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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2059/2003**of 17 November 2003****amending Regulation No 79/65/EEC setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular the third subparagraph of Article 37(2) thereof,

Article 1

Having regard to the proposal from the Commission,

Regulation No 79/65/EEC is hereby amended as follows:

Having regard to the opinion of the European Parliament ⁽¹⁾,

1. in Chapter I, the following Article shall be added:

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

'Article 2a

At the request of a Member State the list of divisions shall be amended in accordance with the procedure laid down in Article 19, provided that the request concerns the Member State's divisions.;

Following consultation of the Committee of the Regions,

Whereas:

2. Article 22(1) shall be replaced by the following:

(1) The data network set up by Council Regulation No 79/65/EEC ⁽³⁾ provides the Commission with objective and relevant information on the common agricultural policy.

'1. Appropriations to be included in the general budget of the European Union, in the Commission section, shall cover:

(2) For management reasons, the Commission should be authorised to amend the list of divisions of Member States set out in the Annex to Regulation No 79/65/EEC, at the request of a Member State.

(a) those costs of the data network attributable to payment of fees to accountancy offices in consideration of their performance of the duties referred to in Articles 9 and 14;

(3) The data network is a useful tool which enables the Community to develop this policy and it serves, as a consequence, the Member States as well as the Community. The costs of the computerised systems on which the network relies and of studies and development activities of other aspects of the network, should therefore be eligible for Community financing.

(b) all the costs of the computerised systems operated by the Commission for the reception, verification, processing and analysis of accountancy data supplied by the Member States.

(4) Regulation No 79/65/EEC should therefore be amended accordingly,

The costs referred to in point (b) include, where appropriate, the costs of disseminating the results of those operations and the costs of studies into, and development of, other aspects of the data network.'

Article 2

⁽¹⁾ Opinion of 9 October 2003 (not yet published in the Official Journal).

⁽²⁾ Opinion of 29 October 2003 (not yet published in the Official Journal).

⁽³⁾ OJ 109, 23.6.1965, p. 1859/65. Regulation as last amended by Regulation (EC) No 1256/97 (OJ L 174, 2.7.1997, p. 7).

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

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

Done at Brussels, 17 November 2003.

For the Council

The President

G. ALEMANNO

COMMISSION REGULATION (EC) No 2060/2003
of 24 November 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 November 2003.

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

Done at Brussels, 24 November 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 24 November 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	75,5
	096	54,2
	204	46,7
	999	58,8
0707 00 05	052	47,2
	220	139,2
	999	93,2
0709 90 70	052	113,8
	204	46,2
	999	80,0
0805 20 10	204	57,2
	999	57,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	69,6
	388	57,8
	464	140,7
	999	89,4
0805 50 10	052	74,0
	388	49,1
	400	46,9
	528	81,9
	600	72,8
	999	64,9
0808 10 20, 0808 10 50, 0808 10 90	060	41,2
	064	48,3
	388	87,1
	400	93,6
	404	92,7
	720	66,4
	800	131,2
	999	80,1
0808 20 50	052	109,6
	060	50,7
	064	59,8
	400	75,5
	720	48,4
	999	68,8

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

**COMMISSION REGULATION (EC) No 2061/2003
of 24 November 2003
amending, for the third time, Council Regulation (EC) No 1030/2003 concerning certain restrictive
measures in respect of Liberia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1030/2003 of 16 June 2003 concerning certain restrictive measures in respect of Liberia ⁽¹⁾, as last amended by Regulation (EC) No 1891/2003 ⁽²⁾, and in particular Article 3(a) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1030/2003 lists the competent authorities through which exemptions to the measures imposed by that Regulation should be obtained.

- (2) Finland and Sweden requested that additional authorities be included in that list,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1030/2003 is hereby amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 November 2003.

For the Commission
Christopher PATTEN
Member of the Commission

⁽¹⁾ OJ L 150, 18.6.2003, p. 1.

⁽²⁾ OJ L 278, 29.10.2003, p. 31.

ANNEX

Annex I to Regulation (EC) No 1030/2003 is amended as follows:

1. The address details under the heading 'Finland' shall be replaced with:

Ulkoasiainministeriö/Utrikesministeriet
PL/PB 176
FIN-00161 Helsinki/Helsingfors
Tel. (358) 9 16 05 59 00
Fax (358) 9 16 05 57 07
Puolustusministeriö/Försvarsministeriet
Eteläinen Makasiinikatu 8
FIN-00131 Helsinki/Helsingfors
PL/PB 31
Tel. (358) 9 16 08 81 28
Fax (358) 9 16 08 81 11'.

2. The address details under the heading 'Sweden' shall be replaced with:

— With respect to Article 1(2)(a)
Inspektionen för strategiska produkter (ISP)
Box 70 252
S-107 22 Stockholm
Tel. (46) 8 406 31 00
Fax (46) 8 20 31 00

— With respect to Article 1(2)(b)
Regeringskansliet
Utrikesdepartementet
Rättssekretariatet för EU-frågor
Fredsgatan 6
S-103 39 Stockholm
Tel. (46) 8 405 10 00
Fax (46) 8 723 11 76'.

COMMISSION REGULATION (EC) No 2062/2003
of 24 November 2003
amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification
scheme for the international trade in rough diamonds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds ⁽¹⁾, as last amended by Commission Regulation (EC) 1880/2003 ⁽²⁾, and in particular Article 20 thereof,

Whereas:

- (1) Article 20 of Regulation (EC) No 2368/2002 provides for the amending of the list of participants in the Kimberley Process certification scheme and the competent authorities they have designated to issue and validate their certificates in Annex II.
- (2) The Republic of Slovenia has asked the Commission to amend the entry on its competent authority.

- (3) The Chair of the Kimberley Process certification scheme, through his Chair's notice of 7 November 2003, has provided an updated list of participants in the scheme. The updating of the list concerns the addition as participants of Brazil, Ghana, Romania and Togo. Annex II should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 2368/2002 is hereby replaced by the Annex to this Regulation.

Article 2

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

It shall be applicable from 7 November 2003.

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

Done at Brussels, 24 November 2003.

For the Commission
Christopher PATTEN
Member of the Commission

⁽¹⁾ OJ L 358, 31.12.2002, p. 28.

⁽²⁾ OJ L 275, 25.10.2003, p. 26.

ANNEX

‘ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20

ANGOLA

Ministry of Geology and Mines
Rua Hochi Min
Luanda
Angola

ARMENIA

Department of Gemstones and Jewellery
Ministry of Trade and Economic Development
Yerevan
Armenia

AUSTRALIA

- Community Protection Section
Australian Customs Section
Customs House, 5 Constitution Avenue
Canberra ACT 2601
Australia
- Minerals Development Section
Department of Industry, Tourism and Resources
GPO Box 9839
Canberra ACT 2601
Australia

BELARUS

Department of Finance
Sovetskaja Str., 7
220010 Minsk
Republic of Belarus

BOTSWANA

Ministry of Minerals, Energy and Water Resources
PI Bag 0018
Gaborone
Botswana

BRAZIL

Ministry of Mines and Energy
Esplanada dos Ministérios - Bloco “U” – 3º andar
70065-900 Brasília-DF
Brazil

BULGARIA

Ministry of Economy
Multilateral Trade and Economic Policy and Regional Cooperation
Directorate
12, Al. Batenberg str.
1000 Sofia
Bulgaria

CANADA

— *International:*

Department of Foreign Affairs and International Trade
Peace Building and Human Security Division
Lester B Pearson Tower B — Room: B4-120
125 Sussex Drive Ottawa, Ontario K1A 0G2
Canada

— *For specimen of the Canadian KP Certificate:*

Stewardship Division
International and Domestic Market Policy Division
Mineral and Metal Policy Branch
Minerals and Metals Sector
Natural Resources Canada
580 Booth Street, 10th floor, Room: 10A6
Ottawa, Ontario
Canada K1A 0E4

— *General Enquiries:*

Kimberley Process Office
Minerals and Metals Sector (MMS)
Natural Resources Canada (NRCan)
10th Floor, Area A -7
580 Booth Street
Ottawa, Ontario
Canada K1A 0E4

CENTRAL AFRICAN REPUBLIC

Independent Diamond Valuers (IDV)
Immeuble SOCIM, 2^e étage
BP 1613 Bangui
Central African Republic

CHINA, People's Republic of

Department of Inspection and Quarantine Clearance
General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)
9 Madiandonglu
Haidian District, Beijing
People's Republic of China

HONG KONG, Special Administrative Region of the People's Republic of China

Department of Trade and Industry
Hong Kong Special Administrative Region
People's Republic of China
Room 703, Trade and Industry Tower
700 Nathan Road
Kowloon
Hong Kong
China

CONGO, Democratic Republic of

Centre d'évaluation, d'expertise et de certification (CEEC)
17th floor, BCDC Tower
30th June Avenue
Kinshasa
Democratic Republic of Congo

CONGO, Republic of

Directorate General of Mines and Geology
Brazzaville
Republic of Congo

CÔTE D'IVOIRE

Ministry of Mines and Energy
BP V 91
Abidjan
Côte d'Ivoire

CROATIA

Ministry of Economy
Zagreb
Republic of Croatia

EUROPEAN COMMUNITY

European Commission
DG External Relations A/2
B-1049 Brussels

GHANA

Precious Minerals Marketing Company (Ltd)
Diamond House
Kinbu Road
PO Box M. 108
Accra
Ghana

GUINEA

Ministry of Mines and Geology
BP 2696
Conakry
Guinea

GUYANA

Geology and Mines Commission
P O Box 1028
Upper Brickdam
Stabroek
Georgetown
Guyana

HUNGARY

Licensing and Administration Office of the Ministry of Economy and Transport
Margit krt. 85
1024 Budapest
Hungary

INDIA

The Gem & Jewellery Export Promotion Council
Diamond Plaza, 5th Floor 391-A, Fr D.B. Marg
Mumbai 400 004
India

ISRAEL

Ministry of Industry and Trade
P.O. Box 3007
521 30 Ramat Gan
Israel

JAPAN

— United Nations Policy Division
Foreign Policy Bureau
Ministry of Foreign Affairs
2-11-1, Shibakoen Minato-ku
105-8519 Tokyo
Japan

— Mineral and Natural Resources Division
Agency for Natural Resources and Energy
Ministry of Economy, Trade and Industry
1-3-1 Kasumigaseki, Chiyoda-ku
100-8901 Tokyo
Japan

KOREA, Republic of

— UN Division
Ministry of Foreign Affairs and Trade
Government Complex Building
77 Sejong-ro, Jongro-gu
Seoul
Korea

— Trade Policy Division
Ministry of Commerce, Industry and Enterprise
1 Joongang-dong, Kwacheon-City
Kyunggi-do
Korea

LAOS, People's Democratic Republic

Department of Foreign Trade
Ministry of Commerce
Vientiane
Laos

LEBANON

Ministry of Economy and Trade
Beirut
Lebanon

LESOTHO

Commission of Mines and Geology
PO Box 750
Maseru 100
Lesotho

MALAYSIA

Ministry of International Trade and Industry
Blok 10
Komplek Kerajaan Jalan Duta
50622 Kuala Lumpur
Malaysia

MAURITIUS

Ministry of Commerce and Co-operatives
Import Division
2nd Floor, Anglo-Mauritius House
Intendance Street
Port Louis
Mauritius

NAMIBIA

Diamond Commission
Ministry of Mines and Energy
Private Bag 13297
Windhoek
Namibia

POLAND

Ministry of Economy, Labour and Social Policy
Plac Trzech Krzyzy 3/5
00-507 Warsaw
Poland

ROMANIA

National Authority for Consumer Protection
Strada Georges Clemenceau Nr. 5, sectorul 1
Bucharest
Romania

RUSSIAN FEDERATION

Gokhran of Russia
14, 1812 Goda St.
121170 Moscow
Russia

SIERRA LEONE

Ministry of Minerals Resources
Youyi Building
Brookfields
Freetown
Sierra Leone

SLOVENIA

Ministry of the Finance
Customs Office Ljubljana
Branch Airport Brnik
Zgornji Brnik 130 D
4210 Brnik Aerodrom
Republic of Slovenia

SOUTH AFRICA

South African Diamond Board
240 Commissioner Street
Johannesburg
South Africa

SRI LANKA

Trade Information Service
Sri Lanka Export Development Board
42 Nawam Mawatha
Colombo 2
Sri Lanka

SWITZERLAND

State Secretariat for Economic Affairs
Export Control Policy and Sanctions
Effingerstrasse 1
3003 Berne
Switzerland

TAIWAN, PENGHU, KINMEN AND MATSU, Separate Customs Territory

Import and Export office
Licensing and Administration
Board of Foreign Trade
Taiwan

TANZANIA

Commission for Minerals
Ministry of Energy and Minerals
PO Box 2000
Dar es Salam
Tanzania

THAILAND

Ministry of Commerce
Department of Foreign Trade
44/100 Thanon Sanam Bin Nam-Nonthaburi
Muang District
Nonthaburi 11000
Thailand

TOGO

Directorate General — Mines and Geology
BP 356
216, Avenue Sarakawa
Lomé
Togo

UKRAINE

— Ministry of Finance
State Gemological Center
Degtyarivska St. 38-44
Kiev
04119 Ukraine

— International Department
Diamond Factory "Kristall"
600 Letiya Street 21
21100 Vinnitsa
Ukraine

UNITED ARAB EMIRATES

Dubai Metals and Commodities Centre
PO Box 63
Dubai
United Arab Emirates

UNITED STATES OF AMERICA

U.S. Department of State
2201 C St., N.W.
Washington D.C.
United States of America

VENEZUELA

Ministry of Energy and Mines
Apartado Postal n° 61536 Chacao
Caracas 1006
Av. Libertadores, Edif. PDVSA, Pent House B
La Campina — Caracas
Venezuela

VIETNAM

Export-Import Management Department
Ministry of Trade of Vietnam
31 Trang Tien
Hanoi 10.000
Vietnam

ZIMBABWE

Principal Minerals Development Office
Ministry of Mines and Mining Development
Private Bag 7709, Causeway
Harare
Zimbabwe'

COMMISSION REGULATION (EC) No 2063/2003
of 24 November 2003
prohibiting fishing for blue whiting by vessels flying the flag of Sweden

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 catch limitations are required ⁽³⁾, as last amended by Commission Regulation (EC) No 1754/2003 ⁽⁴⁾, lays down quotas for blue whiting 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 blue whiting in the waters of ICES divisions IIa (EC waters) and North Sea (EC waters), by

vessels flying the flag of Sweden or registered in Sweden have exhausted the quota allocated for 2003. Sweden has prohibited fishing for this stock from 31 October 2003. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of blue whiting in the waters of ICES divisions IIa (EC waters) and North Sea (EC waters), by vessels flying the flag of Sweden or registered in Sweden are hereby deemed to have exhausted the quota allocated to Sweden for 2003.

Fishing for blue whiting in the waters of ICES divisions IIa (EC waters) and North Sea (EC waters), by vessels flying the flag of Sweden or registered in Sweden 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 31 October 2003.

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

Done at Brussels, 24 November 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 252, 4.10.2003, p. 1.

**COMMISSION REGULATION (EC) No 2064/2003
of 24 November 2003**

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5(2)(a) thereof,

Whereas:

Pursuant to Article 2(2) and Article 3 of abovementioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods. Pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the

Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No 2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States. Those prices should be fixed immediately so the customs duties applicable can be determined. To that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 25 November 2003.

It shall apply from 26 November to 9 December 2003.

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

Done at Brussels, 24 November 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 382, 31.12.1987, p. 22.

⁽²⁾ OJ L 177, 5.7.1997, p. 1.

⁽³⁾ OJ L 72, 18.3.1988, p. 16.

⁽⁴⁾ OJ L 289, 22.10.1997, p. 1.

ANNEX

to the Commission Regulation of 24 November 2003 fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

(EUR/100 pieces)

Period: from 26 November to 9 December 2003				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	14,87	13,65	28,72	13,56
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	6,67	—	9,82	7,61
Morocco	—	—	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	6,84	—	—	—

DIRECTIVE 2003/89/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 10 November 2003
amending Directive 2000/13/EC as regards indication of the ingredients present in foodstuffs
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

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

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

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

Whereas:

- (1) In order to achieve a high level of health protection for consumers and to guarantee their right to information, it must be ensured that consumers are appropriately informed as regards foodstuffs, *inter alia*, through the listing of all ingredients on labels.
- (2) By virtue of Article 6 of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽⁴⁾, certain substances need not appear in the list of ingredients.
- (3) When used in the production of foodstuffs and still present, certain ingredients or other substances are the cause of allergies or intolerances in consumers, and some of those allergies or intolerances constitute a danger to the health of those concerned.
- (4) The Scientific Committee on Food set up by Article 1 of Commission Decision 97/579/EC ⁽⁵⁾ has stated that the incidence of food allergies is such as to affect the lives of many people, causing conditions ranging from very mild to potentially fatal.

(5) The said Committee has acknowledged that common food allergens include cow's milk, fruits, legumes (especially peanuts and soybeans), eggs, crustaceans, tree nuts, fish, vegetables (celery and other foods of the Umbelliferae family), wheat and other cereals.

(6) The most common food allergens are found in a wide variety of processed foods.

(7) The said Committee has also noted that adverse reactions to food additives may occur and that the avoidance of food additives is often difficult since not all of them are invariably included on the labelling.

(8) It is necessary to provide that additives, processing aids and other substances with allergenic effect covered by Article 6(4)(a) of Directive 2000/13/EC are subject to labelling rules, to give appropriate information to consumers suffering from food allergy.

(9) Even if labelling, which is intended for consumers in general, is not to be regarded as the only medium of information acting as substitute for the medical establishment, it is nevertheless advisable to assist consumers who have allergies or intolerances as much as possible by providing them with more comprehensive information on the composition of foodstuffs.

(10) The list of allergenic substances should include those foodstuffs, ingredients and other substances recognised as causing hypersensitivity.

(11) In order to provide all consumers with better information and to protect the health of certain consumers, it should be made obligatory to include in the list of ingredients all ingredients and other substances present in the foodstuff. In the case of alcoholic beverages, it should be mandatory to include in the labelling all ingredients with allergenic effect present in the beverage concerned.

(12) In order to take account of the technical constraints involved in the manufacture of foodstuffs, it is necessary to authorise greater flexibility with regard to the listing of ingredients and other substances used in very small quantities.

⁽¹⁾ OJ C 332 E, 27.11.2001, p. 257 and OJ C 331 E, 31.12.2002, p. 188.

⁽²⁾ OJ C 80, 3.4.2002, p. 35.

⁽³⁾ Opinion of the European Parliament of 11 June 2002 (not yet published in the Official Journal), Council Common Position of 20 February 2003 (OJ C 102 E, 29.4.2003, p. 16) and Position of the European Parliament of 2 July 2003 (not yet published in the Official Journal), Council Decision of 22 September 2003.

⁽⁴⁾ OJ L 109, 6.5.2000, p. 29. Directive as amended by Commission Directive 2001/101/EC (OJ L 310, 28.11.2001, p. 19).

⁽⁵⁾ OJ L 237, 28.8.1997, p. 18. Decision as amended by Decision 2000/443/EC (OJ L 179, 18.7.2000, p. 13).

- (13) In order to keep up with the development of scientific knowledge and progress as regards technological means of removing the allergenicity in ingredients and other substances and in order to protect consumers against new food allergens and avoid unnecessary obligations on labelling, it is important to be able to revise the list of ingredients rapidly, when necessary by including or deleting certain ingredients or substances. The revision should be based on scientific criteria determined by the European Food Safety Authority set up by Regulation (EC) No 178/2002 ⁽¹⁾ and take the form of implementing measures of a technical nature, the adoption of which should be entrusted to the Commission in the interest of simplifying and accelerating the procedure. Furthermore, the Commission should, if necessary, draw up technical guidelines for the interpretation of Annex IIIa.
- (14) Directive 2000/13/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2000/13/EC is amended as follows:

1. Article 6 shall be amended as follows:

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

‘1. Ingredients shall be listed in accordance with this Article and Annexes I, II, III and IIIa.’;

- (b) the following paragraph shall be inserted:

‘3a. Without prejudice to the rules for labelling to be established pursuant to paragraph 3, any ingredient, as defined in paragraph 4(a) and listed in Annex IIIa, shall be indicated on the labelling where it is present in beverages referred to in paragraph 3. This indication shall comprise the word “contains” followed by the name of the ingredient(s) concerned. However, an indication is not necessary when the ingredient is already included under its specific name in the list of ingredients or in the name under which the beverage is sold.

Where necessary, detailed rules for the presentation of the indication referred to in the first subparagraph may be adopted in accordance with the following procedures:

- (a) as regards the products referred to in Article 1(2) of Council Regulation (EC) No 1493/99 of 17 May 1999 on the common organisation of the market in wine (*), under the procedure laid down in Article 75 of that Regulation;

- (b) as regards the products referred to in Article 2(1) of Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (**), under the procedure laid down in Article 13 of that Regulation;

- (c) as regards the products referred to in Article 1(2) of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks (***), under the procedure laid down in Article 14 of that Regulation;

- (d) as regards other products, under the procedure laid down in Article 20(2) of this Directive.

(*) OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

(**) OJ L 149, 14.6.1991, p. 1. Regulation as last amended by Regulation (EC) No 2061/96 of the European Parliament and of the Council (OJ L 277, 30.10.1996, p. 1).

(***) 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).’;

- (c) the following point shall be added to paragraph 4(c):

‘(iv) substances which are not additives but are used in the same way and with the same purpose as processing aids and are still present in the finished product, even if in altered form.’;

- (d) the second subparagraph of paragraph 5 shall be amended as follows:

- (i) the fourth indent shall be replaced by the following:

‘— where fruit, vegetables or mushrooms, none of which significantly predominates in terms of weight and which are used in proportions that are likely to vary, are used in a mixture as ingredients of a foodstuff, they may be grouped together in the list of ingredients under the designation “fruit”, “vegetables” or “mushrooms” followed by the phrase “in varying proportions”, immediately followed by a list of the fruit, vegetables or mushrooms present; in such cases, the mixture shall be included in the list of ingredients in accordance with the first subparagraph, on the basis of the total weight of the fruit, vegetables or mushrooms present.’;

- (ii) the following indents shall be added:

‘— ingredients constituting less than 2 % of the finished product may be listed in a different order after the other ingredients,

⁽¹⁾ OJ L 31, 1.2.2002, p. 1. Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

- where ingredients which are similar or mutually substitutable are likely to be used in the manufacture or preparation of a foodstuff without altering its composition, its nature or its perceived value, and in so far as they constitute less than 2 % of the finished product, they may be referred to in the list of ingredients by means of the phrase “contains ... and/or ...”, where at least one of no more than two ingredients is present in the finished product. This provision shall not apply to additives or to ingredients listed in Annex IIIa.;

- (e) the second subparagraph of paragraph 8 shall be replaced by the following:

‘The list referred to in the first subparagraph shall not be compulsory:

- (a) where the composition of the compound ingredient is defined in current Community legislation, and in so far as the compound ingredient constitutes less than 2 % of the finished product; however, this provision shall not apply to additives, subject to paragraph 4(c),
- (b) for compound ingredients consisting of mixtures of spices and/or herbs that constitute less than 2 % of the finished product, with the exception of additives, subject to paragraph 4(c),
- (c) where the compound ingredient is a foodstuff for which a list of ingredients is not required under Community legislation.;

- (f) the following paragraphs shall be added:

‘10. Notwithstanding paragraph 2, the second subparagraph of paragraph 6 and the second subparagraph of paragraph 8, any ingredient used in production of a foodstuff and still present in the finished product, even if in altered form, and listed in Annex IIIa or originating from an ingredient listed in Annex IIIa shall be indicated on the label with a clear reference to the name of this ingredient.

The indication referred to in the first subparagraph shall not be required if the name under which the foodstuff is sold clearly refers to the ingredient concerned.

Notwithstanding paragraph 4(c)(ii), (iii) and (iv), any substance used in production of a foodstuff and still present in the finished product, even if in altered form, and originating from ingredients listed in Annex IIIa shall be considered as an ingredient and shall be indicated on the label with a clear reference to the name of the ingredient from which it originates.

11. The list in Annex IIIa shall be systematically re-examined and, where necessary, updated on the basis of the most recent scientific knowledge. The first re-examination shall take place at the latest on 25 November 2005.

Updating could also be effected by the deletion from Annex IIIa of ingredients for which it has been scientifically established that it is not possible for them to cause adverse reactions. To this end, the Commission may be notified until 25 August 2004 of the studies currently being conducted to establish whether ingredients or substances, derived from ingredients listed in Annex IIIa are not likely, under specific circumstances, to trigger adverse reactions. The Commission shall, not later than 25 November 2004, after consultation with the European Food Safety Authority, adopt a list of those ingredients or substances, which shall consequently be excluded from Annex IIIa, pending the final results of the notified studies, or at the latest until 25 November 2007.

Without prejudice to the second subparagraph, Annex IIIa may be amended, in compliance with the procedure referred to in Article 20(2), after an opinion has been obtained from the European Food Safety Authority issued on the basis of Article 29 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (*).

Where necessary, technical guidelines may be issued for the interpretation of the list in Annex IIIa, in compliance with the procedure referred to in Article 20(2).

(*) OJ L 31, 1.2.2002, p. 1. Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).;

- 2. in the second subparagraph of Article 19, ‘Standing Committee on Foodstuffs set up by Council Decision 69/414/EEC (1)’ shall be replaced by ‘Standing Committee on the Food Chain and Animal Health set up by Regulation (EC) No 178/2002’;
- 3. the footnote, ‘OJ L 291, 29.11.1969, p. 9’, shall be deleted;
- 4. in Article 20(1) ‘Standing Committee on Foodstuffs’ shall be replaced by ‘Standing Committee on the Food Chain and Animal Health’;
- 5. in Annex I, the designations ‘crystallised fruit’ and ‘vegetables’, and the corresponding definitions, shall be deleted;
- 6. Annex IIIa, the text of which is set out in the Annex to this Directive, shall be inserted.

Article 2

- 1. Member States shall bring into force, by 25 November 2004 the laws, regulations and administrative provisions necessary to:

- permit, as from 25 November 2004, the sale of products that comply with this Directive;

— prohibit, as from 25 November 2005, the sale of products that do not comply with this Directive; any products which do not comply with this Directive but which have been placed on the market or labelled prior to this date may, however, be sold while stocks last.

They shall forthwith inform the Commission thereof.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 10 November 2003.

For the European Parliament

The President

P. COX

For the Council

The President

A. MARZANO

ANNEX

'ANNEX IIIa

Ingredients referred to in Article 6(3a), (10) and (11)

Cereals containing gluten (i.e. wheat, rye, barley, oats, spelt, kamut or their hybridised strains) and products thereof

Crustaceans and products thereof

Eggs and products thereof

Fish and products thereof

Peanuts and products thereof

Soybeans and products thereof

Milk and products thereof (including lactose)

Nuts i. e. Almond (*Amygdalus communis* L.), Hazelnut (*Corylus avellana*), Walnut (*Juglans regia*), Cashew (*Anacardium occidentale*), Pecan nut (*Carya illinoensis* (Wangenh.) K. Koch), Brazil nut (*Bertholletia excelsa*), Pistachio nut (*Pistacia vera*), Macadamia nut and Queensland nut (*Macadamia ternifolia*) and products thereof

Celery and products thereof

Mustard and products thereof

Sesame seeds and products thereof

Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO₂.'

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 November 2003

appointing a Spanish alternate member of the Committee of the Regions

(2003/815/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Spanish Government,

Whereas:

- (1) Pursuant to Council Decision 2002/60/EC of 22 January 2002 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) The seat of an alternate member of the Committee of the Regions has become vacant following the expiry of the mandate of Ms Adela BARRERO FLOREZ, of which the Council was notified on 27 October 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Darío DÍAZ ALVAREZ, Director General de Relaciones Exteriores y Asuntos Europeos, Comunidad Autónoma del Principado de Asturias, is hereby appointed an alternate member of the Committee of the Regions in place of Ms Adela BARRERO FLOREZ for the remainder of her term of office, which ends on 25 January 2006.

Done at Brussels, 17 November 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 17 November 2003
appointing a German member of the Committee of the Regions

(2003/816/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the German Government,

Whereas:

- (1) Pursuant to Council Decision 2002/60/EC of 22 January 2002 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) A seat as a member of the Committee of the Regions has become vacant following the resignation of Mr Reinhold BOCKLET, notified to the Council on 6 November 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Eberhard SINNER, Staatsminister in der Bayerischen Staatskanzlei für Europaangelegenheiten und regionale Beziehungen, is hereby appointed a member of the Committee of the Regions in place of Mr Reinhold BOCKLET for the remainder of his term of office, which runs until 25 January 2006.

Done at Brussels, 17 November 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

**COUNCIL DECISION
of 17 November 2003**

appointing a German member and a German alternate member of the Committee of the Regions

(2003/817/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the German Government,

Whereas:

- (1) Pursuant to Council Decision 2002/60/EC of 22 January 2002 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) The seat of a member of the Committee of the Regions has become vacant following the resignation of Mr Erwin TEUFEL, of which the Council was notified on 10 November 2003, and the seat of an alternate member has become vacant following the nomination of Mr Peter STRAUB as member,

HAS DECIDED AS FOLLOWS:

Sole Article

- (a) Mr Peter STRAUB is hereby appointed a member of the Committee of the Regions in place of Mr Erwin TEUFEL
- (b) Mr Erwin TEUFEL is hereby appointed an alternate member of the Committee of the Regions in place of Mr Peter STRAUB

for the remainder of their terms of office, which end on 25 January 2006.

Done at Brussels, 17 November 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COUNCIL DECISION
of 17 November 2003
appointing an Italian member of the Committee of the Regions

(2003/818/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the Italian Government,

Whereas:

- (1) Pursuant to Council Decision 2002/60/EC of 22 January 2002 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions.
- (2) The seat of a member of the Committee of the Regions has fallen vacant following the expiry of the mandate of Mr Diego VIERIN, of which the Council was notified on 11 November 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Luciano CAVERI, Assessore al Turismo, Sport, Commercio, Trasporti ed Affari Europei della Regione Valle d'Aosta, is hereby appointed a member of the Committee of the Regions in place of Mr Diego VIERIN for the remainder of his term of office, which ends on 25 January 2006.

Done at Brussels, 17 November 2003.

For the Council

The President

F. FRATTINI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COMMISSION

COMMISSION DECISION

of 19 November 2003

amending Decision 1999/815/EC concerning measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing certain phthalates

(notified under document number C(2003) 4295)

(Text with EEA relevance)

(2003/819/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/59/EEC of 29 June 1992 on general product safety⁽¹⁾, and in particular Article 11(2) thereof,

Whereas:

(1) The Commission adopted, on 7 December 1999, Decision 1999/815/EC⁽²⁾, as last amended by Decision 2003/610/EC⁽³⁾, based on Article 9 of Directive 92/59/EEC, requiring the Member States to prohibit the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age, made of soft PVC containing one or more of the substances di-iso-nonyl phthalate (DINP), di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), di-iso-decyl phthalate (DIDP), di-n-octyl phthalate (DNOP), and butylbenzyl phthalate (BBP).

(2) The validity of Decision 1999/815/EC was limited to three months, in accordance with the provision of Article 11(2) of Directive 92/59/EEC. Therefore, the validity of the Decision was to expire on 8 March 2000.

(3) When adopting Decision 1999/815/EC it was foreseen to prolong its validity if necessary. The validity of the measures adopted under Decision 1999/815/EC was prolonged under several Decisions for an additional period of three months each time, and is now to expire on 20 November 2003.

(4) Some relevant developments have taken place concerning the validation of phthalates migration test methods and the comprehensive risk assessment of these phthalates under Council Regulation (EEC) No 793/93 of

23 March 1993 on the evaluation and control of the risks of existing substances⁽⁴⁾. However, further work in this area is still necessary to try to solve some crucial outstanding difficulties.

(5) Pending resolution of the outstanding issues, and in order to guarantee the objectives of Decision 1999/815/EC and its prolongations, it is necessary to maintain the prohibition of the placing on the market of the products considered.

(6) Certain Member States have implemented Decision 1999/815/EC by measures applicable until 20 November 2003. Therefore it is necessary to ensure that the validity of these measures is prolonged.

(7) It is therefore necessary to prolong the validity of Decision 1999/815/EC in order to ensure that all the Member States maintain the prohibition provided for by that Decision.

(8) The measures provided for in this Decision are in accordance with the opinion of the Emergencies Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5 of Decision 1999/815/EC the words '20 November 2003' are replaced by the words '20 February 2004'.

Article 2

Member States shall take the measures necessary to comply with this Decision within less than 10 days of its notification. They shall forthwith inform the Commission thereof.

⁽¹⁾ OJ L 228, 11.8.1992, p. 24.

⁽²⁾ OJ L 315, 9.12.1999, p. 46.

⁽³⁾ OJ L 210, 20.8.2003, p. 35.

⁽⁴⁾ OJ L 84, 5.4.1993, p. 1.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 November 2003.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION

of 20 November 2003

adjusting the weightings applicable from 1 February, 1 March, 1 April, 1 May and 1 June 2003 to the remuneration of officials of the European Communities serving in third countries

(2003/820/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EC, ECSC, Euratom) No 2265/2002 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas:

- (1) Pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EC, ECSC, Euratom) No 1338/2003 ⁽³⁾ laid down the weightings to be applied from 1 January 2003 to the remuneration of officials serving in third countries, payable in the currency of their country of employment.
- (2) The Commission has made a number of adjustments to these weightings ⁽⁴⁾ in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations.
- (3) Some of these weightings should be adjusted with effect from 1 February, 1 March, 1 April, 1 May and 1 June 2003 given that the statistics available to the Commission show that in certain third countries the variation in

the cost of living measured on the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down or adjusted,

HAS DECIDED AS FOLLOWS:

Sole Article

With effect from 1 February, 1 March, 1 April, 1 May and 1 June 2003 the weightings applicable to the remuneration of officials serving in third countries payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Communities for the month preceding the dates referred to in the first paragraph.

Done at Brussels, 20 November 2003.

For the Commission

Christopher PATTEN

Member of the Commission⁽¹⁾ OJ L 56, 4.3.1968, p. 1.⁽²⁾ OJ L 347, 20.12.2002, p. 1.⁽³⁾ OJ L 189, 29.7.2003, p. 1.⁽⁴⁾ OJ L 152, 20.6.2003, p. 84.

ANNEX

Place of employment	Weightings February 2003
Czech Republic	80,2
Haiti	72,0
Papua New Guinea	68,7
Turkey	83,8

Place of employment	Weightings March 2003
Angola	115,7
Haiti	70,1

Place of employment	Weightings April 2003
Angola	114,1
Democratic Republic of the Congo	139,4
Dominican Republic	57,8
Haiti	66,8
Sierra Leone	81,4
Venezuela	67,0

Place of employment	Weightings May 2003
Angola	117,8
Haiti	74,8

Place of employment	Weightings June 2003
Angola	116,4
Bulgaria	72,2
Democratic Republic of the Congo	143,9
Ethiopia	73,7
Haiti	81,3
Malawi	85,5
Paraguay	59,7
The Gambia	39,5
Uruguay	61,8
Venezuela	70,3

COMMISSION DECISION
of 21 November 2003
on the adequate protection of personal data in Guernsey

(notified under document number C(2003) 4309)

(Text with EEA relevance)

(2003/821/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾, and in particular Article 25(6) thereof,

After consulting the Working Party on Protection of Individuals with regard to the processing of personal data ⁽²⁾,

Whereas:

- (1) Pursuant to Directive 95/46/EC, Member States are required to provide that the transfer of personal data to a third country may take place only if the third country in question ensures an adequate level of protection and if the Member States' laws implementing other provisions of the Directive are complied with prior to the transfer.
- (2) The Commission may find that a third country ensures an adequate level of protection. In that case, personal data may be transferred from the Member States without additional guarantees being necessary.
- (3) Pursuant to Directive 95/46/EC the level of data protection should be assessed in the light of all the circumstances surrounding a data transfer operation or a set of data transfer operations, and giving particular consideration to a number of elements relevant for the transfer and listed in Article 25(2) thereof.
- (4) Given the different approaches to data protection in third countries, the adequacy assessment should be carried out, and any decision based on Article 25(6) of Directive 95/46/EC should be made and enforced in a way that does not arbitrarily or unjustifiably discriminate against or between third countries where like conditions prevail, nor constitute a disguised barrier to trade, regard being had to the Community's present international commitments.
- (5) The Bailiwick of Guernsey is one of the dependencies of the British Crown (being neither part of the United Kingdom nor a colony) that enjoys full independence, except for international relations and defence which are the responsibility of the United Kingdom Government. The Bailiwick of Guernsey should therefore be considered as a third country within the meaning of the Directive.
- (6) With effect from August 1987, the United Kingdom's ratification of the Council of Europe Convention on the Protection of Individuals with regard to automatic processing of personal data (Convention No 108) was extended to the Bailiwick of Guernsey.
- (7) As regards the Bailiwick of Guernsey, the legal standards on the protection of personal data based on the standards set out in Directive 95/46/EC have been provided for in the Data Protection (Bailiwick of Guernsey) Law 2001, which entered into force on 1 August 2002.
- (8) Sixteen statutory instruments (orders) have also been adopted in Guernsey in 2002, laying down specific rules concerning issues such as subject access, processing of sensitive data and notification to the data protection authority. These instruments complement the law.
- (9) The legal standards applicable in Guernsey cover all the basic principles necessary for an adequate level of protection for natural persons. The application of these standards is guaranteed by judicial remedy and by independent supervision carried out by the authorities, such as the Data Protection Commissioner invested with powers of investigation and intervention.
- (10) Guernsey should therefore be regarded as providing an adequate level of protection for personal data as referred to in Directive 95/46/EC.
- (11) In the interest of transparency and in order to safeguard the ability of the competent authorities in the Member States to ensure the protection of individuals as regards the processing of their personal data, it is necessary to specify the exceptional circumstances in which the suspension of specific data flows may be justified, notwithstanding the finding of adequate protection.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ Opinion 5/2003 on the level of protection of personal data in Guernsey, adopted by the Working Party on 13 June 2003, available at http://europa.eu.int/comm/internal_market/privacy/workinggroup/wp2003/wpdocs03_en.htm

- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 31(1) of Directive 95/46/EC,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 25(2) of Directive 95/46/EC, the Bailiwick of Guernsey is considered as providing an adequate level of protection for personal data transferred from the Community.

Article 2

This Decision concerns the adequacy of protection provided in Guernsey with a view to meeting the requirements of Article 25(1) of Directive 95/46/EC and does not affect other conditions or restrictions implementing other provisions of that Directive that pertain to the processing of personal data within the Member States.

Article 3

1. Without prejudice to their powers to take action to ensure compliance with national provisions adopted pursuant to provisions other than Article 25 of Directive 95/46/EC, the competent authorities in Member States may exercise their existing powers to suspend data flows to a recipient in Guernsey in order to protect individuals with regard to the processing of their personal data in the following cases:

- (a) where a competent Guernsey authority has determined that the recipient is in breach of the applicable standards of protection; or
- (b) where there is a substantial likelihood that the standards of protection are being infringed, there are reasonable grounds for believing that the competent Guernsey authority is not taking or will not take adequate and timely steps to settle the case at issue, the continuing transfer would create an imminent risk of grave harm to data subjects and the competent authorities in the Member State have made reasonable efforts in the circumstances to provide the party responsible for processing established in Guernsey with notice and an opportunity to respond.

2. The suspension shall cease as soon as the standards of protection are assured and the competent authority of the Member States concerned is notified thereof.

Article 4

1. Member States shall inform the Commission without delay when measures are adopted on the basis of Article 3.

2. The Member States and the Commission shall inform each other of cases where the action of bodies responsible for ensuring compliance with the standards of protection in Guernsey fails to secure such compliance.

3. If the information collected under Article 3 and under paragraphs 1 and 2 of this Article provides evidence that any body responsible for ensuring compliance with the standards of protection in Guernsey is not effectively fulfilling its role, the Commission shall inform the competent Guernsey authority and, if necessary, present draft measures in accordance with the procedure referred to in Article 31(2) of Directive 95/46/EC with a view to repealing or suspending this Decision or limiting its scope.

Article 5

The Commission shall monitor the functioning of this Decision and report any pertinent findings to the Committee established under Article 31 of Directive 95/46/EC, including any evidence that could affect the finding in Article 1 of this Decision, that protection in Guernsey is adequate within the meaning of Article 25 of Directive 95/46/EC and any evidence that this Decision is being implemented in a discriminatory way.

Article 6

Member States shall take all the measures necessary to comply with the Decision within four months of the date of its notification.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 21 November 2003.

For the Commission

Frederik BOLKESTEIN

Member of the Commission