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Legislation

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Price: EUR 18

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1078/2003**of 16 June 2003****amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Whereas:

- (1) By virtue of Council Regulation (EC) No 2505/96 of 20 December 1996, opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products ⁽²⁾, Community tariff quotas for certain agricultural and industrial products were opened. Community demand for the products in question should be met under the most favourable conditions. Community tariff quotas should therefore be opened at reduced or zero rates of duty for appropriate volumes and increased, extended or terminated in the case of certain existing tariff quotas, while avoiding any disturbance to the markets for these products.
- (2) Regulation (EC) No 2505/96 should therefore be amended accordingly.
- (3) Having regard to the economic importance of this Regulation, it is necessary to invoke the grounds of urgency provided for in point I(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

For the quota period from 1 January to 30 June 2003, Annex I of Regulation (EC) No 2505/96 shall be amended as follows:

- the quota amount of the tariff quota 09.2902 shall be fixed at 20 000 units,
- the quota amount of the tariff quota 09.2935 shall be fixed at 120 000 tonnes.

Article 3

For the quota period from 1 January to 31 December 2003, Annex I of Regulation (EC) No 2505/96 shall be amended as follows:

- the quota amount of the tariff quota 09.2904 shall be fixed at 8 500 units,
- the quota amount of the tariff quota 09.2985 shall be fixed at 400 000 units.

Article 4

The quota period of the tariff quota 09.2867, which is given in Annex I to Regulation (EC) No 2505/96 shall be extended until 31 December 2003.

Article 5

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 July 2003, the tariff quotas listed in the Annex to this Regulation shall be added to Annex I to Regulation (EC) No 2505/96.

The quota period of the tariff quota 09.2991, which is given in Annex I to Regulation (EC) No 2505/96 shall be terminated by 30 June 2003.

Article 6

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

⁽¹⁾ Proposal of 12 May 2003 (not yet published in the Official Journal).
⁽²⁾ OJ L 345, 31.12.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 608/2003 (OJ L 86, 3.4.2003, p. 20).

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

Done at Luxembourg, 16 June 2003.

For the Council
The President
 G. PAPANDREOU

ANNEX

Order No	CN code	TARIC code	Description	Amount of quota	Quota duty (%)	Quota period
09.2612	ex 2921 59 90	30	3,3'-dichlorobenzidine dihydrochloride	150 tonnes	3,5	1.7. - 31.12.2003
09.2613	ex 2932 99 70	40	1,3:2,4-to-O-(3,4-dimethylbenzylidene)-D-glucitol	125 tonnes	3,3	1.7. - 31.12.2003
09.2614	ex 7011 20 00	85	Glass face-plate with a major diagonal measurement from the outer edge to the outer edge of 91,8 ($\pm 0,2$) cm and having a light transmission of 78 (± 3) % by a reference glass thickness of 11,43 mm	100 000 units	0	1.7. - 31.12.2003
09.2615	ex 2934 99 90	70	Ribonucleic acid	55 tonnes	0	1.7. - 31.12.2003
09.2916	ex 3910 00 00	30	Polydimethylsiloxane with a degree of polymerisation of 2 800 monomer units (± 100)	650 tonnes	0	1.7. - 31.12.2003
09.2902	ex 8540 11 15	91	Flat screen colour cathode-ray tube with a screen width/height ratio of 4/3, a diagonal measurement of the screen of 59 cm or more but not exceeding 61 cm and a curvature radius of 50 mm or more	13 000 units	7	1.7. - 31.12.2003
09.2976	ex 8407 90 10	10	Four-stroke petrol engines of a cylinder capacity not exceeding 250 cc, for use in the manufacture of lawnmowers of sub-heading 8433 11 ^(a)	650 000 units	0	1.7.2003 - 30.6.2004

^(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

COMMISSION REGULATION (EC) No 1079/2003
of 24 June 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 25 June 2003.

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

Done at Brussels, 24 June 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 24 June 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	58,0
	064	80,7
	999	69,3
0707 00 05	052	85,4
	999	85,4
0709 90 70	052	77,5
	999	77,5
0805 50 10	382	55,9
	388	59,9
	400	50,6
	528	58,9
	999	56,3
0808 10 20, 0808 10 50, 0808 10 90	388	73,2
	400	112,5
	508	85,3
	512	66,9
	524	52,4
	528	59,8
	720	125,5
	800	148,7
	804	101,4
	999	91,7
0809 10 00	052	196,3
	999	196,3
0809 20 95	052	304,2
	060	115,5
	064	218,7
	068	156,6
	094	197,7
	400	278,5
	999	211,9
0809 30 10, 0809 30 90	052	115,0
	999	115,0
0809 40 05	052	197,1
	624	184,6
	999	190,8

⁽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 1080/2003
of 24 June 2003**

**determining the extent to which applications lodged in June 2003 for import licences for certain
egg sector products and poultrymeat pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/
96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1474/95 ⁽¹⁾ opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin, as last amended by Regulation (EC) No 1043/2001 ⁽²⁾, and in particular Article 5(5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin ⁽³⁾, as last amended by Regulation (EC) No 1043/2001 and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged for the third quarter of 2003 are, in the case of certain products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said

applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 2003 submitted pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 October to 31 December 2003 may be lodged pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 for the total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 24 June 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 145, 29.6.1995, p. 19.

⁽²⁾ OJ L 145, 31.5.2001, p. 24.

⁽³⁾ OJ L 161, 29.6.1996, p. 136.

ANNEX

Group	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 2003	Total quantity available for the period 1 October to 31 December 2003 (t)
E1	100,00	64 355,00
E2	42,52	1 750,00
E3	100,00	6 885,72
P1	71,41	1 550,00
P2	100,00	1 913,00
P3	2,41	175,00
P4	14,08	250,00

**COMMISSION REGULATION (EC) No 1081/2003
of 24 June 2003**

determining the extent to which applications lodged in June 2003 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1043/2001 ⁽²⁾, and in particular Article 4(4) thereof,

1. Applications for import licences for the period 1 July to 30 September 2003 submitted under Regulation (EC) No 1431/94 shall be met as referred to in the Annex to this Regulation.

2. Applications for import licences for the period 1 October to 31 December 2003 may be lodged pursuant to Regulation (EC) No 1431/94 for the total quantity as referred to in the Annex to this Regulation.

Whereas:

The applications for import licences lodged for the period 1 July to 30 September 2003 are greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

Article 2

This Regulation shall enter into force on 1 July 2003.

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

Done at Brussels, 24 June 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 156, 23.6.1994, p. 9.

⁽²⁾ OJ L 145, 31.5.2001, p. 24.

ANNEX

Group No	Percentage of acceptance of import certificates submitted for the period 1 July to 30 September 2003	Total quantity available for the period 1 October to 31 December 2003 (t)
1	1,52	1 775,00
2	1,52	1 275,00
3	1,54	825,00
4	1,83	450,00
5	1,99	175,00

COMMISSION REGULATION (EC) No 1082/2003

of 23 June 2003

laying down detailed rules for the implementation of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97⁽¹⁾, and in particular Article 10(d) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2630/97 of 29 December 1997 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals⁽²⁾ has been substantially amended several times⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.
- (2) It is appropriate to define the minimum level of controls to be carried out in order to ensure proper implementation of the identification and registration system for bovine animals.
- (3) The competent authority of each Member State should carry out controls based on a risk analysis. The risk analysis should take into account all relevant factors, including in particular public and animal health considerations.
- (4) In principle all the animals on a holding should be covered by the controls. However, where for practical reasons it is not possible to assemble the animals on the holding within 48 hours, the competent authority may provide for an appropriate sampling system.
- (5) The competent authority of each Member State should carry out on-the-spot inspections, which should in general be unannounced, as provided for by Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes⁽⁴⁾, as last amended by Commission Regulation (EC) No 495/2001⁽⁵⁾.

- (6) Member States should make an annual report to the Commission giving details of the implementation of the controls.
- (7) The Commission should provide the Member States with a model of such a report.
- (8) The measures provided for in this Regulation are in conformity with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

Article 1

The controls provided for in the system for the identification and registration of bovine animals shall at least comply with the minimum requirements set out in Articles 2 to 5.

Article 2

1. In each Member State the competent authority shall carry out on-the-spot inspections, which may be carried out in conjunction with any other inspections provided for by Community legislation. Those inspections shall each year cover at least 10 % of holdings situated in the territory of each Member State. That minimum rate of control shall be increased immediately where it is established that Community legislation regarding identification has not been complied with.

2. By way of derogation from paragraph 1, where a Member State has in place a fully operational database in accordance with Article 5 of Regulation (EC) No 1760/2000 which provides effective cross-checking facilities, a rate of 5 % may be envisaged.

3. The selection of holdings to be inspected by the competent authority shall be made on the basis of risk analysis.

4. The risk analysis for each holding shall take into account in particular the following:

- (a) the number of animals on the holding, including details of all the animals present and animals identified on the holding;
- (b) public and animal health considerations, and in particular the existence of previous outbreaks of disease;

⁽¹⁾ OJ L 204, 11.8.2000, p. 1.

⁽²⁾ OJ L 354, 30.12.1997, p. 23.

⁽³⁾ See Annex II.

⁽⁴⁾ OJ L 355, 5.12.1992, p. 1.

⁽⁵⁾ OJ L 72, 14.3.2001, p. 6.

- (c) the amount of annual bovine premium claimed and/or paid to the holding, compared with the amount paid the previous year;
- (d) significant changes in comparison with situations in previous years;
- (e) results of checks conducted in earlier years, in particular:
 - (i) the proper keeping of the holding register, as provided for by Commission Regulation (EC) No 2629/97 ⁽¹⁾;
 - (ii) the proper keeping of passports of the animals present in the holding, as provided for by Regulation (EC) No 2629/97;
- (f) proper communication of the data to the competent authority;
- (g) other criteria to be defined by the Member States.

5. Each inspection shall be the subject of a report standardised at national level setting out the results of the controls and any unsatisfactory findings, the reason for the control and the persons present. The keeper or his representative shall be given the opportunity to sign the report and, as appropriate, to give his observations on its content.

6. Copies of the reports referred to in paragraph 5 shall, where they reveal infringements of Regulation (EC) No 1760/2000, be sent without delay to the competent authorities responsible for the implementation of Commission Regulation (EC) No 2419/2001 ⁽²⁾.

Article 3

1. The control shall cover all the animals on the holding for which identification is provided for by Regulation (EC) No 1760/2000.

2. By way of derogation from paragraph 1, if for practical reasons it is not possible to assemble the animals on the holding within a period of 48 hours, the competent authority may provide for a sampling system provided that a reliable level of control is ensured.

Article 4

On-the-spot checks shall in general be unannounced. Where advance warning is given, it shall be limited to the strict minimum necessary and as a general rule shall not exceed 48 hours.

Article 5

1. Each Member State shall make an annual report to the Commission, before 1 July each year, giving details of the following:

- (a) the number of holdings in the Member State concerned;
- (b) the number of inspections made pursuant to Article 2;
- (c) the number of animals which have been inspected;
- (d) any breach found;
- (e) any sanction imposed in accordance with Article 22 of Regulation (EC) No 1760/2000.

2. The information referred to in paragraph 1 shall be transmitted to the Commission following the model structure presented in Annex I.

Article 6

Regulation (EC) No 2630/97 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex III.

Article 7

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

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

Done at Brussels, 23 June 2003.

For the Commission

The President

Romano PRODI

⁽¹⁾ OJ L 354, 30.12.1997, p. 19.

⁽²⁾ OJ L 327, 12.12.2001, p. 11.

ANNEX I

Report on the results of controls made in the bovine sector regarding Community provisions for identification and registration

1. Information linked to results in accordance with Article 5(1)(a), (b) and (c):
 - (a) total number of holdings registered in the Member State's territory as registered at the beginning of the reporting/inspection period;
 - (b) total number of holdings inspected;
 - (c) total number of inspections made;
 - (d) criteria of risk analysis as provided for by Article 2(4) for the selection of the holdings inspected, with reference to the authority that undertook these inspections; and, if possible, a breakdown of that selection according to the risk analysis criteria;
 - (e) total number of bovine livestock as registered at the beginning of the reporting/inspection period;
 - (f) total number of bovines which have been inspected;
 - (g) type of checks made, i.e. physical check, documentary check, check on delays in notification of movements.
2. Information linked to results in accordance with Article 5(1)(d) and (e):
 - (a) number of breaches found and, in particular, the types of discrepancies observed per type of checks made in accordance with point 1(g);
 - (b) sanctions (including types of and information regarding the status of their follow-up) imposed in accordance with Commission Regulation (EC) No 494/98 ⁽¹⁾ presented according to the type of checks made and breaches found in accordance with points 1(g) and 2(a).

⁽¹⁾ OJ L 60, 28.2.1998, p. 78.

ANNEX II

Repealed Regulation with its successive amendments

- Commission Regulation (EC) No 2630/97 (OJ L 354, 30.12.1997, p. 23).
- Commission Regulation (EC) No 132/1999 (OJ L 17, 22.1.1999, p. 20).
- Commission Regulation (EC) No 1898/2000 (OJ L 228, 8.9.2000, p. 22).

ANNEX III

Correlation table

Regulation (EC) No 2630/97	This Regulation
Article 1	Article 1
Article 2(1)	Article 2(1)
Article 2(2)	Article 2(2)
Article 2(3)	Article 2(3)
Article 2(4)(a)	Article 2(4)(a)
Article 2(4)(b)	Article 2(4)(b)
Article 2(4)(c)	Article 2(4)(c)
Article 2(4)(d)	Article 2(4)(d)
Article 2(4)(e), first indent	Article 2(4)(e)(i)
Article 2(4)(e), second indent	Article 2(4)(e)(ii)
Article 2(4)(f)	Article 2(4)(f)
Article 2(4)(g)	Article 2(4)(g)
Article 2(5)	Article 2(5)
Article 2(6)	Article 2(6)
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
—	Article 6
Article 6	Article 7
Annex	Annex I
—	Annex II
—	Annex III.

COMMISSION REGULATION (EC) No 1083/2003
of 24 June 2003
amending Regulation (EC) No 858/2003 with regard to fishing for blue whiting by vessels flying
the flag of Germany and the Netherlands

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 806/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Measures on prohibiting fishing for blue whiting in the waters of ICES Vb (Faeroese waters) have been adopted by Commission Regulation (EC) No 858/2003 of 16 May 2003 prohibiting fishing for blue whiting by vessels flying the flag of a Member State with the exception of Denmark and the United Kingdom ⁽³⁾.
- (2) Quantities of blue whiting to be fished in the waters of the said zone have been transferred by a Member State to Germany and the Netherlands. Fishing for blue whiting in that zone by vessels flying the flag of Germany and the Netherlands must consequently be reopened with effect from 18 May 2003.

- (3) Regulation (EC) No 858/2003 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EC) No 858/2003 is amended as follows:

1. in the title, the words 'flying a flag of a Member State with the exception of Denmark and the United Kingdom' are replaced by 'flying the flag of certain Member States';
2. in the first and second subparagraphs of Article 1, the words 'with the exception of Denmark and the United Kingdom' are replaced by 'with the exception of Denmark, Germany, the Netherlands and the United Kingdom'.

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 18 May 2003.

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

Done at Brussels, 24 June 2003.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 123, 17.5.2003, p. 17.

DIRECTIVE 2003/34/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 26 May 2003

amending for the 23rd time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction — c/m/r)

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⁾,

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 17 March 2003,

Whereas:

- (1) Under Article 14 of the Treaty, an area without internal frontiers is to be established in which the free movement of goods, persons, services and capital is ensured.
- (2) On 29 March 1996 the European Parliament and the Council adopted Decision No 646/96/EC adopting an action plan to combat cancer within the framework for action in the field of public health (1996 to 2000) ⁽⁴⁾.
- (3) To improve health protection and consumer safety, substances classified as carcinogenic, mutagenic or toxic to reproduction and preparations containing them should not be placed on the market for use by the general public. The Commission should submit as soon as possible a proposal to prohibit the use of products containing such substances, when there is scientific evidence that they are released from these products leading to exposure of, and risk to, the general public.
- (4) Directive 94/60/EC of the European Parliament and of the Council of 20 December 1994 amending for the 14th time Directive 76/769/EEC ⁽⁵⁾ establishes, in the form of an Appendix concerning points 29, 30 and 31 of Annex I to Directive 76/769/EEC ⁽⁶⁾, a list containing substances classified as carcinogenic, mutagenic or toxic

to reproduction of category 1 or 2. Such substances and preparations containing them should not be placed on the market for use by the general public.

- (5) Directive 94/60/EC provides that the Commission will submit to the European Parliament and Council a proposal to extend this list not later than six months after publication of an adaptation to technical progress of Annex I to Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ⁽⁷⁾, which contains substances classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2.

- (6) Commission Directive 98/98/EC of 15 December 1998 adapting to technical progress for the 25th time Council Directive 67/548/EEC ⁽⁸⁾, which in particular adapts Annex I thereto, contains 20 substances newly classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2, and Commission Directive 2000/32/EC of 19 May 2000 adapting to technical progress for the 26th time Council Directive 67/548/EEC ⁽⁹⁾, which in particular adapts Annex I thereto, contains two substances newly classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2. These substances should be added to points 29, 30 and 31 of the Appendix to Annex I to Directive 76/769/EEC.

- (7) The risks and advantages of the substances thus newly classified have been taken into account.

- (8) This Directive is to apply without prejudice to Community legislation laying down minimum requirements for the protection of workers contained in Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽¹⁰⁾, and individual directives based thereon, in particular Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work ⁽¹¹⁾,

⁽¹⁾ OJ C 213 E, 31.7.2001, p. 263.

⁽²⁾ OJ C 311, 7.11.2001, p. 7.

⁽³⁾ Opinion of the European Parliament of 5 February 2002 (OJ C 284 E, 21.11.2002, p. 88), Council Common Position of 3 June 2002 (OJ C 197 E, 20.8.2002, p. 1) and Decision of the European Parliament of 10 October 2002 (not yet published in the Official Journal), Decision of the European Parliament of 27 March 2003 and Council Decision of 8 April 2003.

⁽⁴⁾ OJ L 95, 16.4.1996, p. 9. Decision repealed by Decision No 1786/2002/EC of the European Parliament and of the Council (OJ L 271, 9.10.2002, p. 1).

⁽⁵⁾ OJ L 365, 31.12.1994, p. 1.

⁽⁶⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Directive 2003/11/EC of the European Parliament and of the Council (OJ L 42, 15.2.2003, p. 45).

⁽⁷⁾ OJ 196, 16.8.1967, p. 1. Directive as last amended by Commission Directive 2001/59/EC (OJ L 225, 21.8.2001, p.1).

⁽⁸⁾ OJ L 355, 30.12.1998, p. 1. Directive as amended by Commission Decision 2000/368/EC (OJ L 136, 8.6.2000, p. 108).

⁽⁹⁾ OJ L 136, 8.6.2000, p. 1.

⁽¹⁰⁾ OJ L 183, 29.6.1989, p. 1.

⁽¹¹⁾ OJ L 196, 26.7.1990, p. 1. Directive as last amended by Directive 1999/38/EC (OJ L 138, 1.6.1999, p. 66).

HAVE ADOPTED THIS DIRECTIVE:

Article 3

Article 1

The substances listed in the Annex shall be added to those listed in the Appendix, under points 29, 30 and 31 respectively, of Annex I to Directive 76/769/EEC.

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

Article 2

1. Member States shall adopt and publish not later than 15 July 2004 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply these measures from 15 January 2005.

2. 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 reference shall be laid down by Member States.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 26 May 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. DRYG

ANNEX

Point 29 — Carcinogens: category 2

Substances	Index number	EC number	CAS number
Cobalt dichloride	027-004-00-5	231-589-4	7646-79-9
Cobalt sulphate	027-005-00-0	233-334-2	10124-43-3
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Chrysene	601-048-00-0	205-923-4	218-01-9
Benzo[e]pyrene	601-049-00-6	205-892-7	192-97-2
2,2'-Bioxirane; 1,2:3,4-diepoxybutane	603-060-00-1	215-979-1	1464-53-5
2,3-Epoxypropan-1-ol; glycidol	603-063-00-8	209-128-3	556-52-5
2,4-Dinitrotoluene [1]; dinitrotoluene [2]; dinitrotoluene, technical grade	609-007-00-9	204-450-0 [1] 246-836-1 [2]	121-14-2 [1] 25321-14-6 [2]
2,6-Dinitrotoluene	609-049-00-8	210-106-0	606-20-2
Hydrazine-tri-nitromethane	609-053-00-X	414-850-9	—
Azobenzene	611-001-00-6	203-102-5	103-33-3
o-Dianisidine based azo dyes; 4,4'-diaryldazo-3,3'-dimethoxybiphenyl dyes with the exception of those mentioned elsewhere in Annex I to Directive 67/548/EEC	611-029-00-9	—	—
o-Tolidine based dyes; 4,4'-diaryldazo-3,3'-dimethylbiphenyl dyes, with the exception of those mentioned elsewhere in Annex I to Directive 67/548/EEC	611-030-00-4	—	—
1,4,5,8-Tetraaminoanthraquinone; C.I. Disperse Blue 1	611-032-00-5	219-603-7	2475-45-8

Point 30 — Mutagens: category 2

Substances	Index number	EC number	CAS number
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Cadmium chloride	048-008-00-3	233-296-7	10108-64-2
2,2'-Bioxirane; 1,2:3,4-diepoxybutane	603-060-00-1	215-979-1	1464-53-5

Point 31 — Toxic to reproduction: category 2

Substances	Index number	EC number	CAS number
Cadmium fluoride	048-006-00-2	232-222-0	7790-79-6
Cadmium chloride	048-008-00-3	233-296-7	10108-64-2
2,3-Epoxypropan-1-ol; glycidol	603-063-00-8	209-128-3	556-52-5
2-Methoxypropanol	603-106-00-0	216-455-5	1589-47-5
4,4'-isobutylethylidenediphenol; 2,2-bis (4'-hydroxyphenyl)-4-methylpentane	604-024-00-8	401-720-1	6807-17-6
2-Methoxypropyl acetate	607-251-00-0	274-724-2	70657-70-4
Tridemorph (ISO); 2,6-dimethyl-4-tridecylmorpholine	613-020-00-5	246-347-3	24602-86-6
Cycloheximide	613-140-00-8	200-636-0	66-81-9

DIRECTIVE 2003/35/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 26 May 2003****providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

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

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽⁴⁾, in the light of the joint text approved by the Conciliation Committee on 15 January 2003,

Whereas:

- (1) Community legislation in the field of the environment aims to contribute to preserving, protecting and improving the quality of the environment and protecting human health.
- (2) Community environmental legislation includes provisions for public authorities and other bodies to take decisions which may have a significant effect on the environment as well as on personal health and well-being.
- (3) Effective public participation in the taking of decisions enables the public to express, and the decision-maker to take account of, opinions and concerns which may be relevant to those decisions, thereby increasing the accountability and transparency of the decision-making process and contributing to public awareness of environmental issues and support for the decisions taken.
- (4) Participation, including participation by associations, organisations and groups, in particular non-governmental organisations promoting environmental protection, should accordingly be fostered, including *inter alia* by promoting environmental education of the public.

(5) On 25 June 1998 the Community signed the UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Århus Convention). Community law should be properly aligned with that Convention with a view to its ratification by the Community.

(6) Among the objectives of the Århus Convention is the desire to guarantee rights of public participation in decision-making in environmental matters in order to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being.

(7) Article 6 of the Århus Convention provides for public participation in decisions on the specific activities listed in Annex I thereto and on activities not so listed which may have a significant effect on the environment.

(8) Article 7 of the Århus Convention provides for public participation concerning plans and programmes relating to the environment.

(9) Article 9(2) and (4) of the Århus Convention provides for access to judicial or other procedures for challenging the substantive or procedural legality of decisions, acts or omissions subject to the public participation provisions of Article 6 of the Convention.

(10) Provision should be made in respect of certain Directives in the environmental area which require Member States to produce plans and programmes relating to the environment but which do not contain sufficient provisions on public participation, so as to ensure public participation consistent with the provisions of the Århus Convention, in particular Article 7 thereof. Other relevant Community legislation already provides for public participation in the preparation of plans and programmes and, for the future, public participation requirements in line with the Århus Convention will be incorporated into the relevant legislation from the outset.

⁽¹⁾ OJ C 154 E, 29.5.2001, p. 123.

⁽²⁾ OJ C 221, 7.8.2001, p. 65.

⁽³⁾ OJ C 357, 14.12.2001, p. 58.

⁽⁴⁾ Opinion of the European Parliament of 23 October 2001 (OJ C 112, 9.5.2002, p. 125 (E)), Council Common Position of 25 April 2002 (OJ C 170 E, 16.7.2002, p. 22) and Decision of the European Parliament of 5 September 2002 (not yet published in the Official Journal). Decision of the European Parliament of 30 January 2003 and Decision of the Council of 4 March 2003.

- (11) Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment ⁽¹⁾, and Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control ⁽²⁾ should be amended to ensure that they are fully compatible with the provisions of the Århus Convention, in particular Article 6 and Article 9(2) and (4) thereof.
- (12) Since the objective of the proposed action, namely to contribute to the implementation of the obligations arising under the Århus Convention, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective

The objective of this Directive is to contribute to the implementation of the obligations arising under the Århus Convention, in particular by:

- (a) providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment;
- (b) improving the public participation and providing for provisions on access to justice within Council Directives 85/337/EEC and 96/61/EC.

Article 2

Public participation concerning plans and programmes

1. For the purposes of this Article, 'the public' shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.

2. Member States shall ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of the plans or programmes required to be drawn up under the provisions listed in Annex I.

To that end, Member States shall ensure that:

- (a) the public is informed, whether by public notices or other appropriate means such as electronic media where available, about any proposals for such plans or programmes or

for their modification or review and that relevant information about such proposals is made available to the public including *inter alia* information about the right to participate in decision-making and about the competent authority to which comments or questions may be submitted;

- (b) the public is entitled to express comments and opinions when all options are open before decisions on the plans and programmes are made;
- (c) in making those decisions, due account shall be taken of the results of the public participation;
- (d) having examined the comments and opinions expressed by the public, the competent authority makes reasonable efforts to inform the public about the decisions taken and the reasons and considerations upon which those decisions are based, including information about the public participation process.

3. Member States shall identify the public entitled to participate for the purposes of paragraph 2, including relevant non-governmental organisations meeting any requirements imposed under national law, such as those promoting environmental protection.

The detailed arrangements for public participation under this Article shall be determined by the Member States so as to enable the public to prepare and participate effectively.

Reasonable time-frames shall be provided allowing sufficient time for each of the different stages of public participation required by this Article.

4. This Article shall not apply to plans and programmes designed for the sole purpose of serving national defence or taken in case of civil emergencies.

5. This Article shall not apply to plans and programmes set out in Annex I for which a public participation procedure is carried out under Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment ⁽³⁾ or under Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽⁴⁾.

Article 3

Amendment of Directive 85/337/EEC

Directive 85/337/EEC is hereby amended as follows:

1. in Article 1(2), the following definitions shall be added:

⁽¹⁾ OJ L 175, 5.7.1985, p. 40. Directive as amended by Directive 97/11/EC (OJ L 73, 14.3.1997, p. 5).

⁽²⁾ OJ L 257, 10.10.1996, p. 26.

⁽³⁾ OJ L 197, 21.7.2001, p. 30.

⁽⁴⁾ OJ L 327, 22.12.2000, p. 1. Directive as amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1).

“the public” means: one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;

“the public concerned” means: the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures referred to in Article 2(2); for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest;’

2. in Article 1, paragraph 4 shall be replaced by the following:

‘4. Member States may decide, on a case-by-case basis if so provided under national law, not to apply this Directive to projects serving national defence purposes, if they deem that such application would have an adverse effect on these purposes.’;

3. in Article 2(3), points (a) and (b) shall be replaced by the following:

‘(a) consider whether another form of assessment would be appropriate;

(b) make available to the public concerned the information obtained under other forms of assessment referred to in point (a), the information relating to the exemption decision and the reasons for granting it.’;

4. in Article 6, paragraphs 2 and 3 shall be replaced by the following paragraphs:

‘2. The public shall be informed, whether by public notices or other appropriate means such as electronic media where available, of the following matters early in the environmental decision-making procedures referred to in Article 2(2) and, at the latest, as soon as information can reasonably be provided:

(a) the request for development consent;

(b) the fact that the project is subject to an environmental impact assessment procedure and, where relevant, the fact that Article 7 applies;

(c) details of the competent authorities responsible for taking the decision, those from which relevant information can be obtained, those to which comments or questions can be submitted, and details of the time schedule for transmitting comments or questions;

(d) the nature of possible decisions or, where there is one, the draft decision;

(e) an indication of the availability of the information gathered pursuant to Article 5;

(f) an indication of the times and places where and means by which the relevant information will be made available;

(g) details of the arrangements for public participation made pursuant to paragraph 5 of this Article.

3. Member States shall ensure that, within reasonable time-frames, the following is made available to the public concerned:

(a) any information gathered pursuant to Article 5;

(b) in accordance with national legislation, the main reports and advice issued to the competent authority or authorities at the time when the public concerned is informed in accordance with paragraph 2 of this Article;

(c) in accordance with the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (*), information other than that referred to in paragraph 2 of this Article which is relevant for the decision in accordance with Article 8 and which only becomes available after the time the public concerned was informed in accordance with paragraph 2 of this Article.

4. The public concerned shall be given early and effective opportunities to participate in the environmental decision-making procedures referred to in Article 2(2) and shall, for that purpose, be entitled to express comments and opinions when all options are open to the competent authority or authorities before the decision on the request for development consent is taken.

5. The detailed arrangements for informing the public (for example by bill posting within a certain radius or publication in local newspapers) and for consulting the public concerned (for example by written submissions or by way of a public inquiry) shall be determined by the Member States.

6. Reasonable time-frames for the different phases shall be provided, allowing sufficient time for informing the public and for the public concerned to prepare and participate effectively in environmental decision-making subject to the provisions of this Article.

(*) OJ L 41, 14.2.2003, p. 26.’

5. Article 7 shall be amended as follows:

(a) paragraphs 1 and 2 shall be replaced by the following:

‘1. Where a Member State is aware that a project is likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests, the Member State in whose territory the project is intended to be carried out shall send to the affected Member State as soon as possible and no later than when informing its own public, *inter alia*:

(a) a description of the project, together with any available information on its possible transboundary impact;

(b) information on the nature of the decision which may be taken,

and shall give the other Member State a reasonable time in which to indicate whether it wishes to participate in the environmental decision-making procedures referred to in Article 2(2), and may include the information referred to in paragraph 2 of this Article.

2. If a Member State which receives information pursuant to paragraph 1 indicates that it intends to participate in the environmental decision-making procedures referred to in Article 2(2), the Member State in whose territory the project is intended to be carried out shall, if it has not already done so, send to the affected Member State the information required to be given pursuant to Article 6(2) and made available pursuant to Article 6(3)(a) and (b).'

(b) paragraph 5 shall be replaced by the following:

'5. The detailed arrangements for implementing this Article may be determined by the Member States concerned and shall be such as to enable the public concerned in the territory of the affected Member State to participate effectively in the environmental decision-making procedures referred to in Article 2(2) for the project.'

6. Article 9 shall be amended as follows:

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

'1. When a decision to grant or refuse development consent has been taken, the competent authority or authorities shall inform the public thereof in accordance with the appropriate procedures and shall make available to the public the following information:

— the content of the decision and any conditions attached thereto,

— having examined the concerns and opinions expressed by the public concerned, the main reasons and considerations on which the decision is based, including information about the public participation process,

— a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects.'

(b) Paragraph 2 shall be replaced by the following:

'2. The competent authority or authorities shall inform any Member State which has been consulted pursuant to Article 7, forwarding to it the information referred to in paragraph 1 of this Article.

The consulted Member States shall ensure that that information is made available in an appropriate manner to the public concerned in their own territory.;

7. the following Article shall be inserted:

'Article 10a

Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned:

(a) having a sufficient interest, or alternatively,

(b) maintaining the impairment of a right, where administrative procedural law of a Member State requires this as a precondition,

have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to the public participation provisions of this Directive.

Member States shall determine at what stage the decisions, acts or omissions may be challenged.

What constitutes a sufficient interest and impairment of a right shall be determined by the Member States, consistently with the objective of giving the public concerned wide access to justice. To this end, the interest of any non-governmental organisation meeting the requirements referred to in Article 1(2), shall be deemed sufficient for the purpose of subparagraph (a) of this Article. Such organisations shall also be deemed to have rights capable of being impaired for the purpose of subparagraph (b) of this Article.

The provisions of this Article shall not exclude the possibility of a preliminary review procedure before an administrative authority and shall not affect the requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures, where such a requirement exists under national law.

Any such procedure shall be fair, equitable, timely and not prohibitively expensive.

In order to further the effectiveness of the provisions of this article, Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedures.;

8. in Annex I, the following point shall be added:

'22. Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex.;

9. in Annex II, No 13, first indent, the following shall be added at the end:

'(change or extension not included in Annex I).'

Article 4

Amendment of Directive 96/61/EC

Directive 96/61/EC is hereby amended as follows:

1. Article 2 shall be amended as follows:

(a) the following sentence shall be added to point 10(b):

‘For the purposes of this definition, any change to or extension of an operation shall be deemed to be substantial if the change or extension in itself meets the thresholds, if any, set out in Annex I.’;

(b) the following points shall be added:

‘13. “the public” shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;

14. “the public concerned” shall mean the public affected or likely to be affected by, or having an interest in, the taking of a decision on the issuing or the updating of a permit or of permit conditions; for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest;’

2. in Article 6(1), first subparagraph, the following indent shall be added:

‘— the main alternatives, if any, studied by the applicant in outline.’

3. Article 15 shall be amended as follows:

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

‘1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the procedure for:

- issuing a permit for new installations,
- issuing a permit for any substantial change in the operation of an installation,
- updating of a permit or permit conditions for an installation in accordance with Article 13, paragraph 2, first indent.

The procedure set out in Annex V shall apply for the purposes of such participation.’;

(b) the following paragraph shall be added:

‘5. When a decision has been taken, the competent authority shall inform the public in accordance with the appropriate procedures and shall make available to the public the following information:

(a) the content of the decision, including a copy of the permit and of any conditions and any subsequent updates; and

(b) having examined the concerns and opinions expressed by the public concerned, the reasons and considerations on which the decision is based, including information on the public participation process.’;

4. the following Article shall be inserted:

‘Article 15a

Access to justice

Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned:

- (a) having a sufficient interest, or alternatively,
- (b) maintaining the impairment of a right, where administrative procedural law of a Member State requires this as a precondition;

have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to the public participation provisions of this Directive.

Member States shall determine at what stage the decisions, acts or omissions may be challenged.

What constitutes a sufficient interest and impairment of a right shall be determined by the Member States, consistently with the objective of giving the public concerned wide access to justice. To this end, the interest of any non-governmental organisation meeting the requirements referred to in Article 2(14) shall be deemed sufficient for the purpose of subparagraph (a) of this Article. Such organisations shall also be deemed to have rights capable of being impaired for the purpose of subparagraph (b) of this Article.

The provisions of this Article shall not exclude the possibility of a preliminary review procedure before an administrative authority and shall not affect the requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures, where such a requirement exists under national law.

Any such procedure shall be fair, equitable, timely and not prohibitively expensive.

In order to further the effectiveness of the provisions of this Article, Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedures.’;

5. Article 17 shall be amended as follows:

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

‘1. Where a Member State is aware that the operation of an installation is likely to have significant negative effects on the environment of another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the application for a permit pursuant to Article 4 or Article 12(2) was submitted shall forward to the other Member State any information required to be given or made available pursuant to Annex V at the same time as it makes it available to its own nationals. Such information shall serve as a basis for any consultations necessary in the framework of the bilateral relations between the two Member States on a reciprocal and equivalent basis.’;

(b) the following paragraphs shall be added:

‘3. The results of any consultations pursuant to paragraphs 1 and 2 must be taken into consideration when the competent authority reaches a decision on the application.

4. The competent authority shall inform any Member State, which has been consulted pursuant to paragraph 1, of the decision reached on the application and shall forward to it the information referred to in Article 15(5). That Member State shall take the measures necessary to ensure that that information is made available in an appropriate manner to the public concerned in its own territory.’;

6. an Annex V shall be added, as set out in Annex II to this Directive.

Article 5

Reporting and review

By 25 June 2009, the Commission shall send a report on the application and effectiveness of this Directive to the European Parliament and to the Council. With a view to further integrating environmental protection requirements, in accordance with Article 6 of the Treaty, and taking into account the experi-

ence acquired in the application of this Directive in the Member States, such a report will be accompanied by proposals for amendment of this Directive, if appropriate. In particular, the Commission will consider the possibility of extending the scope of this Directive to other plans and programmes relating to the environment.

Article 6

Implementation

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 25 June 2005 at the latest. They shall forthwith inform the Commission thereof.

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

Article 7

Entry into force

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

Article 8

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 26 May 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. DRYG

ANNEX I

PROVISIONS FOR PLANS AND PROGRAMMES REFERRED TO IN ARTICLE 2

- (a) Article 7(1) of Council Directive 75/442/EEC of 15 July 1975 on waste ⁽¹⁾.
- (b) Article 6 of Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances ⁽²⁾.
- (c) Article 5(1) of Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽³⁾.
- (d) Article 6(1) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste ⁽⁴⁾.
- (e) Article 14 of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste ⁽⁵⁾.
- (f) Article 8(3) of Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management ⁽⁶⁾.

⁽¹⁾ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

⁽²⁾ OJ L 78, 26.3.1991, p. 38. Directive as last amended by Commission Directive 98/101/EC (OJ L 1, 5.1.1999, p. 1).

⁽³⁾ OJ L 375, 31.12.1991, p. 1.

⁽⁴⁾ OJ L 377, 31.12.1991, p. 20. Directive as last amended by Directive 94/31/EC (OJ L 168, 2.7.1994, p. 28).

⁽⁵⁾ OJ L 365, 31.12.1994, p. 10.

⁽⁶⁾ OJ L 296, 21.11.1996, p. 55.

ANNEX II

In Directive 96/61/EC, the following Annex shall be added:

‘ANNEX V

Public participation in decision-making

1. The public shall be informed (by public notices or other appropriate means such as electronic media where available) of the following matters early in the procedure for the taking of a decision or, at the latest, as soon as the information can reasonably be provided:
 - (a) the application for a permit or, as the case may be, the proposal for the updating of a permit or of permit conditions in accordance with Article 15(1), including the description of the elements listed in Article 6(1);
 - (b) where applicable, the fact that a decision is subject to a national or transboundary environmental impact assessment or to consultations between Member States in accordance with Article 17;
 - (c) details of the competent authorities responsible for taking the decision, those from which relevant information can be obtained, those to which comments or questions can be submitted, and details of the time schedule for transmitting comments or questions;
 - (d) the nature of possible decisions or, where there is one, the draft decision;
 - (e) where applicable, the details relating to a proposal for the updating of a permit or of permit conditions;
 - (f) an indication of the times and places where, or means by which, the relevant information will be made available;
 - (g) details of the arrangements for public participation and consultation made pursuant to point 5.
2. Member States shall ensure that, within appropriate time-frames, the following is made available to the public concerned:
 - (a) in accordance with national legislation, the main reports and advice issued to the competent authority or authorities at the time when the public concerned were informed in accordance with point 1;
 - (b) in accordance with the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (*), information other than that referred to in point 1 which is relevant for the decision in accordance with Article 8 and which only becomes available after the time the public concerned was informed in accordance with point 1.
3. The public concerned shall be entitled to express comments and opinions to the competent authority before a decision is taken.
4. The results of the consultations held pursuant to this Annex must be taken into due account in the taking of a decision.
5. The detailed arrangements for informing the public (for example by bill posting within a certain radius or publication in local newspapers) and consulting the public concerned (for example by written submissions or by way of a public inquiry) shall be determined by the Member States. Reasonable time-frames for the different phases shall be provided, allowing sufficient time for informing the public and for the public concerned to prepare and participate effectively in environmental decision-making subject to the provisions of this Annex.

(*) OJ L 41, 14.2.2003, p. 26.’

STATEMENT BY THE COMMISSION

With reference to the Commission Work Programme 2003, the Commission confirms its intention to present a proposal for a directive addressing the implementation of the Aarhus Convention in respect of access to justice in environmental matters, which is envisaged for the first quarter of 2003.

DIRECTIVE 2003/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 26 May 2003

amending, for the 25th time, Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction — c/m/r)

(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⁾,

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

Whereas:

- (1) Council Directive 76/769/EEC ⁽⁴⁾, lays down restrictions on the marketing and use of certain dangerous substances and preparations.
- (2) The measures provided for in this Directive fall within the framework of the action plan in Decision No 646/96/EC of the European Parliament and of the Council of 29 March 1996 adopting an action plan to combat cancer within the framework for action in the field of public health (1996 to 2000) ⁽⁵⁾.
- (3) In order to improve health protection and consumer safety, substances classified as carcinogenic, mutagenic or toxic to reproduction, and preparations containing them should not be placed on the market for use by the general public.
- (4) Directive 94/60/EC of the European Parliament and of the Council of 20 December 1994 amending for the 14th time Directive 76/769/EEC ⁽⁶⁾, establishes, in the form of an appendix concerning points 29, 30 and 31 of Annex I to Directive 76/769/EEC, a list containing substances classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2. Such substances and preparations containing them should not be placed on the market for use by the general public.

- (5) Directive 94/60/EC envisaged that the said list would be extended shortly after publication of an adaptation to technical progress of Annex I to 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 ⁽⁷⁾, which lists substances classified as carcinogenic, mutagenic or toxic to reproduction of category 1 or 2.

- (6) Commission Directive 2001/59/EC ⁽⁸⁾, which adapted to technical progress for the 28th time Council Directive 67/548/EEC, and more particularly Annex I thereto, lists two substances newly classified as carcinogenic category 1, 19 substances newly classified as carcinogenic category 2, five substances newly classified as mutagenic category 2, one substance newly classified as toxic to reproduction category 1 and 16 substances newly classified as toxic to reproduction category 2.

- (7) Those substances should be added to the list in the appendix to Annex I to Directive 76/769/EEC.

- (8) The risks and advantages of the substances newly classified, by Directive 2001/59/EC, as carcinogenic, mutagenic and toxic to reproduction of category 1 or 2 have been taken into account.

- (9) This Directive shall apply without prejudice to Community legislation laying down minimum requirements for the protection of workers contained in Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁹⁾, and individual directives based thereon, in particular Council Directive 90/394/EEC of the 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work ⁽¹⁰⁾,

⁽¹⁾ OJ C 126 E, 28.5.2002, p. 398.

⁽²⁾ OJ C 221, 17.9.2002, p. 8.

⁽³⁾ Opinion of the European Parliament of 11 June 2002 (not yet published in the Official Journal), Council Common Position of 21 January 2003 (OJ C 64 E, 18.3.2003, p. 6) and European Parliament Decision of 10 April 2003 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 2002/62/EC (OJ L 183, 12.7.2002, p. 58).

⁽⁵⁾ OJ L 95, 16.4.1996, p. 9. Decision repealed on 31 December 2002 by Decision No 1786/2002/EC (OJ L 271, 9.10.2002, p. 1).

⁽⁶⁾ OJ L 365, 31.12.1994, p. 1.

⁽⁷⁾ OJ L 196, 16.8.1967, p. 1. Directive as last amended by Commission Directive 2001/59/EC (OJ L 225, 21.8.2001, p. 1).

⁽⁸⁾ OJ L 225, 21.8.2001, p. 1.

⁽⁹⁾ OJ L 183, 29.6.1989, p. 1.

⁽¹⁰⁾ OJ L 196, 26.7.1990, p. 1. Directive as last amended by Council Directive 1999/38/EC (OJ L 138, 1.6.1999, p. 66).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The substances listed in the Annex to this Directive shall be added to those substances listed in the appendix concerning points 29, 30 and 31 of Annex I to Directive 76/769/EEC. The substances listed in the Annex to this Directive in point 1(c) shall be deleted from list 2 of point 29 of Annex I to Directive 76/769/EEC.

Article 2

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 25 June 2004. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 25 December 2004.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by 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, 26 May 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. DRYG

ANNEX

The Appendix to Annex I to Directive 76/769/EEC is amended as follows:

1. the lists under the heading 'Point 29 — Carcinogens' are amended as follows:

(a) in the list for category 1, the following are added:

Substances	Index number	EC number	CAS number	Notes
Butane [containing $\geq 0,1$ % Butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]	C, S
Isobutane [containing $\geq 0,1$ % Butadiene (203-450-8)] [2]		200-857-2 [2]	75-28-5 [2]	
1,3-Butadiene; buta-1,3-diene	601-013-00-X	203-450-8	106-99-0	D

(b) in the list for category 2, the following are added:

Substances	Index number	EC number	CAS number	Notes
Beryllium oxide	004-003-00-8	215-133-1	1304-56-9	E
Sodium chromate	024-018-00-3	231-889-5	7775-11-3	E
Trichloroethylene; trichloroethene	602-027-00-9	201-167-4	79-01-6	
α -Chlorotoluene; benzyl chloride	602-037-00-3	202-853-6	100-44-7	E
2,3-dibromopropan-1-ol; 2,3-dibromo-1-propanol	602-088-00-1	202-480-9	96-13-9	E
Propylene oxide; 1,2-epoxypropane; methyloxirane	603-055-00-4	200-879-2	75-56-9	E
Phenyl glycidyl ether; 2,3-epoxypropyl phenyl ether; 1,2-epoxy-3-phenoxypropane	603-067-00-X	204-557-2	122-60-1	E
Furan	603-105-00-5	203-727-3	110-00-9	E
R-2,3-epoxy-1-propanol	603-143-00-2	404-660-4	57044-25-4	E
(R)-1-chloro-2,3-epoxypropane	603-166-00-8	424-280-2	51594-55-9	
2,3-dinitrotoluene	609-050-00-3	210-013-5	602-01-7	E
3,4-dinitrotoluene	609-051-00-9	210-222-1	610-39-9	E
3,5-dinitrotoluene	609-052-00-4	210-566-2	618-85-9	E
2,5-dinitrotoluene	609-055-00-0	210-581-4	619-15-8	E
6-hydroxy-1-(3-isopropoxypropyl)-4-methyl-2-oxo-5-[4-(phenylazo)phenylazo]-1,2-dihydro-3-pyridinecarbonitrile	611-057-00-1	400-340-3	85136-74-9	
(6-(4-hydroxy-3-(2-methoxyphenylazo)-2-sulfonato-7-naphthylamino)-1,3,5-triazin-2,4-diyl)bis[(amino-1-methylethyl)-ammonium] formate	611-058-00-7	402-060-7	108225-03-2	

Substances	Index number	EC number	CAS number	Notes
Trisodium-[4'-(8-acetylamino-3,6-disulfonato-2-naphthylazo)-4''-(6-benzoylamino-3-sulfonato-2-naphthylazo)biphenyl-1,3',3'',1'''-tetraolato-O, O', O'', O''']copper(II)	611-063-00-4	413-590-3	—	
Phenylhydrazine [1]	612-023-00-9	202-873-5 [1]	100-63-0 [1]	E
Phenylhydrazinium chloride [2]		200-444-7 [2]	59-88-1 [2]	
Phenylhydrazine hydrochloride [3]		248-259-0 [3]	27140-08-5 [3]	
Phenylhydrazinium sulphate (2:1) [4]		257-622-2 [4]	52033-74-6 [4]	
A mixture of: N-[3-hydroxy-2-(2-methylacryloylamino-methoxy)propoxymethyl]-2-methylacrylamide; N-[2,3-Bis-(2-methylacryloylamino-methoxy)propoxymethyl]-2-methylacrylamide; methacrylamide; 2-methyl-N-(2-methylacryloylamino-methoxymethyl)-acrylamide; N-2,3-dihydroxypropoxymethyl)-2-methylacrylamide	616-057-00-5	412-790-8	—	

(c) in the list for category 2, the following are deleted:

Substances	Index number	EC number	CAS number	Notes
Butane [containing $\geq 0,1\%$ Butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]	C,S
Isobutane [containing $\geq 0,1\%$ Butadiene (203-450-8)] [2]		200-857-2 [2]	75-28-5 [2]	
1,3-Butadiene; buta-1,3-diene	601-013-00-X	203-450-8	106-99-0	D

2. under the heading 'Point 30 — Mutagens' in the list for category 2, the following are added:

Substances	Index number	EC number	CAS number	Notes
Sodium chromate	024-018-00-3	231-889-5	7775-11-3	E
Butane [containing $\geq 0,1\%$ Butadiene (203-450-8)] [1]	601-004-01-8	203-448-7 [1]	106-97-8 [1]	C, S
Isobutane [containing $\geq 0,1\%$ Butadiene (203-450-8)] [2]		20-857-2 [2]	75-28-5 [2]	
1,3-Butadiene buta-1,3-diene	601-013-00-X	203-450-8	106-99-0	D
Propylene oxide; 1,2-epoxypropane; Methyloxirane	603-055-00-4	200-879-2	75-56-9	E
1,3,5-tris-[(2S and 2R)-2,3-epoxypropyl]-1,3,5-triazine-2,4,6-(1H,3H,5H)-trione	616-091-00-0	423-400-0	59653-74-6	E

3. the lists under the heading 'Point 31 — Toxic to reproduction' are amended as follows:

(a) in the list for category 1, the following is added:

Substances	Index number	EC number	CAS number	Notes
2-bromopropane	602-085-00-5	200-855-1	75-26-3	E

(b) in the list for category 2, the following are added:

Substances	Index number	EC number	CAS number	Notes
Flusilazole (ISO); bis(4-fluorophenyl)-(methyl)-(1H-1,2,4-triazol-1-ylmethyl)-silane	014-017-00-6	—	85509-19-9	E
A mixture of: 4-[[bis-(4-fluorophenyl)-methylsilyl]methyl]-4H-1,2,4-triazole; 1-[[bis-(4-fluorophenyl)methyl-silyl]methyl]-1H-1,2,4-triazole	014-019-00-7	403-250-2	—	E
Bis(2-methoxyethyl) ether	603-139-00-0	203-924-4	111-96-6	
R-2,3-epoxy-1-propanol	603-143-002	404-660-4	57044-25-4	E
Fluazifop-butyl (ISO); butyl (RS)-2-[4-(5-trifluoromethyl-2-pyridyloxy)phenoxy]propionate	607-304-00-8	274-125-6	69806-50-4	
Vinclozolin (ISO); N-3,5-Dichlorophenyl-5-methyl-5-vinyl-1,3-oxazolidine-2,4-dione	607-307-00-4	256-599-6	50471-44-8	
Methoxyacetic acid	607-312-00-1	210-894-6	625-45-6	E
Bis(2-ethylhexyl) phthalate; di-(2-ethylhexyl) phthalate; DEHP	607-317-00-9	204-211-0	117-81-7	
Dibutyl phthalate; DBP	607-318-00-4	201-557-4	84-74-2	
(+/-) tetrahydrofurfuryl (R)-2-[4-(6-chloro-quinoxalin-2-yloxy)phenoxy]propionate	607-373-00-4	414-200-4	119738-06-6	E
Flumioxazin (ISO); N-(7-Fluoro-3,4-dihydro-3-oxo-4-prop-2-ynyl-2H-1,4-benzoxazin-6-yl)cyclohex-1-ene-1,2-dicarboxamide	613-166-00-X	—	103361-09-7	
(2RS,3RS)-3-(2-Chlorophenyl)-2-(4-fluorophenyl)-[(1H-1,2,4-triazol-1-yl)-methyl]oxirane	613-175-00-9	406-850-2	106325-08-0	
N, N-Dimethylacetamide	616-011-00-4	204-826-4	127-19-5	E
Formamide	616-052-00-8	200-842-0	75-12-7	
N-methylacetamide	616-053-00-3	201-182-6	79-16-3	
N-methylformamide	616-056-00-X	204-624-6	123-39-7	E

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 March 2003

concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions

(2003/463/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part ⁽¹⁾, provides for certain reciprocal trade concessions for certain agricultural products.
- (2) Article 19(4) of the Europe Agreement provides that the Community and Estonia are to examine product by product and on an orderly and reciprocal basis the possibilities of granting each other further concessions.
- (3) The first improvements to the preferential arrangements of the Europe Agreement with Estonia were provided for in the Protocol adjusting trade aspects of the Europe Agreement to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the outcome of the Uruguay Round negotiations on agriculture, including improvements to the existing preferential arrangements, approved by Council Decision 1999/86/EC ⁽²⁾.
- (4) Improvements to the preferential arrangements were also provided for as a result of negotiations to liberalise agricultural trade concluded in 2000. On the Community side, these were implemented from 1 July 2000 by Council Regulation (EC) No 1349/2000 of 19 June 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and

transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Estonia ⁽³⁾. This second adjustment of the preferential arrangements has not yet been incorporated in the Europe Agreement in the form of an Additional Protocol.

- (5) Negotiations for further improvements to the preferential arrangements of the Europe Agreement with Estonia were concluded on 31 January 2002. The results of the negotiations have so far been implemented in the form of autonomous measures, applicable as from 1 July 2002. On the Community side, the autonomous measures were implemented by Council Regulation (EC) No 1151/2002 ⁽⁴⁾.
- (6) The new Protocol to the Europe Agreement adjusting the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part (hereinafter referred to as the Protocol) should be approved with a view to consolidating all concessions in agricultural trade between the two sides, including the results of the negotiations concluded in 2000 and 2002.
- (7) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁵⁾ has codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations. Certain tariff quotas under this Decision should therefore be administered in accordance with those rules.

⁽¹⁾ OJ L 68, 9.3.1998, p. 3.

⁽²⁾ OJ L 29, 3.2.1999, p. 9.

⁽³⁾ OJ L 155, 28.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 2677/2000 (OJ L 308, 8.12.2000, p. 7).

⁽⁴⁾ OJ L 170, 29.6.2002, p. 15.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1. Regulation last amended by Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002 p. 11).

- (8) The measures necessary for the implementation of this Decision should be adopted in accordance with Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (9) As a result of the aforementioned negotiations, Regulation (EC) No 1151/2002 has been superseded and should therefore be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions, is hereby approved on behalf of the European Community.

Article 2

1. The President of the Council is authorised to designate the person empowered to sign the Protocol in order to bind the Community.
2. The President of the Council shall, on behalf of the Community, make the notification of approval provided for in Article 4 of the Protocol.

Article 3

1. Upon this Decision taking effect, the arrangements provided for in the Annexes of the Protocol attached to this Decision shall replace those referred to in Annex Va as referred to in Article 19(2), as amended, of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part.
2. The Commission shall adopt rules for the application of the Protocol in accordance with the procedure referred to in Article 5(2).

Article 4

The order numbers as attributed to the tariff quotas in the Annex to this Decision may be changed by the Commission in accordance with the procedure referred to in Article 5(2). Tariff quotas with an order number above 09.5100 shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 5

1. The Commission shall be assisted by the Management Committee for Cereals instituted by Article 23 of Regulation (EEC) No 1766/92 ⁽²⁾ or, where appropriate, by the committee instituted by the relevant provisions of the other Regulations on the common organisation of agricultural markets.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 6

Regulation (EC) No 1151/2002 shall be repealed from the entry into force of the Protocol.

Done at Brussels, 18 March 2003.

For the Council
The President
G. PAPANDREOU

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 181, 1.7.1992, p. 21.

ANNEX

Order numbers for EU tariff quotas for products originating in Estonia

(as referred to in Article 4)

Quota order No	CN code	Description
09.4598	0102 90 05	Live bovine animals of domestic species of a live weight not exceeding 80 kg
09.4537	0102 90 21 0102 90 29 0102 90 41 0102 90 49	Live bovine animals of domestic species of a live weight exceeding 80 kg but not exceeding 300 kg
09.4563	ex 0102 90	Heifers and cows not for slaughter of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau
09.4851	0201 0202 1602 50 10	Meat of bovine animals, fresh or chilled Meat of bovine animals, frozen Uncooked; mixtures of cooked meat or offal and uncooked meat or offal of other prepared or preserved meat of bovine animals
09.4583	ex 0203	Meat of domestic swine, fresh, chilled or frozen, excluding CN codes 0203 11 90, 0203 12 90, 0203 19 90, 0203 21 90, 0203 22 90, 0203 29 90
09.4852	0206 10 95 0206 29 91	Thick skirt and thin skirt of bovine animals, fresh, chilled or frozen
09.6649	ex 0207	Meat and edible offal, of the poultry of heading No 0105, fresh, chilled or frozen, excluding CN codes 0207 13 91, 0207 14 91, 0207 26 91, 0207 27 91, 0207 34 10, 0207 34 90, 0207 35 91, 0207 36 81, 0207 36 85, 0207 36 89
09.4853	0210 19	Meat of swine, salted or in brine, dried or smoked, other
09.4578	0401	Milk and cream, not concentrated, nor containing added sugar or other sweetening matter
09.4546	0402 10 19 0402 21 19	Skimmed milk powder Whole milk powder
09.4579	0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39	Yoghurt, not flavoured nor containing added fruit, nuts or cocoa: Not containing added sugar or other sweetening matter, with a fat content, by weight: Not exceeding 3 % Exceeding 3 % but not exceeding 6 % Exceeding 6 % Other, of a fat content, by weight Not exceeding 3 % Exceeding 3 % but not exceeding 6 % Exceeding 6 %
09.4580	0403 90 59 0403 90 61 0403 90 63 0403 90 69	Sour cream, of a fat content, by weight exceeding 6 % Sour cream, of a fat content, by weight not exceeding 3 % Sour cream, of a fat content, by weight exceeding 3 % but not exceeding 6 % Sour cream, of a fat content, by weight exceeding 6 %
09.4547	0405 10 11 0405 10 19	Butter

Quota order No	CN code	Description
09.4582	0406 10	Fresh (unripened or uncured) cheese, including whey cheese, and curd
09.4581	0406 20 0406 30 0406 40 0406 90	Other cheese
09.6650	0407 00 11 0407 00 19 0407 00 30	Poultry eggs
09.6651	ex 0408	Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter, excluding CN codes 0408 11 20, 0408 19 20, 0408 91 20, 0408 99 20
09.6603	0703 20 00	Garlic
09.6454	0704 10 00 0704 90 10	Cauliflowers and headed broccoli White cabbages and red cabbages
09.6605	0808 10	Apples, fresh
09.6609	0810 30	Black-, white- or red currants and gooseberries
09.6467	0811 10 11	Strawberries, frozen, containing added sugar or other sweetening matter with a sugar content exceeding 13 % by weight
09.6611	0811 20 11	Raspberries, blackberries, mulberries, loganberries, black-, white- or redcurrants and gooseberries, frozen, with a sugar content exceeding 13 % by weight
09.6641	ex 1001	Wheat and meslin, excluding CN code 1001 90 10
09.6642	1002	Rye
09.6643	1003 00 10 ex 1003 00 90	Barley, seed Barley, excluding barley for production of malt
09.4588	1004 00	Oats
09.6644	1101	Wheat or meslin flour
09.6645	ex 1102	Cereals flours other than of wheat or meslin, excluding CN code 1102 90 90
09.6646	ex 1103	Cereal groats, meal and pellets, excluding CN codes 1103 19 90 and 1103 20 90
09.6647	1108 13	Potato starch
09.4584	ex 1601 00 ex 1602 41 ex 1602 42 ex 1602 49	Sausages and similar products, of meat offal or blood, excluding CN code 1601 00 10 Other prepared or preserved meat, meat offal or blood: of swine: Hams and cuts thereof, excluding CN code 1602 41 90 Other prepared or preserved meat, meat offal or blood: of swine: Shoulders and cuts thereof, excluding CN code 1602 42 90 Other prepared or preserved meat, meat offal or blood: of swine: Other, including mixtures, excluding CN code 1602 49 90

Quota order No	CN code	Description
09.6652	1602 32 11	Other prepared or preserved meat, meat offal or blood: of poultry of heading 0105: of fowls of the species <i>Gallus domesticus</i> , uncooked
	1602 39 21	Other prepared or preserved meat, meat offal or blood: of poultry of heading 0105: Other than of fowls of the species <i>Gallus domesticus</i> , uncooked
09.6470	2207 10 00	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher
09.6648	ex 2309	Preparations of the kind used in animal feeding, excluding CN code 2309 10 51, 2309 10 90, 2309 90 10, 2309 90 20, 2309 90 31, 2309 90 41, 2309 90 51, 2309 90 91

PROTOCOL

adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF ESTONIA,

of the other part,

WHEREAS:

- (1) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part (hereinafter referred to as the Europe Agreement) was signed in Luxembourg on 12 June 1995 and entered into force on 1 February 1998 ⁽¹⁾.
- (2) Article 19(4) of the Europe Agreement provides that the Community and the Republic of Estonia shall examine in the Association Council, product by product and on an orderly and reciprocal basis, the possibility of granting each other additional agricultural concessions. On this basis negotiations have been undertaken and were concluded between the Parties.
- (3) For the first time, improvements to the preferential agricultural regime of the Europe Agreement were provided for in the Protocol adjusting trade aspects of the Europe Agreement ⁽²⁾ to take account of the last enlargement of the Community and the outcome of the GATT Uruguay Round.
- (4) Two further rounds of negotiations for improved agricultural trade concessions were concluded on 22 November 2000 and 31 January 2002.
- (5) The Council decided, by virtue of Regulation (EC) No 1151/2002 ⁽³⁾, to apply on a provisional basis, as from 1 July 2002, the European Community concessions resulting from the 2000 and the 2002 rounds of negotiations.
- (6) The abovementioned concessions are to be replaced on the date of entry into force of this Protocol by the concessions provided for herein,

HAVE AGREED AS FOLLOWS:

Article 1

The arrangements for import into the Community applicable to certain agricultural products originating in the Republic of Estonia as set out in Annex A(a) and A(b) to this Protocol shall replace those set out in Annex V(a) as referred to in Article 19(2), as amended, of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part.

Article 2

The Annexes to this Protocol shall form an integral part thereof.

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

Article 3

This Protocol shall be approved by the Community and the Republic of Estonia in accordance with their own procedures. The Contracting Parties shall take the necessary measures to implement this Protocol.

⁽¹⁾ OJ L 68, 9.3.1998, p. 3.

⁽²⁾ OJ L 29, 3.2.1999, p. 9.

⁽³⁾ OJ L 170, 29.6.2002, p. 15.

Article 4

This Protocol shall enter into force on the first day of the first month following the Contracting Parties' notification of the accomplishment of the corresponding procedures according to Article 3.

Quantities of goods subject to tariff quotas and released for free circulation as from 1 July 2002 under the concessions provided for in Annex A(b) to Regulation (EC) No 1151/2002 shall be fully counted against the quantities provided for Annex A(b) to the attached Protocol, except for quantities for which import licences were issued before 1 July 2002.

Article 5

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

ANNEX A(a)

The following products originating in Estonia shall benefit from a preferential zero-duty within unlimited quantities (applicable duty 0 % of MFN) when imported into the Community

CN code ⁽¹⁾	CN code ⁽¹⁾	CN code ⁽¹⁾	CN code ⁽¹⁾	CN code ⁽¹⁾	CN code ⁽¹⁾
0101 10 90	0709 90 20	0811 90 80	1507	2003 20 00	2008 80 99
0101 90 19	0709 90 50	0811 90 95	1508 10 90	2003 90 00	2008 92 14
0101 90 30	0709 90 90	0812 10 00	1508 90 10	2004 10 10	2008 92 34
0101 90 90	0710 10 00	0812 90 40	1508 90 90	2004 10 99	2008 92 38
0104	0710 21 00	0812 90 50	1511 10 90	2004 90 30	2008 92 59
0106 19 10	0710 22 00	0812 90 60	1511 90 11	2004 90 50	2008 92 74
0106 39 10	0710 29 00	0812 90 99	1511 90 19	2004 90 91	2008 92 78
0204	0710 30 00	0813 10 00	1511 90 91	2004 90 98	2008 92 93
0205	0710 80 51	0813 20 00	1511 90 99	2005 10 00	2008 92 96
0206 80 91	0710 80 59	0813 30 00	1512	2005 20 20	2008 92 98
0206 90 91	0710 80 61	0813 40 10	1513	2005 20 80	2008 99 28
0207 13 91	0710 80 69	0813 40 30	1514	2005 40 00	2008 99 37
0207 14 91	0710 80 70	0813 40 95	1515	2005 51 00	2008 99 40
0207 26 91	0710 80 80	0813 50 15	1516 10 10	2005 59 00	2008 99 45
0207 27 91	0710 80 85	0813 50 19	1516 20 91	2005 60 00	2008 99 49
0207 35 91	0710 80 95	0813 50 91	1516 20 95	2005 90 10	2008 99 55
0207 36 89	0710 90 00	0813 50 99	1516 20 96	2005 90 50	2008 99 68
0208	0711 40 00	0901 12 00	1516 20 98	2005 90 60	2008 99 72
0210 91 00	0711 59 00	0901 21 00	1517 10 90	2005 90 70	2008 99 78
0210 92 00	0711 90 10	0901 22 00	1517 90 99	2005 90 75	2008 99 99
0210 93 00	0711 90 50	0901 90 90	1518 00 31	2005 90 80	2009 50 10
0210 99 10	0711 90 80	0902 10 00	1518 00 39	2006 00 99	2009 50 90
0210 99 21	0711 90 90	0904 12 00	1522 00 91	2007 10 91	2009 71 10
0210 99 29	0712 20 00	0904 20 10	1601 00 10	2007 10 99	2009 71 91
0210 99 31	0712 31 00	0904 20 90	1602 10 00	2007 99 10	2009 71 99
0210 99 39	0712 32 00	0907 00 00	1602 20 19	2007 99 91	2009 79 19
0210 99 59	0712 33 00	0910 40 13	1602 20 90	2007 99 98	2009 79 30
0210 99 60	0712 39 00	0910 40 19	1602 31	2008 11 92	2009 79 93
0210 99 79	0712 90 05	0910 40 90	1602 32 19	2008 11 94	2009 79 99
0210 99 80	0712 90 30	0910 91 90	1602 32 30	2008 11 96	2009 80 19
0407 00 90	0712 90 50	0910 99 99	1602 32 90	2008 11 98	2009 80 38
0409 00 00	0712 90 90	1001 90 10	1602 39 29	2008 19 19	2009 80 50
0410 00 00	0713 50 00	1008 10 00	1602 39 40	2008 19 93	2009 80 63
0601	0713 90 10	1008 20 00	1602 39 80	2008 19 95	2009 80 69
0602	0713 90 90	1008 90 90	1602 41 90	2008 19 99	2009 80 71
0603	0802 11 90	1102 90 90	1602 42 90	2008 40 11	2009 80 79
0604	0802 12 90	1103 19 90	1602 49 90	2008 40 21	2009 80 89
0701 10 00	0802 21 00	1103 20 90	1602 50 31	2008 40 29	2009 80 95
0701 90 10	0802 22 00	1105 10 00	1602 50 39	2008 40 39	2009 80 96
0701 90 50	0802 31 00	1105 20 00	1602 50 80	2008 40 51	2009 80 99
0701 90 90	0802 32 00	1106 10 00	1602 90 10	2008 40 59	2009 90 19
0703 10	0802 40	1106 30	1602 90 31	2008 40 71	2009 90 29
0703 90 00	0802 90 50	1107	1602 90 41	2008 40 91	2009 90 39
0704 20 00	0802 90 85	1108 20 00	1602 90 69	2008 40 99	2009 90 51
0704 90 90	0806 20 11	1208 10 00	1602 90 72	2008 50 11	2009 90 59
0705 19 00	0806 20 12	1209	1602 90 74	2008 60 11	2009 90 96
0705 21 00	0806 20 91	1210	1602 90 76	2008 60 31	2009 90 98
0705 29 00	0806 20 92	1211 90 30	1602 90 78	2008 60 39	2204 30 10
0706	0806 20 98	1212 10 10	1602 90 98	2008 60 51	2302 50 00
0708 10 00	0808 20 90	1212 10 99	1603 00 10	2008 60 59	2306 90 19
0708 90 00	0809 40 90	1214 90 10	1703	2008 60 61	2308 00 90
0709 20 00	0810 40 30	1302 19 05	1704 90 10	2008 60 71	2309 10 51
0709 30 00	0810 40 50	1501 00 90	2001 10 00	2008 60 79	2309 10 90
0709 40 00	0810 40 90	1502 00 90	2001 90 20	2008 60 91	2309 90 10
0709 52 00	0810 60 00	1503 00 19	2001 90 50	2008 80 11	2309 90 31
0709 59	0810 90 95	1503 00 90	2001 90 70	2008 80 31	2309 90 41
0709 60 10	0811 90 39	1504 10 10	2001 90 75	2008 80 39	2309 90 51
0709 60 99	0811 90 50	1504 10 99	2001 90 85	2008 80 50	2309 90 91
0709 70 00	0811 90 70	1504 20 10	2001 90 93	2008 80 70	2905 45 00
0709 90 10	0811 90 75	1504 30 10	2001 90 96	2008 80 91	

⁽¹⁾ As defined in Commission Regulation (EC) No 2031/2001 of 6 August 2001 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 279, 23.10.2001, p. 1).

ANNEX A(b)

Imports into the Community of the following products originating in Estonia shall be subject to the concessions set out below (MFN = Most Favoured Nation duty)

Order No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Annual quantity from 1.7.2002 to 30.6.2003 (tonnes)	Yearly increase as from 1.7.2003 (tonnes)	Specific provisions
09.4598	0102 90 05	Live bovine animals of domestic species of a live weight not exceeding 80 kg	20	178 000 heads	0	⁽³⁾
09.4537	0102 90 21 0102 90 29 0102 90 41 0102 90 49	Live bovine animals of domestic species of a live weight exceeding 80 kg but not exceeding 300 kg	20	153 000 heads	0	⁽³⁾
09.4563	ex 0102 90	Heifers and cows, not for slaughter, of the following mountain breeds: Grey, brown, yellow, spotted Simmental and Pinzgau	6 % <i>ad valorem</i>	7 000 heads	0	⁽⁴⁾
09.4851	0201 0202 1602 50 10	Meat of bovine animals, fresh or chilled Meat of bovine animals, frozen Uncooked; mixtures of cooked meat or offal and uncooked meat or offal of other prepared or preserved meat of bovine animals	free	1 100	350	
09.4583	ex 0203	Meat of domestic swine, fresh, chilled or frozen, excluding CN codes 0203 11 90, 0203 12 90, 0203 19 90, 0203 21 90, 0203 22 90, 0203 29 90	free	2 000	375	⁽⁵⁾
09.4852	0206 10 95 0206 29 91	Thick skirt and thin skirt of bovine animals, fresh, chilled or frozen	free	100	30	
09.6649	ex 0207	Meat and edible offal, of the poultry of heading No 0105, fresh, chilled or frozen, excluding CN codes 0207 13 91, 0207 14 91, 0207 26 91, 0207 27 91, 0207 34 10, 0207 34 90, 0207 35 91, 0207 36 81, 0207 36 85, 0207 36 89	free	1 005	250	
09.4853	0210 19	Meat of swine, salted or in brine, dried or smoked, other	free	100	30	
09.4578	0401	Milk and cream, not concentrated, nor containing added sugar or other sweetening matter	free	800	150	
09.4546	0402 10 19 0402 21 19	Skimmed milk powder Whole milk powder	free	14 000	0	

Order No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Annual quantity from 1.7.2002 to 30.6.2003 (tonnes)	Yearly increase as from 1.7.2003 (tonnes)	Specific provisions
09.4579	0403 10 11	Yoghurt, not flavoured nor containing added fruit, nuts or cocoa: Not containing added sugar or other sweetening matter, with a fat content, by weight:	free	800	240	
		Not exceeding 3 %				
	0403 10 13	Exceeding 3 % but not exceeding 6 %				
	0403 10 19	Exceeding 6 %				
		Other, of a fat content, by weight				
	0403 10 31	Not exceeding 3 %				
	0403 10 33	Exceeding 3 % but not exceeding 6 %				
	0403 10 39	Exceeding 6 %				
09.4580	0403 90 59	Sour cream, of a fat content, by weight exceeding 6 %	free	1 120	210	
	0403 90 61	Sour cream, of a fat content, by weight not exceeding 3 %				
	0403 90 63	Sour cream, of a fat content, by weight exceeding 3 % but not exceeding 6 %				
	0403 90 69	Sour cream, of a fat content, by weight exceeding 6 %				
09.4547	0405 10 11	Butter	free	4 800	900	
	0405 10 19					
09.4582	0406 10	Fresh (unripened or uncured) cheese, including whey cheese, and curd	free	1 120	210	
09.4581	0406 20	Other cheese	free	4 000	1 200	
	0406 30					
	0406 40					
	0406 90					
09.6650	0407 00 11	Poultry eggs	free	600	180	
	0407 00 19					
	0407 00 30					
09.6651	ex 0408	Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter, excluding CN codes 0408 11 20, 0408 19 20, 0408 91 20, 0408 99 20	free	205	40	⁽⁸⁾
09.6603	0703 20 00	Garlic	free	60	5	
09.6454	0704 10 00	Cauliflowers and headed broccoli	free	270	10	
	0704 90 10	White cabbages and red cabbages				
	0707 00 05	Cucumbers, fresh or chilled	free	unlimited		⁽⁷⁾
	0707 00 90	Gherkins				
	0709 10 00	Fresh or chilled globe artichokes	free	unlimited		⁽⁷⁾
	0709 90 70	Fresh or chilled courgettes	free	unlimited		⁽⁷⁾

Order No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Annual quantity from 1.7.2002 to 30.6.2003 (tonnes)	Yearly increase as from 1.7.2003 (tonnes)	Specific provisions
09.6605	0808 10	Apples, fresh	free	400	75	(7)
	0808 20 50	Fresh pears (excl. perry pears, in bulk, from 1 August to 31 December)	free	unlimited		(7)
	0809 20 05	Fresh sour cherries (<i>Prunus cerasus</i>)	free	unlimited		(7)
	0809 20 95	Fresh cherries (excl. sour cherries)	free	unlimited		(7)
	ex 0809 40 05	Fresh plums, from 1 July to 30 September	free	unlimited		(7)
	0810 10 00	Strawberries, fresh	free	unlimited		(6)
09.6609	0810 30	Black-, white- or red currants and gooseberries	free	130	30	(6)
09.6467	0811 10 11	Strawberries, frozen, containing added sugar or other sweetening matter with a sugar content exceeding 13 % by weight	free	240	45	(6)
	0811 10 19	Strawberries, frozen, containing added sugar or other sweetening matter with a sugar content not exceeding 13 % by weight	free	unlimited		(6)
	0811 10 90	Strawberries, frozen, other	free	unlimited		(6)
09.6611	0811 20 11	Raspberries, blackberries, mulberries, loganberries, black-, white- or redcurrants and gooseberries, frozen, with a sugar content exceeding 13 % by weight	free	640	120	
	0811 20 19	Raspberries, blackberries, mulberries, loganberries, black-, white- or redcurrants and gooseberries, frozen, with a sugar content not exceeding 13 % by weight	free	unlimited		(6)
	0811 20 31	Other frozen raspberries	free	unlimited		(6)
	0811 20 39	Other frozen black currants	free	unlimited		(6)
	0811 20 51	Other frozen red currants	free	unlimited		(6)
	0811 20 59	Other frozen blackberries and mulberries	free	unlimited		(6)
	0811 20 90	Other	free	unlimited		(6)
09.6641	ex 1001	Wheat and meslin, excluding CN code 1001 90 10	free	4 400	1 300	
09.6642	1002	Rye	free	1 500	500	
09.6643	1003 00 10	Barley, seed	free	6 500	2 000	
	ex 1003 00 90	Barley, excluding barley for production of malt				
	ex 1003 00 90	Barley for production of malt	free	unlimited		
09.4588	1004 00	Oats	free	4 800	900	

Order No	CN code	Description ⁽¹⁾	Applicable duty (% of MFN) ⁽²⁾	Annual quantity from 1.7.2002 to 30.6.2003 (tonnes)	Yearly increase as from 1.7.2003 (tonnes)	Specific provisions
09.6644	1101	Wheat or meslin flour	free	2 000	600	
09.6645	ex 1102	Cereals flours other than of wheat or meslin, excluding CN code 1102 90 90	free	2 000	600	
09.6646	ex 1103	Cereal groats, meal and pellets, excluding CN codes 1103 19 90 and 1103 20 90	free	100	30	
09.6647	1108 13	Potato starch	free	100	30	
09.4584	ex 1601 00 ex 1602 41 ex 1602 42 ex 1602 49	Sausages and similar products, of meat offal or blood, excluding CN code 1601 00 10 Other prepared or preserved meat, meat offal or blood: of swine: Hams and cuts thereof, excluding CN code 1602 41 90 Other prepared or preserved meat, meat offal or blood: of swine: Shoulders and cuts thereof, excluding CN code 1602 42 90 Other prepared or preserved meat, meat offal or blood: of swine: Other, including mixtures, excluding CN code 1602 49 90	free	960	180	
09.6652	1602 32 11 1602 39 21	Other prepared or preserved meat, meat offal or blood: of poultry of heading 0105: of fowls of the species <i>Gallus domesticus</i> , uncooked Other prepared or preserved meat, meat offal or blood: of poultry of heading 0105: Other than of fowls of the species <i>Gallus domesticus</i> , uncooked	free	160	30	
09.6470	2207 10 00	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher	free	71	3	
09.6648	ex 2309	Preparations of the kind used in animal feeding, excluding CN codes 2309 10 51, 2309 10 90, 2309 90 10, 2309 90 20, 2309 90 31, 2309 90 41, 2309 90 51, 2309 90 91	free	200	50	

⁽¹⁾ Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the preferential scheme is to be determined by application to the CN code and corresponding description taken together.

⁽²⁾ In cases where a MFN minimum duty exists, the applicable minimum duty is equal to the MFN minimum duty multiplied by the percentage indicated in this column.

⁽³⁾ The quota for this product is opened for the Czech Republic, the Slovak Republic, Bulgaria, Romania, Hungary, Poland, Estonia, Latvia and Lithuania. In case imports into the Community of live bovine domestic animals may exceed 500 000 head for any given year, the Community may take the management measures needed to protect its market, notwithstanding any other rights given under the Agreement.

⁽⁴⁾ The quota for this product is opened for the Czech Republic, the Slovak Republic, Bulgaria, Romania, Hungary, Poland, Estonia, Latvia and Lithuania.

⁽⁵⁾ Excluding tenderloin presented alone.

⁽⁶⁾ Subject to minimum import price arrangements contained in the Annex to this Annex.

⁽⁷⁾ The reduction applies only to the *ad valorem* part of the duty.

⁽⁸⁾ In dried egg equivalent (100 kg liquid egg = 25,7 kg of dried eggs).

ANNEX TO ANNEX A(b)

Minimum import price arrangement for certain soft fruit for processing

1. Minimum import prices are fixed as follows for the following products for processing originating in Estonia:

CN code	Description	Minimum import price (EUR/t net)
ex 0810 10	Strawberries, fresh, intended for processing	514
ex 0810 30 10	Blackcurrants, fresh, intended for processing	385
ex 0810 30 30	Redcurrants, fresh, intended for processing	233
ex 0811 10 11	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight: whole fruit	750
ex 0811 10 11	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight: other	576
ex 0811 10 19	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: whole fruit	750
ex 0811 10 19	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: other	576
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: whole fruit	750
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: other	576
ex 0811 20 19	Frozen raspberries, containing additional sugar or other sweetening matter not exceeding 13% by weight: whole fruit	995
ex 0811 20 19	Frozen raspberries, containing additional sugar or other sweetening matter not exceeding 13 % by weight: other	796
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: whole fruit	995
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: other	796
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: without stalk	628
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: other	448
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: without stalk	390
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: other	295

2. The minimum import prices, as set out in point 1, will be respected on a consignment by consignment basis. In the case of a customs declaration value being lower than the minimum import price, a countervailing duty will be charged equal to the difference between the minimum import price and the customs declaration value.
3. If the import prices of a given product covered by this Annex show a trend suggesting that the prices could go below the level of the minimum import prices in the immediate future, the European Commission will inform the Estonian authorities in order to enable them to correct the situation.

4. At the request of either the Community or Estonia, the Association Council shall examine the functioning of the system or the revision of the level of the minimum import prices. If appropriate, the Association Council shall take the necessary decisions.
5. To encourage and promote the development of trade and for the mutual benefit of all parties concerned, a consultation meeting may be organised three months before the beginning of each marketing year in the European Community. This consultation meeting will take place between the European Commission and the interested European producers' organisations for the products concerned, on the one part and the authorities', producers' and exporters' organisations of all the associated exporting countries, on the other part.

During this consultation meeting, the market situation for soft fruit including, in particular, forecasts for production, stock situation, price evolution and possible market development, as well as possibilities to adapt supply to demand, will be discussed.

Information relating to the entry into force of the Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions

The Protocol adjusting the trade aspects of the Europe Agreement with the Republic of Estonia, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions, which the Council decided to conclude on 18 March 2003 ⁽¹⁾, enters into force on 1 July 2003, since notification of the accomplishment of the procedures specified in Article 4 of that Protocol was completed on 12 June 2003.

⁽¹⁾ See page 31 of this Official Journal.

DECISION No 1/2003 OF THE ASSOCIATION COUNCIL, ASSOCIATION BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF ESTONIA, OF THE OTHER PART

of 28 February 2003

amending, through the setting up of a Joint Consultative Committee between the Committee of the Regions and the Estonian Liaison Committee for Cooperation with the Committee of the Regions, Decision No 1/98 adopting the Rules of Procedure of the Association Council

(2003/464/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part ⁽¹⁾, and in particular Article 114 thereof,

Whereas:

- (1) Dialogue and cooperation between regional and local authorities in the European Community and those in the Republic of Estonia can make a major contribution to the development of their relations and to the integration of Europe.
- (2) It seems appropriate that such cooperation should be organised at the level of the Committee of the Regions, of the one part, and of the Estonian Liaison Committee for Cooperation with the Committee of the Regions, of the other part, by the setting up of a Joint Consultative Committee.
- (3) This means that the Rules of Procedure of the Association Council, adopted by Decision 1/98, need to be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The following Articles shall be added to the Rules of Procedure of the Association Council:

'Article 18

A Joint Consultative Committee (hereinafter referred to as Committee) is hereby established with the task of assisting the Association Council with a view to promoting dialogue and cooperation between the regional and local authorities in the European Community and those in the Republic of Estonia. Such dialogue and cooperation shall be aimed in particular at:

1. preparing Estonian regions and local authorities for activity in the framework of future membership of the European Union;
2. preparing Estonian regions and local authorities for their participation in the work of the Committee of the Regions after accession of the Republic of Estonia;

3. exchanging information on current issues of mutual interest, in particular on up-to-date state of play concerning EU regional policy and accession process as well as preparation of Estonian regions and local authorities for these policies;
4. encouraging multilateral structured dialogue between (a) Estonian regions and local authorities and (b) regions and local authorities from EU Member States, including through networking in specific areas where direct contacts and cooperation between regions and local authorities from the Republic of Estonia and EU Member States might prove the most effective way of solving particular problems;
5. providing regular exchange of information on inter-regional cooperation between regional and local authorities from the Republic of Estonia and Member States;
6. encouraging exchange of experience and knowledge in the field of regional policy and structural interventions, between (a) Estonian regions and local authorities and (b) regions and local authorities from EU Member States, in particular know-how and techniques concerning preparation of regional and local development plans or strategies and most efficient use of Structural Funds;
7. assisting Estonian regional and local authorities by means of information exchange in practical implementation of the principle of subsidiarity in all aspects of life on regional and local level;
8. discussing any other relevant matters proposed by any side, as they can arise in the context of implementation of the Europe Agreement and in the framework of the Pre-accession Strategy.

Article 19

The Committee shall comprise eight representatives of the Committee of the Regions, on the one hand, and eight representatives of the Estonian Liaison Committee for Cooperation with the Committee of the Regions, on the other hand. An equal number of alternate members shall be appointed.

The Committee shall carry out its activities on the basis of consultation by the Association Council or, as concerns the promotion of the dialogue between the regional and local authorities, on its own initiative.

The Committee may make recommendations to the Association Council.

⁽¹⁾ OJ L 68, 9.3.1998, p. 3.

Members shall be chosen to ensure that the Committee is as faithful a reflection as possible of the various levels of regional and local authorities in both the European Community and the Republic of Estonia.

The Committee shall adopt its own Rules of Procedure.

The Committee shall meet at intervals, which it shall itself determine in its Rules of Procedure.

The Committee shall be co-chaired by a member of the Committee of the Regions of the European Community and a member of the Estonian Liaison Committee for Cooperation with the Committee of the Regions.

Article 20

The Committee of the Regions, on the one hand, and the Estonian Liaison Committee for Cooperation with the Committee of the Regions, on the other hand, shall each defray the expenses they incur by reason of their participation in the meetings of the Committee with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Committee of the Regions, with the exception of expenditure in connection with interpreting or translation into or from Estonian, which shall be borne by the Estonian Liaison Committee for Cooperation with the Committee of the Regions.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.'

Article 2

This Decision shall enter into force on the first day of the second month following the date of its adoption.

Done at Brussels, 28 February 2003.

For the Association Council

The Chairman

K. OJULAND

COUNCIL DECISION**of 16 June 2003****concerning the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning additional trade preferences in agricultural products undertaken on the basis of Article 19 of the Agreement on the European Economic Area**

(2003/465/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

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

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 19 of the Agreement on the European Economic Area (EEA) foresees that the Contracting Parties undertake to continue their efforts with a view to achieving progressive liberalisation of agricultural trade between them.
- (2) The Kingdom of Norway and the European Community held bilateral trade negotiations in agriculture in 2002, on the basis of Article 19 of the Agreement on the European Economic Area, which were concluded satisfactorily on 18 December 2002.
- (3) The Agreement in question, in the form of an Exchange of Letters, should be approved,

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning additional trade preferences in agricultural products undertaken on the basis of Article 19 of the Agreement on the European Economic Area, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Done at Luxembourg, 16 June 2003.

For the Council

The President

G. PAPANDREOU

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the Kingdom of Norway concerning additional trade preferences in agricultural products undertaken on the basis of Article 19 of the Agreement on the European Economic Area

A. Letter from the Community

Brussels, 20 June 2003

Sir,

I have the honour to refer to the trade negotiations between the European Community and the Kingdom of Norway on agricultural products, held from 4 March 2002 to 18 December 2002, undertaken on the basis of Article 19 of the Agreement on the European Economic Area.

With the aim of fostering a harmonious development of trade between Parties, the Kingdom of Norway and the European Community have agreed to additional bilateral trade preferences concerning agricultural products. This arrangement comprises a consolidated arrangement for reciprocal trade in cheese and mutual concessions for a variety of agricultural products, including additional tariff quotas to existing preferences.

I hereby confirm that the results of the negotiations were as follows:

1. From 1 July 2003, Norway and the Community will increase their reciprocal trade in cheese. The text and the consolidated annual tariff quotas are set out in Annex I hereto.
2. From 1 July 2003, Norway will open for the Community the annual tariff quotas, for products originating in the Community, set out in Annex II hereto. These bilateral concessions are additional to the ones already in place ⁽¹⁾.
3. From 1 July 2003, Norway will reduce or eliminate import duties on products originating in the Community set out in Annex III hereto. These bilateral concessions are additional to the ones already in place ⁽¹⁾.
4. From 1 July 2003, the Community will eliminate import duties on products originating in Norway set out in Annex IV hereto. These bilateral concessions are additional to the ones already in place ⁽¹⁾.
5. From 1 July 2003, the Community will open for Norway the annual tariff quotas for products originating in Norway set out in Annex V hereto. These bilateral concessions are additional to the ones already in place ⁽¹⁾.
6. The Parties will take steps to ensure that the benefits which they grant each other will not be jeopardised by other import measures.
7. The Parties agree to take the necessary steps in order to ensure that tariff quotas will be managed in such a way that imports may take place regularly and that the quantities agreed for import can effectively be imported. Where necessary, tariff quotas will be opened in 2003 on a pro-rata basis.
8. The Parties agree to exchange at regular intervals information on tariff quota management, price quotations and any useful information concerning the respective domestic markets and the implementation of this Agreement.
9. Consultations will be held at the request of either Party on any question relating to the operation of this Agreement. In case of difficulties, these consultations will be held as promptly as possible, with a view to the adoption of appropriate corrective measures.
10. The rules of origin for the purpose of implementing the concessions referred to in Annexes I to V to this Agreement are set out in Annex IV to the Exchange of Letters of 2 May 1992. However, paragraph 2 to Annex IV shall refer to the list in Annex II to Protocol 4 to the Agreement on the European Economic Area, to be applied according to Annex I to the same Protocol, instead of the list in the Appendix referred to in paragraph 2 of Annex IV to the Exchange of Letters of 2 May 1992.

⁽¹⁾ Exchange of Letters of 2 May 1992, Council Decision 93/239/EC (OJ L 109, 1.5.1993, p. 1) and Exchange of Letters of 20 December 1995, Council Decision 95/582/EC (OJ L 327, 30.12.1995, p. 17).

11. Norway and the European Community agree to resume bilateral negotiations in the framework of Article 19 of the Agreement on the European Economic Area in two years time.

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their own procedures.

I have the honour to confirm that the European Community is in agreement with the contents of this letter.

I should be obliged if you would confirm that the Government of the Kingdom of Norway is in agreement with the above.

Please accept, Sir, the assurance of my highest consideration,

On behalf of the Council of the European Union

Mary Munch

ANNEX I

Trade in cheese

1. The European Community shall abolish import duties on the existing cheese quota and shall increase these quotas. The consolidated annual tariff quotas are as follows:

CN Code	Description of products (¹)	Annual quantity (in tonnes)	Rate of duty
ex 0406 90 23	Norwegian Edam	3 467	free
0406 90 39	Jarlsberg		
ex 0406 90 78	Norwegian Gouda		
0406 90 86	Other cheeses		
0406 90 87			
0406 90 88			
0406 10		Fresh cheeses	

⁽¹⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the applicability of the preferential scheme determined, for the purpose of this Annex, by the coverage of the CN codes.

2. Norway shall abolish import duties on the existing cheese quota and shall increase these quotas. The consolidated annual tariff quota is as follows:

CN Code	Description of products	Annual quantity (in tonnes)	Rate of duty
0406	Cheese and curd	4 000	free

3. Norway will improve its current import management system based on import licences attributed on the basis of historical rights, in particular by improving the access to licences to newcomers. Norway will continue to administer a quantity of 2 360 tonnes of cheeses of the consolidated annual cheese tariff quota on the basis of a cheese list, according to the Exchange of Letters of 11 April 1983. Additional quantities within the consolidated cheese tariff quotas will not be subject to this cheese list and will be imported with no condition relating to the type of cheese. However, imports of cheese for processing should be minimised, with the exception of cheeses used in the preparation of ready-made food (e.g. pizzas or cheese snacks).
4. The Community will manage the annual cheese tariff quota under the general licensing system applied in the dairy sector. The IMA1 certificate system will be abandoned.
5. These provisions shall replace previous arrangements between the European Community and the Kingdom of Norway concerning reciprocal trade in cheese.

ANNEX II

Additional tariff quotas granted by Norway

1. Norway will open the following annual tariff quotas for the following products originating in the Community (*):

Norwegian customs tariff heading	Description of products	Annual quantity (in tonnes)	Rate of duty
0206 41 00	Livers of swine, frozen	250	5 NOK/kg
0210 11 00	Hams, shoulders and cuts thereof, with bone in, of swine	200	free
0705 11 11 0705 11 21	Iceberg lettuce	600	free
0712 90 11	Potatoes, whether or not cut or sliced, but not further prepared	300	free
ex 0808 10 11	Apples from 1 May to 1 August	2 000	free
0810 10 23 0810 10 24	Strawberries, fresh, from 9 June to 9 September	300	free
0811 10 01 0811 10 09	Strawberries, frozen, containing added sugar or sweetening matter Other strawberries	500	free
0812 10 00	Cherries, provisionally preserved	100	4,3 NOK/kg
ex 1209 23 00	Fescue seed, for lawn	55 ⁽¹⁾	free
ex 1209 24 00	Kentucky blue grass (<i>Poa pratensis</i> L.) seed, for lawn	100 ⁽¹⁾	free
1209 25 00	Rye grass (<i>Lolium multiflorum</i> Lam., <i>Lolium perenne</i> L.) seed	600	free
1214 90 91	Hay	10 000 ⁽¹⁾	free
1601 00 00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	200	free
1602 49 10	'Bacon crisp'	200 ⁽¹⁾ ⁽²⁾	free
ex 1602 50 00	Meatballs	150	free
2009 71 00 2009 79 00	Apple juice of a Brix value not exceeding 20 Other apple juice	1 000	free

⁽¹⁾ Increase of existing quota.

⁽²⁾ The existing in-quota tariff shall be eliminated.

2. Norway will open the following annual zero-duty tariff quotas for the following products originating in the Community (*):

Norwegian customs tariff heading	Description of products	Annual value (in million NOK)
0602 90 61	(<i>Condiaeum</i> , <i>Croton</i> , <i>Dieffenbachia</i> , <i>Epipremnum</i> , <i>Scindapsus aureum</i> , <i>Hedera</i> , <i>Nephrolepis</i> , <i>Peperomia obtusifolia</i> , <i>Peperomia rotundifolia</i> , <i>Schefflera</i> , <i>Soleirolia</i> and <i>Helxine</i> , also when imported as part of mixed groups of plants) from 1 May to 14 December	4
0602 90 71	Grass in rolls or plates (lawn)	4

(*) The quotas shall apply annually unless otherwise specified.

ANNEX III

Additional tariff concessions granted by Norway

Norway will reduce or eliminate import duties on the following products originating in the Community (*):

Norwegian customs tariff heading	Description of products	Rate of duty
0602	Other live plants (including their roots), cuttings and slips; mushroom spawn	
	-- Cuttings, unrooted or <i>in vitro</i> , for horticultural purposes:	
	--- Other:	
0602 10 21	---- Begonia, all sorts, <i>Campanula isophylla</i> , <i>Euphorbia pulcherrima</i> , <i>Poinsettia pulcherrima</i> , <i>Fuchsia</i> , <i>Hibiscus</i> , <i>Kalanchoe</i> and <i>Petunia</i> -hanging	25%
0602 10 22	---- Saintpaulia, <i>Scaevola</i> and <i>Streptocarpus</i>	15%
0602 10 23	---- <i>Dendranthema x grandiflora</i> and <i>Chrysanthemum x moriflorum</i> , from 1 April to 15 October	15%
0602 10 24	---- Pelargonium	35%
0602 10 29	---- Other ⁽¹⁾	free
0602 30 13	- Rhododendrons and azaleas, grafted or not: -- <i>Azalea indica</i> (Indoor azalea): --- Other (other than in flower): ---- from 24 December to 14 November	free
	- Roses, grafted or not:	
0602 40 02	-- Stock	free
0602 40 03	-- Rooted cuttings, not wrapped for retail sale	free
0602 40 04	-- Bare-root roses, without any kind of media, not wrapped for retail sale	free
	----- Green pot plants from 1 May to 14 December:	
0602 90 62	----- <i>Asplenium</i> , <i>Begonia x rex-cultorum</i> , <i>Chlorophytum</i> , <i>Euonymus japonicus</i> , <i>Fatsia japonica</i> , <i>Aralia sieboldii</i> , <i>Ficus elastica</i> , <i>Monstera</i> , <i>Philodendron scandens</i> , <i>Radermachera</i> , <i>Stereospermum</i> , <i>Syngonium</i> and <i>x-Fatsyhedera</i> , also when imported as part of mixed groups of plants	25%
0602 90 63	----- Other, also when imported as part of mixed groups of plants (other than <i>Condiaeum</i> , <i>Croton</i> , <i>Dieffenbachia</i> , <i>Epipremnum</i> , <i>Scindapsus aureum</i> , <i>Hedera</i> , <i>Nephrolepis</i> , <i>Peperomia obtusifolia</i> , <i>Peperomia rotundifolia</i> , <i>Schefflera</i> , <i>Soleirolia</i> and <i>Helxine</i>)	free
	----- Pot plants in flower:	

(*) The concessions shall apply annually unless otherwise specified.

Norwegian customs tariff heading	Description of products	Rate of duty
0602 90 65	----- <i>Achimenes</i> , <i>Aster novi-belgii</i> , <i>Calceolaria herbeohybrida</i> , <i>Capsicum annuum</i> , <i>Catharanthus roseus</i> , <i>Vinca rosea</i> , <i>Dipladenia</i> , <i>Nematanthus</i> , <i>Hypocyrta</i> , <i>Osteospermum</i> , <i>Schlumbergera</i> , <i>Senecio x hybridus</i> , <i>Cineraria</i> , <i>Sinningia speciosa</i> , <i>Gloxinia</i> , <i>Solanum</i> and <i>Streptocarpus</i> , also when imported as part of mixed groups of plants	30%
0602 90 66	----- Other, also when imported as part of mixed groups of plants (other than <i>Achimenes</i> , <i>Aster novi-belgii</i> , <i>Calceolaria herbeohybrida</i> , <i>Capsicum annuum</i> , <i>Catharanthus roseus</i> , <i>Vinca rosea</i> , <i>Dipladenia</i> , <i>Nematanthus</i> , <i>Hypocyrta</i> , <i>Osteospermum</i> , <i>Schlumbergera</i> , <i>Senecio x hybridus</i> , <i>Cineraria</i> , <i>Sinningia speciosa</i> , <i>Gloxinia</i> , <i>Solanum</i> and <i>Streptocarpus</i>)	free
	----- Rooted cuttings and young plants:	
0602 90 67	----- <i>Begonia</i> (all sorts), <i>Campanula isophylla</i> , <i>Dendranthema x grandiflora</i> , <i>Chrysanthemum x morifolium</i> , <i>Cyclamen</i> , <i>Euphorbia pulcherrima</i> , <i>Fuchsia</i> , <i>Hibiscus</i> , <i>Kalanchoe</i> , <i>Pelargonium</i> , <i>Petunia-heng</i> , <i>Saintpaulia</i> , <i>Scaevola</i> , and <i>Sinningia syn. Gloxinia</i>	38%
0602 90 68	----- Other	free
0602 90 69	----- Other	free
0602 90 79	----- Other (other than grass in rolls or plates (lawn))	free
ex 0603	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared	
	– Fresh:	
0603 10 12	--- <i>Argyranthemum frutescens</i> and <i>Chrysanthemum frutescens</i> 1 November to 30 April, <i>Dendranthema x grandiflora</i> and <i>Chrysanthemum x morifolium</i> 15 December to 15 March, <i>Dianthus caryophyllus</i> 1 November to 15 May, <i>Freesia</i> 1 December to 31 March, <i>Rosa</i> 1 November to 31 March and <i>Tulipa</i> 1 May to 31 May, also when imported as parts of mixed bouquets and similar	free
0603 10 98	---- <i>Freesia</i> from 1 April to 30 November, <i>Iris</i> , <i>Limonium</i> , <i>Statice</i> , <i>Matthiola</i> , and <i>Narcissus</i> , also when imported as parts of mixed bouquets and similar	free
0603 10 99	---- Other, also when imported as parts of mixed bouquets and similar (other than covered by specific code numbers)	free
0603 90 00	– Other	free
ex 0604	Foliage, branches and other parts of plants, without flowers or flower buds, and grasses, mosses and lichens, being goods of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared	
	– Fresh:	
0604 91 10	--- Maidenhair fern (<i>Adiantum</i>) and <i>Asparagus</i> from 1 June to 31 October	free
0702 00 22	Tomatoes, fresh or chilled, from 10 to 31 May	10,21 NOK/kg
0702 00 23	Tomatoes, fresh or chilled, from 1 June to 10 July	10,21 NOK/kg
0702 00 30	Tomatoes, fresh or chilled, from 11 July to 14 October	6,86 NOK/kg

Norwegian customs tariff heading	Description of products	Rate of duty
0702 00 40	Tomatoes, fresh or chilled, from 15 to 31 October	free
ex 0704 90 91	Savoy cabbage, fresh or chilled, from 1 December to 30 June	free
ex 0704 90 92	Curly kale, fresh or chilled, from 1 December to 31 July	free
0706 10 30	Turnips	free
0707 00 20	Snake cucumbers, fresh or chilled, from 1 to 30 November	free
0709 10 10	Artichokes, fresh or chilled, from 1 June to 30 November	free
0709 52 00	Truffles, fresh or chilled	free
0709 90 10	Olives, fresh or chilled	free
0709 90 20	Capers, fresh or chilled	free
0709 90 99	Other vegetables, than covered by specific code numbers	free
0711 20 10	Olives for uses other than production of oil	free
0711 20 90	Olives others	free
0711 30 10	Capers in brine	free
0711 30 90	Capers other	free
0712 90 91	Tomatoes, dried	free
0804 40 00	Avocados, fresh or dried	free
0806 10 19	Grapes not for human consumption, from 1 August to end February	free
0806 10 99	Grapes not for human consumption, from 1 March to 31 July	free
0808 10 22	Apples, fresh, from 1 December to 30 April	free
0808 20 12	Pears, fresh, from 1 December to 10 August	free
0813 30 00	Apples, dried	free
0813 40 01	Bilberries, dried	free
0813 40 02	Others, dried (other than apricots and prunes)	free
0813 50 99	Other mixtures, dried (other than specified)	free
1507 10 90	Soya-bean oil, crude whether or not degummed, not for feed purpose	free
1514 11 90	Low erucic acid rape or colza oil and its fractions, crude, not for feed purpose	free
1514 91 90	Other rape or colza oil, not for feed purpose, or mustard oil, not for feed purpose	free
2001 90 20	Olives, prepared or preserved by vinegar or acetic acid	free

Norwegian customs tariff heading	Description of products	Rate of duty
2001 90 61	Sweet peppers, prepared or preserved by vinegar or acetic acid	free
2001 90 10	Capers, prepared or preserved by vinegar or acetic acid	free
2002 10 01	Tomatoes, whole or in pieces, in airtight containers, prepared or preserved	free
2002 10 09	Other tomatoes, whole or in pieces, prepared or preserved	free
2003 10 08	Mushrooms of the genus <i>Agaricus</i> , other than cultivated, prepared or preserved otherwise than by vinegar or acetic acid	free
2005 51 00	Beans, shelled (<i>Vigna spp.</i> , <i>Phaseolus spp.</i>), prepared or preserved otherwise than by vinegar or acetic acid	free
2005 59 09	Beans, prepared, other (except runner beans, string beans, wax beans and French beans)	free
2005 90 03	Sweet peppers (<i>Capsicum annuum var. annuum</i>), prepared or preserved	free
2008 30 99	Citrus fruit, other than mandarins, not for feed purpose, prepared or preserved	free
2008 40 00	Pears, otherwise prepared or preserved	free
2008 92 01	Mixtures, entirely containing fruits of headings Nos 0803 to 0810, otherwise prepared or preserved	free
2009 50 00	Tomato juice	free
2009 90 00	Mixtures of fruit or vegetable juices	26,86 NOK/kg

(¹) 0602 10 29: green plants from 1 May to 14 December, other plants all year.

ANNEX IV

Additional tariff concessions granted by the Community

The Community will eliminate import duties on the following products originating in Norway:

CN Code	Description of products	Rate of duty
0602 10 90	Other unrooted cuttings and slips	free
0602 20 90	Other trees, shrubs and bushes, grafted or not, of kinds which bear edible fruit or nuts	free
ex 0602 30 00	Rhododendrons	free
0602 90 30	Vegetables and strawberry plants	free
0602 90 45	Outdoor plants, rooted cuttings and young plants, other than forest trees	free
0602 90 49	Outdoor plants, other	free
ex 0604 91 90	Holly	free

ANNEX V

Additional tariff quotas granted by the Community

1. The Community will open the following annual tariff quota for the following products originating in Norway (*):

CN Code	Description of products	Annual quantity (in tonnes)	Rate of duty ⁽³⁾
0204	Meat of sheep or goats, fresh, chilled or frozen	300	free
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal	200	free
0705 11 00	Cabbage lettuce	300	free
0705 19 00	Other lettuce	300	free
ex 0809 20	Cherries, fresh from 16 July to 31 August	300 ⁽¹⁾	free ⁽²⁾
0810 10 00	Strawberries, fresh, from 9 June to 9 September	300 ⁽¹⁾	free
1601	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	300	free

⁽¹⁾ Increase of existing quota.

⁽²⁾ The additional specific duty is applicable.

⁽³⁾ In cases where an MFN minimum duty exists, the applicable minimum duty is equal to the MFN minimum duty multiplied by the percentage indicated in this column.

2. The Community will open the following annual zero-duty tariff quotas for the following products originating in Norway (*):

CN Code	Description of products	Annual value (in million NOK)
0602 90 51	Perennial plants	1
0602 90 70	Indoor plants, rooted cuttings and young plants, excluding cacti	4

(*) The quotas shall apply annually unless otherwise specified.

B. Letter from Norway

Brussels, 20 June 2003

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

I have the honour to refer to the trade negotiations between the European Community and the Kingdom of Norway on agricultural products, held from 4 March 2002 to 18 December 2002, undertaken on the basis of Article 19 of the Agreement on the European Economic Area.

With the aim of fostering a harmonious development of trade between Parties, the Kingdom of Norway and the European Community have agreed to additional bilateral trade preferences concerning agricultural products. This arrangement comprises a consolidated arrangement for reciprocal trade in cheese and mutual concessions for a variety of agricultural products, including additional tariff quotas to existing preferences.

I hereby confirm that the results of the negotiations were as follows:

1. From 1 July 2003, Norway and the Community will increase their reciprocal trade in cheese. The text and the consolidated annual tariff quotas are set out in Annex I hereto.
2. From 1 July 2003, Norway will open for the Community the annual tariff quotas for products originating in the Community set out in Annex II hereto. These bilateral concessions are additional to the ones already in place ⁽¹⁾.
3. From 1 July 2003, Norway will reduce or eliminate import duties on products originating in the Community set out in Annex III hereto. These bilateral concessions are additional to the ones already in place ⁽¹⁾.
4. From 1 July 2003, the Community will eliminate import duties on products originating in Norway set out in Annex IV hereto. These bilateral concessions are additional to the ones already in place ⁽¹⁾.
5. From 1 July 2003, the Community will open for Norway the annual tariff quotas for products originating in Norway set out in Annex V hereto. These bilateral concessions are additional to the ones already in place ⁽¹⁾.
6. The Parties will take steps to ensure that the benefits, which they grant each other, will not be jeopardised by other import measures.
7. The Parties agree to take the necessary steps in order to ensure that tariff quotas will be managed in such a way that imports may take place regularly and that the quantities agreed for import can effectively be imported. Where necessary, tariff quotas will be opened in 2003 on a pro-rata basis.
8. The Parties agree to exchange at regular intervals information on tariff quota management, price quotations and any useful information concerning the respective domestic markets and the implementation of this Agreement.
9. Consultations will be held at the request of either Party on any question relating to the operation of this Agreement. In case of difficulties, these consultations will be held as promptly as possible, with a view to the adoption of appropriate corrective measures.
10. The rules of origin for the purpose of implementing the concessions referred to in Annexes I to V to this Agreement are set out in Annex IV to the Exchange of Letters of 2 May 1992. However, paragraph 2 of Annex IV shall refer to the list in Annex II to Protocol 4 to the Agreement on the European Economic Area, to be applied according to Annex I to the same Protocol, instead of the list in the Appendix referred to in paragraph 2 of Annex IV to the Exchange of Letters of 2 May 1992.
11. Norway and the European Community agree to resume bilateral negotiations in the framework of Article 19 of the Agreement on the European Economic Area in two years time.

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their own procedures.

⁽¹⁾ Exchange of Letters of 2 May 1992, Council Decision 93/239/EC (OJ L 109, 1.5.1993, p. 1) and Exchange of Letters of 20 December 1995, Council Decision 95/582/EC (OJ L 327, 30.12.1995, p. 17).

I have the honour to confirm that the European Community is in agreement with the contents of your letter.

I should be obliged if you would confirm that the Government of the Kingdom of Norway is in agreement with the above.'

I have the honour to confirm that the Government of the Kingdom of Norway is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration,

For the Government of the Kingdom of Norway



Bjørn T. Gydegaard

COMMISSION

COMMISSION DECISION

of 13 June 2003

establishing criteria for zoning and official surveillance following suspicion or confirmation of the presence of infectious salmon anaemia (ISA)

(notified under document number C(2003) 1831)

(Text with EEA relevance)

(2003/466/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 15 thereof,

Having regard to Council Directive 93/53/EC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases ⁽³⁾, as last amended by Commission Decision 2001/288/EC ⁽⁴⁾, and in particular Article 5(2) and Article 6 thereof,

Whereas:

- (1) Directive 93/53/EEC establishes that sampling and laboratory testing for the presence of list I and list II diseases (which are referred to in Annex A to Directive 91/67/EEC) shall be carried out using the methods established in accordance with Article 15 of Directive 91/67/EEC.
- (2) The sampling plans and diagnostic methods for the detection and confirmation of the list II fish diseases, viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) are laid down by Commission Decision 2001/183/EC ⁽⁵⁾.
- (3) According to Article 5(2) and Article 6 of Directive 93/53/EEC, all farms situated in the same water catchment area or coastal area in which a farm suspected or confirmed infected with infectious salmon anaemia (ISA)

virus is situated, shall be placed under official surveillance. The criteria for zoning and official surveillance should be established.

- (4) In order to define the sampling plans and diagnostic methods for the detection and confirmation of ISA, and to establish the criteria for zoning and official surveillance following suspicion or confirmation of ISA, fish health and laboratory experts have been consulted. Furthermore, the guidelines for the diagnosis of ISA laid down in the current edition of the *Diagnostic manual for aquatic animal diseases* of the International Office for Epizootics (OIE) must be taken into account.
- (5) A sufficient period of time should be provided for the implementation of these new requirements.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The sampling plans and diagnostic methods for the detection and confirmation of infectious salmon anaemia (ISA), as well as the criteria for zoning and official surveillance following suspicion or confirmation of ISA, are laid down in the Annex to this Decision.

Article 2

This Decision shall apply from 23 October 2003.

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 175, 19.7.1993, p. 23.

⁽⁴⁾ OJ L 99, 10.4.2001, p. 11.

⁽⁵⁾ OJ L 67, 9.3.2001, p. 65.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 June 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Sampling plans and diagnostic methods for the detection and confirmation of infectious salmon anaemia (ISA) and criteria for zoning and official surveillance following suspicion or confirmation of ISA

INTRODUCTION AND DEFINITIONS

This Annex:

- (a) provides for guidelines and minimum requirements on sampling plans and diagnostic methods for the detection and confirmation of the presence of ISA;
- (b) integrates the provisions and the definitions laid down in Directive 91/67/EEC and Directive 93/53/EEC;
- (c) sets out provisions aiming at the proper diagnosis, control and surveillance of ISA, in case of suspicion or confirmation of ISA;
- (d) is directed towards both the authorities responsible for the control of ISA and the laboratory personnel performing the tests with regard to this disease. Emphasis is put on the sampling procedures, principles and applications of laboratory tests and evaluation of their results, as well as on detailed laboratory techniques. However, when appropriate, the laboratories may apply modifications to the tests described in this Annex, or use different tests, provided that equal or superior sensitivity and specificity can be demonstrated. Furthermore, criteria for the establishment of zones and official surveillance following suspicion or confirmation of ISA are laid down.

For the purpose of this Annex, the following additional definitions shall apply.

'Water catchment area' means the entire catchment area from the sources of the waterways to the estuary, or part of a catchment area from the source of a waterway to a natural or artificial barrier preventing fish migrating from that barrier.

'Coastal area' means a part of the coast or seawater or an estuary with a precise geographical delimitation which consists of a homogenous hydrodynamic system or series of such systems.

Part I lays down the general principles and the criteria for the diagnosis and confirmation of ISA and criteria for zoning and official surveillance to be carried out following suspicion or confirmation of ISA.

Part II sets out the inspections and sampling to be carried out in order to detect the presence of ISA.

Part III lays down the methods to be used for virological examination.

Part IV outlines the procedure for the examination of samples by RT-PCR for the detection of ISA.

Part V describes the protocol to be used for the examination of kidney imprints by IFAT (indirect fluorescent antibody test) with regard to ISA.

Part VI includes the methodology for histology.

Part VII lists the acronyms and abbreviations used.

I. Criteria for diagnosis of ISA and for the establishment of zones, certain control measures and official surveillance**I.1. General principles for the diagnosis of ISA**

Reasonable grounds for fish to be suspected of being infected with ISAV are outlined in Part I.2 of this Annex. Member States shall ensure that, following the suspicion of fish on a farm being infected with ISAV, an official investigation to confirm or rule out the presence of the disease is carried out as quickly as possible, applying the inspections and clinical examinations, as well as the collection and selection of samples and the methods for laboratory examination as laid down in Part III-VI of this Annex. In order officially to confirm the presence of ISA, any one of the three sets of criteria laid down in Part I.3 of this Annex shall be fulfilled.

I.2. Suspicion of infection with ISA

I.2.1. The presence of ISA shall be suspected if at least one of the following criteria are met:

- (a) the presence of post-mortem findings consistent with ISA, with or without clinical signs of disease. Post-mortem findings and clinical signs of disease shall be in accordance with those laid down in the current edition of the OIE *Diagnostic manual for aquatic animal diseases*;
- (b) isolation and identification of ISAV in cell culture from a single sample from any fish on the farm as described in Part III;

- (c) reasonable evidence of the presence of ISAV from two independent laboratory tests such as RT-PCR (Part IV) and IFAT (Part V);
- (d) the transfer of live fish into a farm where there are reasonable grounds to suspect that ISA was present at the time of the fish transfer;
- (e) where an investigation reveals other substantial epidemiological links to ISA-suspected or confirmed farms.

I.2.2. Suspicion of ISA can be ruled out if continued investigations involving at least one clinical inspection per month for a period of six months reveal no further significant evidence of the presence of ISA.

I.3. Confirmation of ISA

The presence of ISA shall be considered as confirmed if the criteria in (a) or (b) or (c) are met:

- (a) clinical signs and post-mortem findings consistent with ISA in accordance with the current edition of the OIE *Diagnostic manual for aquatic animal diseases*, including dead, weak or abnormally behaving fish, signs of anaemia, other post-mortem findings and pathological changes, are observed, and ISAV is detected by one or more of the following methods:
 - (i) isolation and identification of ISAV in cell culture from at least one sample from any fish on the farm as described in Part III,
 - (ii) detection of ISAV by means of RT-PCR by the methods described in Part IV,
 - (iii) detection of ISAV in tissues or tissue preparations by means of specific antibodies against ISAV (e.g. IFAT on kidney imprints as described in Part V);
- (b) isolation and identification of ISAV in two samples from one or more fish at the farm tested on separate occasions using the method described in Part III;
- (c) isolation and identification of ISAV from at least one sample from any fish on the farm using the method described in Part III with corroborating evidence of ISAV in tissue preparations from any fish on the farm using either RT-PCR (Part IV) or IFAT (Part V).

I.4. Criteria for the establishment and revocation of zones for control and official surveillance following suspicion and confirmation of ISA

I.4.1. For the purpose of establishing a risk-based official surveillance programme, Member States shall, in the vicinity of a farm officially suspected or confirmed infected with ISA, establish appropriate control and surveillance zones.

I.4.2. The zones to be established shall be defined based on a case-by-case analysis of the risks for further spread of the disease. In accordance with the epizootiological situation, the water catchment area or the coastal area of concern:

— shall be defined as a control zone, or

— may, in extensive water catchment or coastal areas, be divided into a control zone and a surveillance zone if the prevention of the spread of ISA is not compromised.

Furthermore, additional surveillance zones may, as necessary, be established outside the water catchment or coastal area.

I.4.3. The main factors to consider for the establishment of the zones above are those influencing the risks for the spread of the disease to farmed and wild fish, such as: the number, rate and distribution of mortalities of fish on the farm suspected or confirmed infected with ISAV; the cause of mortalities on the farm concerned; distance to and density of neighbouring farms; contact farms; species present at the farms; management applied in the affected and the neighbouring farms; the hydrodynamic conditions and other factors of epidemiological significance identified within the framework of the epizootic investigation carried out in accordance with Articles 5(2) and 8 of Directive 93/53/EEC.

I.4.4. The following minimum criteria shall apply for the establishment of zones.

I.4.4.1. A 'control zone' shall be established by the Member State in the close vicinity of a farm confirmed infected by ISAV as follows:

- in coastal areas: the area included in a circle with a radius of at least one tidal excursion or at least 5 km, centred on the confirmed ISAV-infected farm, or an equivalent area determined according to appropriate hydrodynamic or epidemiological data, or
- in inland areas: the entire water catchment area of the farm confirmed ISAV-infected; the Member State may, in extensive water catchment areas, limit the extension of the zone to parts of the water catchment area provided that the prevention of the spread of ISA is not compromised.

I.4.4.2. A 'temporary control zone' shall be established in case of suspicion of the presence of ISA, based on the same criteria as outlined for the control zone.

I.4.4.3. A 'surveillance zone' shall be established as necessary by the Member State outside the control zone in areas where less intensive surveillance is deemed sufficient and shall correspond to:

- in coastal areas: an area surrounding the control zone of overlapping tidal excursion zones, an area surrounding the control zone and included in a circle of radius 10 km from the centre of the control zone or an equivalent area determined according to appropriate hydrodynamic or epidemiological data, or
- in inland areas: if needed, as an extended area outside the established control zone.

I.5. *Fallowing and revocation of zones established*

I.5.1. The competent authority of the Member State shall ensure that all farms within the control zone are subject to an appropriate period of fallowing after being emptied of fish and disinfected as necessary. The duration of the fallow period in farms confirmed to be infected with ISA shall be no less than six months. The length of the fallowing period for other farms in control zones shall be determined by the competent authority on a case-by-case risk evaluation. When all farms in the control zone are emptied, at least six weeks of synchronised fallowing shall apply.

Furthermore, the competent authority may decide upon fallowing of farms in established surveillance zones.

I.5.2. Established control zones may not be revoked and restocked until all farms situated in the zones have been emptied of fish, disinfected as necessary and fallowed in accordance with I.5.1. When restocking of the zones is carried out, the control zones shall be converted into surveillance zones as laid down in 1.4.4.3.

I.5.3. Established temporary control zones may not be revoked until the suspicion of ISA has been ruled out in accordance with Part I.2.2. In case of confirmation of ISA in accordance with Part I.3, the temporary control zone shall be converted into a control zone.

I.5.4. Established surveillance zones may not be revoked until two years after the revocation of the control zone.

I.6. *Official surveillance following suspicion or confirmation of ISA*

I.6.1. With reference to Articles 5(2) and 6 of Directive 93/53/EEC and in order to establish the distribution and the evolution of the disease following a suspicion or confirmation of ISA on a farm, a risk-based official surveillance programme must be carried out by the competent authority, or by qualified fish health services in consultation with and under the control of the competent authority, on all farms situated in the zones established.

I.6.2. For the purpose of the application of such an official surveillance programme, the competent authority must, if necessary by an inspection on the spot, identify all farms in the established zones and make an official census of the species, categories and numbers of fish kept at the farms, including mortality figures.

- I.6.3. Following the initial official census, farms within temporary established control zones that are keeping Atlantic salmon (*Salmo salar*), or any other species referred to in the most recent edition of the OIE *Aquatic animal health code* as being susceptible to or a potential carrier of ISA, shall report upon mortalities every 14 days to the competent authority. Increased mortality shall be reported per day and cage. The competent authority shall investigate any significantly increased mortality on a farm.

If suspicion is confirmed, all farms in the established control zone shall report weekly on mortality, on a per cage and day basis, to the competent authority.

Farms in surveillance zones shall report mortalities to the competent authority every 14 days.

Furthermore, inspections shall be carried out regularly throughout the year in the established zones and with a frequency as outlined in Table 1. However, when climatic conditions make such inspections impossible during part of the year, Member States may lay down other inspection frequencies in the contingency plan.

Table 1

Official surveillance programme

Farm location	Minimum number of inspections per year	Minimum number of inspections per year after the control zone is revoked
Control zone	12	
Surveillance zone	6	6
Temporary control zone	6	

The surveillance programme shall be carried until the zones are revoked.

- I.6.4. The inspections, as well as selection, collection, preparation and shipment of samples shall be carried out as defined in Parts II.1 to II.4. The examination of the samples shall be in accordance with Parts III to VI.

II. Inspection and sampling

II.1. Inspection, selection and collection of samples at a farm where the presence of ISA is suspected

- II.1.1. At the regular inspections carried out within the framework of the official surveillance programme outlined in Part I.6, and in farms that are suspected of being infected with ISA, all farm facilities (cages, tanks or ponds) shall be inspected for the presence of dead, weak or abnormally behaving fish. Where possible, recent mortalities (not decomposed) and weak or abnormally behaving fish shall be examined for clinical signs or post-mortem findings of ISA as described in the current edition of the OIE *Diagnostic manual for aquatic animal diseases*.
- II.1.2. If recent clinical signs consistent with ISA are observed, or an inspector or veterinarian has any other reason to suspect that fish may be infected, a minimum of 10 fish shall be sampled. The sample shall be made up of recent mortalities and weak or abnormally behaving fish where possible. If there are insufficient numbers of clinically affected fish then numbers in the sample shall be supplemented with healthy fish selected from the cages, tanks or ponds showing the highest number of mortalities or fish showing clinical signs of disease.
- II.1.3. If recent mortalities or weak or abnormally behaving fish are observed, but the clinical signs and post-mortem findings are not consistent with ISA, sampling is not obligatory, although such samples as may be required to carry out a differential diagnosis may be taken at the inspector's or veterinarian's discretion.

- II.1.4. Where fish from the wild are suspected of being infected with ISA, Member States shall ensure that appropriate samples are taken and examined by the appropriate clinical and laboratory methods as laid down in Parts II to VI in order to rule out or confirm the presence of ISA and to estimate if the occurrence of the disease presents a significant threat to farmed fish.

II.2. *Preparation of samples from fish*

- II.2.1. Samples for histological examination shall only be taken from freshly killed fish exhibiting clinical signs or post-mortem findings consistent with the presence of disease. Any external or internal lesions shall be sampled and in any case samples of liver, mid-kidney, heart and spleen shall be removed from individual fish using a scalpel and transferred to 8 to 10 % (vol/vol) buffered formol saline. The ratio of fixative to tissue must be at least 20:1 to ensure satisfactory preservation of the tissues.
- II.2.2. Tissues for virological examination shall be taken from all of the fish sampled. Duplicate samples shall be taken for corroborative purposes. Pieces of the liver, anterior kidney, heart and spleen shall be removed from the fish using a sterile instrument and transferred to plastic tubes containing 9 ml transport solution, i.e. cell culture medium with antibiotics. A combination of 12,5 µg ml⁻¹ fungizone, 200 IU ml⁻¹ polymixin B, and 200 µg ml⁻¹ kanamycin is suitable but other combinations of proven efficiency may be used. Tissues from up to five fish may be collected in one tube containing transport solution and represent one pooled sample. The weight of tissue in one sample shall be 1,0 ± 0,5 g.
- II.2.3. Kidney imprints shall be taken for IFAT examination from freshly killed fish only, i.e. within two hours of death. A piece of mid-kidney shall be removed from the fish using sterile instruments. The tissue shall be blotted on absorbent paper to remove excess blood then repeatedly pressed against a poly-L-lysine-coated glass slide. The individual impressions shall be adjacent to each other, but not overlapping, to give a continuous single layer of cells. Blood and tissue fluid are not relevant material for this test. Leaving the kidney sample to 'drain' on the absorbent paper shall be avoided as this can lead to blood clotting causing large amounts of serum proteins to be deposited on the test slide. The imprints shall be air dried then kept cool and dry if they are not to be fixed immediately. Fixation of imprints shall be carried out within 72 hours of the fish being sampled. Alternatively, imprints may be frozen following air drying and stored for up to one month at - 20 °C prior to fixation.
- II.2.4. Fish showing signs of anaemia may be stunned and heparinised blood samples taken immediately for haematological examination, such as measurement of haematocrit.
- II.2.5. Tissue for RT-PCR analysis shall be taken from all of the fish sampled. A piece of anterior or mid-kidney shall be removed from the fish using a sterile instrument and transferred to a microfuge tube containing 1 ml RNA preservative solution of proven efficacy. Tissue from up to five fish may be collected in one tube of preservative solution and represent one pooled sample. The weight of tissue in one sample shall be approximately 0,5 g. When the fish are too small to obtain a sample of the required weight, pieces of kidney, heart, spleen, liver or pyloric caeca may be taken, in that order of preference, to make up 0,5 g.

II.3. *Shipment of samples from fish*

- II.3.1. Blood samples and tubes containing fish tissues for virological examination or RT-PCR analysis shall be placed in insulated containers (for instance thick-walled polystyrene boxes) together with sufficient ice or 'freeze blocks' to ensure chilling of the samples during transportation to the laboratory. Freezing must be avoided and ice shall still be present in the transport box at receipt or one or more of the 'freeze blocks' must still be partly or completely frozen. In exceptional circumstances RT-PCR samples and samples for virological examination may be snap-frozen and transported to the laboratory at - 20 °C or below.
- II.3.2. Slides for IFAT shall be shipped in slide holders with sufficient desiccant to keep the imprints dry and chilled as above.
- II.3.3. If fish tissues are transported in fixative for histological examination they shall be shipped in leak-proof tubes in impact-resistant containers, such as thick-walled polystyrene boxes.

II.3.4. Unless samples have been frozen, the virological examination must be started as soon as possible and not later than 72 hours after the collection of the samples. The sample for corroborative analysis shall be stored at -20°C or below on arrival at the laboratory.

II.3.5. Whole fish may be transported to the laboratory if the temperature requirements during transportation, as described in II.3.1, can be fulfilled. Whole fish shall be wrapped in absorbent paper and shipped in a plastic bag, chilled as mentioned above.

II.3.6. Live fish may also be shipped but only under the supervision of the official service.

II.3.7. For RT-PCR analysis of tissues preserved in *RNAlater*, RNA extraction must be carried out within a certain time for samples stored at different temperatures. These times are given below:

— 37°C	one day
— 25°C	one week
— 4°C	one month
— -20°C	indefinitely

II.3.8. All packaging and labelling must be performed in accordance with present national and international transport regulations as appropriate.

II.4. *Collection of supplementary diagnostic material*

With the agreement of the diagnostic laboratory, other fish tissues may be collected and prepared for supplementary examination.

III. **Virological examination**

III.1. *Preparation of samples*

III.1.1. Where practical difficulties arise which make it impossible to inoculate cells within 72 hours after collection of the tissue samples, it is acceptable to freeze the tissue at -80°C for up to 28 days. The tissue must be frozen and thawed only once before examination.

III.1.2. Each sample (tissue pool in transport solution) shall be completely homogenised using a stomacher, blender or mortar and pestle, centrifuged at $2\,000$ to $4\,000 \times g$ for 15 minutes at 0 to 6°C , and the supernatant shall be filtered ($0,45\ \mu\text{m}$) and incubated with an equal volume of a suitably diluted pool of antisera to the indigenous serotypes of IPNV. The titre of the antiserum must be at least 1:2000 in a 50 % plaque neutralisation test. The mixture shall be incubated for one hour at 15°C . This represents the inoculum.

Treatment of all inocula with antiserum to IPN virus (a virus which in some parts of Europe occurs in 50 % of fish samples) aims at preventing CPE due to IPN virus from developing in inoculated cell cultures. This will reduce the duration of the virological examinations as well as the number of cases in which occurrence of CPE would have to be considered potentially indicative of ISAV.

When samples come from production units which are considered free from IPN, treatment of inocula with antiserum to IPN virus may be omitted.

III.2. *Inoculation of cell cultures*

III.2.1. SHK-1 cells (pass 80 or lower) or TO cells shall be grown in L-15 medium containing 5 % foetal bovine serum, 2 % (v/v) 200 mM L-glutamine, and 0,08 % (v/v) 50 mM 2-mercaptoethanol in 12- or 24-well plates. Other cell lines of proven effectiveness and sensitivity in isolating ISAV may be used, taking into consideration strain variability and the ability of different strains to replicate in different cell lines. Antiserum-treated organ suspension shall be inoculated into young actively growing cell cultures to give a final dilution of tissue material to culture medium of 1:1 000. For each organ suspension 40 μl of inoculum shall be added to one well containing 2 ml of culture medium. To minimise the risk of cross-contamination it is recommended that separate 12- or 24-well plates shall be used for samples from different fish farm sites.

III.2.2. One plate shall be left uninoculated to serve as a negative control. A separate plate shall be inoculated with a reference isolate of ISAV as a positive control, as follows. One hundred μl of a stock preparation of ISAV (minimum titre 10^7 TCID₅₀ ml^{-1}) shall be inoculated into the first well and mixed well. A volume of this material shall be transferred from the first well to the second well to make a 1:10 dilution and mixed well. This shall be repeated across the plate to make six 10-fold dilutions. Stock ISAV may be stored at -80°C for at least two years but once thawed must be used within three days. Note: care must be taken to prevent cross-contamination of test plates with positive control material. To avoid this risk positive controls shall be set up and handled separately from test plates.

III.2.3. Samples shall be incubated at $14 \pm 2^\circ\text{C}$ for up to 15 days.

III.3. *Microscopy*

Using a microscope, cell cultures shall be examined for CPE twice, between five to seven and 12 to 14 days following inoculation. If any pool shows CPE, virus identification procedures shall be initiated immediately (III.6). If no CPE is observed by day 14, a haemadsorption test (III.4) shall be performed.

III.4. *Haemadsorption*

Replication of ISAV in cell cultures does not always result in a CPE. Therefore, every well shall be subject to a haemadsorption test as described below, or alternatively, every well shall be subject to an IF test as described in III.6.1.

III.4.1. Cell culture medium shall be removed from each well, including those of positive and negative controls, and placed in labelled sterile tubes. Five hundred μl of a 0,2 % (v/v) suspension of washed rabbit or horse red blood cells, or a 0,05 % (v/v) suspension of washed rainbow trout or Atlantic salmon red blood cells, shall be added to each well and incubated at room temperature for 45 minutes. The red blood cells shall be removed and each well shall be washed twice with L-15 medium. Each well shall be examined using a microscope.

III.4.2. The presence of clusters of red blood cells attaching to the surface of SHK-1 or TO cells shall be indicative of presumptive infection with an orthomyxovirus. If a haemadsorption test is positive a virus identification test shall be performed immediately (III.6).

III.5. *Subcultivation or passage*

III.5.1. Subcultivation shall be carried out between days 13 to 15. Two hundred and twenty-five μl of culture supernatant shall be added to wells containing fresh actively growing SHK-1 cells in 12-well plates and incubated at $14 \pm 2^\circ\text{C}$ for up to 18 days. Using a microscope, cell cultures shall be examined for CPE twice, between days five to seven and 14 to 18 following inoculation. If any pool shows CPE, virus identification procedures shall be initiated immediately (III.6). If no CPE is observed by days 14 to 18, a haemadsorption test shall be performed (III.4).

III.5.2. If cytotoxicity occurs within the first seven days of incubation, subcultivation shall be performed at that stage, and the cells must be incubated for 14 to 18 days and subcultivated again with a further 14 to 18 days incubation. If cytotoxicity occurs after seven days, subcultivation shall be performed once and the cells shall be incubated to achieve the total of 28 to 36 days incubation from the primary inoculation.

III.5.3. If bacterial contamination occurs in the primary culture, the test must be set up again using the tissue homogenate stored at -80°C . Prior to inoculation the tissue homogenate is centrifuged at $4\,000 \times g$ for 30 minutes at 0 to 6°C and the supernatant is filtered at $0,22\ \mu\text{m}$. If bacterial contamination occurs during the subcultivation step the supernatant shall be filtered at $0,22\ \mu\text{m}$, inoculated onto fresh cells and incubated for a further 14 to 18 days.

III.6. Virus identification tests

If evidence of CPE is observed at any stage, or if a haemadsorption test is positive, virus identification shall be carried out. The methods of choice for identification of ISAV are IF (III.6.1) and RT-PCR (Part IV). If it is considered that other viruses may be present it is recommended that supplementary virus identification tests are carried out. If these tests have not allowed definitive identification of the virus within one week, the supernatant must be forwarded to a national reference laboratory or to the EU reference laboratory for fish diseases for immediate identification.

III.6.1. IF

III.6.1.1. SHK-1 cells (pass 80 or lower) or TO cells shall be grown in L-15 medium containing 5 % foetal bovine serum, 2 % (v/v) 200 mM L-glutamine and 0,08 % (v/v) 50 mM 2-mercaptoethanol in 24- or 96-well plates and used at greater than 50 % confluence. Other cell lines or growth medium of proven efficacy may also be used. Two hundred and twenty five µl of putative virus-infected culture supernatant shall be added to each of two wells, mixed and 225 µl transferred to two further wells, i.e. a 1:5 dilution. Two additional wells shall be left uninoculated to act as controls. Samples from each fish farm site shall be handled on separate plates, as shall the virus control. A virus control shall be established using a reference isolate of ISAV.

III.6.1.2. Plates shall be incubated at 14 ± 2 °C and examined microscopically for up to seven days. When early CPE is observed, or if no CPE is observed within seven days, the next step shall be fixation. Wells shall hereby be washed with PBS and fixed by incubation with 80 % acetone for 20 minutes at room temperature. Plates shall be air-dried and stained immediately or stored at 0 to 6 °C for no more than 24 hours prior to staining.

III.6.1.3. Replicate wells shall be stained with monoclonal antibody 3H6F8 to ISAV, or other monoclonal antibody of proven effectiveness and specificity, diluted in PBS and incubated at 37 ± 4 °C for 30 minutes. Monoclonal antibody shall be removed and plates washed three times with 0,05 % Tween 20 in PBS. Anti-mouse IgG FITC conjugate diluted in PBS shall be added to each well and incubated at 37 ± 4 °C for 30 minutes. Note: the dilutions of different batches of monoclonal antibody and FITC conjugate shall be optimised in each laboratory. Antibody shall be removed and plates shall be washed three times with 0,05 % Tween 20 in PBS.

III.6.1.4. Wells shall be examined immediately using an inverted microscope set up for fluorescence microscopy with a suitable filter for excitation of FITC. A test shall be considered positive if fluorescent cells are observed. For a test to be valid the positive controls must score positive and the negative controls must score negative.

IV. Examination of samples by RT-PCR

IV.1. *This section describes the procedures required for PCR amplification of part of segment 8 of the ISAV genome that may be carried out on fish tissue or ISAV in culture*

IV.1.1. RNA extraction

- (a) RNAlater is removed from each sample. 1 ml of DEPC-treated dH₂O shall be added to each tube and tubes shall be centrifuged at 13 000 rpm for five minutes at 0 to 6 °C.
- (b) The supernatant shall be removed from each sample, and 800 µl TRIzol (Invitrogen), or alternative reagent proven to be of equal or greater efficacy, shall be added to each sample and a control tube containing suitable control material (400 µl dH₂O or kidney homogenate from specified-pathogen-free fish). If necessary, tissues shall be disrupted by repeated pipetting. Tubes shall be incubated at room temperature for five minutes. 160 µl chloroform shall be added to each tube and tubes shall be shaken vigorously for three minutes, then centrifuged at 13 000 rpm for 15 minutes at 0 to 6 °C.
- (c) The aqueous upper layer shall be removed to a labelled 1,5 ml microfuge tube containing 500 µl isopropanol and tubes shall be incubated for 10 minutes at room temperature, then centrifuged at 6 500 rpm for 15 minutes at 0 to 6 °C.

- (d) The supernatant shall be removed and 1 ml 75 % ethanol added to the RNA pellet. Tubes shall be then centrifuged at 6 500 rpm for five minutes at 0 to 6 °C.
- (e) The supernatant shall be removed and the tubes left open for approximately three minutes to let the remaining ethanol evaporate. 15 µl of DEPC-treated dH₂O shall be added to resuspend the pellet, vortexing briefly if necessary.
- (f) A spectrophotometer shall be used to calculate RNA concentration and purity of samples. Optical densities are measured at 260 and 280 nm.
- (g) RNA that is to be used immediately (the same day), can be temporarily stored at 0 to 6 °C. RNA not used at once shall be stored at – 80 °C.

IV.1.2. RT

- (a) Two µg RNA shall be diluted in DEPC-treated dH₂O in 1,5 ml microfuge tubes. Where the RNA concentration of a sample is too low to allow use of 2 µg in the RT reaction, the maximum possible amount of RNA shall be used. Diluted RNA shall be incubated at 55 to 60 °C for 10 minutes.
- (b) Tubes containing RNA shall then be placed on ice and RT reagents added to give final concentrations of 1× buffer, 1mM dNTPs, 100 ng random hexamers, 20 U RNase inhibitor and 200 U MMLV-RT in a total volume of 20 µl.
- (c) Tubes shall be incubated at 37 °C for one hour.
- (d) cDNA shall be stored at 0 to 6 °C until required and shall be used in PCR as soon as possible.

IV.1.3. PCR

- (a) Five µl cDNA shall be added to 45 µl PCR mix to give final concentrations of 1× buffer, 1,5 mM MgCl₂, 0,2 mM each dNTP, 25 pmol each primer and 1U Taq polymerase. Primers are ISA+ (5'-GGC-TAT-CTA-CCA-TGA-ACG-AAT-C-3') (forward primer) and ISA- (5'-GCC-AAG-TGT-AAG-TAG-CAC-TCC-3') (reverse primer). Negative controls for extraction, RT and PCR steps shall be included.
- (b) Tubes shall be placed in a thermocycler programmed at 94 °C for five minutes followed by 35 cycles of 94 °C for one minute, 55 °C for one minute and 72 °C for one minute with a final incubation at 72 °C for five minutes.
- (c) Results of the PCR shall be assessed following electrophoresis using a 2 % agarose gel stained with ethidium bromide and including size markers alongside the samples and the negative controls from RT and PCR steps. A single PCR product of 15 5bp shall be considered indicative of the presence of ISAV RNA. Samples that contain one additional product, of 310bp, shall also be considered to contain ISAV RNA. Samples that yield multiple PCR products, including at least one of approximately 155 bp, may contain ISAV RNA. These can be investigated further using DNA probes or nucleotide sequencing.

IV.1.4. PCR confirmation of isolation of ISAV in tissue culture

If full CPE has occurred during virological examination of tissue samples in SHK-1 cells, 400 µl of supernatant shall be removed from the well and placed in a sterile 1,5 ml tube. RNA shall be extracted from this sample as in III.1 and RT-PCR shall be carried out. If cultures without full CPE are used, the supernatant shall be removed, cells shall be scraped from the surface of the well or flask and placed in a sterile 1,5 ml tube for RNA extraction and RT-PCR.

IV.1.5. DNA probe confirmation of PCR products

- (a) The specificity of a 155 bp PCR product can be assessed by probing with an oligonucleotide that hybridises to a region of the PCR product, internal to the primers. PCR products shall be subjected to electrophoresis in a 1 % agarose gel alongside size markers and a positive control and the negative controls from the RT and PCR steps.

- (b) DNA shall be Southern blotted onto a membrane and the labelled oligonucleotide (5'-CGGGAGTTGATCAGACATGCACTGA AGGTG-3') shall be incubated with the membrane after appropriate pre-hybridisation steps.
- (c) Unbound and non-specifically bound probes shall be washed from the membrane and bound probes visualised.
- (d) Probes binding to a fragment of 155 bp (and 310 bp if present) shall be evidence for specificity of the PCR and indicates that ISAV RNA was present in the sample.

IV.1.6. Nucleotide sequencing of PCR products

The specificity of the PCR can be assessed by examination of the nucleotide sequence of the 155 bp PCR product.

- (a) PCR product shall be purified from agarose gel or solution.
- (b) The fragment shall be sequenced using the same primers as were used in the PCR or vector primers if cloned into a vector prior to sequencing.
- (c) The nucleotide sequence shall be compared with those for ISAV segment 8 available on the EMBL nucleotide sequence database (accession numbers Y10404, AJ012285, AJ242016).
- (d) Presence of sequence corresponding to that of ISAV segment 8 is evidence that the sample contained ISAV RNA.

V. Examination of kidney imprints by IFAT

V.1. *The following protocol has been established for examination of kidney imprints by IFAT*

V.2. *Preparation and staining of imprints*

V.2.1. Slides shall be fixed in acetone or methanol/acetone (1:1) for three minutes and air-dried. Before staining each slide shall be examined and appropriate regions of the slide shall be circumscribed with ImmEdge™ pen, or similar, and allowed to air-dry. The slides shall be then placed in blocking solution (6 % skimmed milk in PBS containing 0,2 % Tween 20) and incubated with gentle agitation for 30 minutes at room temperature. Each slide shall be drained and placed horizontally in a slide box containing wet tissue paper to maintain a humid atmosphere.

V.2.2. Each imprint shall be covered with a solution of monoclonal antibody 3H6F8 to ISAV (or other antibody of proven specificity and efficacy) and the slide box shall be closed and incubated with agitation for 60 minutes at room temperature. The antibody shall normally be diluted 1:10 to 1:100 in 1 % skimmed milk but the actual dilution needs to be determined for each batch. Slides shall be washed three times for two minutes in PBS containing 0,1 % Tween 20. Each imprint shall be covered with a solution containing FITC goat anti mouse conjugate diluted 1:1 000 in 1 % skimmed milk and incubated in a humid environment for 60 minutes at room temperature. Slides shall be washed three times for two minutes in PBS containing 0,1 % Tween 20. Each slide shall be covered with CITIFLUOR™ solution (500 µl CITIFLUOR™ mixed with 1,5 ml 0,1 % (v/v) Tween 20 in PBS) or other suitable mounting medium for 10 minutes. Slides shall be washed three times in PBS containing 0,1 % Tween 20. If a counter-stain is required, each imprint may be covered with propidium iodide (0,01 mg/ml) in PBS containing 0,1 % Tween 20 and incubated for three minutes at room temperature. Slides shall be washed three times for two minutes in PBS containing 0,1 % Tween 20. Slides shall be drained and mounted in CITIFLUOR™ or other suitable mounting medium. Slides shall be stored in the dark at 4 °C prior to microscopic examination.

V.3. *Examination using fluorescent microscopy*

Each slide shall be examined on a microscope suitable for epi-fluorescent illumination, using a suitable filter that will excite FITC, causing it to emit characteristic green fluorescent. All fields within the regions defined by the ImmEdge™ pen shall be examined under ×10 and ×20 objectives and suspicious areas (those showing a green fluorescence) shall be further examined under a ×40 objective and phase/fluorescent illumination to ensure that the fluorescent staining is cell-associated. The stage coordinates for the suspicious regions shall be recorded for later confirmation of the nature of the fluorescence by a second examiner. Following examination by the primary reader slides that are positive or suspicious shall be re-examined by a second reader and the results confirmed.

V.4. Controls

V.4.1. Three types of control must be included with each batch of slides stained for IFAT:

- kidney imprint from uninfected Atlantic salmon (negative control),
- uninfected SHK-1 cell culture or other susceptible cell culture (negative control),
- ISAV-infected SHK-1 cell culture or other susceptible cell culture (positive control).

V.4.2. If available, a kidney imprint from an ISAV-infected Atlantic salmon is recommended as an additional positive control.

V.4.3. If a positive result is obtained with any negative controls the test is considered invalid for all slides in that batch. If all slides in a batch, including positive controls, are negative the test is considered invalid for all slides in that batch. In cases where failure of controls invalidates a batch of slides, those slides shall be destroyed and a re-test shall be carried out using the duplicate imprints.

V.5. Examination of other tissues

This technique can be applied to other fish tissues such as liver, spleen and heart providing a reasonable quantity of endothelial cells, leucocytes or lymphocytes can be deposited on the slide. The staining procedure remains the same for each tissue, although for some tissues it may be preferable to omit the propidium iodide staining relying on phase illumination to identify the cell types present in the imprint.

VI. HISTOLOGY

Paraffin-embedded sections shall be cut at 5 µm and stained using haematoxylin and eosin. Histological changes associated with ISA are described in the current edition of the OIE *Diagnostic manual for aquatic animal diseases*.

VII. Acronyms and abbreviations

cDNA	Complementary Deoxyribonucleic acid
CPE	Cytopathic effect
DEPC	Diethylpyrocarbonate
dNTP	Deoxynucleotide triphosphate
FITC	Fluorescein isothiocyanate
IF	Immunofluorescence
IFAT	Indirect fluorescent antibody test
OIE	<i>Office international des epizooties</i>
IPN(V)	Infectious pancreatic necrosis (virus)
ISA(V)	Infectious salmon anaemia (virus)
PBS	Phosphate buffered saline
RNA	Ribonucleic acid
RT-(PCR)	Reverse transcriptase (polymerase chain reaction)
SHK-1	Salmon head kidney cells
TCID ₅₀	Tissue culture infective dose at the 50 % end point

COMMISSION DECISION

of 23 June 2003

establishing the official tuberculosis, brucellosis, and enzootic-bovine-leukosis-free status of certain Member States and regions of Member States as regards bovine herds*(notified under document number C(2003) 1925)***(Text with EEA relevance)**

(2003/467/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, as last amended by Commission Regulation (EC) No 1226/2002 ⁽²⁾, and in particular Annex A(I)(4), Annex A(II)(7) and Annex D(I)(E) thereto,

Whereas:

- (1) Directive 64/432/EEC provides that Member States or parts or regions thereof may be declared officially free of tuberculosis, brucellosis and enzootic bovine leukosis as regards bovine herds subject to compliance with certain conditions set out in that Directive.
- (2) Commission Decision 1999/467/EC ⁽³⁾, as last amended by Decision 2001/26/EC ⁽⁴⁾, established the official tuberculosis-free status of certain Member States and regions of Member States as regards bovine herds.
- (3) Commission Decision 1999/466/EC ⁽⁵⁾, as last amended by Decision 2003/164/EEC ⁽⁶⁾, established the official brucellosis-free status of certain Member States and regions of Member States as regards bovine herds.
- (4) Commission Decision 1999/465/EC ⁽⁷⁾, as last amended by Decision 2003/177/EEC ⁽⁸⁾, established the official enzootic-bovine-leukosis-free status of certain Member States and regions of Member States.
- (5) Belgium as regards the territory of that Member State, and Italy as regards the provinces of Ascoli Piceno, Bergamo, Lecco and Sondrio submitted to the Commission documentation demonstrating compliance with all the conditions provided for in Directive 64/432/EEC, in order that the territory of Belgium and those regions of Italy may be declared officially free of tuberculosis as regards bovine herds.

- (6) Belgium as regards the territory of that Member State, and Italy as regards the region of Sardinia and the provinces of Ascoli Piceno, Bergamo, Como, Lecco, Mantova, Sondrio, Trento and Varese submitted to the Commission documentation demonstrating compliance with all the conditions provided for in Directive 64/432/EEC, in order that the territory of Belgium and those regions of Italy may be declared officially free of brucellosis as regards bovine herds.
- (7) Italy submitted to the Commission documentation demonstrating compliance with all the conditions provided for in Directive 64/432/EEC, as regards the provinces of Ascoli Piceno, Bergamo, Brescia, Como, Lecco, Mantova, Sondrio and Varese in order that those regions may be declared officially free of enzootic bovine leukosis.
- (8) In the interests of clarity, the lists of Member States and regions of Member States declared officially free of tuberculosis, brucellosis and enzootic bovine leukosis, as regards bovine herds, should be set out in the same act. Accordingly, Decisions 1999/467/EEC, 1999/466/EEC and 1999/465/EEC should be repealed.
- (9) 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***Officially tuberculosis-free Member States and Regions of Member States**

1. The Member States listed in Chapter 1 of Annex I are declared officially free of tuberculosis as regards bovine herds.
2. The regions of the Member States listed in Chapter 2 of Annex I are declared officially free of tuberculosis as regards bovine herds.

⁽¹⁾ OJ L 121, 29.7.1964, p.1977/64.⁽²⁾ OJ L 179, 9.7.2002, p. 13.⁽³⁾ OJ L 181, 16.7.1999, p. 36.⁽⁴⁾ OJ L 6, 11.1.2001, p. 18.⁽⁵⁾ OJ L 181, 16.7.1999, p. 34.⁽⁶⁾ OJ L 66, 11.3.2003, p. 49.⁽⁷⁾ OJ L 181, 16.7.1999, p. 32.⁽⁸⁾ OJ L 70, 14.3.2003, p. 50.

*Article 2***Officially brucellosis-free Member States and Regions of Member States**

1. The Member States listed in Chapter 1 of Annex II are declared officially free of brucellosis as regards bovine herds.
2. The regions of the Member States listed in Chapter 2 of Annex II are declared officially free of brucellosis as regards bovine herds.

*Article 3***Officially enzootic-bovine-leukosis-free Member States and Regions of Member States**

1. The Member States listed in Chapter 1 of Annex III are declared officially free of enzootic bovine leukosis.
2. The regions of the Member States listed in Chapter 2 of Annex III are declared officially free of enzootic bovine leukosis.

*Article 4***Repeals**

Decisions 1999/465/EC, 1999/466/EC and 1999/467/EC are repealed.

*Article 5***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 23 June 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

CHAPTER 1

Officially tuberculosis-free Member States

Belgium
Denmark
Germany
France
Luxembourg
Netherlands
Austria
Finland
Sweden

CHAPTER 2

Officially tuberculosis-free regions of Member States

In Italy:

- Lombardia Region: Provinces of Bergamo, Lecco, Sondrio
 - Marche Region: Province of Ascoli Piceno
 - Trentino-Alto Adige Region: Provinces of Bolzano, Trento
-

ANNEX II

CHAPTER 1

Officially brucellosis-free Member States

Belgium
Denmark
Germany
Luxembourg
Netherlands
Austria
Finland
Sweden

CHAPTER 2

Officially brucellosis-free regions of Member States

In Italy:

- Lombardia Region: Provinces of Bergamo, Como, Lecco, Mantova, Sondrio, Varese
- Marche Region: Province of Ascoli Piceno
- Trentino-Alto Adige Region: Provinces of Bolzano, Trento
- Emilia-Romagna Region: Provinces of Bologna, Ferrara, Forlì-Cesena, Modena, Parma, Piacenza, Ravenna, Reggio Emilia, Rimini
- Sardinia Region: Provinces of Cagliari, Nuoro, Oristana, Sassari

In Portugal:

- Autonomous Region of the Azores: Islands of Pico, Graciosa, Flores, Corvo

In the United Kingdom:

- Great Britain: England, Scotland, Wales
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ANNEX III

CHAPTER 1

Officially enzootic-bovine-leukosis-free Member States

Belgium
Denmark
Germany
Spain
France
Ireland
Luxembourg
Netherlands
Austria
Finland
Sweden
United Kingdom

CHAPTER 2

Officially enzootic-bovine-leukosis-free regions of Member States

In Italy:

- Lombardia Region: Provinces of Bergamo, Brescia, Como, Lecco, Mantova, Sondrio, Varese
 - Marche Region: Province of Ascoli Piceno
 - Trentino-Alto Adige Region: Provinces of Bolzano, Trento
 - Emilia-Romagna Region: Provinces of Bologna, Ferrara, Forlì-Cesena, Modena, Parma, Piacenza, Ravenna, Reggio Emilia, Rimini
 - Val d'Aosta Region: Province of Aosta
-

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

**COUNCIL COMMON POSITION 2003/468/CFSP
of 23 June 2003
on the control of arms brokering**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 15 thereof,

Whereas:

- (1) In implementing the European Union Code of Conduct on Arms Exports Member States have agreed to address the problem of control of arms brokering.
- (2) Member States have continued and deepened their discussions on arms trafficking and brokering activities and have reached agreement on a set of provisions for controlling these activities through national legislation, as set out below.
- (3) Most Member States already have in place or are in the process of adopting national legislation on the subject.
- (4) In the Fourth Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports Member States have agreed to continue deliberations in the area of arms brokering on the basis of the guidelines already approved, with a view to adopting a Common Position on the subject.
- (5) In the Wassenaar Arrangement Participating States agreed on a Statement of Understanding to consider the adoption of national measures regulating arms brokering activities.
- (6) The United Nations Programme of Action on Small Arms and Light Weapons (SALW) commits States to develop adequate national legislation or administrative procedures to regulate small arms and light weapons brokering activities, and undertake further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering of small arms and light weapons.
- (7) The United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organised

crime requires States Parties to establish a system for regulating the activities of those who engage in brokering,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The objective of this Common Position is to control arms brokering in order to avoid circumvention of UN, EU or OSCE embargoes on arms exports, as well as of the Criteria set out in the European Union Code of Conduct on Arms Exports.

2. In order to achieve this objective, Member States will ensure that their existing or future national legislation on arms brokering is in conformity with the provisions set out below.

Article 2

1. Member States will take all the necessary measures to control brokering activities taking place within their territory. Member States are also encouraged to consider controlling brokering activities outside of their territory carried out by brokers of their nationality resident or established in their territory.

2. Member States will also establish a clear legal framework for lawful brokering activities.

3. For the purposes of paragraph 1, brokering activities are activities of persons and entities:

— negotiating or arranging transactions that may involve the transfer of items on the EU Common List of military equipment from a third country to any other third country;

or

— who buy, sell or arrange the transfer of such items that are in their ownership from a third country to any other third country.

This paragraph shall not preclude a Member State from defining brokering activities in its national legislation to include cases where such items are exported from its own territory or from the territory of another Member State.

Article 3

1. For brokering activities, a licence or written authorisation should be obtained from the competent authorities of the Member State where these activities take place, and, where required by national legislation, where the broker is resident or established. Member States will assess applications for a licence or written authorisation for specific brokering transactions against the provisions of the European Union Code of Conduct on Arms Exports.

2. Member States should keep records for a minimum of 10 years of all persons and entities which have obtained a licence under the terms of paragraph 1.

Article 4

1. Member States may also require brokers to obtain a written authorisation to act as brokers, as well as establish a register of arms brokers. Registration or authorisation to act as a broker would in any case not replace the requirement to obtain the necessary licence or written authorisation for each transaction.

2. When assessing any applications for written authorisations to act as brokers, or for registration, Member States could take account, *inter alia*, of any records of past involvement in illicit activities by the applicant.

Article 5

1. Member States will establish a system for exchange of information on brokering activities among themselves as well as with third States, as appropriate. A specific arrangement for such exchange of information will be established. This arrangement will take particular account of the case where several Member States are involved in the control of the same brokering transaction(s).

2. Information will be exchanged, *inter alia*, in the following areas:

- legislation,
- registered brokers (if applicable),
- records of brokers,
- denials of registering applications (if applicable) and licensing applications.

Article 6

Each Member State will establish adequate sanctions, including criminal sanctions, in order to ensure that controls on arms brokering are effectively enforced.

Article 7

This Common Position shall take effect on the date of its adoption.

Article 8

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

Done at Brussels, 23 June 2003.

For the Council

The President

G. PAPANDREOU
