confidential or privileged information was made aware of the confidential character of the information communicated at the time such communication was made, according to paragraph 3(a);
 - (e) each Party shall endeavour to ensure that undisclosed information received by it under paragraph 3(a) and 3(d) is controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions laid down in paragraph 3(a) and 3(d), it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.
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COMMISSION

COMMISSION DECISION

of 23 January 2004

on financial assistance from the Community for the storage of antigens for production of foot-and-mouth disease vaccines in France, Italy and the United Kingdom in 2004

(notified under document number C(2004) 102)

(Only the French and Italian texts are authentic)

(Text with EEA relevance)

(2004/128/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 14 thereof,

Whereas:

- (1) In accordance with Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines ⁽²⁾, the establishment of antigen banks is part of the Community's action to create Community reserves of foot-and-mouth disease vaccines.
- (2) Decision 91/666/EEC designates the 'Laboratoire de pathologie bovine du Centre national d'études vétérinaires et alimentaires' at Lyon in France, which is now part of the 'Agence Française de Sécurité Sanitaire des Aliments (AFSSA)', and the 'Istituto Zooprofilattico Sperimentale di Brescia' in Italy, as antigen banks for the storage of Community reserves.
- (3) Commission Decision 2000/111/EC of December 1999 designating a new antigen bank and making provisions for the transfer and storage of antigens within the framework of the Community action concerning reserves of foot-and-mouth disease vaccines ⁽³⁾ further designates Merial S.A.S., Pirbright, United Kingdom.
- (4) Community assistance should be linked to compliance with certain conditions as to the functioning of the antigen banks and the transmission of information and supporting documents.
- (5) For budgetary reasons the Community assistance should be granted for a period of one year.

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Community shall grant financial assistance to Agence Française de Sécurité Sanitaire des Aliments for the stocking of antigens for the production of foot-and-mouth disease vaccines at the premises of Agence Française de Sécurité Sanitaire des Aliments, Lyon.
2. For the period from 1 January to 31 December 2004 the maximum amount of financial assistance shall be EUR 30 000.

Article 2

1. The Community shall grant financial assistance to Istituto Zooprofilattico Sperimentale di Brescia for the stocking of antigens for the production of foot-and-mouth disease vaccines at the premises of Istituto Zooprofilattico Sperimentale di Brescia.
2. For the period from 1 January to 31 December 2004 the maximum amount of financial assistance shall be EUR 30 000.

Article 3

1. The Community shall grant financial assistance to Merial S.A.S. with its headquarters in Lyon, France, for the stocking of antigens for the production of foot-and-mouth disease vaccines at the premises of Merial S.A.S., Lyon, France, and at the premises of Merial S.A.S., Pirbright, United Kingdom.

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

⁽²⁾ OJ L 368, 31.12.1991, p. 21.

⁽³⁾ OJ L 33, 8.2.2000, p. 19.

2. For the period from 1 January to 31 December 2004 the maximum amount of financial assistance shall be EUR 81 047.

Article 4

1. The Community's financial assistance referred to in Article 1(2), Article 2(2) and Article 3(2) shall only be granted if the conditions provided for in Article 4 of Decision 91/666/EEC are complied with and the information and documents provided for in paragraph 2 are submitted to the Commission by 28 February 2005 at the latest.

2. The information and documents referred to in paragraph 1 shall include the following:

(a) technical information on:

- (i) the amount and type of antigen stored (storage records),
- (ii) storage equipment used (type, number and capacity of tanks),
- (iii) security systems in place (temperature control, anti-theft measures),

(iv) insurance arrangements (fire, accidents);

(b) financial information (completion of a form based on the model set out in the Annex).

Article 5

This Decision is addressed to the Agence Française de Sécurité Sanitaire des Aliments, 31, avenue Tony Garnier, BP 7033, F-69342 Lyon Cedex 07, France, Istituto Zooprofilattico Sperimentale di Brescia, Via Bianchi 9, I-25124 Brescia, Italy, and Merial S.A.S., 29, avenue Tony Garnier, BP 7123, F-69002 Lyon Cedex 07, France.

Done at Brussels, 23 January 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Financial information related to the storage of antigens for production of foot-and-mouth disease vaccines

STATEMENT OF COSTS

Reporting period from:to:

Reference No of Commission Decision providing financial assistance:

Name and address of beneficiary:

.....

Category of costs	Amount for the period (National currency) ⁽¹⁾
1. Staff	
2. Capital equipment	
3. Consumables	
4. Insurance	
5. Rental of premises	
Total	

⁽¹⁾ All costs must be expressed in national currency.

Certificate by the beneficiary

We certify that:

- the above costs were incurred in connection with the tasks defined in the Decision and were essential to the sound performance of those tasks,
- they are genuine costs falling within the definition of reimbursable costs,
- all the documents supporting the costs are available for audit purposes.

Date:

Name of technical director:

Signature:

Date:

Person financially responsible:

Signature:

COMMISSION DECISION

of 30 January 2004

concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances

*(notified under document number C(2004) 152)***(Text with EEA relevance)**

(2004/129/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2003/119/EC ⁽²⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulation (EC) No 1112/2002 ⁽³⁾ lays down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. The active substances of the fourth stage for which a commitment to further prepare the necessary dossier has not been notified should not be included in Annex I to Directive 91/414/EEC and Member States should withdraw all authorisations for plant protection products containing such active substances. Annex I to this Decision lists active substances which fall into this category.
- (3) Commission Regulations (EC) No 451/2000 ⁽⁴⁾ and (EC) No 1490/2002 ⁽⁵⁾ lay down the detailed rules for the implementation of the second and third stages of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. Active substances for which no complete dossier has been submitted or for which notifiers have declared that no dossier will be submitted within the prescribed time limit should not be included in Annex I to Directive 91/414/EEC and Member States should withdraw all authorisations for plant protection products containing such active substances. Annex I to this Decision lists active substances which fall into this category.

- (4) For some of those active substances information has been presented and evaluated by the Commission together with Member State experts which has shown a need for further use of the substances concerned. In those cases temporary measures should be provided for to enable the development of alternatives.
- (5) For the active substances for which there is only a short period of advance notice for the withdrawal of plant protection products containing such substances, it is reasonable to provide for a period of grace for disposal, storage, placing on the market and use of existing stocks for a period no longer than 12 months to allow existing stocks to be used in no more than one further growing. In cases where a longer advance notice period is provided, such period can be shortened to expire at the end of the growing season.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The active substances listed in Annex I to this Decision shall not be included in Annex I to Directive 91/414/EEC.

Article 2

1. Member States shall ensure that authorisations for plant protection products containing the active substances listed in Annex I to this Decision are withdrawn by 31 March 2004 at the latest.

2. By derogation from paragraph 1, Member States listed in column B of Annex II may maintain authorisations for plant protection products containing substances listed in column A of that Annex for uses listed in column C of that Annex until 30 June 2007 at the latest, to permit the development of an efficient alternative for the substance concerned.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 325, 12.12.2003, p. 41.

⁽³⁾ OJ L 168, 27.6.2002, p. 14.

⁽⁴⁾ OJ L 55, 29.2.2000, p. 25.

⁽⁵⁾ OJ L 224, 21.8.2002, p. 23.

Member States making use of the derogation provided for in the first subparagraph shall ensure that the following conditions are complied with:

- (a) the continued use is only accepted so far as it has no harmful effect on human or animal health and no unacceptable influence on the environment;
- (b) such plant protection products remaining on the market after 31 March 2004 are relabelled in order to match the restricted use conditions;
- (c) all appropriate risk mitigation measures are imposed to reduce any possible risks;
- (d) alternatives for such uses are being seriously sought.

3. The Member State concerned shall inform the Commission about the measures taken in application of paragraph 2, and in particular about the actions taken pursuant to points (a) to (d), by 31 December 2004 at the latest.

Article 3

Any period of grace granted by Member States in accordance with Article 4(6) of Directive 91/414/EEC shall be as short as possible.

Where authorisations shall be withdrawn in accordance with Article 2(1) by 31 March 2004 at the latest, the period shall expire on 31 December 2004 at the latest.

Where authorisations shall be withdrawn in accordance with Article 2(2) by 30 June 2007 at the latest, the period shall expire on 31 December 2007 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 30 January 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

List of active substances referred to in Article 1

PART A

Substance covered by Commission Regulation (EC) No 703/2001 (second stage of the programme of work)

Methidathion

PART B

Substances covered by Commission Regulation (EC) No 1490/2002 (third stage of the programme of work)

Cinosulfuron	Nuarimol
Clofencet	Primisulfuron
Chlorflurenol	Pretilachlor
Flamprop-M	Quinclorac
Flurenol	Streptomycine
Hexaflumuron	Tridemorph
Imazethapyr	Triadimefon

PART C

Substances covered by Commission Regulation (EC) No 1112/2002 (fourth stage of the programme of work)

A. Chemical active substances	Boric acid
(4E-7Z)-4,7-Tridecadien-1-yl-acetate	Bromethalin
(4Z-9Z)-7,9-Dodecadien-1-ol	Calciferol
(E)-10-Dodecenyl acetate	Calcium cyanide
(Z)-3-Methyl-6-isopropenyl-3,4-decadien-1-yl acetate	Calcium oxide
(Z)-3-Methyl-6-isopropenyl-9-decen-1-yl acetate	Calcium phosphate
(Z)-5-Dodecen-1-yl acetate	Chlorhydrate of poly (imino imido biguanidine)
(Z)-7-Tetradecanole	Chlorophylline
(Z)-9-Tricosene	Cholecalciferol
(Z,Z) Octadienyl acetate	Choline chloride
2-Propanol	Corn steep liquor
3,7-Dimethyl-2,6-octadienal	Coumachlor
4-chloro-3-methylphenol	Coumafuryl
7,8-Epoxy-2-methyl-octadecane	Coumatetralyl
7-Methyl-3-methylene-7-octene-1-yl-propionate	Crimidine
Acridinic bases	Difethialone
Alkyldimethylbenzyl ammonium chloride	Dioctyldimethyl ammonium chloride
Alkyldimethylethylbenzyl ammonium chloride	Diphacinone
Ammonium hydroxide	Ethanethiol
Ammonium sulphate	Ethylhexanoate
Barium nitrate	Flocumafen
Biphenyl	Fluoroacetamide

Hydrogen cyanide	Sebacic acid
Isoval	Serricornin
Lactic acid	Sodium carbonate
Lauryldimethylbenzylammonium bromide	Sodium chloride
Lauryldimethylbenzylammonium chloride	Sodium cyanide
Lime phosphate	Sodium dimethylarsinate
Methyl-trans-6-nonenoate	Sodium hydroxide
Naphtalene	Sodium o-benzyl-p-chlorphenoxide
Nitrogen	Sodium propionate
Octyldecyldimethyl ammonium chloride	Sodium p-t-amylphenoxide
Onion extract	Sodium tetraborate
Papaine	Soybean extract
p-Cresyl acetate	Soybean oil, epoxylated
p-Dichlorobenzene	Strychnine
Pherodim	Tar oils
Phosphoric acid	Thallium sulphate
Plant oils/Coconut oil	Thiourea
Plant oils/Maize oil	trans-6-Nonen-1-ol
Plant oils/Peanut oil	Trimedlure
Potassium sorbate	
Pronumone	B. Micro-organisms
Propionic acid	Aschersonia aleyrodis
Pyranocumarin	Agrotis segetum granulosus virus
Quaternary ammonium compounds	Mamestra brassica nuclear polyhedrosis virus
Scilliroside	Tomato mosaic virus

ANNEX II

List of authorisations referred to in Article 2(2)

Column A	Column B	Column C
Active substance	Member State	Use
Alkyldimethylbenzyl ammonium chloride	Belgium	Disinfection of mushroom growth chambers and equipment
Cinosulfuron	Spain	Rice
	Italy	Rice
Flamprop-M	Austria	Spring wheat, Spring barley, Winter wheat, Winter barley
	Denmark	Spring barley
Hexaflumuron	Portugal	Citrus
	Spain	Pinus
Methidathion	France	Apple, pear, plum, citrus
	Germany	Oil rape seed
	Italy	Olives
	Portugal	Apple, pear, peach, olives, vines, citrus, mango and custard apple
	Spain	Citrus, olives
	Greece	Olives, apples, pears
Pretilachlor	France	Rice
	Italy	Rice
Quinclorac	Spain	Rice
	Greece	Rice
	Portugal	Rice
	Italy	Rice
Triadimefon	Sweden	Field grown strawberries
		Tomatoes and cucumbers under glass

COMMISSION DECISION

of 30 January 2004

providing for the temporary marketing of certain seed of the species *Vicia faba* L. not satisfying the requirements of Council Directive 66/401/EEC

(notified under document number C(2004) 161)

(Text with EEA relevance)

(2004/130/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, as last amended by Directive 2003/61/EC ⁽²⁾, and in particular Article 17(1) thereof,

Whereas:

- (1) In the United Kingdom the quantity of available seed of spring varieties of field beans (*Vicia faba* L.) suitable to the national climatic conditions and which satisfies the germination capacity requirements of Directive 66/401/EEC is insufficient and is therefore not adequate to meet the needs of that Member State.
- (2) It is not possible to meet the demand for seed of that species satisfactorily with seed from other Member States or from third countries which satisfies all the requirements laid down in Directive 66/401/EEC.
- (3) Accordingly, the United Kingdom should be authorised to permit the marketing of seed of that species subject to less stringent requirements for a period expiring on 15 February 2004.
- (4) In addition, other Member States, irrespective of whether the seed was harvested in a Member State or in a third country covered by the Council Decision 2003/17/EC on the equivalence of seed ⁽³⁾, which are in a position to supply the United Kingdom with seed of that species, should be authorised to permit the marketing of such seed.
- (5) It is appropriate that the United Kingdom act as coordinator in order to ensure that the total amount of seed authorised pursuant to this Decision does not exceed the maximum quantity covered by this Decision.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

The marketing in the Community of seed of spring field beans (*Vicia faba* L.) which does not satisfy the minimum germination capacity requirements laid down in Directive 66/401/EEC shall be permitted, for a period expiring on 15 February 2004, in accordance with the terms set out in the Annex to this Decision and subject to the following conditions:

- (a) the germination capacity must be at least that set out in the Annex to this Decision;
- (b) the official label must state the germination ascertained in the official examination carried out pursuant to Article 2(1)(C)(d) of Directive 66/401/EEC;
- (c) the seed must have been first placed on the market in accordance with Article 2 of this Decision.

Article 2

Any seed supplier wishing to place on the market the seeds referred to in Article 1 shall apply for authorisation to the Member State in which he is established or importing.

The Member State concerned shall authorise the supplier to place that seed on the market, unless:

- (a) there is sufficient evidence to doubt as to whether the supplier is able to place on the market the amount of seed for which he has applied for authorisation; or
- (b) the total quantity authorised to be marketed pursuant to the derogation concerned would exceed the maximum quantity specified in the Annex.

Article 3

The Member States shall assist each other administratively in the application of this Decision.

The United Kingdom shall act as coordinating Member State in respect of Article 1 in order to ensure that the total amount authorised does not exceed the maximum quantity specified in the Annex.

⁽¹⁾ OJ L 125, 11.7.1966, p. 2298/66.

⁽²⁾ OJ L 165, 3.7.2003, p. 23.

⁽³⁾ OJ L 8, 14.1.2003, p. 10. Decision as last amended by Decision 2003/403/EC (OJ L 141, 7.6.2003, p. 23).

Any Member State receiving an application in accordance with Article 2 shall immediately notify the coordinating Member State of the amount covered by the application. The coordinating Member State shall immediately inform the notifying Member State as to whether authorisation would result in the maximum quantity being exceeded.

Article 4

Member States shall immediately notify the Commission and the other Member States of the quantities in respect of which they have granted marketing authorisation pursuant to this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 30 January 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Species	Type of variety	Maximum quantity (tonnes)	Minimum germination (% of pure seed)
<i>Vicia faba</i> L.	Ashleigh, Compass, Hobbit, Lobo, Maris Bead, Meli, Nile, Oena, Quattro, Syncro, Victor	4 035	75

COMMISSION DECISION

of 9 February 2004

recognising in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of FEN 560 and penoxsulam in Annex I to Council Directive 91/414/EEC

*(notified under document number C(2004) 274)***(Text with EEA relevance)**

(2004/131/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

(1) Directive 91/414/EEC provides for the development of a Community list of active substances authorised for incorporation in plant protection products.

(2) A dossier for the active substance FEN 560 was submitted by Société occitane de fabrications et de technologies to the French authorities on 24 June 2003 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC. For penoxsulam a dossier was submitted by Dow AgroSciences to the authorities of Italy on 29 November 2002 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC.

(3) The French and the Italian authorities have indicated to the Commission that, on preliminary examination, the dossiers for the active substances concerned appear to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossiers submitted appear also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossiers were subsequently forwarded by the respective applicants to the Commission and other Member States, and were referred to the Standing Committee on the Food Chain and Animal Health.

(4) By this Decision it should be formally confirmed at Community level that the dossiers are considered as satisfying, in principle, the data and information require-

ments provided for in Annex II and, for at least one plant protection product containing the active substance concerned, the requirements set out in Annex III to Directive 91/414/EEC.

(5) This Decision should not prejudice the right of the Commission to request the applicant to submit further data or information to the Member State designated as Rapporteur in respect of a given substance in order to clarify certain points in the dossier.

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

HAS ADOPTED THIS DECISION:

Article 1

The dossiers concerning the active substances identified in the Annex to this Decision, which were submitted to the Commission and the Member States with a view to obtaining the inclusion of those substances in Annex I to Directive 91/414/EEC, satisfy in principle the data and information requirements set out in Annex II to Directive 91/414/EEC.

The dossiers also satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance, taking into account the uses proposed.

Article 2

The rapporteur Member States shall pursue the detailed examination for the dossiers concerned and shall report the conclusions of their examinations accompanied by any recommendations on the inclusion or non-inclusion of the active substance concerned in Annex I of Directive 91/414/EEC and any conditions related thereto to the Commission as soon as possible and by 10 February 2005 at the latest.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 9 February 2004.

For the Commission

David BYRNE

Member of the Commission

*ANNEX***Active substances concerned by this Decision**

No	Common name, CIPAC identification number	Applicant	Date of application	Rapporteur Member State
1	FEN 560 CIPAC-No not yet available	Société occitane de fabrications et de technologies	24.6.2003	FR
2	Penoxsulam CIPAC-No not yet available	Dow AgroSciences	29.11.2002	IT