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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 519/2003
of 21 March 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 ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 March 2003.

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

Done at Brussels, 21 March 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 21 March 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	115,5
	060	137,3
	204	48,3
	212	122,4
	624	101,8
	999	105,1
0707 00 05	052	108,3
	096	84,2
	204	80,1
	999	90,9
0709 10 00	220	190,1
	999	190,1
0709 90 70	052	105,2
	204	131,5
	999	118,3
0805 10 10, 0805 10 30, 0805 10 50	052	87,1
	204	49,5
	212	51,4
	220	34,5
	624	64,8
	999	57,5
0805 50 10	052	46,0
	999	46,0
0808 10 20, 0808 10 50, 0808 10 90	388	99,0
	400	92,3
	404	98,6
	508	79,8
	512	82,6
	524	70,3
	528	86,1
	720	90,0
	728	96,2
	999	88,3
0808 20 50	388	70,0
	512	59,9
	528	62,5
	720	45,4
	999	59,5

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

COMMISSION REGULATION (EC) No 520/2003
of 20 March 2003
prohibiting fishing for cod by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for cod for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of cod in the waters of ICES divisions VIIb-k, VIII, IX, X and CECAF division 34.1.1 (Community waters) by vessels flying the flag of Belgium or registered

in Belgium have exhausted the quota allocated for 2003. Belgium has prohibited fishing for this stock from 1 March 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions VIIb-k, VIII, IX, X and CECAF division 34.1.1 (Community waters) by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2003.

Fishing for cod in the waters of ICES divisions VIIb-k, VIII, IX, X and CECAF division 34.1.1 (Community waters) by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transhipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 1 March 2003.

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

Done at Brussels, 20 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 356, 31.12.2002, p. 12.

COMMISSION REGULATION (EC) No 521/2003
of 21 March 2003
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 359/2003 ⁽⁴⁾, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 378/2003 suspending the buying-in of butter in certain Member States ⁽⁵⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Sweden under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 378/2003 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Greece, the Netherlands, Austria, Luxembourg and Finland.

Article 2

Regulation (EC) No 378/2003 is hereby repealed.

Article 3

This Regulation shall enter into force on 22 March 2003.

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

Done at Brussels, 21 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 53, 28.2.2003, p. 17.

⁽⁵⁾ OJ L 55, 1.3.2003, p. 7.

COMMISSION REGULATION (EC) No 522/2003
of 21 March 2003
concerning applications for export licences for rice and broken rice with advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995, laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 2305/2002 ⁽⁴⁾, and in particular the second subparagraph of Article 7(4) thereof,

Whereas:

- (1) Article 7(4) of Regulation (EC) No 1162/95 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported. Commission Regulation (EC) No 371/2003 ⁽⁵⁾ fixes refunds under the procedure provided for in the abovementioned paragraph for 1 000 tonnes for all destinations 064 and 066 defined in the Annex to that Regulation.

- (2) For all the destinations 064 and 066, quantities applied for on 20 March 2003 are in excess of the available quantity, a percentage reduction should therefore be fixed for export licence applications submitted on 20 March 2003.

- (3) In view of its purpose, this Regulation should take effect from the day of its publication in the Official Journal,

HAS ADOPTED THIS REGULATION:

Article 1

For all the destinations 064 and 066 defined in the Annex to Regulation (EC) No 371/2003, applications for export licences for rice and broken rice with advance fixing of the refund submitted under that Regulation on 20 March 2003 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 79,17 % has been applied.

Article 2

For all the destinations 064 and 066 defined in the Annex to Regulation (EC) No 371/2003, applications for export licences for rice and broken rice submitted from 21 March 2003 shall not give rise to the issue of export licences under that Regulation.

Article 3

This Regulation shall enter into force on 22 March 2003.

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

Done at Brussels, 21 March 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁴⁾ OJ L 348, 21.12.2002, p. 92.

⁽⁵⁾ OJ L 53, 28.2.2003, p. 35.

**COMMISSION REGULATION (EC) No 523/2003
of 21 March 2003**

**concerning tenders submitted in response to the invitation to tender for the export to certain
third countries of wholly milled long grain rice B issued in Regulation (EC) No 1898/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 1898/2002 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 17 to 20 March 2003 in response to the invitation to tender for the export refund on wholly milled long grain rice B to certain third countries issued in Regulation (EC) No 1898/2002.

Article 2

This Regulation shall enter into force on 22 March 2003.

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

Done at Brussels, 21 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 272, 13.10.2001, p. 19.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 524/2003
of 21 March 2003
concerning tenders submitted in response to the invitation to tender for the export of husked long
grain B rice to the island of Réunion referred to in Regulation (EC) No 1895/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1895/2002 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 17 to 20 March 2003 in response to the invitation to tender referred to in Regulation (EC) No 1895/2002 for the subsidy on exports to Réunion of husked long grain B rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 22 March 2003.

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

Done at Brussels, 21 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 525/2003
of 21 March 2003**

**concerning tenders submitted in response to the invitation to tender for the export to certain
third countries of wholly milled round grain A rice issued in Regulation (EC) No 1896/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 1896/2002 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 17 to 20 March 2003 in response to the invitation to tender for the export refund on wholly milled round grain A rice to certain third countries issued in Regulation (EC) No 1896/2002.

Article 2

This Regulation shall enter into force on 22 March 2003.

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

Done at Brussels, 21 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 5.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 526/2003
of 21 March 2003**

fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1897/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1897/2002 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1897/2002 is hereby fixed on the basis of the tenders submitted from 17 to 20 March 2003 at 159,00 EUR/t.

Article 2

This Regulation shall enter into force on 22 March 2003.

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

Done at Brussels, 21 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 287, 25.10.2002, p. 8.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**DIRECTIVE 2003/17/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 3 March 2003**

amending Directive 98/70/EC relating to the quality of petrol and diesel fuels

(Text with EEA relevance)

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 ⁽¹⁾,

Having regard to the Opinion of the European Economic and Social Committee ⁽²⁾,

After consultation of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 20 January 2003,

Whereas:

- (1) Directive 98/70/EC ⁽⁴⁾ lays down the environmental specifications for market fuels.
- (2) Article 95 of the Treaty provides that Commission proposals having as their object the establishment and functioning of the internal market and concerning, *inter alia*, health and environmental protection, will take as a base a high level of protection and that the European Parliament and the Council will also seek to achieve this objective.
- (3) A revision of Directive 98/70/EC is foreseen in order to meet the requirements of Community air quality standards and related objectives and in order to incorporate additional specifications to complement those mandatory specifications already laid down in Annex III and Annex IV to the Directive.
- (4) A reduction of the sulphur content of petrol and diesel fuels has been identified as a means of contributing to the achievement of those objectives.
- (5) The adverse effect of sulphur in petrol and diesel fuels on the effectiveness of catalytic exhaust gas after-treatment technologies is well established for on-road vehicles and increasingly in the case of non-road mobile machinery.
- (6) Road vehicles are increasingly reliant upon catalytic after-treatment devices to attain the emissions limits laid down in Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member

States on measures to be taken against air pollution by emissions from motor vehicles ⁽⁵⁾ and Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles ⁽⁶⁾. Accordingly a reduction in the sulphur content of petrol and diesel fuels is likely to have a larger impact on exhaust emissions than changes to the other fuel parameters.

- (7) The introduction of fuels with a maximum sulphur content of 10 mg/kg will improve the fuel efficiency attainable with new, emerging vehicle technologies and should be examined in the case of non-road mobile machinery and should lead to significant reductions in emissions of conventional air pollutants when used in existing vehicles. These benefits will compensate for the increased emissions of CO₂ associated with the production of lower sulphur petrol and diesel fuels.
- (8) It is therefore appropriate to lay down measures ensuring the introduction and availability of fuels with a maximum sulphur content of 10 mg/kg. In this regard fiscal incentives have been shown to be effective in promoting the early introduction of higher quality fuels according to national needs and priorities and to shorten the transition period where two different qualities are distributed in the market. The use of fiscal measures, at the appropriate national or Community level, should be promoted and encouraged.
- (9) The widespread availability of fuels with a maximum sulphur content of 10 mg/kg will provide a basis for automobile manufacturers to make significant additional progress towards improving the fuel efficiency of new vehicles. The potential contribution of fuels with a maximum sulphur content of 10 mg/kg towards the attainment of the Community's target of 120 g/km for the average CO₂ emissions of the new car fleet will be assessed when the current environmental commitments with the automobile manufacturers are reviewed in 2003.

⁽¹⁾ OJ C 213 E, 31.7.2001, p. 255.

⁽²⁾ OJ C 36, 8.2.2002, p. 115.

⁽³⁾ Opinion of the European Parliament of 29 November 2001 (OJ C 153 E, 27.6.2002, p. 253). Council Common Position of 15 April 2002 (OJ C 145 E, 18.6.2002, p. 71) and decision of the European Parliament of 26 September 2002 (not yet published in the Official Journal). Decision of the European Parliament of 30 January 2003 and Council decision of 6 February 2003.

⁽⁴⁾ OJ L 350, 28.12.1998, p. 58; Directive as last amended by Commission Directive 2000/71/EC (OJ L 287, 14.11.2000, p. 46).

⁽⁵⁾ OJ L 76, 6.4.1970, p. 1; Directive as last amended by Directive 2001/100/EC of the European Parliament and of the Council (OJ L 16, 18.1.2002, p. 32).

⁽⁶⁾ OJ L 36, 9.2.1988, p. 33; Directive as last amended by Commission Directive 2001/27/EC (OJ L 107, 18.4.2001, p. 10).

- (10) It is necessary to ensure that sufficient quantities of petrol and diesel fuels with a maximum sulphur content of 10 mg/kg are available from 1 January 2005 on an appropriately balanced geographical basis in order to permit the free circulation of new vehicles requiring these fuels whilst ensuring that CO₂ emissions reductions from new vehicles outweigh those additional emissions associated with the production of these fuels.
- (11) The complete penetration of petrol and diesel fuels with a maximum sulphur content of 10 mg/kg should be provided for from 1 January 2009 in order to allow the fuel manufacturing industry enough time to make the necessary investments to adapt its production plans. In addition, the full introduction of petrol and diesel fuels with a maximum sulphur content of 10 mg/kg from 1 January 2009 will reduce emissions of conventional pollutants from the existing fleet of vehicles leading to an improvement in air quality, whilst ensuring that there is no overall increase in greenhouse gas emissions. In this context it will be necessary to confirm this date in the case of diesel fuels no later than 31 December 2005.
- (12) In order to protect human health and/or the environment in specific agglomerations or in specific ecologically or environmentally sensitive areas with special pollution problems, Member States should be permitted, subject to a procedure established in this Directive, to require that fuels may be marketed only if they comply with more stringent environmental specifications, related to pollutants of concern, than those established under this Directive. This procedure is a derogation from the information procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services ⁽¹⁾.
- (13) The emissions from engines installed in non-road mobile machinery and agricultural and forestry tractors have to comply with the limits stipulated in Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery ⁽²⁾ and in Directive 2000/25/EC of the European Parliament and of the Council of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors ⁽³⁾. Attainment of these emission limits will become increasingly dependent upon the quality of the gas oils used by these engines and so it is important to include a definition for such fuels in Directive 98/70/EC.
- (14) It is appropriate to provide for a uniform system of fuel quality monitoring or national systems that ensure results of equivalent confidence and for systems of reporting in order to assess compliance with the mandated environmental fuel quality specifications.
- (15) A procedure should be laid down for updating the measurement methods used to ensure compliance with the mandated fuel quality specifications.
- (16) The measures necessary for the implementation of Directive 98/70/EC should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾.
- (17) Provision should be made for a review of the provisions in Directive 98/70/EC in order to take account of new Community air quality legislation and related environmental objectives, such as the need to encourage alternative fuels, including biofuels, the development of new pollution abatement technologies and the impact of metallic additives and other relevant issues on their performance and to confirm, or otherwise, the date for full introduction of diesel fuels with a maximum sulphur content of 10 mg/kg in order to ensure that there is no overall increase in emissions of greenhouse gases.
- (18) A comprehensive review of alternative fuels, including biofuels, should be undertaken, including the discussion of the need for specific legislation.
- (19) Member States should lay down rules on penalties applicable to infringements of the provisions of Directive 98/70/EC and ensure that they are implemented.
- (20) Directive 98/70/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 98/70/EC is hereby amended as follows:

- Article 2 shall be replaced by the following:

'Article 2

Definitions

For the purposes of this Directive:

- "petrol" means any volatile mineral oil intended for the operation of internal combustion positive-ignition engines for the propulsion of vehicles and falling within CN codes 2710 11 41, 2710 11 45, 2710 11 49, 2710 11 51 and 2710 11 59 (*);

⁽¹⁾ OJ L 204, 21.7.1998, p. 37; Directive as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p. 18).

⁽²⁾ OJ L 59, 27.2.1998, p. 1. Directive as amended by Commission Directive 2001/63/EC (OJ L 227, 23.8.2001, p. 41).

⁽³⁾ OJ L 173, 12.7.2000, p. 1.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

2. "diesel fuels" means gas oils falling within CN code 2710 19 41 (*) and used for self-propelling vehicles as referred to in Directive 70/220/EEC and Directive 88/77/EEC;

3. "gas oils intended for use by non-road mobile machinery and agricultural and forestry tractors" means any petroleum-derived liquid, falling within CN codes 2710 19 41 and 2710 19 45 (*), intended for use in engines referred to in Directives 97/68/EC (**) and 2000/25/EC (***);

4. "outermost regions" means France with regard to the French overseas departments, Portugal with regard to the Azores and Madeira, and Spain with regard to the Canary Islands.

For Member States with arctic or severe winter conditions the maximum distillation point of 65 % at 250 °C for diesel fuels and gas oils may be replaced with a maximum distillation point of 10 % (vol/vol) at 180 °C.

(*) The numbering of these CN codes as specified in the CCT, as amended by Commission Regulation (EC) No 2031/2001 (OJ L 279, 23.10.2001, p. 1).

(**) OJ L 59, 27.2.1998, p. 1; Directive as amended by Commission Directive 2001/63/EC (OJ L 227, 23.8.2001, p. 41).

(***) OJ L 173, 12.7.2000, p. 1.;

2. the following subparagraphs shall be added to Article 3(2):

'(d) Without prejudice to the provisions of subparagraph (c), Member States shall take all necessary measures to ensure that in due time, and no later than 1 January 2005, unleaded petrol with a maximum sulphur content of 10 mg/kg is marketed within their territories. Member States shall ensure that such unleaded petrol is available on an appropriately balanced geographical basis and complies in all other respects with the specifications set out in Annex III.

However, Member States may, for the outermost regions, make specific provisions for the introduction of petrol of a maximum sulphur content of 10 mg/kg. Member States making use of this provision shall inform the Commission accordingly. The Commission shall develop guidance for recommending what, for the purposes of this subparagraph, constitutes availability on an appropriately balanced geographical basis.

(e) By no later than 1 January 2009, Member States shall ensure that unleaded petrol may be marketed in their territory only if it complies with the environmental specification set out in Annex III except for the sulphur content which shall be a maximum of 10 mg/kg.;

3. in Article 4:

(a) the following subparagraphs shall be added to paragraph 1:

'(d) Without prejudice to the provisions of subparagraph (c), Member States shall take all necessary measures to ensure that in due time, and no later than 1 January 2005, diesel fuel with a maximum sulphur content of 10 mg/kg is marketed within their territories. Member States shall ensure that such diesel fuel is available on an appropriately balanced geographical basis and complies in all other respects with the specifications set out in Annex IV.

However, Member States may, for the outermost regions, make specific provisions for the introduction of diesel fuel of a maximum sulphur content of 10 mg/kg. Member States making use of this provision shall inform the Commission accordingly.

(e) By no later than 1 January 2009, Member States shall ensure, subject to the provisions of Article 9(1)(a), that diesel fuel may be marketed in their territory only if it complies with the environmental specification set out in Annex IV except for the sulphur content which shall be a maximum of 10 mg/kg.;

(b) the following paragraph shall be added:

'5. Member States shall ensure that gas oils intended for use by non-road mobile machinery and agricultural and forestry tractors marketed within their territory contain less than 2 000 mg/kg of sulphur. By 1 January 2008 at the latest, the maximum permissible sulphur content of gas oils intended for use by non-road mobile machinery and agricultural and forestry tractors shall be 1 000 mg/kg. However, Member States may require a lower limit or the same sulphur content for diesel fuels stipulated in this Directive.;

4. in Article 6:

(a) paragraph 1 shall be replaced by the following:

'1. By way of derogation from Articles 3, 4 and 5 and in accordance with Article 95(10) of the Treaty, a Member State may take measures to require that in specific areas, within its territory, fuels may be marketed only if they comply with more stringent environmental specifications than those provided for in this Directive for all or part of the vehicle fleet with a view to protecting the health of the population in a specific agglomeration or the environment in a specific ecologically or environmentally sensitive area in that Member State, if atmospheric or ground water pollution constitutes, or may reasonably be expected to constitute, a serious and recurrent problem for human health or the environment.;

(b) paragraph 3 shall be replaced by the following:

'3. The Member States involved shall provide the Commission with relevant environmental data for the agglomeration or area in question as well as the predicted effects on the environment of the measures proposed.';

(c) paragraphs 7 and 8 shall be deleted;

5. Article 8 shall be replaced by the following:

'Article 8

Monitoring compliance and reporting

1. Member States shall monitor compliance with the requirements of Articles 3 and 4, in respect of petrol and diesel fuels, on the basis of the analytical methods referred to in European standards EN 228:1999 and EN 590:1999 respectively.

2. Member States shall establish a fuel quality monitoring system in accordance with the requirements of the relevant European standard. The use of an alternative fuel quality monitoring system may be permitted provided that such a system ensures results of equivalent confidence.

3. Each year by 30 June, the Member States shall submit a report of national fuel quality data for the preceding calendar year. The first report shall be submitted by 30 June 2002. From 1 January 2004, the format for this report shall be consistent with that described in the relevant European standard. In addition, Member States shall report the total volumes of petrol and diesel fuels marketed in their territories and the volumes of unleaded petrol and diesel fuels marketed with a maximum sulphur content of 10 mg/kg. Furthermore, Member States shall report annually on the availability on an appropriately balanced geographical basis of petrol and diesel fuels with a maximum sulphur content of 10 mg/kg that are marketed within their territory.

4. The Commission shall ensure that the information submitted pursuant to paragraph 3 is promptly made available by appropriate means. The Commission shall publish annually, and for the first time by 31 December 2003, a report on actual fuel quality in the different Member States and geographical coverage of fuels with a maximum sulphur content of 10 mg/kg, aiming to provide an overview of the fuels quality data in the different Member States.';

6. Article 9 shall be replaced by the following:

'Article 9

Review process

1. By 31 December 2005 at the latest, the Commission shall review the fuel specifications of Annexes III and IV with the exception of sulphur content and propose amendments, if appropriate, in keeping with current and future

requirements of Community vehicle emission and air quality legislation and related objectives. In particular, the Commission shall consider:

(a) the necessity of any change to the end date for the full introduction of diesel fuel, with a maximum sulphur content of 10 mg/kg, in order to ensure that there is no overall increase in greenhouse gas emissions. This analysis shall consider developments in refinery processing technologies, expected fuel economy improvements of vehicles and the rate at which new fuel-efficient technologies are introduced into the vehicle fleet;

(b) the implications of new Community legislation setting air quality standards for substances such as polycyclic aromatic hydrocarbons;

(c) the outcome of the review described in Article 10 of Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (*);

(d) the outcome of the review of the various commitments by the Japanese (**), Korean (***) and European (****) automobile manufacturers to reduce the fuel consumption and carbon dioxide emissions of new passenger cars in the light of the fuel quality changes introduced by this Directive and progress towards the Community target of 120 g/km CO₂ emissions for the average vehicle;

(e) the outcome of the review required by Article 7 of Directive 1999/96/EC of the European Parliament and of the Council of 13 December 1999 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Council Directive 88/77/EEC (*****) and the confirmation of the mandatory NO_x emission standard for heavy duty engines;

(f) the effective functioning of new pollution abatement technologies and the impact of metallic additives and other relevant issues on their performance and developments affecting international fuel markets;

(g) the need to encourage the introduction of alternative fuels, including biofuels, as well as the need to introduce modifications to other parameters in the fuel specifications, both for conventional and for alternative fuels, for example the modifications to the maximum volatility limits for petrol contained in this Directive required for their application to blends of bioethanol with petrol and any subsequent necessary changes to EN 228:1999.

2. When considering its proposal for the next stage of emission standards for compression ignition engines in non-road applications, the Commission shall establish in parallel the required fuel quality. In so doing, the Commission shall take into account the importance of the emissions from this sector, the overall environmental and health benefits, the implications in the Member States regarding fuel distribution and the costs and benefits of a more restrictive sulphur level than is currently required for fuel used in compression ignition engines in non-road applications, and shall then align appropriate fuel quality requirements for non-road applications with the on-road sector by a certain date, currently expected to be 1 January 2009, to be confirmed or amended by the Commission in its review in 2005.

3. In addition to the provisions of paragraph 1 the Commission may, *inter alia*, bring forward:

— proposals taking into consideration the particular situation of captive fleets and the need to propose levels of specifications for the special fuels they use,

— proposals setting levels of specifications applicable to liquid petroleum gas, natural gas and biofuels.

(*) OJ L 163, 29.6.1999, p. 41; Directive as amended by Commission Decision 2001/744/EC (OJ L 278, 23.10.2001, p. 35).

(**) OJ L 100, 20.4.2000, p. 57.

(***) OJ L 100, 20.4.2000, p. 55.

(****) OJ L 40, 13.2.1999, p. 49.

(*****) OJ L 44, 16.2.2000, p. 1.;

7. the following Article shall be inserted:

‘Article 9a

Penalties

Member States shall determine the penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties determined must be effective, proportionate and dissuasive.’

8. the first subparagraph of Article 10 shall be replaced by the following:

‘1. The measurement methods to be applied in relation to the parameters specified in Annexes I and III shall be those analytical methods set out in European standard EN 228:1999. The measurement methods to be applied in relation to the parameters specified in Annexes II and IV shall be those analytical methods set out in European standard EN 590:1999. Member States may adopt the analytical methods specified in replacement EN 228:1999 or EN

590:1999 standards, as appropriate, if they can be shown to give at least the same accuracy and at least the same level of precision as the analytical methods they replace. In the event that adaptation of the permitted analytical methods to technical progress is necessary, amendments may be adopted by the Commission in accordance with the procedure referred to in Article 11(2).’

9. Article 11 shall be replaced by the following:

‘Article 11

Committee procedure

1. The Commission shall be assisted by the Committee established in accordance with Article 12 of Directive 96/62/EC (*).

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down procedures for the exercise of implementing powers conferred upon the Commission (**) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

(*) OJ L 296, 21.11.1996, p. 55.

(**) OJ L 184, 17.7.1999, p. 23.;

10. Annexes I to IV shall be replaced by the text in the Annex to this Directive.

Article 2

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2003. They shall forthwith inform the Commission thereof.

Member States shall apply these measures from 1 January 2004.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 3 March 2003.

For the European Parliament

The President

P. COX

For the Council

The President

A.-A. TSOCHATZOPOULOS

ANNEX

‘ANNEX I

ENVIRONMENTAL SPECIFICATIONS FOR MARKET FUELS TO BE USED FOR VEHICLES EQUIPPED WITH POSITIVE-IGNITION ENGINES

Type: **Petrol**

Parameter ⁽¹⁾	Unit	Limits ⁽²⁾	
		Minimum	Maximum
Research octane number		95 ⁽³⁾	—
Motor octane number		85	—
Vapour pressure, summer period ⁽⁴⁾	kPa	—	60,0 ⁽⁵⁾
Distillation:			
— percentage evaporated at 100 °C	% v/v	46,0	—
— percentage evaporated at 150 °C	% v/v	75,0	—
Hydrocarbon analysis:			
— olefins	% v/v	—	18,0 ⁽⁶⁾
— aromatics	% v/v	—	42,0
— benzene	% v/v	—	1,0
Oxygen content	% m/m	—	2,7
Oxygenates			
— Methanol (stabilising agents must be added)	% v/v	—	3
— Ethanol (stabilising agents may be necessary)	% v/v	—	5
— Iso-propyl alcohol	% v/v	—	10
— Tert-butyl alcohol	% v/v	—	7
— Iso-butyl alcohol	% v/v	—	10
— Ethers containing five or more carbon atoms per molecule	% v/v	—	15
— Other oxygenates ⁽⁷⁾	% v/v	—	10
Sulphur content	mg/kg	—	150
Lead content	g/l	—	0,005

⁽¹⁾ Test methods shall be those specified in EN 228:1999. Member States may adopt the analytical method specified in replacement EN 228:1999 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.

⁽²⁾ The values quoted in the specification are “true values”. In the establishment of their limit values, the terms of ISO 4259 “Petroleum products - Determination and application of precision data in relation to methods of test” have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in ISO 4259 (published in 1995).

⁽³⁾ Unleaded regular grade petrol may be marketed with a minimum motor octane number (MON) of 81 and a minimum research octane number (RON) of 91.

⁽⁴⁾ The summer period shall begin no later than 1 May and shall not end before 30 September. For Member States with arctic or severe winter conditions, the summer period shall begin no later than 1 June and shall not end before 31 August.

⁽⁵⁾ For Member States with arctic or severe winter conditions the vapour pressure shall not exceed 70 kPa during the summer period.

⁽⁶⁾ Unleaded regular grade petrol may be marketed with a maximum olefin content of 21 % v/v.

⁽⁷⁾ Other mono-alcohols and ethers with a final boiling point no higher than that stated in EN 228:1999.

ANNEX II

ENVIRONMENTAL SPECIFICATIONS FOR MARKET FUELS TO BE USED FOR VEHICLES EQUIPPED WITH COMPRESSION IGNITION ENGINES

Type: **Diesel fuel**

Parameter ⁽¹⁾	Unit	Limits ⁽²⁾	
		Minimum	Maximum
Cetane number		51,0	—
Density at 15 °C	kg/m ³	—	845
Distillation:			
— 95% (v/v) recovered at	°C	—	360
Polycyclic aromatic hydrocarbons	% m/m	—	11
Sulphur content	mg/kg	—	350

⁽¹⁾ Test methods shall be those specified in EN 590:1999. Member States may adopt the analytical method specified in replacement EN 590:1999 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.

⁽²⁾ The values quoted in the specification are "true values". In the establishment of their limit values, the terms of ISO 4259 "Petroleum products - Determination and application of precision data in relation to methods of test" have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in ISO 4259 (published in 1995).

ANNEX III

ENVIRONMENTAL SPECIFICATIONS FOR MARKET FUELS TO BE USED FOR VEHICLES EQUIPPED WITH POSITIVE-IGNITION ENGINES

Type: **Petrol**

Parameter ⁽¹⁾	Unit	Limits ⁽²⁾	
		Minimum	Maximum
Research octane number		95 ⁽³⁾	—
Motor octane number		85	—
Vapour pressure, summer period ⁽⁴⁾	kPa	—	60,0 ⁽⁵⁾
Distillation:			
— percentage evaporated at 100 °C	% v/v	46,0	—
— percentage evaporated at 150 °C	% v/v	75,0	—
Hydrocarbon analysis:			
— olefins	% v/v	—	18,0
— aromatics	% v/v	—	35,0
— benzene	% v/v	—	1,0
Oxygen content	% m/m	—	2,7
Oxygenates			
— methanol (stabilising agents must be added)	% v/v	—	3
— ethanol (stabilising agents may be necessary)	% v/v	—	5
— iso-propyl alcohol	% v/v	—	10
— tert-butyl alcohol	% v/v	—	7
— iso-butyl alcohol	% v/v	—	10
— ethers containing 5 or more carbon atoms per molecule	% v/v	—	15
— Other oxygenates ⁽⁶⁾	% v/v	—	10
Sulphur content	mg/kg	—	50
	mg/kg	—	10 ⁽⁷⁾
Lead content	g/l	—	0,005

⁽¹⁾ Test methods shall be those specified in EN 228:1999. Member States may adopt the analytical method specified in replacement EN 228:1999 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.

⁽²⁾ The values quoted in the specification are "true values". In the establishment of their limit values the terms of ISO 4259 "Petroleum products - Determination and application of precision data in relation to methods of test" have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in ISO 4259 (published in 1995).

⁽³⁾ Member States may decide to continue to permit the marketing of unleaded regular grade petrol with a minimum motor octane number (MON) of 81 and a minimum research octane number (RON) of 91.

⁽⁴⁾ The summer period shall begin no later than 1 May and shall not end before 30 September. For Member States with arctic or severe winter conditions, the summer period shall begin no later than 1 June and shall not end before 31 August.

⁽⁵⁾ For Member States with arctic or severe winter conditions, the vapour pressure shall not exceed 70 kPa during the summer period.

⁽⁶⁾ Other mono-alcohols and ethers with a final boiling point no higher than that stated in EN 228:1999.

⁽⁷⁾ In accordance with Article 3(2), by no later than 1 January 2005 unleaded petrol with a maximum sulphur content of 10 mg/kg must be marketed and be available on an appropriately balanced geographical basis within the territory of a Member State. By 1 January 2009 all unleaded petrol marketed in the territory of a Member State must have a maximum sulphur content of 10 mg/kg.

ANNEX IV

ENVIRONMENTAL SPECIFICATIONS FOR MARKET FUELS TO BE USED FOR VEHICLES EQUIPPED WITH COMPRESSION IGNITION ENGINES

Type: Diesel fuel

Parameter ⁽¹⁾	Unit	Limits ⁽²⁾	
		Minimum	Maximum
Cetane number		51,0	—
Density at 15 °C	kg/m ³	—	845
Distillation:			
— 95 % (v/v) recovered at	°C	—	360
Polycyclic aromatic hydrocarbons	% m/m	—	11
Sulphur content	mg/kg	—	50
	mg/kg	—	10 ⁽³⁾

⁽¹⁾ Test methods shall be those specified in EN 590:1999. Member States may adopt the analytical method specified in replacement EN 590:1999 standard, if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.

⁽²⁾ The values quoted in the specification are "true values". In the establishment of their limit values the terms of ISO 4259 "Petroleum products - Determination and application of precision data in relation to methods of test" have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in ISO 4259 (published in 1995).

⁽³⁾ In accordance with Article 4(1), by no later than 1 January 2005 diesel fuel with a maximum sulphur content of 10 mg must be marketed and be available on an appropriately balanced geographical basis within the territory of a Member State. In addition, and subject to the review in Article 9(1), by 1 January 2009 all diesel fuel marketed in the territory of a Member State must have a maximum sulphur content of 10 mg/kg.

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES of 17 March 2003 appointing a member of the Court of First Instance of the European Communities

(2003/198/EC, Euratom)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER
STATES OF THE EUROPEAN COMMUNITIES,

HAVE DECIDED AS FOLLOWS:

Article 1

Having regard to the Treaty establishing the European Commu-
nity, and in particular Article 224 thereof,

Ms Maria Eugénia MARTINS de NAZARÉ RIBEIRO is hereby
appointed a member of the Court of First Instance of the
European Communities from 1 April 2003 until 31 August
2004.

Article 2

Having regard to the Treaty establishing the European Atomic
Energy Community, and in particular Article 140 thereof,

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

Whereas, pursuant to Articles 5 and 7 of the Protocol on the
Statute of the Court of Justice and following the resignation of
Mr Rui Manuel MOURA RAMOS, a member of the Court of First
Instance should be appointed, for the remainder of his term of
office, which runs until 31 August 2004,

Done at Brussels, 17 March 2003.

The President
A. AGATHOCLES

COUNCIL

COUNCIL DECISION

of 18 March 2003

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

(2003/199/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾ and in particular the third and fourth subparagraphs of Article 8(2) thereof,

Having regard to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽²⁾ and in particular Article 7(3A)(b) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provided for the Commission to carry out a programme of work for the examination of the active substances used in plant protection products which were already on the market on 25 July 1993. Detailed rules for the carrying out of this programme were established in Regulation (EEC) No 3600/92.
- (2) Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member States for the implementation of Regulation (EEC) No 3600/92 ⁽³⁾, designated the active substances which should be assessed in the framework of Regulation (EEC) No 3600/92, designated a Member State to act as rapporteur in respect of the assessment of each substance and identified the producers of each active substance who submitted a notification in due time.
- (3) Aldicarb is one of the 89 active substances designated in Regulation (EC) No 933/94.

- (4) In accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92, the United Kingdom, being the designated rapporteur Member State, submitted on 30 April 1996 to the Commission the report of its assessment of the information submitted by the notifiers in accordance with Article 6(1) of that Regulation.

- (5) On receipt of the report of the rapporteur Member State, the Commission undertook consultations with experts of the Member States as well as with the main notifier Rhône-Poulenc, (now Bayer CropScience) as provided for in Article 7(3) of Regulation (EEC) No 3600/92.

- (6) The assessment report prepared by the United Kingdom has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. It appeared that the information submitted was not sufficient to determine whether or not, under the proposed conditions of use, plant protection products containing the active substance concerned would satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC. The dossier and the information from the review were also submitted to the Scientific Committee for Plants. The Committee was asked to comment on the ecotoxicological risk assessment, including the risk to small birds. The Committee noted that the risk assessment for the exposure of small birds to granules critically depends on the assumption that more than 99 % of the granules are incorporated into the soil. Whilst this may be achieved under ideal conditions, the Committee believed that this high degree of incorporation is not consistently achievable under normal agricultural use conditions and therefore advised that a re-assessment is necessary. In relation to other non-target organisms the Committee is not able to assess from the data available whether the use of aldicarb should continue pending the generation, submission and evaluation of further data.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2003/5/EC (OJ L 8, 14.1.2003, p. 7).

⁽²⁾ OJ L 366, 15.12.1992, p. 10. Regulation as last amended by Regulation (EC) No 2266/2000 (OJ L 259, 13.10.2000, p. 27).

⁽³⁾ OJ L 107, 28.4.1994, p. 8. Regulation as last amended by Regulation (EC) No 2230/95 (OJ L 225, 22.9.1995, p. 1).

Therefore, the Commission invited the notifier to complete its dossier by 31 December 2001 at the latest for a limited range of representative uses. Upon receipt of the additional information, the review was finalised on 18 October 2002 in the format of the Commission review report for aldicarb, in accordance with Article 7(6) of Regulation (EEC) No 3600/92.

(7) Assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing aldicarb satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to its possible impact on non-target organisms. It is appropriate to take this decision in view of the high risk of aldicarb in its present granular formulation in particular to small birds. Data submitted by the notifier for the proposed representative uses indicate that granules will remain on the soil surface after treatment. The possibility of a lethal intake of granules by small birds cannot be excluded. A probabilistic risk assessment was prepared by the notifier and evaluated by the rapporteur Member State who concluded that effects on national populations would not be expected although some local impact might occur. It must be taken into consideration that agreed criteria for the interpretation of such a probabilistic risk assessment are not yet consolidated and it would not be appropriate, in view of the possible risks, to delay decision-making further until such criteria are agreed. Moreover, the review has identified a risk to earthworms, and the available information from field studies is still insufficient to fully resolve these concerns.

(8) Aldicarb should therefore not be included in Annex I to Directive 91/414/EEC.

(9) Measures should be taken to ensure that existing authorisations for plant protection products containing aldicarb are withdrawn within a prescribed period and will not be renewed and that no new authorisations for such products are granted.

(10) In the light of the information before the Council it appears that, in the absence of efficient alternatives for certain limited uses in certain Member States, there is a need for further use of the active substance so as to enable the development of alternatives. It is therefore justified in the present circumstances to prescribe under strict conditions aimed at minimising risk (for example stewardship programmes) a longer period for the withdrawal of existing authorisations for the limited uses considered as essential for which no efficient alternatives appear currently to be available for the control of harmful organisms.

(11) Any period of grace for disposal, storage, placing on the market and use of existing stocks of plant protection products containing aldicarb allowed by Member States, in accordance with Article 4(6) of Directive 91/414/EEC should be limited to a short period to allow existing stocks to be used in no more than one further growing season.

(12) This Decision does not prejudice any action the Commission may undertake at a later stage for this active substance within the framework of Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances ⁽¹⁾.

(13) In the absence of a favourable opinion of the Standing Committee on the Food Chain and Animal Health, the Commission has been unable to adopt the provisions it envisaged under the procedure laid down in Article 19 of Council Directive 91/414/EEC,

HAS ADOPTED THIS DECISION:

Article 1

Aldicarb shall not be included as an active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

1. authorisations for plant protection products containing aldicarb are withdrawn by 18 September 2003;
2. from 18 March 2003 no authorisations for plant protection products containing aldicarb are granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC;
3. in relation to the uses listed in column B of the Annex, a Member State specified in column A may maintain in force authorisations for plant protection products containing aldicarb until 30 June 2007 provided that it:
 - (a) ensures that such plant protection products remaining on the market are relabelled in order to match the restricted use conditions;
 - (b) imposes all appropriate risk mitigation measures to reduce any possible risks in order to ensure the protection of human and animal health and the environment; and
 - (c) ensures that alternative products or methods for such uses are being seriously sought, in particular, by means of action plans.

⁽¹⁾ OJ L 33, 8.2.1979, p. 36. Directive as last amended by the Act of Accession of 1994.

The Member State concerned shall inform the Commission on 31 December 2004 at the latest on the application of this Article and in particular on the actions taken pursuant to points (a) to (c) and provide on a yearly basis estimates of the amounts of aldicarb used for essential uses pursuant to this Article.

Article 3

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

- (a) for the uses for which the authorisation is to be withdrawn on 18 September 2003, shall expire not later than 18 September 2004;

- (b) for the uses for which the authorisation is to be withdrawn by 30 June 2007, shall expire not later than 31 December 2007.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 18 March 2003.

For the Council

The President

G. DRYG

ANNEX

List of authorisations referred to in Article 2(3)

Column A	Column B
Member State	Use
Belgium	Beet
Greece	Potatoes Tobacco
Spain	Cotton Citrus (young plantations) Woody nurseries
France	Sugar beet Vineyards
Italy	Sugar beet Tobacco Nurseries
Netherlands	Ornamentals Sugar beet Potatoes (seed and starch)
Portugal	Citrus Floriculture Vineyards
United Kingdom	Potatoes Carrots (including parsnips) Onions Ornamentals

COMMISSION

COMMISSION DECISION

of 14 February 2003

establishing revised ecological criteria for the award of the Community eco-label to laundry detergents and amending Decision 1999/476/EC

(notified under document number C(2003) 143)

(Text with EEA relevance)

(2003/200/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme⁽¹⁾, and in particular the second subparagraph of Article 6(1) thereof,

Whereas:

(1) Under Regulation (EC) No 1980/2000 the Community eco-label may be awarded to a product possessing characteristics which enable it to contribute significantly to improvements in relation to key environmental aspects.

(2) Regulation (EC) No 1980/2000 provides that specific eco-label criteria are to be established according to product groups.

(3) It also provides that the review of the eco-label criteria, as well as of the assessment and verification requirements related to the criteria, is to take place in due time before the end of the period of validity of the criteria specified for each product group.

(4) It is appropriate to revise the ecological criteria that were established by Commission Decision 1999/476/EC of 10 June 1999 establishing ecological criteria for the award of the Community eco-label to laundry detergents⁽²⁾ in order to reflect the developments in the market. At the same time, the period of validity of that Decision as extended by Decision 2002/172/EC⁽³⁾ and the definition of the product group should be modified.

(5) A new Decision should be adopted establishing the specific ecological criteria for this product group, which will be valid for a period of five years.

(6) It is appropriate that, for a limited period of not more than 18 months, both the new criteria and the criteria established by Decision 1999/476/EC should be valid concurrently, in order to allow sufficient time for companies that have been awarded or that have applied for the award of the eco-label for their products prior to the date of application of this Decision to adapt those products to comply with the new criteria.

(7) The measures provided for in this Decision are based on the draft criteria developed by the European Union Eco-labelling Board established under Article 13 of Regulation (EC) No 1980/2000.

(8) The measures provided for in this Decision are in accordance with the opinion of the Committee instituted by Article 17 of Regulation (EC) No 1980/2000,

HAS ADOPTED THIS DECISION:

Article 1

In order to be awarded the Community eco-label under Regulation (EC) No 1980/2000, a laundry detergent must fall within the product group 'laundry detergents' as defined in Article 2, and must comply with the ecological criteria set out in the Annex to this Decision.

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ OJ L 187, 20.7.1999, p. 52.

⁽³⁾ OJ L 56, 27.2.2002, p. 32.

Article 2

The product group 'laundry detergents' shall comprise all laundry detergents, in powder, liquid or any other form, for the washing of textiles, and which are intended to be used principally in household machines, but not excluding the use in laundrettes and common laundries.

Article 3

For administrative purposes the product group code number assigned to this product group shall be '6'.

Article 4

Article 3 of Decision 1999/476/EC is replaced by the following:

'Article 3

The product group definition and the specific ecological criteria for the product group shall be valid until 31 August 2004.'

Article 5

This Decision shall apply from 1 March 2003 until 29 February 2008.

Producers of products falling within the product group 'laundry detergents' which have already been awarded the eco-label before 1 March 2003 may continue to use that label until 31 August 2004.

Producers of products falling within the product group 'laundry detergents' which have already applied for the award of the eco-label before 1 March 2003 may be awarded the eco-label under the terms of Decision 1999/476/EC. In these cases the label may be used until 31 August 2004.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 14 February 2003.

For the Commission

Margot WALLSTRÖM

Member of the Commission

ANNEX

FRAMEWORK

The aims of the criteria

These criteria aim in particular at promoting:

- savings of transport and energy by favouring compact laundry detergents,
- reduction of water pollution by reducing the volume of total chemicals used in the products and by limiting the use of potentially hazardous ingredients,
- the minimisation of waste production by reducing the amount of primary packaging.

Additionally, the criteria enhance the consumers' environmental awareness. The criteria are set at levels that promote the labelling of laundry detergents that have a low environmental impact.

Assessment and verification requirements

The specific assessment and verification requirements are indicated within each criterion.

Where the applicant is required to provide declarations, documentation, analyses test reports, or other evidence to show compliance with the criteria, it is understood that these may originate from the applicant and/or his supplier(s) and/or their supplier(s), et cetera, as appropriate.

Where possible, the testing should be performed by laboratories that meet the general requirements of EN ISO 17025 or equivalent.

Where appropriate, test methods other than those indicated for each criterion may be used if the Competent Body assessing the application accepts their equivalence.

The concentration of ingredients in the product, which implies a requirement for documentation of compliance with the ecological criteria, is generally defined at $\geq 0,1$ % by weight of the preparation. This concentration is defined at $\geq 0,01$ % by weight of the preparation for the criterion on dangerous, hazardous or toxic substances or preparations.

Appendix IA, presents the detergent ingredient database (DID list) which contains the most widely used ingredients used in detergent formulations. It shall be used for deriving the data for the calculations of CDV_{tox} and for the assessment of the biodegradability of surfactants.

Where appropriate, the applicant may use subsequent revisions of the detergent ingredient database as they become available.

For ingredients which are not included in the DID list, the applicant shall, under his own responsibility, find the appropriate values for the relevant parameters by using the approach described in Appendix IB.

For ingredients, which are not listed in the DID list, the applicant may use an approach to provide the necessary documentation of anaerobic degradability described in Appendix IC.

Where appropriate, Competent Bodies may require supporting documentation and may carry out independent verifications.

The Competent Bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO 14001, when assessing applications and monitoring compliance with the criteria (*note: it is not required to implement such management schemes*).

Functional unit and reference dosage

The functional unit is expressed in g/wash (grams per wash). For heavy-duty detergents this is related to the dosage per 4,5 kg load (dry textiles) and for low-duty detergents to the dosage per 2,5 kg load (dry textiles) in the washing machine. The dosage recommended by the manufacturer to consumers for the water hardness of 2,5 mmol $CaCO_3/l$ and 'normally soiled' textiles is taken as the reference dosage for the calculation of the ecological criteria, and the test of washing performance. If the water hardness of 2,5 mmol $CaCO_3/l$ is not relevant in the Member States in which the detergent is marketed, the applicant shall specify the dosage used as the reference.

CRITERIA

1. Total chemicals

Total chemicals are the recommended dosage in g/wash minus the water content.

The amount of total chemicals shall not exceed 100 g/wash.

Assessment and verification: the exact formulation of the product shall be provided to the Competent Body, together with the details of the calculations showing compliance with this criterion.

2. Insoluble inorganic ingredients

The total amount of insoluble inorganic ingredients at the recommended dosage shall be less than 30 g/wash.

Assessment and verification: the exact formulation of the product shall be provided to the Competent Body, together with the details of the calculations showing compliance with this criterion.

3. Toxicity to aquatic organisms

The critical dilution volume toxicity (CDV_{tox}) is calculated for each ingredient (i) using the following equation:

$$CDV_{tox}(\text{ingredient } i) = \frac{\text{weight } (i) \cdot LF(i)}{LTE(i)} \cdot 1\,000$$

where weight (i) is the weight of the ingredient per recommended dose, LF is the loading factor and LTE is the long-term toxicity effect concentration of the ingredient.

The values of the LF and LTE parameters shall be as given in the detergent ingredient database list (DID list) in Appendix 1A. If the ingredient in question is not included in the DID list, the applicant shall estimate their values following the approach described in Appendix 1B. The CDV_{tox} is summed for each ingredient, making the CDV_{tox} for the product:

$$CDV_{tox} = \sum CDV_{tox(\text{ingredient})}$$

The CDV_{tox} of the recommended dosage shall not exceed 4 500 l/wash.

Assessment and verification: the exact formulation of the product shall be provided to the Competent Body, together with the details of the CDV_{tox} calculations showing compliance with this criterion.

4. Phosphates

The total amount of phosphates (as sodium tripolyphosphate-STPP) at the recommended dosage shall not exceed 25 g/wash.

Assessment and verification: the exact formulation of the product shall be provided to the Competent Body, together with the details of the calculations showing compliance with this criterion.

5. Biodegradability of surfactants

(a) Ready biodegradability (aerobic)

Each surfactant used in the product shall be readily biodegradable.

Assessment and verification: the exact formulation of the product shall be provided to the Competent Body. The DID list (see Appendix 1A) indicates whether a specific surfactant is aerobically biodegradable or not (i.e. those that have an entry of 'Y' in the column on aerobic non-biodegradability shall not be used). For surfactants which are not included in the DID list, the relevant information from literature or other sources, or appropriate test results, showing that they are aerobically biodegradable shall be provided. The tests for ready biodegradability shall be as referred to in Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽¹⁾, and its subsequent amendments, in particular the methods detailed in Annex V.C4, or their equivalent OECD 301 A-F test methods, or their equivalent ISO tests. The 10 days window principle shall not apply. The pass levels shall be 70 % for the tests referred to in Annex V.C4(A) and C4(B) of Directive 67/548/EEC (and their equivalent OECD 301 A and E tests and ISO equivalents), and shall be 60 % for tests C4-C, D, E and F (and their equivalent OECD 301 B, C, D and F tests and ISO equivalents).

⁽¹⁾ OJ L 196, 16.8.1967, p. 1.

(b) Anaerobic biodegradability

Each surfactant used in the product shall be anaerobically biodegradable.

Assessment and verification: the exact formulation of the product shall be provided. The DID list (see Appendix IA) indicates whether a specific surfactant is anaerobically biodegradable or not (i.e. those that have an entry of 'Y' in the column on anaerobic biodegradability shall not be used). For surfactants which are not included in the DID list, the relevant information from literature or other sources, or appropriate test results, showing that they are anaerobically biodegradable shall be provided. The reference test for anaerobic degradability shall be ISO 11734, ECETOC No 28 (June 1988) or an equivalent test method, with the requirement of 60 % ultimate degradability under anaerobic conditions. Test methods simulating the conditions in a relevant anaerobic environment may also be used to document that 60 % ultimate degradability has been attained under anaerobic conditions (see Appendix IC).

6. Dangerous, hazardous or toxic substances or preparations

(a) The following ingredients shall not be included in the product, either as part of the formulation or as part of any preparation included in the formulation:

- alkyl phenol ethoxylates (APEOs) and derivatives thereof,
- nitromusks and polycyclic musks, including for example:
 - musk xylene: 5-tert-butyl-2,4,6-trinitro-m-xylene,
 - musk ambrette: 4-tert-butyl-3-methoxy-2,6-dinitrotoluene,
 - moskene: 1,1,3,3,5-pentamethyl-4,6-dinitroindan,
 - musk tibetine: 1-tert-butyl-3,4,5-trimethyl-2,6-dinitrobenzene,
 - musk ketone: 4'-tert-butyl-2',6'-dimethyl-3',5'-dinitroacetaphenone,
 - HHCB: 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethylcyclopenta(g)-2-benzopyran,
 - AHTN: 6-acetyl-1,1,2,4,4,7-hexamethyltetralin,
- EDTA (ethylenediamine tetraacetate),
- NTA (nitrilotriacetate).

Assessment and verification: the applicant shall provide a declaration that the listed substances have not been included in the product.

(b) Quaternary ammonium salts that are not readily biodegradable shall not be used.

Assessment and verification: the applicant shall provide the exact formulation of the product, together with documentation showing the biodegradability of any quaternary ammonium salts used, and a declaration of compliance with this requirement.

(c) The total amount of phosphonates that are not readily biodegradable (aerobically) shall not exceed 0,5 g/wash at the recommended dosage.

Assessment and verification: the applicant shall provide the exact formulation of the product, together with documentation showing the biodegradability of any phosphonates used, and a declaration of compliance with this requirement.

(d) No ingredient shall be included in the product that is classified or may be classified as:

- R40 (limited evidence of a carcinogenic effect),
- R45 (may cause cancer),
- R46 (may cause heritable genetic damage),
- R49 (may cause cancer by inhalation),
- R50-53 (very toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment),
- R51-53 (toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment),
- R59 (dangerous to the ozone layer),
- R60 (may impair fertility),
- R61 (may cause harm to the unborn child),
- R62 (possible risk of impaired fertility),
- R63 (possible risk of harm to the unborn child),
- R64 (may cause harm to breastfed babies),
- R68 (possible risks of irreversible effects),

or any combination thereof, according to Directive 67/548/EEC and its subsequent amendments, or according to Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations ⁽¹⁾, and its subsequent amendments.

Each substance or ingredient of any preparation used in the formulation that exceeds 0,01 % of the final product shall also meet the above requirements.

No preservatives shall be used that are or may be classified as R50-53, whatever their amount.

Assessment and verification: the exact formulation of the product shall be provided to the Competent Body. Copies of the material safety data sheets shall be provided for all ingredients (whether substances or preparations). A declaration of compliance with this criterion shall be provided by the applicant.

- (e) The product shall not be classified as R43 (may cause sensitisation by skin contact) according to Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations.

Assessment and verification: the exact formulation of the product shall be provided to the Competent Body, together with copies of the material safety data sheets of each ingredient which shall indicate the relevant classification or lack thereof of each ingredient, and also a declaration of compliance with this criterion.

- (f) Any ingredients added to the product as a fragrance shall have been manufactured and/or handled following the code of practice of the International Fragrance Association.

Assessment and verification: a declaration of compliance shall be provided.

7. Purity of enzymes

The enzyme production micro-organism shall be absent from the final enzyme preparation.

Assessment and verification: a test report or certificate from the enzyme producer shall be provided to the Competent Body.

8. Packaging requirements

- (a) If refills are not provided, the weight of the total primary packaging shall not exceed 3,7 g per wash for tablets and 1,7 g per wash for all other products.
- (b) If refills are provided the weight of total primary packaging shall not exceed 7 g per wash and the manufacturer shall provide refills. The weight of refill packaging shall not exceed 1,7 g per wash.
- (c) The cardboard packaging shall consist of ≥ 80 % recycled material.
- (d) Plastic primary packaging shall be labelled according to ISO 1043.

Assessment and verification: the applicant shall supply a sample of the packaging, together with a declaration indicating compliance with each part of this criterion. A calculation of the weight of primary packaging and a declaration regarding the percentage of recycled material shall be provided to the Competent Body. Primary packaging is as defined in the Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste ⁽²⁾.

9. Washing performance

The product shall be compared in its washing performance with reference detergents of the same type according to the EU eco-detergents performance test 'Award of the EU eco-label to laundry detergents: performance test of household detergents' (version 4 December 2002 and its subsequent amendments).

Assessment and verification: the applicant shall provide a test report indicating that the product fulfils the minimum requirements defined in this test.

⁽¹⁾ OJ L 200, 30.7.1999, p. 1.

⁽²⁾ OJ L 365, 31.12.1994, p. 10.

10. Consumer information

(a) Information on the packaging

The following text (or equivalent) shall appear on or in all eco-labelled products within the product group:

'ENVIRONMENTALLY SOUND WASHING MEANS:

- pre-sort laundry (for example, by colour, degree of soiling, type of fibre),
- wash with full load,
- avoid using too much detergent, follow dosage instructions,
- choose low-temperature washing cycles.

Using this eco-labelled product and following these instructions will contribute to the reduction of water pollution, waste production and energy consumption. For more information visit the EU eco-label website: <http://europa.eu.int/ecolabel>.'

More information on the detergent shall be made available on request. For this purpose, a sentence shall appear on the packaging saying that if the consumer wants to know more about the detergent, he or she should contact the consumer department of the company or the retailer.

(b) Dosage instructions

If the number of CPU (clearing performance units) in the washing performance test is higher than 24 the following text (or equivalent) shall be enclosed: 'Difficult stains need special treatment before washing'.

Dosage recommendations shall appear on the product packaging, together with a recommendation to the consumer to contact his water supplier or local authority in order to find out the degree of hardness of his tap water.

The recommended dosages shall be specified for 'normally' and 'heavily' soiled textiles and the various water hardness ranges relevant for the countries concerned and referred as appropriate to the weight of textile. If dosage instructions are given by way of dosage device, the volume of the device (in ml) should also appear clearly on the packaging.

In order to encourage the consumer to avoid using too much detergent and to follow the dosage instruction, a dosage device (cup) showing a scale of at least 10 ml steps shall be available on request if it is not included in the packaging.

The washing efficiency shall be indicated and relate to 'normally soiled' and the various water hardness ranges considered.

The dosage recommendations between water hardness range 1 (soft), 'normally soiled' and the highest water hardness range (3 or 4), 'heavily soiled' may not differ by more than a factor of 2.

The reference dosage used for the washing performance test and for assessment of compliance with the ecological criteria on ingredients shall be the same as the recommended dosage for 'normally soiled' and the water hardness corresponding to 2,5 mmol CaCO₃/l in the Member State in which the test has been performed.

If only water hardness lower than 2,5 mmol CaCO₃/l are included in the recommendations, the maximum dosage recommended for 'normally soiled' shall be lower than the reference dosage mentioned in the previous paragraph.

(c) Information and labelling of ingredients

Commission recommendation 89/542/EEC of 13 September 1989 concerning the labelling of detergents and cleaning agents ⁽¹⁾ shall be applied.

The following groups of ingredients shall be labelled independently from their mass content:

- enzymes: indication of the type of enzymes (e.g. protease, lipase);
- preservation agents: characterisation and labelling according to IUPAC nomenclature;
- disinfectants: characterisation and labelling according to IUPAC nomenclature.

If the product contains perfumes, it shall be indicated on the packaging.

Assessment and verification: a sample of product packaging shall be provided to the Competent Body, together with a declaration of compliance with each part of this criterion.

⁽¹⁾ OJ L 291, 10.10.1989, p. 55.

11. Information appearing on the eco-label

Box 2 of the eco-label shall contain the following text:

- * Helps reduce water pollution
- * Helps reduce resource consumption'.

Assessment and verification: the applicant shall provide a sample of the product packages showing the label, together with a declaration of compliance with this criterion.

Detergents ingredients database and approach to be followed for ingredients not listed in the database**A. The data given below on the most commonly used detergent ingredients shall be used for the calculation of the ecological criteria**

Note: the parameters a NBO, SI II, THOD as well as the CF-factors for an NBO are not used within this product group)

Detergent ingredients database (DID-list; version 29.9.98)

DID No	Ingredients	Toxicity		Loading factor (LF)	Anaerobic non-biodegradable (a NBO)	Aerobic non-biodegradable (a NBO)	Soluble inorganics (SI)	Insoluble inorganics (II)	THOD
		NOEC measured	LTE						
	Anionic surfactants								
1	C 10-13 LAS (Na ø 11.5-11.8, C14 < 1 %)	0,3	0,3	0,05	Y, CF = 0,75	O	O	O	2,3
2	other LAS (C14 > 1 %)	0,12	0,12	0,05	Y, CF = 1,5	O	O	O	2,3
3	C 14/17 Alk. Sulfonate	0,27	0,27	0,03	Y, CF = 0,75	O	O	O	2,5
4	C 8/10 Alkylsulfate	EC50 = 2,9	0,15	0,02	O	O	O	O	1,9
5	C 12-15 AS	0,1	0,1	0,02	O	O	O	O	2,2
6	C 12-18 AS	LC50 = 3	0,15	0,02	O	O	O	O	2,3
7	C 16/18 FAS	0,55	0,55	0,02	O	O	O	O	2,5
8	C 12-15 A 1-3 EO sulphate	0,15	0,15	0,03	O	O	O	O	2,1
9	C 16/18 A 3-4 EO sulphate	no valid data	0,1	0,03	O	O	O	O	2,2
10	C8-Dialkylsulfosuccinate	LC50 = 7,5	0,4	0,5	Y, CF = 1,5	O	O	O	2
11	C 12/14 sulpho-fat.-acid methylester	EC50 = 5	0,25	0,05	Y, CF = 0,75	O	O	O	2,1
12	C 16/18 sulpho-fat.-acid methylester	0,15	0,15	0,05	Y, CF = 0,75	O	O	O	2,3
13	C 14/16 alpha olefine sulphonate	LC50 = 2,5	0,13	0,05	Y, CF = 0,75	O	O	O	2,3
14	C 14-18 alpha olefine sulphonate	LC50 = 1,4	0,07	0,05	Y, CF = 2,0	O	O	O	2,4
15	SOAPS (C12 — 22)	EC0 = 1,6	1,6	0,05	O	O	O	O	2,9
	Nonionic surfactants								
16	C 9/11 A > 3-6 EO lin. or mono br.	EC50 = 3,3	0,7	0,03	O	O	O	O	2,4
17	C 9/11 A > 6-9 EO lin. or mono br.	EC50 = 5,4	1,1	0,03	O	O	O	O	2,2

DID No	Ingredients	Toxicity		Loading factor (LF)	Anaerobic non-biodegradable (a NBO)	Aerobic non-biodegradable (a NBO)	Soluble inorganics (SI)	Insoluble inorganics (II)	THOD
		NOEC measured	LTE						
18	C 12-15 A 2-6 EO lin. or mono br.	0,18	0,18	0,03	O	O	O	O	2,5
19	C 12-15 (Avg. C < 14) A > 6-9 EO lin. or mono br.	0,24	0,24	0,03	O	O	O	O	2,3
20	C 12-15 (Avg. C > 14) A > 6-9 EO	0,17	0,17	0,03	O	O	O	O	2,3
21	C 12-15 A > 9-12 EO	LC50 = 0,8	0,3	0,03	O	O	O	O	2,2
22	C 12-15 A 20-30 EO	EC50 = 13	0,65	0,05	O	O	O	O	2
23	C 12-15 A > 30 EO	LC50 = 130	6,5	0,75	O	Y	O	O	0 (*)
24	C 12/18 A 0-3 EO	no data	0,01	0,03	O	O	O	O	2,9
25	C 12-18 A 9 EO	0,2	0,2	0,03	O	O	O	O	2,4
26	C 16/18 A 2-6 EO	0,03	0,03	0,03	O	O	O	O	2,6
27	C 16/18 A > 9-12 EO	LC50 = 0,5	0,05	0,03	O	O	O	O	2,3
28	C 16/18 A 20-30 EO	EC50 = 18	0,36	0,05	O	O	O	O	2,1
29	C 16/18 A > 30 EO	LC50 = 50	2,5	0,75	O	Y	O	O	0 (*)
30	C 12/14 Glucose Amide	4,3	4,3	0,03	O	O	O	O	2,2
31	C 16/18 Glucose Amide	0,116	0,116	0,03	O	O	O	O	2,5
32	C 12/14 Alkylpolyglucoside	1	1	0,03	O	O	O	O	2,3
Amphoteric surfactants									
33	C 12-15 Alkyl dimethylbetaine	0,03	0,03	0,05	Y, CF = 2,5	O	O	O	2,9
34	C12-18 Alkyl amidopropylbetaine	0,03	0,03	0,05	Y, CF = 2,5	O	O	O	2,8
Sud controllers									
35	Silicone	EC0 = 241	4,82	0,4	Y, CF = 0,75	Y	O	O	0,0
36	Paraffin	no data	100	0,4	O	Y	O	O	0 (*)
Fabric softening									
37	Glycerol	LC50 > 5-10 gl	1 000	0,13	O	O	O	O	1,2
Builders									
38	Phosphate as Sodium-tri-polyphosphate (STPP)		1 000	0,6	O	O	Y	O	0,0
39	Zeolite A	120	120	0,05	O	O	O	Y	0,0
40	Citrate	EC50 = 85	85	0,07	O	O	O	O	0,6
41	Polycarboxylates and related derivates	124	124	0,4	Y, CF = 0,1	Y	O	O	0 (*)
42	Clay		1 000	0,05	O	O	O	Y	0,0
43	Carbonate/bicarbonate	LC50 = 250	250	0,8	O	O	Y	O	0,0
44	Fatty acid (C ≥ 14)	EC0 = 1,6	1,6	0,05	O	O	O	O	2,9

DID No	Ingredients	Toxicity		Loading factor (LF)	Anaerobic non-biodegradable (a NBO)	Aerobic non-biodegradable (a NBO)	Soluble inorganics (SI)	Insoluble inorganics (II)	THOD
		NOEC measured	LTE						
45	Silicate/disilicate	EC50 > 1 000	1 000	0,8	O	O	Y	O	0,0
46	NTA	19	19	0,13	O	O	O	O	0,6
47	Polyaspartic acid. Na salt	125	12,5	0,13	Y, CF = 0,1	O	O	O	1,2
	Bleaching								
48	Perborate mono (as borate)	1-10	6	1	O	O	Y	O	0,0
49	Perborate tetra (as borate)	1-10	6	1	O	O	Y	O	0,0
50	Percarbonate (see carbonate)	LC50 = 250	250	0,8	O	O	Y	O	0,0
51	TAED	EC0 = 500	EC0 = 500	0,13	O	O	O	O	2,0
	Solvents								
52	C 1- C 4 alcohols	LC50 = 8 000	100	0,13	O	O	O	O	2,3
53	Monoethanolamine	0,78	0,78	0,13	O	O	O	O	2,4
54	Diethanolamine	0,78	0,78	0,13	O	O	O	O	2,3
55	Triethanolamine	0,78	0,78	0,13	O	O	O	O	2
	Miscellaneous								
56	Polyvinylpyrrolidon (PVP/PVNO/PVPVI)	EC50 > 100	100	0,75	Y, CF = 0,1	Y	O	O	0 (*)
57	Phosphonates	7,4	7	0,4	Y, CF = 0,5	Y	O	O	0 (*)
58	EDTA	LOEC = 11	11	1	Y, CF = 0,1	Y	O	O	0 (*)
59	CMC	LC50 > 250	250	0,75	Y, CF = 0,1	Y	O	O	0 (*)
60	Na Sulphate	EC50 = 2 460	1 000	1	O	O	Y	O	0,0
61	Mg Sulphate	EC50 = 788	800	1	O	O	Y	O	0,0
62	Na Chloride	EC50 = 650	650	1	O	O	Y	O	0,0
63	Urea	LC50 > 10 000	100	0,13	O	O	O	O	2,1
64	Maleic acid	LC50 = 106	2,1	0,13	O	O	O	O	0,8
65	Malic acid	LC50 = 106	2,1	0,13	O	O	O	O	0,6
66	Ca formiate		100	0,13	O	O	O	O	2,0
67	Silica		100	0,05	O	O	O	Y	0,0
68	High MW polymers PEG > 4000		100	0,4	O	Y	O	O	0 (*)

DID No	Ingredients	Toxicity		Loading factor (LF)	Anaerobic non-biodegradable (a NBO)	Aerobic non-biodegradable (a NBO)	Soluble inorganics (SI)	Insoluble inorganics (II)	THOD
		NOEC measured	LTE						
69	Low MW polymers PEG < 4000		100	0,13	O	O	O	O	1,1
70	Cumene Sulfonate	LC50 = 66	6,6	0,13	Y, CF = 0,25	O	O	O	1,7
71	Xylene Sulfonate	LC50 = 66	6,6	0,13	Y, CF = 0,25	O	O	O	1,6
72	Toluene Sulfonates	LC50 = 66	6,6	0,13	Y, CF = 0,25	O	O	O	1,4
73	Na-/Mg-/KOH		100	1	O	O	Y	O	0,0
74	Enzymes	LC50 = 25	25	0,13	O	O	O	O	2,0
75	Perfume formulation as used	LC50 = 2-10	0,02	0,1	Y, CF = 3,0	Y	O	O	0 (*)
76	Dyes	LC50 = 10	0,1	0,4	Y, CF = 3,0	Y	O	O	0 (*)
77	Starch	no data	250	0,1	O	O	O	O	0,97
78	Zn Phthalocyanine Sulfonate	0,16	0,016	0,07 (**)	Y, CF = 2,5	Y	O	O	0 (*)
79	Anionic Polyester (Soil release polymer)	EC50 = 310	310	0,4	Y, CF = 0,1	Y	O	O	0 (*)
80	Iminodisuccinate	23	2,3	0,13	Y, CF = 0,25	O	O	O	1,1
	Optical brighteners = FWA								
81	FWA 1 ⁽¹⁾	LC0 = 10	1,0	0,4	Y,CF = 1,5	Y	O	O	0 (*)
82	FWA 5 ⁽²⁾	3,13	3,13	0,4	Y, CF = 0.5	Y	O	O	0 (*)
	Additional ingredients								
83	Alkyl Aminoxides (C12-18)	0,08	0,08	0,05	Y, CF = 2,5	O	O	O	3,2
84	Glycereth (6-17EO) cocoate	EC50 = 32	1,6	0,05	O	O	O	O	2,1
85	Phosphate esters (C12-18)	EC50 = 38	1,9	0,05	Y, CF = 0,25	O	O	O	2,3

⁽¹⁾ FWA 1 = Disodium 4,4-bis (4-anilino-5-morpholino-1,3,5-triazin-2-yl)amino stilbene-2,2-disulfonate.

⁽²⁾ FWA 5 = Disodium 4,4-bis(2-sulfostryryl)biphenyl.

(*) THOD for aerobically non degradable organic substances is set to zero.

(**) rapid photodegradation.

Notes:

Y = yes, criterion applies.

O = no, criterion does not apply.

LTE = long term effect concentration.

NOEC = non observed effect concentration.

CF = correction factor for anaerobic non degradable organic substances.

THOD = theoretical oxygen demand.

Appendix I.B

The following approach applies, as appropriate in the case of ingredients that are not listed on the DID list

Aquatic toxicity

The lowest validated long-term effect (LTE) data on fish, *daphnia magna* or algae should be considered for the calculation of the critical dilution volume criterion (toxicity).

In cases where data on homologues and/or QSARs (quantitative structure activity relationships) are used, a correction could be considered for the finally selected LTE data.

In the absence of LTE data the following procedure has to be applied in order to estimate the LTE data by using the specified uncertainty factor (UF) on the data of the most sensitive species:

Non surfactants

DATA AVAILABLE	UF TO BE USED
At least 2 acute LC ₅₀ on fish or <i>daphnia</i> or algae	100
1 NOEC on fish or <i>daphnia</i> or algae	10
2 NOEC on fish or <i>daphnia</i> or algae	5
3 NOEC on fish, <i>daphnia</i> or algae	1 Take lowest validated NOEC

Deviation from this rule may be admitted if evidence can be provided that lower factors or data can be scientifically justified. NOEC is the no observed effect concentration (in a chronic toxicity test).

Surfactants

DATA AVAILABLE	UF TO BE USED
At least 2 NOECs on fish or <i>daphnia</i> or algae	1 (lowest NOEC)
1 NOEC on fish or <i>daphnia</i> or algae	1 (NOEC, if species is most sensitive in acute toxicity) 10 (NOEC, if species is not the most sensitive in acute toxicity)
3 LC ₅₀ on fish or <i>daphnia</i> or algae	20 (lowest LC ₅₀)
At least 1 LC ₅₀ on fish, <i>daphnia</i> or algae	50 (lowest LC ₅₀) or 20 in specific cases (see below)

In the last case referred to above, an uncertainty factor of 20 may be used instead of 50 only if 1-2 L(E)C₅₀ (LC₅₀ in case of fish toxicity, EC₅₀ in case of *daphnia* or algal toxicity) data are available and if it can be concluded from the information for other compounds that the most sensitive species have been tested. Such a rule can be applied only within a group of homologues. It should be emphasised that the LTEs (long-term effects) used must be consistent within a group of homologues with respect to the influence of, for example, length of alkyl chain for LAS (linear alkylbenzene sulphate) or number of EO (ethoxy groups) for alcohol-ethoxylate if such QSARs can be established.

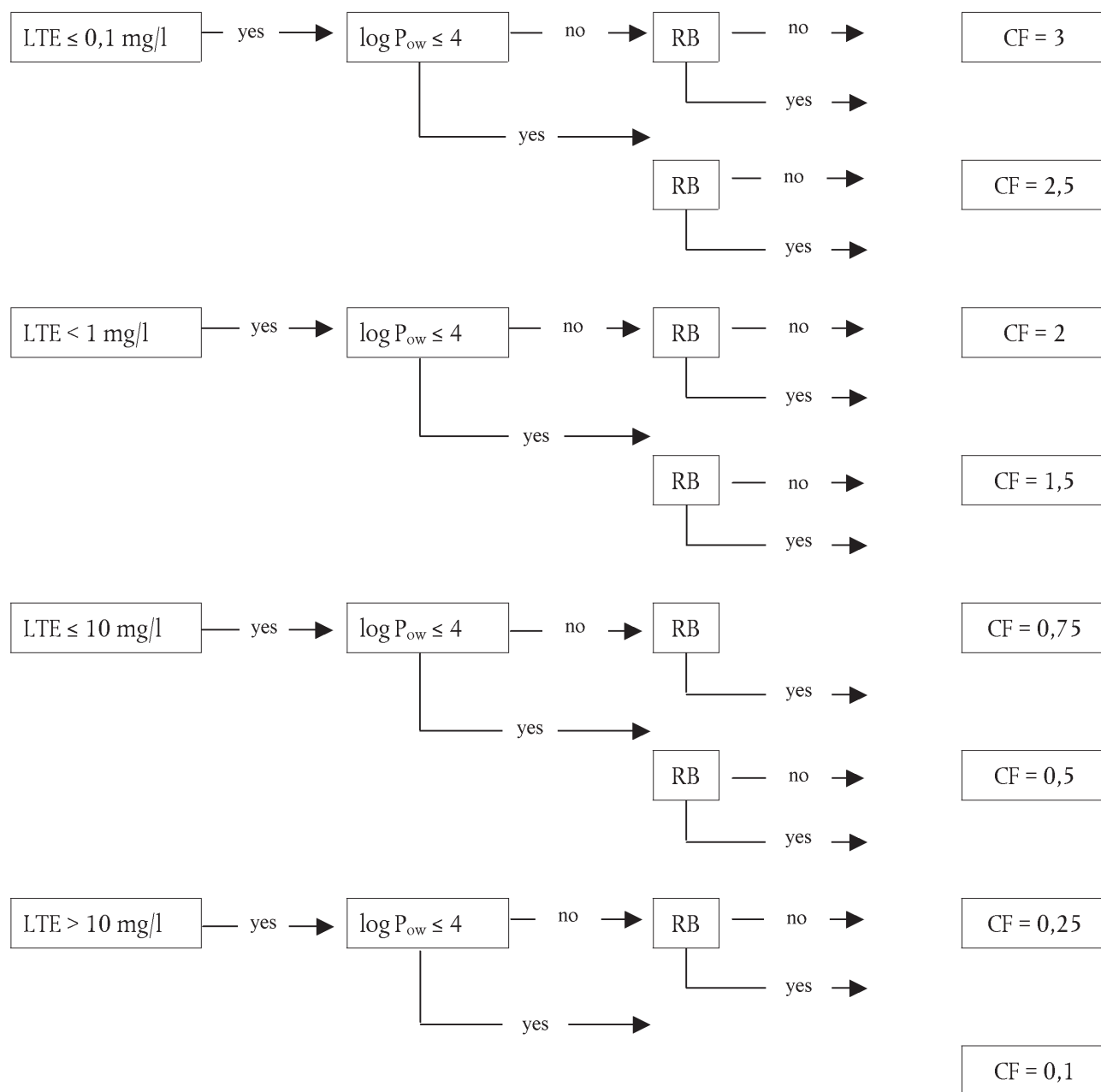
Any deviation from the described scheme has to be well reasoned for the specific chemical.

Loading factors

Loading factors shall be established according to Commission Directive 93/67/EEC of 20 July 1993 laying down the principles for assessment of risk to man and the environment of substances ⁽¹⁾ notified in accordance with Council Directive 67/548/EEC and to Council Regulation (EEC) No 793/93 ⁽²⁾.

⁽¹⁾ OJ L 227, 8.9.1993, p. 9.

⁽²⁾ OJ L 84, 5.4.1993, p. 1.

Non-biodegradable organics (anaerobic): flow diagram to define correction factors (CF) ⁽¹⁾

⁽¹⁾ The correction factors are to be established on the basis of the ingredient properties and applied to the dosage expressed in g/wash.

Appendix I.C

Documentation of anaerobic biodegradability

The following approach may be used to provide the necessary documentation of anaerobic degradability in the case of ingredients that are not listed in the DID list.

1. Apply reasonable extrapolation. Use test results obtained with one raw material to extrapolate the ultimate anaerobic degradability of structurally related surfactants. If anaerobic biodegradability has been confirmed for a surfactant (or a group of homologues) according to the DID list, it can be assumed that a similar type of surfactant is also anaerobically biodegradable (for example, C12-15 A 1-3 EO sulphate (DID No 8) is anaerobically biodegradable, and a similar anaerobic biodegradability may also be assumed for C12-15 A 6 EO sulphate). If anaerobic biodegradability has been confirmed for a surfactant by use of an appropriate test method, it can be assumed that a similar type of surfactant is also anaerobically biodegradable (for example, literature data confirming the anaerobic biodegradability of surfactants belonging to the group alkyl ester ammonium salts may be used as documentation for a similar anaerobic biodegradability of other quaternary ammonium salts containing ester-linkages in the alkyl chain(s)).
 2. Perform screening test for anaerobic degradability. If new testing is necessary, perform a screening test by use of ISO 11734, ECETOC No 28 (June 1988) or an equivalent method.
 3. Perform low-dosage degradability test. If new testing is necessary, and in the case of experimental problems in the screening test (for example, inhibition due to toxicity of test substance), repeat testing by using a low dosage of surfactant and monitor degradation by ¹⁴C measurements or chemical analyses. Testing at low dosages may be performed by use of OECD 308 (August 2000) or an equivalent method.
-

COMMISSION DECISION
of 21 March 2003
amending Decision 2000/85/EC laying down special conditions governing imports of fishery and aquaculture products originating in Latvia

(notified under document number C(2003) 833)

(Text with EEA relevance)

(2003/201/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾, as last amended by the Directive 97/79/EC ⁽²⁾, and in particular Article 11(5) thereof,

Whereas:

- (1) Commission Decision 2000/85/EC of 21 December 1999 laying down special conditions governing imports of fishery and aquaculture products originating in Latvia ⁽³⁾, states that the 'State Veterinary Service (SVS) of the Ministry of Agriculture' is to be the competent authority in Latvia identified for the purposes of verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.
- (2) Following a restructuring of the Latvian administration, the competent authority for issuing health certificates for fishery products has changed to the 'Food and Veterinary Service (FVS) of the Republic of Latvia'. This new authority is capable of effectively verifying the application of the laws in force.
- (3) Decision 2000/85/EC should therefore be amended accordingly.
- (4) It is appropriate that the present Decision will enter into force 45 days after its publication in the Official Journal, providing for the necessary transitional period.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2000/85/EC is modified as follows:

1. Article 1 is replaced by the following:

'Article 1

The "Food and Veterinary Service (FVS) of the Republic of Latvia" shall be the competent authority in Latvia identified for the purposes of verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'

2. In Article 3 (2) is replaced by the following:

'2. Certificates must bear the name, capacity and signature of the representative of the Food and Veterinary Service (FVS) and the latter's official stamp in a colour different from that of other endorsements.'

3. Annex A is replaced by the Annex to this Decision.

Article 2

This Decision shall apply from 6 May 2003.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 15.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 26, 2.2.2000, p. 21.

ANNEX

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Latvia and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No:

Country of dispatch: LATVIA

Competent authority: Food and Veterinary Service (FVS) of the Republic of Latvia

I. Details identifying the fishery products

- Description of fishery / aquaculture products ⁽¹⁾:
- species (scientific name):
- presentation of product and type of treatment ⁽²⁾:
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by Food and Veterinary Service (FVS) for export to the European Community:

III. Destination of products

The products are dispatched:

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:

Name of consignee and address at place of destination:

IV. Health attestation

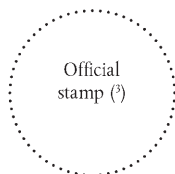
- The official inspector hereby certifies that the fishery or aquaculture products specified above:
 1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
 2. were landed, handled and, where appropriate, packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;

⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved, etc.

- 3) have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
 - 4) are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
 - 5) do not come from toxic species or species containing biotoxins;
 - 6) have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC and Decision 2000/85/EC.

Done at....., on
(Place) (Date)



.....
Signature of official inspector (4)

.....
(Name in capital letters, capacity and qualifications of person signing)

(3) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL DECISION 2003/202/CFSP
of 18 March 2003
relating to the launch of the EU military operation in the Former Yugoslav Republic of Macedonia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 17(2) and Article 25 thereof,

Having regard to the Joint Action of 27 January 2003/92/CFSP on the European Union force in the Former Yugoslav Republic of Macedonia ⁽¹⁾, in particular Article 3 thereof,

Whereas:

- (1) President Trajkovski and the Secretary-General/High Representative have exchanged letters and a further letter was received from President Trajkovski on 13 March, inviting the European Union to launch an operation in the Former Yugoslav Republic of Macedonia.
- (2) The Council decided on 7 February 2003 to appoint the Operation Commander and the Force Commander and to designate the Operation Headquarters for the European Union force in the Former Yugoslav Republic of Macedonia.
- (3) The Political and Security Committee (PSC) decided on 18 February 2003 to set up a Committee of Contributors for the operation in the Former Yugoslav Republic of Macedonia.
- (4) The permanent arrangements on EU-NATO relations were completed and an Exchange of Letters took place with NATO on the release of NATO assets and capabilities for the EU military operation in the Former Yugoslav Republic of Macedonia.
- (5) The Council approved on 18 March 2003 the Operation Plan, submitted by the PSC in the light of the associated military advice.
- (6) The North Atlantic Council decided to terminate its operation 'Allied Harmony' in the Former Yugoslav Republic of Macedonia with effect from 31 March 2003.

(7) The ongoing negotiations of the SOFA with the government of the Former Yugoslav Republic of Macedonia are expected to be completed before the NATO operation terminates.

(8) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications. Denmark does not participate in the financing of the operation,

HAS DECIDED AS FOLLOWS:

Article 1

The EU military operation in the Former Yugoslav Republic of Macedonia shall be launched on 31 March 2003.

Article 2

The Operation Commander is hereby authorised with immediate effect to release the activation order (ACTORD) in order to commence the deployment of the forces, prior to transfer of authority following their arrival in theatre, and start execution of the mission.

Article 3

The anticipated duration of the EU operation in the Former Yugoslav Republic of Macedonia is six months. The Political and Security Committee shall, based on EUMC advice, drawing upon the views of the Operation Commander, and taking into account the opinion of the Committee of Contributors, make this recommendation to the Council for the termination of the operation. This will follow an assessment of progress made towards the EU objectives.

Article 4

This Decision shall take effect on the date of its adoption.

⁽¹⁾ OJ L 34, 11.2.2003, p. 26.

Article 5

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

Done at Brussels, 18 March 2003.

For the Council

The President

G. PAPANDREOU
