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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1346/2003
of 29 July 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 30 July 2003.

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

Done at Brussels, 29 July 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 29 July 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	060	56,0
	999	56,0
0707 00 05	052	103,8
	999	103,8
0709 90 70	052	74,2
	999	74,2
0805 50 10	382	53,6
	388	65,3
	524	55,5
	528	54,1
	999	57,1
0806 10 10	052	119,2
	220	167,2
	400	192,1
	600	184,6
	624	137,6
	999	160,1
0808 10 20, 0808 10 50, 0808 10 90	388	79,8
	400	91,0
	508	80,3
	512	65,2
	528	69,2
	720	69,1
	800	184,8
	804	93,6
	999	91,6
0808 20 50	052	75,0
	388	109,0
	512	54,2
	528	63,6
	999	75,5
0809 10 00	052	151,6
	064	127,1
	066	109,1
	068	72,1
	999	115,0
0809 20 95	052	309,9
	400	241,0
	404	249,1
	999	266,7
0809 30 10, 0809 30 90	052	136,7
	064	92,6
	094	123,1
	999	117,5
0809 40 05	064	83,4
	068	81,4
	094	70,3
	999	78,4

⁽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 1347/2003**of 29 July 2003**

initiating an investigation concerning the alleged circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1796/1999 on imports of steel ropes and cables originating in the Ukraine by imports of steel ropes and cables consigned from Moldova, whether declared as originating in Moldova or not, and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(5) The CN codes are given for information only.

Having regard to the Treaty establishing the European Community,

C. EXISTING MEASURES

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the 'basic Regulation'), as last amended by Council Regulation (EC) No 1972/2002 ⁽²⁾, and in particular Article 13(3) and Article 14(3) and (5) thereof,

(6) The measures currently in force and allegedly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 1796/1999 ⁽³⁾.

After having consulted the Advisory Committee,

D. GROUNDS

Whereas:

A. REQUEST

(1) The Commission has received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of steel ropes and cables originating in the Ukraine.

(2) The request was lodged on 16 June 2003 by the Liaison Committee of European Union Wire Rope Industries (EWRIS) on behalf of producers representing a major proportion, i.e. more than 50 %, of the Community production of steel ropes and cables.

(7) The request contains sufficient prima facie evidence that the anti-dumping measures in force on imports of steel ropes and cables originating in the Ukraine are being circumvented by means of transshipment via Moldova of steel ropes and cables.

(8) The evidence submitted is as follows.

The request shows that a significant change in the pattern of trade involving exports from the Ukraine and Moldova to the Community has taken place following the imposition of measures on the product concerned, and that there is insufficient due cause or justification other than the imposition of the duty for such a change. This change in the pattern of trade appears to stem from the transshipment via Moldova of steel ropes and cables originating in the Ukraine.

B. PRODUCT

(3) The product concerned by the allegation of circumvention is steel ropes and cables originating in the Ukraine (the product concerned) normally declared under CN codes ex 7312 10 82, ex 7312 10 84, ex 7312 10 86, ex 7312 10 88 and ex 7312 10 99.

(4) The product under investigation is steel ropes and cables consigned from Moldova (the product under investigation), normally declared under the same codes as the product concerned.

(9) Furthermore, the request contains sufficient evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of steel ropes and cables from Moldova appear to have replaced imports of the product concerned. In addition, there is sufficient evidence that this increase in imports is made at prices well below the non-injurious price established in the investigation that led to the existing measures.

(10) Finally, the request contains sufficient evidence that the prices of steel ropes and cables are dumped in relation to the normal value previously established for the product concerned.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 217, 17.8.1999, p. 1.

E. PROCEDURE

- (11) In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of steel ropes and cables consigned from Moldova, whether declared as originating in Moldova or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (12) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers in the Ukraine and to the importers in the Community known to the Commission or which cooperated in the investigation that led to the existing measures and to the authorities of the Ukraine and Moldova. Information, as appropriate, may also be sought from the Community industry.
- (13) In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 in order to find out whether they are listed in the request and, if necessary, request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (14) The authorities of the Ukraine and Moldova will be notified of the initiation of the investigation and provided with a copy of the request.

(b) Collection of information and holding of hearings

- (15) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption from registration of imports or measures

- (16) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.
- (17) The alleged circumvention takes place outside the Community. Article 13 of the basic Regulation is aiming at countering circumvention practices without affecting operators which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of exporters which could establish that they are not involved in circumvention practices. Therefore, it appears necessary to introduce a possibility for exporters concerned to request an

exemption from the registration of imports of their exported products or from measures on these imports. Exporters wishing to obtain an exemption should apply for it and submit any requested questionnaire reply within the appropriate time limits, in order for it to be established that they are not circumventing the anti-dumping duties within the meaning of Article 13(1) of the basic Regulation. Importers could still benefit from exemption from registration or measures to the extent that their imports are from exporters which are granted such an exemption, and in accordance with Article 13(4).

F. REGISTRATION

- (18) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied retroactively from the date of registration, of such imports consigned from Moldova.

G. TIME LIMITS

- (19) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.
- (20) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

H. NON-COOPERATION

- (21) In cases in which any interested party refuses access to or otherwise does not provide necessary information within the time limits provided in this Regulation, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available. Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available. Resorting to the provisions of Article 18 may result in findings less favourable to the party in question than if it had cooperated,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 384/96, in order to determine if imports into the Community of steel ropes and cables consigned from Moldova, whether originating in Moldova or not, falling within CN codes ex 7312 10 82, ex 7312 10 84, ex 7312 10 86, ex 7312 10 88 and ex 7312 10 99, are circumventing the measures imposed by Council Regulation (EC) No 1796/1999.

Article 2

The Customs authorities are hereby directed, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports into the Community identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by regulation, may direct Customs authorities to cease registration in respect of imports into the Community of products exported by exporters having applied for an exemption of registration and having been found not to be circumventing the anti-dumping duties.

Article 3

1. Questionnaires should be requested from the Commission within 15 days from the publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 40 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Interested parties may also apply to be heard by the Commission within the same 40-day time limit.

4. Any information relating to the matter, any request for a hearing or for a questionnaire as well as any request for authorisation of certificates of non-circumvention must be made in writing (not in electronic format, unless otherwise specified), must indicate the name, address, e-mail address, telephone, fax and/or telephone numbers and should be sent to the following address:

European Commission
Directorate-General for Trade
Directorate B
J-79, 5/16
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEU B 21877.

Article 4

This Regulation shall enter into force on the day following 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, 29 July 2003.

For the Commission
Pascal LAMY
Member of the Commission

COMMISSION DIRECTIVE 2003/75/EC
of 29 July 2003
amending Annex I to Council Directive 98/18/EC on safety rules and standards for passenger ships
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships ⁽¹⁾, and in particular Article 8(b) thereof,

Whereas:

- (1) Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships applies to new and existing ships on domestic service according to the requirements of Annex I.
- (2) Chapter III, section 5-1 of Annex I to Directive 98/18/EC required modification to life-rafts, fast rescue boats, means of rescue and life jackets on existing ro-ro ships not later than the date of the first periodical survey after 1 July 2000.
- (3) Commission Directive 2002/25/EC of 5 March 2002 amending Council Directive 98/18/EC on safety rules and standards for passenger ships ⁽²⁾ required further modification of the same equipment by 1 January 2003.
- (4) The corresponding SOLAS requirement allows for modifications of existing ships to take place at the time of major repairs, alterations or replacement of life-saving equipment.
- (5) Directive 98/18/EC should therefore be amended to allow a reasonable deadline for applying these specific new requirements to existing ro-ro ships.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Committee on Safe Seas, set up pursuant to Regulation (EC) No 2099/2002 ⁽³⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Chapter III, section 5-1 of Annex I to Directive 98/18/EC is replaced by the text in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within six months after its date of entry into force at the latest. They shall forthwith notify the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the provisions of national law, which they adopt in the field covered by this Directive.

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, 29 July 2003.

For the Commission
Loyola DE PALACIO
Vice-president

⁽¹⁾ OJ L 144, 15.5.1998, p. 1.

⁽²⁾ OJ L 98, 15.4.2002, p. 1.

⁽³⁾ OJ L 324, 29.11.2002, p. 1.

ANNEX

5-1 Requirements for ro-ro passenger ships (26)

CLASS B, C AND D RO-RO SHIPS CONSTRUCTED BEFORE 1 JANUARY 2003:

- .1 Ro-ro passenger ships constructed before 1 January 2003, shall comply with the requirements of paragraphs .6.2, .6.3, .6.4, .7, .8 and .9 not later than the date of the first periodical survey after 1 January 2006.

Prior to this date, paragraphs .2, .3, .4 and .5 shall apply for ro-ro ships constructed before 1 January 2003.

Notwithstanding the above, when life-saving appliances or arrangements on such ships are replaced or such ships undergo repairs, alterations or modifications of a major character which involve replacement of, or any addition to, their existing life saving appliances or arrangements, such life-saving appliances or arrangements shall comply with the relevant requirements of paragraphs .6, .7, .8 and .9.

.2 *Life-rafts*

- .1 The ro-ro passenger ship's life-rafts shall be served by marine evacuation systems complying with SOLAS Regulation III/48.5, as in force on 17 March 1998, or launching appliances complying with SOLAS Regulation III/48.6, as in force on 17 March 1998, equally distributed on each side of the ship.

Communication between the embarkation station and the platform shall be ensured.

- .2 Every life-raft on ro-ro passenger ships shall be provided with float-free stowage arrangements complying with the requirements of SOLAS Regulation III/23, as in force on 17 March 1998.
- .3 Every life-raft on ro-ro passenger ships shall be of a type fitted with a boarding ramp complying with the requirements of SOLAS Regulation III/39.4.1 or SOLAS Regulation III/40.4.1, as in force on 17 March 1998, as appropriate.
- .4 Every life-raft on ro-ro passenger ships shall either be automatically self-righting or be a canopied reversible life-raft which is stable in a seaway and is capable of operating safely whichever way up it is floating. Open reversible life-rafts may be permitted if the administration of the flag State considers this appropriate in view of the sheltered nature of the voyage and the favourable climatic conditions of the area and period of operation, and provided that such life-rafts entirely comply with the requirements of Annex 10 to the High Speed Craft Code.

Alternatively, the ship shall carry automatically self-righting life-rafts or canopied reversible life-rafts in addition to its normal complement of life-rafts, of such aggregate capacity as will accommodate at least 50 % of the persons not accommodated in lifeboats. This additional life-raft capacity shall be determined on the basis of the difference between the total number of persons on board and the number of persons accommodated in lifeboats. Every such life-raft shall be approved by the administration of the flag State having regard to the recommendations adopted by the IMO with MSC/Circ. 809.

.3 *Fast rescue boats*

- .1 At least one of the rescue boats on a ro-ro passenger ship shall be a fast rescue boat approved by the administration of the flag State having regard to the recommendations adopted by the IMO by MSC/Circ. 809.
- .2 Each fast rescue boat shall be served by a suitable launching appliance approved by the administration of the flag State. When approving such appliances, the administration of the flag State shall take into account that the fast rescue boat is intended to be launched and retrieved even under severe adverse weather conditions, and also have regard to the recommendations adopted by the IMO.
- .3 At least two crews of each fast rescue boat shall be trained and drilled regularly having regard to section A-VI/2, table A-VI/2-2 'Specification of the minimum standard of competence in fast rescue boats' of the Seafarers Training, Certification and Watchkeeping (STCW) Code and the recommendations adopted by the IMO by Resolution A.771(18), as amended. The training and drills shall include all aspects of rescue, handling, manoeuvring, operating these craft in various conditions, and righting them after capsizing.

.4 In the case where the arrangement or size of an existing ro-ro passenger ship is such as to prevent the installation of the fast rescue boat required by paragraph .3.1, the fast rescue boat may be installed in place of an existing lifeboat which is accepted as a rescue boat or boat for use in an emergency, provided that all of the following conditions are met:

- .1 the fast rescue boat installed is served by a launching appliance complying with the provisions of paragraph .3.2;
- .2 the capacity of the survival craft lost by the above substitution is compensated by the installation of life-rafts capable of carrying at least an equal number of persons served by the lifeboat replaced; and
- .3 such life-rafts are served by the existing launching appliances or marine evacuation systems.

.4 *Means of rescue*

- .1 Each ro-ro passenger ship shall be equipped with efficient means for rapidly recovering survivors from the water and transferring survivors from rescue units or survival craft to the ship.
- .2 The means of transfer of survivors to the ship may be part of a marine evacuation system, or may be part of a system designed for rescue purposes.

These means shall be approved by the flag State having regard to the recommendations adopted by IMO with MSC/Circ. 810.

- .3 If the slide of a marine evacuation system is intended to provide the means of transfer of survivors to the deck of the ship, the slide shall be equipped with handlines or ladders to aid in climbing up the slide.

.5 *Life jackets*

- .1 Notwithstanding the requirements of SOLAS Regulations III/7.2 and III/22.2, a sufficient number of life jackets shall be stowed in the vicinity of the assembly stations so that passengers do not have to return to their cabins to collect their life jackets.
- .2 In ro-ro passenger ships, each life jacket shall be fitted with a light complying with the requirements of SOLAS Regulation III/32.2, as in force on 17 March 1998.

CLASS B, C AND D RO-RO SHIPS CONSTRUCTED AFTER 1 JANUARY 2003

.6 *Life-rafts*

- .1 The ro-ro passenger ship's life-rafts shall be served by marine evacuation systems complying with section 6.2 of the LSA Code or launching appliances complying with paragraph 6.1.5 of the LSA Code equally distributed on each side of the ship.

Communication between the embarkation station and the platform shall be ensured.

- .2 Every life-raft on ro-ro passenger ships shall be provided with float-free stowage arrangements complying with the requirements of SOLAS Regulation III/13.4
- .3 Every life-raft on ro-ro passenger ships shall be of a type fitted with a boarding ramp complying with the requirements of paragraph 4.2.4.1 or 4.3.4.1 of the LSA Code as appropriate.
- .4 Every life-raft on ro-ro passenger ships shall either be automatically self-righting or be a canopied reversible life-raft which is stable in a seaway and is capable of operating safely whichever way up it is floating. Open reversible life-rafts may be permitted if the administration of the flag State considers this appropriate in view of the sheltered nature of the voyage and the favourable climatic conditions of the area and period of operation, and provided that such life-rafts entirely comply with the requirements of Annex 10 to the High Speed Craft Code.

Alternatively, the ship shall carry automatically self-righting life-rafts or canopied reversible life-rafts in addition to its normal complement of life-rafts, of such aggregate capacity as will accommodate at least 50 % of the persons not accommodated in lifeboats. This additional life-raft capacity shall be determined on the basis of the difference between the total number of persons on board and the number of persons accommodated in lifeboats. Every such life-raft shall be approved by the administration of the flag State having regard to the recommendations adopted by the IMO, with MSC/Circ. 809.

.7 *Fast rescue boats*

- .1 At least one of the rescue boats on a ro-ro passenger ship shall be a fast rescue boat approved by the administration of the flag State having regard to the recommendations adopted by the IMO, with MSC Circ. 809.
- .2 Each fast rescue boat shall be served by a suitable launching appliance approved by the administration of the flag State. When approving such appliances, the administration of the flag State shall take into account that the fast rescue boat is intended to be launched and retrieved even under severe adverse weather conditions, and also have regard to the recommendations adopted by the IMO.
- .3 At least two crews of each fast rescue boat shall be trained and drilled regularly having regard to section A-VI/2, table A-VI/2-2 'Specification of the minimum standard of competence in fast rescue boats' of the Seafarers Training, Certification and Watchkeeping (STCW) Code and the recommendations adopted by the IMO by Resolution A.771(18), as amended. The training and drills shall include all aspects of rescue, handling, manoeuvring, operating these craft in various conditions, and righting them after capsizing.
- .4 In the case where the arrangement or size of an existing ro-ro passenger ship is such as to prevent the installation of the fast rescue boat required by paragraph .3.1, the fast rescue boat may be installed in place of an existing lifeboat which is accepted as a rescue boat or boat for use in an emergency, provided that all of the following conditions are met:
 - .1 the fast rescue boat installed is served by a launching appliance complying with the provisions of paragraph .3.2;
 - .2 the capacity of the survival craft lost by the above substitution is compensated by the installation of life-rafts capable of carrying at least an equal number of persons served by the lifeboat replaced; and
 - .3 such life-rafts are served by the existing launching appliances or marine evacuation systems.

.8 *Means of rescue*

- .1 Each ro-ro passenger ship shall be equipped with efficient means for rapidly recovering survivors from the water and transferring survivors from rescue units or survival craft to the ship.
- .2 The means of transfer of survivors to the ship may be part of a marine evacuation system, or may be part of a system designed for rescue purposes.

These means shall be approved by the flag State having regard to the recommendations adopted by IMO with MSC/Circ. 810.
- .3 If the slide of a marine evacuation system is intended to provide the means of transfer of survivors to the deck of the ship, the slide shall be equipped with handlines or ladders to aid in climbing up the slide.

.9 *Life jackets*

- .1 Notwithstanding the requirements of SOLAS Regulations III/7.2 and III/22.2 a sufficient number of life jackets shall be stowed in the vicinity of the assembly stations so that passengers do not have to return to their cabins to collect their life jackets.
 - .2 In ro-ro passenger ships, each life jacket shall be fitted with a light complying with the requirements of paragraph 2.2.3 of the LSA Code.
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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 July 2003

revoking the exemption from the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Regulation (EC) No 88/97

(notified under document number C(2003) 1961)

(2003/560/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 1972/2002 ⁽²⁾,

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China and levying the extended duty on such imports registered under Commission Regulation (EC) No 703/96 ⁽³⁾, and maintained by Regulation (EC) No 1524/2000 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 ⁽⁵⁾, and maintained by Regulation (EC) No 1524/2000,

After consulting the Advisory Committee,

- (1) After the entry into force of Regulation (EC) No 88/97, which exempted a certain number of bicycle assemblers from the payment of the anti-dumping duty as extended to imports of certain bicycle parts originating in the People's Republic of China by Council Regulation (EC) No 71/97 (the 'extended anti-dumping duty'), the Commission by successive Decisions published in the *Official Journal of the European Communities* ⁽⁶⁾ has exempted additional parties from the payment of the extended anti-dumping duty pursuant to Article 7 of Regulation (EC) No 88/97.
- (2) The Commission was informed from various sources that a number of exempted parties have ceased to exist or have stopped assembling bicycles.
- (3) The Commission informed the parties concerned in writing that it intended to revoke their exemption and gave them the opportunity to comment. The Commission received confirmation from most of these parties that they have ceased the production or the assembling of bicycles. For the remaining parties, the Commission did not receive any comments within the given deadline.
- (4) Consequently, in accordance with the principle of good administration, the exemptions for these parties, which are listed in Article 1 of this Decision, should be revoked,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 16, 18.1.1997, p. 55.

⁽⁴⁾ OJ L 175, 14.7.2000, p. 39.

⁽⁵⁾ OJ L 17, 21.1.1997, p. 17.

⁽⁶⁾ OJ L 193, 22.7.1997, p. 32, OJ L 31, 6.2.1998, p. 25, OJ L 164, 9.6.1998, p. 49, OJ L 320, 28.11.1998, p. 60, OJ L 41, 10.2.2001, p. 30, OJ L 47, 19.2.2002, p. 43, OJ L 195, 24.7.2002, p. 81.

HAS ADOPTED THIS DECISION:

Article 1

The exemptions from the extension by Regulation (EC) No 71/97 of the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93, and maintained by Regulation (EC) No 1524/2000, on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China are hereby revoked for the parties listed below from the date following that of the publication of this Decision in the *Official Journal of the European Union*.

Parties for which the exemption is revoked

Name	Address	Country	TARIC additional code
Aurelia Dino SpA	Via Cuneo 11 I-12011 Borgo San Dalmazzo (CN)	Italy	A202
Baronia-Fahrrad GmbH	D-32369 Rahden	Germany	8078
Brennabor Fahrräder Bernard Fischer GmbH	D-32105 Bad Salzuflen	Germany	8062
Cicli Casadei snc	I-S. Giuseppe di Comacchio (FE)	Italy	8074
Cycles Eddie Kœpler/Eddie Kœpler International SARL	ZI n° 2 de Rouvignies — Rue Louis Dacquin — Batterie 900 F-59309 Valenciennes Cedex	France	A177
Dangre Cycles	F-59583 Marly	France	8963
Dawes Cycle	Birmingham B11 2DG	United Kingdom	8963
Fonlupt SA	F-71600 Paray-le-Monial	France	8332
Girardengo SRL	I-15065 Frugarolo (AL)	Italy	8070
José Ferreira & Almeida, Lda	P-3770 Oliveira do Barro	Portugal	8037
Kynast AG	D-49692 Quakenbrück	Germany	8963
Lombardo Gaspare	I-91012 Buseto Palizzolo (TP)	Italy	8071
Magna Technology	Warrington WA5 5UL	United Kingdom	8525
MGI (nv Marcel Geurts Industry)	B-3630 Maasmechelen	Belgium	8078
Portosa Srl	I-35030 Rubano (PD)	Italy	8090
PRO-FIT Sportartikel	D-74076 Heilbronn	Germany	8963
Reparto Corse Bianchi SRL	I-24047 Treviglio (BG)	Italy	8079
Sprint SpA	I-75045 Castegnato (BS)	Italy	8072
Vicini Mario e Figli SNC	I-47023 Cesena (Forlì)	Italy	8072

Article 2

This Decision is addressed to the Member States and to the parties listed hereunder:

Aurelia Dino SpA, Via Cuneo 11, I-12011 Borgo San Dalmazzo (CN)

Baronia-Fahrrad GmbH, Weher Str. 81-83, D-32369 Rahden

Brennabor Fahrräder Bernard Fischer GmbH, Schnatweg 3, D-32105 Bad Salzuflen

Cicli Casadei snc, Via dei Mestieri, I-44020 San Giuseppe di Comacchio

Cycles Eddie Kœpler, ZI No. 2 de Rouvignies — Rue Louis Dacquin — Batterie 900, F-59309 Valenciennes Cedex

Dangre Cycles, Rue Paul Vaillant Couturier 23, F-59583 Marly

Dawes Cycles, Wharfdale Road, Tyseley, Birmingham, B11 2DG, United Kingdom
Fonlupt SA, Rue Joseph Mousterde, F-71600 Paray-Le-Monial
Girardengo SRL, Via N. Sauro 5, I-15065 Frugarolo
José Ferreira & Almeida, Lda, Estrada Nacional 235, P-3770 Oliveira do Barro
Kynast AG, Artlandstr. 55, D-49692 Quakenbrück
Lombardo Gaspare, Via Roma, 233, I-91012 Buseto Palizzolo
Magna Technology, Unit 5 Riverside Trading Estate, Fiddlers Ferry, WA5 2UL, Warrington, United Kingdom
MGI (nv Marcel Geurts Industry), Oude Bunders 2030, B-3630 Maasmechelen
Portosa Srl, Via Industria 6, I-35030 Rubano
PRO-FIT Sportartikel, Weinsberger Str. 81, D-74076 Heilbronn
Reperto Corse Bianchi SRL, Via delle Battaglie 5, I-24047 Treviglio
Sprint SpA, Via Padana Superiore 91/93 -SS11, I-75045 Castegnato
Vicini Mario e Figli SNC, Via dell'Artigianato 284, I-47023 Cesena

Done at Brussels, 22 July 2003.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION RECOMMENDATION

of 23 July 2003

on notifications, time limits and consultations provided for in Article 7 of Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services

(notified under document number C(2003) 2647)

(Text with EEA relevance)

(2003/561/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽¹⁾ and in particular Article 19(1) thereof,

Whereas:

- (1) Under the new regulatory framework for electronic communications networks and services, national regulatory authorities have an obligation to contribute to the development of the internal market by, *inter alia*, cooperating with each other and with the Commission in a transparent manner to ensure the development of consistent regulatory practice and the consistent application of the Directives making up the new regulatory framework.
- (2) In order to ensure that decisions at national level do not have an adverse effect on the single market or the objectives pursued by the new regulatory framework, national regulatory authorities must notify to the Commission and other national regulatory authorities those draft measures identified in Article 7(3) of Directive 2002/21/EC (Framework Directive).
- (3) As an additional requirement, national regulatory authorities must obtain Commission authorisation for obligations covered by the second subparagraph of Article 8(3) of Directive 2002/19/EC of the European Parliament and of the Council (Access Directive) ⁽²⁾, which constitutes a separate process.
- (4) The Commission will give national regulatory authorities, if they so request, an opportunity to discuss any draft measure, before formal notification thereof under Article 7 of Directive 2002/21/EC (Framework Directive) and Article 8(3) of Directive 2002/19/EC (Access Directive). If, pursuant to Article 7(4) of Directive 2002/21/EC (Framework Directive), the Commission has indicated to the national regulatory authority that it considers that

the draft measure would create a barrier to the single market or if it has serious doubts as to its compatibility with the Community law, the national regulatory authority concerned will be given an early opportunity to express its views in relation to the issues raised by the Commission.

- (5) Directive 2002/21/EC (Framework Directive) lays down certain binding time limits for the consideration of notifications under Article 7.
- (6) In order to facilitate and ensure the effectiveness of the cooperation and consultation mechanism set out in Article 7 of Directive 2002/21/EC (Framework Directive) and in the interests of legal certainty, clear rules are needed for the notification process and the examination by the Commission of a notification and for calculating the legal time limits referred to above.
- (7) It would likewise be beneficial to clarify procedural arrangements in the context of the second subparagraph of Article 8(3) of Directive 2002/19/EC (Access Directive).
- (8) In order to simplify and expedite the examination of a notified draft measure, it is desirable for national regulatory authorities to use a standard format for notifications (summary notification form).
- (9) The European Regulators Group established by Commission Decision 2002/627/EC ⁽³⁾ has recognised the need for these arrangements.
- (10) In order to comply with the objectives laid down in Article 8 of Directive 2002/21/EC (Framework Directive), and in particular with the need to ensure the development of consistent regulatory practices and the consistent application of that Directive, it is essential that the notification mechanism laid down in Article 7 thereof is fully respected and as effective as possible.
- (11) The Communications Committee has delivered its opinion in accordance with Article 22(2) of Directive 2002/21/EC (the Framework Directive),

⁽¹⁾ OJ L 108, 24.4.2002, p. 33.

⁽²⁾ OJ L 108, 24.4.2002, p. 7.

⁽³⁾ OJ L 200, 30.7.2002, p. 38.

HEREBY RECOMMENDS THAT:

1. Terms defined in Directive 2002/21/EC (Framework Directive) and the specific directives have the same meaning when used in this Recommendation. In addition:

— 'recommendation on relevant markets' means Commission Recommendation 2003/311/EC on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services ⁽¹⁾;

— 'Notification' means the notification to the Commission by a national regulatory authority of a draft measure pursuant to Article 7(3) of Directive 2002/21/EC (Framework Directive) or a request pursuant to the second subparagraph of Article 8(3) of Directive 2002/19/EC (Access Directive), accompanied by the summary notification form as provided in this Recommendation (Annex I).

2. Notifications should be effected, where possible, by electronic mail with a request for acknowledgement of receipt.

Documents sent by electronic mail will be presumed to have been received by the addressee on the day on which they were sent.

Subject to point 6 below, notifications and supporting documents will be registered in the order in which they have been received.

3. Notifications will become effective on the date on which the Commission registers them ('date of registration'). The date of registration will be the date on which a complete notification is received by the Commission.

Notice will be given on the Commission's website and by electronic means to all national regulatory authorities of the date of registration of the notification, the subject matter of the notification and of any supporting documentation received.

4. Notifications should be in any of the official languages of the Community. The accompanying summary notification form (Annex) may be in a language other than that of the draft measure in order to facilitate the effective consultation of all other national regulatory authorities.

Any comments made or decision adopted by the Commission pursuant to Article 7 of Directive 2002/21/EC (Framework Directive) will be in the language of the notified draft measure, translated where possible into the language used in the summary notification form.

5. Draft measures notified by a national regulatory authority should be accompanied by the documentation necessary for the Commission to carry out its tasks. Draft measures should be sufficiently reasoned.

6. Notifications should include each of the following where applicable:

- (a) the relevant product or service market;
- (b) the relevant geographic market;
- (c) the main undertaking(s) active on the relevant market;
- (d) the results of the analysis of the relevant market, in particular the findings as to the presence or absence of effective competition therein, together with the reasons therefore;
- (e) where appropriate, the undertaking(s) to be designated as having, individually or jointly with others, significant market power within the meaning of Article 14 of Directive 2002/21/EC (Framework Directive) and the reasoning, evidence and/or any other relevant factual information in support of such designation;
- (f) the results of prior public consultation carried out by the national regulatory authority;
- (g) the opinion issued by the national competition authority, where provided;
- (h) elements to show that at the time of notification to the Commission, appropriate steps have been taken to notify the draft measure to national regulatory authorities in all other Member States;
- (i) in the case of notification of draft measures which fall within the scope of Articles 5 or 8 of Directive 2002/19/EC (Access Directive) or Article 16 of Directive 2002/22/EC of the European Parliament and of the Council (Universal Service Directive) ⁽²⁾, the specific regulatory obligation(s) proposed to address the lack of effective competition in the relevant market concerned or, in the case where a relevant market is found to be effectively competitive and such obligations have already been imposed in relation to it, the measures proposed to withdraw those obligations.

7. Where a draft measure defines, for the purposes of the market analysis, a relevant market which differs from those in the Recommendation on relevant markets, national regulatory authorities should provide sufficient reasoning as to the criteria relied upon for such a market definition.

8. Notifications made in accordance with the second paragraph of Article 8(3) of Directive 2002/19/EC (Access Directive) should also contain adequate reasoning as to why obligations other than those listed in Articles 9 to 13 thereof should be imposed on operators with significant market power.

9. Notifications falling within the scope of Article 8(5) of Directive 2002/19/EC (Access Directive) should also contain adequate reasoning as to why the intended measures are required in order to comply with international commitments.

⁽¹⁾ OJ L 114, 8.5.2003, p. 45.

⁽²⁾ OJ L 108, 24.4.2002, p. 51.

10. Notifications that include the applicable information within the meaning of point 6 will be presumed complete. Where the information, including documents, contained in the notification is incomplete in a material respect, the Commission will within five working days of receipt inform the national regulatory authority concerned and specify the extent to which it considers the notification to be incomplete. The notification will not be registered for so long as the national regulatory authority concerned has not provided the necessary information. In such cases for the purposes of Article 7 of Directive 2002/21/EC (Framework Directive) the notification will become effective on the date on which the Commission receives the complete information.
11. Without prejudice to point 6 above, following registration of a notification, the Commission, in accordance with Article 5(2) of Directive 2002/21/EC (Framework Directive), may seek further information or clarification from the national regulatory authority concerned. National regulatory authorities should endeavour to provide the information requested within three working days, where this is readily available.
12. Where the Commission makes comments in accordance with Article 7(3) of Directive 2002/21/EC (Framework Directive), it will notify the national regulatory authority concerned by electronic means and publish such comments on its website.
13. Where a national regulatory authority makes comments in accordance with Article 7(3) of Directive 2002/21/EC (Framework Directive), it shall communicate those comments by electronic means to the Commission and the other national regulatory authorities.
14. Where the Commission in applying Article 7(4) of Directive 2002/21/EC (Framework Directive) considers that a draft measure would create a barrier to the single market or it has serious doubts as to its compatibility with Community law, and in particular the objectives referred to in Article 8 of Directive 2002/21/EC (Framework Directive); or subsequently
 - (a) withdraws the objections mentioned above, or
 - (b) takes a decision requiring a national regulatory authority to withdraw the draft measure,it will notify the national regulatory authority concerned by electronic means and post a notice on its website.
15. With regard to notifications made pursuant to the second paragraph of Article 8(3) of Directive 2002/19/EC (Access Directive), the Commission, acting in accordance with Article 14(2) thereof will normally take a decision authorising or preventing the national authority from adopting the proposed draft measure within a period not exceeding three months. The Commission may decide to extend this period for a further two months in view of the difficulties raised.
16. A national regulatory authority may at any time decide to withdraw the notified draft measure, in which case the notified measure will be removed from the register. The Commission will publish an appropriate notice to that effect on its website.
17. Where a national regulatory authority that has received comments from the Commission or another national regulatory authority made in accordance with Article 7(3) of Directive 2002/21/EC (Framework Directive), adopts the draft measure, on the Commission's request it shall provide information to the Commission and other national regulatory authorities of the manner in which it took the utmost account of the comments made.
18. When requested by a national regulatory authority, the Commission will informally discuss a draft measure prior to notification.
19. In accordance with Council Regulation (EEC, Euratom) No 1182/71⁽¹⁾, any period of time referred to in Directive 2002/21/EC (Framework Directive) or in this Recommendation will be calculated as follows:
 - (a) where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs, the day during which that event occurs shall not be counted as falling within the period in question;
 - (b) a period expressed in weeks or in months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event from which the period is to be calculated occurred. If in a period expressed in months the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;
 - (c) time periods shall include official holidays, Saturdays and Sundays;
 - (d) working days means all days other than official and/or public holidays, Saturdays and Sundays.Where the time period would end on a Saturday, Sunday or official holiday, it shall be extended until the end of the first following working day. The list of official holidays as determined by the Commission is published in the *Official Journal of the European Union* before the beginning of each year.
20. The Commission, together with the national regulatory authorities, will evaluate the necessity of reviewing these rules, in principle no earlier than 25 July 2004.
21. This Recommendation is addressed to the Member States.

Done at Brussels, 23 July 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 124, 8.6.1971, p. 1.

ANNEX

FORM RELATING TO NOTIFICATIONS OF DRAFT MEASURES PURSUANT TO ARTICLE 7 OF DIRECTIVE 2002/21/EC (FRAMEWORK DIRECTIVE)**(‘Summary Notification Form’)****Introduction**

This form specifies the summary information to be provided by national regulatory authorities to the Commission when notifying draft measures in accordance with Article 7 of Directive 2002/21/EC (Framework Directive).

The Commission intends to discuss with national regulatory authorities issues related to the implementation of Article 7, especially during pre-notification meetings. Accordingly, national regulatory authorities are encouraged to consult the Commission on any aspect of this form and in particular on which kind of information they are requested to supply or conversely the possibility to dispense with the obligation to provide certain information in relation to the market analysis carried out by national regulatory authorities pursuant to Articles 15 and 16 of Directive 2002/21/EC (Framework Directive).

Correct and complete information

All information submitted by national regulatory authorities should be correct and complete and reproduced in a summarised manner in the form prescribed below. The form does not intend to replace the notified draft measure but should enable the Commission and the national regulatory authorities of other Member States to verify that the notified draft measure does indeed contain, by reference to the information contained in the form, all information which is necessary in order for the Commission to carry out its tasks under Article 7 of Directive 2002/21/EC (Framework Directive) within the time period prescribed therein.

The information required by this form should be set out in the sections and paragraph numbers of the form with cross-references to the body of the draft measure where this information is to be found.

Language

The form should be completed in one of the official languages of the European Community and may be different from the language used in the notified draft measure. Any opinion issued or decision taken by the Commission in accordance with Article 7 of Directive 2002/21/EC (Framework Directive) will be in the language of the notified draft measure, translated where possible into the language used in the summary notification form.

SUMMARY NOTIFICATION FORM**SECTION 1****Market definition**

Please state where applicable:

- 1.1. the affected relevant product/service market. Is this market mentioned in the recommendation on relevant markets?
- 1.2. the affected relevant geographic market;
- 1.3. a brief summary of the opinion of the national competition authority where provided;
- 1.4. a brief overview of the results of the public consultation to date on the proposed market definition (for example, how many comments were received, which respondents agreed with the proposed market definition, which respondents disagreed with it);
- 1.5. where the defined relevant market is different from those listed in the recommendation on relevant markets, a summary of the main reasons which justified the proposed market definition by reference to Section 2 of the Commission's Guidelines on the definition of the relevant market and the assessment of significant market power⁽¹⁾, and the three main criteria mentioned in recitals 9 to 16 of the recommendation on relevant markets and Section 3.2 of the accompanying Explanatory Memorandum.

SECTION 2**Designation of undertakings with significant market power**

Please state where applicable:

- 2.1. the name(s) of the undertaking(s) designated as having individually or jointly significant market power.
Where applicable, the name(s) of the undertaking(s) which is (are) considered to no longer have significant market power;
- 2.2. the criteria relied upon for deciding to designate or not an undertaking as having individually or jointly with others significant market power;
- 2.3. the name of the main undertakings (competitors) present/active in the relevant market;
- 2.4. the market shares of the undertakings mentioned above and the basis of their calculation (e.g., turnover, number of subscribers).

Please provide a brief summary of:

- 2.5. the opinion of the national competition authority, where provided;
- 2.6. the results of the public consultation to date on the proposed designation(s) as undertaking(s) having significant market power (e.g., total number of comments received, numbers agreeing/disagreeing).

SECTION 3**Regulatory obligations**

Please state where applicable:

- 3.1. the legal basis for the obligations to be imposed, maintained, amended or withdrawn (Articles 9 to 13 of Directive 2002/19/EC (Access Directive));
- 3.2. the reasons for which the imposition, maintenance or amendment of obligations on undertakings is considered proportional and justified in the light of the objectives laid down in Article 8 of Directive 2002/21/EC (Framework Directive). Alternatively, indicate the paragraphs, sections or pages of the draft measure where such information is to be found;
- 3.3. if the remedies proposed are other than those set out in Articles 9 to 13 of Directive 2002/19/EC (Access Directive), please indicate which are the 'exceptional circumstances' within the meaning of Article 8(3) thereof which justify the imposition of such remedies. Alternatively, indicate the paragraphs, sections or pages of the draft measure where such information is to be found.

⁽¹⁾ Commission guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications and services, OJ C 165, 11.7.2002, p. 6.

SECTION 4

Compliance with international obligations

In relation to the third indent of the first subparagraph of Article 8(3) of Directive 2002/19/EC (Access Directive), please state where applicable:

- 4.1. whether the proposed draft measure intends to impose, amend or withdraw obligations on market players as provided for in Article 8(5) of Directive 2002/19/EC (Access Directive);
 - 4.2. the name(s) of the undertaking(s) concerned;
 - 4.3. which are the international commitments entered by the Community and its Member States that need to be respected.
-

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

COUNCIL DECISION 2003/562/CFSP
of 29 July 2003
appointing the Head of Mission of the European Union Monitoring Mission (EUMM) and repealing
Decision 2002/922/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 23(2) thereof,

Having regard to Council Joint Action 2002/921/CFSP of 25 November 2002 extending the mandate of the European Union Monitoring Mission ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) By Decision 2002/922/CFSP of 26 November 2002 ⁽²⁾, the Council extended the mandate of Mr Antóin MAC UNFRAIDH as Head of Mission of the European Union Monitoring Mission (EUMM) until 31 December 2003.
- (2) On 21 July 2003 the Council decided to appoint Ms Maryse DAVIET as Head of Mission of the EUMM following the resignation of Mr Antóin MAC UNFRAIDH.
- (3) Decision 2002/922/CFSP should therefore be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

Ms Maryse DAVIET is hereby appointed Head of Mission of the EUMM.

Article 2

Council Decision 2002/922/CFSP is hereby repealed.

Article 3

This Decision shall take effect on 1 September 2003.

It shall apply until 31 December 2003.

Article 4

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

Done at Brussels, 29 July 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 321, 26.11.2002, p. 51.

⁽²⁾ OJ L 321, 26.11.2002, p. 53.

COUNCIL DECISION 2003/563/CFSP**of 29 July 2003****on the extension of the European Union military operation in the Former Yugoslav Republic of Macedonia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Joint Action 2003/92/CFSP of 27 January 2003 on the European Union military operation in the Former Yugoslav Republic of Macedonia ⁽¹⁾,

Whereas:

- (1) Council Decision 2003/202/CFSP of 18 March 2003 relating to the launch of the EU military operation in the Former Yugoslav Republic of Macedonia ⁽²⁾ states that the anticipated duration of the EU operation in the Former Yugoslav Republic of Yugoslavia is six months from 31 March 2003.
- (2) By letter addressed to the Secretary General/High Representative, dated 4 July 2003, the President of the Former Yugoslav Republic of Macedonia, Mr Trajkovski, invited the European Union to extend Operation Concordia until 15 December 2003 with the existing mandate and legal framework.
- (3) On 7 July 2003, the Committee of Contributors expressed the opinion that the operation should be extended until 15 December 2003.
- (4) The Political and Security Committee assessed the progress of Operation Concordia and agreed, taking into account the advice of the European Union Military Committee dated 7 July 2003, on 11 July 2003, to recommend that the Operation should be extended until 15 December 2003.
- (5) On 24 July 2003 the European Union Military Committee submitted to the Political and Security Committee a military advice on the provision of a Force Headquarters for the Operation beyond 30 September 2003.
- (6) An exchange of Letters took place with NATO on the continuation of the release, monitoring, return and recall of NATO assets and capabilities for an EU military operation in the Former Yugoslav Republic of Macedonia, under the terms of the specific agreement between EU and NATO dated 17 March 2003.
- (7) Nations of Eurofor proposed on 17 July 2003 that Eurofor provides the framework for the Force Headquarters for Operation Concordia as of 1 October 2003.

- (8) The Council agreed on 21 July 2003 to extend the operation under the previous terms for a brief additional period until 15 December 2003, expressed its appreciation for France's performance so far as Framework Nation at the Force Headquarters level and welcomed the offer from Eurofor to take over from France the Framework responsibilities at the Force Headquarters level.
- (9) The financial parameters of Concordia are not expected to change as of 1 October 2003. Therefore, the application of Article 7(3) of the Financial Regulation annexed to the Council Decision of 27 January 2003 establishing an operational financing mechanism for the financing of the shared costs of an European Union military operation in the Former Yugoslav Republic of Macedonia is not relevant for the remaining period of Concordia.
- (10) The deadlines foreseen by Article 9(2) of the above Financial Regulation can not be complied with.
- (11) The Political and Security Committee will continue to examine the situation in the Former Yugoslav Republic of Macedonia in view of further appropriate decisions to be adopted by the Council.
- (12) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications. Denmark does not participate in the financing of the operation,

HAS DECIDED AS FOLLOWS:

Article 1

The European Union military operation in the Former Yugoslav Republic of Macedonia shall be extended until 15 December 2003.

Article 2

1. Major General Luis Nelson Ferreira dos Santos is appointed EU Force Commander as of 1 October 2003.
2. Eurofor takes over from France the responsibilities at the Force Headquarters level as of 1 October 2003.

⁽¹⁾ OJ L 34, 11.2.2003, p. 26.

⁽²⁾ OJ L 76, 22.3.2003, p. 43.

Article 3

1. Article 7(3) of the Financial Regulation annexed to the Council Decision of 27 January 2003 establishing an Operational Financing Mechanism for the financing of the common costs of a European Union military operation in the Former Yugoslav Republic of Macedonia shall not apply.

2. Notwithstanding Article 9(2) of the above Financial Regulation, the budget for the following financial period shall be approved by the Presidency at the latest on 30 September 2003.

3. The administrator of the Operational Financing Mechanism for the financing of the common costs of a European Union military operation in the Former Yugoslav Republic of Macedonia is allowed to call contributions from the contributing member states up to EUR 800 000.

Article 4

This Decision shall enter into force on the date of its adoption.

Article 5

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

Done at Brussels, 29 July 2003.

For the Council

The President

F. FRATTINI
