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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 420/2005
of 14 March 2005
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 15 March 2005.

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

Done at Brussels, 14 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽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 Commission Regulation of 14 March 2005 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 | 114,3 |
| | 204 | 70,1 |
| | 212 | 143,7 |
| | 624 | 193,8 |
| | 999 | 130,5 |
| 0707 00 05 | 052 | 162,2 |
| | 068 | 170,0 |
| | 096 | 128,5 |
| | 204 | 70,7 |
| | 999 | 132,9 |
| 0709 10 00 | 220 | 18,4 |
| | 999 | 18,4 |
| 0709 90 70 | 052 | 164,1 |
| | 204 | 98,1 |
| | 999 | 131,1 |
| 0805 10 20 | 052 | 54,5 |
| | 204 | 50,9 |
| | 212 | 56,9 |
| | 220 | 47,8 |
| | 400 | 51,1 |
| | 624 | 64,6 |
| 0805 50 10 | 999 | 54,3 |
| | 052 | 69,2 |
| | 220 | 70,4 |
| | 400 | 67,6 |
| | 999 | 69,1 |
| 0808 10 80 | 388 | 83,6 |
| | 400 | 96,9 |
| | 404 | 74,7 |
| | 508 | 64,2 |
| | 512 | 75,9 |
| | 528 | 64,0 |
| | 720 | 59,8 |
| | 999 | 74,2 |
| 0808 20 50 | 052 | 186,2 |
| | 388 | 69,6 |
| | 400 | 92,6 |
| | 512 | 54,2 |
| | 528 | 64,9 |
| | 720 | 42,6 |
| | 999 | 85,0 |

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

COMMISSION REGULATION (EC) No 421/2005**of 14 March 2005****on the issue of licences for the import of certain prepared or preserved citrus fruits (namely mandarins, etc.) in the period from 11 April 2005 to 10 April 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports and repealing Regulation (EC) No 518/94 ⁽¹⁾,

Having regard to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) 3420/83 ⁽²⁾,

Having regard to Commission Regulation (EC) No 658/2004 of 7 April 2004 imposing definitive safeguard measures against imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) ⁽³⁾ and in particular Article 8(1) thereof,

(1) The quantities for which licence applications have been lodged by traditional importers and by new importers under Article 5 of Regulation (EC) No 658/2004 exceed the quantities available for products originating in the People's Republic of China.

(2) It is now necessary to fix, for each category of importer, the proportion of the quantity for which application is made which may be imported under licence,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for under Article 5(1) of Regulation (EC) No 658/2004, shall be issued at the percentage rates of the quantities applied for as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 April 2005 and apply until 10 April 2006.

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

Done at Brussels, 14 March 2005.

For the Commission

Peter MANDELSON

Member of the Commission

⁽¹⁾ OJ L 349, 31.12.1994, p. 53. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

⁽²⁾ OJ L 67, 10.3.1994, p. 89. Regulation as last amended by Regulation (EC) No 427/2003 (OJ L 65, 8.3.2003, p. 1).

⁽³⁾ OJ L 104, 8.4.2004, p. 67.

ANNEX

| Origin of the products | Percentage allocations | |
|--|----------------------------|-----------------------|
| | People's Republic of China | Other third countries |
| — traditional importers (Article 2(d) of Regulation (EC) No 658/2004) | 38,204 % | N/A |
| — other importers (Article 2(f) of Regulation (EC) No 658/2004) | 4,725 % | N/A |

COMMISSION REGULATION (EC) No 422/2005**of 14 March 2005****amending Regulation (EC) No 94/2002 laying down detailed rules for applying Council Regulation (EC) No 2826/2000 on information and promotion actions for agricultural products on the internal market**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

quality scheme eligible for promotional measures. Therefore, those products should be included in Annex I to Regulation (EC) No 94/2002.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2826/2000 of 19 December 2000 on information and promotion actions for agricultural products on the internal market⁽¹⁾, and in particular Article 12 thereof,

Whereas:

(1) Article 3 of Regulation (EC) No 2826/2000 provides the criteria to determine the sectors and products for which information and/or promotion actions may be carried out on the internal market. Those themes and products are listed in Annex I to Commission Regulation (EC) No 94/2002⁽²⁾.

(2) Article 4 of Regulation (EC) No 2826/2000 requires that every two years the Commission shall draw up a list of the themes and products referred to in Article 3 of that Regulation.

(3) Seed oils of Community origin, in particular rapeseed oil, as well as honey and beekeeping products are products where market balance could be improved through information and/or generic promotion measures, in particular by providing adequate and up-to-date information to consumers on the qualities, nutritional value, taste, applicable standards and labelling of those products. Therefore, those products should be included in Annex I to Regulation (EC) No 94/2002.

(4) In order to encourage consumption of quality products in the meat sector, it is appropriate to make all quality meats produced according to a Community or a national

(5) For reasons of clarity and simplification, it is appropriate to incorporate the themes in Annex I(a) and the products in Annex I(b) to Regulation (EC) No 94/2002 into one single list which will cover both themes and products and to include, for each product and theme, provisions related to these in the corresponding guidelines for promotion on the internal market in Annex III to that Regulation.

(6) Products with a protected designation of origin (PDO), with a protected geographical indication (PGI) or with a traditional specialty guaranteed (TSG) in accordance with Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽³⁾ or Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs⁽⁴⁾, and products from organic farming, in accordance with Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽⁵⁾, are quality products the production and consumption of which are considered a priority in the context of the common agricultural policy. Those products should therefore be included in Annex I to Regulation (EC) No 94/2002, so as to ensure that they can benefit from all promotion and information measures provided for in the internal market promotion regime.

(7) It is necessary to draw new guidelines concerning the newly added products in order to achieve the expected results of the promotional measures, and to revise existing guidelines in order to take account of developments in the market situation and in the common agricultural policy, as well as available experience from the evaluation of the most recent promotion and information measures.

⁽¹⁾ OJ L 328, 23.12.2000, p. 2. Regulation as last amended by Regulation (EC) No 2060/2004 (OJ L 357, 2.12.2004, p. 3).

⁽²⁾ OJ L 17, 19.1.2002, p. 20. Regulation as last amended by Regulation (EC) No 1803/2004 (OJ L 318, 19.10.2004, p. 4).

⁽³⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 1215/2004 (OJ L 232, 1.7.2004, p. 21).

⁽⁴⁾ OJ L 208, 24.7.1992, p. 9. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁵⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 2254/2004 (OJ L 385, 29.12.2004, p. 20).

(8) Regulation (EC) No 94/2002 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

(9) The next deadline after the adoption of these measures for the submission of applications for Community support for promotional programmes is 31 January. There is limited time for the proposing organisations and Member States to adjust or prepare proposals taking into account the rules of the newly amended Regulation. Therefore it is necessary that this Regulation enters into force after 31 January.

Regulation (EC) No 94/2002 is amended as follows:

1. Annex I is replaced by the text in Annex I to this Regulation.
2. Annex III is replaced by the text in Annex II to this Regulation.

Article 2

(10) The measures provided for in this Regulation are in accordance with the opinion delivered at the meeting of the joint management committee for the promotion of agricultural products,

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

It is applicable from 1 February 2005.

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

Done at Brussels, 14 March 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

'ANNEX I

LIST OF PRODUCTS AND THEMES

- fresh fruit and vegetables,
- processed fruit and vegetables,
- fibre flax,
- live plants and products of ornamental horticulture,
- olive oil and table olives,
- seed oils,
- milk and milk products,
- fresh, chilled or frozen meat, produced in accordance with a Community or a national quality scheme,
- labelling of eggs for human consumption,
- honey and beekeeping products,
- quality wines psr, table wines with a geographical indication,
- graphic symbol for the most remote regions as laid down in agricultural legislation,
- protected designation/s of origin (PDO), protected geographical indication/s (PGI) or traditional speciality/ies guaranteed (TSG) in accordance with Council Regulations (EEC) No 2081/92 ⁽¹⁾ or (EEC) No 2082/92 ⁽²⁾ and products registered under these schemes,
- organic farming in accordance with Council Regulation (EEC) No 2092/91 ⁽³⁾ and products registered according to this Regulation.

⁽¹⁾ OJ L 208, 24.7.1992, p. 1.

⁽²⁾ OJ L 208, 24.7.1992, p. 9.

⁽³⁾ OJ L 198, 22.7.1991, p. 1.'

ANNEX II

'ANNEX III

GUIDELINES FOR PROMOTION ON THE INTERNAL MARKET

The following guidelines give an orientation for the messages, target groups and channels that should have a central position in the promotion or information programmes for the different product categories.

Without prejudice to the priorities presented in Article 6(4) of Regulation (EC) 2826/2000, programme proposals should in general be prepared taking into account the following principles:

- when programmes are proposed by more than one Member State they should have coordinated strategies, actions and messages,
- programmes should preferably be multiannual and with a sufficient scope to have a significant impact on the targeted markets. Where appropriate, they should be operated on the markets of more than one Member State,
- the messages of the programmes should provide objective information about the intrinsic characteristics and/or nutritional value of the products as part of a balanced diet, of their production methods or environmental friendliness,
- programmes should have central messages, which are of interest to the consumers, professionals and/or the trade of several Member States.

Fresh fruit and vegetables**1. OVERVIEW OF THE SITUATION**

While the Community production of fruit and vegetables is increasing, their consumption is on the whole static.

There is a noticeable lack of interest among consumers under 35, which is even stronger among the school age population. This is not in the interests of a balanced diet.

2. GOALS

The aim is to improve the image of the products as being "fresh" and "natural" and to bring down the average age of consumers, chiefly by encouraging young people to consume the products concerned.

3. MAIN TARGETS

- Young households under 35
- School-age children, adolescents and their parents
- Mass caterers and school canteens
- Doctors and nutritionists.

4. MAIN MESSAGES

- To promote the "five a day" type approach (recommendation to eat at least five servings of fruit or vegetable per day)
- The products are natural and fresh
- Quality (safety, nutritional value and taste, production methods, environmental protection, link with the product's origin)
- Enjoyment

- Balanced diet
- Variety and seasonal nature of the supply of fresh products; information on their tastes and uses
- Traceability
- Accessibility and ease of preparation: many fresh fruit and vegetables require no cooking.

5. MAIN CHANNELS

- Electronic channels (Internet sites presenting available products, with online games for children)
- Telephone information line
- PR contacts with the media and advertising (e.g. specialised journalists, women's press, youth magazines and papers)
- Contacts with doctors and nutritionists
- Educational measures targeting children and adolescents by mobilising teachers and school canteen managers
- Point-of-sales information actions to consumers
- Other channels (leaflets and brochures with information on the products and recipes, children's games, etc.)
- Visual media (cinema, specialised TV channels)
- Radio spots
- Participation in trade fairs.

6. DURATION OF THE PROGRAMMES

12 to 36 months, giving priority to multiannual programmes that set objectives for each phase.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 4 million.

Processed fruit and vegetables

1. OVERVIEW OF THE SITUATION

The sector faces increasing competition from several third countries.

While demand is gradually increasing, in particular because of the ease of consumption of these products, it is important that the Community industry will be able to benefit of this potential. Therefore support to information and promotion actions is justified.

2. GOALS

The image of the product needs to be modernised and made more youthful, giving the information needed to encourage consumption.

3. MAIN TARGETS

- Households
- Mass caterers and school canteens
- Doctors and nutritionists.

4. MAIN MESSAGES

- Quality (safety, nutritional value and taste, preparation methods)
- Ease of use
- Enjoyment
- Variety of supply and availability throughout the year
- Balanced diet
- Traceability.

5. MAIN CHANNELS

- Electronic channels (Internet site)
- Telephone information line
- PR contacts with the media and advertising (e.g. specialised journalists, women's press, culinary and professional press)
- Demonstrations at points of sale
- Contacts with doctors and nutritionists
- Other channels (leaflets and brochures featuring products and recipes)
- Visual media
- Participation in trade fairs.

6. DURATION OF THE PROGRAMMES

12 to 36 months, giving priority to multiannual programmes that set objectives for each phase.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 2 million

Fibre flax

1. OVERVIEW OF THE SITUATION

The liberalisation of international trade in textiles and clothing has brought Community flax into sharp competition with flax from outside the Community offered at very attractive prices. It is also in competition with other fibres. At the same time, consumption of textiles is tending to stagnate.

2. GOALS

- To develop the image and reputation of Community flax and to capitalise its distinctive qualities
- To increase consumption of this product
- To inform consumers about the characteristics of new products placed on the market.

3. TARGET GROUPS

- Leading professionals in the sector (stylists, designers, makers, editors)
- Distributors
- Textiles, fashion and interior design education circles (teachers and students)
- Opinion leaders
- Consumers.

4. MAIN MESSAGES

- The quality of the product comes from the conditions in which the raw material is produced, the use of suitable varieties and the know-how brought to bear all along the production chain
- Community flax offers a wide range of products (clothing, decoration, household linen) and a wealth of creativity and innovation.

5. MAIN CHANNELS

- Electronic channels (Internet sites)
- Professional shows and fairs
- Information measures targeting users downstream (designers, makers, distributors, editors)
- Information at sales points
- Relations with the specialist press
- Educational information measures in fashion schools, textile engineer courses, etc.

6. DURATION OF PROGRAMMES

12 to 36 months, giving priority to multiannual programmes that set objectives for each phase.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 1 million.

Live plants and products of ornamental horticulture

1. OVERVIEW OF THE SITUATION

The supply situation of the sector is characterised by increasing competition between products from the Community and products from third countries.

The evaluation studies of the promotion campaigns carried out between 1997-2000 suggest that, in order to facilitate the sale of Community production within the European Union, the whole chain from producer to distributor needs to be better organised and rationalised, and consumers should be better informed about the intrinsic qualities and varieties of Community products.

2. GOALS

- To increase the consumption of flowers and plants of Community origin
- To encourage practices which benefit the environment and increase knowledge about environmentally-friendly methods

- To strengthen the partnership between professionals from several Member States, allowing, among other things, most advanced knowledge in the sector to be shared, and to better inform all participants in the production chain.

3. MAIN TARGETS

- Producers, nurseries, distributors and other operators of the sector
- Students and school children
- Opinion multipliers: journalists, teachers
- Consumers.

4. MAIN MESSAGES

- Information on the quality and varieties of Community products
- Environmentally-friendly production methods
- Techniques aiming for more durable products
- An optimum mix of varieties of plants and flowers
- The role of plants and flowers in well-being and quality of life.

5. MAIN CHANNELS

- Media contacts
- Fairs and exhibitions: stands representing products of several Member States
- Training measures for professionals, consumers and students
- Actions for sharing knowledge about greater product durability
- Consumer information measures through the press, and also through initiatives such as catalogue publishing, gardener's calendars and possibly "plant of the month" campaigns
- Increased use of electronic media (Internet, CD-ROM, etc.).

6. DURATION OF PROGRAMME

12 to 36 months, giving priority to multiannual programmes presenting a strategy and properly justified objectives for each phase.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 3 million.

Olive oil and table olives

1. OVERVIEW OF THE SITUATION

While the supply of olive oil and table olives is on the increase the outlets on the internal and international markets are important to safeguard the Community market equilibrium. The situation at the level of domestic demand for these products varies widely between traditional consumer markets and those where they are a relatively new phenomenon.

In the “traditional consumer” Member States (Spain, Italy, Greece and Portugal), the products concerned are generally well-known and consumption is high. These are mature markets where the prospects for any overall increase in demand are limited, but taking into account their current share of the consumption of olive oil they continue to be of great interest to the sector.

In the “new consumer” Member States, per capita consumption has progressed but is still substantially lower (in the Community as constituted before 1 May 2004) or marginal (in the majority of the new Member States). Many consumers are not aware of the qualities or of the various uses of olive oil and table olives. This is thus a market with major scope for increasing demand.

2. GOALS

- As a priority: to increase consumption in the “new consumer” Member States by increasing market penetration and to intensify use by diversifying the use of these products and by providing necessary information.
- To consolidate and develop consumption in the “traditional consumer” Member States by improving information to consumers about less known aspects and getting young people into the habit of buying the products.

3. TARGET GROUPS

- Persons responsible for purchases: in the case of “traditional consumer” Member States mainly those between 20 and 40 years of age
- Opinion leaders (gastronomes, chefs, restaurants, journalists) and general and specialised press (gastronomy, women’s, various styles)
- Medical and paramedical press
- Distributors (in the “new consumer” Member States).

4. MAIN MESSAGES

- Gastronomic qualities and organoleptic characteristics of virgin olive oil (flavour, colour, taste) have nuances connected with the varieties, areas, harvests, PDOs/PGIs etc. This diversity offers a wide range of culinary sensations and possibilities
- The different categories of olive oil
- Olive oil, due to its nutritional qualities, is a major element in a healthy and balanced diet: it succeeds in combining culinary pleasures with the requirements of a balanced and healthy diet
- Information on the rules concerning control, certification of quality and of labelling of olive oils
- Information on all olive oils and/or table olives registered as PDOs/PGIs throughout the Community
- Table olives constitute a healthy and natural product, adapted both for a user-friendly consumption and for the preparation of elaborate dishes
- Varietal characteristics of table olives.

More specifically in the “new consumer” Member States:

- Olive oil, and in particular the virgin extra category, is a natural product, resulting from tradition and ancient know-how, which is appropriate for a modern kitchen full of flavours; it can easily be associated, besides the Mediterranean cuisine, with any contemporary cooking
- Advice concerning use in cooking.

More specifically in the “traditional consumer” Member States:

- The advantages of purchase of conditioned olive oil (with labelling containing useful information to the consumer)
- Modernisation of the product image which has a long history and a major cultural dimension.

Without prejudice to Article 2(3), information on the nutritional qualities of olive oil and table olives must be based on generally accepted scientific data and fulfil the requirements laid down in Directive 2000/13/EC concerning the labelling, presentation and advertising of foods and any specific rules that apply made in this connection⁽¹⁾

5. MAIN CHANNELS

- Internet and other electronic means (ex. CD-rom, DVDs)
- Promotion at points of sale (tasting, recipes, information)
- Press relations and public relations (events, participation in consumer fairs, etc.)
- Publicity (or publicity editorials) in the press (general, women's, gastronomy, lifestyle)
- Joint actions with the medical and paramedical profession (medical public relations)
- Audio visual media (TV and radio)
- Participation in trade fairs.

6. DURATION AND SCOPE OF PROGRAMMES

12 to 36 months, giving priority to multiannual programmes, presenting for each phase a strategy and duly justified objectives.

Priority will be given to programmes to be implemented in at least two “new consumer” Member States.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 4 million.

Seed oils

In this sector, programmes concentrating on rapeseed oil or presenting the characteristics of different seed oils will be given priority.

Indicative annual budget for the seed oil sector:

EUR 2 million.

⁽¹⁾ JO L 109 du 6.5.2000, p. 29.

A. Rapeseed oil

1. OVERVIEW OF THE SITUATION

As a consequence of the new common agricultural policy rapeseed production does not receive any specific support and has to become market oriented. With increased possibilities for production and as an alternative for cereal production, which is characterised by a structural overproduction, promotion of rapeseed oil will contribute to the balance in the arable crops market and the consumption of different vegetable oils in the Community. The Community is for the time being a net exporter of rapeseed oil.

During the past decades rape varieties with valuable nutritional characteristics have been developed. This has resulted in improved quality. New products such as cold pressed rapeseed oils with a particular nutty taste have been developed.

The nutritional value of rapeseed oil has been subject of world wide research with results confirming the beneficial dietary and physiological characteristics of the product. General practitioners, nutritionists as well as consumers should be informed about these latest research results.

2. GOALS

- To improve awareness of the characteristics of rapeseed oil and its recent evolution
- To increase consumption by informing consumers, medical and paramedical professions about the use and nutritional value of rapeseed oil.

3. TARGET GROUPS

- Households, in particular persons responsible for purchases
- Opinion leaders (journalists, chefs, medical and nutritional professions)
- Distributors
- Medical and paramedical press
- Agro-food industry.

4. MAIN MESSAGES

- The nutritional value of rapeseed oil makes it an important part of a balanced and healthy diet
- The beneficial fatty acids composition of rapeseed oil
- Advice for use in cooking
- Information on the evolution of the product and its varieties.

Without prejudice to Article 2(3), information on the nutritional qualities of rapeseed oil must be based on generally accepted scientific data and fulfil the requirements laid down in Directive 2000/13/EC concerning the labelling, presentation and advertising of foods and any specific rules that apply made in this connection.

5. MAIN CHANNELS

- Promotion at points of sale (tasting, recipes, information)
- Publicity (or publicity editorials) in the general, culinary, women's and lifestyle press
- Public relations (events, participation in food fairs)

- Joint actions taken with the medical and paramedical profession
- Joint actions with restaurants, the catering business and chefs
- The Internet

6. DURATION OF PROGRAMMES

12 to 36 months.

B. *Sunflower oil*

Programmes for sunflower oil will be given priority only if and when justified by market conditions.

1. OVERVIEW OF THE SITUATION

Over two million hectares in the Community are cultivated with sunflower, and production of sunflower seeds exceeds 3,5 million tonnes per year. Sunflower oil consumed in Community has mainly been produced from seeds grown in the Community. However, the decline in crushing will reduce the EU sunflower oil production during marketing year 2004/2005. As world prices are on the increase and shortages of supply are possible, priority is not given to programmes concentrating on sunflower oil alone. It can, nevertheless, be presented as part of programmes introducing different seed oils of Community origin.

Sunflower oil as a product has particular advantages for certain uses such as frying. It is also high in unsaturated fats and rich in vitamin E. The purpose of these campaigns is to inform consumers and traders/distributors on the different uses, types and characteristics of sunflower oil as well as of the Community legislation concerning its quality. The campaigns should be designed in the spirit of giving objective information.

2. GOALS

To inform consumers and the trade operators on the following:

- different uses of sunflower oil, its characteristics and nutritional value,
- legislation and standards governing quality, rules on labelling.

3. TARGET GROUPS

- Households, in particular persons responsible for purchases
- Opinion leaders (journalists, chefs, medical and nutritional professions)
- Distributors
- Agro-food industry.

4. MAIN MESSAGES

The main messages of the programmes should provide information on the following:

- advantages from the appropriate use of sunflower oil. For example, sunflower oil produced from oil type sunflower seeds has a high vitamin E content compared to other vegetable oils. Sunflower oil is well known for its light taste and frying performance,
- legislation and standards governing the quality of sunflower oil,

- fatty acids composition and nutritional value of sunflower oil,
- results of scientific research and technical development of sunflower oil and other vegetable oils.

Without prejudice to Article 2(3), information on the nutritional qualities of sunflower oil must be based on generally accepted scientific data and fulfil the requirements laid down in Directive 2000/13/EC concerning the labelling, presentation and advertising of foods and any specific rules that apply made in this connection.

5. MAIN CHANNELS

- Distribution of information materials in points of sale (POS and to the trade)
- Publicity (or publicity editorials) in the general, culinary, professional press
- Public relations (events, participation in food fairs)
- The Internet.

6. DURATION OF PROGRAMMES

12 to 36 months.

Milk and milk products

1. OVERVIEW OF THE SITUATION

There has been a drop in the consumption of liquid milk, particularly in the major consumer countries, mainly due to the competition from soft drinks targeted at young people. Various milk substitutes are gradually replacing the consumption of liquid milk. By contrast, there is an overall increase in the consumption of milk products expressed in milk equivalent.

2. GOALS

- To increase liquid milk consumption in markets where potential for growth exists and to maintain consumption levels in saturated markets
- To increase the consumption of dairy products in general.
- To encourage consumption by young people as future adult consumers.

3. MAIN TARGETS

Consumers in general focusing in particular on:

- Children and adolescents, especially girls aged 8 to 13
- Women of different age groups
- Elderly people.

4. MAIN MESSAGES

- Milk and milk products are healthy and natural, suited to modern living and enjoyable to consumer
- Milk and milk products have specific nutritional value beneficial in particular for certain age groups
- Messages must be positive and take account of the specific nature of consumption on the different markets

- There is a large variety of milk products suitable for different consumers in different consumption situations
- Lower fat choices of milk and milk products are available and may be more appropriate for certain consumers
- The continuity of the main messages must be ensured during the entire programme in order to convince consumers of the benefits from regular consumption of milk and milk products.

Without prejudice to Article 2(3), information on the nutritional qualities of milk and milk products must be based on generally accepted scientific data and fulfil the requirements laid down in Directive 2000/13/EC concerning the labelling, presentation and advertising of foods and any specific rules that apply made in this connection.

5. MAIN CHANNELS

- Electronic channels
- Telephone information line
- Contacts with the media and advertising (e.g. specialised journals, women's press, the youth press)
- Contacts with doctors and nutritionists
- Contacts with teachers and schools
- Other channels (leaflets and brochures, children's games, etc.
- Demonstrations at points of sale
- Visual media (cinema, specialised TV channels)
- Radio spots
- Participation in exhibitions and fairs.

6. DURATION AND SCOPE OF THE PROGRAMMES

12 to 36 months, giving priority to multiannual programmes that set targets for each phase.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 4 million.

Fresh, chilled or frozen meat, produced in accordance with a community or a national quality scheme

1. OVERVIEW OF THE SITUATION

The health problems which affected many of the principal animal products have reinforced the need for strengthening consumers' confidence in Community meat products.

This involves the necessity of providing objective information on Community and national quality systems and controls that they require in addition to the general legislation on controls and food safety. These rules and controls form an additional guarantee by providing product specifications and additional control structures.

2. GOALS

- These information campaigns are limited to products produced under the regimes of European quality systems (PDO/PGI/TSG and Organic Farming) and under quality schemes recognised by the Member States and fulfilling the criteria defined in Article 24b of Regulation 1257/1999. Information campaigns funded under this Regulation should not also be funded under Regulation 1257/1999.
- Their aim is to ensure objective and exhaustive information on the rules of Community and national quality schemes for meat products. They should inform consumers, opinion leaders and distributors of the product specifications and effective controls implied by these quality systems.

3. MAIN TARGETS

- Consumers and their associations
- Persons responsible for the household purchases
- Institutions (restaurants, hospitals, schools etc.)
- Distributors and their associations
- Press and opinion leaders.

4. MAIN MESSAGES

- Quality regimes guarantee a specific production method and controls which are stricter than those required by legislation
- Quality meat products have specific characteristics or a quality which is superior to usual commercial norms
- Community and national quality regimes are transparent and ensure a complete traceability of products
- The labelling of meats allows the consumer to identify quality products, their origin and their characteristics.

5. MAIN CHANNELS

- Internet
- Public relations with the media and advertising (scientific and specialised press, feminine and culinary journals)
- Contacts with consumer associations
- Audiovisual media
- Written documentation (brochures, leaflets, etc.)
- Information at points of sale.

6. DURATION AND SCOPE OF THE PROGRAMMES

The programmes should have at least national coverage or cover several Member States

12 to 36 months, giving priority to multiannual programmes that set justified targets for each phase.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 4 million.

Labelling of eggs for human consumption

1. OVERVIEW OF THE SITUATION

From 1 January 2004, a code identifying the producer and the system employed to rear the laying hens, shall be stamped on the shell of all eggs intended for human consumption. This code shall be composed of a number identifying the farming method (0=organic, 1=free range, 2=barn, 3=cage), the ISO code of the Member State where the production centre is situated and a number allocated to the production centre by the relevant authority.

2. GOALS

- To inform the consumer of the new standards for marking eggs and fully explain the meaning of the code printed on eggs
- To provide information on egg-production systems by means of the code printed on eggs
- To provide information about existing traceability systems.

3. TARGET GROUPS

- Consumers and distributors
- Opinion leaders.

4. MAIN MESSAGES

- To publicise and explain the new code printed on eggs in compliance with Directive 2002/4/EC⁽¹⁾, and the characteristics of the different categories of eggs to which this code refers.
- The messages should not express preferences of one production method over another and not include claims concerning the nutritional value and health impacts of the consumption of eggs. There should be no discrimination between eggs originating from different MS.

5. MAIN CHANNELS

- Electronic channel (website, etc.)
- Printed material (brochures, leaflets, etc.)
- Information at sales points
- Advertising in the press and in food magazines, women's magazines, etc.
- Relations with the media.

6. DURATION OF THE PROGRAMME

12 to 24 months.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 2 million.

⁽¹⁾ OJ L 30, 31.1.2002, p. 44.

Honey and beekeeping products

1. OVERVIEW OF THE SITUATION

The sector of Community quality honey and beekeeping products which receives very little Community support, faces increasing global competition. The fact that production costs are high in Community makes the situation even more difficult.

Since 2001 the sector is subject to Directive No (EC) 2001/110 relating to honey⁽¹⁾, making obligatory labelling which links quality and origin. Supported programmes must concentrate on Community honeys and beekeeping products with complementary indication concerning the regional, territorial or topographical origin, or quality labels certified either by the Community (PDO, PGI, TSG or organic) or by a Member State.

2. OBJECTIVES

- Inform the consumers on the diversity, on the organoleptic qualities and the conditions of production of the Community bee-keeping products
- Inform consumers of the qualities of non filtered and non pasteurised community honeys
- Help consumers understand the labelling of Community honey and encourage producers to develop the clarity of their labels
- Orient consumption of honey towards quality products by drawing attention to their traceability.

3. PRINCIPAL TARGETS

- Consumers with particular focus on those between 20 to 40 years
- Elderly people and children
- Opinion leaders.

4. PRINCIPAL MESSAGES

- Information on the Community legislation on safety, hygiene in production, on certification of quality and on labelling
- Honey is a natural product based on tradition and established know-how, which has various uses in a modern kitchen
- The great diversity of honeys of different geographical and botanical origins and/or of different seasons
- Advice on use and nutritional value
- Safeguarding pollination is essential to the maintenance of biodiversity.

5. PRINCIPAL INSTRUMENTS

- Advertisements in general in specialised press (gastronomy — life style)
- Internet, cinema and other audiovisual media (TV, radio)
- Point of sales
- Participation in exhibitions and in fairs

⁽¹⁾ OJ L 10, 12.1.2002, p. 47.

— Public relations for the general public, organisation of events for actions in restaurants and for the catering business

— Information in schools (instructions for teachers and to hotel and restaurant school students).

6. DURATION AND SCOPE OF PROGRAMME

From 12 to 36 months with a preference for programmes which present, for each phase, a strategy and duly justified objectives.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 1 million.

Quality wines PSR, table wines with a geographical indication

1. OVERVIEW OF THE SITUATION

Wine production is ample but consumption is static or even in decline for certain types of wine, while supply from third countries is on the increase.

2. GOALS

- To increase the consumption of Community wines
- To inform consumers about the variety, quality and production conditions of Community wines and the results of scientific studies.

3. MAIN TARGETS

- Distributors
- Consumers, excluding young people and adolescents referred to the Council Recommendation 2001/458/EC of 5 June 2001 ⁽¹⁾
- Opinion leaders: journalists, gastronomic experts
- Educational institutes of the hotel and restaurant sector.

4. MAIN MESSAGES

- Community legislation strictly regulates production, quality indications, labelling and marketing, so guaranteeing for consumers the quality and traceability of the wine on offer
- The attraction of being able to choose from a very wide selection of Community wines of different origins
- Information on Community wine cultivation and its links with regional and local conditions, cultures and tastes.

5. MAIN CHANNELS

Information and public relations measures:

- training for distributors and caterers,
- contacts with the specialised press,
- other channels (Internet site, leaflets and brochures) to guide consumers in their choice and to develop ideas for consumption at family events and festive occasions,
- fairs and exhibitions: stands grouping together products from several Member States.

⁽¹⁾ OJ L 161, 16.6.2001, p. 38.

6. DURATION OF THE PROGRAMMES

12 to 36 months, giving priority to multiannual programmes that set objectives for each phase.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 3 million.

Products with a protected designation of origin (PDO), a protected geographical indication (PGI) or traditional speciality guaranteed (TSG)

1. OVERVIEW OF THE SITUATION

The Community system for protecting product names provided for in Regulations (EEC) No 2081/92 and (EEC) No 2082/92 are a priority in the implementation of the quality chapter of the common agricultural policy. It is therefore necessary to continue previous efforts to run campaigns by which the denominations and the products bearing the protected names are made known to all potential actors in the chain of production, preparation, marketing and consumption of these products.

2. GOALS

Promotion and information campaigns should not focus on one or only a very limited number of product names, but rather on groups of names either of certain product categories or of products produced in one or several regions in one or several Member States.

The objectives of these campaigns should be to:

- provide comprehensive information on the content, the functioning and the Community nature of the regimes and, in particular, of their effects on the commercial value of the products with protected names which after registration benefit from the protection granted by these regimes,
- enhance the knowledge of consumers, distributors and food professionals of the Community logos for PDO/PGI and TSG products,
- encourage producer/processor groups not yet taking part in these regimes to use the system by registering the names of products which satisfy the basic requirements for obtaining registration,
- encourage producers/processors of the regions concerned but not yet taking part in the regimes, to participate in the production of the products bearing the registered names by conforming to the approved specifications and inspection requirements laid down for the various protected names,
- stimulate demand for the products concerned by informing consumers and distributors of the existence, significance and benefits of the regimes, as well as by informing them on the logos, the conditions under which designations are awarded, the relevant checks and controls, the traceability system.

3. MAIN TARGETS

- Producers and processors
- Distributors (supermarkets, wholesalers, retailers, caterers, canteens, restaurants)
- Consumers and associations thereof
- Opinion multipliers.

4. MAIN MESSAGES

- The products bearing the protected names have specific characteristics associated with their geographical origin; in the case of products with a PDO, the quality or characteristics of the products are essentially or exclusively linked to the particular geographical environment (with its inherent natural and human factors); in the case of products with a PGI, the products possess a specific quality or reputation which can be attributed to the geographical origin and the geographical link must occur in at least one of the stages of production, processing or preparation
- The products with a TSG have specific characteristics associated with their particular traditional methods of production or with the use of traditional raw materials
- The Community logos for PDO, PGI and TSG are the symbols that are understood throughout the Community as products meeting specific conditions of production linked to their geographical origin or to their tradition and being subject to control
- Other quality aspects (safety, nutritional value, taste, traceability) of the products concerned
- The presentation of some PDO, PGI or TSG products as examples for the potential of successful commercial enhancement of products whose names are registered under the protection regimes
- These protection regimes support Community's cultural heritage and support the diversity of agricultural production as well as the maintenance of the countryside.

5. MAIN CHANNELS

- Electronic (Internet sites)
- PR contacts with the media (specialised, women's and culinary press)
- Contacts with consumer associations
- Point of sale information and demonstrations
- Audiovisual media (*inter alia*, focussed TV spots)
- Written documents (leaflets, brochures, etc.)
- Participation at trade fairs and shows
- Information and training seminars/actions on the functioning of the Community regimes for PDOs, PGIs and TSGs.

6. DURATION OF THE PROGRAMMES

12 to 36 months. Priority will be given to multiannual programmes with clearly defined objectives and strategy for each phase.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 3 million.

Information on the graphic symbol for the most remote regions

1. OVERVIEW OF THE SITUATION

This guideline refers to the most remote regions of the Community as defined in Article 299(2) of the Treaty. The outside evaluation study shows that the Community's 1998/1999 information campaign on the graphic symbol (logo) for the most remote regions was received with a great deal of interest on the part of those operating in that sector.

As a result, some producers and processors sought approval for their quality products, so that they could use the logo.

In view of the short run of this first campaign, it is appropriate to continue improving the various target-groups' awareness of the logo by continuing the measures to inform them about its meaning and benefits.

2. GOALS

- To publicise the existence, meaning and benefits of the logo
- To encourage producers and processors in the regions concerned to use the logo
- To improve awareness of the logo among distributors and consumers.

3. MAIN TARGETS

- Local producers and processors
- Distributors and consumers
- Opinion multipliers.

4. MAIN MESSAGES

- The product is typical and natural
- It originates in a Community region
- Quality (safety, nutritional value and taste, production method, link with origin)
- The product's exotic nature
- Variety of the supply, including out of season
- Traceability.

5. MAIN CHANNELS

- Electronic channels (Internet site, etc.)
- Telephone information line
- PR contacts with the media (e.g. specialised journalists, women's press, culinary press)
- Demonstrations at points of sale, fairs and shows, etc.
- Contacts with doctors and nutritionists
- Other channels (leaflets, brochures, recipes, etc.)
- Audiovisual media
- Publicity in the specialised and local press.

6. DURATION OF THE PROGRAMMES

12 to 36 months.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 1 million.

Products from organic farming

1. OVERVIEW OF THE SITUATION

The consumption of products from organic farming is particularly popular among urban populations, but the market share of these products is still fairly limited.

The level of awareness among consumers and other interested groups about the characteristics of the organic farming production method is increasing but is still fairly low.

In the Community Action Plan for Organic Food and Farming, promotion and information actions are considered as a key instrument to further develop the demand for organic food.

2. GOALS

Promotion and information campaigns should not focus on one or a few selected products, but rather on groups of products or on the organic farming regime as applied in one or more regions in one or more Member State.

The objectives of these campaigns should be to:

- encourage the consumption of organic food,
- enhance the knowledge of consumers of the labelling including the Community logo for organic products,
- provide comprehensive information and broaden awareness on the benefits of organic farming in particular with regard to environment protection, animal welfare, maintenance of the countryside and the development of rural areas,
- provide comprehensive information on the content and the functioning of the Community regime on organic farming,
- encourage individual producers, processors and producer/processor/retailer groups not yet taking part in organic farming to convert to this production method; encourage retailers, retailer groups and restaurants to sell organic products.

3. MAIN TARGETS

- Consumers in general, consumer associations and specific subgroups of consumers
- Opinion multipliers
- Distributors (supermarkets, wholesalers, specialised retailers, caterers, canteens, restaurants), food processors
- Teachers and schools.

4. MAIN MESSAGES.

- Organic products are natural, suited to modern daily living and a pleasure to consume; they result from production methods that particularly respect the environment and animal welfare; organic farming supports the diversity of agricultural production as well as the maintenance of the countryside
- The products are subject to stringent production and inspection rules, including full traceability to ensure that products originate from farms under an organic inspection system

- Use of the words “organic”, “ecological” and “biological” and their equivalent in other languages with respect to food products is protected by law
- The Community logo is the symbol for organic products which is understood throughout the Community and which indicates that the products meet strict Community production criteria and have undergone stringent checks. Information on the Community logo may be supplemented with information on the logos introduced in the Member States
- Other quality aspects (safety, nutritional value, taste) of the products concerned can be underlined.

5. MAIN CHANNELS

- Electronic (Internet sites)
- Telephone information lines
- PR contacts with the media (specialised journalists, women's press, culinary press, food industry press)
- Contacts with consumer associations
- Point-of-sale information
- Actions in schools
- Audiovisual media (*inter alia*, focussed TV spots)
- Written documents (leaflets, brochures, etc.)
- Participation at trade fairs and shows
- Information and training seminars/actions on the functioning of the Community regime for organic food and farming.

6. DURATION OF THE PROGRAMMES

12 to 36 months. Priority will be given to multiannual programmes with clearly defined objectives and strategy for each phase.

7. INDICATIVE ANNUAL BUDGET FOR THE SECTOR

EUR 3 million.'

COMMISSION REGULATION (EC) No 423/2005

of 14 March 2005

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Jordan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip⁽¹⁾, and in particular Article 5(2)(a) thereof,

Whereas:

- (1) Under Articles 2(2) and 3 of Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-week periods. Under Article 1(b) of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip⁽²⁾, those prices are determined for two-week periods on the basis of weighted prices provided by the Member States.
- (2) Those prices should be fixed immediately so the customs duties applicable can be determined.
- (3) Following the accession of Cyprus to the European Union on 1 May 2004, it is no longer necessary to fix import prices for Cyprus.
- (4) Likewise, it is no longer necessary to fix import prices for Israel, Morocco and the West Bank and the Gaza Strip, in

order to take account of the agreements approved by Council Decisions 2003/917/EC of 22 December 2003 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 2 to the EC-Israel Association Agreement⁽³⁾, 2003/914/EC of 22 December 2003 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Morocco concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 3 to the EC-Morocco Association Agreement⁽⁴⁾ and 2005/4/EC of 22 December 2004 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Palestine Liberation Organisation (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip concerning reciprocal liberalisation measures and the replacement of Protocols 1 and 2 to the EC-Palestinian Authority Interim Association Agreement⁽⁵⁾.

- (5) The Commission must adopt these measures in between the meetings of the Management Committee for Live Plants and Floriculture Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1 of Regulation (EEC) No 4088/87 shall be as set out in the Annex hereto for the period from 16 to 29 March 2005.

Article 2

This Regulation shall enter into force on the day 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 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 382, 31.12.1987, p. 22. Regulation as last amended by Regulation (EC) No 1300/97 (OJ L 177, 5.7.1997, p. 1).

⁽²⁾ OJ L 72, 18.3.1988, p. 16. Regulation as last amended by Regulation (EC) No 2062/97 (OJ L 289, 22.10.1997, p. 1).

⁽³⁾ OJ L 346, 31.12.2003, p. 65.

⁽⁴⁾ OJ L 345, 31.12.2003, p. 117.

⁽⁵⁾ OJ L 2, 5.1.2005, p. 4.

ANNEX

(EUR/100 pieces)

| Period from 16 to 29 March 2005 | | | | |
|---------------------------------|-------------------------------|---------------------------------|----------------------|----------------------|
| Community producer price | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
| | 20,56 | 15,02 | 42,45 | 19,94 |
| Community import prices | Uniflorous (bloom) carnations | Multiflorous (spray) carnations | Large-flowered roses | Small-flowered roses |
| Jordan | — | — | — | — |

II

(Acts whose publication is not obligatory)

COUNCIL COMMISSION

COUNCIL AND COMMISSION DECISION

of 21 February 2005

concerning the conclusion of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union

(2005/205/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 310 in conjunction with the second sentence of Article 300(2), first subparagraph, and the second subparagraph of Article 300(3) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the Act of Accession of 2003 and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the Council's approval pursuant to Article 101 of the Treaty establishing the European Atomic Energy Community,

Whereas:

(1) The Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union, has been signed on behalf of the European Communities and their Member States on 21 December 2004 in accordance with Council Decision 2005/41/EC ⁽²⁾,

(2) The Protocol should be concluded,

HAVE DECIDED AS FOLLOWS:

Article 1

The Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union is hereby approved on behalf of the European Community and the European Atomic Energy Community and their Member States.

⁽¹⁾ Assent delivered on 27 January 2005 (not yet published in the Official Journal).

⁽²⁾ OJ L 26, 28.1.2005, p. 221.

The text of the Protocol is attached to Decision 2005/41/EC ⁽¹⁾.

Article 2

The President of the Council shall, on behalf of the European Community and its Member States, deposit the instruments of approval provided for in Article 13 of the Protocol. The President of the Commission shall simultaneously deposit these instruments on behalf of the European Atomic Energy Community.

Done at Brussels, 21 February 2005.

For the Council
The President
J. ASSELBORN

For the Commission
The President
J. M. BARROSO

⁽¹⁾ OJ L 26, 28.1.2005, p. 222.

COUNCIL

COUNCIL DECISION

of 28 February 2005

on the signing and provisional application of an additional protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union

(2005/206/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310, in conjunction with Article 300(2), first subparagraph, second sentence, thereof,

Having regard to the 2003 Act of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 26 April 2004 the Council authorised the Commission, on behalf of the European Community and its Member States, to negotiate with the Republic of South Africa an Additional Protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part⁽¹⁾, to take account of the accession of the ten new Member States to the European Union.
- (2) These negotiations have been concluded to the satisfaction of the Commission.
- (3) The Additional Protocol negotiated with the Republic of South Africa provides, in Article 10(2), for the provisional application of the Additional Protocol before its entry into force.

- (4) Subject to its conclusion, the Additional Protocol should be signed on behalf of the Community and apply on a provisional basis,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the Community and its Member States, the Additional Protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union.

The text of the Additional Protocol is attached to this Decision.

Article 2

The Additional Protocol shall be applied provisionally subject to its conclusion.

Done at Brussels, 28 February 2005.

For the Council
The President
F. BODEN

⁽¹⁾ OJ L 127, 29.4.2004, p. 109.

ADDITIONAL PROTOCOL

to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the 'Member States', represented by the Council of the European Union,

and

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

and

THE REPUBLIC OF SOUTH AFRICA,

together hereinafter referred to as 'Contracting Parties'

CONSIDERING THAT the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, (hereinafter referred to as the 'TDCA'), was signed in Pretoria on 11 October 1999 and entered into force on 1 May 2004;

CONSIDERING THAT the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union was signed in Athens on 16 April 2003 and entered into force on 1 May 2004;

CONSIDERING THAT, pursuant to Article 6(2) of the 2003 Act of Accession, the accession of the new Contracting Parties to the TDCA shall be agreed by the conclusion of a protocol to the TDCA,

HAVE AGREED AS FOLLOWS:

Article 1

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic (hereinafter referred to as 'the new Member States') hereby become Contracting Parties to the TDCA and shall respectively adopt and take note, in the same manner as the other Member States of the Community, of the texts of the Agreement, as well as of the Annexes, Protocols and Declarations attached thereto.

CHAPTER I

AMENDMENTS TO THE TEXT OF THE TDCA, INCLUDING ITS ANNEXES AND PROTOCOLS

Article 2

Languages and number of originals

Article 108 of the TDCA is replaced by the following:

'Article 108

This Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovenian, Slovak, Spanish and Swedish languages and the official languages of South Africa, other than English, namely Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, isiNdebele, isiXhosa and isiZulu, each of these texts being equally authentic.'

Article 3

Tariff quota

In List 6 of Annex IV to the TDCA, the tariff quotas for global prepared fruit and for global mixed prepared fruit shall be increased by 1 225 tonnes and 340 tonnes, respectively.

Article 4

Rules of origin

Protocol 1 of the TDCA shall be amended as follows:

1. Article 16(4) shall be replaced by the following:

'4. Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

ES "EXPEDIDO A POSTERIORI"

CS "VYSTAVENO DODATEČNĚ"

DA "UDSTEDT EFTERFØLGENDE"

DE "NACHTRÄGLICH AUSGESTELLT"
ET "TAGANTJÄRELE VÄLJA ANTUD"
EL "ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ"
EN "ISSUED RETROSPECTIVELY"
FR "DÉLIVRÉ A POSTERIORI"
IT "RILASCIATO A POSTERIORI"
LV "IZSNIEGTS RETROSPEKTĪVI"
LT "RETROSPEKTYVUSIS IŠDAVIMAS"
HU "KIADVA VISSZAMENŐLEGES HATÁLLYAL"
MT "MAHRUĠ RETROSPETTIVAMENT"
NL "AFGEGEVEN A POSTERIORI"
PL "WYSTAWIONE RETROSPEKTYWNIE"
PT "EMITIDO A POSTERIORI"
SL "IZDANO NAKNADNO"
SK "VYDANÉ DODATOČNE"
FI "ANNETTU JÄLKIKÄTEEN"
SV "UTFÄRDAT I EFTERHAND";

2. Article 17(2) shall be replaced by the following:

‘2. The duplicate issued in this way must be endorsed with one of the following words:

ES "DUPLICADO"
CS "DUPLIKÁT"
DA "DUPLIKAT"
DE "DUPLIKAT"
ET "DUPLIKAAT"
EL "ΑΝΤΙΓΡΑΦΟ"
EN "DUPLICATE"
FR "DUPLICATA"
IT "DUPLICATO"
LV "DUBLIKĀTS"
LT "DUBLIKATAS"
HU "MÁSODLAT"
MT "DUPLIKAT"
NL "DUPLICAAT"
PL "DUPLIKAT"
PT "SEGUNDA VIA"
SL "DVOJNIK"
SK "DUPLIKÁT"
FI "KAKSOISKAPPALE"
SV "DUPLIKAT";

3. Annex IV shall be replaced by the following:

‘ANNEX IV

INVOICE DECLARATION

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

Spanish version

El exportador de los productos incluidos en el presente documento [autorización aduanera n° ...⁽¹⁾] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial. ...⁽²⁾.

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ...⁽¹⁾) prohlašuje, že kromě zřetelně označených, mají tyto výrobky preferenční původ v ...⁽²⁾.

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ...⁽¹⁾), erklærer, at varen, medmindre andet tydeligt er angivet, har præferenceoprindelse i ...⁽²⁾.

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ...⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ...⁽²⁾ Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolliameti kinnitus nr. ...⁽¹⁾) deklareerib, et need tooted on ...⁽²⁾ sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο [άδεια τελωνείου υπ' αριθμό ...⁽¹⁾] δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησηακής καταγωγής ...⁽²⁾.

English version

The exporter of the products covered by this document (customs authorisation No ...⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ...⁽²⁾ preferential origin.

French version

L'exportateur des produits couverts par le présent document [autorisation douanière n° ...⁽¹⁾] déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ...⁽²⁾.

Italian version

L'esportatore delle merci contemplate nel presente documento [autorizzazione doganale n. ...⁽¹⁾] dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ...⁽²⁾.

Latvian version

To produktu eksportētājs, kuri ietverti šajā dokumentā (muitas atļauja Nr. ...⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir preferenciāla izcelsme no ...⁽²⁾.

Lithuanian version

Šiame dokumente išvardintų prekių eksportuotojas (muitinės liudijimo Nr. ...⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ...⁽²⁾ preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ...⁽¹⁾) kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes ...⁽²⁾ származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ...⁽¹⁾) jiddikjara li, hlief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ...⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ...⁽¹⁾), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn ⁽²⁾.

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ...⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ...⁽²⁾ preferencyjne pochodzenie.

Portuguese version

O abaixo-assinado, exportador dos produtos abrangidos pelo presente documento [autorização aduaneira n.º ...⁽¹⁾], declara que, salvo indicação expressa em contrário, estes produtos são de origem preferencial ...⁽²⁾.

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št ...⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ...⁽²⁾ poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ...⁽¹⁾) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ...⁽²⁾.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ...⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita ⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr ...⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung ⁽²⁾.

South African versions

Bagwebi ba go romela ntle ditōweletōwa tōeo di akaretōwago ke tokumente ye (Nomoro ya ditōwantle ya tumelelo ...⁽¹⁾) ba ipolela gore ntle le moo go laeditōwego, ditōweletōwa tōe ke tōa go tōwa ⁽²⁾ ka tlhago.

Moromelli wa sehlahiswa ya sireleditsweng ke tokomane ena (tumello ya thepa naheng No ...⁽¹⁾) e hlalosa hore, ka ntle ha eba ho hlalositswe ka tsela e nngwe ka nepo, dihlahiswa tsena ke tsa ... tshimoloho e kgethilweng ⁽²⁾.

Moromelantle wa dikuno tse di tlhagelelang mo lokwalong le (lokwalo lwa tumelelo ya kgethiso No ...⁽¹⁾) o tlhomamisa gore, ntle le fa go tlhagisitsweng ka mokgwa mongwe, dikuno tse ke tsa ... dinaga tse di thohegang ⁽²⁾.

Umtfumeli ngaphandle walemikhicito lebalwe kulomculu (ngeligunya lalokutfunyelwa ngaphandle Nombolo ...⁽¹⁾) lophakamisa kutsi, ngaphandle kwalapho lekuboniswe khona ngalokucacile, lemikhicito ... ngeyendzabuko lebonelelwako ⁽²⁾.

Muvhambadzi wa zwibveledzwa mashangoni a nnda, (zwibveledzwa) zwine zwa vha zwo ambiwaho kha ili linwalo (linwalo la u nea maanda la mithelo ya zwitundwannda kana zwirumelwannda la vhu ...⁽¹⁾), li khou buletshedza uri, nga nnda ha musu zwo ambiwa nga inwe ndila-vho, zwibveledzwa hezwi ndi zwa ... vhubwo hune ha khou funesewa kana u takaleleswa ⁽²⁾.

Muxavisela-vambe wa swikumiwa leswi nga eka tsalwa leri (Xibalo xa switundziwa xa Nomboro ...⁽¹⁾) u boxa leswaku, handle ka laha swi kombisiweke, swikumiwa leswi i swa ntiyiso swa xilaveko xa le henhla swinene ⁽²⁾.

Die uitvoerder van die produkte gedek deur hierdie dokument (doeanemagtiging No ...⁽¹⁾) verklaar dat, uitgesonderd waar andersins duidelik aangedui, hierdie produkte van ... voorkeuroorsprong⁽²⁾ is.

Umthumelli-phandle wemikhiqizo ebalwe kilencwadi (inomboro ...⁽¹⁾) egunyaza imikhiqizo ephumako) ubeka uthi, ngaphandle kobana kutjengiswe ngendlela ethileko butjhatjhalazi, lemikhiqizo ine ... mwelaphi enconyiswako⁽²⁾.

Umthumeli weempahla ngaphandle kwelizwe wemveliso equkwa lolu xwebhu (iirhafu zempahla zesigunyaziso Nombolo ...⁽¹⁾) ubhengeza ukuthi, ngaphandle kwalapho kuboniswe ngokucacileyo, ezi mveliso ... zezemvelaphi eyamkelekileyo kunezinye⁽²⁾.

Umthumeli wempahla ebhaliwe kulo mqulu iNombolo ... yokugunyaza yentela yempahla ...⁽¹⁾ uyamemezela ukuthi, ngaphandle kokuthi kukhonjisiwe ngokusobala, le mikhiqizo iqhamuka ... endaweni ekhethekileyo⁽²⁾.

.....⁽³⁾
(Place and date)

.....⁽⁴⁾
(Signature of the exporter; in addition, the name of the person signing the declaration has to be indicated in clear script)

⁽¹⁾ When the invoice declaration is made out by an approved exporter within the meaning of Article 20 of the Protocol, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets will be omitted or the space left blank.

⁽²⁾ Origin of products to be indicated. When the invoice declaration relates in whole or in part to products originating in Ceuta and Melilla within the meaning of Article 36 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

⁽³⁾ These indications may be omitted if the information is contained in the document itself.

⁽⁴⁾ See Article 19(5) of the Protocol. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

CHAPTER II

TRANSITIONAL PROVISIONS

Article 5

Consultations

The Republic of South Africa undertakes that it shall not make any claim, request or referral nor modify or withdraw any concession pursuant to GATT Articles XXIV.6 and XXVIII in relation to the enlargement of the Community. Until the end of July 2004, the Community would, however, be willing to consider holding further consultations under Article 22(2) of the TDCA.

Article 6

Goods en route or in temporary storage

1. The provisions of the Agreement shall be applied to goods exported from either South Africa to one of the new Member States or from one of the new Member States to South Africa, which comply with the provisions of Protocol 1 to the TDCA and which on the date of accession are either en route or in temporary storage, in a customs warehouse or in a free zone in South Africa or in that new Member State.

2. Preferential treatment shall be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months from the date of accession, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

*Article 7***Quotas in 2004**

For the year 2004, the increases in the volumes of existing tariff quotas shall be calculated as a *pro rata* of the basic volumes, taking into account the part of the period elapsed before 1 May 2004.

CHAPTER III

GENERAL AND FINAL PROVISIONS*Article 8*

This Protocol shall form an integral part of the TDCA.

Article 9

1. This Protocol shall be approved by the Community, by the Council of the European Union on behalf of the Member States, and by the Republic of South Africa in accordance with their own procedures.
2. The Contracting Parties shall notify each other of the accomplishment of the corresponding procedures referred to in paragraph 1. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 10

1. This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.
2. This Protocol shall apply provisionally as from 1 May 2004.

Article 11

This Protocol is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovenian, Slovak, Spanish and Swedish languages and the official languages of South Africa, other than English, namely Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, isiNdebele, isiXhosa and isiZulu, each of these texts being equally authentic.

For the Member States

For the European Community

For the Republic of South Africa

COUNCIL RECOMMENDATION
of 8 March 2005
on the appointment of a member of the Executive Board of the European Central Bank
(2005/207/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 112(2)(b) and 122(4) thereof, and to Articles 11.2 and 43.3 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank,

Whereas:

The term of office of Mr Tommaso PADOA-SCHIOPPA expires on 31 May 2005. A member of the Executive Board of the European Central Bank must be appointed,

HEREBY RECOMMENDS THAT:

Mr Lorenzo BINI SMAGHI be appointed a member of the Executive Board of the European Central Bank for a term of office of eight years with effect from 1 June 2005.

This Recommendation shall be submitted for a decision to the Heads of State or Government of the Member States of the European Community whose currency is the euro, after consulting the European Parliament and the Governing Council of the European Central Bank.

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

Done at Brussels, 8 March 2005.

For the Council
The President
J.-C. JUNCKER

**DECISION No 1/2004 OF THE EU-BULGARIA ASSOCIATION COUNCIL
of 28 September 2004**

amending Articles 2 and 3 of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement

(2005/208/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part ⁽¹⁾ (hereinafter Europe Agreement),

Having regard to the Additional Protocol to the Europe Agreement, and in particular Article 4 thereof,

Whereas:

- (1) An Additional Protocol to the Europe Agreement has been signed between the Parties on 21 November 2002.
- (2) According to its Article 5, the Additional Protocol applies provisionally from the date of signature.
- (3) Recent changes in the Bulgarian legislation modified the distribution of functions between implementing institutions.
- (4) In order to ensure conformity between the Additional Protocol and the Bulgarian institutional changes, it is appropriate to amend Article 2 and Article 3 of the Additional Protocol by adapting the references to the relevant Bulgarian institutions. This is necessary to allow the implementation in Bulgaria of the Additional Protocol.
- (5) According to its Article 4, the Additional Protocol may be amended by decision of the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

Articles 2 and 3 of the Additional Protocol to the Europe Agreement establishing an association between the European

Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement, shall be replaced by the following:

'Article 2

The Republic of Bulgaria shall submit to the European Commission a restructuring programme and business plans that meet the requirements listed in Article 9(4) of Protocol 2, and that have been assessed and agreed by its Commission on Protection of Competition.

Article 3

The Commission shall provide a final assessment of whether the restructuring programme and business plans meet the requirements listed in Article 9(4) of Protocol 2. The Council of the European Union shall decide whether the programme and the plans are in compliance with the requirements of the abovementioned Article.

The Commission shall regularly monitor the implementation of the plans on behalf of the Community, and the Ministry of Finance shall do so for the Republic of Bulgaria.'

Article 2

This Decision shall enter into force on the day of its adoption by the Association Council.

Done at Brussels, 28 September 2004.

For the Association Council

The President

S. PASSY

⁽¹⁾ OJ L 358, 31.12.1994, p. 3.

COMMISSION

COMMISSION DECISION

of 11 March 2005

amending Decision 2004/288/EC as regards the prolongation of the temporary access of Australia and New Zealand to the Community reserves of foot-and-mouth disease virus antigens granted under that Decision

(notified under document number C(2005) 561)

(Text with EEA relevance)

(2005/209/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decision 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC ⁽¹⁾, and in particular Article 83(3) thereof,

Whereas:

- (1) Commission Decision 2004/288/EC of 26 March 2004 granting Australia and New Zealand temporary access to the Community reserves of foot-and-mouth disease virus antigens ⁽²⁾, provides for those countries to be granted access to the Community reserves of antigens for the formulation of vaccines against foot-and-mouth disease until 31 December 2004.
- (2) Australia has undertaken to increase its stocks of foot-and-mouth disease virus antigens and indicated its intention to enter into an arrangement with the Community on mutual access to stocks of certain foot-and-mouth disease virus antigens. Pending this possible arrangement, Australia has requested a prolongation of the temporary access to the Community reserves of foot-and-mouth disease virus antigens.
- (3) New Zealand has requested a prolongation of the temporary access to the Community reserves of foot-and-mouth disease virus antigens due to unforeseen delays in the constitution of its own stocks of such antigens.

(4) Taking account of the capacity and availability of foot-and-mouth disease virus antigens stored in the Community antigen reserves, it appears that the prolongation requested by Australia and New Zealand may be granted without unnecessarily compromising the Community's contingency arrangements.

(5) Therefore, the requested prolongation of the temporary access of Australia and New Zealand to the Community reserves of foot-and-mouth disease virus antigens should be granted and Decision 2004/288/EC amended accordingly.

(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

In Article 1(1) of Decision 2004/288/EC, '31 December 2004' is replaced by '31 December 2005'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 306, 22.11.2003, p. 1.

⁽²⁾ OJ L 91, 30.3.2004, p. 58.

COMMISSION DECISION

of 11 March 2005

amending for the second time Decision 2004/614/EC as regards the period of application of protection measures relating to avian influenza in South Africa

(notified under document number C(2005) 559)

(Text with EEA relevance)

(2005/210/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC ⁽¹⁾, 90/425/EEC and 90/675/EEC and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 22(6) thereof,

Whereas:

- (1) By Commission Decision 2004/614/EC of 24 August 2004 concerning protection measures in relation to highly pathogenic avian influenza in the Republic of South Africa ⁽³⁾ the Commission adopted protection measures in relation to avian influenza in ratite flocks in South Africa.
- (2) The situation regarding avian influenza in ratite flocks in South Africa is not yet clear as the competent authority of South Africa has found some inconclusive results during its serological surveillance. Nevertheless, the situation appears to be under control and detailed information is expected to be sent to the Commission soon.

- (3) Under the circumstances it is appropriate to prolong the application of Decision 2004/614/EC for another three months. The Decision can however be reviewed before this date depending on any further information supplied by the competent authority of South Africa.

- (4) 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

In Article 7 of Decision 2004/614/EC, the date '31 March 2005' is replaced by the date '30 June 2005'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 March 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by Regulation (EC) No 882/2004 of the European Parliament and of the Council (OJ L 165, 30.4.2004, p. 1).

⁽³⁾ OJ L 275, 25.8.2004, p. 20. Decision as last amended by Decision 2004/892/EC (OJ L 375, 23.12.2004, p. 30).

(Acts adopted under Title VI of the Treaty on European Union)

COUNCIL DECISION 2005/211/JHA
of 24 February 2005
concerning the introduction of some new functions for the Schengen Information System,
including in the fight against terrorism

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union, and in particular Article 30(1)(a) and (b), Article 31(a) and (b) and Article 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of Spain⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Whereas:

certain types of data entered in the SIS for authorities the proper performance of whose tasks would be facilitated were they able to search these data, including Europol and the national members of Eurojust, the extension of the categories of missing objects about which alerts may be entered and the recording of transmissions of personal data. The technical facilities required for the purpose first need to be established in each Member State.

- (4) The Conclusions of the Laeken European Council of 14 and 15 December 2001 and in particular Conclusions 17 (cooperation between specialised counter-terrorism services), 43 (Eurojust and police cooperation with regard to Europol) and the Action Plan of 21 September 2001 against terrorism refer to the need to enhance the SIS and improve its capabilities.

- (1) The Schengen Information System, hereinafter referred to as 'SIS', set up pursuant to the provisions of Title IV of the Convention of 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders⁽³⁾, hereinafter referred to as 'the 1990 Schengen Convention', constitutes an essential tool for the application of the provisions of the Schengen *acquis* as integrated into the framework of the European Union.

- (5) Moreover, it is useful to enact provisions with respect to the exchange of all supplementary information through the authorities designated for that purpose in all Member States (Supplementary Information Request at National Entry), giving these authorities a common legal basis within the provisions of the 1990 Schengen Convention and setting out rules on deletion of data kept by these authorities.

- (2) The need to develop a new, second generation Schengen Information System, hereinafter referred to as 'SIS II', with a view to the enlargement of the European Union and allowing for the introduction of new functions, while benefiting from the latest developments in the field of information technology, has been recognised and the first steps have been taken to develop this new system.

- (6) The provisions in this Decision concerning Europol only set up the legal framework for access to the Schengen Information System and are without prejudice to adoption in the future of the necessary measures setting out the technical solution and the financial implications thereof.

- (3) Certain adaptations of existing provisions and the introduction of certain new functions can already be realised with respect to the current version of the SIS, in particular as far as concerns the provision of access to

- (7) The provisions in this Decision concerning the national members of Eurojust and their assistants only set up the legal framework for access to the Schengen Information System and are without prejudice to adoption in the future of the necessary measures setting out the technical solution and the financial implications thereof.

⁽¹⁾ OJ C 160, 4.7.2002, p. 7.

⁽²⁾ OJ C 31 E, 5.2.2004, p. 122.

⁽³⁾ OJ L 239, 22.9.2000, p. 19.

- (8) The provisions relating to access to SIS data for Europol and national members of Eurojust and their assistants only constitute a first phase and are without prejudice to further discussions on extending this facility to other provisions of the 1990 Schengen Convention.
- (9) The amendments to be made to this end to the provisions of the Schengen *acquis* dealing with the Schengen Information System consist of two parts: this Decision and a Council Regulation based on Article 66 of the Treaty establishing the European Community. The reason for this is that, as set out in Article 93 of the 1990 Schengen Convention, the purpose of the Schengen Information System is to maintain public policy and public security, including national security, in the territories of the Member States and to apply the provisions of the said Convention relating to the movement of persons in those territories, by using information communicated via the SIS in accordance with the provisions of that Convention. Since some of the provisions of the 1990 Schengen Convention are to be applied for both purposes at the same time, it is appropriate to amend such provisions in identical terms through parallel acts based on each of the Treaties.
- (10) This Decision is without prejudice to the adoption in future of the necessary legislation describing in detail the legal architecture, objectives, operation and use of SIS II, such as, but not limited to, rules further defining the categories of data to be entered into the system, the purposes for which they are to be entered and the criteria for their entry, rules concerning the content of SIS records, the interlinking of alerts, compatibility between alerts and further rules on access to SIS data and the protection of personal data and their control.
- (11) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*⁽¹⁾, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement.
- (12) The United Kingdom is taking part in this Decision, in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community, and Article 8(2) of Council Decision 2000/365/EC of 29 May 2000, concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽²⁾.
- (13) Ireland is taking part in this Decision in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community, and Article 6(2) of Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*⁽³⁾.
- (14) This Decision is without prejudice to the arrangements for the United Kingdom and Ireland's partial participation in the Schengen *acquis* as defined in Decision 2000/365/EC and in Decision 2002/192/EC respectively.
- (15) This Decision constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the Act of Accession,
- HAS DECIDED AS FOLLOWS:
- Article 1*
- The provisions of the 1990 Schengen Convention are hereby amended as follows:
1. the following paragraph shall be added to Article 92:

‘4. Member States shall, in accordance with national legislation, exchange through the authorities designated for that purpose (Sirene) all supplementary information necessary in connection with the entry of alerts and for allowing the appropriate action to be taken in cases where persons in respect of whom, and objects in respect of which, data have been entered in the Schengen Information System, are found as a result of searches made in this system. Such information shall be used only for the purpose for which it was transmitted.’;
 2. Article 94(2)(b) shall be replaced by the following:

‘(b) objects referred to in Articles 99 and 100.’;

⁽¹⁾ OJ L 176, 10.7.1999, p. 31.

⁽²⁾ OJ L 131, 1.6.2000, p. 43.

⁽³⁾ OJ L 64, 7.3.2002, p. 20.

3. the first paragraph of Article 94(3) shall be replaced by the following:

‘3. For persons, the information shall be no more than the following:

- (a) surname and forenames, any aliases possibly entered separately;
- (b) any specific objective physical characteristics not subject to change;
- (c) (...);
- (d) place and date of birth;
- (e) sex;
- (f) nationality;
- (g) whether the persons concerned are armed, violent or have escaped;
- (h) reason for the alert;
- (i) action to be taken;
- (j) in cases of alerts under Article 95: the type of offence(s);

4. Article 99(1) shall be replaced by the following:

‘1. Data on persons or vehicles, boats, aircraft and containers shall be entered in accordance with the national law of the Member State issuing the alert, for the purposes of discreet surveillance or of specific checks in accordance with paragraph 5.’;

5. the last sentence of Article 99(3) shall be replaced by the following:

‘The Member State issuing the alert pursuant to this paragraph shall be obliged to inform the other Member States thereof.’;

6. the first sentence of Article 99(5) shall be replaced by the following:

‘5. During the specific checks referred to in paragraph 1, persons, vehicles, boats, aircraft, containers and objects carried may be searched in accordance with national law for the purposes referred to in paragraphs 2 and 3.’;

7. Article 100(3) shall be replaced by the following:

‘3. The following categories of readily identifiable objects shall be entered:

- (a) motor vehicles with a cylinder capacity exceeding 50 cc, boats and aircraft which have been stolen, misappropriated or lost;
- (b) trailers with an unladen weight exceeding 750 kg, caravans, industrial equipment, outboard engines and containers which have been stolen, misappropriated or lost;
- (c) firearms which have been stolen, misappropriated or lost;
- (d) blank official documents which have been stolen, misappropriated or lost;
- (e) issued identity papers such as passports, identity cards, driving licences, residence permits and travel documents which have been stolen, misappropriated, lost or invalidated;
- (f) vehicle registration certificates and vehicle number plates which have been stolen, misappropriated, lost or invalidated;
- (g) banknotes (registered notes);
- (h) securities and means of payment such as cheques, credit cards, bonds, stocks and shares which have been stolen, misappropriated or lost.’;

8. the following sentence shall be added at the end of Article 101(1):

‘However, access to data entered in the Schengen Information System and the right to search such data directly may also be exercised by national judicial authorities, *inter alia*, those responsible for the initiation of public prosecutions in criminal proceedings and judicial inquiries prior to indictment, in the performance of their tasks, as set out in national legislation.’;

9. the following Articles shall be inserted:

‘Article 101A

1. The European Police Office (Europol) shall within its mandate and at its own expense have the right to have access to, and to search directly, data entered into the Schengen Information System in accordance with Articles 95, 99 and 100.

2. Europol may only search data which it requires for the performance of its tasks.

3. Where a search by Europol reveals the existence of an alert in the Schengen Information System, Europol shall inform, via the channels defined by the Europol Convention, the Member State which issued the alert thereof.

4. Use of information obtained from a search in the Schengen Information System is subject to the consent of the Member State concerned. If the Member State allows the use of such information, the handling thereof shall be governed by the Europol Convention. Europol may only communicate such information to third States and third bodies with the consent of the Member State concerned.

5. Europol may request supplementary information from the Member State concerned in accordance with the provisions set out in the Europol Convention.

6. Europol shall:

(a) record every search made by it, in accordance with the provisions of Article 103;

(b) without prejudice to paragraphs 4 and 5, not connect parts of the Schengen Information System nor transfer the data contained therein to which it has access to any computer system for data collection and processing in operation by or at Europol nor download or otherwise copy any parts of the Schengen Information System;

(c) limit access to data entered into the Schengen Information System to specifically authorised staff of Europol;

(d) adopt and apply the measures provided for in Article 118;

(e) allow the Joint Supervisory Body, set up under Article 24 of the Europol Convention, to review the activities of Europol in the exercise of its right to accede to and to search data entered into the Schengen Information System.

Article 101B

1. The national members of Eurojust and their assistants shall have the right to have access to, and search, data entered in accordance with Articles 95 and 98 into the Schengen Information System.

2. The national members of Eurojust and their assistants may only search data which they require for the performance of their tasks.

3. Where a search by a national member of Eurojust reveals the existence of an alert in the Schengen Information System, he or she shall inform the Member State having issued the alert thereof. Any communication of information obtained from such a search may only be communicated to third States and third bodies with the consent of the Member State having issued the alert.

4. Nothing in this Article shall be interpreted as affecting the provisions of the Council Decision setting up Eurojust concerning data protection and the liability for any unauthorised or incorrect processing of such data by the national members of Eurojust or their assistants, or as affecting the powers of the Joint Supervisory Body set up pursuant to Article 23 of that Council Decision.

5. Every search made by a national member of Eurojust or an assistant shall be recorded in accordance with the provisions of Article 103 and every use made by them of data to which they have acceded shall be registered.

6. No parts of the Schengen Information System shall be connected nor shall the data contained therein to which the national members or their assistants have access be transferred to any computer system for data collection and processing in operation by or at Eurojust nor shall any parts of the Schengen Information System be downloaded.

7. The access to data entered into the Schengen Information System shall be limited to the national members and their assistants and not be extended to Eurojust staff.

8. Measures as provided for in Article 118 shall be adopted and applied.;

10. Article 103 shall be replaced by the following:

'Article 103

Each Member State shall ensure that every transmission of personal data is recorded in the national section of the Schengen Information System by the data file management authority for the purposes of checking whether the search is admissible or not. The record may only be used for this purpose and shall be deleted at the earliest after a period of one year and at the latest after a period of three years.;

11. the following Article shall be inserted:

'Article 112A

1. Personal data held in files by the authorities referred to in Article 92(4) as a result of information exchange pursuant to that paragraph, shall be kept only for such time as may be required to achieve the purposes for which they were supplied. They shall in any event be deleted at the latest one year after the alert or alerts concerning the person or object concerned have been deleted from the Schengen Information System.

2. Paragraph 1 shall not prejudice the right of a Member State to keep in national files data relating to a particular alert which that Member State has issued or to an alert in connection with which action has been taken on its territory. The period of time for which such data may be held in such files shall be governed by national law.;

12. Article 113(1) shall be replaced by the following:

'1. Data other than that referred to in Article 112 shall be kept for a maximum of 10 years and data on objects referred to in Article 99(1) for a maximum of five years.;

13. the following Article shall be inserted:

'Article 113A

1. Data other than personal data held in files by the authorities referred to in Article 92(4) as a result of information exchange pursuant to that paragraph, shall be kept only for such time as may be required to achieve the purposes for which they were supplied. They shall in any event be deleted at the latest one year after the alert or alerts concerning the person or object concerned have been deleted from the Schengen Information System.

2. Paragraph 1 shall not prejudice the right of a Member State to keep in national files data relating to a particular alert which that Member State has issued or to an alert in connection with which action has been taken on its territory. The period of time for which such data may be held in such files shall be governed by national law.'

Article 2

1. Article 1(1), (5) and (8) of this Decision shall take effect 90 days after the date of its publication in the *Official Journal of the European Union*.

2. Article 1(11) and (13) of this Decision shall take effect 180 days after the date of its publication in the *Official Journal of the European Union*.

3. Article 1(1), (5), (8), (11) and (13) of this Decision shall take effect for Iceland and Norway 270 days after the date of its publication in the *Official Journal of the European Union*.

4. Article 1(2), (3), (4), (6), (7), (9), (10) and (12) shall take effect from a date to be fixed by the Council, acting unanimously, as soon as the necessary preconditions have been fulfilled.

The Council may decide to fix different dates concerning the taking effect of:

— Article 1(2), (4) and (6),

— Article 1(3),

— Article 1(7),

— Article 1(9), new Article 101A,

— Article 1(9), new Article 101B,

— Article 1(12).

5. Any decision of the Council in accordance with paragraph 4 shall be published in the *Official Journal of the European Union*.

Done at Brussels, 24 February 2005.

For the Council
The President
N. SCHMIT

COUNCIL FRAMEWORK DECISION 2005/212/JHA**of 24 February 2005****on Confiscation of Crime-Related Proceeds, Instrumentalities and Property**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 29, 31(1)(c) and 34(2)(b) thereof,

Having regard to the initiative of the Kingdom of Denmark⁽¹⁾,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The main motive for cross-border organised crime is financial gain. In order to be effective, therefore, any attempt to prevent and combat such crime must focus on tracing, freezing, seizing and confiscating the proceeds from crime. However, this is made difficult, *inter alia*, as a result of differences between Member States' legislation in this area.
- (2) In the conclusions of the Vienna European Council of December 1998, the European Council called for a strengthening of EU efforts to combat international organised crime in accordance with an action plan on how best to implement the provisions of the Treaty of Amsterdam in an area of freedom, security and justice⁽²⁾.
- (3) Pursuant to paragraph 50(b) of the Vienna Action Plan, within five years of the entry into force of the Treaty of Amsterdam, national provisions governing seizures and confiscation of the proceeds from crime must be improved and approximated where necessary, taking account of the rights of third parties in bona fide.
- (4) Paragraph 51 of the conclusions of the Tampere European Council of 15 and 16 October 1999 stresses that money laundering is at the very heart of organised crime, and should be rooted out wherever it occurs and that the European Council is determined to ensure that concrete steps are taken to trace, freeze, seize and confiscate the proceeds from crime. The European Council also calls, in paragraph 55, for the approximation of criminal law and procedures on money laundering (e.g. tracing, freezing and confiscating funds).

- (5) Pursuant to Recommendation 19 in the 2000 action plan entitled 'The prevention and control of organised crime: a European Union strategy for the beginning of the new millennium', which was approved by the Council on 27 March 2000⁽³⁾, an examination should be made of the possible need for an instrument which, taking into account best practice in the Member States and with due respect for fundamental legal principles, introduces the possibility of mitigating, under criminal, civil or fiscal law, as appropriate, the onus of proof regarding the source of assets held by a person convicted of an offence related to organised crime.
- (6) Pursuant to Article 12, on confiscation and seizure, of the UN Convention of 12 December 2000 against Transnational Organised Crime, States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law and with the nature of judicial proceedings.
- (7) All Member States have ratified the Council of Europe Convention of 8 November 1990 on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. Some Member States have submitted declarations with regard to Article 2 of the Convention concerning confiscation so as to be obliged to confiscate proceeds only from a number of specified offences.
- (8) The Council Framework Decision 2001/500/JHA⁽⁴⁾ lays down provisions on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime. Under that Framework Decision, Member States are also obliged not to make or uphold reservations in respect of the provisions of the Council of Europe Convention concerning confiscation, insofar as the offence is punishable by deprivation of liberty or a detention order for a maximum of more than one year.
- (9) The existing instruments in this area have not to a sufficient extent achieved effective cross-border co-operation with regard to confiscation as there are still a number of Member States which are unable to confiscate the proceeds from all offences punishable by deprivation of liberty for more than one year.

⁽¹⁾ OJ C 184, 2.8.2002, p. 3.

⁽²⁾ OJ C 19, 23.1.1999, p. 1.

⁽³⁾ OJ C 124, 3.5.2000, p. 1.

⁽⁴⁾ OJ L 182, 5.7.2001, p. 1.

- (10) The aim of this Framework Decision is to ensure that all Member States have effective rules governing the confiscation of proceeds from crime, *inter alia*, in relation to the onus of proof regarding the source of assets held by a person convicted of an offence related to organised crime. This Decision is linked to a Danish draft Framework Decision on the mutual recognition within the European Union of decisions concerning the confiscation of proceeds from crime and asset-sharing, which is being submitted at the same time.
- (11) This Framework Decision does not prevent a Member State from applying its fundamental principles relating to due process, in particular the presumption of innocence, property rights, freedom of association, freedom of the press and freedom of expression in other media,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Definitions

For the purposes of this Framework Decision:

- 'proceeds' means any economic advantage from criminal offences. It may consist of any form of property as defined in the following indent,
- 'property' includes property of any description, whether corporeal or incorporeal, movable or immovable, and legal documents or instruments evidencing title to or interest in such property,
- 'instrumentalities' means any property used or intended to be used, in any manner, wholly or in part, to commit a criminal offence or criminal offences,
- 'confiscation' means a penalty or measure, ordered by a court following proceedings in relation to a criminal offence or criminal offences, resulting in the final deprivation of property,
- 'legal person' means any entity having such status under the applicable national law, except for States or other public bodies in the exercise of State authority and for public international organisations.

Article 2

Confiscation

1. Each Member State shall take the necessary measures to enable it to confiscate, either wholly or in part, instrumentalities and proceeds from criminal offences punishable by deprivation of liberty for more than one year, or property the value of which corresponds to such proceeds.
2. In relation to tax offences, Member States may use procedures other than criminal procedures to deprive the perpetrator of the proceeds of the offence.

Article 3

Extended powers of confiscation

1. Each Member State shall as a minimum adopt the necessary measures to enable it, under the circumstances referred to in paragraph 2, to confiscate, either wholly or in part, property belonging to a person convicted of an offence
 - (a) committed within the framework of a criminal organisation as defined in Joint Action 98/733/JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union ⁽¹⁾, when the offence is covered by:
 - Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro ⁽²⁾,
 - Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime ⁽³⁾,
 - Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings ⁽⁴⁾,
 - Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence ⁽⁵⁾,
 - Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography ⁽⁶⁾,

⁽¹⁾ OJ L 351, 29.12.1998, p. 1.

⁽²⁾ OJ L 140, 14.6.2000, p. 1.

⁽³⁾ OJ L 182, 5.7.2001, p. 1.

⁽⁴⁾ OJ L 203, 1.8.2002, p. 1.

⁽⁵⁾ OJ L 328, 5.12.2002, p. 1.

⁽⁶⁾ OJ L 13, 20.1.2004, p. 44.

— Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking⁽¹⁾,

(b) which is covered by the Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism⁽²⁾,

provided that the offence according to the Framework Decisions referred to above

— regarding offences other than money laundering are punishable with criminal penalties of a maximum of at least between 5 and 10 years of imprisonment,

— regarding money laundering, are punishable with criminal penalties of a maximum of at least 4 years of imprisonment,

and the offence is of such a nature that it can generate financial gain.

2. Each Member State shall take the necessary measures to enable confiscation under this Article at least:

(a) where a national court based on specific facts is fully convinced that the property in question has been derived from criminal activities of the convicted person during a period prior to conviction for the offence referred to in paragraph 1 which is deemed reasonable by the court in the circumstances of the particular case, or, alternatively,

(b) where a national court based on specific facts is fully convinced that the property in question has been derived from similar criminal activities of the convicted person during a period prior to conviction for the offence referred to in paragraph 1 which is deemed reasonable by the court in the circumstances of the particular case, or, alternatively,

(c) where it is established that the value of the property is disproportionate to the lawful income of the convicted person and a national court based on specific facts is fully convinced that the property in question has been derived from the criminal activity of that convicted person.

3. Each Member State may also consider adopting the necessary measures to enable it to confiscate, in accordance with the conditions set out in paragraphs 1 and 2, either wholly or in part, property acquired by the closest relations of the person concerned and property transferred to a legal person in respect of which the person concerned — acting

either alone or in conjunction with his closest relations — has a controlling influence. The same shall apply if the person concerned receives a significant part of the legal person's income.

4. Member States may use procedures other than criminal procedures to deprive the perpetrator of the property in question.

Article 4

Legal remedies

Each Member State shall take the necessary measures to ensure that interested parties affected by measures under Articles 2 and 3 have effective legal remedies in order to preserve their rights.

Article 5

Safeguards

This Framework Decision shall not have the effect of altering the obligation to respect fundamental rights and fundamental principles, including in particular the presumption of innocence, as enshrined in Article 6 of the Treaty on European Union.

Article 6

Implementation

1. Member States shall adopt the necessary measures to comply with this Framework Decision by 15 March 2007.

2. Member States shall transmit to the General Secretariat of the Council and to the Commission, by 15 March 2007, the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision. In accordance with a report established on the basis of this information and a written report from the Commission, the Council shall assess, by 15 June 2007, the extent to which Member States have taken the necessary measures in order to comply with this Framework Decision.

Article 7

Entry into force

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

Done at Brussels, 24 February 2005.

For the Council
The President
N. SCHMIT

⁽¹⁾ OJ L 335, 11.11.2004, p. 8.

⁽²⁾ OJ L 164, 22.6.2002, p. 3.