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## I

*(Acts whose publication is obligatory)*

**DECISION No 253/2003/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 11 February 2003  
adopting an action programme for customs in the Community (Customs 2007)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(3)</sup>,

Whereas:

- (1) The experience gained from previous programmes in the customs field, in particular Customs 2002, set out in Decision No 210/97/EC of the European Parliament and of the Council of 19 December 1996 adopting an action programme for customs in the Community (Customs 2000) <sup>(4)</sup>, indicates that there would be a strong Community interest to continue, and even to enlarge, this programme. The new programme should be built on the achievements of the previous programmes. The need for more focused and measurable objectives has been established as a result of the previous programmes.
- (2) The new programme should take into account the Commission communication and the Council resolution of 30 May 2001 on a strategy for the customs union <sup>(5)</sup>.
- (3) Customs administrations have a vital role to protect the Community's interests, particularly its financial interests, to provide an equivalent level of protection to the Community's citizens and economic operators, at any point in the Community customs territory where customs clearance formalities are carried out, and to contribute towards the ability of European Union business to compete in the global marketplace. In this context, the customs policy should be continuously adapted to developments by the Customs Policy Group to ensure that national customs administrations operate as efficiently and effectively as would one single administration.

- (4) It is necessary for this Decision to establish the objectives for the implementation of the programme, as well as the priorities by which it will be guided over the next five years and supports and complements actions undertaken by Member States in the customs field. The implementation of this programme will be coordinated and organised in partnership between the Commission and the Member States within the common policy developed by the Customs Policy Group.

- (5) The Community commitment to the process of accession by candidate countries requires the provision of practical means whereby the customs administrations of these countries are able to undertake the full range of tasks required under Community legislation from the date of their accession, including the management of the future external border. In order to achieve this, the programme should be open to the candidate countries.

- (6) A range of instruments can be used in order to achieve the objectives of this programme, including communication and information exchange systems, management groups, project groups, benchmarking, exchanges of officials, seminars, workshops, monitoring, external actions and training activities. In the case of vocational training, Article 150 of the Treaty makes it clear that Community action should fully respect the responsibility of the Member States for the content and organisation of vocational training.

- (7) There is a need for customs action to give priority to improving anti-fraud controls, minimising the cost of compliance with customs legislation for economic operators and preparing for enlargement. The Community must therefore be able, within the framework of its own powers, to support the action of Member States' customs administrations, and full advantage should be taken of every possibility for administrative cooperation that Community rules provide.

<sup>(1)</sup> OJ C 126 E, 28.5.2002, p. 268.

<sup>(2)</sup> OJ C 241, 7.10.2002, p. 8.

<sup>(3)</sup> Opinion of the European Parliament of 3 September 2002 (not yet published in the Official Journal) and Council Decision of 16 December 2002.

<sup>(4)</sup> OJ L 33, 4.2.1997, p. 24. Decision as amended by Decision 105/2000/EC (OJ L 13, 19.1.2000, p. 1).

<sup>(5)</sup> OJ C 171, 15.6.2001, p. 1.

- (8) Increasing globalisation of trade, the development of new markets, and changes in the methods and speed of the movement of goods, require customs administrations to strengthen relations between themselves and with the Community's business, legal and scientific circles, and operators engaged in foreign trade.
- (9) Indicators should be defined at an early stage in the programme in order to ensure an efficient system for the overall evaluation of the programme. In order to measure the effective and efficient management of the programme, indicators should be established for each action.
- (10) It is essential that customs administrations continue to make use of the potential for development of information and communications technology to deliver more efficient and accessible electronic services that will reduce costs for economic operators and promote European competitiveness and a more efficient single market.
- (11) This Decision lays down, for the entire duration of the programme, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure <sup>(1)</sup>, for the budgetary authority, during the annual budgetary procedure.
- (12) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(2)</sup>,

HAVE ADOPTED THIS DECISION:

## CHAPTER I

### SCOPE AND OBJECTIVES

#### Article 1

#### Establishment of the programme

A multiannual Community action programme (Customs 2007) hereinafter referred to as 'the programme', is hereby established for the period 1 January 2003 to 31 December 2007 to support and complement the action undertaken by Member States to guarantee the effective functioning of the internal market in the customs field.

<sup>(1)</sup> OJ C 172, 18.6.1999, p. 1.

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

#### Article 2

#### Participation in the programme

1. Participating countries are the Member States and those countries referred to in paragraph 2 which in fact participate in the programme.
2. The programme shall be open to the participation of any country which has been recognised as a candidate country for accession to the European Union, in accordance with the appropriate terms and conditions for such participation.

#### Article 3

#### Objectives

1. In the framework of the management of the customs union, the objectives of the programme shall be to ensure that Member States' customs administrations:
  - (a) carry out coordinated action to ensure that customs activity matches the needs of the Community's internal market through implementing the strategy set out in the aforementioned Commission communication and Council resolution on a strategy for the customs union;
  - (b) interact and perform their duties as efficiently as though they were one administration and achieve equivalent results at every point of the Community customs territory;
  - (c) meet the demands placed on them by globalisation and increasing volumes of trade and contribute towards strengthening the competitive environment of the European Union;
  - (d) provide the necessary protection of the financial interests of the European Union and provide a secure and safe environment for its citizens;
  - (e) take the necessary steps to prepare for enlargement and to support the integration of new Member States.

2. The common approach regarding the customs policy shall continuously be adapted to new developments in partnership between the Commission and the Member States in the Customs Policy Group, composed of the heads of customs administrations from the Commission and the Member States or their representatives. The Commission shall keep the Customs Policy Group regularly informed of measures relating to the implementation of the programme.

#### Article 4

#### Programme priorities

For the implementation of the programme, the following priorities shall be established:

- (a) to reduce the cost of compliance with customs legislation on economic operators through measures such as improved standardisation, and to develop increasingly open and transparent cooperation with trade;

- (b) to identify, develop and apply best working practices, especially in the areas of post-clearance audit control, risk analysis and simplified procedures;
  - (c) to establish a system of the measurement of Member States' performance in customs administrations;
  - (d) to support actions to prevent irregularities, for example by providing control information rapidly to front-line customs posts;
  - (e) to improve the standardisation and simplification of customs procedures, systems and controls;
  - (f) to improve the coordination of and cooperation between laboratories carrying out analysis for customs purposes in order to ensure, in particular, a uniform and unambiguous tariff classification throughout the European Union;
  - (g) to support the creation of an electronic customs environment with paperless customs procedures and continuous access from economic operators to customs via the development of communication systems coupled with the necessary legislative and administrative changes;
  - (h) to ensure the functioning of existing communication and information systems and, where appropriate, to develop and establish new systems;
  - (i) to undertake actions which will provide support to the customs services of the candidate countries in their preparation for accession;
  - (j) to assist third countries in the modernisation of customs services and procedures;
  - (k) to develop common training measures and the organisational framework for customs training that would respond to the needs arising from programme actions.
- (f) the European customs inventory of chemical substances (ECICS);
  - (g) the European binding tariff information system (EBTI/RTCE);
  - (h) the tariff quota surveillance management system (TQS);
  - (i) the inward-processing relief system (IPR);
  - (j) the Unit values system;
  - (k) the Suspensions information system;
  - (l) other existing IT Community systems in the customs area to ensure their continuity.
2. The Commission, in partnership with the Member States, may establish additional communication and information-exchange systems as they consider necessary.
3. The Community components of the communication and information exchange systems shall be the hardware, software and network connections, which must be common to all participating countries so as to ensure the interconnection and interoperability of the systems, whether they be installed at the premises of the Commission or of a designated subcontractor or at premises of participating countries or of a designated subcontractor. The Commission shall conclude the necessary contracts to ensure the operational nature of these components.
4. The non-Community components of the communication and information exchange systems shall comprise the national databases forming part of these systems, the network connections between the Community and non-Community components and such software and hardware as each participating country shall deem appropriate for the full operation of those systems throughout its administration. The participating countries will ensure that the non-Community components are kept operational and will assure the interoperability of these components with the Community components.
5. The Commission shall coordinate, in cooperation with the participating countries, those aspects of the establishment and functioning of the Community and non-Community components of the systems and infrastructure referred to in paragraph 1.

## CHAPTER II

### PROGRAMME ACTIONS

#### Article 5

##### Communication and information exchange systems

1. The Commission and the participating countries shall ensure that the following communication and information exchange systems, together with manuals and guides, are operational, in so far as their operation is necessary under Community legislation:

- (a) the common communications network/common systems interface (CCN/CSI) to the extent necessary to support the functioning of the systems set out in this paragraph;
- (b) the data dissemination system (DDS);
- (c) the new computerised transit system (NCTS/NSTI);
- (d) the information system on the integrated tariff of the Community (TARIC);
- (e) the information system for transfer of origin stamps and the transmission of transit stamps (TCO/TCT);

#### Article 6

##### Benchmarking

Benchmarking activities may be organised involving one or more participating countries or other third countries, particularly the Community's main trading partners, in order to improve the performance of their customs administration in specific areas.

For the purposes of this Decision, 'benchmarking' means comparisons of working methods or the use of agreed, common indicators to measure performance which are used to identify differences in performance, and the processes involved in order to share experiences and learn from good practice in order to improve efficiency and effectiveness.

*Article 7***Exchanges of officials**

1. The Commission and the participating countries shall organise exchanges of officials from customs administrations in support of the programme's objectives. Each exchange shall focus on a specific aspect of customs work and shall be thoroughly prepared and subsequently evaluated by the officials and authorities concerned. Exchanges may be operational or targeted on specific priority activities.

2. Where appropriate, participating countries shall take the necessary steps to enable exchange officials to be operational in the host service. To this end, exchange officials shall be authorised to carry out the formalities relating to the duties entrusted to them. If circumstances so require, and, in particular, in order to take account of the specific requirements of the legal system of each participating country, the competent authorities in the participating countries may limit the said authorisation.

3. For the duration of the exchange, officials shall, in the exercise of their duties, bear the same civil liability as national officials of the host authorities. Officials taking part in an exchange shall be subject to the same rules on professional confidentiality as the national officials of the host country.

4. The Commission and the participating countries may also organise exchanges with other third countries in support of the objectives of this programme.

5. Participating countries shall provide periodic evaluations of the exchanges, including the impact on their administration, as required by the Commission.

*Article 8***Seminars, workshops and project groups**

The Commission and the participating countries shall organise seminars, workshops and conferences to be attended by participating country and Commission officials and, where appropriate, other experts in the field. Seminars, workshops and conferences may also be attended by officials from other administrations where this is appropriate to the objectives of the activity.

The Commission, in partnership with Member States, may establish project groups to carry out specific tasks to be completed within a specified time scale.

*Article 9***Training activities**

1. In order to encourage structured cooperation between national training bodies and officials responsible for customs training in administrations, participating countries shall, in cooperation with the Commission:

- (a) set training standards, develop existing training programmes and, where necessary, devise new programmes to provide a common core of training for officials relating

to the full range of Community customs rules and procedures so as to enable them to acquire the necessary common professional skills and knowledge;

- (b) where appropriate, open customs training courses provided by each participating country for its own officials to officials from all participating countries;

- (c) develop the necessary common tools for customs training and customs training management, including the development of an organisational framework.

2. Participating countries shall also ensure that their officials receive the initial and continuing training necessary to acquire the common professional skills and knowledge in accordance with the common training programmes and the linguistic training necessary for those officials to attain a sufficient standard of linguistic competence.

*Article 10***Monitoring actions**

1. The Commission, in partnership with the Member States and, where appropriate, in close consultation with the economic operators, shall arrange for the monitoring of specific sectors of Community customs rules and procedures.

2. Such monitoring shall be carried out by joint teams made up of customs officials from the Member States and the Commission. These teams shall, on the basis of a theme-by-theme or regional approach, visit different points in the Community customs territory where customs administrations carry out their duties. At the end of these visits, they shall draw up a report identifying and analysing the best working methods as well as any difficulties in implementing the rules observed and, where appropriate, including suggestions for the adaptation of both Community rules and working methods in order to improve the efficiency of customs actions as a whole. These experts' reports shall be communicated to the Member States and the Commission.

*Article 11***External actions in the form of technical assistance and training**

1. The Commission shall ensure the coordination of the training and technical assistance and cooperation actions carried out by the Community and the Member States with third countries' administrations, to ensure the consistency of Community actions, both external and internal.

2. The Commission shall also ensure the implementation of training and technical assistance and cooperation actions for the benefit of:

- (a) the candidate countries to enable them to comply with Community customs legislation. Particular attention shall be paid to the interconnectivity of customs information and technology systems;

- (b) third countries to support them in the modernisation of their customs administrations in order to improve both the conditions for the development of legitimate trade and the cooperation with customs administrations in the European Union.

#### Article 12

##### Other actions

The Commission may, in partnership with the Member States, develop and use any other actions necessary to meet the objectives of the programme.

#### Article 13

##### Fixing objectives and indicators

All actions to be taken under this programme shall have defined objectives, measurable indicators to ensure suitable evaluation and a clear indication of the anticipated costs and shall be constructed so that the results achieve the expected impact of the action.

### CHAPTER III

#### FINANCIAL PROVISIONS

#### Article 14

##### Financial framework

1. The financial framework for the implementation of this programme for the period 1 January 2003 to 31 December 2007 is hereby set at EUR 133 million.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

#### Article 15

##### Expenditure

1. The expenditure necessary for the implementation of the programme shall be divided between the Community and the participating countries in accordance with paragraphs 2 and 3.
2. The Community shall bear expenditure as follows:
  - (a) the cost of the development, purchase, installation and maintenance of the Community components of the communication and information exchange systems provided for in Article 5 and the cost of the day-to-day operation of the Community components installed at the premises of the Commission or those of a designated subcontractor;
  - (b) the travel and subsistence expenses incurred by participating countries relating to benchmarking activities, exchanges of officials, seminars, workshops and project groups, training and monitoring actions referred to in Articles 6 to 10;
  - (c) the organisational costs of seminars and workshops;
  - (d) the costs relating to the actions referred to in Articles 11 and 12.

The Commission shall, in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(1)</sup>, determine the rules relating to the payment of expense and shall communicate them to participating countries.

3. Participating countries shall bear expenditure as follows:

- (a) all costs other than those mentioned in 2(a) relating to the establishment and functioning of the non-Community components of the communication and information-exchange systems provided for in Article 5 and the cost of the day-to-day operation of the Community components of those systems installed at their premises or those of a designated subcontractor;
- (b) the difference between the expenditure paid by the Community in accordance with 2(b), 2(c) and 2(d), and the actual cost of the activity;
- (c) the costs relating to the initial and continuing training, including the linguistic training, of their officials as specified in Article 9(2).

#### Article 16

##### Financial Control

Financing decisions and any agreements or contracts resulting from this Decision shall be subject to financial control, and if necessary, on the spot audits by the Commission, including the European Anti-fraud Office (OLAF), and by the Court of Auditors. Any grants made pursuant to this Decision shall be subject to agreement in writing in advance by the beneficiaries. That agreement shall contain the acceptance by the beneficiaries of an audit by the Court of Auditors into the use made of the financing granted.

### CHAPTER IV

#### OTHER PROVISIONS

#### Article 17

##### Implementation

The measures necessary for the implementation of this programme shall be adopted in accordance with the management procedure referred to in Article 18(2).

#### Article 18

##### Committee

1. The Commission shall be assisted by the Customs 2007 Committee (hereinafter referred to as 'the Committee').
  2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
- The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.
3. The Committee shall adopt its Rules of Procedure.

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.

*Article 19***Evaluation and reports**

1. This programme shall be subject to continuous evaluation, carried out by the Commission in collaboration with the participating countries. The evaluation shall be pursued by means of the reports referred to in paragraph 2 and by means of specific activities and shall be based on a format, criteria and indicators established during the first year of the programme.

2. Participating countries shall forward to the Commission:

- (a) by 30 June 2005 at the latest, an interim report on the effectiveness and efficiency of the programme, and
- (b) by 31 December 2007 at the latest, a final report on the effectiveness and efficiency of the programme.

3. The Commission shall submit to the European Parliament and to the Council:

- (a) by 31 December 2005 at the latest, an interim report evaluating the efficiency and effectiveness of the programme;
- (b) by 30 June 2008 at the latest, a final report establishing the impact achieved by the programme.

These reports shall also be forwarded to the European Economic and Social Committee for information.

4. The final report referred to in paragraph 3 shall analyse all the progress achieved in the case of each measure in the programme and shall include an analysis of the strengths and weaknesses of any kind of customs computerisation systems involved in the functioning of the internal market. The report shall set out any useful proposals for ensuring that identical treatment is reserved for economic operators throughout the Community customs territory and that the gathering of information serves the proper protection of the Community's financial interests.

*Article 20***Entry into force**

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

It shall apply from 1 January 2003.

*Article 21***Addressees**

This Decision is addressed to Member States.

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

Done at Brussels, 11 February 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

P. EFTHYMIU

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**COUNCIL REGULATION (EC) No 254/2003**  
**of 11 February 2003**  
**amending Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme**  
**for the international trade in rough diamonds**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is appropriate to ensure that the provisions established by Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds<sup>(1)</sup> enable all WTO-members fulfilling the requirements of the Kimberley Process certification scheme to participate in the scheme. Therefore, the definition of participant set out in Article 2 of that Regulation and the conditions governing the insertion into the list of participants contained in Annex II to that Regulation should be amended.
- (2) The Community and all other participants listed in Annex II to Regulation (EC) No 2368/2002 have fulfilled the requirements of the Kimberley Process certification scheme in such a manner that the full application of all provisions of that Regulation will not lead to a serious disturbance of international trade in rough diamonds.
- (3) Sufficient evidence has been submitted that those requirements will be fulfilled by 1 February 2003. The suspension of the applicability of those provisions should, therefore, be lifted from that date,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2368/2002 is amended as follows:

1. Article 2(c) is replaced by the following:  
'(c) "Participant" means any State, regional economic integration organisation, WTO-member or separate customs territory that fulfils the requirements of the KP certification scheme, has notified that fact to the Chair of the KP certification scheme and is listed in Annex II;'
2. Article 20 is replaced by the following:  
'Article 20  
On the basis of relevant Information provided to the Chair of the KP certification scheme and/or by participants, the Commission may amend the list of participants and their competent authorities.'
3. Article 29(3) is replaced by the following:  
'3. Articles 3, 4, 5, 10, 11, 12, 13, 14, 15 and 18 shall apply from 1 February 2003.'

*Article 2*

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

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

Done at Brussels, 11 February 2003.

*For the Council*  
*The President*  
G. PAPANDREOU

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<sup>(1)</sup> OJ L 358, 31.12.2002, p. 28. Regulation amended by Commission Regulation (EC) No 257/2003.

**COMMISSION REGULATION (EC) No 255/2003**  
**of 11 February 2003**  
**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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, 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 12 February 2003.

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

Done at Brussels, 11 February 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 11 February 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                                        | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                                     | 052                               | 70,2                  |
|                                                | 204                               | 46,8                  |
|                                                | 212                               | 114,9                 |
|                                                | 999                               | 77,3                  |
| 0707 00 05                                     | 052                               | 126,2                 |
|                                                | 204                               | 122,9                 |
|                                                | 220                               | 255,9                 |
|                                                | 999                               | 168,3                 |
| 0709 10 00                                     | 220                               | 157,3                 |
|                                                | 999                               | 157,3                 |
| 0709 90 70                                     | 052                               | 137,8                 |
|                                                | 204                               | 184,3                 |
|                                                | 999                               | 161,1                 |
| 0805 10 10, 0805 10 30, 0805 10 50             | 052                               | 41,8                  |
|                                                | 204                               | 47,5                  |
|                                                | 212                               | 43,9                  |
|                                                | 220                               | 49,6                  |
|                                                | 624                               | 83,8                  |
|                                                | 999                               | 53,3                  |
| 0805 20 10                                     | 204                               | 75,9                  |
|                                                | 999                               | 75,9                  |
| 0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90 | 052                               | 66,0                  |
|                                                | 204                               | 55,5                  |
|                                                | 220                               | 63,0                  |
|                                                | 464                               | 134,1                 |
|                                                | 600                               | 75,2                  |
|                                                | 624                               | 72,3                  |
|                                                | 999                               | 77,7                  |
| 0805 50 10                                     | 052                               | 62,1                  |
|                                                | 600                               | 69,7                  |
|                                                | 999                               | 65,9                  |
| 0808 10 20, 0808 10 50, 0808 10 90             | 400                               | 103,5                 |
|                                                | 404                               | 107,4                 |
|                                                | 720                               | 123,3                 |
|                                                | 728                               | 112,0                 |
|                                                | 999                               | 111,6                 |
| 0808 20 50                                     | 388                               | 103,1                 |
|                                                | 400                               | 117,9                 |
|                                                | 512                               | 111,1                 |
|                                                | 528                               | 75,1                  |
|                                                | 720                               | 39,3                  |
|                                                | 999                               | 89,3                  |

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

**COMMISSION REGULATION (EC) No 256/2003****of 11 February 2003****opening an invitation to tender for the reduction in the duty on maize imported into Spain from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Pursuant to the Agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations, the Community has undertaken to import a certain quantity of maize into Spain.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal<sup>(3)</sup>, as last amended by Regulation (EC) No 2235/2000<sup>(4)</sup>, lays down the rules governing the administration of those special arrangements. This Regulation lays down the special additional detailed rules necessary for implementing the invitation to tender, in particular those relating to the lodging and release of the security to be lodged by operators to ensure compliance with their obligations and, in particular, the obligation to process or use the imported product on the Spanish market.
- (3) In the light of current market needs in Spain, an invitation to tender for the reduction in the duty on imports of maize should be opened in the framework of these special arrangements for imports.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EEC) No 1766/92 on maize to be imported into Spain.
2. The invitation to tender shall be open until 3 April 2003. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.
3. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

*Article 2*

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

*Article 3*

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, 11 February 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 1.

<sup>(3)</sup> OJ L 177, 28.7.1995, p. 4.

<sup>(4)</sup> OJ L 256, 10.10.2000, p. 13.

**COMMISSION REGULATION (EC) No 257/2003****of 11 February 2003****amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds <sup>(1)</sup>, and in particular Article 19(3), (6) and Article 20 thereof,

Whereas:

- (1) The chair of the Kimberley Process and participants provided the Commission with the relevant information concerning participants and the competent authorities they have designated to issue and validate their certificates.
- (2) The United Kingdom and Belgium have designated Community authorities and informed the Commission thereof. The Commission concluded that sufficient evidence was provided that these Community authorities can reliably, timely, effectively and adequately fulfil the tasks required by Chapters II, III and V of Regulation (EC) No 2368/2002. Those Member States also notified to the Commission the offices where the formalities provided for in that Regulation can be completed as well as the location of such offices.
- (3) In order to improve the security and functionality of the Community certificate certain technical characteristics laid out in Annex IV to Regulation (EC) No 2368/2002 should be amended.
- (4) The measures provided for in Article 1(2) of this Regulation are in accordance with the opinion of the Committee designated in Article 22 of Regulation (EC) No 2368/2002,

*Article 1*

Regulation (EC) No 2368/2002 is amended as follows:

1. The text contained in Annex I to this Regulation is added to Annex II to Regulation (EC) No 2368/2002.
2. The text contained in Annex II to this Regulation is added to Annex III to Regulation (EC) No 2368/2002.
3. Annex IV to Regulation (EC) No 2368/2002 is amended as follows:
  - (a) the heading 'Materials' is amended as follows:
    - (i) the second indent is replaced by:  
'— Watermarked with invisible (yellow/red) UV fibres;'
    - (ii) the third indent is replaced by:  
'— Solvent sensitive;'
    - (iii) the fifth indent is replaced by:  
'— 95 g/m<sup>2</sup> paper;'
  - (b) the heading 'Printing' is amended as follows:
    - (i) in the first indent the text '— Rainbow background tint (solvent sensitive) (colour definition: pantone blue-rose)' is replaced by: '— Rainbow background tint (solvent sensitive);'
    - (ii) in the eighth indent the text 'MELT feature reading "KPCS"' is replaced by: 'Micro-text reading "KPCS";'
  - (c) under the heading 'Numbering', in the fourth and fifth indent, '6 digit' is replaced by '8 digit';
  - (d) under the heading 'Layout and finishing — Obligatory features', the first line is replaced by: 'Slot perforated in 1 position, cut to singles A4 size, at 100 mm from right edge'.

*Article 2*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*. This Regulation shall apply for a renewable three month period after that date.

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

Done at Brussels, 11 February 2003.

*For the Commission*

Christopher PATTEN

*Member of the Commission*

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 28.

## ANNEX I

The following text is added under the title of Annex II to Regulation (EC) No 2368/2002:

## ‘ANGOLA

Ministry of Geology and Mines  
Rua Hochi Min  
Luanda

## ARMENIA

Department of Gemstones and Jewellery  
Ministry of Trade and Economic Development  
Yerevan  
Armenia

## AUSTRALIA

- Community Protection Section  
Australian Customs Section  
Customs House, 5 Constitution Avenue  
Canberra ACT 2601  
Australia
- Minerals Development Section  
Department of Industry, Tourism and Resources  
GPO Box 9839  
Canberra ACT 2601  
Australia

## BELARUS (Date of participation to be confirmed)

Director, Department of Finance  
Sovetskaja Str., 7  
220010 Minsk  
Republic of Belarus

## BOTSWANA

Ministry of Minerals, Energy & Water Resources  
PI Bag 0018  
Gaborone  
Botswana

## BURKINA FASO

## CANADA

— *International:*

Department of Foreign Affairs and International Trade  
Peace Building and Human Security Division  
Lester B Pearson Tower B — Room: B4-120  
125 Sussex Drive Ottawa, Ontario K1A 0G2  
Canada

— *For specimen of the Canadian KP Certificate:*

Stewardship Division  
International and Domestic Market Policy Division  
Mineral and Metal Policy Branch  
Minerals and Metals Sector  
Natural Resources Canada  
580 Booth Street, 10th Floor, Room: 10A6  
Ottawa, Ontario  
Canada K1A 0E4

— *General Enquiries:*

Kimberley Process Office  
Minerals and Metals Sector (MMS)  
Natural Resources Canada (NRCan)  
10th Floor, Area A-7  
580 Booth Street  
Ottawa, Ontario  
Canada K1A 4

## CENTRAL AFRICAN REPUBLIC

Representative and Liaison Officer  
Independent Diamond Valuers (IDV)  
Immeuble SOCIM, 2ème étage  
BP 1613 Bangui  
Central African Republic

## CHINA (People's Republic of)

General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ)

## COTE D'IVOIRE

## CONGO (Democratic Republic of)

Centre d'Evaluation, d'Expertise et de Certification (CEEC)  
17th floor, BCDC Tower  
30th June Avenue  
Kinshasha  
Democratic Republic of Congo

## EUROPEAN COMMUNITY

European Commission  
ER/A/2  
170, Rue de la Loi  
B-1040 Brussels

## GABON

Ministry of Mines, Energy, Oil and Hydraulic Resources of Gabon  
BP 576 or 874, Libreville  
Gabon

## GHANA

Precious Minerals Marketing Company (Ltd)  
PO box M108  
Accra, Ghana

## GUINEA

## GUYANA

Geology and Mines Commission  
Georgetown  
Guyana

## INDIA

The Gem and Jewellery Export Promotion Council  
Diamond Plaza, 5th Floor 391-A, Fr D.B. Marg  
Mumbai 400 004  
India

## ISRAEL

Ministry of Industry and Trade  
PO box 3007  
52130 Ramat Gan  
Israel

## JAPAN

United Nations Policy Division  
Ministry of Foreign Affairs  
2-11-1, Shibakoen Minato-ku  
105-8519 Tokyo  
Japan

## KOREA (Republic of)

- UN Division  
Ministry of Foreign Affairs and Trade  
Government Complex Building  
77 Sejong-ro, Jongro-gu  
Seoul  
Korea
- Trade Policy Division  
Ministry of Commerce, Industry and Enterprise  
1 Joongang-dong, Kwacheon-City  
Kyunggi-do  
Korea

## LAOS

Department of Customs  
Ministry of Finance

## LEBANON

## LESOTHO

Commission of Mines and Geology  
PO box 750  
Maseru 100  
Lesotho

## MALTA (Date of participation to be confirmed)

## MAURITIUS

Senior Commercial Office  
Import Division  
2nd Floor, Anglo-Mauritius House  
Mauritius

## MEXICO

## NAMIBIA

Diamond Commission  
Ministry of Mines and Energy  
Private Bag 13297  
Windhoek  
Namibia

## PHILIPPINES

## RUSSIAN FEDERATION

Gokhran of Russia  
1812 goda ul., 14  
121170 Moscow  
Russia

## SIERRA LEONE

- Ministry of Mineral Resources  
Youyi Building  
Brookfields  
Freetown  
Sierra Leone
- Government Gold and Diamond Office  
Youyi Building  
Brookfields  
Freetown  
Sierra Leone

## SOUTH AFRICA

South African Diamond Board  
240 Commissioner Street  
Johannesburg  
South Africa

## SRI LANKA

Trade Information Service  
Sri Lanka Export Development Board  
42 Nawam Mawatha  
Colombo 2  
Sri Lanka

## SWAZILAND

Geological Surveys and Mines Department  
Box 9, Mbabane  
Swaziland

## SWITZERLAND

State Secretariat for Economic Affairs  
Export Control Policy and Sanctions  
Effingerstrasse 1  
CH-3003 Berne

## TANZANIA

Commission for Minerals  
Ministry of Energy and Minerals  
PO box 2000  
Dar es Salaam  
Tanzania

## THAILAND

## TOGO (Date of participation to be confirmed)

## UKRAINE

International Department  
Diamond Factory "Kristall"  
600 Letiya Street 21  
21100 Vinnitsa  
Ukraine

UNITED ARAB EMIRATES

VIETNAM

UNITED STATES OF AMERICA

ZIMBABWE

US Department of State  
2201 C St., NW,  
Washington DC  
USA

Principal Minerals Development Office  
Ministry of Mines and Mining Development  
Private Bag 7709, Causeway  
Harare'.

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#### ANNEX II

The following text is added under the title of Annex III to Regulation (EC) No 2368/2002:

1. the Government Diamond Office (GDO) within the United Nations Department of the Foreign and Commonwealth Office,  
King Charles Street,  
London SW1A 2AH  
United Kingdom  
Tel. (44-20) 70 08 69 02  
Fax (44-20) 70 08 39 05  
e-mail: clive.wright@fco.gov.uk
2. Federale Overheidsdienst Economie, KMO, Middenstand en Energie, Dienst Vergunningen/Service Public Fédéral Economie, PME, Classes moyennes et Energie, Service Licence,  
Italiëlei 124, bus 71  
B-2000 Antwerpen  
tel. (32-3) 206 94 70  
fax (32-3) 206 94 90  
e-mail: Diamond@mineco.fgov.be

In Belgium the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002 and the customs treatment will only be done at:

The Diamond Office,  
Hovenierstraat 22  
B-2018 Antwerpen'.

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## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 27 January 2003

**on the conclusion of a Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part, on conformity assessment and acceptance of industrial products — PECA**

(2003/95/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof, in conjunction with the first sentence of the first subparagraph of Article 300(2), the first sentence of the first subparagraph of Article 300(3) and Article 300(4) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Whereas:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Slovenia of the other part <sup>(2)</sup>, entered into force on 1 February 1999.
- (2) Article 76(2) of the Europe Agreement provides that cooperation in the fields of standardisation and conformity assessment is to seek to achieve the conclusion of agreements on mutual recognition.
- (3) Article 114(2) of the Europe Agreement provides that the Association Council may delegate to the Association Committee any of its powers.
- (4) Article 2 of Decision 1999/144/EC, ECSC, Euratom of the Council and the Commission of 21 December 1998 on the conclusion of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part <sup>(3)</sup>, provides for the Community decision-making procedures and for the presentation of the Community position in the Association Council and in the Association Committee.

- (5) Article 14 of Decision No 1/1999 of the Association Council between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part of 22 February 1999 on its rules of procedure <sup>(4)</sup> provides that the Association Committee may set up further subcommittees or groups to assist in carrying out its duties.
- (6) The Protocol to the Europe Agreement on Conformity Assessment and Acceptance of Industrial Products, was signed in Brussels on 26 November 2002, on behalf of the Community, and should be approved.
- (7) Certain tasks for implementation have been conferred on the Association Council and in particular the power to amend the Annexes to the Protocol.
- (8) The appropriate internal procedures should be established to ensure the proper functioning of the Protocol.
- (9) It is necessary to empower the Commission to make certain technical amendments to this Protocol and to take certain decisions for its implementation,

HAS DECIDED AS FOLLOWS:

#### Article 1

The Protocol to the Europe Agreement with the Republic of Slovenia on Conformity Assessment and Acceptance of Industrial Products (hereinafter referred to as the Protocol), as well as the declaration annexed to the Final Act thereto, are hereby approved on behalf of the European Community.

<sup>(1)</sup> OJ C 291, 26.11.2002, p. 250.

<sup>(2)</sup> OJ L 51, 26.2.1999, p. 3.

<sup>(3)</sup> OJ L 51, 26.2.1999, p. 1.

<sup>(4)</sup> OJ L 96, 10.4.1999, p. 13.

The text of the Protocol, and of the declaration annexed to the Final Act thereto, is attached to this Decision.

#### Article 2

The President of the Council shall, on behalf of the Community, transmit the diplomatic note provided for in Article 17 of the Protocol <sup>(1)</sup>.

#### Article 3

1. After consultation with the special committee appointed by the Council, the Commission shall:

- (a) carry into effect the notifications, acknowledgements, suspensions and withdrawals of bodies, and appointments of joint team or teams of experts, in accordance with Articles 10, 11 and 14, indent (c) of the Protocol;
- (b) bring about the consultations, exchange of information, the requests for verifications and for participation in verifications, in accordance with Articles 3, 12 and 14, (d) and (e), and Sections III and IV of the Annexes to the Protocol concerning electrical safety, electromagnetic compatibility, machinery and gas appliances;
- (c) if necessary, reply to requests in accordance with Article 11, Sections III and IV of the Annexes to the Protocol concerning electrical safety, electromagnetic compatibility, machinery and gas appliances.

2. Following consultation of the special committee referred to in paragraph 1, the Commission shall determine the position to be taken by the Community in the Association Council and, where applicable, in the Association Committee, with regard to:

- (a) amendments to the Annexes in accordance with Article 14(a) of the Protocol;

- (b) addition of new Annexes in accordance with Article 14(b) of the Protocol;

- (c) any decisions regarding disagreements on the results of the verifications and the suspensions, in part or totally, of any notified body in accordance with the second and third subparagraphs of Article 11 of the Protocol;

- (d) any measures taken in the application of the safeguard clauses in Section IV of the Annexes of the Protocol concerning electrical safety, electromagnetic compatibility, machinery and gas appliances;

- (e) any measures concerning the verification, suspension, or withdrawal of industrial products as having mutual acceptance under Article 4 of the Protocol.

3. In all other cases the position to be taken by the Community in the Association Council and, where applicable, in the Association Committee, with regard to this Protocol shall be determined by the Council, acting by qualified majority on a proposal from the Commission.

Done at Brussels, 27 January 2003.

*For the Council*

*The President*

G. PAPANDREOU

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<sup>(1)</sup> The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

## PROTOCOL

### to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part, on conformity assessment and acceptance of industrial products (PECA)

THE EUROPEAN COMMUNITY AND THE REPUBLIC OF SLOVENIA, hereinafter referred to as 'the Parties',

WHEREAS the Republic of Slovenia has applied for membership of the European Union and such membership implies the effective implementation of the *acquis* of the European Community,

RECOGNISING that the progressive adoption and implementation of Community law by the Republic of Slovenia provides the opportunity to extend certain benefits of the internal market and to ensure its effective operation in certain sectors before accession,

CONSIDERING that, in the sectors covered by this Protocol, Slovenian national law substantially takes over Community law,

CONSIDERING their shared commitment to the principles of free movement of goods and to promoting product quality, so as to ensure the health and safety of their citizens and the protection of the environment, including through technical assistance and other forms of cooperation between them,

DESIRING to conclude a Protocol to the Europe Agreement on Conformity Assessment and Acceptance of Industrial Products (hereafter referred to as 'this Protocol') providing for the application of the mutual acceptance of industrial products which fulfil the requirements for being lawfully placed on the market in one of the Parties and of the mutual recognition of the results of conformity assessment of industrial products which are subject to Community or national law, noting that Article 76 of the Europe Agreement provides, where appropriate, for the conclusion of an agreement on mutual recognition,

NOTING the close relationship between the European Community and Iceland, Liechtenstein and Norway through the Agreement on the European Economic Area, which makes it appropriate to consider the conclusion of a parallel European Conformity Assessment Agreement between the Republic of Slovenia and these countries equivalent to this Protocol,

BEARING IN MIND the Parties' status as Contracting Parties to the Agreement establishing the World Trade Organisation, and conscious in particular of their obligations under the World Trade Organisation Agreement on Technical Barriers to Trade,

HAVE AGREED AS FOLLOWS:

#### Article 1

##### Purpose

The purpose of this Protocol is to facilitate the elimination by the Parties of technical barriers to trade in respect of industrial products. The means to this end is the progressive adoption and implementation by the Republic of Slovenia of national law, which is equivalent to Community law.

This Protocol provides for:

- (a) the mutual acceptance of industrial products, listed in the Annexes on mutual acceptance of industrial products, which fulfil the requirements for being lawfully placed on the market in one of the Parties;
- (b) the mutual recognition of the results of conformity assessment of industrial products subject to Community law and to the equivalent Slovenian national law, both listed in the Annexes on mutual recognition of results of conformity assessment.

#### Article 2

##### Definitions

For the purpose of this Protocol,

- (a) 'industrial products' means products, as specified in Article 9 of the Europe Agreement and in Protocol 2 thereto;

- (b) 'Community law' means any legal act and implementing practice of the European Community applicable to a particular situation, risk or category of industrial products, as interpreted by the Court of Justice of the European Communities;

- (c) 'national law' means any legal act and implementing practice by which the Republic of Slovenia takes over Community law applicable to a particular situation, risk or category of industrial products.

The terms used in this Protocol shall have the meaning given in Community law and Slovenian national law.

#### Article 3

##### Alignment of legislation

For the purpose of this Protocol, the Republic of Slovenia agrees to take appropriate measures, in consultation with the Commission of the European Communities, to maintain or complete the take-over of Community law, in particular in the fields of standardisation, metrology, accreditation, conformity assessment, market surveillance, general safety of products and producer liability.

*Article 4***Mutual acceptance of industrial products**

The Parties agree that, for the purpose of mutual acceptance, industrial products listed in the annexes on mutual acceptance of industrial products, which fulfil the requirements for being lawfully placed on the market of a Party, may be placed on the market of the other Party, without further restriction. This shall be without prejudice to Article 36 of the Europe Agreement.

*Article 5***Mutual recognition of the results of conformity assessment procedures**

The Parties agree to recognise the results of conformity assessment procedures carried out in accordance with the Community or national law listed in the Annexes on mutual recognition of the results of conformity assessment. The Parties shall not require procedures to be repeated, nor shall they impose additional requirements, for the purposes of accepting that conformity.

*Article 6***Safeguard clause**

Where a Party finds that an industrial product placed on the market on its territory by virtue of this Protocol, and used in accordance with its intended use, may compromise the safety or health of users or other persons, or any other legitimate concern protected by legislation identified in the Annexes, it may take appropriate measures to withdraw such a product from the market, to prohibit its placing on the market, putting into service or use or to restrict its free movement. The Annexes shall provide for the procedure to be applied in such cases.

*Article 7***Extension of coverage**

As the Republic of Slovenia adopts and implements further national law taking over Community law, the Parties may amend the Annexes or conclude new ones, in accordance with the procedure laid down in Article 14.

*Article 8***Origin**

The provisions of this Protocol shall apply to industrial products irrespective of their origin.

*Article 9***Obligations of Parties as regards their authorities and bodies**

The Parties shall ensure that authorities under their jurisdiction which are responsible for the effective implementation of Community and national law shall continuously apply it.

Further, they shall ensure that these authorities are able, where appropriate, to notify, suspend, remove suspension and withdraw notification of bodies, to ensure the conformity of industrial products with Community or national law or to require their withdrawal from the market.

The Parties shall ensure that bodies, notified under their respective jurisdiction to assess conformity in relation to requirements of Community or national law specified in the Annexes, continuously comply with the requirements of Community or national law. Further, they shall take all necessary steps to ensure that these bodies maintain the necessary competence to carry out the tasks for which they are notified.

*Article 10***Notified bodies**

Initially, the bodies notified for the purpose of this Protocol shall be those included in the lists which the Republic of Slovenia and the Community have exchanged before the completion of the procedures for entry into force.

Afterwards, the following procedure shall apply for the notification of bodies to assess conformity in relation to the requirements of Community or national law specified in the Annexes:

- (a) a Party shall forward its notification to the other Party in writing;
- (b) on the acknowledgement of the other Party, given in writing, the body shall be considered as notified and as competent to assess conformity in relation to the said requirements specified in the Annexes from that date;

If a Party decides to withdraw the notification of a body under its jurisdiction, it shall inform the other Party in writing. The body will cease to assess conformity in relation to the said requirements specified in the Annexes from the date of its withdrawal at the latest. Nevertheless, conformity assessment carried out before that date shall remain valid, unless otherwise decided by the Association Council.

*Article 11***Verification of notified bodies**

Each Party may request the other Party to verify the technical competence and compliance of a notified body under its jurisdiction. Such request shall be justified in order to allow the Party responsible for the notification to carry out the requested verification and report speedily to the other Party. The Parties may also jointly examine the body, with the participation of the relevant authorities. To this end, the Parties shall ensure the full cooperation of bodies under their jurisdiction. The Parties shall take all appropriate steps, and use whatever available means may be necessary, with a view to resolving any problems which are detected.

If the problems cannot be resolved to the satisfaction of both Parties, they may notify the Chairman of the Association Council of their disagreement, giving their reasons. The Association Council may decide on appropriate action.

Unless and until decided otherwise by the Association Council, the notification of the body and the recognition of its competence to assess conformity in relation to the requirements of Community or national law specified in the Annexes shall be suspended in part or totally from the date on which the disagreement of the Parties has been notified to the Chairman of the Association Council.

#### Article 12

### Exchange of information and cooperation

In order to ensure a correct and uniform application and interpretation of this Protocol, the Parties, their authorities and their notified bodies shall:

- (a) exchange all relevant information concerning implementation of law and practice including, in particular, on procedure to ensure compliance of notified bodies;
- (b) take part, as appropriate, in the relevant mechanisms of information, coordination and other related activities of the Parties;
- (c) encourage their bodies to cooperate with a view to establishing mutual recognition arrangements in the voluntary sphere.

#### Article 13

### Confidentiality

Representatives, experts and other agents of the Parties shall be required, even after their duties have ceased, not to disclose information acquired under this Protocol which is of the kind covered by the obligation of professional secrecy. This information may not be used for purposes other than those envisaged by this Protocol.

#### Article 14

### Management of the Protocol

Responsibility for the effective functioning of this Protocol shall be borne by the Association Council in accordance with Article 110 of the Europe Agreement. In particular, it shall have the power to take decisions regarding:

- (a) amending the Annexes;
- (b) adding new Annexes;

- (c) appointing a joint team or teams of experts to verify the technical competence of a notified body and its compliance with the requirements;
- (d) exchanging information on proposed and actual amendments to the Community and national law referred to in the Annexes;
- (e) considering new or additional conformity assessment procedures affecting a sector covered by an Annex;
- (f) resolving any questions relating to the application of this Protocol.

The Association Council may delegate the above responsibilities set out under this Protocol, in accordance with Article 114(2) of the Europe Agreement.

#### Article 15

### Technical cooperation and assistance

The European Community may provide technical cooperation and assistance to the Republic of Slovenia where necessary in order to support the effective implementation and application of this Protocol.

#### Article 16

### Agreements with other countries

Agreements on conformity assessment concluded by either Party with a country which is not a Party to this Protocol shall not entail an obligation upon the other Party to accept the results of conformity assessment procedures carried out in that third country, unless there is an explicit agreement between the Parties in the Association Council.

#### Article 17

### Entry into force

This Protocol shall enter into force on the first day of the second month following the date on which the Parties have exchanged diplomatic notes confirming the completion of their respective procedures for entry into force of this Protocol.

#### Article 18

### Status of the Protocol

This Protocol shall constitute an integral part of the Europe Agreement.

This Protocol is drawn up in two originals in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Slovenian languages, each text being equally authentic.

Hecho en Bruselas, el veintiséis de noviembre de dos mil dos.

Udfærdiget i Bruxelles den seksogtyvende november to tusind og to.

Geschehen zu Brüssel am sechszwanzigsten November zweitausendundzwei.

Έγινε στις Βρυξέλλες, στις είκοσι έξι Νοεμβρίου δύο χιλιάδες δύο.

Done at Brussels on the twenty-sixth day of November in the year two thousand and two.

Fait à Bruxelles, le vingt-six novembre deux mille deux.

Fatto a Bruxelles, addì ventisei novembre duemiladue.

Gedaan te Brussel, de zesentwintigste november tweeduizendtwee.

Feito em Bruxelas, em vinte e seis de Novembro de dois mil e dois.

Tehty Brysselissä kahdentenäkymmenentenäkuudentena päivänä marraskuuta vuonna kaksituhattakaksi.

Som skedde i Bryssel den tjugosjätte november tjugohundratvå.

Sestavljeno v Bruslju, šestindvajsetega novembra dvatisočdva.

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

Za Evropsko skupnost



Por la República de Eslovenia

På Republikken Sloveniens vegne

Für die Republik Slowenien

Εξ ονόματος της Δημοκρατίας της Σλοβενίας

On behalf of the Republic of Slovenia

Pour la République de Slovénie

A nome della Repubblica di Slovenia

Namens de Republiek Slovenië

Em nome da República da Eslovénia

Slovenian tasavallan puolesta

På Republiken Sloveniens vägnar

Za Republiko Slovenijo



Renata Vitež

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ANNEXES

ANNEXES ON MUTUAL ACCEPTANCE OF INDUSTRIAL PRODUCTS

(for the record)

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## ANNEXES ON MUTUAL RECOGNITION OF RESULTS OF CONFORMITY ASSESSMENT

## Contents

1. Electrical safety
2. Electromagnetic compatibility
3. Machinery
4. Gas appliances

**ELECTRICAL SAFETY**

## SECTION I

**Community and national law**

|                |                                                                                                                                                                                                                                                                                          |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community law: | Council Directive 73/23/EEC of 19 February 1973 on the approximation of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits (OJ L 77, 26.3.1973, p. 29), as amended by Council Directive 93/68/EEC (OJ L 220, 30.8.1993, p.1). |
| National law:  | Order on electrical equipment designed for use within certain voltage limits (Uradni list RS, št. 53/00, str. 7013 in št. 27/02, str. 2245)                                                                                                                                              |

## SECTION II

**Notifying authorities***European Community*

|                   |                                                                                                                                                                  |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| — Belgium:        | Ministère des Affaires Economiques/Ministerie van Economische Zaken;                                                                                             |
| — Denmark:        | Økonomi- og Erhvervsministeriet, Elektricitetsrådet;                                                                                                             |
| — Germany:        | Bundesministerium für Arbeit und Sozialordnung;                                                                                                                  |
| — Greece:         | Υπουργείο Ανάπτυξης. Γενική Γραμματεία Βιομηχανίας (Ministry of Development. General Secretariat of Industry);                                                   |
| — Spain:          | Ministerio de Ciencia y Tecnología;                                                                                                                              |
| — France:         | Ministère de l'économie, des finances et de l'industrie. Direction Générale de l'Industrie, des Technologies de l'Information et des Postes (DiGITIP) — SQUALPI; |
| — Ireland:        | Department of Enterprise, Trade and Employment;                                                                                                                  |
| — Italy:          | Ministero delle Attività Produttive;                                                                                                                             |
| — Luxembourg:     | Ministère de l'Economie- Service de l'Energie de l'État.<br>Ministère du Travail (Inspection du Travail et des Mines);                                           |
| — Netherlands:    | Minister van Volksgezondheid, Welzijn en Sport (consumer goods).<br>Minister van Sociale Zaken en Werkgelegenheid (others);                                      |
| — Austria:        | Bundesministerium für Wirtschaft und Arbeit;                                                                                                                     |
| — Portugal:       | Under the authority of the Government of Portugal:<br>Instituto Português da Qualidade;                                                                          |
| — Finland:        | Kauppa- ja teollisuusministeriö/Handels- och industriministeriet;                                                                                                |
| — Sweden:         | Under the authority of the Government of Sweden:<br>Styrelsen för ackreditering och teknisk kontrol (SWEDAC);                                                    |
| — United Kingdom: | Department of Trade and Industry;                                                                                                                                |
| <i>Slovenia</i>   | Ministrstvo za gospodarstvo.                                                                                                                                     |

## SECTION III

**Notified bodies***European Community*

Bodies which have been notified by the Member States of the Community in accordance with the Community law of Section I and notified to the Republic of Slovenia in accordance with Article 10 of this Protocol.

*Slovenia*

Bodies which have been authorised by the Republic of Slovenia in accordance with the Slovenian national law of Section I and notified to the Community in accordance with Article 10 of this Protocol.

## SECTION IV

**Specific arrangements***Safeguard clauses**A. Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non-compliance has been assessed.
2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.
3. In the case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
4. In the case of disagreement on the outcome of such investigations the matter shall be forwarded to the Association Council which may decide to have an expert appraisal carried out.
5. Where the Association Council finds that the measure is:
  - (a) unjustified, the national authority of the Party which has taken the measure shall withdraw it;
  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

*B. Safeguard clause relating to harmonised standards*

1. Where the Republic of Slovenia considers that a harmonised standard referred to in the legislation defined in this Annex, does not meet the essential requirements of such legislation, it shall inform the Association Council giving the reasons therefor.
2. The Association Council shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation identified in this Annex.
3. The Community shall keep the Association Council and the other Party informed of the proceedings.
4. The outcome of the procedure shall be notified to the other Party.

**ELECTROMAGNETIC COMPATIBILITY**

## SECTION I

**Community and national law**

|                |                                                                                                                                                                                                                                                     |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community law: | Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility (OJ L 139, 23.5.1989, p. 19), as last amended by Council Directive 93/68/EEC (OJ L 220, 30.8.1993, p.1). |
| National law:  | Law on Telecommunications (Uradni list RS, št. 30/01, str. 3208) and Regulation on Electromagnetic Compatibility (EC. (Uradni list RS, št. 84/01, str. 8498 in 32/02, str. 2875)                                                                    |

## SECTION II

**Notifying authorities***European Community*

|                   |                                                                                                                                                                                                |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| — Belgium:        | Ministère des Affaires Economiques/Ministerie van Economische Zaken;                                                                                                                           |
| — Denmark:        | Ministeriet for Videnskab, Teknologi og Udvikling, IT-og Telestyrelsen;                                                                                                                        |
| — Germany:        | Bundesministerium für Wirtschaft und Technologie;                                                                                                                                              |
| — Greece:         | Υπουργείο Ανάπτυξης, Γενική Γραμματεία Βιομηχανίας (Ministry of Development, General Secretariat of Industry);                                                                                 |
| — Spain:          | Ministerio de Ciencia y Tecnología;                                                                                                                                                            |
| — France:         | Ministère de l'économie, des finances et de l'industrie. Direction Générale de l'Industrie, des Technologies de l'Information et des Postes (DiGITIP) — SQUALPI;                               |
| — Ireland:        | Department of Enterprise, Trade and Employment;                                                                                                                                                |
| — Italy:          | Ministero delle Attività Produttive;                                                                                                                                                           |
| — Luxembourg:     | Ministère de l'Economie-Service de l'Energie de l'État;                                                                                                                                        |
| — Netherlands:    | Ministerie van Verkeer en Waterstaat;                                                                                                                                                          |
| — Austria:        | Bundesministerium für Wirtschaft und Arbeit;                                                                                                                                                   |
| — Portugal:       | Under the authority of the Government of Portugal:<br>Instituto Português da Qualidade;<br>Ministério do Equipamento Social. Instituto das Comunicações de Portugal;                           |
| — Finland:        | Kauppa- ja teollisuusministeriö/Handels- och industriministeriet;<br>For EC. aspects of telecommunications and radio equipment:<br>Liikenne- ja viestintäministeriö/Kommunikationsministeriet; |
| — Sweden:         | Under the authority of the Government of Sweden:<br>Styrelsen för ackreditering och teknisk kontrol (SWEDAC);                                                                                  |
| — United Kingdom: | Department of Trade and Industry;                                                                                                                                                              |
| <i>Slovenia</i>   | Ministrstvo za gospodarstvo.                                                                                                                                                                   |

## SECTION III

**Notified and competent bodies***European Community*

Bodies which have been notified by the Member States of the Community in accordance with the Community law of Section I and notified to Slovenia in accordance with Article 10 of this Protocol.

*Slovenia*

Bodies which have been authorised by Slovenia in accordance with the Slovenian national law of Section I and notified to the Community in accordance with Article 10 of this Protocol.

## SECTION IV

**Specific arrangements***Safeguard clauses**A. Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non-compliance has been assessed.

2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.
3. In the case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
4. In the case of disagreement on the outcome of such investigations the matter shall be forwarded to the Association Council which may decide to have an expert appraisal carried out.
5. Where the Association Council finds that the measure is:
  - (a) unjustified, the national authority of the Party which has taken the measure shall withdraw it;
  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

*B. Safeguard clause relating to harmonised standards*

1. Where the Republic of Slovenia considers that a harmonised standard referred to in the legislation defined in this Annex, does not meet the essential requirements of such legislation, it shall inform the Association Council giving the reasons therefor.
2. The Association Council shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation identified in this Annex.
3. The Community shall keep the Association Council and the other Party informed of the proceedings.
4. The outcome of the procedure shall be notified to the other Party.

## MACHINERY

### SECTION I

#### Community and national law

|                |                                                                                                                                                                                                                                                                                                      |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community law: | Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery (OJ L 207, 23.7.1998, p.1), as amended by Directive 98/79/EC of the European Parliament and of the Council (OJ L 331, 7.12.1998, p. 1). |
| National law:  | Order on machinery safety (Uradni list RS, št. 52/00, str. 6955 in št. 57/00, str. 7519).                                                                                                                                                                                                            |

### SECTION II

#### Notifying authorities

*European Community*

|                   |                                                                                                                |
|-------------------|----------------------------------------------------------------------------------------------------------------|
| — Belgium:        | Ministère de l'Emploi et du Travail/Ministerie voor Arbeid en Tewerkstelling;                                  |
| — Denmark:        | Direktoratet for Arbejdstilsynet;                                                                              |
| — Germany:        | Bundesministerium für Arbeit und Sozialordnung;                                                                |
| — Greece:         | Υπουργείο Ανάπτυξης, Γενική Γραμματεία Βιομηχανίας (Ministry of Development, General Secretariat of Industry); |
| — Spain:          | Ministerio de Ciencia y Tecnología;                                                                            |
| — France:         | Ministère de l'Emploi et de la Solidarité, Direction des relations du travail, Bureau CT 5;                    |
| — Ireland:        | Department of Enterprise, Trade and Employment;                                                                |
| — Italy:          | Ministero delle Attività Produttive;                                                                           |
| — Luxembourg:     | Ministère du Travail (Inspection du Travail et des Mines);                                                     |
| — Netherlands:    | Ministerie van Sociale Zaken en Werkgelegenheid;                                                               |
| — Austria:        | Bundesministerium für Wirtschaft und Arbeit;                                                                   |
| — Portugal:       | Under the authority of the Government of Portugal:<br>Instituto Português da Qualidade;                        |
| — Finland:        | Sosiaali- ja terveysministeriö/Social- och hälsovårdsministeriet;                                              |
| — Sweden:         | Under the authority of the Government of Sweden:<br>Styrelsen för ackreditering och teknisk kontrol (SWEDAC);  |
| — United Kingdom: | Department of Trade and Industry;                                                                              |
| <i>Slovenia</i>   | Ministrstvo za gospodarstvo.                                                                                   |

## SECTION III

**Notified bodies***European Community*

Bodies which have been notified by the Member States of the Community in accordance with the Community law of Section I and notified to Slovenia in accordance with Article 10 of this Protocol.

*Slovenia*

Bodies which have been designated by Slovenia in accordance with the Slovenian national law of Section I and notified to the Community in accordance with Article 10 of this Protocol.

## SECTION IV

**Specific arrangements***Safeguard clauses**A. Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non-compliance has been assessed.
2. The Parties shall consider the matter and the evidence brought to their knowledge, and shall report to each other the results of their investigations.
3. In case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
4. In case of disagreement on the outcome of such investigations the matter shall be forwarded to the Association Council who may decide to have an expertise carried out.
5. Where the Association Council finds that the measure is:
  - (a) unjustified, the national authority of the Party who has taken the measure shall withdraw it;
  - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.

*B. Safeguard clause relating to harmonised standards*

1. Where Slovenia considers that a harmonised standard referred to in the legislation defined in this Annex, does not meet the essential requirements of such legislation, it shall inform the Association Council giving the reasons therefor.
2. The Association Council shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation identified in this Annex.
3. The Community shall keep the Association Council and the other Party informed of the proceedings.
4. The outcome of the procedure shall be notified to the other Party.

**GAS APPLIANCES**

## SECTION I

**Community and national law**

|                |                                                                                                                                                                                                                                                                      |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community law: | Council Directive 90/396/EEC of 29 June 1990 on the approximation of the laws of the Member States relating to appliances burning gaseous fuels (OJ L 196, 26.7.1990, p. 15), as amended by Council Directive 93/68/EEC of 22 July 1993 (OJ L 220, 30.8.1993, p. 1). |
| National law:  | Gas Appliances Order (Uradni list RS, št. 105/00, str. 11151, in št. 28/02, str. 2302).                                                                                                                                                                              |

## SECTION II

**Notifying authorities***European Community*

- Belgium: Ministère des Affaires Economiques/Ministerie van Economische Zaken;
  - Denmark: Økonomi- og Erhvervsministeriet;  
Danmarks Gasmateriel Prøvning;
  - Germany: Bundesministerium für Arbeit und Sozialordnung;
  - Greece: Υπουργείο Ανάπτυξης, Γενική Γραμματεία Βιομηχανίας (Ministry of Development, General Secretariat of Industry);
  - Spain: Ministerio de Ciencia y Tecnología;
  - France: Ministère de l'économie, des finances et de l'industrie, Direction de l'Action Régionale et de la Petite et Moyenne Industrie (DARPMI). Sous-direction de la sécurité industrielle;
  - Ireland: Department of Enterprise, Trade and Employment;
  - Italy: Ministero delle Attività Produttive;
  - Luxembourg: Ministère du Travail (Inspection du Travail et des Mines);
  - Netherlands: Ministerie van Economische Zaken;
  - Austria: Bundesministerium für Wirtschaft und Arbeit;
  - Portugal: Under the authority of the Government of Portugal:  
Instituto Português da Qualidade;
  - Finland: Kauppa- ja teollisuusministeriö/Handels- och industriministeriet;
  - Sweden: Under the authority of the Government of Sweden:  
Styrelsen för ackreditering och teknisk kontrol (SWEDAC);
  - United Kingdom: Department of Trade and Industry; Department for Environment, Food and Rural Affairs;
- Slovenia* Ministrstvo za gospodarstvo.

## SECTION III

**Notified bodies***European Community*

Bodies which have been notified by the Member States of the European Community in accordance with the Community law of Section I and notified to Slovenia in accordance with Article 10 of this Protocol.

*Slovenia*

Bodies which have been designated by Slovenia in accordance with the Slovenian national law of Section I and notified to the European Community in accordance with Article 10 of this Protocol.

## SECTION IV

**Specific arrangements****Safeguard clauses***A. Safeguard clause relating to industrial products*

1. Where a Party has taken a measure to deny free access to its market for industrial products bearing the CE marking, subject to this Annex, it shall immediately inform the other Party, indicating the reasons for its decision and how non-compliance has been assessed.
2. The Parties shall consider the matter and the evidence brought to their knowledge, and their knowledge, and shall report to each other the results of their investigations.

3. In the case of agreement, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
  4. In the case of disagreement on the outcome of such investigations the matter shall be forwarded to the Association Council which may decide to have an expertise carried out.
  5. Where the Association Council finds that the measure is:
    - (a) unjustified, the national authority of the Party which has taken the measure shall withdraw it;
    - (b) justified, the Parties shall take appropriate measures to ensure that such products are not placed on the market.
- B. *Safeguard clause relating to harmonised standards*
1. Where Slovenia considers that a harmonised standard referred to in the legislation defined in this Annex, does not meet the essential requirements of such legislation, it shall inform the Association Council giving the reasons therefor.
  2. The Association Council shall consider the matter and may request the Community to proceed in accordance with the procedure provided for in the Community legislation identified in this Annex.
  3. The Community shall keep the Association Council and the other Party informed of the proceedings.
  4. The outcome of the procedure shall be notified to the other Party.
-

**Declaration by the Community on the attendance of Slovenian representatives at committee meetings**

In order to ensure a better understanding of the practical aspects of the application of the *acquis communautaire*, the Community declares that the Republic of Slovenia is invited, under the following conditions, to the meetings of the committees established or referred to under the Community law on electrical safety, electromagnetic compatibility, machinery and gas appliances.

This participation shall be limited to meetings or parts thereof during which the application of the *acquis* is discussed; it shall not entail attendance at meetings intended to prepare and issue opinions on implementation or management powers delegated to the Commission by the Council.

This invitation may be extended, on a case-by-case basis, to groups of experts convened by the Commission.

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**COUNCIL DECISION**  
**of 6 February 2003**  
**concerning the conclusion of the Agreement for scientific and technological cooperation between**  
**the European Community and Ukraine**

(2003/96/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) A Partnership and Cooperation Agreement between the European Communities and their Member States of the one part, and Ukraine of the other part <sup>(3)</sup>, was signed on 16 June 1994 and has entered into force on 1 March 1998.
- (2) A European Council Common Strategy (1999/877/CFSP) on Ukraine <sup>(4)</sup> was adopted on 11 December 1999 at the Helsinki European Council.
- (3) The European Community and Ukraine are pursuing specific RTD programmes in areas of common interest. On the basis of past experience, both sides have expressed a desire to establish a deeper and broader framework for the conduct of collaboration in science and technology. This cooperation agreement in the field of science and technology forms part of the global cooperation between the European Community and Ukraine.
- (4) By its Decision of 8 October 2001, the Council authorised the Commission to negotiate on behalf of the European Community an Agreement for scientific and technological cooperation between the European

Community and Ukraine. The negotiations, conducted in line with the negotiating directives, resulted in the attached Agreement and its two annexes.

- (5) The Agreement was signed on 4 July 2002 in Copenhagen.
- (6) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

The text of the Agreement and its two Annexes is attached to this Decision.

*Article 2*

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 12 of the Agreement.

Done at Brussels, 6 February 2003.

*For the Council*  
*The President*  
P. EFTHYMIU

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<sup>(1)</sup> Proposal of 11.10.2002 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion delivered on 17 December 2002 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 49, 19.2.1998, p. 3.

<sup>(4)</sup> OJ L 331, 23.12.1999, p. 1.

**AGREEMENT****on cooperation in science and technology between the European Community and Ukraine**

THE EUROPEAN COMMUNITY,

(hereinafter 'the Community'), of the one part, and

UKRAINE,

of the other part,

hereinafter referred to as the 'Parties',

CONSIDERING the importance of science and technology for their economic and social development,

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

HAVING REGARD to the Partnership and Cooperation Agreement concluded between the European Communities and their Member States, of the one part, and Ukraine, of the other part, signed on 16 June 1994, and in particular to Article 58 thereof,

DESIRING to establish a formal basis for cooperation in scientific and technological research which will extend and strengthen the conduct of cooperative activities in areas of common interest and encourage the application of the results of such cooperation to the economic and social benefits of the Parties,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose**

The Parties shall encourage, develop and facilitate cooperative activities in fields of common interest where they are pursuing research and development activities in science and technology.

*Article 2***Definitions**

For the purpose of this Agreement:

- (a) 'Cooperative activity' means any activity which the Parties undertake or support pursuant to this Agreement, and includes joint research;
- (b) 'Information' means scientific or technical data, results or methods of research and development stemming from joint research and any other data relating to cooperative activities;
- (c) 'Intellectual property' shall have the meaning defined in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967;
- (d) 'Joint research' means research implemented with financial support from one or both Parties and that involves collaboration by participants from both the Community and Ukraine;
- (e) 'Participant' means any person, legal entity, university, research institute or any other body participating in a cooperative activity, including, where appropriate, Agencies and official bodies of the Parties themselves.

*Article 3***Principles**

Cooperative activities shall be conducted on the basis of the following principles:

- (a) mutual benefit;
- (b) timely exchange of information which may affect cooperative activities;
- (c) balanced realisation of economic and social benefits by the Community and Ukraine in view of the contribution made to cooperative activities by the respective participants and/or Parties.

*Article 4***Areas of cooperative activities**

- (a) Cooperation may be pursued in research, technological development and demonstration activities, including basic research, in the following:
  - environment and climate research, including earth observation,
  - biomedical and health research,
  - agriculture, forestry and fisheries research,
  - industrial and production technologies,
  - materials research and metrology,
  - non-nuclear energy,
  - transportation,
  - information society technologies,
  - social sciences research,
  - science and technology policy,
  - training and exchange of scientists.

- (b) Other areas may be added to this list upon review and recommendation by the Joint Community-Ukraine Committee mentioned in Article 6 of this Agreement.

#### Article 5

##### Forms of cooperative activities

- (a) Cooperation may include the following activities:
1. participation of Ukrainian entities in Community projects, in the areas of cooperative activities, and a reciprocal participation of entities established in the Community in Ukrainian projects in those areas. Such participation shall be subject to the laws, rules, regulations and procedures in force for each Party. Projects may also include a Party's scientific and technological organisations; projects may also be undertaken in cooperation with the Agencies and official bodies of the Parties;
  2. free access to, and shared use of research facilities, including installations and sites for monitoring, observation and experimentation, as well as data collections, relevant to the cooperative activities;
  3. visits and exchanges of scientists, engineers, or other appropriate personnel for the purposes of participating in seminars, symposia and workshops relevant to cooperation under this Agreement;
  4. exchange of information on practices, legislation, regulations and programmes relevant to cooperation under this Agreement;
  5. other activities as may be mutually determined by the Parties in accordance with the applicable policies and programmes of the Parties.
- (b) Joint research projects shall proceed under this Agreement only after the participants in a project have concluded a joint technology management plan, as indicated in the Annex 1 to this Agreement which forms an integral part thereof.
- (c) The Parties may jointly pursue cooperative activities with third parties.

#### Article 6

##### Coordination and promotion of cooperative activities

- (a) In order to coordinate and facilitate cooperation activities under this Agreement the Parties will establish a Joint Community-Ukraine Committee on cooperation in the field of science and technology, hereinafter called the 'Committee'.

The Committee shall meet in the framework of the relevant Sub-Committee established under the Partnership and Cooperation Agreement between the European Communities and their Member-States, and Ukraine.

- (b) The function of the Committee shall include:
1. overseeing and promoting the activities envisaged under the Agreement;
  2. making recommendations pursuant to Article 4(b);
  3. proposing activities pursuant to Article 5, 5(a);
  4. advising the Parties on ways of enhancing cooperation consistent with the principles set out in this Agreement;
  5. providing an annual report on the status and effectiveness of cooperation undertaken under this Agreement;
  6. reviewing the efficient and effective functioning of the Agreement;
  7. taking account of the importance of regional aspects of the cooperation.
- (c) The Committee shall meet once a year, meetings being held alternately in the Community and Ukraine. Extraordinary meetings may be held as mutually agreed.
- (d) The Committee shall consist of a limited equal number of official representatives of each Party; it shall establish its own rules of procedure, subject to approval by the Parties. Decisions of the Committee shall be reached by consensus. Minutes, comprising a record of decisions and principal points discussed, shall be taken at each meeting and shall be agreed by those persons selected from each side to chair jointly the meeting. The Committee annual report will be submitted to the Cooperation Council and the Cooperation Committee established under the Partnership and Cooperation Agreement between the European Communities and their Member States, and Ukraine, and appropriate authorities of each Party.

#### Article 7

##### Funding and taxes exemptions

- (a) Cooperative scientific and technological activities shall be subject to the availability of funds and to the applicable laws and regulations, policies and programmes of the Community and Ukraine. As a rule, each Party shall bear the costs of discharging its responsibilities under this Agreement, including costs of participation in meetings of the Committee.
- (b) When specific scientific and technological cooperative forms benefit from financial support of the European Community, either directly or indirectly through organisations set up with the participation of the European Community, provided to participants of Ukraine, any such grants, financial or other contributions from the European Community to participants of Ukraine in support of their scientific and technological activities, shall be granted tax and customs preferences. Any such grants shall be exempt by Ukraine from customs payments, any customs duties and fees, value added taxes, income taxes and any other taxes and duties of an equivalent effect.

*Article 8***Entry of personnel and equipment**

Each Party shall take all reasonable steps and use its best efforts, in accordance with its laws and regulations, to facilitate entry to, stay in and exit from its territory of persons, material, data and equipment involved in or used in cooperative activities under this Agreement.

*Article 9***Information and intellectual property**

The dissemination and utilisation of information, and management, allocation and exercise of intellectual property rights, resulting from joint research under this Agreement, shall be subject to the provisions of Annex 2 to this Agreement.

*Article 10***Other agreements and transitional provisions**

1. This Agreement is without prejudice to other existing Agreements or arrangements between the Parties or any Agreement or arrangement between the Parties and third parties.

2. The Parties shall endeavour to bring under the terms of this Agreement those existing arrangements for scientific and technological cooperation between the Community and Ukraine that fall under the scope of Article 4 of this Agreement.

*Article 11***Territorial application**

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, and on the other hand, to the territory of Ukraine. This shall not

prevent the conduct of cooperative activities on the high seas, outer space on the territory of third countries, in accordance with international laws.

*Article 12***Entry into force, termination, settlement of disputes**

- (a) This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.
- (b) This Agreement shall be concluded for an initial period ending 31 December 2002 and will be renewable by common agreement between the Parties for additional periods of five years.
- (c) This Agreement can be terminated at any time by either Party upon a six month's written notice. The expiration or termination of this Agreement shall not affect the validity or duration of any arrangements made under it, or any specific rights and obligations that have accrued in compliance with the Annexes.
- (d) This Agreement may be amended by the written agreement of the Parties. Amendments shall enter into force on the date on which the Parties have notified each other in writing that their respective internal procedures necessary for amending this Agreement have been completed.
- (e) All disputes related to the interpretation or implementation of this Agreement shall be settled by mutual agreement between the Parties.

*Article 13*

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

Hecho en Copenhague, el cuatro de julio de dos mil dos.

Udfærdiget i København den fjerde juli to tusind og to.

Geschehen zu Kopenhagen am vierten Juli zweitausendundzwei.

Έγινε στην Κοπεγχάγη, στις τέσσερις Ιουλίου δύο χιλιάδες δύο.

Done at Copenhagen on the fourth day of July in the year two thousand and two.

Fait à Copenhague, le quatre juillet deux mille deux.

Fatto a Copenaghen, addì quattro luglio duemiladue.

Gedaan te Kopenhagen, de vierde juli tweeduizendtwee.

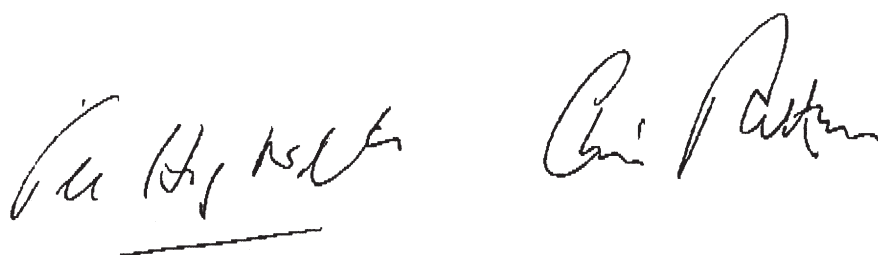
Feito em Copenhaga, em quatro de Julho de dois mil e dois.

Tehty Kööpenhaminassa neljäntenä päivänä heinäkuuta vuonna kaksituhattakaksi.

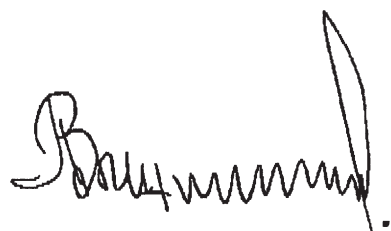
Som skedde i Köpenhamn den fjärde juli jugohundratvå.

**Вчинено в м. Копенгагені “04 “ липня 2002 року.**

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



Por Ucraina  
På Ukraines vegne  
Für die Ukraine  
Για την Ουκρανία  
For Ukraine  
Pour l'Ukraine  
Per l'Ucraina  
Voor Oekraïne  
Pela Ucrânia  
Ukrainan puolesta  
För Ukraina  
**За Україну**



## ANNEX 1

**INDICATIVE FEATURES OF A TECHNOLOGY MANAGEMENT PLAN**

The Technology Management Plan (TMP) is a specific agreement to be concluded between the participants about the implementation of joint research and the respective rights and obligations of the participants.

With respect to intellectual property, the TMP will normally address, among other things, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also address foreground and background information, licensing and deliverables.

The TMPs shall be developed taking into account the aims of the joint research, the relative financial or other contributions of the Parties or participants, the advantages and disadvantages of licensing by territory or for fields of use, the transfer of export-controlled data, goods or services, requirements imposed by the applicable laws and other factors deemed appropriate by the participants.

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## ANNEX 2

**INTELLECTUAL PROPERTY RIGHTS**

Pursuant to Article 9 of the present Agreement, rights to information and intellectual property created or furnished under the Agreement shall be allocated as provided in this Annex.

**I. Application**

This Annex is applicable to joint research undertaken pursuant to this Agreement, except as otherwise agreed by the Parties.

**II. Ownership, allocation and exercise of rights**

1. This Annex addresses the allocation of rights and interests of the Parties and their participants. Each Party and its participants shall ensure that the other Party and its participants may obtain the rights to intellectual property allocated to it in accordance with this Annex. This Annex does not otherwise alter or prejudice the allocation of rights, interests and royalties between a Party and its nationals or participants, which shall be determined by the laws and practices applicable to each Party.
2. The following principles shall apply and shall be provided for in the contractual arrangements:
  - (a) adequate protection of intellectual property. The Parties and/or their participants, as appropriate, shall ensure that they notify one another within a reasonable time of the creation of any intellectual property arising under this Agreement or implementing arrangements and to seek protection for such intellectual property in a timely fashion;
  - (b) taking account of the contributions of the Parties or their participants in determining the rights and interests of the Parties and participants;
  - (c) effective exploitation of results;
  - (d) non-discriminatory treatment of participants from the other party as compared with the treatment given to its own participants;
  - (e) protection of confidential information.
3. The participants shall jointly develop a Technology Management Plan (TMP) in respect of the ownership and use, including publication, of information and intellectual property to be created in the course of joint research. The indicative features of a TMP are contained in the Annex 1 to this Agreement. The TMP shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of the specific research and development cooperation contracts to which they are attached.
4. Information or intellectual property created in the course of joint research and not addressed in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such information or intellectual property shall be owned jointly by all the participants involved in the joint research from which the information or intellectual property results. Each participant to whom this provision applies shall have the right to use such information or intellectual property for his own exploitation with no geographical limitation.
5. While maintaining the conditions of competition in areas affected by the Agreement, each Party shall endeavour to ensure that rights acquired pursuant to this Agreement and arrangements made under it are exercised in such a way as to encourage, in particular:
  - (a) the dissemination and use of information created, disclosed or otherwise made available, under the Agreement, and
  - (b) the adoption and implementation of international technical standards.
6. Termination or expiry of this Agreement shall not affect rights or obligations under this Annex.

**III. Copyright works**

Contractual and other implementing arrangements shall provide for treatment of copyright belonging to the Parties or to their participants consistent with the Berne Convention for the protection of literary and artistic work (Paris Act 1971).

#### IV. Scientific literary works

Without prejudice to Section V, and unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the Parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:

1. In the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software arising from joint research pursuant to this Agreement, the other Party or public bodies of that Party shall be entitled within the limits specified within the TMP to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works.
2. The Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Agreement shall be disseminated as widely as possible.
3. All copies of a copyright work to be publicly distributed and prepared under this provision shall indicate the names of the author(s) of the work unless an author(s) explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

#### V. Undisclosed information

##### A. Documentary undisclosed information

1. Each Party and its participants, as appropriate, shall identify at the earliest possible moment and preferably in the technology management plan the information that they wish to remain undisclosed, taking into account, *inter alia*, the following criteria:
  - (a) confidentiality of the information in the sense that it is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the field;
  - (b) the actual or potential commercial value of the information by virtue of its confidentiality;
  - (c) previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its confidentiality.

The Parties and their participants, as appropriate, may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research may not be disclosed.

2. Each Party shall ensure that it and its participants clearly identify undisclosed information, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A Party and a participant receiving undisclosed information shall respect the privileged nature thereof. These limitations shall automatically terminate when this information is disclosed by the owner into the public domain.

3. Undisclosed information communicated under the Agreement and received from the other Party, may be disseminated by the receiving Party to persons within or employed by the receiving Party and other concerned departments or agencies of the receiving Party authorised for the specific purposes of the joint research underway, provided that any undisclosed information so disseminated shall be pursuant to an agreement of confidentiality and shall be readily recognisable as such, as set out above.
4. With the prior written consent of the Party providing undisclosed information, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in point 3 of the present section. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

##### B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential information provided in seminars and other meetings arranged under this Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified for documentary information in this Annex provided however that the recipient of such undisclosed or other confidential or privileged information has been made aware of the confidential character of the information communicated at the time such communication is made.

#### C. Control

Each Party shall endeavour to ensure that undisclosed information received by it under this Agreement shall be controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions of subsections A and B of the present Section, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

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# COMMISSION

## COMMISSION DECISION

of 31 January 2003

**concerning the validity of certain binding tariff information (BTI) issued by the Federal Republic of Germany**

*(notified under document number C(2003) 77)*

**(Only the German text is authentic)**

(2003/97/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(1)</sup>, as last amended by Regulation (EC) No 2700/2000<sup>(2)</sup>, and in particular Article 12(5)(a)(iii) and Article 248 thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Common Customs Code<sup>(3)</sup>, as last amended by Regulation (EC) No 444/2002<sup>(4)</sup> and in particular Article 9 thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature (CN) annexed to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(5)</sup>, the Commission adopted Regulation (EC) No 1223/2002<sup>(6)</sup> clarifying and confirming the classification of the products described below as frozen poultrymeat of heading 0207, under CN subheading 0207 14 10: 'Boneless chicken cuts, frozen and impregnated with salt in all parts. They have a salt content by weight of 1,2 % to 1,9 %. The product is deep-frozen and has to be stored at a temperature of lower than -18 °C to ensure conservation for at least one year'.

(2) This classification was adopted for the following reasons: 'Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0207, 0207 14 and 0207 14 10. The product is chicken meat frozen for long-term conservation. The addition of salt does not alter the character of the product as frozen meat of heading 0207'.

(3) Following publication of the above Regulation on 9 July 2002<sup>(7)</sup>, all binding tariff information (BTIs) previously issued by Member States classifying the products concerned as salted meat of heading 0210 ceased to be valid.

(4) Based on this Regulation, some Member States later issued BTIs for frozen products of the same kind containing 2 % to 2,7 % salt under heading 0207.

(5) A number of cases subsequently came to light in which Germany had issued BTIs classifying frozen products of this kind containing between 1,9 % and 3 % by weight of salt under heading 0210.

(6) In so doing, Germany failed to take account of the fact that the classification regulation constitutes the application of a general rule to a particular case, and thus contains guidance on the interpretation of the rule which can be applied by the authority responsible for the classification of an identical or similar product.

(7) Products also consisting of boneless chicken cuts which have been frozen for long-term conservation and have a salt content of 1,9 % to 3 % are similar to the products covered by Regulation (EC) No 1223/2002. The addition of salt in such quantities is not such as to alter the products' character as frozen poultry meat of heading 0207.

<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(2)</sup> OJ L 311, 12.12.2000, p. 17.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(4)</sup> OJ L 68, 12.3.2002, p. 11.

<sup>(5)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(6)</sup> OJ L 179, 9.7.2002, p. 8.

<sup>(7)</sup> OJ L 179, 9.7.2002, p. 8.

(8) In order to safeguard equality between operators, which would be endangered if like cases were not treated alike, and to ensure uniform application of the CN, the BTIs issued by Germany on frozen poultry meat containing between 1,9 % and 3 % salt, listed in the annex, must be withdrawn.

(9) Pursuant to Article 14(1) of Regulation (EC) No 2454/93, the holder of the BTIs concerned may make use of the possibility of invoking BTIs which have ceased to be valid during a given period.

(10) The Customs Code Committee has not issued an opinion within the time limit set by its chairman,

HAS ADOPTED THIS DECISION:

*Article 1*

The binding tariff information notices listed in column 1 of the table annexed issued by the customs authorities shown in column 2 for the tariff classification shown in column 3 must be withdrawn at the earliest possible date and in any case not later than 10 days from the notification of this decision.

*Article 2*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 31 January 2003.

*For the Commission*

Pascal LAMY

*Member of the Commission*

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## ANNEX

| Binding tariff information<br>Reference no | Customs authority                   | Tariff classification |
|--------------------------------------------|-------------------------------------|-----------------------|
| 1                                          | 2                                   | 3                     |
| DE HH/734/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/779/02-1                             | – Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/790/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/795/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/827/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/828/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/854/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/873/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/874/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/875/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/876/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/880/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/881/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/882/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/918/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/920/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/921/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/973/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99               |
| DE HH/991/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/994/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/995/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99               |
| DE HH/996/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/997/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/998/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/999/02-1                             | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/1000/02-1                            | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/1001/02-1                            | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/1002/02-1                            | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/1003/02-1                            | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/1004/02-1                            | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/1005/02-1                            | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/1006/02-1                            | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/1007/02-1                            | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |
| DE HH/1008/02-1                            | Oberfinanzdirektion Hamburg, ZPLA   | 0210 99 39            |

| Binding tariff information<br>Reference no | Customs authority                 | Tariff classification |
|--------------------------------------------|-----------------------------------|-----------------------|
| 1                                          | 2                                 | 3                     |
| DE HH/1009/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99               |
| DE HH/1017/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1018/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1019/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1020/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1038/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1047/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1076/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1081/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1082/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1083/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1091/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1092/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1142/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1143/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1144/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1164/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1165/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1170/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1207/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1208/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1232/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1233/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1234/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1235/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1236/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1237/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1238/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1239/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1240/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1241/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |
| DE HH/1242/02-1                            | Oberfinanzdirektion Hamburg, ZPLA | 0210 99 39            |

**CORRIGENDA**

**Corrigendum to Commission Regulation (EC) No 118/2003 of 23 January 2003 fixing the export refunds on beef and veal and amending Regulations (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds and (EC) No 1445/97 on rules of application for import and export licences in the beef and veal sector**

*(Official Journal of the European Communities L 20 of 24 January 2003)*

On page 4 in Article 2, third line:

*for:* '... product CN code ...',

*read:* '... product code ...'.

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