

Official Journal

of the European Union

ISSN 1725-2555

L 234

Volume 46

20 September 2003

English edition

Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1656/2003
of 11 September 2003
imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed
on imports of para-cresol originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 9 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EC) No 510/2003⁽²⁾ (the 'provisional Regulation') imposed a provisional anti-dumping duty on imports of para-cresol falling within CN code ex 2907 12 00, originating in the People's Republic of China.
- (2) It is recalled that the investigation of dumping and injury covered the period from 1 April 2001 to 31 March 2002 ('investigation period' or 'IP'). The examination of trends relevant for the injury analysis covered the period from 1 January 1998 to 31 March 2002 ('period under consideration').

B. SUBSEQUENT PROCEDURE

- (3) Following the imposition of a provisional anti-dumping duty on imports of para-cresol originating in the People's Republic of China, some interested parties submitted comments in writing. The parties who so requested were also granted an opportunity to be heard orally.
- (4) The Commission continued to seek and verify all information it deemed necessary for its definitive findings.
- (5) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties and the definitive collection of amounts secured

by way of provisional duties. They were also granted a period within which they could make representations subsequent to this disclosure.

- (6) The oral and written comments submitted by the parties were considered, and, where appropriate, the findings have been modified accordingly.

C. PRODUCT CONCERNED AND LIKE PRODUCT

- (7) In the absence of any comments, the product description and the definition of the like product as set out in recitals 11 to 14 of the provisional Regulation are confirmed.

D. DUMPING

1. Normal value

- (8) In the absence of any comments, the provisional findings concerning the market economy treatment and the analogue country as described in recitals 15 to 22 of the provisional Regulation are confirmed.
- (9) Further to the disclosure of provisional findings, one exporting producer, Nanjing Jingmei Chemical Co., Ltd, submitted that the cost of the raw material of the refined product concerned was counted twice in their response. This claim was considered justified and the cost of production was reduced accordingly.
- (10) In addition, it was claimed that the allocation of the cost of production of an intermediate product should be altered, as a proportion of this product was not used to produce the product concerned. In fact, the costs reported were in accordance with the internal documents collected on the spot. However, there was no evidence which suggested that this intermediate product was used for the production of other products and therefore the whole cost of production of the intermediate product was attributed to the cost of production of the product concerned. Therefore, this claim had to be rejected.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1; Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 75, 21.3.2003, p. 12.

(11) Despite the reduction in the cost of production referred to in recital 9, less than 10 % of the domestic sales of the like product during the IP of this company were profitable, as already indicated in the provisional Regulation. Therefore, normal value had to be constructed in accordance with Article 2(3) of the basic Regulation. The exporting producer considered that the profit margin established at the provisional stage was not appropriate because it included export sales to countries outside the Community. This argument was accepted as the profit margin used in a constructed normal value under the first sentence of Article 2(6) and Article 2(6)(a) and (b) of the basic Regulation, has to be calculated on the basis of domestic sales only. An adjustment has consequently been made to rectify this. A further review revealed that the general category of products was loss-making on the domestic market. In accordance with Article 2(6)(c), a reasonable profit margin was therefore established based on the weighted average profit margin of the producer in the analogue country and the other cooperating exporting producer. It has to be recalled that an exporting producer in the analogue country (in the United States of America) was investigated as the People's Republic of China is not considered a market-economy country.

(12) The other exporting producer, Shandong Reipu Chemicals Co., Ltd, claimed that the cost of production of two other products should be deducted from the total cost of production as they result from the same production process and are sold separately. The exporting producer could not substantiate this claim by documented evidence. Indeed the documents collected on the spot indicated that the direct costs were already allocated to the different products which were in line with the initial questionnaire response. Therefore, the claim had to be rejected.

(13) In the absence of any comments, the provisional findings concerning the determination of normal value in the analogue country as described in recitals 26 and 27 of the provisional Regulation are confirmed.

2. Export price

(14) In the absence of any comments, the provisional findings concerning the determination of the export price as described in recitals 28 and 29 of the provisional Regulation are confirmed.

3. Comparison

(15) For the purposes of ensuring a fair comparison between the normal value and the export price at an ex-works level, due allowance in the form of adjustments was made for differences that were claimed and demonstrated to affect prices and price comparability in accordance with Article 2(10) of the basic Regulation. In addition to the adjustments already taken into account at

provisional stage, following a further in-depth analysis, an adjustment for differences in indirect taxes not refunded in respect of exports was made in accordance with Article 2(10)(b) of the basic Regulation. Furthermore, some smaller adjustments were made with respect to payment terms and transport, insurance and handling costs.

4. Dumping margins

(16) In the absence of any comments concerning the residual dumping margin, the methodology described in recital 31 of the provisional Regulation is hereby confirmed.

(17) The definitive dumping margins, expressed as a percentage of the cif import price at the Community border, are:

Nanjing Jingmei Chemical Co., Ltd, Nanjing:	10,8 %
Shandong Reipu Chemicals Co., Ltd, Qihe County:	12,3 %
Country-wide dumping margin:	40,7 %

E. INJURY

1. Community industry

(18) In the absence of any comments, the provisional findings concerning the determination of the Community industry as described in recitals 34 to 37 of the provisional Regulation are confirmed.

2. Community market

(19) One exporting producer stated that in the provisional Regulation there were no separate data nor any analysis for captive sales, only for the free market activities and for the entire activity including captive sales.

(20) However, this issue was dealt with in recitals 40 to 43 of the provisional Regulation, where it was explained that para-cresol destined for captive use was found not to be directly affected by imports and that for this reason attention was focused on the free market. Some economic indicators related to the Community industry were indeed analysed and evaluated referring to the situation prevailing on the free market, while others could reasonably be examined by referring to the whole activity. In the absence of any new information, the provisional findings concerning the relevant Community market as described in recitals 38 to 43 of the provisional Regulation are therefore confirmed.

3. Community consumption

(21) In the absence of any comments, the provisional findings concerning the Community consumption as described in recitals 44 to 46 of the provisional Regulation are confirmed.

4. Imports from the country concerned

- (22) In the absence of any comments under these headings, the provisional findings as described in recitals 47 to 51 of the provisional Regulation are confirmed.

5. Situation of the Community industry

- (23) One exporting producer, as well as a user, questioned the fact that the cost of raw materials, in particular of caustic soda, had increased in 2001. This element was checked by the Commission and it was confirmed by different sources of information that the cost of caustic soda had indeed increased considerably from the year 2000 to the year 2001. Most of this increase took place in the fourth quarter of 2000 and in the first half of 2001. The findings stated in recitals 60 and 61 of the provisional Regulation can therefore be confirmed.
- (24) In the absence of any other comments, the facts and figures as set out in recitals 52 to 65 of the provisional Regulation are confirmed. Since there was no indication of past dumping, this was not considered a relevant factor in the analysis.

6. Conclusion on injury

- (25) A deterioration in the situation of the Community industry during the period 2001 and the IP has been found, in particular in terms of reduced production, capacity utilisation, sales, market share, profitability, return on investment and cash flow. In addition, significant price undercutting as well as a serious deterioration in profitability and return on investment occurred.
- (26) In the absence of any comments on the findings, the conclusions reached as set out in recitals 66 to 70 of the provisional Regulation are confirmed.

F. CAUSATION

- (27) One exporting producer submitted that the Community industry's activities could have been negatively affected by the considerable investments, in particular those made to comply with environmental obligations. However, it was found that this argument could not call into question the causal link as established in the provisional Regulation for the following reason. While it is correct that significant investments took place during the period under consideration to comply with new safety, health and environment legislation requirements, the major investments in the environment took place in the first part of the period under consideration, when the Community industry was still profitable, and even then made up only a minor part of the total investments in the production line for the product concerned. It should also be kept in mind that such investments are depreciated over a number of years and that the allocation of investment costs remained stable over the period

under consideration. These investments can therefore only have had a minor impact and cannot have broken the causal link between the dumping and the material injury suffered by the Community industry.

- (28) The same exporting producer submitted that the decrease of captive sales might have contributed to the injury suffered by the Community industry since the sales prices to captive users had increased at a higher degree than those for sales on the free market. This issue has been further investigated. As already indicated in the provisional Regulation, sales had been made at roughly the same prices to captive users as those charged on the free market and this has been confirmed by further analysis. Therefore, only the negative development of the volume of captive sales could have contributed to the material injury suffered by the Community industry. Indeed, the volume of captive sales went down by around 10 % during the period under consideration. However, in view of the relatively small amount of production destined for captive sales, it was considered that the development of captive use did not in any significant way contribute to the material injury suffered by the Community industry. The conclusion in the provisional Regulation can therefore be maintained.

- (29) In the absence of any other comments on causation, the findings and the conclusion reached as set out in recitals 71 to 85 of the provisional Regulation are confirmed.

G. COMMUNITY INTEREST

- (30) One important user claimed that a shortage of supply of para-cresol has become apparent in the market since the imposition of the provisional anti-dumping measure and that deliveries by the Community industry have become irregular. This issue was investigated by the Commission. It was confirmed that the Community industry had recently encountered some difficulties to satisfy all demand for the product concerned. However, it should be recalled that in recent years the market had been supplied by the Community producer, as well as imports from China, Japan and the United States of America. The imposition of a provisional anti-dumping duty could have made Chinese imports more expensive, but should not have excluded them from the market in view of the fact that the individual duties were well below the level of undercutting found. It was therefore concluded, supported by evidence to this effect, that the shortage of supply has most likely been due to temporary circumstances, such as technical and management problems, both in the Community and in China, and that there is no reason to conclude that this shortage has been caused by the anti-dumping duties or that this shortage is likely to persist. This conclusion is supported by the fact that the Community industry increased its production capacity in the year 2002 and should now be able to meet almost the entire demand in the Community by itself.

- (31) In the absence of any other new information submitted on the Community interest, the findings and the conclusion reached as set out in recitals 86 to 102 of the provisional Regulation are confirmed.

H. DEFINITIVE ANTI-DUMPING MEASURES

1. Injury elimination level

- (32) Based on the methodology explained in recitals 103 to 107 of the provisional Regulation, an injury elimination level has been calculated for the purposes of establishing the level of measures to be definitively imposed.
- (33) In the absence of any comments, the methodology used for establishing the injury elimination level as described in recitals 103 to 107 of the provisional Regulation is confirmed.

2. Form and level of the duties

- (34) In the light of the foregoing and in accordance with Article 9(4) of the basic Regulation, a definitive anti-dumping duty should be imposed in respect of the People's Republic of China. This duty should be imposed at the level of the dumping margins found, since the injury margin was found to be higher than the dumping margin.

- (35) On the basis of the above, the definitive duties are as follows:

Nanjing Jingmei Chemical Co., Ltd, Nanjing:	10,8 %
Shandong Reipu Chemicals Co., Ltd, Qihe County:	12,3 %
Country-wide dumping margin:	40,7 %

- (36) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.

- (37) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and

export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will then be amended accordingly by updating the list of companies benefiting from individual duty rates.

3. Collection of provisional duties

- (38) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, i.e. Regulation (EC) No 510/2003, should be definitively collected at the rate of the duty definitively imposed. Where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties should be definitively collected.

- (39) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with e.g. that name change or that change in the production and sales entities. If appropriate, the Regulation will then be amended accordingly by updating the list of companies benefiting from individual duty rates,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of para-cresol with a minimum para-isomer purity of 97 %, calculated on a net dry basis, falling within CN code ex 2907 12 00 (TARIC code 2907 12 00 91), originating in the People's Republic of China.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, shall be as follows for the products manufactured by:

Manufacturer	Rate of duty	TARIC additional code
Nanjing Jingmei Chemical Co., Ltd, Jingqiao Town, Lishui County, Nanjing 211224, People's Republic of China	10,8 %	A434
Shandong Reipu Chemicals Co., Ltd, Chenming West Road, Qihe County, Shandong, People's Republic of China	12,3 %	A435
All other companies	40,7 %	A999

⁽¹⁾ European Commission, Directorate-General for Trade, Direction B, J-79 5/16, B-1049 Brussels.

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

Amounts secured by way of provisional anti-dumping duties pursuant to Regulation (EC) No 510/2003 on imports of paracresol falling within CN code ex 2907 12 00 (TARIC code 2907 12 00 91), originating in the People's Republic of China

shall be definitively collected. Where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties should be definitively collected.

Article 3

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

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

Done at Brussels, 11 September 2003.

For the Council

The President

F. FRATTINI

COMMISSION REGULATION (EC) No 1657/2003
of 19 September 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 20 September 2003.

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

Done at Brussels, 19 September 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 19 September 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	114,5
	060	105,1
	092	107,3
	094	81,8
	096	72,9
	999	96,3
0709 90 70	052	120,2
	999	120,2
0805 50 10	382	58,3
	388	62,9
	524	61,0
	528	61,0
	999	60,8
0806 10 10	052	77,5
	064	61,2
	999	69,3
0808 10 20, 0808 10 50, 0808 10 90	388	72,3
	400	70,6
	508	35,3
	512	96,2
	720	51,6
	800	124,1
	804	91,9
	999	77,4
0808 20 50	052	106,3
	064	48,7
	388	82,0
	999	79,0
0809 30 10, 0809 30 90	052	117,6
	624	111,9
	999	114,8
0809 40 05	052	54,7
	060	59,0
	066	71,8
	624	116,3
	999	75,5

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

COMMISSION REGULATION (EC) No 1658/2003
of 19 September 2003
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 806/2003 ⁽²⁾,

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

Whereas:

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

- (2) Commission Regulation (EC) No 1539/2003 suspending the buying-in of butter in certain Member States ⁽⁵⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Sweden under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 1539/2003 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Regulation (EC) No 1539/2003 is hereby repealed.

Article 3

This Regulation shall enter into force on 20 September 2003.

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

Done at Brussels, 19 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 53, 28.2.2003, p. 17.

⁽⁵⁾ OJ L 218, 30.8.2003, p. 37.

COMMISSION REGULATION (EC) No 1659/2003
of 18 September 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 Commission Regulation (EC) No 1407/2003 ⁽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 VIIIa, b, 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 1 September 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 VIIIa, b, 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 VIIIa, b, 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 1 September 2003.

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

Done at Brussels, 18 September 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 201, 8.8.2003, p. 3.

COMMISSION REGULATION (EC) No 1660/2003
of 19 September 2003
amending the specification of a name appearing in the Annex to Regulation (EC) No 1107/96
(Ossau-Iraty)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 692/2003 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) In accordance with Article 9 of Regulation (EEC) No 2081/92, the French authorities have requested in respect of the name 'Ossau-Iraty', registered as a protected designation of origin by Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 ⁽³⁾, as last amended by Regulation (EC) No 1571/2003 ⁽⁴⁾, the amendment of the method of production and of the national legal requirements.
- (2) Following examination of this request for amendment, it has been decided that the amendments concerned are not minor.

- (3) In accordance with the procedure laid down in Article 9 of Regulation (EEC) No 2081/92 and since the amendments are not minor, the Article 6 procedure applies *mutatis mutandis*.
- (4) It has been decided that the amendments in this case comply with Regulation (EEC) No 2081/92. No statement of objection, within the meaning of Article 7 of the Regulation, has been sent to the Commission following the publication in the *Official Journal of the European Union* ⁽⁵⁾ of the amendments.
- (5) Consequently, these amendments must be registered and published in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments set out in the Annex to this Regulation are hereby registered and published in accordance with Article 6(4) of Regulation (EEC) No 2081/92.

Article 2

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, 19 September 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1.

⁽²⁾ OJ L 99, 17.4.2003, p. 1.

⁽³⁾ OJ L 148, 21.6.1996, p. 1.

⁽⁴⁾ OJ L 224, 6.9.2003, p. 17.

⁽⁵⁾ OJ C 252, 12.9.2001, p. 16 (Ossau-Iraty).

ANNEX

FRANCE

Ossau-Iraty

Method of production:

The authorised breeds of sheep are specified: Basque-béarnaise or Manech black or red head (**in place of:** 'traditional breeds').

National requirements:

For: 'Decree of 29 December 1986',

read: 'Decree on the designation of origin "Ossau-Iraty"'.

COMMISSION REGULATION (EC) No 1661/2003
of 19 September 2003
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 ⁽³⁾, as amended by Regulation (EC) No 1486/2002 ⁽⁴⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable

offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined herein-after,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 29,732/100 kg.

Article 2

This Regulation shall enter into force on 20 September 2003.

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

Done at Brussels, 19 September 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 September 2003

concerning a financial contribution by the Community towards the eradication of Newcastle disease in Denmark in 2002

(notified under document number C(2003) 3302)

(Only the Danish text is authentic)

(2003/660/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Council Regulation (EC) No 806/2003 ⁽²⁾, and in particular Articles 4(2) and 5(3) thereof,

Whereas:

- (1) Outbreaks of Newcastle disease occurred in Denmark in 2002, and the emergence of this disease poses a serious threat to Community livestock.
- (2) In order to help eradicate the disease as rapidly as possible, the Community may contribute to the eligible expenditure incurred by the Member State, under the conditions laid down in Article 4(2) of Decision 90/424/EEC.
- (3) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽³⁾, veterinary and plant health measures undertaken in accordance with Community rules are to be financed under the Guarantee section of the European Agricultural Guidance and Guarantee Fund. Financial control of these measures comes under Articles 8 and 9 of the above Regulation.
- (4) Payment of the Community financial contribution must be subject to the condition that the planned activities were actually implemented and that the authorities provide all the necessary information within the deadlines set.

(5) On 14 March 2003, Denmark submitted a rough estimate of the costs incurred in taking measures to eradicate the disease. The estimated amount is DKK 58 million.

(6) It is now time to set the amount of an advance on the Community financial contribution, pending checks to be carried out by the Commission. This advance must be equal to 50 % of the Community contribution, established on the basis of the estimated costs of compensation for the slaughter of animals and other costs.

(7) It is necessary to define the term 'swift and adequate compensation of the livestock farmers', used in Article 3(2) of Decision 90/424/EEC, as well as the terms 'reasonable payments' and 'justified payments' and the categories of expenditure eligible under 'other costs' associated with the compulsory slaughter of animals and the compulsory destruction of eggs.

(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

Granting of a financial contribution by the Community to Denmark

For the purposes of eradicating Newcastle disease in 2002, Denmark may obtain a Community financial contribution amounting to 50 % of the expenditure incurred for:

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

- (a) the swift and adequate compensation of owners obliged to slaughter their animals and destroy eggs under the compulsory measures for eradicating the outbreaks of Newcastle disease in 2002, pursuant to the provisions of Article 3(2), first and seventh indents, of Decision 90/424/EEC and pursuant to this present Decision;
- (b) the costs of destroying animals, eggs and contaminated products, cleaning and disinfecting premises and cleaning and disinfecting, or destroying where necessary, contaminated equipment, pursuant to the provisions of Article 3(2), second and third indents, of Decision 90/424/EEC and pursuant to this present Decision.

Article 2

Definitions

For the purposes of this Decision, the following definitions shall apply:

- (a) 'swift and adequate compensation': payment, within 90 days of the slaughter of the animals or the destruction of the eggs, of compensation corresponding to the market value they had immediately prior to their contamination, slaughter or destruction;
- (b) 'reasonable payments': payments for the purchase of equipment or services at proportionate prices compared to the market prices before the outbreak of the Newcastle disease;
- (c) 'justified payments': payments for the purchase of equipment or services referred to in Article 3(2) of Decision 90/424/EEC, where their nature and direct link to the compulsory slaughter of animals and compulsory destruction of eggs in the holdings have been demonstrated.

Article 3

Arrangements for the payment of the financial contribution

1. Subject to the results of the checks referred to in Article 6 below, an advance of EUR 1 000 000 shall be paid, as part of the Community financial contribution mentioned in Article 1, on the basis of supporting documents submitted by Denmark relating to the swift and adequate compensation of owners for the compulsory slaughter, the destruction of the animals and eggs and, if necessary, the products used for cleaning, disinfecting and disinsectisation of the holdings and equipment, as well as the destruction of contaminated feed and materials.

2. Once the checks referred to in Article 6 have been carried out, the Commission shall decide on the balance in accordance with the procedure provided for in Article 41 of Decision 90/424/EEC.

Article 4

Eligible operational expenditure covered by the Community financial contribution

1. Non-compliance by the Danish authorities with the payment deadline specified in Article 2(a) shall result in the eligible amounts being reduced as follows:
 - 25 % reduction for payments made between 91 and 105 days after the slaughter of the animals or the destruction of the eggs;
 - 50 % reduction for payments made between 106 and 120 days after the slaughter of the animals or the destruction of the eggs;
 - 75 % reduction for payments made between 121 and 135 days after the slaughter of the animals or the destruction of the eggs;
 - 100 % reduction for payments made more than 136 days after the slaughter of the animals or the destruction of the eggs.

However, the Commission will apply a different timescale and/or lower reductions or none at all if exceptional management conditions are encountered for certain measures, or if well-founded justifications are put forward by Denmark.

2. The Community financial contribution referred to in Article 1(b) relates only to justified and reasonable payments associated with the eligible expenditure mentioned in Annex I.

3. Calculation of the Community financial contribution excludes:

- (a) value added tax;
- (b) salaries of civil servants;
- (c) use of public equipment, other than consumables.

Article 5

Conditions for payment and supporting documents

1. The Community financial contribution referred to in Article 1 shall be paid on the basis of the following elements:

- (a) an application submitted in accordance with Annexes IIa, IIb and III within the deadline specified in paragraph 2;
- (b) the supporting documents referred to in Article 3(1), including an epidemiological report on each holding where animals were slaughtered and destroyed or eggs were destroyed, as well as a financial report;
- (c) the results of the *in situ* checks carried out by the Commission, referred to in Article 6.

The documents referred to in point (b) shall be made available for on-the-spot audits by the Commission.

2. The application referred to in 1(a) must be submitted in the form of a computer file in line with Annexes IIa, IIb and III within 30 calendar days of the date of notification of this Decision. If this deadline is not met, the Community financial contribution shall be reduced by 25 % per month of delay.

*Article 6****In situ* checks by the Commission**

The Commission, in collaboration with the competent Danish authorities, may perform *in situ* checks relating to the implementation of the measures referred to in Article 1 and the associated expenditure.

*Article 7***Addressee**

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 19 September 2003.

For the Commission

David BYRNE

Member of the Commission

*ANNEX I***Eligible expenditure as referred to in Article 4(2)**

1. Costs associated with the slaughter of animals:
 - (a) wages and remuneration for workers specially employed to do the slaughtering;
 - (b) consumables and specific equipment used for the slaughter or for the destruction of eggs;
 - (c) materials used for transporting the animals to the place of slaughter.
 2. Costs associated with the destruction of animals and eggs:
 - (a) rendering: transportation of carcasses and eggs to the rendering plant, processing of carcasses in the rendering plant and destruction of the meal;
 - (b) burial: personnel specially employed, equipment specially hired for the transportation and burial of carcasses and eggs and products used for disinfecting the holding;
 - (c) incineration: personnel specially employed, fuel or other materials used, equipment specially hired for the transportation of carcasses and eggs and products used for disinfecting the holding.
 3. Costs associated with cleaning, disinfecting and disinsectisation of holdings:
 - (a) products used for cleaning, disinfecting and disinsectisation;
 - (b) wages and remuneration for personnel specially employed to do this job.
 4. Costs associated with the destruction of contaminated feed:
 - (a) reimbursement of purchase price of feed;
 - (b) transportation and destruction of feed.
 5. Costs associated with compensation, at market value, for the destruction of contaminated equipment. Costs associated with compensation for the reconstruction or renovation of farm buildings and infrastructure are not eligible.
-

ANNEX III

Application for a contribution to the compensation for other eligible costs associated with the compulsory slaughter

'Other costs' incurred by holding No . . . (not including compensation for the value of the animals)	
Heading	Amount (not including VAT)
Slaughter	
Destruction (transport and processing)	
Cleaning and disinfecting (wages and products)	
Feed (compensation and destruction)	
Equipment (compensation and destruction)	
Total	

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

**COUNCIL DECISION 2003/661/CFSP
of 19 May 2003**

concerning the conclusion of the Agreement between the European Union and the Republic of Lithuania on the participation of the Republic of Lithuania in the European Union-led forces (EUF) in the Former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 27 January 2003, the Council adopted Joint Action 2003/92/CFSP on the European Union military operation in the Former Yugoslav Republic of Macedonia ⁽¹⁾.
- (2) Article 8 of that Joint Action provides that the detailed arrangements regarding the participation of third States shall be the subject of an agreement in conformity with Article 24 of the Treaty.
- (3) Following the Council Decision of 18 March 2003 authorising the Secretary-General/High Representative (SG/HR) to open negotiations, the SG/HR negotiated an agreement with the Republic of Lithuania on the participation of the Republic of Lithuania in the European Union-led forces (EUF) in the Former Yugoslav Republic of Macedonia.
- (4) This Agreement should be approved,

Article 1

The Agreement between the European Union and the Republic of Lithuania on the participation of the Republic of Lithuania in the European Union-led forces (EUF) in the Former Yugoslav Republic of Macedonia is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to bind the European Union.

Article 3

The Decision shall take effect on the day of its adoption.

Article 4

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

Done at Brussels, 19 May 2003.

For the Council

The President

G. PAPANDREOU

⁽¹⁾ OJ L 34, 11.2.2003, p. 26.

AGREEMENT**between the European Union and the Republic of Lithuania on the participation of the Republic of Lithuania in the European Union-led forces (EUF) in the Former Yugoslav Republic of Macedonia**

THE EUROPEAN UNION,

on the one hand, and

THE REPUBLIC OF LITHUANIA,

on the other hand,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the adoption by the Council of the European Union of Joint Action 2003/92/CFSP of 27 January 2003 on the European Union military operation in the Former Yugoslav Republic of Macedonia ⁽¹⁾,
- the invitation to the Republic of Lithuania to participate in the EU-led operation,
- the successful completion of the force generation process and the recommendation by the operation commander and the EU Military Committee to agree on the participation of the Republic of Lithuania forces in the EU-led operation,
- the decision by the Political and Security Committee of 11 March 2003 to accept the contribution of the Republic of Lithuania to the EU-led operation,
- the Exchange of Letters between the Government of the Former Yugoslav Republic of Macedonia and the SG/HR on the conduct of the operation,
- the Agreement concluded on 21 March 2003 between the EU and the Government of the Former Yugoslav Republic of Macedonia on the status of the EUF and its personnel,

HAVE AGREED AS FOLLOWS:

Article 1

Framework and definitions

1. The Republic of Lithuania shall associate itself with the provisions of Joint Action 2003/92/CFSP on the European Union-led forces in the Former Yugoslav Republic of Macedonia, adopted by the Council of the European Union on 27 January 2003, in accordance with the provisions stipulated in the following Articles.

2. For the purpose of this Agreement, the following definitions shall have the meanings hereunder assigned to them:

- (a) 'Operation Concordia' means the European Union military operation in the Former Yugoslav Republic of Macedonia established by Council Joint Action 2003/92/CFSP;
- (b) 'European Union-led forces' (EUF) means EU military headquarters, constituent national units/elements contributing to Operation Concordia, their assets and their means of transport;
- (c) 'EUF personnel' means the civilian and military personnel assigned to the EUF;
- (d) 'mechanism' means the operational financing mechanism established by the Council Decision of 27 January 2003 to provide for the financing of the common costs of the European Union military operation in the Former Yugoslav Republic of Macedonia;

(e) 'participating States' means Member States applying the Joint Action referred to in paragraph 1 and third States participating in Operation Concordia by providing forces, personnel or assets;

(f) 'Joint Claims Commission' means the Joint Claims Commission set up pursuant to Article 13 of the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the Former Yugoslav Republic of Macedonia.

Article 2

Participation in the Operation

1. The Republic of Lithuania shall participate in Operation Concordia with a contingent as determined at the Force Generation Conference. If necessary, rotation of seconded personnel shall be ensured.

2. The Republic of Lithuania shall ensure that its forces and personnel undertake their mission in conformity with the provisions of Joint Action 2003/92/CFSP, the operation plan and implementing measures.

⁽¹⁾ OJ L 34, 11.2.2003, p. 26.

3. The Republic of Lithuania shall inform the EU operation commander, the EU force commander and the EU military staff of any change to its participation in Operation Concordia.

Article 3

Status

1. The forces and personnel participating in Operation Concordia shall be governed by the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces in the Former Yugoslav Republic of Macedonia and its implementing arrangements.

2. The status of personnel contributed to headquarters or command elements located outside the Former Yugoslav Republic of Macedonia shall be governed by arrangements between the headquarters and command elements concerned and the Republic of Lithuania.

Article 4

Chain of command

1. The participation of the Republic of Lithuania in Operation Concordia is without prejudice to the decision-making autonomy of the European Union.

2. All forces and personnel shall remain under the full command of their national authorities.

3. National authorities shall transfer operational control (OPCON) to the EU operation commander. The operation commander is entitled to delegate his authority.

4. The Republic of Lithuania shall have the same rights and obligations in terms of day-to-day management of Operation Concordia as participating Member States in accordance with Article 8(4) of Joint Action 2003/92/CFSP and Political and Security Committee Decision FYROM/1/2003 on the establishment of the Committee of Contributors.

5. The Republic of Lithuania shall exercise jurisdiction over its personnel. The operation commander and the force commander may at any time request the withdrawal of the Republic of Lithuania personnel.

6. A senior military representative (SMR) shall be appointed by the Republic of Lithuania to represent its national contingent in the EUF. The SMR shall consult the EU force commander on all matters affecting Operation Concordia and shall be responsible for day-to-day contingent discipline.

Article 5

Classified information

The Republic of Lithuania shall take appropriate measures to ensure that when EU classified information is handled by its personnel, this personnel respects the European Union Council's security regulations, which are contained in Council Decision 2001/264/EC⁽¹⁾, and further guidance that may be issued by the operation commander.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

Article 6

Financial aspects

1. Without prejudice to Article 7, the Republic of Lithuania shall assume all the costs associated with its participation in Operation Concordia unless the costs are subject to common funding as set out in the operational budget of the operation.

2. In cases where the Joint Claims Commission decides to grant damages to natural or legal persons from the Former Yugoslav Republic of Macedonia, the Republic of Lithuania shall pay for these damages if death, injury, damage or loss are caused by its personnel or its assets, unless the mechanism, in accordance with Article 9(3) of the Council Decision of 27 January 2003 establishing the mechanism, decides to pay for those damages.

Article 7

Contributions to the common costs

1. The Republic of Lithuania shall contribute to the common costs of the operation an amount of EUR 19 220 per six months.

2. An arrangement shall be concluded between the Administrator of the mechanism, established by the Council Decision of 27 January 2003, to provide for the financing of the common costs of the operation, and the competent administrative authorities of the Republic of Lithuania. This arrangement shall include provisions on:

- (a) the arrangements for payment and management of the financial contribution;
- (b) the verification arrangements covering control and audit of the financial contribution, where appropriate.

3. The contributions of the Republic of Lithuania to the common costs of Operation Concordia shall be deposited by the Republic of Lithuania in the bank account which shall be indicated to that State by the administrator of the mechanism.

Article 8

Non-compliance

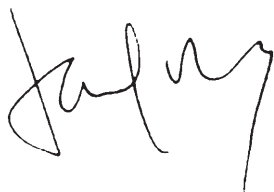
Should one of the Participating Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a one-month notice.

*Article 9***Entry into force**

This Agreement shall enter into force upon signature.

It shall remain in force for the duration of the contribution of the Republic of Lithuania to the operation.

Done at Brussels, on **09 -09- 2003**, in the English language in four copies.



For the European Union



For the Republic of Lithuania

COUNCIL DECISION 2003/662/CFSP**of 26 May 2003****concerning the conclusion of the Agreement between the European Union and the Republic of Turkey on the participation of the Republic of Turkey in the European Union-led forces in the Former Yugoslav Republic of Macedonia**

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 27 January 2003, the Council adopted Joint Action 2003/92/CFSP on the European Union military operation in the Former Yugoslav Republic of Macedonia ⁽¹⁾.
- (2) Article 8 of that Joint Action provides that the detailed arrangements regarding the participation of third States shall be the subject of an agreement in conformity with Article 24 of the Treaty on European Union.
- (3) Following the Council Decision of 18 March 2003 authorising the Secretary-General/High Representative to open negotiations, the Secretary-General/High Representative negotiated an Agreement with the Republic of Turkey on the participation of the Republic of Turkey in the European Union-led forces in the Former Yugoslav Republic of Macedonia.
- (4) This Agreement should be approved,

Article 1

The Agreement between the European Union and the Republic of Turkey on the participation of the Republic of Turkey in the European Union-led forces in the Former Yugoslav Republic of Macedonia is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

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

Article 3

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

Article 4

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

Done at Brussels, 26 May 2003.

For the Council

The President

G. DRYG

⁽¹⁾ OJ L 34, 11.2.2003, p. 26.

AGREEMENT

between the European Union and the Republic of Turkey on the participation of the Republic of Turkey in the European Union-led forces in the Former Yugoslav Republic of Macedonia

THE EUROPEAN UNION,

on the one hand, and

THE REPUBLIC OF TURKEY,

on the other hand,

Hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the adoption by the Council of the European Union of Joint Action 2003/92/CFSP of 27 January 2003 on the European Union military operation in the Former Yugoslav Republic of Macedonia ⁽¹⁾,
- the invitation to the Republic of Turkey to participate in the EU-led operation,
- the successful completion of the force generation process and the recommendation by the operation commander and the EU Military Committee to agree on the participation of the Republic of Turkey forces in the EU-led operation,
- the decision by the Political and Security Committee of 11 March 2003 to accept the contribution of the Republic of Turkey to the EU-led operation,
- the Exchange of Letters between the Government of the Former Yugoslav Republic of Macedonia and the Secretary-General/High Representative on the conduct of the operation,
- the Agreement concluded on 21 March 2003 between the EU and the Government of the Former Yugoslav Republic of Macedonia on the status of the EUF and its personnel,

HAVE AGREED AS FOLLOWS:

Article 1

Framework and definitions

1. The Republic of Turkey shall associate itself with the provisions of Joint Action 2003/92/CFSP, in accordance with the provisions stipulated in the following Articles.

2. For the purpose of this Agreement, the following definitions shall have the meanings hereunder assigned to them:

- (a) 'Operation Concordia' means the European Union military operation in the Former Yugoslav Republic of Macedonia provided for in Joint Action 2003/92/CFSP;
- (b) 'European Union-led forces' (EUF) means EU military headquarters, constituent national units/elements contributing to Operation Concordia, their assets and their means of transport;
- (c) 'EUF personnel' means the civilian and military personnel assigned to the EUF;
- (d) 'mechanism' means the operational financing mechanism established by the Council Decision of 27 January 2003 to provide for the financing of the common costs of the European Union military operation in the Former Yugoslav Republic of Macedonia;

(e) 'participating States' means Member States applying Joint Action 2003/92/CFSP and third States participating in Operation Concordia by providing forces, personnel or assets;

(f) 'Claims Joint Commission' means the Joint Claims Commission set up pursuant to Article 13 of the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces (EUF) in the Former Yugoslav Republic of Macedonia.

Article 2

Participation in the Operation

1. The Republic of Turkey shall participate in Operation Concordia with a contingent as determined on the occasion of the Force Generation Conference. If necessary, rotation of seconded personnel shall be ensured.

2. The Republic of Turkey shall ensure that its forces and personnel undertake their mission in conformity with the provisions of Joint Action 2003/92/CFSP, the operation plan and implementing measures.

3. The Republic of Turkey shall inform the EU operation commander, the EUF commander and the EU military staff of any change to its participation in Operation Concordia.

⁽¹⁾ OJ L 34, 11.2.2003, p. 26.

*Article 3***Status**

1. The forces and personnel participating in Operation Concordia shall be governed by the Agreement between the European Union and the Former Yugoslav Republic of Macedonia on the status of the European Union-led forces (EUF) in the Former Yugoslav Republic of Macedonia and its implementing arrangements.

2. The status of personnel contributed to headquarters or command elements located outside the Former Yugoslav Republic of Macedonia shall be governed by arrangements between the headquarters and command elements concerned and the Republic of Turkey.

*Article 4***Chain of command**

1. The participation of the Republic of Turkey in Operation Concordia is without prejudice to the decision-making autonomy of the European Union.

2. All forces and personnel shall remain under the full command of their national authorities.

3. National authorities shall transfer operational control to the EU operation commander. The operation commander is entitled to delegate his authority.

4. The Republic of Turkey shall have the same rights and obligations in terms of day-to-day management of Operation Concordia as participating Member States in accordance with Article 8(4) of Joint Action 2003/92/CFSP and Political and Security Committee Decision FYROM/1/2003 on the establishment of the Committee of Contributors.

5. The Republic of Turkey shall exercise jurisdiction over its personnel. The operation commander and the force commander may at any time request the withdrawal of the Republic of Turkey personnel.

6. A senior military representative (SMR) shall be appointed by the Republic of Turkey to represent its national contingent in the EUF. The SMR shall consult the EUF Commander on all matters affecting Operation Concordia and shall be responsible for day-to-day contingent discipline.

*Article 5***Classified information**

The Republic of Turkey shall take appropriate measures to ensure that when EU classified information is handled by its personnel, this personnel respects the European Union Council's security regulations, which are contained in Council Decision 2001/264/EC ⁽¹⁾, and further guidance that may be issued by the operation commander.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 6***Financial aspects**

1. Without prejudice to Article 7, the Republic of Turkey shall assume all the costs associated with its participation in Operation Concordia unless the costs are subject to common funding as set out in the operational budget of the operation.

2. In cases where the Joint Claims Commission decides to grant damages to natural or legal persons from the Former Yugoslav Republic of Macedonia, the Republic of Turkey shall pay for these damages if death, injury, damage or loss are caused by its personnel or its assets, unless the mechanism, in accordance with Article 9(3) of the Council Decision of 27 January 2003 establishing the mechanism, decides to pay for those damages.

*Article 7***Contributions to the common costs**

1. The Republic of Turkey shall contribute to the common costs of Operation Concordia an amount of EUR 136 087,80 per six months.

2. An arrangement shall be concluded between the administrator of the mechanism, established by the Council Decision of 27 January 2003, to provide for the financing of the common costs of the operation and competent administrative authorities of the Republic of Turkey. This arrangement shall include provisions on:

- (a) the arrangements for payment and management of the financial contribution;
- (b) the verification arrangements covering control and audit of the financial contribution, where appropriate.

3. The contributions of the Republic of Turkey to the common costs of Operation Concordia shall be deposited by the Republic of Turkey in the bank account which shall be indicated to that State by the administrator of the mechanism.

*Article 8***Non-compliance**

Should one of the Participating Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a one-month notice.

*Article 9***Entry into force**

This Agreement shall enter into force upon signature.

It shall remain in force for the duration of the contribution of the Republic of Turkey to Operation Concordia.

Done at Brussels, on **04 -09- 2003**, in the English language in four copies.

For the European Union



For the Republic of Turkey