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I

(Acts whose publication is obligatory)

REGULATION (EC) No 1382/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 22 July 2003
on the granting of Community financial assistance to improve the environmental performance of
the freight transport system (Marco Polo Programme)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) and Article 80(2) 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⁾,

Whereas:

- (1) The European Council held at Göteborg on 15 and 16 June 2001 declared that shifting the balance between the modes of transport is at the heart of the sustainable development strategy.
- (2) If no decisive action is taken, total road freight transport in Europe is set to grow by about 50 % by 2010. The effect would be a growth of international road freight of about 12 billion tonne-kilometres per year.
- (3) In its White Paper, 'European transport policy for 2010: time to decide', the Commission proposed to take measures which should make the market shares of the modes of transport return, by 2010, to their 1998 levels. This will prepare the ground for a shift of balance from 2010 onwards.

- (4) It is necessary to establish a programme, hereinafter referred to as the 'Marco Polo Programme', or 'the Programme', to reduce road congestion and to improve the environmental performance of the freight transport system within the Community and to enhance intermodality, thereby contributing to an efficient and sustainable transport system. To achieve this objective, the Programme should support actions in the freight transport, logistics and other relevant markets. These actions should contribute to maintaining the distribution of freight between the various modes of transport at 1998 levels by helping to shift the expected aggregate increase in international road freight traffic to short sea shipping, rail and inland waterways or to a combination of modes of transport in which road journeys are as short as possible.

- (5) The Marco Polo Programme will feature three types of action: firstly, modal shift actions, which should focus on shifting as much cargo as possible under current market conditions from road to short sea shipping, rail and inland waterways; secondly, catalyst actions, which should change the way non-road freight transport is conducted in the Community; and thirdly, common learning actions, which should enhance knowledge in the freight logistics sector and foster advanced methods and procedures of cooperation in the freight market.

- (6) Actions must involve the territory of at least two countries. If these two countries are Member States or other countries participating in the Marco Polo Programme under the conditions laid down in this Regulation, the Programme will re-imburse the costs incurred by the participating undertakings within the limits laid down in the Regulation.

⁽¹⁾ OJ C 126 E, 28.5.2002, p. 354.

⁽²⁾ OJ C 241, 7.10.2002, p. 37.

⁽³⁾ OJ C 278, 14.11.2002, p. 15.

⁽⁴⁾ Opinion of the European Parliament of 24 September 2002 (not yet published in the Official Journal), Council Common Position of 25 April 2003 (OJ C 153 E, 1.7.2003, p. 252) and Decision of the European Parliament of 3 July 2003 (not yet published in the Official Journal).

- (7) In order to reflect the European dimension of the actions, cooperation should be encouraged between undertakings established in different countries, in the form of a consortium submitting an action.

- (8) Applicants should be able to submit new or, where appropriate, existing projects which best match current market needs. Suitable projects should not be discouraged by any over-rigid definition of allowable actions. In particular, the flexibility given to the Commission, assisted by the Committee set up under Article 12(1), for the selection of projects should enable projects which are efficient but under the minimum indicative subsidy threshold to be eligible for Community financial assistance.
- (9) There may be cases in which the benefits of developing an existing service may be at least equal in terms of additional modal shift, quality and environmental and viability advantages to those of starting up a new service involving considerable expense.
- (10) To be transparent, objective and clearly delimited, aid for the launch of modal shift actions should be based on cost savings for society brought about by use of short sea shipping, rail and inland waterways, or a combination of modes of transport, instead and in place of road transport alone. For this reason, the Commission has set an indicative amount of financial assistance of EUR 1 for each shift of 500 tonne-kilometres of road freight.
- (11) Considering, on the one hand, the importance of the internalisation of external, particularly environmental, costs, acknowledged both in the White Paper 'European transport policy for 2010: time to decide' and in the conclusions of the Göteborg European Council, and on the other hand, the speed at which the transport market is changing, it should be possible to take account of future work on developing methods to internalise external costs, regularly evaluate the development of external cost differentials and propose any necessary adjustment to the indicative amount of financial assistance accordingly.
- (12) The results of the catalyst and common learning actions of the Programme should be adequately disseminated, in order to ascertain replication, publicity and transparency.
- (13) During the selection procedure and during the lifetime of the project, it is necessary to ensure that the project chosen makes a real contribution to the common transport policy and does not cause unacceptable distortions of competition. The Commission should therefore evaluate the implementation of this Regulation. It should present, not later than 31 December 2006, an assessment report on the results of the Marco Polo Programme, accompanied if necessary by a proposal for the amendment of this Regulation.
- (14) Since the objective of the Marco Polo Programme cannot be sufficiently achieved by the Member States and can therefore, by reason of the scope of the Programme, 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 Regulation does not go beyond what is necessary in order to achieve that objective.
- (15) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (16) A financial reference amount, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure is inserted in this Regulation for the entire duration of the Programme, without the powers of the budgetary authority as defined by the Treaty being affected thereby.
- (17) In order to administer funding under this Regulation in the most expedient and speedy way, this Regulation should enter into force as soon as possible after its adoption,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

OBJECTIVE, DEFINITIONS AND SCOPE

Article 1

Objective

This Regulation establishes a financing instrument, hereinafter referred to as the 'Marco Polo Programme', or 'the Programme', the objective being to reduce congestion, to improve the environmental performance of the transport system and to enhance intermodal transport, thereby contributing to an efficient and sustainable transport system, for the period from 1 January 2003 to 31 December 2010 in order to achieve, by the end of the Programme, a traffic shift of the expected yearly aggregate increase of international road freight traffic, measured in tonne-kilometres, to short sea shipping, rail and inland waterways or to a combination of modes of transport in which road journeys are as short as possible.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

Article 2**Definitions**

For the purposes of this Regulation:

- (a) 'action' shall mean any project related to the logistics market, executed by undertakings, which contributes to reducing congestion in the road freight transport system and/or to improving the environmental performance of the transport system by optimising transport to and from inter-modal transport chains, in the territories of the Member States;
- (b) 'modal shift action' shall mean any action directly and immediately shifting freight from road to short sea shipping, rail, inland waterways or a combination of modes of transport in which road journeys are as short as possible, without being a catalyst action;
- (c) 'catalyst action' shall mean any innovative action aimed at overcoming Community-relevant structural barriers in the market for freight transport which impede the efficient functioning of the markets, the competitiveness of short sea shipping, rail, or inland waterways, and/or the efficiency of transport chains making use of these modes; for the purpose of this definition, 'structural market barrier' shall mean any non-regulatory, factual and non-temporary impediment to the proper functioning of the freight transport chain;
- (d) 'common learning action' shall mean any action aimed at improving cooperation for structurally optimising working methods and procedures in the freight transport chain, taking into account the requirements of logistics;
- (e) 'accompanying measure' shall mean any measure which seeks to prepare for or to support current or future actions, *inter alia* dissemination activities and project monitoring and evaluation, and the collection and analysis of statistical data. Measures devoted to the commercialisation of products, processes or services, marketing activities and sales promotion are not 'accompanying measures';
- (f) 'preparatory measure' shall mean any action in preparation for a catalyst action, such as technical, operational or financial feasibility studies and equipment tests;
- (g) 'consortium' shall mean any arrangement by which at least two undertakings execute together and share the risk concerning an action;
- (h) 'undertaking' shall mean any entity engaged in an economic activity, regardless of the legal status of the entity and the way in which it is financed;
- (i) 'ancillary' shall mean necessary, but subordinate, to achieve the goals of 'modal shift actions' or 'catalyst actions';

- (j) 'tonne-kilometre' shall mean the transport of a tonne of freight, or its volumetric equivalent, over a distance of one kilometre;
- (k) 'close third country' shall mean any non-Member State of the European Union or candidate country for accession to the European Union with a common border with the European Union or with a coastline on a closed or semi-closed sea neighbouring on the European Union.

Article 3**Scope**

1. The Marco Polo Programme shall cover modal shift actions, catalyst actions and common learning actions:
 - (a) involving the territory of at least two Member States, or
 - (b) involving the territory of at least one Member State and the territory of a close third country.
2. Where an action involves the territory of a third country, costs arising in the territory of that country shall not be covered by the Programme, except in the circumstances mentioned in paragraphs 3 and 4.
3. The Programme shall be open to participation by countries which are candidates for accession. Participation will be governed by the conditions laid down in the Association Agreements with those countries, and on the basis of the rules laid down in the decision of the Association Council for each country concerned.
4. The Programme shall also be open to participation by the EFTA and EEA Member States on the basis of supplementary appropriations in accordance with procedures to be agreed with those countries.

CHAPTER II**ELIGIBLE APPLICANTS AND ACTIONS****Article 4****Eligible applicants**

1. As a general rule, projects shall be submitted by a consortium of two or more undertakings, established in at least two different Member States or in at least one Member State and one close third country.
2. Undertakings established outside the Community or outside one of the participant countries referred to in Article 3(3) and (4) which may be associated with the project may under no circumstances receive Community funding under the Programme.

*Article 5***Modal shift action**

1. Modal shift actions, including, where appropriate, the additional modal shift brought about by the development of an existing service, shall be eligible for funding under the Programme provided that the following conditions are satisfied:

- (a) the modal shift action is expected to lead to an actual, substantial, measurable and sustainable modal shift of freight transport from road to short sea shipping, rail, inland waterways or a combination of modes of transport in which road journeys are as short as possible;
- (b) according to a realistic business plan, the modal shift action will be viable on its own after a maximum of 36 months of Community funding;
- (c) the modal shift action will not lead to distortions of competition in the relevant markets, in particular between alternative modes of transport to road transport alone or within each mode, to an extent which damages the common interest;
- (d) when the action requires reliance on services provided by third parties not part of the consortium, the applicant submits proof of a transparent, objective and non-discriminatory procedure for selection of the relevant services.

2. Community financial assistance for modal shift actions shall be limited to a maximum of 30 % of the total expenditure necessary to achieve the objectives of the action and incurred as a result of the action. Such expenditure shall be eligible for Community financial assistance to the extent to which it relates directly to the implementation of the action. Ancillary infrastructure expenditure shall also be eligible for Community financial assistance, as long as it remains marginal, up to a maximum of 30 %. Expenditure incurred on or after the date of the submission of an application under the selection procedure shall be eligible for Community financial assistance provided that final approval for Community funding is given. A contribution towards the costs of movable assets shall be contingent on the obligation to use such assets for the duration of the assistance, principally for the action, as defined by the subsidy agreement.

3. The Community financial assistance under paragraph 2 determined by the Commission on the basis of the tonne-kilometres shifted from road to short sea shipping, rail, inland waterways or a combination of modes of transport in which road journeys are as short as possible shall initially be set at EUR 1 for each shift of 500 tonne-kilometres of road freight. This indicative amount could be adjusted, in particular, in accordance with the quality of the project or the real environmental benefit obtained.

In accordance with the procedure referred to in Article 12(2), the Commission may re-examine, from time to time as necessary, the developments concerning the items on which this calculation is based and, if necessary, adapt the amount of Community financial assistance accordingly.

4. Community financial assistance for modal shift actions shall be granted on the basis of subsidy agreements. As a rule, the maximum duration of these agreements shall be 38 months.

Community financial assistance shall not be renewable beyond the stipulated maximum period of 38 months.

5. The minimum indicative subsidy threshold per modal shift action shall be 250 million tonne-kilometres of modal shift or, in proportion to the indicative amount per euro of subsidy, EUR 500 000.

*Article 6***Catalyst actions**

1. Catalyst actions shall be eligible for funding under the Programme provided that the following conditions are satisfied:

- (a) the catalyst action will achieve its objectives within a period of a maximum of 48 months, and stay viable after that period, as forecast by a realistic business plan;
- (b) the catalyst action is innovative on a European level, in terms of logistics, technology, methods, equipment, products or services rendered;
- (c) the catalyst action is expected to lead to an actual, measurable and sustainable modal shift from road to short sea shipping, rail, inland waterways, or a combination of modes of transport in which road journeys are as short as possible. The catalyst action is expected to lead to a reduction of congestion in road transport and not to a shift between short sea shipping, rail and inland waterways;
- (d) the catalyst action proposes a realistic plan setting out the specific stages by which it seeks to achieve its objectives and identifies the need for Commission steering assistance;
- (e) the catalyst action will not lead to distortions of competition in the relevant markets, in particular between modes of transport alternative to road transport alone or within each mode, to an extent which damages the common interest;
- (f) when the action requires reliance on services provided by third parties not part of the consortium, the applicant submits proof of a transparent, objective and non-discriminatory procedure for selection of the relevant services.

2. In the framework of the objectives of the Commission White Paper 'European transport policy for 2010: time to decide', catalyst actions implementing new concepts, such as that of 'motorways of the seas', deserve special attention.

Catalyst actions on the transport market should preferably use the trans-European networks as defined in Decision No 1692/96/EC ⁽¹⁾, or the pan-European transport corridors and areas.

3. The results and methods of catalyst actions shall be disseminated in order to help achieve the objectives of this Regulation.

4. Community financial assistance for catalyst actions shall be limited to a maximum of 35 % of the total expenditure necessary to achieve the objectives of the action and incurred as a result of the action, including preparatory measures. Such expenditure shall be eligible for Community financial assistance, to the extent to which it relates directly to the implementation of the action. Expenditure for ancillary measures related to infrastructure works needed to achieve the aims of the action shall also be eligible for Community financial assistance, as long as it remains marginal, up to a maximum of 35 %. Expenditure incurred on or after the date of the submission of an application under the selection procedure shall be eligible for Community financial assistance provided that final approval for Community funding is given. A contribution towards the costs of movable assets shall be contingent on the obligation to use such assets for the duration of the assistance, principally for the action, as defined by the subsidy agreement.

5. Community financial assistance for catalyst actions shall be granted on the basis of subsidy agreements, with appropriate provisions for steering and monitoring. As a rule, the maximum duration of these agreements shall be 50 months.

Community financial assistance shall not be renewable beyond the stipulated maximum period of 50 months.

6. The political priority targets which will be taken into consideration in the selection procedure for such actions shall be established in accordance with the procedure referred to in Article 12(2).

The Commission, assisted by the Committee set up under Article 12(1), may review the political priority targets from time to time.

7. The minimum indicative subsidy threshold per catalyst action shall be EUR 1,5 million.

Article 7

Common learning actions

1. Common learning actions shall be eligible for funding under the Programme provided that the following conditions are satisfied:

- (a) the action will lead to the improvement of commercial services in the market and lasts for a maximum of 24 months;

⁽¹⁾ OJ L 228, 9.9.1996, p. 1. Decision as last amended by Decision No 1346/2001/EC (OJ L 185, 6.7.2001, p. 1).

- (b) the action is innovative on a European level;
- (c) the action will not lead to distortions of competition in the relevant markets, in particular between modes of transport alternative to road transport alone or within each mode, to an extent which damages the common interest;
- (d) the common learning action proposes a realistic plan setting out the specific stages by which it seeks to achieve its objectives and identifies the need for Commission steering assistance.

2. The results and methods of common learning actions shall be disseminated in order to help achieve the objectives of this Regulation.

3. Community financial assistance for common learning actions shall be limited to a maximum of 50 % of the total expenditure necessary to achieve the objectives of the action and incurred as a result of the action. Such expenditure shall be eligible for Community financial assistance, to the extent to which it relates directly to the implementation of the action. Expenditure incurred on or after the date of the submission of an application under the selection procedure shall be eligible for Community financial assistance provided that final approval for Community funding is given. A contribution towards the costs of movable assets shall be contingent on the obligation to use such assets for the duration of the assistance, principally for the action, as defined by the subsidy agreement.

4. Community financial assistance for common learning actions shall be granted on the basis of subsidy agreements, with appropriate provisions for steering and monitoring. As a rule, the maximum duration of these agreements shall be 26 months.

Community financial assistance shall not be renewable beyond the stipulated maximum period of 26 months.

5. The political priority targets which will be taken into consideration in the selection procedure for such actions shall be established in accordance with the procedure referred to in Article 12(2).

The Commission, assisted by the Committee set up under Article 12(1), may review the political priority targets from time to time.

6. The minimum indicative subsidy threshold per common learning action shall be EUR 250 000.

Article 8

Detailed rules

The Commission shall issue detailed rules for the procedure for submission, selection, execution, dissemination and individual reporting and verification requirements concerning actions under the Programme in accordance with the procedure referred to in Article 12(2).

*Article 9***State aid**

Community financial assistance for the actions defined by the Programme shall not exclude those actions being granted State aid at national, regional or local level, insofar as such aid is compatible with the State-aid arrangements laid down in the Treaty and within the limits established for each type of action in Article 5(2), Article 6(4) and Article 7(3) respectively.

CHAPTER III

SUBMISSION AND SELECTION OF ACTIONS*Article 10***Submission of actions**

Actions shall be submitted to the Commission according to the detailed rules issued under Article 8. The submission shall contain all the elements necessary to enable the Commission to make its selection in accordance with Article 11.

*Article 11***Selection of actions — Granting of financial assistance**

Submitted actions shall be evaluated by the Commission. The Commission shall decide whether to grant financial assistance under this Regulation taking into account, for the selection of the action, the objective referred to in Article 1, and the conditions referred to in Articles 5, 6 or 7, as appropriate. The selection shall take into account the relative environmental merits of the proposed actions and their contribution to reducing road congestion. This decision shall be taken in accordance with the procedure referred to in Article 12(2).

The Commission shall inform the beneficiaries and the Member States of its decision.

CHAPTER IV

FINAL PROVISIONS*Article 12***Committee**

1. The Commission shall be assisted by a committee.

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

Done at Brussels, 22 July 2003.

For the European Parliament

The President

P. COX

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. The Committee shall adopt its rules of procedure.

*Article 13***Budget**

The financial framework for the implementation of the Marco Polo Programme, for the period 1 January 2003 to 31 December 2006, shall be EUR 75 million.

Annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

*Article 14***Reserve for accompanying measures and programme evaluation**

Up to 5 % of the budget provided for in this Regulation shall be set aside for accompanying measures and independent evaluation of the implementation of Articles 5, 6 and 7.

*Article 15***Evaluation**

1. The Commission shall inform the Committee at least once a year concerning the financial execution of the Programme and give an update of the status of all actions financed under the Programme.

2. By 31 December 2006 at the latest, the Commission shall present to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions an evaluation report on the results of the Marco Polo Programme, having regard to its objective, and accompanied if necessary by a proposal for the amendment of this Regulation.

*Article 16***Entry into force**

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

For the Council

The President

G. ALEMANNO

COUNCIL REGULATION (EC) No 1383/2003**of 22 July 2003****concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) To improve the working of the system concerning the entry into the Community and the export and re-export from the Community of goods infringing certain intellectual property rights introduced by Council Regulation (EC) No 3295/94 of 22 December 1994 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods⁽¹⁾, conclusions should be drawn from experience of its application. In the interests of clarity, Regulation (EC) No 3295/94 should be repealed and replaced.
- (2) The marketing of counterfeit and pirated goods, and indeed all goods infringing intellectual property rights, does considerable damage to law-abiding manufacturers and traders and to right-holders, as well as deceiving and in some cases endangering the health and safety of consumers. Such goods should, in so far as is possible, be kept off the market and measures adopted to deal effectively with this unlawful activity without impeding the freedom of legitimate trade. This objective is consistent with efforts under way at international level.
- (3) In cases where counterfeit goods, pirated goods and, more generally, goods infringing an intellectual property right originate in or come from third countries, their introduction into the Community customs territory, including their transshipment, release for free circulation in the Community, placing under a suspensive procedure and placing in a free zone or warehouse, should be prohibited and a procedure set up to enable the customs authorities to enforce this prohibition as effectively as possible.
- (4) Customs authorities should also be able to take action against counterfeit goods, pirated goods and goods infringing certain intellectual property rights which are in the process of being exported, re-exported or leaving the Community customs territory.
- (5) Action by the customs authorities should involve, for the period necessary to determine whether suspect goods are indeed counterfeit goods, pirated goods or goods infringing certain intellectual property rights, suspending release for free circulation, export and re-export or, in the case of goods placed under a suspensive procedure, placed in a free zone or a free warehouse, in the process of being re-exported with notification, introduced into the customs territory or leaving that territory, detaining those goods.
- (6) The particulars of the application for action, such as its period of validity and form, need to be defined and harmonised in all Member States. The same applies to the conditions governing the acceptance of applications by the customs authorities and the service designated to receive, process and register them.
- (7) Even where no application has yet been lodged or approved, the Member States should be authorised to detain the goods for a certain period to allow right-holders to lodge an application for action with the customs authorities.
- (8) Proceedings initiated to determine whether an intellectual property right has been infringed under national law will be conducted with reference to the criteria used to establish whether goods produced in that Member State infringe intellectual property rights. This Regulation does not affect the Member States' provisions on the competence of the courts or judicial procedures.
- (9) To make the Regulation easier to apply for customs administrations and right-holders alike, provision should also be made for a more flexible procedure allowing goods infringing certain intellectual property rights to be destroyed without there being any obligation to initiate proceedings to establish whether an intellectual property right has been infringed under national law.
- (10) It is necessary to lay down the measures applicable to goods which have been found to be counterfeit, pirated or generally to infringe certain intellectual property rights. Those measures should not only deprive those responsible for trading in such goods of the economic benefits of the transaction and penalise them but should also constitute an effective deterrent to further transactions of the same kind.

⁽¹⁾ OJ L 341, 30.12.1994, p. 8. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

- (11) To avoid disrupting the clearance of goods carried in travellers' personal baggage, it is appropriate, except where certain material indications suggest commercial traffic is involved, to exclude from the scope of this Regulation goods that may be counterfeit, pirated or infringe certain intellectual property rights when imported from third countries within the limits of the duty-free allowance accorded by Community rules.
- (12) In the interests of this Regulation's effectiveness, it is important to ensure the uniform application of the common rules it lays down and to reinforce mutual assistance between the Member States and between the Member States and the Commission, in particular by recourse to Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters ⁽¹⁾.
- (13) In the light of the experience gained in the implementation of this Regulation, *inter alia*, consideration should be given to the possibility of increasing the number of intellectual property rights covered.
- (14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.
- (15) Regulation (EC) No 3295/94 should be repealed,
- (b) when they are found during checks on goods entering or leaving the Community customs territory in accordance with Articles 37 and 183 of Regulation (EEC) No 2913/92, placed under a suspensive procedure within the meaning of Article 84(1)(a) of that Regulation, in the process of being re-exported subject to notification under Article 182(2) of that Regulation or placed in a free zone or free warehouse within the meaning of Article 166 of that Regulation.
2. This Regulation also fixes the measures to be taken by the competent authorities when the goods referred to in paragraph 1 are found to infringe intellectual property rights.

Article 2

1. For the purposes of this Regulation, 'goods infringing an intellectual property right' means:

- (a) 'counterfeit goods', namely:
- (i) goods, including packaging, bearing without authorisation a trademark identical to the trademark validly registered in respect of the same type of goods, or which cannot be distinguished in its essential aspects from such a trademark, and which thereby infringes the trademark-holder's rights under Community law, as provided for by Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trademark ⁽⁴⁾ or the law of the Member State in which the application for action by the customs authorities is made;
 - (ii) any trademark symbol (including a logo, label, sticker, brochure, instructions for use or guarantee document bearing such a symbol), even if presented separately, on the same conditions as the goods referred to in point (i);
 - (iii) packaging materials bearing the trademarks of counterfeit goods, presented separately, on the same conditions as the goods referred to in point (i);

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND SCOPE

Article 1

1. This Regulation sets out the conditions for action by the customs authorities when goods are suspected of infringing an intellectual property right in the following situations:

- (a) when they are entered for release for free circulation, export or re-export in accordance with Article 61 of Council Regulation (EC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾;

- (b) 'pirated goods', namely goods which are or contain copies made without the consent of the holder of a copyright or related right or design right, regardless of whether it is registered in national law, or of a person authorised by the right-holder in the country of production in cases where the making of those copies would constitute an infringement of that right under Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs ⁽⁵⁾ or the law of the Member State in which the application for customs action is made;

⁽¹⁾ OJ L 82, 22.3.1997, p. 1. Regulation as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

⁽³⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000, of the European Parliament and of the Council (OJ L 311, 12.12.2000, p. 17).

⁽⁴⁾ OJ L 11, 14.01.1994, p. 1. Regulation as last amended by Regulation (EC) No 807/2003.

⁽⁵⁾ OJ L 3, 5.1.2002, p. 1.

- (c) goods which, in the Member State in which the application for customs action is made, infringe:
- (i) a patent under that Member State's law;
 - (ii) a supplementary protection certificate of the kind provided for in Council Regulation (EEC) No 1768/92 ⁽¹⁾ or Regulation (EC) No 1610/96 of the European Parliament and of the Council ⁽²⁾;
 - (iii) a national plant variety right under the law of that Member State or a Community plant variety right of the kind provided for in Council Regulation (EC) No 2100/94 ⁽³⁾;
 - (iv) designations of origin or geographical indications under the law of that Member State or Council Regulations (EEC) No 2081/92 ⁽⁴⁾ and (EC) No 1493/1999 ⁽⁵⁾;
 - (v) geographical designations of the kind provided for in Council Regulation (EEC) No 1576/89 ⁽⁶⁾.

2. For the purposes of this Regulation, 'right-holder' means:

- (a) the holder of a trademark, copyright or related right, design right, patent, supplementary protection certificate, plant variety right, protected designation of origin, protected geographical indication and, more generally, any right referred to in paragraph 1; or
- (b) any other person authorised to use any of the intellectual property rights mentioned in point (a), or a representative of the right-holder or authorised user.

3. Any mould or matrix which is specifically designed or adapted for the manufacture of goods infringing an intellectual property right shall be treated as goods of that kind if the use of such moulds or matrices infringes the right-holder's rights under Community law or the law of the Member State in which the application for action by the customs authorities is made.

Article 3

1. This Regulation shall not apply to goods bearing a trademark with the consent of the holder of that trademark or to goods bearing a protected designation of origin or a protected geographical indication or which are protected by a patent or a supplementary protection certificate, by a copyright or related right or by a design right or a plant variety right and which have been manufactured with the consent of the right-holder but are placed in one of the situations referred to in Article 1(1) without the latter's consent.

It shall similarly not apply to goods referred to in the first subparagraph and which have been manufactured or are protected by another intellectual property right referred to in Article 2(1) under conditions other than those agreed with the right-holder.

⁽¹⁾ OJ L 182, 2.7.1992, p. 1.

⁽²⁾ OJ L 198, 8.8.1996, p. 30.

⁽³⁾ OJ L 227, 1.9.1994, p. 1. Regulation as last amended by Regulation (EC) No 807/2003.

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

⁽⁵⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 806/2003.

⁽⁶⁾ OJ L 160, 12.6.1989, p. 1. Regulation as last amended by Regulation (EC) No 3378/94 of the European Parliament and of the Council (OJ L 366, 31.12.1994, p. 1).

2. Where a traveller's personal baggage contains goods of a non-commercial nature within the limits of the duty-free allowance and there are no material indications to suggest the goods are part of commercial traffic, Member States shall consider such goods to be outside the scope of this Regulation.

CHAPTER II

APPLICATIONS FOR ACTION BY THE CUSTOMS AUTHORITIES

Section 1

Measures prior to an application for action by the customs authorities

Article 4

1. Where the customs authorities, in the course of action in one of the situations referred to in Article 1(1) and before an application has been lodged by a right-holder or granted, have sufficient grounds for suspecting that goods infringe an intellectual property right, they may suspend the release of the goods or detain them for a period of three working days from the moment of receipt of the notification by the right-holder and by the declarant or holder of the goods, if the latter are known, in order to enable the right-holder to submit an application for action in accordance with Article 5.

2. In accordance with the rules in force in the Member State concerned, the customs authorities may, without divulging any information other than the actual or supposed number of items and their nature and before informing the right-holder of the possible infringement, ask the right-holder to provide them with any information they may need to confirm their suspicions.

Section 2

The lodging and processing of applications for customs action

Article 5

1. In each Member State a right-holder may apply in writing to the competent customs department for action by the customs authorities when goods are found in one of the situations referred to in Article 1(1) (application for action).

2. Each Member State shall designate the customs department competent to receive and process applications for action.

3. Where electronic data interchange systems exist, the Member States shall encourage right-holders to lodge applications electronically.

4. Where the applicant is the right-holder of a Community trademark or a Community design right, a Community plant variety right or a designation of origin or geographical indication or a geographical designation protected by the Community, an application may, in addition to requesting action by the customs authorities of the Member State in which it is lodged, request action by the customs authorities of one or more other Member States.

5. The application for action shall be made out on a form established in accordance with the procedure referred to in Article 21(2); it must contain all the information needed to enable the goods in question to be readily recognised by the customs authorities, and in particular:

- (i) an accurate and detailed technical description of the goods;
- (ii) any specific information the right-holder may have concerning the type or pattern of fraud;
- (iii) the name and address of the contact person appointed by the right-holder.

The application for action must also contain the declaration required of the applicant by Article 6 and proof that the applicant holds the right for the goods in question.

In the situation described in paragraph 4 the application for action shall indicate the Member State or States in which customs action is requested as well as the names and addresses of the right-holder in each of the Member States concerned.

By way of indication and where known, right-holders should also forward any other information they may have, such as:

- (a) the pre-tax value of the original goods on the legitimate market in the country in which the application for action is lodged;
- (b) the location of the goods or their intended destination;
- (c) particulars identifying the consignment or packages;
- (d) the scheduled arrival or departure date of the goods;
- (e) the means of transport used;
- (f) the identity of the importer, exporter or holder of the goods;
- (g) the country or countries of production and the routes used by traffickers;
- (h) the technical differences, if known, between the authentic and suspect goods.

6. Details may also be required which are specific to the type of intellectual property right referred to in the application for action.

7. On receiving an application for action, the competent customs department shall process that application and notify the applicant in writing of its decision within 30 working days of its receipt.

The right-holder shall not be charged a fee to cover the administrative costs occasioned by the processing of the application.

8. Where the application does not contain the mandatory information listed in paragraph 5, the competent customs department may decide not to process the application for action; in that event it shall provide reasons for its decision and include information on the appeal procedure. The application can only be re-submitted when duly completed.

Article 6

1. Applications for action shall be accompanied by a declaration from the right-holder, which may be submitted either in writing or electronically, in accordance with national legislation, accepting liability towards the persons involved in a situation referred to in Article 1(1) in the event that a procedure initiated pursuant to Article 9(1) is discontinued owing to an act or omission by the right-holder or in the event that the goods in question are subsequently found not to infringe an intellectual property right.

In that declaration the right-holder shall also agree to bear all costs incurred under this Regulation in keeping goods under customs control pursuant to Article 9 and, where applicable, Article 11.

2. Where an application is submitted under Article 5(4), the right-holder shall agree in the declaration to provide and pay for any translation necessary; this declaration shall be valid in every Member State in which the decision granting the application applies.

Article 7

Articles 5 and 6 shall apply *mutatis mutandis* to requests for an extension.

Section 3

Acceptance of the application for action

Article 8

1. When granting an application for action, the competent customs department shall specify the period during which the customs authorities are to take action. That period shall not exceed one year. On expiry of the period in question, and subject to the prior discharge of any debt owed by the right-holder under this Regulation, the department which took the initial decision may, at the right-holder's request, extend that period.

The right-holder shall notify the competent customs department referred to in Article 5(2), if his right ceases to be validly registered or expires.

2. The decision granting the right-holder's application for action shall immediately be forwarded to those customs offices of the Member State or States likely to be concerned by the goods alleged in the application to infringe an intellectual property right.

When an application for action submitted in accordance with Article 5(4) is granted, the period during which the customs authorities are to take action shall be set at one year; on expiry of the period in question, the department which processed the initial application shall, on the right-holder's written application, extend that period. The first indent of Article 250 of Regulation (EEC) No 2913/92 shall apply *mutatis mutandis* to the decision granting that application and to decisions extending or repealing it.

Where an application for action is granted, it is for the applicant to forward that decision, with any other information and any translations that may be necessary, to the competent customs department of the Member State or States in which the applicant has requested customs action. However, with the applicant's consent, the decision may be forwarded directly by the customs department which has taken the decision.

At the request of the customs authorities of the Member States concerned, the applicant shall provide any additional information necessary for the implementation of the decision.

3. The period referred to in the second subparagraph of paragraph 2 shall run from the date of adoption of the decision granting the application. The decision will not enter into force in the recipient Member State or States until it has been forwarded in accordance with the third subparagraph of paragraph 2 and the right-holder has fulfilled the formalities referred to in Article 6.

The decision shall then be sent immediately to the national customs offices likely to have to deal with the goods suspected of infringing intellectual property rights.

This paragraph shall apply *mutatis mutandis* to a decision extending the initial decision.

1(1) are suspected of infringing an intellectual property right covered by that decision, it shall suspend release of the goods or detain them.

The customs office shall immediately inform the competent customs department which processed the application.

2. The competent customs department or customs office referred to in paragraph 1 shall inform the right-holder and the declarant or holder of the goods within the meaning of Article 38 of Regulation (EEC) No 2913/92 of its action and is authorised to inform them of the actual or estimated quantity and the actual or supposed nature of the goods whose release has been suspended or which have been detained, without being bound by the communication of that information to notify the authority competent to take a substantive decision.

3. With a view to establishing whether an intellectual property right has been infringed under national law, and in accordance with national provisions on the protection of personal data, commercial and industrial secrecy and professional and administrative confidentiality, the customs office or department which processed the application shall inform the right-holder, at his request and if known, of the names and addresses of the consignee, the consignor, the declarant or the holder of the goods and the origin and provenance of goods suspected of infringing an intellectual property right.

The customs office shall give the applicant and the persons involved in any of the situations referred to in Article 1(1) the opportunity to inspect goods whose release has been suspended or which have been detained.

When examining goods, the customs office may take samples and, according to the rules in force in the Member State concerned, hand them over or send them to the right-holder, at his express request, strictly for the purposes of analysis and to facilitate the subsequent procedure. Where circumstances allow, subject to the requirements of Article 11(1) second indent where applicable, samples must be returned on completion of the technical analysis and, where applicable, before goods are released or their detention is ended. Any analysis of these samples shall be carried out under the sole responsibility of the right-holder.

CHAPTER III

CONDITIONS GOVERNING ACTION BY THE CUSTOMS AUTHORITIES AND BY THE AUTHORITY COMPETENT TO DECIDE ON THE CASE

Article 9

1. Where a customs office to which the decision granting an application by the right-holder has been forwarded pursuant to Article 8 is satisfied, after consulting the applicant where necessary, that goods in one of the situations referred to in Article

Article 10

The law in force in the Member State within the territory of which the goods are placed in one of the situations referred to in Article 1(1) shall apply when deciding whether an intellectual property right has been infringed under national law.

That law shall also apply to the immediate notification of the customs department or office referred to in Article 9(1) that the procedure provided for in Article 13 has been initiated, unless the procedure was initiated by that department or office.

Article 11

1. Where customs authorities have detained or suspended the release of goods which are suspected of infringing an intellectual property right in one of the situations covered by Article 1(1), the Member States may provide, in accordance with their national legislation, for a simplified procedure, to be used with the right-holder's agreement, which enables customs authorities to have such goods abandoned for destruction under customs control, without there being any need to determine whether an intellectual property right has been infringed under national law. To this end, Member States shall, in accordance with their national legislation, apply the following conditions:

- that the right-holder inform the customs authorities in writing within 10 working days, or three working days in the case of perishable goods, of receipt of the notification provided for in Article 9, that the goods concerned by the procedure infringe an intellectual property right referred to in Article 2(1) and provide those authorities with the written agreement of the declarant, the holder or the owner of the goods to abandon the goods for destruction. With the agreement of the customs authorities, this information may be provided directly to customs by the declarant, the holder or the owner of the goods. This agreement shall be presumed to be accepted when the declarant, the holder or the owner of the goods has not specifically opposed destruction within the prescribed period. This period may be extended by a further ten working days where circumstances warrant it;
- that destruction be carried out, unless otherwise specified in national legislation, at the expense and under the responsibility of the right-holder, and be systematically preceded by the taking of samples for keeping by the customs authorities in such conditions that they constitute evidence admissible in legal proceedings in the Member State in which they might be needed.

2. In all other cases, for example where the declarant, holder or owner objects to or contests the destruction of the goods, the procedure laid down in Article 13 shall apply.

Article 12

A right-holder receiving the particulars cited in the first subparagraph of Article 9(3) shall use that information only for the purposes specified in Articles 10, 11 and 13(1).

Any other use, not permitted by the national legislation of the Member State where the situation arose, may, on the basis of the law of the Member State in which the goods in question are located, cause the right-holder to incur civil liability and lead to the suspension of the application for action, for the period of validity remaining before renewal, in the Member State in which the events have taken place.

In the event of a further breach of this rule, the competent customs department may refuse to renew the application. In the case of an application of the kind provided for in Article 5(4), it must also notify the other Member States indicated on the form.

Article 13

1. If, within 10 working days of receipt of the notification of suspension of release or of detention, the customs office referred to in Article 9(1) has not been notified that proceedings have been initiated to determine whether an intellectual property right has been infringed under national law in accordance with Article 10 or has not received the right-holder's agreement provided for in Article 11(1) where applicable, release of the goods shall be granted, or their detention shall be ended, as appropriate, subject to completion of all customs formalities.

This period may be extended by a maximum of 10 working days in appropriate cases.

2. In the case of perishable goods suspected of infringing an intellectual property right, the period referred to in paragraph 1 shall be three working days. That period may not be extended.

Article 14

1. In the case of goods suspected of infringing design rights, patents, supplementary protection certificates or plant variety rights, the declarant, owner, importer, holder or consignee of the goods shall be able to obtain the release of the goods or an end to their detention on provision of a security, provided that:

- (a) the customs office or department referred to in Article 9(1) has been notified, in accordance with Article 13(1), that a procedure has been initiated within the period provided for in Article 13(1) to establish whether an intellectual property right has been infringed under national law;
- (b) the authority empowered for this purpose has not authorised precautionary measures before the expiry of the time limit laid down in Article 13(1);
- (c) all customs formalities have been completed.

2. The security provided for in paragraph 1 must be sufficient to protect the interests of the right-holder.

Payment of the security shall not affect the other legal remedies available to the right-holder.

Where the procedure to determine whether an intellectual property right has been infringed under national law has been initiated other than on the initiative of the holder of a design right, patent, supplementary protection certificate or plant variety right, the security shall be released if the person initiating the said procedure does not exercise his right to institute legal proceedings within 20 working days of the date on which he receives notification of the suspension of release or detention.

Where the second subparagraph of Article 13(1) applies, this period may be extended to a maximum of 30 working days.

Article 15

The conditions of storage of the goods during the period of suspension of release or detention shall be determined by each Member State but shall not give rise to costs for the customs administrations.

CHAPTER IV

PROVISIONS APPLICABLE TO GOODS FOUND TO INFRINGE AN INTELLECTUAL PROPERTY RIGHT*Article 16*

Goods found to infringe an intellectual property right at the end of the procedure provided for in Article 9 shall not be:

- allowed to enter into the Community customs territory,
- released for free circulation,
- removed from the Community customs territory,
- exported,
- re-exported,
- placed under a suspensive procedure or
- placed in a free zone or free warehouse.

Article 17

1. Without prejudice to the other legal remedies open to the right-holder, Member States shall adopt the measures necessary to allow the competent authorities:

- (a) in accordance with the relevant provisions of national law, to destroy goods found to infringe an intellectual property right or dispose of them outside commercial channels in such a way as to preclude injury to the right-holder, without compensation of any sort and, unless otherwise specified in national legislation, at no cost to the exchequer;
- (b) to take, in respect of such goods, any other measures effectively depriving the persons concerned of any economic gains from the transaction.

Save in exceptional cases, simply removing the trademarks which have been affixed to counterfeit goods without authorisation shall not be regarded as effectively depriving the persons concerned of any economic gains from the transaction.

2. Goods found to infringe an intellectual property right may be forfeited to the exchequer. In that event, paragraph 1(a) shall apply.

CHAPTER V

PENALTIES*Article 18*

Each Member State shall introduce penalties to apply in cases of violation of this Regulation. Such penalties must be effective, proportionate and dissuasive.

CHAPTER VI

LIABILITY OF THE CUSTOMS AUTHORITIES AND THE RIGHT-HOLDER*Article 19*

1. Save as provided by the law of the Member State in which an application is lodged or, in the case of an application under Article 5(4), by the law of the Member State in which goods infringing an intellectual property right are not detected by a customs office, the acceptance of an application shall not entitle the right-holder to compensation in the event that such goods are not detected by a customs office and are released or no action is taken to detain them in accordance with Article 9(1).

2. The exercise by a customs office or by another duly empowered authority of the powers conferred on them in order to fight against goods infringing an intellectual property right shall not render them liable towards the persons involved in the situations referred to in Article 1(1) or the persons affected by the measures provided for in Article 4 for damages suffered by them as a result of the authority's intervention, except where provided for by the law of the Member State in which the application is made or, in the case of an application under Article 5(4), by the law of the Member State in which loss or damage is incurred.

3. A right-holder's civil liability shall be governed by the law of the Member State in which the goods in question were placed in one of the situations referred to in Article 1(1).

CHAPTER VII

FINAL PROVISIONS*Article 20*

The measures necessary for the application of this Regulation shall be adopted in accordance with the procedure referred to in Article 21(2).

Article 21

1. The Commission shall be assisted by the Customs Code Committee.

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 three months.

Article 22

Member States shall communicate all relevant information on the application of this Regulation to the Commission.

The Commission shall forward this information to the other Member States.

The provisions of Regulation (EC) No 515/97 shall apply *mutatis mutandis*.

The details of the information procedure shall be drawn up under the implementing provisions in accordance with the procedure referred to in Article 21(2).

Article 23

On the basis of the information referred to in Article 22, the Commission shall report annually to the Council on the application of this Regulation. This report may, where appropriate, be accompanied by a proposal to amend the Regulation.

Article 24

Regulation (EC) No 3295/94 is repealed with effect from 1 July 2004.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 25

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

It shall apply with effect from 1 July 2004.

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

Done at Brussels, 22 July 2003.

For the Council

The President

G. ALEMANN

COMMISSION REGULATION (EC) No 1384/2003
of 1 August 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 2 August 2003.

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

Done at Brussels, 1 August 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 1 August 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	52,8
	999	52,8
0707 00 05	052	103,8
	999	103,8
0709 90 70	052	74,2
	999	74,2
0805 50 10	382	56,8
	388	63,9
	524	49,6
	528	50,1
	999	55,1
0806 10 10	052	136,5
	204	147,8
	220	106,2
	400	243,9
	600	149,6
	624	137,6
	999	153,6
0808 10 20, 0808 10 50, 0808 10 90	388	81,3
	400	92,9
	508	56,4
	512	76,9
	528	70,6
	720	66,1
	800	183,5
	804	94,6
	999	90,3
0808 20 50	052	172,3
	388	65,8
	512	62,2
	528	71,4
	999	92,9
0809 20 95	052	291,2
	400	237,6
	404	251,5
	999	260,1
0809 30 10, 0809 30 90	052	158,7
	064	92,6
	999	125,6
0809 40 05	064	80,9
	068	72,5
	094	66,2
	999	73,2

⁽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 1385/2003**of 1 August 2003****fixing quantities for importing bananas into the Community under the tariff quotas for the fourth quarter of 2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 2587/2001 ⁽²⁾, and in particular Article 20 thereof,

Whereas:

- (1) Commission Regulation (EC) No 896/2001 ⁽³⁾ has laid down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community, as last amended by Regulation (EC) No 1303/2003 ⁽⁴⁾. It is necessary to determine the quantities available for imports during the last quarter of 2003 in the framework of the import tariff quotas provided for in Article 18 of Regulation (EEC) No 404/93.
- (2) The quantities available for import under the A/B and C tariff quotas for the fourth quarter should be determined, having regard on the one hand to the volume of tariff quotas provided for in Article 18 of Regulation (EEC) No 404/93 and, on the other hand, to the import licences issued for the first three quarters of 2003.
- (3) Since this Regulation must apply before the beginning of the period for the submission of licence applications in respect of the fourth quarter of 2003, it should enter into force immediately.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the fourth quarter of 2003, the quantities available for import under the tariff quota arrangements for the import of bananas shall be as set out in the Annex.
2. For the fourth quarter of 2003, applications for import licenses under the A/B and C tariff quotas:
 - (a) submitted by a traditional operator may not relate to a quantity exceeding the difference between the reference quantity established pursuant to Articles 4 and 5 of Regulation (EC) No 896/2001 and the sum of the quantities covered by import licences issued for the first three quarters of 2003;
 - (b) submitted by a non-traditional operator may not relate to a quantity exceeding the difference between the annual quantity determined and notified to the operator pursuant to Article 9(3) of Regulation (EC) No 896/2001 and the sum of the quantities covered by import licenses issued for the first three quarters of 2003.

Applications for import licenses shall be accompanied by a copy of the import licence(s) issued to the operator for the preceding quarters of 2003.

Article 2

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

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

Done at Brussels, 1 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 13.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ OJ L 185, 24.7.2003, p. 5.

ANNEX

Quantities of available bananas by tariff quota and operator category for the fourth quarter of 2003*(tonnes, net weight)*

Tariff quotas	Operator category	Quantity
A/B	Traditional	552 469,545
	Non-traditional	98 137,614
C	Traditional	168 652,920
	Non-traditional	17 770,572

COMMISSION REGULATION (EC) No 1386/2003
of 1 August 2003
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) 2176/2002⁽²⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.

- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽³⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council⁽⁴⁾.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified in the Combined Nomenclature in the corresponding CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with the provisions of this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th 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, 1 August 2003.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 331, 7.12.2002, p. 3.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.
⁽⁴⁾ OJ L 311, 12.12.2000, p. 17.

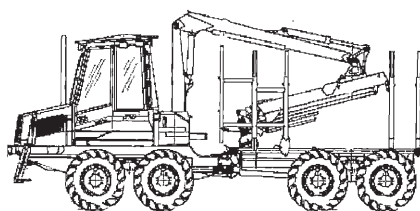
ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
1. A digital stencil duplicator with a scanner for the digitisation and electronic processing of the text and images to be reproduced. The apparatus uses a stencil (master) consisting of a vegetable-fibre film with a plasticised coating to burn the data by means of a thermal head. The burned stencil is conveyed to a printing drum and fixed there. The paper sheets for printing are pressed against the drum by a pressure roller. The apparatus has a multi-speed printing system (60, 80, 100 and 120 copies a minute). It is equipped with a control panel incorporating a liquid crystal display, an automatic sorter, paper trays and a receiving tray with side guides. The machine functions as a stand-alone apparatus but can be connected to an automatic data-processing machine.	8472 10 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8472 and 8472 10 00. The product is a stencil duplicator that can operate in a stand-alone mode. Therefore classification under heading 8443, 8471 and 9009 is excluded. See also HS explanatory notes to heading 8472, item 1.
2. Muscle-exercise kit, presented in a plastic carrying case, consisting of a battery operated electronic unit with cables, eight electrodes and two adjustable elasticated straps. The electrodes are held in place on the human body by the straps and are connected by cables to the electronic unit. Electric impulses are transmitted through the electrodes to stimulate repeated contraction of the muscles. The strength of the impulses can be increased or decreased.	8543 89 95	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8543, 8543 89 and 8543 89 95. The kit is excluded from heading 9018 as it is not intended for use as an instrument or appliance for use in medical science. The kit is excluded from heading 9019 as it is not used to treat diseases of muscles or as massage apparatus. The kit is excluded from heading 9506 as it is not intended for physical exercise.
3. New articulated vehicle designed for off-highway use, for the transport of timber both on rough ground and on forest tracks. It has a maximum gross vehicle weight of 19,7 tonnes and a load capacity of 8,5 tonnes. The vehicle consists of: — a four-wheeled towing unit with diesel engine, drivers cabin, and a permanently attached hydraulic crane for load handling, — a four-wheeled load-unit for the transport of tree trunks, permanently connected by a special coupling to the towing unit. (See illustration A) (*).	8704 22 91	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 8704, 8704 22 and 8704 22 91. The vehicle is designed essentially for the transport of goods and not for hauling or pushing other vehicles, appliances or loads. Therefore, it does not fulfil the requirements of note 2 to Chapter 87. Furthermore, it cannot be regarded as a special purpose motor vehicle of heading 8705.

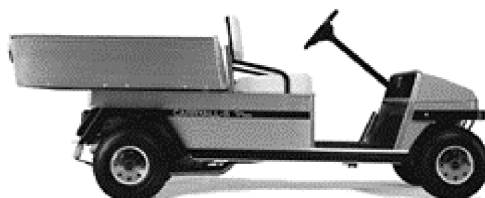
Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
4. New, four-wheeled motor vehicle, with a combustion-piston engine of a cylinder capacity of 286 cm³, a gross weight of approximately 620 kg and approximate dimensions of 263 cm (length) x 122 cm (width) x 122 cm (height). The vehicle load capacity is approximately 364 kg. The dimensions of the open load area are 96 cm x 115 cm. It has a maximum speed of 24,1 km/h. The vehicle has an open cabin and a bench seat for two persons (including the driver). It has a tilt cargo box with a flip down tailgate. (See photograph B) (*).	8704 31 91	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8704, 8704 31 and 8704 31 91. The vehicle is designed essentially for the transport of goods and not for hauling or pushing other vehicles, appliances or loads. Therefore, it does not fulfil the requirements of note 2 to Chapter 87. Furthermore the vehicle is not principally designed for the transport of persons (heading 8703) nor as a works truck for short distance transport of goods (heading 8709).
5. Four-wheeled motor vehicle, driven by a battery powered (48 volt) electric motor, having a gross weight of approximately 620 kg and approximate dimensions of 263 cm (length) x 122 cm (width) x 122 cm (height). The vehicle load capacity is approximately 364 kg. The dimensions of the open load area are 96 cm x 115 cm. It has a maximum speed of 24.1 km/h. The vehicle has an open cabin and a bench seat for 2 persons (including the driver). It has a tilt cargo box with a flip-down tailgate. (See photograph B) (*).	8704 90 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8704 and 8704 90 00. The vehicle is designed essentially for the transport of goods and not for hauling or pushing other vehicles, appliances or loads. Therefore, it does not fulfil the requirements of note 2 to Chapter 87. Furthermore the vehicle is not principally designed for the transport of persons (heading 8703) nor as a works truck for short distance transport of goods (heading 8709).
6. A set of reduced size kitchen utensils consisting of two spoons (17 cm long), one spatula (17 cm long) and two scoops (8 and 11 cm long respectively), made of wood and packaged in a plastic bag.	9503 70 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 9503 and 9503 70 00. The set is excluded from Chapter 44 by application of note 1(p) to this chapter.

(*) The photograph(s)/illustration(s) is/are purely for information.

(A)



(B)



**COMMISSION REGULATION (EC) No 1387/2003
of 1 August 2003**

amending Regulation (EC) No 2300/97 on detailed rules to implement Council Regulation (EC) No 1221/97 laying down general rules for the application of measures to improve the production and marketing of honey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1221/97 of 25 June 1997 laying down general rules for the application of measures to improve the production and marketing of honey ⁽¹⁾, as amended by Regulation (EC) No 2070/98 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2300/97 ⁽³⁾, as last amended by Regulation (EC) No 1216/2002 ⁽⁴⁾, lays down provisions for the implementation of the national annual programmes provided for in Regulation (EC) No 1221/97. The Community's financial contribution to these programmes is based on the total number of hives in each Member State as listed in the Annex to Regulation (EC) No 2300/97.
- (2) There have been changes to the number of hives in the Member States' communications to update the structural data on the situation in the sector as provided for in Article 1(a) of Regulation (EC) No 2300/97.
- (3) Regulation (EC) No 2300/97 should therefore be amended accordingly.

(4) Given that Article 2(2) of Regulation (EC) No 2300/97 fixes the 31 August as the final date for implementation of measures under annual programmes, this Regulation should apply from the 2003/04 marketing year.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 2300/97 is replaced by the Annex hereto.

Article 2

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

It shall apply for the first time to the annual programmes covering the 2003/2004 marketing year.

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

Done at Brussels, 1 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 1.7.1997, p. 1.

⁽²⁾ OJ L 265, 30.9.1998, p. 1.

⁽³⁾ OJ L 319, 21.11.1997, p. 4.

⁽⁴⁾ OJ L 177, 6.7.2002, p. 4.

ANNEX

'ANNEX I

Member State	Number of hives
BE	100 000
DK	155 000
DE	893 000
EL	1 380 000
ES	2 397 840
FR	1 150 000
IE	20 000
IT	1 100 000
LU	10 213
NL	80 000
AT	336 139
PT	632 500
FI	47 000
SE	145 000
UK	274 000
EUR 15	8 720 692'

COMMISSION REGULATION (EC) No 1388/2003
of 1 August 2003
prohibiting fishing for haddock by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Regulation (EC) No 1091/2003 ⁽⁴⁾, lays down quotas for haddock for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of haddock in the waters of ICES zone VII, VIII, IX, X, CECAF 34.1.1 (EC waters) by vessels flying

the flag of Belgium or registered in Belgium have exhausted the quota allocated for 2003. Belgium has prohibited fishing for this stock from 24 July 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of haddock in the waters of ICES zone VII, VIII, IX, X, CECAF 34.1.1 (EC waters) by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2003.

Fishing for haddock in the waters of ICES zone VII, VIII, IX, X, CECAF 34.1.1 (EC waters) by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 24 July 2003.

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

Done at Brussels, 1 August 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 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 157, 26.6.2003, p. 1.

COMMISSION REGULATION (EC) No 1389/2003
of 1 August 2003
prohibiting fishing for common sole by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required ⁽³⁾, as last amended by Regulation (EC) No 1091/2003 ⁽⁴⁾, lays down quotas for common sole for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of common sole in the waters of ICES zone VII h, j, k, by vessels flying the flag of Belgium or regis-

tered in Belgium have exhausted the quota allocated for 2003. Belgium has prohibited fishing for this stock from 24 July 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES zone VII h, j, k, by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2003.

Fishing for common sole in the waters of ICES zone VII h, j, k, by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 24 July 2003.

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

Done at Brussels, 1 August 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 356, 31.12.2002, p. 12.

⁽⁴⁾ OJ L 157, 26.6.2003, p. 1.

COMMISSION REGULATION (EC) No 1390/2003
of 1 August 2003
providing for the rejection of applications for export licences in the cereal sector in relation to
products of CN code 1003 00 90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1104/2003 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 498/2003 ⁽⁴⁾, and in particular Article 7(3) thereof,

Whereas:

The quantity covered by applications for advance fixing of refunds on barley is of great importance and could give rise to speculation. It has therefore been decided to reject all applications for export licences of such products made on 31 July 2003,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 7(3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN code 1003 00 90 made on 31 July 2003 shall be rejected.

Article 2

This Regulation shall enter into force on 2 August 2003.

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

Done at Brussels, 1 August 2003.

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 158, 27.6.2003, p. 1.

⁽³⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁴⁾ OJ L 74, 20.3.2003, p. 15.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 July 2003

amending for the 15th time Decision 2000/284/EC establishing the list of approved semen collection centres for imports of equine semen from third countries

(notified under document number C(2003) 2733)

(Text with EEA relevance)

(2003/574/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/65/EEC of 13 July 1992, laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC ⁽¹⁾, as last amended by Regulation (EC) No 998/2003 of the European Parliament and of the Council ⁽²⁾, and in particular Article 17(3)(b) thereof,

Whereas:

- (1) Commission Decision 2000/284/EC ⁽³⁾, as last amended by Decision 2003/540/EC ⁽⁴⁾, established the list of approved semen collection centres for imports of equine semen from third countries.
- (2) The competent authorities of Canada officially informed the Commission of amendments to certain approval details of one equine semen collection centre notified to the Commission in accordance with the provisions of Directive 92/65/EEC.
- (3) The competent authorities of the United States of America officially informed the Commission of the approval in accordance with the provisions of Directive 92/65/EEC of two additional equine semen collection centres.

(4) It is appropriate to amend the list of approved centres in the light of new information received from the third countries concerned, and to highlight the amendments in the Annex for clarity.

(5) Decision 2000/284/EC should be amended accordingly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2000/284/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 July 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 268, 14.9.1992, p. 54.

⁽²⁾ OJ L 146, 13.6.2003, p. 1.

⁽³⁾ OJ L 94, 14.4.2000, p. 35.

⁽⁴⁾ OJ L 185, 24.7.2003, p. 27.

ANNEX

‘ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO — LIITE — BILAGA

1. Versión — Udgave — Fassung vom — Έκδοση — Version — Version — Versione — Versie — Versão — Tilanne — Version
2. Código ISO — ISO-kode — ISO-Code — Κωδικός ISO — ISO-code — Code ISO — Codice ISO — ISO-code — Código ISO — ISO-koodi — ISO-kod
3. Tercer país — Tredjeland — Drittland — Τρίτη χώρα — Third country — Pays tiers — Paese terzo — Derde land — País terceiro — Kolmas maa — Tredje land
4. Nombre del centro autorizado — Den godkendte stations navn — Name der zugelassenen Besamungsstation — Όνομα του εγκεκριμένου κέντρου — Name of approved centre — Nom du centre agréé — Nome del centro riconosciuto — Naam van het erkende centrum — Nome aprovado — Hyväksytyn aseman nimi — Hingsstationens namn
5. Dirección del centro autorizado — Den godkendte stations adresse — Anschrift der zugelassenen Besamungsstation — Διεύθυνση του εγκεκριμένου κέντρου — Address of approved centre — Adresse du centre agréé — Indirizzo del centro riconosciuto — Adres van het erkende centrum — Endereço aprovado — Hyväksytyn aseman osoite — Hingsstationens adress
6. Autoridad competente en materia de autorización — Godkendelsesmyndighed — Zulassungsbehörde — Εγκρίνουσα αρχή — Approving authority — Autorité d'agrément — Autorità che rilascia il riconoscimento — Autoriteit die de erkenning heeft verleend — Autoridade de aprovação — Hyväksyntäviranomaisen — Godkännandemyndighet
7. Número de autorización — Godkendelsesnummer — Registriernummer — Αριθμός έγκρισης — Approval number — Numéro d'agrément — Numero di riconoscimento — Registratienummer — Número de aprovação — Hyväksyntänumero — Godkännandennummer
8. Fecha de la autorización — Godkendelsesdato — Zulassungsdatum — Ημερομηνία έγκρισης — Approval date — Date d'agrément — Data di approvazione — Datum van erkenning — Data da aprovação — Hyväksyntäpäivä — Datum för godkännandet

1: 4/2003

2	3	4	5	6	7	8
AE	UNITED ARAB EMIRATES ^(b)					
AR	ARGENTINA	Haras El Atalaya	91 Cuartel 17 Arrecifes Buenos Aires	SENASA	I-E14 (Integral-Equino 14)	27.3.1998
AU	AUSTRALIA	Alabar Bloodstock Corporation	Koyuga (Near Echuca) Victoria 3622			
AU		Beef Breeding Services Qld DPI	Grindle Rd, Wacol Qld 4076			
AU		Kinnordy Stud Mr H. Schmorl	MS 465, Cambooya Qld 4358			

1: 4/2003						
2	3	4	5	6	7	8
AU		Equine Artificial Breeding Services "Lumeah"	Miriam Bentley Hume Highway Mullengandra NSW 2644	AQIS	NSW-AB-H-01	21.2.2001
AU		Equine Artificial Breeding Services "Alabar Bloodstock"	Alan Galloway Koyuga (near Echuca) Victoria 3622	AQIS	VIC-AB-H-01	30.10.2002
BB	BARBADOS ^(b)					
BG	BULGARIA					
BH	BAHRAIN ^(b)					
BM	BERMUDA ^(b)					
BO	BOLIVIA ^(b)					
BR	BRAZIL					
BY	BELARUS					
CA	CANADA	Ferme Canaco	89 Rang St.-André St.-Bernard de Lacolle Co. St.-Jean, Quebec, J0J 1VO	CFIA	4-EQ-01	23.2.2000
CA		Amstrong Brothers	14709 Hurontario Street Inglewood Ontario, L0N 1K0	CFIA	5-EQ-01	12.2.1997
CA		Zorgwijk Stables Ltd	508 Mt. Pleasant Road, R.R.2 Brantford Ontario, N3T 5L5	CFIA	5-EQ-02	6.4.1999
CA		Tara Hills Stud	13700 Mast Road, R.R.4 Port Perry Ontario, L9L 1B5	CFIA	5-EQ-03	26.1.2000
CA		Taylorlane Farm	R.R.#2 Orton Ontario, L0N 1N0	CFIA	5-EQ-04	13.1.2000

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2	3	4	5	6	7	8
CA		Earl Lennox	R.R.2 Orton Ontario, L0N 1N0	CFIA	5-EQ-05	15.3.2000
CA		Rideau Field Farm	756 Heritage Drive, R.R.4 Merrickville Ontario, K0G 1N0	CFIA	5-EQ-06	4.5.1998
CA		Glengate Farms	PO Box 220, 8343 Walker's Line Campbellville Ontario, L0P 1B0	CFIA	5-EQ-07	31.1.1995
CA		Gencor The Genetic Corporation	R.R.#5 Guelph Ontario, N1H 6J2	CFIA	5-EQ-08	10.1.1997
CA		Jou Veterinary Service	2409 Alps Road, R.R.1. Ayr Ontario, N0B 1E0	CFIA	5-EQ-09	30.10.2000
CA		AE Breeding Farm Dr Mike Zajac	19619 McGowan Road Mount Albert Ontario, L0G 1M0	CFIA	5-EQ-10	2.3.2000
CA		Equine Reproduction Services	Box 19, Site 4, RR1 Airdrie Alberta, T4B 2A3	CFIA	8-EQ-01	27.3.2003
CA		Maedowview Ilene Poole	23052 TWP Rd. 521 Sherwood Park Alberta, T8B 1G6	CFIA	8-EQ-02	1.2.2002
CH	SWITZERLAND	Eidgenössisches Gestüt/Haras fédéral/Instituto Federale dell'allevamento equino Avenches	CH-1580 Avenches	Bundesamt für Veterinärwesen	CH-AI-4E	13.2.1997
CH		Besamungsstation Pferd Gestüt Hanaya	Expohof CH-8165 Schleinikon	Bundesamt für Veterinärwesen	CH-AI-8E	6.5.1999
CL	CHILE					
CU	CUBA ^(b)					
CY	CYPRUS					
CZ	CZECH REPUBLIC					

1: 4/2003						
2	3	4	5	6	7	8
DZ	ALGERIA					
EE	ESTONIA					
EG	EGYPT ^(b)					
FK	FALKLAND ISLANDS					
GL	GREENLAND					
HK	HONG KONG ^(b)					
HR	CROATIA					
HU	HUNGARY	Kabóka KFT	Tóth Árpád u. 2 8130 Enying	Ministry of Agriculture and Regional Development Animal Health and Food Control	HU 009L	2.4.2003
IL	ISRAEL					
IS	ICELAND	Gunnarsholt	Saedingastod Gunnarsholti 851 Hella	Iceland Veterinary Services	H001	20.12.1999
JO	JORDAN ^(b)					
JP	JAPAN ^(b)					
KG	KYRGYZSTAN ^(b)					
KR	REPUBLIC OF KOREA ^(b)					
KW	KUWAIT ^(b)					
LB	LEBANON ^(b)					
LI	LITHUANIA					
LV	LATVIA					
LY	LIBYA ^(b)					
MA	MOROCCO	Centre National d'Insémination Artificielle Équine de Bouzniaka (CNIAEB)	BP 52 Benslimane 13100	Ministry of Agriculture and Rural Development	0102	27.3.2003

1: 4/2003						
2	3	4	5	6	7	8
MK ^(a)	FORMER YUGOSLAV REPUBLIC OF MACEDONIA					
MO	MACAO ^(b)					
MT	MALTA					
MU	MAURITIUS					
MY	MALAYSIA (PENINSULA) ^(b)					
MX	MEXICO	CEPROSEM Club Hípico "La Silla"	Monterrey Nuevo León	SAGARPA	02-19-05-96-E	2.8.2001
NZ	NEW ZEALAND	Animal Breeding Services Ltd.	3680 State Highway 3 RD2, Hamilton	MAF	NZSEQ-001	27.3.2002
NZ		Phoenician Stallion Collection Centre	75 Penrith Road RD2, Napier	MAF	NZSEQ-002	2.5.2002
OM	OMAN ^(b)					
PE	PERU ^(b)					
PL	POLAND					
PM	ST. PIERRE AND MIQUELON					
PY	PARAGUAY					
QA	QATAR ^(b)					
RO	ROMANIA					
RU	RUSSIA					
SA	SAUDI ARABIA ^(b)					
SG	SINGAPORE ^(b)					
SI	SLOVENIA					

1: 4/2003						
2	3	4	5	6	7	8
SK	SLOVAK REPUBLIC					
SY	SYRIA ^(b)					
TH	THAILAND ^(b)					
TN	TUNISIA					
UA	UKRAINE					
US	USA	The Old Place	PO Box 90 Mt Holly, AR 71758	APHIS	00AR001-EQS	19.7.2000
US		Ansata Arabian Stud	234 Polk 130 Mena AR 71953	APHIS	03AR002-EQS	20.3.2003
US		OS CEDROS, USA	8700 East Black Mountain Road Scottsdale, AZ 85262	APHIS	02AZ001-EQS	7.1.2002
US		Steve Cruse — Show Horses	29251 N. Hayden Road Scottsdale, AZ 85262	APHIS	02AZ002-EQS	28.1.2002
US		Happy Valley Quarter Horses	12970 East Court Street Mayer, AZ 86333	APHIS	03AZ001-EQS	30.12.2002
US		Kellog Arabian Horse Center	3801 W. Temple Ave. Pomona, CA 71758	APHIS	97CA002-EQS	22.5.1997
US		Mariana Farm	Valley Center CA 92082	APHIS	98CA001-EQS	14.11.1997
US		Advanced Equine Reproduction	1145 Arroyo Mesa Rd. Solvang, CA 93463	APHIS	98CA002-EQS	12.8.1997
US		Pacific International Genetics	14300 Jackson Rd Sloughhouse, CA 95683	APHIS	98CA003-EQS	23.1.1998
US		Alamo Pintado Equine Clinic	2501 Santa Barbara Ave. Los Olivos, CA 93441	APHIS	98CA004-EQS	23.2.1998
US		Anaheim Hills Saddle Club	6352 E. Nohl Ranch Rd. Anaheim, CA 92807	APHIS	98CA005-EQS	23.3.1998
US		Valley Oak Ranch	10940 26 Mile Road Oakdale, CA 95361	APHIS	99CA006-EQS	2.4.1999

1: 4/2003						
2	3	4	5	6	7	8
US		Jeff Oswood Stallion Station	21860 Ave. 160 Porterville, CA 93257	APHIS	99CA007-EQS	8.4.1999
US		Magness Racing Ventures	4050 Casey Ave. Santa Ynez, CA 93460	APHIS	00CA008-EQS	10.12.1999
US		Crawford Stallion Services	34520 DePortola Temecula, CA 92592	APHIS	00CA010-EQS	20.1.2000
US		Exclusively Equine Reproduction	28753 Valley Center Rd Temecula, CA 92082	APHIS	00CA011-EQS	2.3.2000
US		Santa Lucia Farms	1924 W. Hwy 154 Santa Ynez, CA 93460	APHIS	01CA012-EQSE	16.2.2001
US		Specifically Equine Veterinary Service	910 W. Hwy 246 Buellton, CA 93427	APHIS	01CA013-EQS	20.5.1997
US		Bishop Lane Farms	5525 Volkerts Rd Sabastopol, CA 95472	APHIS	01CA014-EQS	19.3.2001
US		Hunter Stallion Station	10163 Badger Creek Lane Wilton, CA 95693	APHIS	02CA016-EQS	14.2.2002
US		OM EL ARAB International	1900 View Dr. Santa Ynez, CA 93460	APHIS	02CA022-EQS	22.3.2002
US		Pacific International Genetics	25725 68th Ave Los Mollinos, CA 96055	APHIS	03CA017-EQS	21.2.2003
US		Winner's Circle Equine Clinic, Inc.	39185 Diamond Valley Road Hemet, CA 92543	APHIS	03CA020-EQS	12.3.2003
US		Bradford Quarter Horses	24860 N. Tully Rd, Acampo, CA 95220	APHIS	03CA021-EQS	15.3.2003
US		Colorado State University Equine Reproduction Center	3194 Rampart Road Fort Collins, CO 80523	APHIS	02CO001-EQS	13.2.2002

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2	3	4	5	6	7	8
US		Candlewood Equine	2 Beaver Pond Lane Bridgewater, CT 06752	APHIS	00CT001-EQS	1.3.2000
US		Windbank Farm	1620 Choptank Road Middletown, DE 19075	APHIS	01DE001-EQS	7.6.2001
US		Peterson & Smith Reproduction Center	15107 S.E. 47th Ave. Summerfield, FL 34491	APHIS	00FL001-EQS	10.1.2000
US		Silver Maple Farm	6621 Daniels Road Naples, FL 34109	APHIS	00FL002-EQS	26.1.2000
US		University of Florida College of Veterinary Medicine	2015 SW 16th Avenue Gainesville, FL 32601	APHIS	01FL003-EQS	15.5.2001
US		Char-o-lot Ranch	34750 Hw. 70 Myakka City, FL 34251	APHIS	03FL004-EQS	15.1.2003
US		Double L Quarter Horse	1881 E. Berry Road Cedar Rapids, IA 52403	APHIS	96IA001-EQS	2.1.1996
US		Jim Dudley Quarter Horses	Rt. 1, Box 137 Latimer, IA 50452	APHIS	98IA002-EQS	26.5.1998
US		Grandview Farms	123 West 200 South Huntington, IN 46750	APHIS	99IN001-EQS	16.12.1999
US		Ed Mulick	4333 Straightline Pike Richmond, IN 47374	APHIS	00IN002-EQS	13.3.2000
US		Gumz Farms Quarter Horses	7491 S 100 W North Judson, IN 46366	APHIS	00IN003-EQS	3.7.2000
US		White River Equine Centre	707 Edith Ave. Noblesville, IN 46060	APHIS	01IN004-EQS	15.3.2001

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2	3	4	5	6	7	8
US		Meadowbrook Farms	3400 S. 143rd Street East Wichita, KS 67232	APHIS	01KS001-EQS	28.2.2001
US		Kentuckiana Farm	PO Box 11743 Lexington, KY 40577	APHIS	97KY001-EQS	16.10.1997
US		Castleton Farm	2469 Iron Works Pike PO Box 11889 Lexington, KY 40511	APHIS	98KY002-EQS	13.8.1998
US		Autumn Lane Farm	371 Etter Lane Georgetown, KY 40324	APHIS	01KY001-EQS	19.10.2001
US		Hamilton Farm	66 Woodland Mead PO Box 2639 South Hamilton, MA 01982	APHIS	98MA001-EQS	30.3.1998
US		Select Breeders Service, Inc.	1088 Nesbitt Road Colora, MD 21917	APHIS	98MD001-EQS	3.11.1997
US		Imperial Egyptian Stud	2642 Mt. Carmel Road, Parkton, MD 21120	APHIS	00MD002-EQS	18.7.2000
US		Harris Paints	27720 Possum Hill Road Federalsburg, MD 21632	APHIS	00MD003-EQS	25.9.2000
US		Midwest Station II	16917 70th St. NE Elk River, MN 55330	APHIS	00MN001-EQS	16.5.2000
US		Anoka Equine Veterinary Services	16445 NE 70th St. Elk River, MN 55330	APHIS	01MN001-EQS	17.12.2001
US		Cedar Ridge Arabians	20335 Sawmill Rd Jordan, MN 55352	APHIS	03MN001-EQS	25.9.2001
US		Schemel Stables Collection Facility	986 PCR, Co. Rd. 810 Perryville, MO 63775	APHIS	99MO001-EQS	15.12.1999
US		Equine Reproduction Facility	137 Speaks Road Advance, NC 27006	APHIS	97NC001-EQS	21.8.1997
US		Walnridge Farm, Inc.	Hornerstown-Arneytown Road Cream Ridge, NJ 08514	APHIS	96NJ003-EQS	14.8.1996

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2	3	4	5	6	7	8
US		Cedar Lane Farm	40 Lambertville Headquarters Rd Lambertville, NJ 08530	APHIS	96NJ004-EQS	4.9.1996
US		Peretti's Farm	Route 526, Box 410 Cream Ridge, NJ 08514	APHIS	97NJ005-EQS	17.3.1997
US		Kentuckiana Farm of NJ	18 Archertown Road New Egypt, NJ 08533	APHIS	99NJ006-EQS	30.7.1999
US		Southwind Farm	29 Burd Road, Pennington, NJ 08534	APHIS	00NJ007-EQS	13.7.2000
US		Blue Chip Farm	807 Hogagherburgh Road Wallkill, NY 12589	APHIS	96NY001-EQS	31.8.2000
US		Sunny Gables Farm	282 Rt. 416 Montgomery, NY 12549	APHIS	00NY002-EQS	24.7.2000
US		Strawberry Banks Farm	1181 Quaker Rd. E. Aurora, NY 14052	APHIS	03NY003-EQS	24.1.2003
US		Autumn Lane Farm	7901 Panhandle Road Newark, OH 43056	APHIS	99OH001-EQS	19.5.1999
US		Good Version	5224 Dearth Road Springboro, OH 45062	APHIS	01OH001-EQS	3.8.2001
US		DeGraff Stables	2734 N.E. Catawba Rd. Port Clinton, Ohio 43452	APHIS	03OH001-EQS	14.4.2003
US		Paws UP Quarter Horses	Route 1, Box 43-1 Purcell, OK 73080	APHIS	00OK002-EQS	11.4.2000
US		Bryant Ranch	11777 NW Oak Ridge Rd. Yamhill, OR 97148	APHIS	98OR001-EQS	19.2.1998
US		Honalee Equine Semen Collection Facility	14005 SW Tooze Road Sherwood, OR 97140	APHIS	99OR001-EQS	26.10.1999
US		Kosmos Horse Breeders	372 Littlestown Road Littlestown, PA 17340	APHIS	97PA001-EQS	19.3.1997
US		Hanover Shoe Farm	Route 194 South PO Box 339 Hanover, PA 17331	APHIS	97PA002-EQS	28.3.1997

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2	3	4	5	6	7	8
US		Nandi Veterinary Associates	3244 West Sieling Road New Freedom, PA 17349	APHIS	97PA003-EQS	22.9.1997
US		Cryo-Star International	223 Old Philadelphia Pike Douglassville, PA 19518	APHIS	01PA005-EQS	29.5.2001
US		Hempt Farms	250 Hempt Road Mechanicsburg, PA 17050	APHIS	01PA006-EQS	16.8.2001
US		Babcock Ranch Semen Collection Center	Rt. 2, Box 357 Gainsville, TX 76240	APHIS	97TX001-EQS	2.6.1997
US		Select Breeders	Rt. 3, Box 196 Aubrey, TX 76227	APHIS	97TX002-EQS	1.2.1997
US		Floyd Moore Ranch	Route 2, Box 293 Huntsville, TX 77340	APHIS	98TX003-EQS	12.5.1998
US		Bluebonnet Farm	746 FM 529 Bellville, TX 77418	APHIS	00TX007-EQS	25.1.2000
US		Alpha Equine Breeding Center	2301 Boyd Road Granbury, TX 76049	APHIS	00TX008-EQS	28.2.2000
US		Joe Landers Breeding Facility	4322 Tintop Road Weatherford, TX 76087	APHIS	00TX010-EQS	11.4.2000
US		Willow Tree Farm	10334 Strittmatter Pilot Point, TX 76258	APHIS	00TX011-EQS	28.4.2000
US		Green Valley Farm	3952 PR 2718 Aubrey, TX 76227	APHIS	00TX012-EQS	28.4.2000
US		6666 Ranch	PO Box 130 Guthrie, TX 79236	APHIS	00TX013 -EQS	17.10.2000
US		Michael Byatt Arabians	7716 Red Bird Road New Ulm, TX 78950	APHIS	00TX014-EQSE	9.11.2000
US		DLR Ranch	5301 FM 1885 Weatherford, TX 76088	APHIS	01TX015A-EQSE	7.2.2001

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2	3	4	5	6	7	8
US		RB Quarter Horse	1346 Prarie Grove Rd Valley View, TX 76272	APHIS	01TX017-EQS	22.10.2001
US		LKA, Inc.	360 Leea Lane Weatherford, TX 76087	APHIS	01TX018-EQS	6.11.2001
US		Bullard Farms	250 Shady Oak Dr. Weatherford, TX 76087	APHIS	02TX018-EQS	18.1.2002
US		Watkins Equine Breeding Center	453 McCarthy Weatherford, TX 76088	APHIS	02TX019-EQS	8.2.2002
US		Arabians LTD, Inc.	8459 Rock Creek Rd. Waco, TX 76708	APHIS	02TX020-EQS	26.2.2002
US		Tommy Manion, Inc.	PO Box 94 Aubrey, TX 76207	APHIS	02TX021-EQS	21.3.2002
US		Kedon Farms	2357 Advance Weatherford, TX 76088	APHIS	02TX022-EQS	18.4.2002
US		Crosby Farms	8459 FM 455E Pilot Point, TX 76258	APHIS	02TX023-EQS	27.6.2002
US		Gresham Veterinary Hospital	11187 CR 168 Tyler, TX 75703	APHIS	03TX001-EQS	29.1.2003
US		Roanoke AI Labs, Inc.	8535 Martin Creek Road Roanoke, VA 20401	APHIS	96VA001-EQS	14.11.1996
US		Commonwealth Equine Reproduction Center	16078 Rockets Mill Road Doswell, VA 23047	APHIS	00VA002-EQS	9.8.2000
US		Equine Reproduction Concepts	111 Hackleys Mill Road Amissville, VA 20106	APHIS	02VA003-EQS	12.11.2002
US		Hass Quarter Horses	W9821 Hwy 29 Shawano, WI 54166	APHIS	97WI001-EQS	29.5.1997
US		Battle Hill Farm	HC 40, Box 9 Lewisburg, WV 24901	APHIS	01WV001	13.11.2001
US		Snowy Range Ranch	251 Mandel Lane Laramie, WY 82070	APHIS	01WY001-EQS	1.2.2001

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2	3	4	5	6	7	8
UY	URUGUAY					
ZA	SOUTH AFRICA ^(b)					

^(a) Código provisional que no afecta a la denominación definitiva del país que será asignada cuando concluyan las negociaciones actualmente en curso en las Naciones Unidas — Foreløbig kode, som ikke foregriber den endelige betegnelse af landet, der skal tildeles, når de igangværende forhandlinger i FN er afsluttet — Provisorischer Code, der in nichts der endgültigen Bezeichnung des Landes vorgreift, die bei Schlussfolgerung der momentan laufenden Verhandlungen in diesem Zusammenhang im Rahmen der Vereinten Nationen genehmigt wird — Προσωρινός κωδικός που δεν επηρεάζει τον οριστικό τίτλο της χώρας που θα δοθεί μετά την περάτωση των διαπραγματεύσεων που πραγματοποιούνται επί του παρόντος στα Ηνωμένα Έθνη — Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations — Code provisoire ne préjugeant pas de la dénomination définitive du pays qui sera arrêtée à l'issue des négociations en cours dans le cadre des Nations unies — Codice provvisorio senza effetti sulla denominazione definitiva del paese che sarà attribuita dopo la conclusione dei negoziati in corso presso le Nazioni Unite — Voorlopige code die geen gevolgen heeft voor de definitieve benaming die aan het land wordt gegeven op grond van de onderhandelingen die momenteel in het kader van de Verenigde Naties worden gevoerd — Código provisório que não afecta a denominação definitiva do país a ser atribuída após a conclusão das negociações actualmente em curso nas Nações Unidas — Väliaikainen koodi, joka ei vaikuta maan lopulliseen nimeen, joka annetaan tällä hetkellä Yhdistyneissä Kansakunnissa meneillään olevien neuvottelujen päätteeksi — Provisorisk kod som inte påverkar det slutgiltiga landsnamnet som skall anges när de pågående förhandlingarna i Förenta Nationerna slutförts

^(b) Sólo espermia procedente de caballos registrados — Kun sæd fra registrerede heste — Nur Samen von registrierten Pferden — Μόνο σπέρμα που συλλέχθηκε από καταγεγραμμένους ίππους — Only semen collected from registered horses — Sperme provenant de chevaux enregistrés uniquement — Solamente sperma raccolto da cavalli registrati — Enkel sperma verzameld van geregistreerde paarden — Apenas sêmen colhido de cavalos registrados — Ainoastaan rekisteröidyistä hevosista kerätty siemenneste — Bara sperma insamlad från registrerade hästar

COMMISSION DECISION

of 1 August 2003

amending Decision 2001/618/EC to include certain departments of France and a Province in Italy in the lists of Member States and regions free of Aujeszky's disease and regions where approved Aujeszky's disease eradication programmes are in place

*(notified under document number C(2003) 2786)***(Text with EEA relevance)**

(2003/575/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 animal 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 Article 9(2) and Article 10(2) thereof,

Whereas:

- (1) The additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease, and the lists of territories in the Member States which are free from this disease and where approved disease control programmes are in place, are laid down in Commission Decision 2001/618/EC ⁽³⁾, as last amended by Decision 2003/130/EC ⁽⁴⁾.
- (2) A programme for the eradication of Aujeszky's disease has been implemented in France for several years. Several French departments are recognised as disease-free by Decision 2001/618/EC.
- (3) Pursuant to Article 10 of Directive 64/432/EEC, France has now submitted supporting documentation to the Commission as regards the Aujeszky's disease free status of the departments of Alpes-de-Haute-Provence, Alpes-Maritimes, Ardèche, Haute-Savoie, Isère, Manche, Mayenne, Seine-et-Marne and Yvelines.
- (4) The eradication programme is regarded to have been successful in eradicating this disease from those French departments.
- (5) Pursuant to Article 9 of Directive 64/432/EC, France has also submitted documentation as regards the eradication programme in place in the department of Ain, Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan and Nord and requested the approval of this programme.

(6) Pursuant to Article 9 of Directive 64/432/EC, Italy has submitted documentation as regards the eradication programme in place in the Province of Bolzano and requested the approval of this programme.

(7) Decision 2002/618/EC should therefore be amended accordingly.

(8) 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

Annexes I and II to Decision 2001/618/EC are replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 1 August 2003.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 1 August 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 179, 9.7.2002, p. 13.

⁽³⁾ OJ L 215, 9.8.2001, p. 48.

⁽⁴⁾ OJ L 52, 27.2.2003, p. 9.

ANNEX

'ANNEX I

Member States or regions thereof free of Aujeszky's disease and where vaccination is prohibited

Denmark:	All regions.
Germany:	All regions.
France:	The Departments of Aisne, Allier, Alpes-de-Haute-Provence, Alpes-Maritimes, Ardèche, Ardennes, Ariège, Aube, Aude, Aveyron, Bas-Rhin, Bouches-du-Rhône, Calvados, Cantal, Charente, Charente-Maritime, Cher, Corrèze, Côte-d'Or, Creuse, Deux-Sèvres, Dordogne, Doubs, Drôme, Essonne, Eure, Eure-et-Loir, Gard, Gers, Gironde, Hautes-Alpes, Hauts-de-Seine, Haute Garonne, Haute-Loire, Haute-Marne, Hautes-Pyrénées, Haut-Rhin, Haute-Saône, Haute-Savoie, Haute-Vienne, Hérault, Indre, Indre-et-Loire, Isère, Jura, Landes, Loire, Loire-Atlantique, Loir-et-Cher, Loiret, Lot, Lot-et-Garonne, Lozère, Maine-et-Loire, Manche, Marne, Mayenne, Meurthe-et-Moselle, Meuse, Moselle, Nièvre, Oise, Orne, Paris, Pyrénées-Atlantiques, Pyrénées-Orientales, Puy-de-Dôme, Réunion, Rhône, Sarthe, Saône-et-Loire, Savoie, Seine-et-Marne, Seine-Maritime, Seine-Saint-Denis, Somme, Tarn, Tarn-et-Garonne, Territoire de Belfort, Val-de-Marne, Val-d'Oise, Var, Vaucluse, Vendée, Vienne, Vosges, Yonne, Yvelines.
Luxembourg:	Whole territory.
Austria:	All regions.
Finland:	All regions.
Sweden:	All regions.
United Kingdom:	All regions in England, Scotland and Wales.

ANNEX II

Member States or regions thereof where approved Aujeszky's disease control programmes are in place

Belgium:	Whole territory.
France:	The departments of Ain, Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan, Nord, Pas-de-Calais.
Italy	The Province of Bolzano.
The Netherlands:	Whole territory.'

COMMISSION DECISION
of 1 August 2003
amending Decision 93/402/EEC as regards imports of fresh meat from Argentina

(notified under document number C(2003) 2787)

(Text with EEA relevance)

(2003/576/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972, on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Regulation (EC) No 807/2003 ⁽²⁾, and in particular Articles 14(3) thereof.

Having regard Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾ and in particular Article 8(4).

Whereas:

- (1) Commission Decision 93/402/EEC of 10 June 1993 concerning animal health conditions and veterinary certification for imports of fresh meat from South American countries ⁽⁴⁾, as last amended by Decision 2003/137/EC ⁽⁵⁾, applies to Argentina, Brazil, Chile, Colombia, Paraguay and Uruguay.
- (2) The Commission has been informed by the Paraguayan veterinary authorities of an outbreak of foot and mouth disease close to the border with Argentina. Paraguay is not currently authorised to export fresh meat into the European Community.
- (3) The surveillance area of the outbreak affects part of the territory of Argentina.
- (4) The Argentinean veterinary authorities immediately put in place measures to avoid the spread of the disease into the Argentinean territory, in particular providing for vaccination of and movement controls on the animals in the provinces along the border area. The Argentinean authorities immediately informed the Commission Services about these measures.
- (5) In view of the potential risk of disease in this border area, and taking account of the immediate action taken by the competent veterinary authorities of Argentina, it

is sufficient to suspend the importation of de-boned and matured bovine meat coming only from the departments of Ramon Lista and Rivadavia and for a limited period of time.

- (6) Decision 93/402/EEC should therefore be amended accordingly.
- (7) 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

Annex I to Decision 93/402/EEC is replaced by the text in the Annex to this Decision.

Article 2

The Member States shall amend the measures they apply to imports so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 3

This Decision shall apply until 15 September 2003.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 1 August 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 122, 16.5.2003, p. 36.

⁽³⁾ OJ L 18, 23.1.2002, p. 11.

⁽⁴⁾ OJ L 179, 22.7.1993, p. 11.

⁽⁵⁾ OJ L 53, 28.2.2003, p. 54.

ANNEX

‘ANNEX I

Description of territories of South America established for animal health certification purposes

Country	Territory		Description of territory
	Code	Version	
Argentina	AR	1/2001	Whole country
	AR-1	4/2002	The Provinces of Buenos Aires, Catamarca, Chaco, Córdoba, Corrientes, Entre Ríos, Formosa (except the territory of Ramón Lista) ⁽¹⁾ , Jujuy, La Pampa, La Rioja, Mendoza, Misiones, Neuquén, Río Negro, Salta (except the territory of Rivadavia) ⁽¹⁾ , San Juan, San Luis, Santa Fe, Santiago del Estero, and Tucumán.
	AR-3	1/2002	Chubut, Santa Cruz and Tierra del Fuego
Brazil	BR	1/1993	Whole country
	BR-1	2/2001	The States of: Rio Grande do Sul; Parana, Minas Gerais (except regional delegations of Oliveira, Passos, São Gonçalo de Sapucaí, Setelagoas and Bambuí), São Paulo, Espírito Santo, Mato Grosso do Sul (except for the municipalities of Sete Quedas, Sonora, Aquidauana, Bodoquena, Bonito, Caracol, Coxim, Jardim, Ladario, Miranda, Pedro Gomes, Porto Murtinho, Rio Negro, Rio Verde of Mato Grosso and Corumbá), Santa Catarina Goias and the regional units of Cuiaba (except for the municipalities of San Antonio de Leverger, Nossa Senhora do Livramento, Pocone and Barão de Melgaço), Caceres (except for the municipality of Caceres) Lucas do Rio Verde, Rondonopolis (except for the municipality of Itiquira), Barra do Garças and Barra do Bugres in Mato Grosso
	BR-2	1/2002	Mato Grosso do Sul municipality of Sete Quedas
Chile	CL	1/1993	Whole country
Colombia	CO	1/1993	Whole country
	CO-1	1/1993	The zone included within the following borderlines: from the point where the Murri River flows into the Atrato River, downstream along the Atrato River to where it flows into the Atlantic Ocean, from this point to the Panamanian border following the Atlantic coastline to Cabo Tiburon; from this point to the Pacific Ocean following the Columbian-Panamanian border: from this point to the mouth of the Valle River along the Pacific Coast and from this point along a straight line to the point where the Murri River flows into the Atrato River.
	CO-2	1/1993	The municipalities of Arboletas, Necocli, San Pedro de Uraba, Turbo, Apartado, Chigorodo, Mutata, Dabeiba, Uramita, Murindo, Riosucio (right bank of the Atrato river) and Frontino.
	CO-3	1/1993	The zone included within the following borderlines: from the mouth of the Sinu River on the Atlantic Ocean, upstream along the Sinu River to its headwaters of Alto Paramillo, from this point to Puerto Rey on the Atlantic Ocean, following the borderline between the Department of Antiquia and Cordoba, and from this point to the mouth of the Sinu River along the Atlantic Coast.
Paraguay	PY	1/1993	Whole country
	PY-1	1/2002	Chaco central and San Pedro areas
Uruguay	UY	1/2001	Whole country

⁽¹⁾ This exception applies only until 15 September 2003.’

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

COUNCIL FRAMEWORK DECISION 2003/577/JHA
of 22 July 2003
on the execution in the European Union of orders freezing property or evidence

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the initiative by the Republic of France, the Kingdom of Sweden and the Kingdom of Belgium ⁽¹⁾,

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

Whereas:

- (1) The European Council, meeting in Tampere on 15 and 16 October 1999, endorsed the principle of mutual recognition, which should become the cornerstone of judicial cooperation in both civil and criminal matters within the Union.
- (2) The principle of mutual recognition should also apply to pre-trial orders, in particular to those which would enable competent judicial authorities quickly to secure evidence and to seize property which are easily movable.
- (3) On 29 November 2000 the Council, in accordance with the Tampere conclusions, adopted a programme of measures to implement the principle of mutual recognition in criminal matters, giving first priority (measures 6 and 7) to the adoption of an instrument applying the principle of mutual recognition to the freezing of evidence and property.
- (4) Cooperation between Member States, based on the principle of mutual recognition and immediate execution of judicial decisions, presupposes confidence that the decisions to be recognised and enforced will always be taken in compliance with the principles of legality, subsidiarity and proportionality.
- (5) Rights granted to the parties or bona fide interested third parties should be preserved.
- (6) This Framework Decision respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty and reflected by the Charter of Fundamental Rights of the European Union, notably Chapter VI thereof. Nothing in this Framework Decision may be

interpreted as prohibiting refusal to freeze property for which a freezing order has been issued when there are reasons to believe, on the basis of objective elements, that the freezing order is issued for the purpose of prosecuting or punishing a person on account of his or her sex, race, religion, ethnic origin, nationality, language, political opinions or sexual orientation, or that that person's position may be prejudiced for any of these reasons.

This Framework Decision does not prevent any Member State from applying its constitutional rules relating to due process, freedom of association, freedom of the press and freedom of expression in other media,

HAS ADOPTED THIS FRAMEWORK DECISION:

TITLE I

SCOPE

Article 1

Objective

The purpose of the Framework Decision is to establish the rules under which a Member State shall recognise and execute in its territory a freezing order issued by a judicial authority of another Member State in the framework of criminal proceedings. It shall not have the effect of amending the obligation to respect the fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty.

Article 2

Definitions

For the purposes of this Framework Decision:

- (a) 'issuing State' shall mean the Member State in which a judicial authority, as defined in the national law of the issuing State, has made, validated or in any way confirmed a freezing order in the framework of criminal proceedings;

⁽¹⁾ OJ C 75, 7.3.2001, p. 3.

⁽²⁾ Opinion delivered on 11 June 2002 (not yet published in the Official Journal).

- (b) 'executing State' shall mean the Member State in whose territory the property or evidence is located;
- (c) 'freezing order' property that could be subject to confiscation or evidence;
- (d) 'property' includes property of any description, whether corporeal or incorporeal, movable or immovable, and legal documents and instruments evidencing title to or interest in such property, which the competent judicial authority in the issuing State considers:
 - is the proceeds of an offence referred to in Article 3, or equivalent to either the full value or part of the value of such proceeds, or
 - constitutes the instrumentalities or the objects of such an offence;
- (e) 'evidence' shall mean objects, documents or data which could be produced as evidence in criminal proceedings concerning an offence referred to in Article 3.
 - computer-related crime,
 - environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,
 - facilitation of unauthorised entry and residence,
 - murder, grievous bodily injury,
 - illicit trade in human organs and tissue,
 - kidnapping, illegal restraint and hostage-taking,
 - racism and xenophobia,
 - organised or armed robbery,
 - illicit trafficking in cultural goods, including antiques and works of art,
 - swindling,
 - racketeering and extortion,
 - counterfeiting and piracy of products,
 - forgery of administrative documents and trafficking therein,
 - forgery of means of payment,
 - illicit trafficking in hormonal substances and other growth promoters,
 - illicit trafficking in nuclear or radioactive materials,
 - trafficking in stolen vehicles,
 - rape,
 - arson,
 - crimes within the jurisdiction of the International Criminal Tribunal,
 - unlawful seizure of aircraft/ships,
 - sabotage.

Article 3

Offences

1. This Framework Decision applies to freezing orders issued for purposes of:

- (a) securing evidence, or
- (b) subsequent confiscation of property.

2. The following offences, as they are defined by the law of the issuing State, and if they are punishable in the issuing State by a custodial sentence of a maximum period of at least three years shall not be subject to verification of the double criminality of the act:

- participation in a criminal organisation,
- terrorism,
- trafficking in human beings,
- sexual exploitation of children and child pornography,
- illicit trafficking in narcotic drugs and psychotropic substances,
- illicit trafficking in weapons, munitions and explosives,
- corruption,
- fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the Protection of the European Communities' Financial Interests,
- laundering of the proceeds of crime,
- counterfeiting currency, including of the euro,

3. The Council may decide, at any time, acting unanimously after consultation of the European Parliament under the conditions laid down in Article 39(1) of the Treaty, to add other categories of offence to the list contained in paragraph 2. The Council shall examine, in the light of the report submitted by the Commission pursuant to Article 14 of this Framework Decision, whether the list should be extended or amended.

4. For cases not covered by paragraph 2, the executing State may subject the recognition and enforcement of a freezing order made for purposes referred to in paragraph 1(a) to the condition that the acts for which the order was issued constitute an offence under the laws of that State, whatever the constituent elements or however described under the law of the issuing State.

For cases not covered by paragraph 2, the executing State may subject the recognition and enforcement of a freezing order made for purposes referred to in paragraph 1(b) to the condition that the acts for which the order was issued constitute an offence which, under the laws of that State, allows for such freezing, whatever the constituent elements or however described under the law of the issuing State.

TITLE II

PROCEDURE FOR EXECUTING FREEZING ORDERS

Article 4

Transmission of freezing orders

1. A freezing order within the meaning of this Framework Decision, together with the certificate provided for in Article 9, shall be transmitted by the judicial authority which issued it directly to the competent judicial authority for execution by any means capable of producing a written record under conditions allowing the executing State to establish authenticity.

2. The United Kingdom and Ireland, respectively, may, before the date referred to in Article 14(1), state in a declaration that the freezing order together with the certificate must be sent via a central authority or authorities specified by it in the declaration. Any such declaration may be modified by a further declaration or withdrawn any time. Any declaration or withdrawal shall be deposited with the General Secretariat of the Council and notified to the Commission. These Member States may at any time by a further declaration limit the scope of such a declaration for the purpose of giving greater effect to paragraph 1. They shall do so when the provisions on mutual assistance of the Convention implementing the Schengen Agreement are put into effect for them.

3. If the competent judicial authority for execution is unknown, the judicial authority in the issuing State shall make all necessary inquiries, including via the contact points of the European Judicial Network⁽¹⁾, in order to obtain the information from the executing State.

4. When the judicial authority in the executing State which receives a freezing order has no jurisdiction to recognise it and take the necessary measures for its execution, it shall, *ex officio*, transmit the freezing order to the competent judicial authority for execution and shall so inform the judicial authority in the issuing State which issued it.

⁽¹⁾ Council Joint Action 98/428/JHA of 29 June 1998 on the Creation of the European Judicial Network (OJ L 191, 7.7.1998, p. 4).

Article 5

Recognition and immediate execution

1. The competent judicial authorities of the executing State shall recognise a freezing order, transmitted in accordance with Article 4, without any further formality being required and shall forthwith take the necessary measures for its immediate execution in the same way as for a freezing order made by an authority of the executing State, unless that authority decides to invoke one of the grounds for non-recognition or non-execution provided for in Article 7 or one of the grounds for postponement provided for in Article 8.

Whenever it is necessary to ensure that the evidence taken is valid and provided that such formalities and procedures are not contrary to the fundamental principles of law in the executing State, the judicial authority of the executing State shall also observe the formalities and procedures expressly indicated by the competent judicial authority of the issuing State in the execution of the freezing order.

A report on the execution of the freezing order shall be made forthwith to the competent authority in the issuing State by any means capable of producing a written record.

2. Any additional coercive measures rendered necessary by the freezing order shall be taken in accordance with the applicable procedural rules of the executing State.

3. The competent judicial authorities of the executing State shall decide and communicate the decision on a freezing order as soon as possible and, whenever practicable, within 24 hours of receipt of the freezing order.

Article 6

Duration of the freezing

1. The property shall remain frozen in the executing State until that State has responded definitively to any request made under Article 10(1)(a) or (b).

2. However, after consulting the issuing State, the executing State may in accordance with its national law and practices lay down appropriate conditions in the light of the circumstances of the case in order to limit the period for which the property will be frozen. If, in accordance with those conditions, it envisages lifting the measure, it shall inform the issuing State, which shall be given the opportunity to submit its comments.

3. The judicial authorities of the issuing State shall forthwith notify the judicial authorities of the executing State that the freezing order has been lifted. In these circumstances it shall be the responsibility of the executing State to lift the measure as soon as possible.

Article 7

Grounds for non-recognition or non-execution

1. The competent judicial authorities of the executing State may refuse to recognise or execute the freezing order only if:

- (a) the certificate provided for in Article 9 is not produced, is incomplete or manifestly does not correspond to the freezing order;
- (b) there is an immunity or privilege under the law of the executing State which makes it impossible to execute the freezing order;
- (c) it is instantly clear from the information provided in the certificate that rendering judicial assistance pursuant to Article 10 for the offence in respect of which the freezing order has been made, would infringe the *ne bis in idem* principle;
- (d) if, in one of the cases referred to in Article 3(4), the act on which the freezing order is based does not constitute an offence under the law of the executing State; however, in relation to taxes or duties, customs and exchange, execution of the freezing order may not be refused on the ground that the law of the executing State does not impose the same kind of tax or duty or does not contain a tax, duty, customs and exchange regulation of the same kind as the law of the issuing State.

2. In case of paragraph 1(a), the competent judicial authority may:

- (a) specify a deadline for its presentation, completion or correction; or
- (b) accept an equivalent document; or
- (c) exempt the issuing judicial authority from the requirement if it considers that the information provided is sufficient.

3. Any decision to refuse recognition or execution shall be taken and notified forthwith to the competent judicial authorities of the issuing State by any means capable of producing a written record.

4. In case it is in practice impossible to execute the freezing order for the reason that the property or evidence have disappeared, have been destroyed, cannot be found in the location indicated in the certificate or the location of the property or

evidence has not been indicated in a sufficiently precise manner, even after consultation with the issuing State, the competent judicial authorities of the issuing State shall likewise be notified forthwith.

Article 8

Grounds for postponement of execution

1. The competent judicial authority of the executing State may postpone the execution of a freezing order transmitted in accordance with Article 4:

- (a) where its execution might damage an ongoing criminal investigation, until such time as it deems reasonable;
- (b) where the property or evidence concerned have already been subjected to a freezing order in criminal proceedings, and until that freezing order is lifted;
- (c) where, in the case of an order freezing property in criminal proceedings with a view to its subsequent confiscation, that property is already subject to an order made in the course of other proceedings in the executing State and until that order is lifted. However, this point shall only apply where such an order would have priority over subsequent national freezing orders in criminal proceedings under national law.

2. A report on the postponement of the execution of the freezing order, including the grounds for the postponement and, if possible, the expected duration of the postponement, shall be made forthwith to the competent authority in the issuing State by any means capable of producing a written record.

3. As soon as the ground for postponement has ceased to exist, the competent judicial authority of the executing State shall forthwith take the necessary measures for the execution of the freezing order and inform the competent authority in the issuing State thereof by any means capable of producing a written record.

4. The competent judicial authority of the executing State shall inform the competent authority of the issuing State about any other restraint measure to which the property concerned may be subjected.

Article 9

Certificate

1. The certificate, the standard form for which is given in the Annex, shall be signed, and its contents certified as accurate, by the competent judicial authority in the issuing State that ordered the measure.

2. The certificate must be translated into the official language or one of the official languages of the executing State.

3. Any Member State may, either when this Framework Decision is adopted or at a later date, state in a declaration deposited with the General Secretariat of the Council that it will accept a translation in one or more other official languages of the institutions of the European Communities.

Article 10

Subsequent treatment of the frozen property

1. The transmission referred to in Article 4:

(a) shall be accompanied by a request for the evidence to be transferred to the issuing State;

or

(b) shall be accompanied by a request for confiscation requiring either enforcement of a confiscation order that has been issued in the issuing State or confiscation in the executing State and subsequent enforcement of any such order;

or

(c) shall contain an instruction in the certificate that the property shall remain in the executing State pending a request referred to in (a) or (b). The issuing State shall indicate in the certificate the (estimated) date for submission of this request. Article 6(2) shall apply.

2. Requests referred to in paragraph 1(a) and (b) shall be submitted by the issuing State and processed by the executing State in accordance with the rules applicable to mutual assistance in criminal matters and the rules applicable to international cooperation relating to confiscation.

3. However, by way of derogation from the rules on mutual assistance referred to in paragraph 2, the executing State may not refuse requests referred to under paragraph 1(a) on grounds of absence of double criminality, where the requests concern the offences referred to in Article 3(2) and those offences are punishable in the issuing State by a prison sentence of at least three years.

Article 11

Legal remedies

1. Member States shall put in place the necessary arrangements to ensure that any interested party, including bona fide third parties, have legal remedies without suspensive effect against a freezing order executed pursuant to Article 5, in order to preserve their legitimate interests; the action shall be brought before a court in the issuing State or in the executing State in accordance with the national law of each.

2. The substantive reasons for issuing the freezing order can be challenged only in an action brought before a court in the issuing State.

3. If the action is brought in the executing State, the judicial authority of the issuing State shall be informed thereof and of the grounds of the action, so that it can submit the arguments that it deems necessary. It shall be informed of the outcome of the action.

4. The issuing and executing States shall take the necessary measures to facilitate the exercise of the right to bring an action mentioned in paragraph 1, in particular by providing adequate information to interested parties.

5. The issuing State shall ensure that any time limits for bringing an action mentioned in paragraph 1 are applied in a way that guarantees the possibility of an effective legal remedy for the interested parties.

Article 12

Reimbursement

1. Without prejudice to Article 11(2), where the executing State under its law is responsible for injury caused to one of the parties mentioned in Article 11 by the execution of a freezing order transmitted to it pursuant to Article 4, the issuing State shall reimburse to the executing State any sums paid in damages by virtue of that responsibility to the said party except if, and to the extent that, the injury or any part of it is exclusively due to the conduct of the executing State.

2. Paragraph 1 is without prejudice to the national law of the Member States on claims by natural or legal persons for compensation of damage.

TITLE III

FINAL PROVISIONS

Article 13

Territorial application

This Framework Decision shall apply to Gibraltar.

Article 14

Implementation

1. Member States shall take the necessary measures to comply with the provisions of this Framework Decision before 2 August 2005.

2. By the same date Member States shall transmit to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision. On the basis of a report established using this information and a written report by the Commission, the Council shall, before 2 August 2006, assess the extent to which Member States have complied with the provisions of this Framework Decision.

3. The General Secretariat of the Council shall notify Member States and the Commission of the declarations made pursuant to Article 9(3).

Article 15

Entry into force

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

Done at Brussels, 22 July 2003.

For the Council

The President

G. ALEMANNO

ANNEX

CERTIFICATE PROVIDED FOR IN ARTICLE 9

(a) The judicial authority which issued the freezing order:

Official name:

.....

Name of its representative:

Post held (title/grade):

File reference:

Address:

.....

Tel: (country code) (area/city code) (...)

Fax: (country code) (area/city code) (...)

E-mail:

Languages in which it is possible to communicate with the issuing judicial authority

.....

Contact details (including languages in which it is possible to communicate with the person(s)) of the person(s) to contact if additional information on the execution of the order is necessary or to make necessary practical arrangements for the transfer of evidence (if applicable):

.....

.....

(b) The authority competent for the enforcement of the freezing order in the issuing State

Official name:

.....

Name of its representative:

Post held (title/grade):

File reference:

Address:

.....

Tel: (country code) (area/city code) (...)

Fax: (country code) (area/city code) (...)

E-mail:

Languages in which it is possible to communicate with the authority competent for the enforcement

.....

Contact details (including languages in which it is possible to communicate with the person(s)) of the person(s) to contact if additional information on the execution of the order is necessary or to make necessary practical arrangements for the transfer of evidence (if applicable):

.....

.....

(c) In the case where points (a) and (b) have been filled, this point must be filled in order to indicate which/or both of these two authorities must be contacted:

- ☐ Authority mentioned under point (a)
☐ Authority mentioned under point (b)

(d) Where a central authority has been made responsible for the transmission and administrative reception of freezing orders (only applicable for Ireland and the United Kingdom):

Name of the central authority:

.....

Contact person, if applicable (title/grade and name):

.....

Address:

.....

File reference

Tel: (country code) (area/city code)

Fax: (country code) (area/city code)

E-mail:

(e) The freezing order:

1. Date and if applicable reference number
2. State the purpose of the order
 - 2.1. Subsequent confiscation
 - 2.2. Securing evidence
3. Description of formalities and procedures to be observed when executing a freezing order concerning evidence (if applicable)

(f) Information regarding the property or evidence in the executing State covered by the freezing order:

Description of the property or evidence and location:

1. (a) Precise description of the property and, where applicable, the maximum amount for which recovery is sought (if such maximum amount is indicated in the order concerning the value of proceeds)
(b) Precise description of the evidence
2. Exact location of the property or evidence (if not known, the last known location)
3. Party having custody of the property or evidence or known beneficial owner of the property or evidence, if different from the person suspected of the offence or convicted (if applicable under the national law of the issuing State)

.....

.....

(g) Information regarding the identity of the (1) natural or (2) legal person(s), suspected of the offence or convicted (if applicable under the national law of the issuing State) or/and the person(s) to whom the freezing order relates (if available):

1. Natural persons

Name:

Forename(s):

Maiden name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Date of birth:

Place of birth:

Residence and/or known address; if not known state the last known address:

.....

Language(s) which the person understands (if known):

.....

2. Legal persons

Name:

Form of legal person:

Registration number:

Registered seat:

.....

(h) Action to be taken by the executing State after executing the freezing order

Confiscation

1.1. The property is to be kept in the executing State for the purpose of subsequent confiscation of the property

1.1.1. Find enclosed request regarding enforcement of a confiscation order issued in the issuing State on (date)

1.1.2. Find enclosed request regarding confiscation in the executing State and subsequent enforcement of that order

1.1.3. Estimated date for submission of a request referred to in 1.1.1 or 1.1.2.

or

Securing of evidence

2.1. The property is to be transferred to the issuing State to serve as evidence

2.1.1. Find enclosed a request for the transfer

or

2.2. The property is to be kept in the executing State for the purpose of subsequent use as evidence in the issuing State

2.2.2. Estimated date for submission of a request referred to in 2.1.1.

(i) Offences:

Description of the relevant grounds for the freezing order and a summary of facts as known to the judicial authority issuing the freezing order and certificate:

.....
.....
.....

Nature and legal classification of the offence(s) and the applicable statutory provision/code on basis of which the freezing order was made:

.....
.....
.....

1. If applicable, tick one or more of the following offences to which the offence(s) identified above relate(s), if the offence(s) are punishable in the issuing State by a custodial sentence of a maximum of at least three years:

- ☐ participation in a criminal organisation;
- ☐ terrorism;
- ☐ trafficking in human beings;
- ☐ sexual exploitation of children and child pornography;
- ☐ illicit trafficking in narcotic drugs and psychotropic substances;
- ☐ illicit trafficking in weapons, munitions and explosives;
- ☐ corruption;
- ☐ fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the Protection of the European Communities' Financial Interests;
- ☐ laundering of the proceeds of crime;
- ☐ counterfeiting currency, including of the euro;
- ☐ computer-related crime;
- ☐ environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- ☐ facilitation of unauthorised entry and residence;
- ☐ murder, grievous bodily injury;
- ☐ illicit trade in human organs and tissue;
- ☐ kidnapping, illegal restraint and hostage-taking;
- ☐ racism and xenophobia;
- ☐ organised or armed robbery;
- ☐ illicit trafficking in cultural goods, including antiques and works of art;
- ☐ swindling;
- ☐ racketeering and extortion;
- ☐ counterfeiting and piracy of products;
- ☐ forgery of administrative documents and trafficking therein;
- ☐ forgery of means of payment;
- ☐ illicit trafficking in hormonal substances and other growth promoters;
- ☐ illicit trafficking in nuclear or radioactive materials;
- ☐ trafficking in stolen vehicles;
- ☐ rape;
- ☐ arson;
- ☐ crimes within the jurisdiction of the International Criminal Court;
- ☐ unlawful seizure of aircraft/ships;
- ☐ sabotage.

2. Full descriptions of offence(s) not covered by section 1 above:

.....
.....
.....

- (j) Legal remedies against the freezing order for interested parties, including bona fide third parties, available in the issuing State:

Description of the legal remedies available including necessary steps to take

Court before which the action may be taken

Information as to those for whom the action is available

Time limit for submission of the action

Authority in the issuing State who can supply further information on procedures for submitting appeals in the issuing State and on whether legal assistance and translation is available:

Name

Contact person (if applicable):

Address:

Tel: (country code) (area/city code)

Fax: (country code) (area/city code)

E-mail:

- (k) Other circumstances relevant to the case (optional information):

.....

.....

- (l) The text of the freezing order is attached to the certificate.

Signature of the issuing judicial authority and/or its representative certifying the content of the certificate as accurate:

.....

Name:

Post held (title/grade):

Date:

Official stamp (if available)