

Official Journal

of the European Union

ISSN 1725-2555

L 321

Volume 46

6 December 2003

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 2135/2003 of 5 December 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 2136/2003 of 5 December 2003 opening tendering procedure No 47/2003 EC for the sale of wine alcohol for new industrial uses** 3

Commission Regulation (EC) No 2137/2003 of 5 December 2003 concerning tenders submitted in response to the invitation to tender for the export of husked long grain B rice to the island of Réunion referred to in Regulation (EC) No 1878/2003 5

Commission Regulation (EC) No 2138/2003 of 5 December 2003 fixing the maximum export refund on wholly milled round grain rice to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1875/2003 6

Commission Regulation (EC) No 2139/2003 of 5 December 2003 fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1876/2003 7

Commission Regulation (EC) No 2140/2003 of 5 December 2003 fixing the maximum export refund on wholly milled and parboiled long-grain B rice destined for certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1877/2003 8

Commission Regulation (EC) No 2141/2003 of 5 December 2003 amending representative prices and additional duties for the import of certain products in the sugar sector 9

★ **Commission Regulation (EC) No 2142/2003 of 5 December 2003 terminating the definitive safeguard measures in relation to certain steel products imposed by Commission Regulation (EC) No 1694/2002** 11

★ **Directive 2003/102/EC of the European Parliament and of the Council of 17 November 2003 relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending Council Directive 70/156/EEC** 15

Price: EUR 18

(Continued overleaf)

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air	26
★ Commission Directive 2003/112/EC of 1 December 2003 amending Council Directive 91/414/EEC to include paraquat as an active substance ⁽¹⁾	32
★ Commission Directive 2003/116/EC of 4 December 2003 amending Annexes II, III, IV and V to Council Directive 2000/29/EC as regards the harmful organism <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i>	36

II Acts whose publication is not obligatory

Council

2003/840/EC:

★ Council Decision of 17 November 2003 relating to the conclusion on behalf of the European Community of Council of Europe Convention No 180 on information and legal cooperation on information society services	41
---	----

2003/841/EC:

★ Council Decision of 1 December 2003 on the replacement of members of the European Social Fund Committee	55
---	----

2003/842/EC:

★ Council Decision of 1 December 2003 appointing a member of the Committee of the Regions	57
---	----

Commission

2003/843/EC:

★ Commission Decision of 5 December 2003 amending Decision 92/452/EEC as regards embryo collection teams in the United States of America ⁽¹⁾ (notified under document number C(2003) 4524)	58
---	----

2003/844/EC:

★ Commission Decision of 5 December 2003 amending Decision 2002/613/EC as regards the approved porcine semen collection centres of Canada ⁽¹⁾ (notified under document number C(2003) 4525)	60
--	----

2003/845/EC:

★ Commission Decision of 5 December 2003 concerning protective measures with regard to imports of certain animals, their semen, ova and embryos from Albania, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro in relation to blue tongue ⁽¹⁾ (notified under document number C(2003) 4526)	61
---	----

2003/846/EC:

★ Commission Decision of 5 December 2003 conferring management of aid implementing agencies for pre-accession measures in agriculture and rural development in Romania in the pre-accession period	62
--	----

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

★ Council Decision 2003/847/JHA of 27 November 2003 concerning control measures and criminal sanctions in respect of the new synthetic drugs 2C-I, 2C-T-2, 2C-T-7 and TMA-2	64
---	----

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2135/2003
of 5 December 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 6 December 2003.

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

Done at Brussels, 5 December 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 5 December 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	75,7
	060	86,6
	204	48,9
	212	115,9
	624	111,0
	999	87,6
0707 00 05	052	45,6
	999	45,6
0709 90 70	052	109,5
	204	72,0
	999	90,8
0805 10 10, 0805 10 30, 0805 10 50	388	46,6
	999	46,6
0805 20 10	052	62,0
	204	58,6
	999	60,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,5
	999	68,5
0805 50 10	052	65,4
	388	82,9
	600	54,8
	999	67,7
0808 10 20, 0808 10 50, 0808 10 90	052	38,0
	060	40,8
	064	52,4
	388	115,4
	400	75,5
	404	78,9
	720	82,7
	800	135,4
	999	77,4
0808 20 50	052	102,3
	060	53,5
	064	61,8
	400	84,7
	720	69,1
	999	74,3

⁽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 2136/2003
of 5 December 2003**

opening tendering procedure No 47/2003 EC for the sale of wine alcohol for new industrial uses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽²⁾, and in particular Article 80 thereof,

Whereas:

- (1) Regulation (EC) No 1623/2000 lays down, *inter alia*, the detailed rules for disposing of stocks of alcohol arising from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 held by intervention agencies.
- (2) Tendering procedures should be organised for the sale of wine alcohol for new industrial uses with a view to reducing the stocks of wine alcohol in the Community and enabling small-scale industrial projects to be carried out and such alcohol to be processed into goods intended for export for industrial uses. The wine alcohol of Community origin in storage in the Member States consists of quantities produced from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999.
- (3) Since the adoption of Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾, the prices offered in tenders and securities must be expressed in euro and payments must be made in euro.
- (4) Minimum prices should be fixed for the submission of tenders, broken down according to the type of end-use.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

Tendering procedure No 47/2003 EC is hereby opened for the sale of wine alcohol for new industrial uses. The alcohol concerned has been produced from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and is held by the French intervention agency.

⁽¹⁾ 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).

⁽²⁾ OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1710/2003 (OJ L 243, 27.9.2003, p. 98).

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

The volume put up for sale is 130 000 hectolitres of alcohol at 100 % vol. The vat numbers, places of storage and the volume of alcohol at 100 % vol contained in each vat are detailed in the Annex hereto.

Article 2

The sale shall be conducted in accordance with Articles 79, 81, 82, 83, 84, 85, 95, 96, 97, 100 and 101 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

Article 3

Tenders must be submitted to the intervention agency holding the alcohol concerned:

Onivins-Libourne, Délégation nationale, 17 avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel. (33-5) 57 55 20 00; telex 57 20 25; fax (33-5) 57 55 20 59)

or sent by registered mail to that address.

Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 47/2003 EC for new industrial uses', the outer envelope bearing the address of the intervention agency concerned.

Tenders must reach the intervention agency concerned not later than 12.00 Brussels time on 31.12.2003.

All tenders must be accompanied by proof that a tendering security of EUR 4 per hectolitre of alcohol at 100 % vol has been lodged with the intervention agency concerned.

Article 4

The minimum prices which may be offered are EUR 6,50 per hectolitre of alcohol at 100 % vol intended for the manufacture of baker's yeast, EUR 26 per hectolitre of alcohol at 100 % vol intended for the manufacture of amine- and chloral-type chemical products for export, EUR 32 per hectolitre of alcohol at 100 % vol intended for the manufacture of eau de Cologne for export and EUR 7,50 per hectolitre of alcohol at 100 % vol intended for other industrial uses.

Article 5

The formalities for sampling shall be as set out in Article 98 of Regulation (EC) No 1623/2000. The price of samples shall be EUR 10 per litre.

The intervention agency shall provide all the necessary information on the characteristics of the alcohol put up for sale.

Article 6

The performance guarantee shall be EUR 30 per hectolitre of alcohol at 100 % vol.

Article 7

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

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

Done at Brussels, 5 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

INVITATION TO TENDER No 47/2003 EC FOR THE SALE OF ALCOHOL FOR NEW INDUSTRIAL USES

Place of storage, volume and characteristics of the alcohol put up for sale

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % vol	Regulation (EC) No 1493/1999 Article	Type of alcohol	Alcoholic strength (in % vol)
France	Onivins-Longuefuye F-53200 Longuefuye	9	22 200	27	Raw	+ 92 %
		11	22 550	30	Raw	+ 92 %
		14	22 440	28	Raw	+ 92 %
		18	22 130	28	Raw	+ 92 %
		22	2 430	30	Raw	+ 92 %
		22	6 500	28	Raw	+ 92 %
		17	11 750	28	Raw	+ 92 %
	Onivins-Port La Nouvelle Av. Adolphe Turrel BP 62 F-11210 Port La Nouvelle	5	20 000	30	Raw	+ 92 %
	Total		130 000			

COMMISSION REGULATION (EC) No 2137/2003
of 5 December 2003
concerning tenders submitted in response to the invitation to tender for the export of husked long
grain B rice to the island of Réunion referred to in Regulation (EC) No 1878/2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, as amended by Regulation (EC) No 1453/1999 ⁽⁴⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1878/2003 ⁽⁵⁾ opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award.

(3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 1 to 4 December 2003 in response to the invitation to tender referred to in Regulation (EC) No 1878/2003 for the subsidy on exports to Réunion of husked long grain B rice falling within CN code 1006 20 98.

Article 2

This Regulation shall enter into force on 6 December 2003.

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

Done at Brussels, 5 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 261, 7.9.1989, p. 8.

⁽⁴⁾ OJ L 167, 2.7.1999, p. 19.

⁽⁵⁾ OJ L 275, 25.10.2003, p. 23.

**COMMISSION REGULATION (EC) No 2138/2003
of 5 December 2003**

**fixing the maximum export refund on wholly milled round grain rice to certain third countries in
connection with the invitation to tender issued in Regulation (EC) No 1875/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1875/2003 ⁽³⁾.

(2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1875/2003 is hereby fixed on the basis of the tenders submitted from 1 to 4 December 2003 at 153,00 EUR/t.

Article 2

This Regulation shall enter into force on 6 December 2003.

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

Done at Brussels, 5 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 275, 25.10.2003, p. 14.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 2139/2003
of 5 December 2003**

fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 1876/2003

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1876/2003 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1876/2003 is hereby fixed on the basis of the tenders submitted from 1 to 4 December 2003 at 153,00 EUR/t.

Article 2

This Regulation shall enter into force on 6 December 2003.

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

Done at Brussels, 5 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 275, 25.10.2003, p. 17.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

**COMMISSION REGULATION (EC) No 2140/2003
of 5 December 2003**

**fixing the maximum export refund on wholly milled and parboiled long-grain B rice destined for
certain third countries in connection with the invitation to tender issued in Regulation (EC) No
1877/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1877/2003 ⁽³⁾.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 1948/2002 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.
- (3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) To ensure the more balanced management of quantities exported with a refund, an allocation coefficient should be set for tenders presented at the level of the maximum refund.

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled and parboiled long-grain B rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1877/2003 is hereby fixed on the basis of the tenders submitted from 1 to 4 December 2003 at 290,00 EUR/t.

Article 2

For tenders presented at the level of the maximum refund, an allocation coefficient is set at 50 %.

Article 3

This Regulation shall enter into force on 6 December 2003.

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

Done at Brussels, 5 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 275, 25.10.2003, p. 20.

⁽⁴⁾ OJ L 61, 7.3.1975, p. 25.

⁽⁵⁾ OJ L 299, 1.11.2002, p. 18.

COMMISSION REGULATION (EC) No 2141/2003
of 5 December 2003
amending representative prices and additional duties for the import of certain products in the
sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1166/2003 ⁽⁵⁾, as last amended by Regulation (EC) No 2128/2003 ⁽⁶⁾.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 December 2003.

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

Done at Brussels, 5 December 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 16.

⁽⁴⁾ OJ L 85, 20.3.1998, p. 5.

⁽⁵⁾ OJ L 162, 1.7.2003, p. 57.

⁽⁶⁾ OJ L 319, 4.12.2003, p. 10.

ANNEX

to the Commission Regulation of 5 December 2003 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)		
CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	15,27	8,96
1701 11 90 ⁽¹⁾	15,27	15,26
1701 12 10 ⁽¹⁾	15,27	8,72
1701 12 90 ⁽¹⁾	15,27	14,74
1701 91 00 ⁽²⁾	17,24	18,34
1701 99 10 ⁽²⁾	17,24	12,89
1701 99 90 ⁽²⁾	17,24	12,89
1702 90 99 ⁽³⁾	0,17	0,47

⁽¹⁾ For the standard quality as defined in Annex I, point II, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ For the standard quality as defined in Annex I, point I, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 2142/2003
of 5 December 2003**

**terminating the definitive safeguard measures in relation to certain steel products imposed by
Commission Regulation (EC) No 1694/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports and repealing Regulation (EC) No 518/94 ⁽¹⁾, as last amended by Council Regulation (EC) No 2474/2000 ⁽²⁾, and in particular Article 21 thereof,

Having regard to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) 3420/83 ⁽³⁾, as last amended by Regulation (EC) No 427/2003 ⁽⁴⁾, and in particular Article 18 thereof,

After consultations within the Advisory Committee established under Article 4 of Regulation (EC) No 3285/94 and of Regulation (EC) No 519/94 respectively,

Whereas:

PROCEDURE

- (1) On 27 September 2003, following a full investigation in relation to 21 steel products, the Commission imposed definitive safeguard measures in relation to seven of those steel products, namely non-alloy hot-rolled coils, non-alloy hot-rolled sheets and plates, non-alloy hot-rolled narrow strip, alloy hot-rolled flat products, cold-rolled sheets, fittings (< 609,6 mm), and flanges (other than of stainless steel). In particular, the Commission concluded that, in relation to each product, increased imports result from unforeseen developments had caused serious injury to the Community producers. The Commission also noted that due to a steel safeguard measure taken by the United States of America on 5 March 2002 in relation to a wide range of steel products, imports into the Community were likely to further increase and to significantly aggravate the situation of the Community producers.
- (2) Definitive safeguard measures were therefore imposed by Commission Regulation (EC) No 1694/2002 ⁽⁵⁾. However, in recital 705 thereof, the Commission recalled that the safeguard measures were taken in the context of the effect of increased imports caused by the United States trade defence measures culminating in the United States safeguard measures, and undertook to re-examine the need for measures should circumstances change.
- (3) A change of circumstances has now occurred, and the circumstances now pertaining in relation to each product are set out below. Since the imposition of safeguard measures by the Commission, the European steel market has stabilised in relation to the level of imports. Further, on 4 December 2003, the United States of America announced the withdrawal of the US safeguard measures on steel.

⁽¹⁾ OJ L 349, 31.12.1994, p. 53.

⁽²⁾ OJ L 286, 11.11.2000, p. 1.

⁽³⁾ OJ L 67, 10.3.1994, p. 89.

⁽⁴⁾ OJ L 65, 8.3.2003, p. 1.

⁽⁵⁾ OJ L 261, 28.9.2002, p. 1.

- (4) The individual circumstances pertaining to each of the seven products subject to measures is examined below. As data is not yet available for the whole of 2003, and in order to facilitate comparison with earlier years, figures for 2003 are based on an extrapolation of actual data for the first semester of 2003, in terms of which the ratio of imports in first semester 2001 and 2002 to second semester imports in 2001 and 2002 was applied to the actual data for first semester 2003 in order to estimate second semester 2003 data.

Hot-rolled coils

- (5) Imports of hot-rolled coils since 2001 from those countries subject to the EC steel safeguard measures (the measures) are set out in the table below.

	2001	2002	2003
EU imports (t)	3 679 195	3 118 109	3 825 510

- (6) The tariff quota for hot-rolled coils established by the measures for the period to 28 September 2003 (3 199 240 tonnes) was only exceeded in the course of September 2003, probably due to the appreciation of the euro relative to the US dollar and other major currencies which occurred at the beginning of 2003. This made it more attractive to users in the Community to purchase hot-rolled coils in the United States of America and elsewhere.
- (7) It is not yet possible to definitively state the quantity and origin of imports of hot-rolled coils made in excess of the tariff quota, as import statistics are not yet available. However, the information available indicates that the quantities were small and were certainly no more than 1 % of the tariff quota. Requests for the benefit of the tariff quota by Member States on behalf of importers received by the Commission and which were not met were only 2 487 tonnes. In this regard it is noted that the tariff quota for the year to 28 September 2004 is 3 359 234 tonnes, which is, in any event, 5 % greater than that for the period to 28 September 2003 and in excess of the volume of imports for which applications to benefit from the tariff quota for hot-rolled coils in the period to 28 September 2003, were made.

Hot-rolled sheets and plates

- (8) Imports of hot-rolled sheets and plates since 2001 from those countries subject to the measures are set out in the table below.

	2001	2002	2003
EU imports (t)	540 541	531 076	545 247

- (9) Imports of hot-rolled sheets and plates from countries covered by the measures have increased marginally since 2001. In relation to the tariff quota established by the measures for the year to 28 September 2003 (554 286 tonnes), they have remained below the level of the tariff quota with overall tariff quota utilisation of only 88 %.

Hot-rolled narrow strip

- (10) Imports of hot-rolled narrow strip since 2001 from those countries subject to the measures are set out in the table below.

	2001	2002	2003
EU imports (t)	211 128	146 828	140 945

- (11) Imports of hot-rolled narrow strip from countries covered by the measures have fallen substantially from their level in 2001. In relation to the tariff quota established by the measures for the year to 28 September 2003 (198 365 tonnes), they have remained below the level of the tariff quota with overall tariff quota utilisation of only 53 %.

Hot-rolled flat products

- (12) Imports of hot-rolled flat products since 2001 from those countries subject to the measures are set out in the table below.

	2001	2002	2003
EU imports (t)	75 967	70 479	20 030

- (13) Imports of hot-rolled flat products from countries covered by the measures have fallen substantially below their level in 2001. In relation to the tariff quota established by the measures for the year to 28 September 2003 (50 832 tonnes), they have remained below the level of the tariff quota with overall tariff quota utilisation of only 61 %.

Cold-rolled sheets

- (14) Imports of cold-rolled sheets since 2001 from those countries subject to the measures are set out in the table below.

	2001	2002	2003
EU imports (t)	1 887 599	1 158 314	1 337 771

- (15) Imports of cold-rolled sheets from countries covered by the measures have fallen substantially below their level in 2001. In relation to the tariff quota established by the measures for the year to 28 September 2003 (2 107 210 tonnes), they have remained below the level of the tariff quota with overall tariff quota utilisation of only 63 %.

Fittings (< 609,6 mm)

- (16) Imports of fittings since 2001 from those countries subject to the measures are set out in the table below.

	2001	2002	2003
EU imports (t)	13 074	9 589	13 728

- (17) Imports of fittings from countries covered by the measures have fallen substantially below their level in 2001. In relation to the tariff quota established by the measures for the year to 28 September 2003 (12 031 tonnes), they have remained below the level of the tariff quota with overall tariff quota utilisation of only 53 %.

Flanges (other than of stainless steel)

- (18) Imports of flanges since 2001 from those countries subject to the measures are set out in the table below.

	2001	2002	2003
EU imports (t)	94 433	74 419	67 681

- (19) Imports of flanges from countries covered by the measures have fallen substantially below their level in 2001. In relation to the tariff quota established by the measures for the year to 28 September 2003 (90 490 tonnes), they have remained below the level of the tariff quota with overall tariff quota utilisation of only 65 %.

CONCLUSION

- (20) In view of the fact that the tariff rate quotas were significantly underutilised for six of the seven products and that imports only marginally exceeded the quota for hot-rolled coils, as well as the repeal of the United States steel safeguard measure, the Commission considers that the safeguard measures are no longer necessary and should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EC) No 1694/2002 of 27 September 2002 is hereby repealed.

Article 2

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, 5 December 2003.

For the Commission

Pascal LAMY

Member of the Commission

DIRECTIVE 2003/102/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 17 November 2003****relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending Council Directive 70/156/EEC**

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,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) In order to reduce the number of road accident casualties in the Community, it is necessary to introduce measures so as to improve the protection of pedestrians and other vulnerable road users before and in the event of a collision with the front of a motor vehicle.
- (2) A package of passive and active measures for improving safety (avoidance of accidents and reduction of secondary effects by traffic calming and infrastructure improvements) for vulnerable road users, such as pedestrians, cyclists and motorcyclists, is urgently needed in the framework of the road safety action programme.
- (3) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital must be ensured and to that end a Community type-approval system for motor vehicles is in place; the technical requirements for the type-approval of motor vehicles with regard to pedestrian protection should be harmonised to avoid the adoption of requirements that differ from one Member State to another and to ensure the proper functioning of the internal market.
- (4) Pedestrian protection objectives can be achieved by a combination of active and passive safety measures; the recommendations by the European Enhanced Vehicle-Safety Committee (EEVC) of June 1999 are the subject of a wide consensus in this area; those recommendations propose performance requirements for the frontal structures of certain categories of motor vehicles to reduce their aggressiveness; this Directive presents tests and limit values based on the EEVC recommendations.
- (5) The Commission should examine the feasibility of extending the scope of this Directive to vehicles with a maximum mass of up to 3,5 tonnes, and report its findings to the European Parliament and to the Council.
- (6) This Directive should be considered as one element of a broader package of measures, to be undertaken by the Community, the industry and the relevant authorities of the Member States, on the basis of exchanges in best practice, in order to address pre-crash (active), in-crash (passive), and post-crash safety of pedestrians and other vulnerable road users, with respect to road users, vehicles and infrastructure.
- (7) In view of the speed of technological development in this area, alternative measures at least equivalent in terms of actual effectiveness to the requirements of this Directive — either passive or a combination of active and passive measures — may be proposed by the industry and shall be assessed following a feasibility study carried out by independent experts by 1 July 2004; the introduction of alternative measures at least equivalent in terms of actual effectiveness would require adapting or amending this Directive.
- (8) Because of the ongoing research and technical progress in the area of pedestrian protection, it is appropriate to introduce a degree of flexibility in this field. Accordingly, this Directive should establish the fundamental provisions regarding pedestrian protection in the form of tests to be complied with by new types of vehicles and by new vehicles. The technical prescriptions for the application of such tests should be adopted by Commission decision.
- (9) The rapidly advancing technology in active safety means that collision mitigation and avoidance systems could provide major safety benefits, for example in reducing collision speed and adjusting impact direction. The development of such technologies should be encouraged by this Directive.
- (10) The associations representing the European, Japanese and Korean motor vehicle manufacturers have made commitments to start applying the EEVC recommendations concerning limit values and tests, or agreed alternative measures of at least equivalent effect, as from 2010, and a first set of limit values and tests as from 2005 to new types of vehicles and to apply the first set of tests to 80 % of all new vehicles as from 1 July 2010, to 90 % of all new vehicles as from 1 July 2011 and to all new vehicles as from 31 December 2012.

⁽¹⁾ OJ C 234, 30.9.2003, p. 10.

⁽²⁾ Opinion of the European Parliament of 3 July 2003 (not yet published in the Official Journal) and Council Decision of 4 November 2003 (not yet published in the Official Journal).

- (11) This Directive should also contribute to establishing a high level of protection in the context of the international harmonisation of legislation in this area, which started under the 1998 Agreement of the UN/ECE concerning the establishment of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles.
- (12) This Directive is one of the separate Directives which have to be complied with in order to conform to the EC type-approval procedure established by Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾.
- (13) Directive 70/156/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to the frontal surfaces of vehicles. For the purpose of this Directive, 'vehicle' means any motor vehicle as defined in Article 2 of and Annex II to Directive 70/156/EEC, of category M1, of a maximum mass not exceeding 2,5 tonnes, and N1 derived from M1, of a maximum mass not exceeding 2,5 tonnes.

2. The purpose of this Directive is to reduce injuries to pedestrians and other vulnerable road users who are hit by the frontal surfaces of the vehicles defined in paragraph 1.

Article 2

1. With effect from 1 January 2004 no Member State may, on grounds relating to pedestrian protection:

- refuse, in respect of a type of vehicle, to grant EC type-approval, or national type-approval, or
- prohibit the registration, sale or entry into service of vehicles,

provided that the vehicles comply with the technical provisions set out in section 3.1. or 3.2. of Annex I.

2. With effect from 1 October 2005, Member States shall no longer grant:

- EC type-approval, or
- national type-approval,

except where the provisions of Article 8(2) of Directive 70/156/EEC are invoked, for any type of vehicle on grounds relating to pedestrian protection if the technical provisions set out in section 3.1. or 3.2. of Annex I are not complied with.

3. Paragraph 2 shall not apply to vehicles which do not differ with respect to their essential aspects of bodywork construction and design forward of the A pillars from vehicle

types which have been granted EC type-approval or national type-approval before 1 October 2005 and which have not already been approved under this Directive.

4. With effect from 1 September 2010, Member States shall no longer grant:

- EC type-approval, or
- national type-approval,

except where the provisions of Article 8(2) of Directive 70/156/EEC are invoked, for any type of vehicle on grounds relating to pedestrian protection if the technical provisions set out in section 3.2. of Annex I to this Directive are not complied with.

5. With effect from 31 December 2012, Member States shall:

- consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 70/156/EEC to be no longer valid for the purposes of Article 7(1) of that Directive, and
- prohibit the registration, sale and entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 70/156/EEC,

on grounds relating to pedestrian protection if the technical provisions set out in section 3.1. or 3.2. of Annex I are not complied with.

6. With effect from 1 September 2015, Member States shall:

- consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 70/156/EEC to be no longer valid for the purposes of Article 7(1) of that Directive, and
- prohibit the registration, sale and entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 70/156/EEC,

on grounds relating to pedestrian protection if the technical provisions set out in section 3.2. of Annex I are not complied with.

Article 3

Subject to the provisions of Article 2, Member States shall ensure that the tests laid down in section 3.1. or 3.2. of Annex I are carried out in accordance with the technical prescriptions to be specified by Commission decision.

Article 4

Every month the approval authorities of the Member States shall each send to the Commission a copy of the type-approval certificate, the model for which is set out in Appendix 2 to Annex II, in respect of each vehicle they have approved in accordance with this Directive during that month.

⁽¹⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

Article 5

1. The Commission, acting on the basis of relevant information communicated by the approval authorities and interested parties as well as of independent studies, shall monitor the progress made by the industry in the area of pedestrian protection, and shall carry out, by 1 July 2004, an independent feasibility assessment concerning the provisions of Annex I, section 3.2, and in particular alternative measures — either passive or a combination of active and passive measures — which are at least equivalent in terms of actual effectiveness. The feasibility study shall be based, *inter alia*, on practical tests and independent scientific studies.
2. If, as a result of the feasibility assessment referred to in paragraph 1, it is considered necessary to adapt the provisions of Annex I, section 3.2, to include a combination of passive and active measures which afford at least the same level of protection as the existing provisions of Annex I, section 3.2, the Commission shall submit a proposal to the European Parliament and the Council to amend this Directive accordingly.
3. As long as adaptation of this Directive is restricted to the introduction of alternative passive measures which afford at least the same level of protection as the existing provisions of Annex I, section 3.2, such adaptation may be carried out by the Committee for Adaptation to Technical Progress, in accordance with the procedure laid down in Article 13 of Directive 70/156/EEC.
4. Before 1 April 2006, and every two years thereafter, the Commission shall report to the European Parliament and the Council on the results of the monitoring referred to in paragraph 1.

Article 6

Directive 70/156/EEC is hereby amended as follows:

1. The following points shall be inserted in Annex I:

‘9.23. Pedestrian protection

- 9.23.1. A detailed description, including photographs and/or drawings, of the vehicle with respect to the structure, the dimensions, the relevant reference lines and the constituent materials of the frontal part of the vehicle (interior and exterior) shall be provided. This description should include detail of any active protection system installed.’

2. The following points shall be inserted in Section A of Annex III:

‘9.23. Pedestrian protection

- 9.23.1. A detailed description, including photographs and/or drawings, of the vehicle with respect to the structure, the dimensions, the relevant reference lines and the constituent materials of the frontal part of the vehicle (interior and exterior) shall be provided. This description should include detail of any active protection system installed.’

3. The following item 58 and footnotes shall be inserted in Part I of Annex IV:

Subject	Directive number	Official Journal reference	Applicability									
			M ₁	M ₂	M ₃	N ₁	N ₂	N ₃	O ₁	O ₂	O ₃	O ₄
‘58 Pedestrian protection	2003/102/EC	OJ L 321, 6.12.2003, p. 15.	X ⁽⁶⁾			X ⁽⁶⁾ ⁽⁷⁾						

⁽⁶⁾ not exceeding 2,5 tonnes maximum mass.

⁽⁷⁾ derived from M₁ category vehicles.’

4. Annex XI shall be amended as follows:

— the following item 58 shall be inserted in Appendix 1:

Item	Subject	Directive number	M_1 $\leq 2\,500$ (!) kg	M_1 $> 2\,500$ (!) kg	M_2	M_3
'58	Pedestrian protection	2003/102/EC	X'			

— the following item 58 shall be inserted in Appendix 2:

Item	Subject	Directive number	M_1	M_2	M_3	N_1	N_2	N_3	O_1	O_2	O_3	O_4
'58	Pedestrian protection	2003/102/EC'										

— the following item 58 shall be inserted in Appendix 3:

Item	Subject	Directive number	M_2	M_3	N_1	N_2	N_3	O_1	O_2	O_3	O_4
'58	Pedestrian protection	2003/102/EC'									

Article 7

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2003 at the latest. They shall forthwith inform the Commission thereof.

They shall apply these measures with effect from 1 January 2004.

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

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

Article 8

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

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 17 November 2003.

For the European Parliament

The President

P. COX

For the Council

The President

G. ALEMANNO

ANNEX I

TECHNICAL PROVISIONS

1. SCOPE

The Directive applies to the frontal surfaces of vehicles. For the purpose of this Directive, vehicle means any motor vehicle as defined in Article 2 of and Annex II to Directive 70/156/EEC of category M₁ of a maximum mass not exceeding 2,5 tonnes and to N₁ vehicles derived from M₁, of a maximum mass not exceeding 2,5 tonnes.

2. DEFINITIONS

For the purposes of this Directive:

- 2.1. 'A-pillar' means the foremost and outermost roof support extending from the chassis to the roof of the vehicle.
- 2.2. 'Bumper' means the front, lower, outer structure of a vehicle. It includes all structures that are intended to give protection to a vehicle when involved in a low speed frontal collision with another vehicle and also any attachments to this structure.
- 2.3. 'Bonnet leading edge' means the front upper outer structure including the bonnet and wings, the upper and side members of the headlight surround and any other attachments.
- 2.4. 'Bonnet top' means the outer structure that includes the upper surface of all outer structures except the windscreen, the A-pillars and structures rearward of them. It therefore includes, but is not limited to, the bonnet, wings, scuttle, wiper spindle and lower windscreen frame.
- 2.5. 'Head performance criterion (HPC)' is a calculation, over a specified time period, of the maximum resultant acceleration experienced during the impact.
- 2.6. 'Windscreen' means the frontal glazing of the vehicle which meets all the relevant requirements of Annex I to Directive 77/649/EEC ⁽¹⁾.
- 2.7. 'Vehicle Type' means a category of vehicles which, forward of the A-pillars, do not differ in such essential respects as:
 - the structure,
 - the main dimensions,
 - the materials of the outer surfaces of the vehicle,
 - the component arrangement (external or internal),

insofar as they may be considered to have a negative effect on the results of the impact tests prescribed in this Directive;

- 2.8. 'Maximum mass' means the technically permissible maximum laden mass stated by the manufacturer pursuant to paragraph 2.8 of Annex I to Directive 70/156/EEC.

3. TEST PROVISIONS

- 3.1. The following tests are required to be carried out; however, the limit values specified in items 3.1.3 and 3.1.4 are required for monitoring purposes only.
 - 3.1.1. Legform to bumper: one of the legform tests described in 3.1.1.1 or 3.1.1.2 is required to be performed:
 - 3.1.1.1. Lower legform to bumper: The test is performed at an impact speed of 40 km/h. The maximum dynamic knee bending angle shall not exceed 21,0°, the maximum dynamic knee shearing displacement shall not exceed 6,0 mm, and the acceleration measured at the upper end of the tibia shall not exceed 200 g;
 - 3.1.1.2. Upper legform to bumper: The test is performed at an impact speed of 40 km/h. The instantaneous sum of the impact forces with respect to time shall not exceed 7,5 kN and the bending moment on the test impactor shall not exceed 510 Nm.

⁽¹⁾ Council Directive 77/649/EEC of 27 September 1977 on the approximation of the laws of the Member States relating to the field of vision of motor vehicle drivers (OJ L 267, 19.10.1977, p. 1). Directive as last amended by Commission Directive 90/630/EEC (OJ L 341, 6.12.1990, p. 20).

- 3.1.2. Child/small adult headform to bonnet top: The test is performed at an impact speed of 35 km/h using a 3,5 kg test impactor. The head performance criterion (HPC) shall not exceed 1 000 over 2/3 of the bonnet test area and 2 000 for the remaining 1/3 of the bonnet test area.
 - 3.1.3. Upper legform to bonnet leading edge: The test is performed at an impact speed up to 40 km/h. The instantaneous sum of the impact forces with respect to time should not exceed a possible target of 5,0 kN and the bending moment on the test impactor shall be recorded and compared with the possible target of 300 Nm.
 - 3.1.4. Adult headform to windscreen: The test is performed at an impact speed of 35 km/h using a 4,8 kg test impactor. The HPC shall be recorded and compared with the possible target of 1 000.
 - 3.2. The following tests are required to be carried out.
 - 3.2.1. Legform to bumper: One of the legform tests described in 3.2.1.1 or 3.2.1.2 is required to be performed:
 - 3.2.1.1. Lower legform to bumper: The test is performed at an impact speed of 40 km/h. The maximum dynamic knee bending angle shall not exceed 15,0°, the maximum dynamic knee shearing displacement shall not exceed 6,0 mm, and the acceleration measured at the upper end of the tibia shall not exceed 150 g.
 - 3.2.1.2. Upper legform to bumper: The test is performed at an impact speed of 40 km/h. The instantaneous sum of the impact forces with respect to time shall not exceed 5,0 kN and the bending moment on the test impactor shall not exceed 300 Nm.
 - 3.2.2. Child headform to bonnet top: The test is performed at an impact speed of 40 km/h using a 2,5 kg test impactor. The HPC shall not exceed 1 000 for the whole of the bonnet test area.
 - 3.2.3. Upper legform to bonnet leading edge: The test is performed at an impact speed up to 40 km/h. The instantaneous sum of the impact forces with respect to time shall not exceed 5,0 kN and the bending moment on the test impactor shall not exceed 300 Nm.
 - 3.2.4. Adult headform to bonnet top: The test performed at an impact speed of 40 km/h using a 4,8 kg test impactor. The HPC shall not exceed 1 000 for the whole bonnet test area.
-

ANNEX II

ADMINISTRATIVE PROVISIONS FOR TYPE-APPROVAL**1. APPLICATION FOR EC TYPE-APPROVAL**

- 1.1. The application for EC type-approval pursuant to Article 3(4) of Directive 70/156/EEC of a vehicle type with regard to pedestrian protection shall be submitted by the manufacturer.
- 1.2. A model for the information document is given in Appendix 1.
- 1.3. A vehicle, representative of the vehicle type to be approved, shall be submitted to the technical service responsible for conducting the type-approval tests.

2. GRANTING OF EC TYPE-APPROVAL

- 2.1. If the tests referred to in Annex I are conducted in accordance with the specifications provided in that Annex and the technical prescriptions referred to in Article 3 of this Directive, EC type-approval pursuant to Article 4(1) and 4(3) of Directive 70/156/EEC shall be granted.
- 2.2. A model for the EC type-approval certificate is given in Appendix 2.
- 2.3. An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of vehicle approved. The same Member State shall not assign the same number to another type of vehicle.
- 2.4. In case of doubt, account shall be taken, when verifying compliance with the test procedures, of any data or test results, provided by the manufacturer, which can be taken into consideration in validating the approval test carried out by the approval authority.

3. MODIFICATION OF THE TYPE AND AMENDMENTS TO APPROVALS

- 3.1. Any modification of the vehicle affecting the general form of the frontal structure of the vehicle which in the judgment of the authority would have a marked influence on the results of the tests shall require a repetition of the test.
- 3.2. In the case of modification of a vehicle type approved pursuant to this Directive, the provisions of Article 5 of Directive 70/156/EEC shall apply.

4. CONFORMITY OF PRODUCTION

- 4.1. Measures to ensure the conformity of production shall be taken in accordance with the provisions laid down in Article 10 of Directive 70/156/EEC.
-

*Appendix 1 to Annex II***Information document No ... pursuant to Annex I to Council Directive 70/156/EEC relating to the EC type-approval of a vehicle with respect to pedestrian protection**

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

0. GENERAL

- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type, if marked on the vehicle:
- 0.3.1. Location of that marking:
- 0.4. Category of vehicle:
- 0.5. Name and address of manufacturer:
- 0.8. Address(es) of assembly plant(s):

1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE

- 1.1. Photographs and/or drawings of a representative vehicle:
- 1.6. Position and arrangement of the engine:

9. BODYWORK

- 9.1. Type of bodywork:
- 9.2. Materials used and methods of construction:
- 9.2.3. Pedestrian protection:

A detailed description, including photographs and/or drawings, of the vehicle with respect to the structure, the dimensions, the relevant reference lines and the constituent materials of the frontal part of the vehicle (interior and exterior) shall be provided. This description should include detail of any active protection system installed.

Appendix 2 to Annex II

MODEL

(maximum format: A4 (210 × 297 mm))

EC TYPE-APPROVAL CERTIFICATE

STAMP OF EC Type-approval authority

Communication concerning the

- EC type-approval ⁽¹⁾
- extension of EC type-approval ⁽¹⁾
- refusal of EC type-approval ⁽¹⁾
- withdrawal of EC type-approval ⁽¹⁾

of a type of vehicle/with regard to Directive/...../EC as last amended by Directive/...../EC

Type-approval number:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type:
- 0.2.1. Commercial name(s) (if available):
- 0.3. Means of identification of type, if marked on the vehicle:
- 0.3.1. Location of that marking:
- 0.4. Category of vehicle:
- 0.5. Name and address of manufacturer:
- 0.8. Names and address(es) of assembly plant(s):

SECTION II

- 1. Additional information (where applicable) (see Addendum)
- 2. Technical service responsible for carrying out the tests:
- 3. Date of test report:
- 4. Number of test report:
- 5. Remarks (if any) (see Addendum)
- 6. Place:
- 7. Date:
- 8. Signature:
- 9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.

⁽¹⁾ Delete where not applicable.

Addendum to EC type-approval certificate No concerning the type-approval of a vehicle with regard to Directive
...../...../EC as last amended by Directive/...../EC

1. **Additional information**

1.1. Brief description of the vehicle type as regards its structure, dimensions, lines and constituent materials:

1.2. Site of engine : forward/rear/central ⁽¹⁾

1.3. Drive : front-wheel : rear-wheel ⁽¹⁾

1.4. Mass of vehicle submitted for testing –

Front axle:

Rear axle:

Total:

1.5. Test results according to Section 3.1/3.2 of Annex I (delete as appropriate):

1.5.1 Annex I Section 3.1 tests:

Test	Value recorded		Pass/fail ⁽¹⁾
Lower legform to bumper (where performed)	Bending angle	degrees	
	Shear displacement	mm	
	Acceleration at tibia	g	
Upper legform to bonnet leading edge	Sum of impact forces	kN	⁽²⁾
	Bending moment	Nm	⁽²⁾
Upper legform to bumper (where performed)	Sum of impact forces	kN	
	Bending moment	Nm	
Child/small adult headform (3,5 kg) to bonnet top	HPC values in Zone A (at least 12 values)		
	HPC values in Zone B (at least six values)		
Adult headform (4,8 kg) to windscreen	HPC values (at least five values)		⁽²⁾

⁽¹⁾ According to the values specified in point 3.1 of Annex I to Directive 2003/102/EC of the European Parliament and of the Council of 17 November 2003 relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle.

⁽²⁾ For monitoring purposes only.

⁽¹⁾ Delete where not applicable.

1.5.2. Annex I Section 3.2 tests:

Test	Value recorded		Pass/fail ⁽¹⁾
Lower legform to bumper (where performed)	Bending angle	degrees	
	Shear displacement	mm	
	Acceleration at tibia	g	
Upper legform to bonnet leading edge	Sum of impact forces	kN	
	Bending moment	Nm	
Upper legform to bumper (where performed)	Sum of impact forces	kN	
	Bending moment	Nm	
Child headform (2,5 kg) to bonnet top	HPC values (at least nine values)		
Adult headform (4,8 kg) to bonnet top	HPC values (at least nine values)		

⁽¹⁾ According to the values specified in point 3.2 of Annex I to Directive 2003/102/EC.

1.6. Remarks: (e.g., valid for left-hand drive and right-hand drive vehicles)

.....

COUNCIL DIRECTIVE 2003/110/EC**of 25 November 2003****on assistance in cases of transit for the purposes of removal by air**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63(3)(b) thereof,

Having regard to the initiative of the Federal Republic of Germany,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Mutual assistance for the purposes of removal takes into consideration the common objective of ending the illegal residence of third-country nationals who are the subject of removal orders. Rules binding on all the Member States contribute furthermore to legal certainty and standardisation of procedures.
- (2) Removal by air is increasingly gaining in importance for the purpose of terminating the residence of third-country nationals. Despite the efforts of the Member States to give priority to using direct flights, it may be necessary, from an economic viewpoint or insufficient availability of direct flights, to use flight connections via airports of transit of other Member States.
- (3) The Council recommendation of 22 December 1995 on concerted action and cooperation in carrying out removal measures ⁽¹⁾ and the decision of the Executive Committee of 21 April 1998 on cooperation between the Contracting Parties in returning third-country nationals by air, (SCH/Com-ex (98) 10) ⁽²⁾ already address the need for cooperation between Member States in the field of removal by air of third-country nationals.
- (4) The sovereignty of the Member States, particularly with regard to the use of direct force against third-country nationals resisting removal should remain unaffected.
- (5) The Convention of 14 September 1963 on Offences and Certain Other Acts committed on board Aircraft (Tokyo Convention), particularly with regard to the on-board powers of the pilot responsible and matters of liability should remain unaffected.
- (6) With regard to the briefing of airlines as to how to conduct unescorted and escorted removals, reference is made to Annex 9 to the Convention of the International Civil Aviation Organisation (ICAO) of 7 December 1944.
- (7) Member States are to implement this Directive with due respect for human rights and fundamental freedoms, in particular the Geneva Convention relating to the status of refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 and the European Convention for the Protection of Human Rights and Fundamental Freedoms. In accordance with the applicable international obligations, transit by air should be neither requested nor granted if in the third country of destination or of transit the third-country national faces the threat of inhumane or humiliating treatment, torture or the death penalty, or if his life or liberty would be at risk by reason of his/her race, religion, nationality, membership of a particular social group or political conviction.
- (8) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾.
- (9) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not participating in the adoption of this Directive, and is therefore not bound by it or subject to its application. Given that this Directive builds upon the Schengen *acquis* under the provisions of Title IV of part Three of the Treaty establishing the European Community to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions for a short stay applicable within the territory of a Member State by virtue of the provisions of the Schengen *acquis*, in accordance with Article 5 of the abovementioned Protocol, Denmark is to decide within a period of six months after the Council has adopted this Directive, whether it will implement it in its national law or not.
- (10) As regards the Republic of Iceland and the Kingdom of Norway, this Directive constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded on 18 May 1999 by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of these two States with the implementation, application and development of the Schengen *acquis* ⁽⁴⁾, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions for a short stay applicable within the territory of a Member State by virtue of the provisions of the Schengen *acquis*, which fall within the area referred to in Article 1, point C, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽⁵⁾.

⁽¹⁾ OJ C 5, 10.1.1996, p. 3.

⁽²⁾ OJ L 239, 22.9.2000, p. 193.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁵⁾ OJ L 176, 10.7.1999, p. 31.

- (11) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on the European Union and to the Treaty establishing the European Community, these Member States are not taking part in the adoption of this Directive and therefore, subject to Article 4 of that Protocol, are not bound by it or subject to its application.
- (12) This Directive constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(1) of the 2003 Act of Accession,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to define measures on assistance between the competent authorities at Member State airports of transit with regard to unescorted and escorted removals by air.

Article 2

For the purposes of this Directive:

- (a) 'third-country national' means any person who is not a national of a Member State of the European Union, the Republic of Iceland or the Kingdom of Norway;
- (b) 'requesting Member State' means the Member State which enforces a removal order in respect of a third-country national and requests transit via the airport of transit of another Member State;
- (c) 'requested Member State' or 'transit Member State' means the Member State via whose airport of transit the transit is to be effected;
- (d) 'escort' means all persons from the requesting Member State responsible for accompanying the third-country national, including persons responsible for medical care and interpreters;
- (e) 'transit by air' means the passage of the third-country national and, if necessary, the escort through the area of the airport of the requested Member State for the purposes of removal by air.

Article 3

1. A Member State wishing to return a third-country national by air shall examine whether it is possible to use a direct flight to the country of destination.
2. If a Member State wishing to return a third-country national cannot for reasonable practical circumstances use a direct flight to the country of destination, it can request transit by air via another Member State. An application for transit by air shall in principle not be made if the removal measure requires a change of airport on the territory of the requested Member State.

3. Without prejudice to the obligations of Article 8, the requested Member State may refuse transit by air if:

- (a) the third-country national under national legislation in the requested Member State is charged with criminal offences or is wanted for the carrying out of a sentence;
- (b) transit through other States or admission by the country of destination is not feasible;
- (c) the removal measure requires a change of airport on the territory of the requested Member State;
- (d) the requested assistance is impossible at a particular moment for practical reasons, or
- (e) the third-country national will be a threat to public policy, public security, public health or to the international relations of the requested Member State.

4. In the case of paragraph 3(d), the requested Member State shall as quickly as possible inform the requesting Member State of a date as close as possible to the originally requested date on which transit by air may be assisted, in so far as the other conditions are complied with.

5. Authorisations for transit by air which have already been issued may be revoked by the requested Member State if circumstances within the meaning of paragraph 3 subsequently come to light, justifying a refusal of the transit.

6. The requested Member State shall inform the requesting Member State forthwith of the refusal or revocation of a transit by air authorisation under paragraph 3 or 5 or of any other reason why the transit is not possible, and shall provide an explanation of the reasons.

Article 4

1. The request for escorted or unescorted transit by air and the associated assistance measures under Article 5(1) shall be made in writing by the requesting Member State. It shall reach the requested Member State as early as possible, and in any case no later than two days before the transit. This time limit may be waived in particularly urgent and duly justified cases.

2. The requested Member State shall inform the requesting Member State forthwith of its decision within two days. This time limit may be extended in duly justified cases by a maximum of 48 hours. Transit by air shall not be started without the approval of the requested Member State.

Where no reply is provided by the requested Member State within the deadline referred to in the first subparagraph, the transit operations may be started by means of a notification by the requesting Member State.

Member States may provide on the basis of bilateral or multi-lateral agreements or arrangements that the transit operations may be started by means of a notification by the requesting Member State.

Member States shall notify the Commission regarding the agreements or arrangements referred to in the third subparagraph. The Commission shall regularly report to the Council on such agreements and arrangements.

3. For the purposes of dealing with the request under paragraph 1, the information on the form to be used for requesting and authorising transit by air in accordance with the Annex shall be forwarded to the requested Member State.

The measures necessary for the update and the adjustment of the transit request as set out in the Annex as well as the methods of its transmission shall be taken in accordance with the procedure referred to in Article 9(2).

4. With respect to any request for transit, the requesting Member State shall provide the requested Member State with the details as provided for in the Annex.

5. The Member States shall each appoint a central authority to which requests under paragraph 1 are to be sent.

The central authorities shall appoint contact points for all the relevant airports of transit who can be contacted throughout the transit operations.

Article 5

1. The requesting Member State shall take appropriate arrangements to ensure that the transit operation takes place in the shortest possible time.

The transit operation shall take place at a maximum within 24 hours.

2. The requested Member State, subject to mutual consultations with the requesting Member State within available means and in compliance with relevant international standards, shall provide all the assistance measures necessary from landing and the opening of the aircraft doors until it is ensured that the third-country national has left. However, mutual consultations are not required in the cases referred to in point (b).

This relates to the following assistance measures in particular:

- (a) meeting the third-country national at the aircraft and escorting him/her within the confines of the transit airport, in particular to his/her connecting flight;
- (b) providing emergency medical care to the third-country national and, if necessary, his/her escort;
- (c) providing sustenance for the third-country national and, if necessary, his/her escort;
- (d) receiving, keeping and forwarding travel documents, particularly in the case of unescorted removals;
- (e) in cases of unescorted transit, informing the requesting Member State of the place and time of departure of the third-country national from the territory of the Member State concerned;
- (f) informing the requesting Member State if any serious incidents took place during the transit of the third-country national.

3. The requested Member State may, in accordance with its national law:

- (a) place and accommodate the third-country nationals in a secure facility;

- (b) use legitimate means to prevent or end any attempt by the third-country national to resist the transit.

4. Without prejudice to Article 6(1), in cases where the completion of transit operations cannot be ensured, despite the assistance provided for in accordance with paragraphs 1 and 2, the requested Member State may, upon request by and in consultation with the requesting Member State, take all the necessary assistance measures to continue the transit operation.

In such cases, the time limit referred to in paragraph 1 may be extended by a maximum of 48 hours.

5. The competent authorities of the requested Member State with whom responsibility for the measure lies shall decide the nature and extent of the assistance afforded under paragraphs 2, 3 and 4.

6. The costs of the services provided according to paragraph 2(b) and (c) shall be borne by the requesting Member State.

The remaining costs shall also be borne by the requesting Member State to the extent that they are actual and quantifiable.

Member States shall provide appropriate information with regard to the criteria of quantification of the costs referred to in the second subparagraph.

Article 6

1. The requesting Member State shall undertake to readmit the third-country national forthwith if:

- (a) the transit by air authorisation was refused or revoked under Article 3(3) or (5);
- (b) the third-country national entered the requested Member State without authorisation during the transit;
- (c) removal of the third-country national to another transit country or to the country of destination, or boarding of the connecting flight, was unsuccessful; or
- (d) transit by air is not possible for another reason.

2. The requested Member State shall assist with the readmission of the third-country national to the requesting Member State in the cases referred to in paragraph 1. The requesting Member State shall bear the costs incurred in returning the third-country national.

Article 7

1. When carrying out the transit operation, the powers of the escorts shall be limited to self-defence. In addition, in the absence of law-enforcement officers from the transit Member State or for the purpose of supporting the law-enforcement officers, the escorts may use reasonable and proportionate action in response to an immediate and serious risk to prevent the third-country national from escaping, causing injury to himself/herself or to a third party, or damage to property.

Under all circumstances escorts must comply with the legislation of the requested Member State.

2. Escorts shall not carry weapons during transit by air and shall wear civilian clothes. They shall provide means of appropriate identification, including the transit authorisation delivered by the transit Member State, or where applicable, the notification referred to in Article 4(2), at the request of the requested Member State.

Article 8

This Directive shall be without prejudice to the obligations arising from the Geneva Convention relating to the status of refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967, from international conventions on human rights and fundamental freedoms and from international conventions on the extradition of persons.

Article 9

1. The Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its Rules of Procedure.

Article 10

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 6 December 2005. They shall forthwith inform the Commission thereof.

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

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 11

The Decision of the Executive Committee of 21 April 1998 on cooperation between the Contracting Parties in returning foreign nationals by air (SCH/Com-ex (98) 10) shall be repealed.

Article 12

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

Article 13

This Directive is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 25 November 2003.

For the Council

The President

G. TREMONTI

ANNEX

- I. Transit request for the purposes of removal by air
(in accordance with Article 4 of Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air (OJ L 321, 6.12.2003, p. 26).

(Requesting unit) Authority: Address: 	Place/Date: Telephone/Fax/e-mail: Name of officer: Signature:
--	---

(Requested unit) Authority: Address:

General information on third-country national whom the transit request concerns

Request No	Surname	First name	m/f	Date of birth	Place of birth	Nationality	Travel document No/Type/Validity	Number of visa delivered by a third country (if required)
1								
2								

Flight details

Flight No	From	Departure date	Time	To	Arrival date	Time

Particular information

Is the third-country national accompanied by an escort?	☐ yes ☐ no	Names and functions: _____ _____ _____
Is the presence of a police escort at the airport recommended?	☐ yes ☐ no	
Is medical care required?	☐ yes ☐ no	If so, specify: _____ _____ _____
Contagious identifiable diseases? (*)	☐ yes ☐ no	If so, specify: _____ _____ _____
Previous unsuccessful attempts at removal?	☐ yes ☐ no	If so, state reasons: _____ _____ _____

Further comments

NB: At the time the request was made, no grounds for refusal under Article 3(3) and (5) of Directive 2003/110/ EC were known.

Decision of the requested unit

The transit is authorised.	☐
The transit is not authorised.	☐
<i>Grounds:</i> _____ _____	
_____ (Name / Signature / Date)	

(*) This information shall be provided in accordance with the applicable national or international law.

COMMISSION DIRECTIVE 2003/112/EC
of 1 December 2003
amending Council Directive 91/414/EEC to include paraquat as an active substance
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2003/84/EC ⁽²⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Regulation (EC) No 2266/2000 ⁽⁴⁾, establishes a list of active substances of plant protection products to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes paraquat.
- (2) For paraquat, the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulation (EEC) No 3600/92 for a range of uses proposed by the notifier. Pursuant to Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member State for the implementation of Commission Regulation (EEC) No 3600/92 ⁽⁵⁾, as last amended by Regulation (EC) No 2230/95 ⁽⁶⁾, the United Kingdom was designated as rapporteur Member State. The United Kingdom submitted the relevant assessment reports and recommendations to the Commission on 31 October 1996 in accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92.
- (3) This assessment report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. The review was finalised on 3 October 2003 in the format of the Commission review report for paraquat.
- (4) The report on paraquat and further information were also submitted to the Scientific Committee for Plants. The Committee was asked to comment on the relevance for consumers and operators of the ocular and pulmonary changes, which were observed in the long-term rat study, on the risk for operators, taking into particular account potential inhalatory and dermal exposure, on potential long-term effects to soil-dwelling organisms, and on the risks the intended uses might pose to reproducing birds and hares. In its opinion ⁽⁷⁾, the Scientific Committee concluded that neither the pulmonary lesions observed in animals after oral administration of paraquat nor the systemic effects on the eye, observed in rats and not in other species, are relevant to the risk assessment for operators and consumers. Based on the field exposure studies, corroborated by information on health surveys on operators, the Committee found that when paraquat is used as a plant protection product as recommended under prescribed good working practices, its use does not pose any significant health risk for the operators. The Committee also noted that uses at recommended field rates are unlikely to pose a significant risk to soil-dwelling organisms. However, a more detailed appraisal of the likely effects of paraquat on the rate of degradation of organic material in soil was requested in view of remaining uncertainty. This information was subsequently delivered and evaluated by the rapporteur Member State. Furthermore, the Scientific Committee concluded that available studies

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 247, 30.9.2003, p. 20.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 259, 13.10.2000, p. 27.

⁽⁵⁾ OJ L 107, 28.4.1994, p. 8.

⁽⁶⁾ OJ L 225, 22.9.1995, p. 1.

⁽⁷⁾ Opinion of the Scientific Committee on Plants on specific questions from the Commission regarding the evaluation of paraquat in the context of Council Directive 91/414/EEC; SCP/PARA/002 adopted on 20 December 2001.

indicate a hazard to ground-breeding birds but further information on realistic exposures is needed for a definitive assessment of the risk. This information was subsequently provided and the evaluation within the Standing Committee on the Food Chain and Animal Health concluded that there are several situations where exposure to ground-nesting birds is negligible. However, there are also scenarios where exposure may occur. The evaluation within the Standing Committee on the Food Chain and Animal Health concluded that the risk would be acceptable, provided appropriate risk-mitigation measures are applied. Finally, the Scientific Committee concluded that paraquat may be expected to cause lethal and sublethal effects for hares, but the available data are inadequate to estimate the proportion of hares affected. The views of the Scientific Committee were taken into consideration when drafting this Directive and the review report. The evaluation within the Standing Committee on the Food Chain and Animal Health concluded that the risk would be acceptable if appropriate risk-mitigation measures were applied.

- (5) It has appeared from the various examinations made that there are uses of plant protection products containing paraquat which may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, provided appropriate risk-mitigation measures and restrictions are applied. It is therefore appropriate to include paraquat in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive. However some uses of plant protection products containing paraquat pose an unacceptable risk and should therefore not be authorised. Moreover, it is considered appropriate to ensure that Member States impose that the notifier and any other authorisation holder of paraquat establish a stewardship programme particularly for operator safety, and that they report to the Commission yearly on incidences of operator health problems as well as possible impacts on hares. This should enable a verification of whether the risk-mitigation measures imposed by Member States really limit the possible risks for operators and hares to an acceptable level, and, if appropriate, a re-evaluation, in line with scientific progress, of the properties and potentially related risks to humans and the environment.
- (6) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (7) After inclusion, Member States should be allowed a reasonable period within which to implement the provisions of Directive 91/414/EEC as regards plant protection products containing paraquat, and, in particular, to review existing authorisations to ensure that the conditions regarding those active substances set out in Annex I to Directive 91/414/EEC are satisfied. A longer period should be provided for the submission and assessment of the complete dossier of each plant protection product in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (8) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 30 April 2005 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 May 2005.

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

Article 3

1. Member States shall review the authorisation for each plant protection product containing paraquat to ensure that the conditions relating to those active substances set out in Annex I to Directive 91/414/EEC are complied with. Where necessary and by 30 April 2005 at the latest, they shall amend or withdraw the authorisation.

2. Member States shall, for each authorised plant protection product containing paraquat as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC, by 31 October 2004 at the latest, re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC. Where necessary and by 31 July 2008 at the latest, they shall amend or withdraw the authorisation.

Article 4

Member States shall ensure that the authorisation holders report at the latest on 31 March 2008 on the effects of risk-mitigation measures to be applied through a stewardship programme and the implementation of advances in paraquat formulations. Member States shall submit this information without delay to the Commission.

The Commission shall submit to the Standing Committee on the Food Chain and Animal Health a report on the application of the present Directive indicating whether the requirements for Annex I inclusion continue to be satisfied and may propose any amendment, including if necessary the withdrawal from Annex I, to the present Directive that it deems necessary to comply with its provisions.

Article 5

This Directive shall enter into force on 1 November 2004.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 1 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

The following entries shall be added at the end of the table in Annex I to Directive 91/414/EEC

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'75	Paraquat CAS No 4685-14-7 CIPAC No 56	1,1'-dimethyl-4,4'-bipyridinium	500 g/l (expressed as paraquat dichloride)	1 November 2004	31 October 2014	Only uses as herbicide may be authorised. The following uses must not be authorised: — knapsack and handheld applications in home gardening, neither by amateur nor by professional users, — use via broadcast air-assisted application equipment, — ultra low volume applications. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on paraquat, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 3 October 2003, shall be taken into account. In this overall assessment Member States must pay particular attention to the protection of: — operators, in particular for knapsack and handheld applications, — ground-nesting birds. Where use scenarios indicate the potential for exposure of eggs a risk assessment should be conducted and, where appropriate, risk mitigation applied, — aquatic organisms. Conditions of authorisation should include risk-mitigation measures, where appropriate, — hares. Where use scenarios indicate the potential for exposure of hares, a risk assessment should be conducted and, where appropriate, risk mitigation applied. Member States shall ensure that the authorisation holders report at the latest on 31 March each year until 2008 on incidences of operator health problems and impact on hares in one or more representative areas of use, which should be supplemented by sales data and a survey of use patterns, so that a realistic picture of the toxicological and ecological impact of paraquat can be obtained. Member States must ensure that technical concentrates shall contain an effective emetic. Liquid formulations shall contain an effective emetic, blue/green colorants and stenching or other olfactory alerting agent or agents. Other safeners, such as thickeners, may also be included. In doing so they shall take account of the FAO specification.

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.'

**COMMISSION DIRECTIVE 2003/116/EC
of 4 December 2003**

**amending Annexes II, III, IV and V to Council Directive 2000/29/EC as regards the harmful
organism *Erwinia amylovora* (Burr.) Winsl. *et al.***

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Council Directive 2003/47/EC⁽²⁾, and in particular points (c) and (d) of the second paragraph of Article 14 thereof,

After consulting the Member States concerned,

Whereas:

- (1) The provisions against *Erwinia amylovora* (Burr.) Winsl. *et al.* should cover the whole range of host plants capable of spreading this harmful organism. Some known host plants for *Erwinia amylovora* (Burr.) Winsl. *et al.* are not covered by the current provisions. This list should therefore be extended to cover the whole range of host plants for *Erwinia amylovora* (Burr.) Winsl. *et al.*
- (2) The provisions on 'buffer zones' should be improved to reduce the risk of short distance spreading of *Erwinia amylovora* (Burr.) Winsl. *et al.* To that end the 'buffer zones' should be clearly delimited and a strict control regime should be applied which includes the removal of plants showing symptoms of *Erwinia amylovora* (Burr.) Winsl. *et al.*
- (3) Before plants from an area where *Erwinia amylovora* (Burr.) Winsl. *et al.* is known to occur may be introduced or moved into the relevant 'protected zones', the fields of production of those plants and a zone surrounding those fields, should be found to be totally free from *Erwinia amylovora* (Burr.) Winsl. *et al.* during the last complete cycle of vegetation preceding the introduction or movement. This should be confirmed by visual inspections carried out at appropriate times and laboratory tests for the possible detection of latent infections.
- (4) The movement of beehives to and within protected zones should be regulated, because it may be an important factor of spreading *Erwinia amylovora* (Burr.) Winsl. *et al.*
- (5) Specific arrangements should be made for plants which are produced and maintained on fields located in officially designated 'buffer zones' in accordance with the provisions of Directive 2000/29/EC, and which meet the relevant requirements as regards fields and 'buffer zones' thereof, before 1 April 2004.

(6) Directive 2000/29/EC should therefore be amended accordingly.

(7) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes II, III, IV and V to Directive 2000/29/EC are amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2004 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

2. Member States shall communicate to the Commission the 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 20th day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 4 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 138, 5.6.2003, p. 47.

ANNEX

Annexes II, III, IV and V to Directive 2000/29/EC are amended as follows:

1. Annex II is amended as follows:

- (a) In Part A, Section II, under heading (b), in point 3, the text in the right-hand column is replaced by the following:

'Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds';

- (b) In Part B, under heading (b), in point 2, the entry in the second column is replaced by the following:

'Parts of plants, other than fruit, seeds and plants intended for planting, but including live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.'

2. In Part B of Annex III, in point 1, the entry in the first column is replaced by the following:

'Without prejudice to the prohibitions applicable to the plants listed in Annex IIIA(9), (9.1), (18), where appropriate, plants and live pollen for pollination of: *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., other than fruit and seeds, originating in third countries other than those recognised as being free from *Erwinia amylovora* (Burr.) Winsl. *et al.* in accordance with the procedure laid down in Article 18(2), or in which pest free areas have been established in relation to *Erwinia amylovora* (Burr.) Winsl. *et al.* in accordance with the relevant International Standard for Phytosanitary Measures and recognised as such in accordance with the procedure laid down in Article 18(2).'

3. Annex IV is amended as follows:

- (a) Part A is amended as follows:

- (i) In Section I, point 17 is replaced by the following:

'17. Plants of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., intended for planting, other than seeds	Without prejudice to the provisions applicable to the plants listed in Annex III(A)(9), (9.1), (18), Annex III(B)(1) or Annex IV(A)(1)(15), where appropriate, official statement: (a) that the plants originate in countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> in accordance with the procedure laid down in Article 18(2), or (b) that the plants originate in pest free areas which have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> in accordance with the relevant International Standard for Phytosanitary Measures and recognised as such in accordance with the procedure laid down in Article 18(2), or (c) that the plants in the field of production and in its immediate vicinity, which have shown symptoms of <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i>, have been removed.'
---	--

- (ii) In Section II, in point 9, the text in the left-hand column is replaced by the following:

'Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds';

(b) In Part B, point 21 is replaced by the following:

21. Plants and live pollen for pollination of: <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., other than fruit and seeds	Without prejudice to the prohibitions applicable to the plants listed in Annex IIIA(9), (9.1), (18) and IIIB(1), where appropriate, official statement that: (a) the plants originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> in accordance with the procedure laid down in Article 18(2), or (b) the plants originate in pest free areas in third countries which have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> in accordance with the relevant International Standard for Phytosanitary Measures and recognised as such in accordance with the procedure laid down in Article 18(2), or (c) the plants originate in the protected zones listed in the right-hand column or (d) the plants have been produced, or, if moved into a "buffer zone" kept and maintained for a period of at least 7 months including the period 1 April to 31 October of the last complete cycle of vegetation, on a field: (aa) located at least 1 km inside the border of an officially designated "buffer zone" of at least 50 km² where host plants are subject to an officially approved and supervised control regime established at the latest before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, with the object of minimising the risk of <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> being spread from the plants grown there. Details of the description of this "buffer zone" shall be kept available to the Commission and to other Member States. Once the "buffer zone" is established, official inspections shall be carried out in the zone not comprising the field and its surrounding zone of 500 m width, at least once since the beginning of the last complete cycle of vegetation at the most appropriate time, and all host plants showing symptoms of <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> should be removed immediately. The results of these inspections shall be supplied by 1 May each year to the Commission and to other Member States, and	E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertino, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes of Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)
--	--	---

	(bb) which has been officially approved, as well as the "buffer zone", before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, for the cultivation of plants under the requirements laid down in this point, and (cc) which, as well as the surrounding zone of a width of at least 500 m, has been found free from <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> since the beginning of the last complete cycle of vegetation, at official inspection carried out at least: — twice in the field at the most appropriate time, i.e. once during June to August and once during August to November; - and — once in the said surrounding zone at the most appropriate time, i.e. during August to November, and (dd) from which plants were officially tested for latent infections in accordance with an appropriate laboratory method on samples officially drawn at the most appropriate period. Between 1 April 2004 and 1 April 2005, these provisions shall not apply to plants moved into and within the protected zones listed in the right-hand column which have been produced and maintained on fields located in officially designated "buffer zones", according to the relevant requirements applicable before 1 April 2004.	
21.1 From 15 March to 30 June, beehives	There shall be documented evidence that the beehives: (a) originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> in accordance with the procedure laid down in Article 18(2), or (b) originate in the protected zones listed in the right-hand column, or (c) have undergone an appropriate quarantine measure before being moved.	E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertino, Castelvoglio, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes of Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)

4. Annex V is amended as follows:

(a) Part A is amended as follows:

(i) Under heading I, point 1.1 is replaced by the following:

‘1.1 Plants, intended for planting, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L., other than *Prunus laurocerasus* L. and *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.’;

(ii) Under heading II, points 1.3 and 1.4 are replaced by the following:

‘1.3 Plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Eucalyptus* L’Herit., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.’;

1.4 Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.’;

(b) Under heading II of Part B, points 3 and 4 are replaced by the following:

‘3. Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.’;

4. Parts of plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.’

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 November 2003

relating to the conclusion on behalf of the European Community of Council of Europe Convention
No 180 on information and legal cooperation on information society services

(2003/840/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) Council of Europe Convention No 180 on information and legal cooperation on information society services (Convention) sets up an international system of prior notification and administrative cooperation specifically aimed at information society services.
- (2) As information society services are provided at a distance, by electronic means and at the individual request of a recipient of services (according to the definition set out in Article 2 of the Convention) they are services which are provided without requiring physical travel by either the service provider or the recipient. For this reason, they are subject to the common commercial policy and fall under the exclusive competence of the European Community, pursuant to Opinion 1/94 of the Court of Justice of the European Communities, regarding the World Trade Organisation ⁽¹⁾.
- (3) Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services ⁽²⁾, operational since 1999, has been an

extremely positive experience as a mechanism for prior information and administrative dialogue in the field of on-line services.

- (4) A similar international mechanism should be quickly established within the Council of Europe, in which it is in the Community's direct interest to participate. Such a mechanism would allow it to be regularly informed about regulatory initiatives being prepared in other countries and then, if appropriate, to express its observations on drafts which could have grave legal and economic implications in the context of on-line activities.
- (5) In practice, such participation would be based on the operational mechanism set up in 1983 by Directive 83/189/EEC, later repealed and replaced by Directive 98/34/EC, and would, in particular, avoid any additional notification burden on Member States over and above that already incumbent on them by virtue of Directive 98/34/EC.
- (6) The Convention should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

Council of Europe Convention No 180 on information and legal cooperation on information society services is hereby approved on behalf of the Community.

The text of the Convention is annexed to this Decision ⁽³⁾.

⁽¹⁾ Opinion of the Court of 15 November 1994, [1994] ECR, p. I-5267.

⁽²⁾ OJ L 204, 21.7.1998, p. 37. Directive as amended by Directive 98/48/EC of the European Parliament and of the Council (OJ L 217, 5.8.1998, p. 18).

⁽³⁾ The text of the Convention as concluded, exists in English and French, both texts being equally authentic.

Article 2

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

Article 3

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

Done at Brussels, 17 November 2003.

For the Council
The President
G. ALEMANN

ANNEX

Council of Europe — European Treaty Series — No 180



CONVENTION ON INFORMATION
AND LEGAL COOPERATION
CONCERNING
'INFORMATION SOCIETY SERVICES'

Moscow, 4.X.2001

Preamble

The Parties to this Convention, signatories hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Noting the continued development of information and communication technology and the numerous national initiatives and their impact at a European and international level;

Recognising the cross-border nature of interactive services that are diffused on-line by new means of electronic communication and their growing importance in facilitating the economic, social and cultural progress of the Council of Europe Member States;

Recalling the system established by the legislation of the European Community for the exchange of the texts of draft domestic regulations concerning 'Information Society Services';

Noting the need for all Council of Europe Member States to be kept regularly informed of legislative developments on 'Information Society Services' at a pan-European level and, where necessary, to have the possibility to discuss and exchange information and ideas regarding these developments;

Agreeing on the desirability to provide a legal framework to enable Member States of the Council of Europe to exchange, where practicable by electronic means, texts of draft domestic regulations aimed specifically at 'Information Society Services',

Have agreed as follows:

Article 1 — Object and scope of application

- 1 In accordance with the provisions of this Convention, the Parties shall exchange texts, where practicable by electronic means, of draft domestic regulations aimed specifically at 'Information Society Services' and shall cooperate in the functioning of the information and legal cooperation system set up under the Convention.
- 2 This Convention shall not apply:
 - a to domestic regulations which are exempt from prior notification by virtue of European Community legislation (hereinafter referred to as 'Community law'); or
 - b where a notification has to be made to comply with other international agreements.
- 3 This Convention shall not apply:
 - a to radio broadcasting services;
 - b to television programme services covered by the European Convention on transfrontier television, opened for signature in Strasbourg on 5 May 1989 (ETS No 132), as amended by the Protocol of 1 October 1998 (ETS No 171);
 - c to domestic regulations relating to matters which are covered by European Community legislation or international agreements in the fields of telecommunications services and financial services.

Article 2 — Definitions

For the purposes of this Convention

- a 'Information Society Services', means any service, normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services;

- b 'domestic regulations', means legal texts concerning the compliance with requirements of a general nature relating to the taking up and pursuit of service activities within the meaning of paragraph (a) of this article, in particular provisions concerning the service provider, the services and the recipient of services, excluding any rules which are not specifically aimed at the Information Society Services.

Article 3 — Receiving and transmitting authorities

Each Party shall designate an authority that is in charge of transmitting and receiving, where practicable by electronic means, draft domestic regulations aimed specifically at 'Information Society Services' as well as any other documents pertaining to the functioning of the present Convention.

Article 4 — Procedure

- 1 Each Party shall transmit, where practicable by electronic means, to the Secretary General of the Council of Europe the texts of draft domestic regulations which are aimed specifically at 'Information Society Services' and which are at a stage of preparation in which it is still possible for them to be substantially amended, as well as a short summary of these texts in English or French. The Parties shall communicate the draft again under the above conditions if they make changes to the draft that have the effect of significantly altering its scope, shortening the timetable originally envisaged for implementation, adding specifications or requirements, or making the latter more restrictive.
- 2 Upon receipt of the texts of the draft domestic regulations and summaries under paragraph 1 above or paragraph 6 below, the Secretary General of the Council of Europe shall transmit them, where practicable by electronic means, to the authority of each Party.
- 3 Upon receipt of the texts and summaries under paragraph 2 above, each Party may transmit, where practicable by electronic means, observations on the texts of the draft domestic regulations in English or French to the Secretary General of the Council of Europe and to the Party concerned.
- 4 A Party receiving the observations under paragraph 3 above shall endeavour to take them into account as far as possible when preparing new domestic regulations.
- 5 Paragraphs 1 to 4 above shall not apply:
 - a in cases where, for urgent reasons, occasioned by serious and unforeseeable circumstances relating to the protection of public health or safety, the protection of animals or the preservation of plants, and public policy, notably the protection of minors, a Party is obliged to prepare technical regulations in a very short space of time in order to enact and introduce them immediately without any consultations being possible;
 - b in cases where for urgent reasons occasioned by serious circumstances relating to the protection of the security and the integrity of the financial system, notably the protection of depositors, investors and insured persons, a Party is obliged to enact and to implement rules on financial services immediately;

In the cases mentioned in subparagraphs (a) and (b), the Party shall give reasons to the Secretary General of the Council of Europe for the urgency of the measures in question.

- c to domestic regulations enacted by or for regulated markets or by or for other markets or bodies carrying out clearing or settlement functions for those markets.
- 6 Each Party which finalises any domestic regulations aimed specifically at 'Information Society Services' shall transmit the definitive text to the Secretary General of the Council of Europe without delay and where practicable by electronic means.

- 7 Upon receipt of the texts of the adopted domestic regulations under paragraph 6 above, the Secretary General of the Council of Europe shall make them available, where practicable by electronic means, and shall keep this information in a single database within the Council of Europe.

Article 5 — Declarations

The authorities referred to in Article 3 shall be designated by means of a declaration addressed to the Secretary General of the Council of Europe, when the State concerned or the European Community becomes a Party to the present Convention, in accordance with the provisions of Articles 8 and 9. Any change shall likewise be declared to the Secretary General of the Council of Europe.

Article 6 — Relationship to other instruments and agreements

- 1 This Convention shall not affect any international instrument which is binding on the Parties and which contains provisions on matters governed by this Convention.
- 2 The European Community shall equally fulfil the obligation to notify the texts transmitted to it by its Member States in pursuance of the provisions of paragraph 1 of Article 4, and shall transmit to them the observations received by the other Parties, in pursuance of the provisions of paragraph 3 of Article 4.

Article 7 — Amendments to Article 1 of the Convention concerning excluded matters

- 1 Any amendment to Article 1, paragraph 3 of this Convention proposed by a Party shall be communicated to the Secretary General of the Council of Europe who shall forward the communication to the European Committee on Legal Cooperation (CDCJ).
- 2 The proposed amendment shall be examined by the Parties, which may adopt it by a two-thirds majority of the votes cast. The text adopted shall be forwarded to the Parties. The European Community shall have the same number of votes as the number of its Member States.
- 3 On the first day of the month following the expiration of a period of four months after its adoption by the Parties, unless the Parties have notified objections by one-third of the votes cast, any amendment shall enter into force for those Parties which have not notified objection.
- 4 A Party which has notified an objection in pursuance of the provisions of paragraph 3 of Article 7 may subsequently withdraw it in whole or in part. Such withdrawal shall be made by means of a notification addressed to the Secretary General of the Council of Europe and shall become effective as from the date of its receipt.

Article 8 — Signature and entry into force

- 1 This Convention shall be open for signature by the Member States of the Council of Europe, the non-Member States which have participated in its elaboration and the European Community. Such States and the European Community may express their consent to be bound by:
 - a signature without reservation as to ratification, acceptance or approval; or
 - b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
- 2 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
- 3 This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five signatories, of which at least one is not a Member State of the European Economic Area, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 1.

- 4 In respect of any signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the expression of their consent to be bound by the Convention in accordance with the provisions of paragraph 2.

Article 9 — Accession to the Convention

- 1 After the entry into force of the present Convention, the Committee of Ministers of the Council of Europe, after consulting the Parties to the Convention, may invite any non-Member State of the Council which has not participated in its elaboration to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Parties entitled to sit on the Committee.
- 2 In respect of any State acceding to it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 10 — Reservations

No reservation may be made in respect of any provision of this Convention.

Article 11 — Territorial application

- 1 Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
- 2 Any Party may, at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
- 3 Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect on the first day of the month following the expiration of a period of three months after the date of receipt by the Secretary General of the Council of Europe of the notification.

Article 12 — Denunciation

- 1 Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 13 — Notification

The Secretary General of the Council of Europe shall notify the member States of the Council and any other signatories and Parties to this Convention of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any declaration made in pursuance of the provisions of Article 5;
- d any notification received in pursuance of the provisions of Article 7;
- e any date of entry into force of this Convention, in accordance with Articles 8, 9 and 11;

- f any declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 11;
- g any notification received in pursuance of the provision of paragraph 1 of Article 12;
- h any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Moscow, this fourth day of October 2001, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each Member State of the Council of Europe, to the non-Member States which have participated in the elaboration of this Convention, to the European Community, as well as to any State invited to accede to it.

Série des traités européens — n° 180



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

CONVENTION SUR L'INFORMATION
ET LA COOPÉRATION JURIDIQUE
CONCERNANT
LES «SERVICES DE LA SOCIÉTÉ DE L'INFORMATION»

Moscou, 4.X.2001

Préambule

Les Parties à la présente Convention,

Considérant que le but du Conseil de l'Europe est de réaliser une union plus étroite entre ses membres afin de préserver et de mettre en œuvre les idéaux et les principes qui constituent leur patrimoine commun;

Prenant acte du développement constant de la technologie de l'information et de la communication et des nombreuses initiatives nationales ainsi que de leurs répercussions aux niveaux européen et international;

Reconnaissant la nature transfrontière des services à caractère interactif diffusés en ligne par les nouveaux moyens de communication électroniques et leur importance croissante pour faciliter le progrès économique, social et culturel des États membres du Conseil de l'Europe;

Rappelant le système établi par la législation de la Communauté européenne en matière d'échange des textes de projets de réglementation de droit interne concernant les «services de la société de l'information»;

Notant le besoin qu'ont tous les États membres du Conseil de l'Europe d'être régulièrement tenus informés des développements législatifs sur les «Services de la société de l'information» au plan paneuropéen et, le cas échéant, d'avoir la possibilité de discuter et d'échanger des informations et des idées sur ces développements;

S'accordant à reconnaître l'opportunité de fournir un cadre juridique permettant aux États membres du Conseil de l'Europe d'échanger, lorsque cela est réalisable par voie électronique, les textes de projets de réglementation de droit interne visant spécifiquement les «services de la société de l'information»;

Sont convenus de ce qui suit:

Article 1 — Objet et champ d'application

- 1 Aux termes de la présente Convention, les Parties doivent procéder à un échange, lorsque cela est réalisable, par voie électronique, des projets de réglementation de droit interne visant spécifiquement les «services de la société de l'information» et coopérer au fonctionnement du système d'information et de coopération juridique instauré par la Convention.
- 2 Cette Convention ne s'applique pas:
 - a à des réglementations de droit interne qui sont dispensées d'une notification préalable en conformité avec le droit de la Communauté européenne (ci-après dénommé «droit communautaire») ou
 - b lorsqu'une notification doit être faite en conformité avec d'autres accords internationaux.
- 3 La présente Convention ne s'applique pas:
 - a aux services de radiodiffusion sonore;
 - b aux services de radiodiffusion télévisuelle couverts par la Convention européenne sur la télévision transfrontière, ouverte à la signature à Strasbourg le 5 mai 1989 (STE n° 132), telle qu'amendée par le Protocole du 1^{er} octobre 1998 (STE n° 171);
 - c aux réglementations de droit interne concernant des questions qui font l'objet d'une réglementation communautaire ou d'accords internationaux en matière de services de télécommunication et de services financiers.

Article 2 — Définitions

Aux fins de la présente Convention:

- a «service de la société de l'information» signifie tout service, fourni normalement contre rémunération, à distance, par voie électronique et à la demande individuelle d'un destinataire de services.

- b «réglementations de droit interne» signifie des textes juridiques concernant le respect d'exigences de nature générale relatives à l'accès aux activités des services de la société de l'information et à leur exercice conformément au paragraphe a du présent article, notamment les dispositions relatives au prestataire de services, aux services et au destinataire de services, à l'exclusion des réglementations qui ne visent pas spécifiquement les services de la société de l'information.

Article 3 — Autorités de réception et de transmission

Chaque Partie désigne une autorité chargée de transmettre et de recevoir, lorsque cela est réalisable, par voie électronique, les projets de réglementation de droit interne visant spécifiquement les «services de la société de l'information» ainsi que tout autre document relatif au fonctionnement de la présente Convention.

Article 4 — Procédure

- 1 Chaque Partie transmet, lorsque cela est réalisable, par voie électronique, au Secrétaire Général du Conseil de l'Europe les textes de tout projet de réglementation de droit interne visant spécifiquement les «services de la société de l'information» à un stade de préparation où il est encore possible d'y apporter des amendements substantiels, ainsi qu'un bref résumé de ces textes en français ou en anglais. Les Parties procèdent à une nouvelle communication dans les conditions énoncées ci-dessus, s'ils apportent au projet de règle technique, d'une manière significative, des changements qui auront pour effet de modifier le champ d'application, d'en raccourcir le calendrier d'application initialement prévu, d'ajouter des spécifications ou des exigences, ou de rendre celles-ci plus strictes.
- 2 Dès réception des textes des projets de réglementation de droit interne et des résumés, conformément au paragraphe 1 ou au paragraphe 6 du présent article, le Secrétaire Général du Conseil de l'Europe les transmet, lorsque cela est réalisable, par voie électronique, à l'autorité de chaque Partie.
- 3 Dès réception des textes et des résumés, conformément au paragraphe 2, chaque Partie peut transmettre, lorsque cela est réalisable par voie électronique, ses observations, en anglais ou en français, concernant les textes des projets de réglementation de droit interne au Secrétaire Général du Conseil de l'Europe et à la Partie concernée.
- 4 La Partie qui reçoit des observations conformément au paragraphe 3 s'efforcera d'en tenir compte dans la mesure du possible par la suite dans l'élaboration de la nouvelle réglementation de droit interne.
- 5 Les paragraphes 1 à 4 ne s'appliquent pas:
 - a lorsqu'une Partie, pour des raisons urgentes tenant à une situation grave et imprévisible qui a trait à la protection de la santé des personnes et des animaux, à la préservation des végétaux ou à la sécurité et, pour les règles relatives aux services, aussi à l'ordre public, notamment à la protection des mineurs, doit élaborer à très bref délai des règles techniques pour les arrêter et les mettre en vigueur aussitôt, sans qu'une consultation soit possible;
 - b lorsqu'une Partie, pour des raisons urgentes tenant à une situation grave qui a trait à la protection de la sécurité et de l'intégrité du système financier, et notamment à la protection des déposants, des investisseurs et des assurés, doit arrêter et mettre en vigueur aussitôt des règles relatives aux services financiers;dans les cas mentionnés aux alinéas a. et b., la Partie indique au Secrétaire Général du Conseil de l'Europe les motifs qui justifient l'urgence des mesures en question;
- c aux réglementations nationales édictées par ou pour les marchés réglementés ou par ou pour d'autres marchés ou organes effectuant des opérations de compensation ou de règlement pour ces marchés.
- 6 Chaque Partie qui achève tous textes des réglementations de droit interne visant spécifiquement les «services de la société de l'information», transmet la version définitive au Secrétaire Général du Conseil de l'Europe sans délai et, lorsque cela est réalisable, par voie électronique.

- 7 Dès réception des textes définitivement adoptés des réglementations de droit interne visées au paragraphe 6, le Secrétaire Général du Conseil de l'Europe les rend accessible lorsque cela est réalisable, par voie électronique, et procède au stockage de ces informations dans une base de données propre au Conseil de l'Europe.

Article 5 — Déclarations

Les autorités visées à l'article 3 sont désignées au moyen d'une déclaration adressée au Secrétaire Général du Conseil de l'Europe au moment où l'Etat concerné ou la Communauté européenne devient partie à la présente Convention conformément aux dispositions des articles 8 et 9. Tout changement fera également l'objet d'une déclaration adressée au Secrétaire Général du Conseil de l'Europe.

Article 6 — Relations avec d'autres instruments et accords

- 1 La présente Convention ne porte pas atteinte aux instruments internationaux liant les Parties et contenant des dispositions sur des questions réglées par la Convention.
- 2 La Communauté européenne notifie également les textes qui lui sont transmis par ses États membres, en conformité avec les dispositions du paragraphe 1 de l'article 4, et leur transmet les observations reçues par les autres Parties, en conformité avec les dispositions du paragraphe 3 de l'article 4.

Article 7 — Amendements à l'article 1 de la Convention concernant les exclusions

- 1 Tout amendement à l'article 1, paragraphe 3 de la présente Convention proposé par une Partie est communiqué au Secrétaire Général du Conseil de l'Europe qui transmet la communication au Comité européen de coopération juridique (CDCJ).
- 2 L'amendement proposé est examiné par les Parties, qui, peuvent l'adopter par une majorité des deux tiers des voix exprimées. Le texte adopté est transmis aux Parties. La Communauté européenne dispose d'un nombre de voix correspondant à celui de ses États membres.
- 3 Le premier jour du mois qui suit l'expiration d'une période de quatre mois après son adoption par les Parties, sauf si les Parties ont notifié des objections par plus d'un tiers des voix exprimées, l'amendement entre en vigueur à l'égard des Parties qui n'ont pas notifié d'objection.
- 4 Une Partie qui a notifié une objection en conformité avec les dispositions du paragraphe 3 de l'article 7 peut la retirer ultérieurement en tout ou en partie. Ce retrait est effectué en adressant une notification au Secrétaire Général du Conseil de l'Europe et prendra effet à la date de réception de la notification par le Secrétaire Général.

Article 8 — Signature et entrée en vigueur

- 1 La présente Convention est ouverte à la signature des États membres du Conseil de l'Europe, des États non membres qui ont participé à son élaboration, ainsi que de la Communauté européenne. Ces États et la Communauté européenne peuvent exprimer leur consentement à être liés par:
 - a signature sans réserve de ratification, d'acceptation ou d'approbation; ou
 - b signature sous réserve de ratification, d'acceptation ou d'approbation, suivie de ratification, d'acceptation ou d'approbation.
- 2 Les instruments de ratification, d'acceptation ou d'approbation seront déposés près le Secrétaire Général du Conseil de l'Europe.
- 3 La présente Convention entrera en vigueur le premier jour du mois qui suit l'expiration d'une période de trois mois après la date à laquelle cinq signataires, dont au moins un État non membre de l'Espace économique européen, auront exprimé leur consentement à être liés par la Convention, conformément aux dispositions du paragraphe 1.

- 4 Pour tout signataire qui exprimera ultérieurement son consentement à être lié par la Convention, celle-ci entrera en vigueur le premier jour du mois qui suit l'expiration d'une période de trois mois après la date de l'expression de son consentement à être lié par la Convention, conformément aux dispositions du paragraphe 2.

Article 9 — Adhésion à la Convention

- 1 Après l'entrée en vigueur de la présente Convention, le Comité des Ministres du Conseil de l'Europe pourra, après avoir consulté les Parties à la Convention, inviter tout État non membre du Conseil, n'ayant pas participé à son élaboration, à adhérer à la présente Convention par une décision prise à la majorité prévue à l'article 20.d du Statut du Conseil de l'Europe et à l'unanimité des représentants des Parties ayant le droit de siéger au Comité.
- 2 Pour tout État adhérent, la Convention entrera en vigueur le premier jour du mois suivant l'expiration d'une période de trois mois après la date de dépôt de l'instrument d'adhésion près le Secrétaire Général du Conseil de l'Europe.

Article 10 — Réserves

Aucune réserve n'est admise aux dispositions de la présente Convention.

Article 11 — Application territoriale

- 1 Tout État ou la Communauté européenne pourra, au moment de la signature ou au moment du dépôt de son instrument de ratification, d'acceptation, d'approbation ou d'adhésion, désigner le ou les territoires auxquels s'appliquera la présente Convention.
- 2 Toute Partie pourra, à tout autre moment par la suite, par une déclaration adressée au Secrétaire Général du Conseil de l'Europe, étendre l'application de la présente Convention à tout autre territoire ou territoires désignés dans la déclaration et pour lesquels cette Partie est responsable ou pour lesquels elle est autorisée à prendre des engagements. La Convention entrera en vigueur à l'égard de ce territoire le premier jour du mois qui suit l'expiration d'une période de trois mois après la date de réception de ladite déclaration par le Secrétaire Général.
- 3 Toute déclaration faite conformément au précédent paragraphe pourra être retirée, en ce qui concerne tout territoire désigné dans cette déclaration, par notification adressée au Secrétaire Général du Conseil de l'Europe. Le retrait prendra effet le premier jour du mois suivant l'expiration d'une période de trois mois après la date de réception de ladite notification par le Secrétaire Général du Conseil de l'Europe.

Article 12 — Dénonciation

- 1 Toute Partie peut, à tout moment, dénoncer la présente Convention en adressant une notification au Secrétaire Général du Conseil de l'Europe.
- 2 La dénonciation prendra effet le premier jour du mois qui suit l'expiration d'une période de trois mois après la date de réception de la notification par le Secrétaire Général.

Article 13 — Notification

Le Secrétaire Général du Conseil de l'Europe notifiera aux États membres du Conseil et à tous les autres signataires et Parties à la présente Convention:

- a toute signature;
- b le dépôt de tout instrument de ratification, d'acceptation, d'approbation ou d'adhésion;
- c toute déclaration reçue en application des dispositions de l'article 5;
- d toute notification reçue en application des dispositions de l'article 7;
- e toute date d'entrée en vigueur de la présente Convention conformément à ses articles 8, 9 et 11;

- f toute déclaration reçue en application des dispositions des paragraphes 2 et 3 de l'article 11;
- g toute notification reçue en application des dispositions du paragraphe 1 de l'article 12;
- h tout autre acte, notification ou communication ayant trait à la présente Convention.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé la présente Convention.

Fait à Moscou, le 4 octobre 2001, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives du Conseil de l'Europe. Le Secrétaire Général du Conseil de l'Europe en communiquera copie certifiée conforme à chacun des États membres du Conseil de l'Europe, aux États non membres qui ont participé à l'élaboration de la Convention, à la Communauté européenne, ainsi qu'à tout État invité à y adhérer.

COUNCIL DECISION
of 1 December 2003
on the replacement of members of the European Social Fund Committee

(2003/841/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 147 thereof,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds, and in particular Article 49 thereof ⁽¹⁾,

Having regard to the Council Decision of 8 October 2001 appointing members and alternate members of the Committee referred to in Article 147 of the EC Treaty ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Council, acting on a proposal from the Commission, by Decision of 8 October 2001 appointed the members and alternate members of the European Social Fund Committee for the period ending 22 October 2004.
- (2) In the meantime, the seats of various members have become vacant as a result of resignations.
- (3) Members must be appointed to the European Social Fund Committee for the seats that have become vacant,

HAS DECIDED AS FOLLOWS:

Article 1

The persons whose names appear in the Annex hereto are hereby appointed members of the European Social Fund Committee for the remainder of the term of office, i.e. until 22 October 2004, as indicated.

Article 2

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

Done at Brussels, 1 December 2003.

For the Council
The President
R. MARONI

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ C 292, 18.10.2001, p. 1.

ANNEX

Member State	Representative	Member	Name	Replacing
Finland	Workers	Member	Ms Mervi HUUSKONEN	Ms Leila KURKI
Ireland	Government	Member	Mr William PARNELL	Ms Clare DUNNE
Sweden	Government	Member	Ms Mari MILD	Ms Katarina SJÖLANDER
Sweden	Government	Alternate	Mr Stefan RENLUND	Ms Anna CARLSSON
Sweden	Employers	Member	Ms Gunilla SAHLIN	Mr Sverker RUDEBERG
Austria	Government	Member	Ms Ulrike REBHANDL	Ms Christina BURGER
Germany	Government	Member	Ms Inken KLASSEN	Mr Wolf-Dieter FÜCHSEL
Denmark	Government	Member	Ms Lea KALIZAN	Mr Hans Christian LAURBERG
Denmark	Employers	Member	Mr Henning GADE	Mr Nikolaj BØGH

COUNCIL DECISION
of 1 December 2003
appointing a member of the Committee of the Regions

(2003/842/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 Irish Government,

Whereas:

- (1) On 22 January 2002 the Council adopted Decision 2002/60/EC ⁽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 Maurice CUMMINS, notified to the Council on 19 November 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Michael FITZGERALD, Councillor, is hereby appointed a member of the Committee of the Regions in place of Mr Maurice CUMMINS for the remainder of his term of office, which runs until 25 January 2006.

Done at Brussels, 1 December 2003.

For the Council
The President
R. MARONI

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

COMMISSION

COMMISSION DECISION

of 5 December 2003

amending Decision 92/452/EEC as regards embryo collection teams in the United States of America

(notified under document number C(2003) 4524)

(Text with EEA relevance)

(2003/843/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species ⁽¹⁾, and in particular Article 8 thereof,

Whereas:

- (1) Commission Decision 92/452/EEC of 30 July 1992 establishing lists of embryo collection teams and embryo production teams approved in third countries for export of bovine embryos to the Community ⁽²⁾ provides that Member States are only to import embryos from third countries where they have been collected, processed and stored by embryo collection teams listed in that Decision.
- (2) The United States of America has requested that amendments be made to the list as regards entries for that country.
- (3) The United States of America has provided guarantees regarding compliance with the appropriate rules set out in Directive 89/556/EEC and the teams concerned have been officially approved for exports to the Community by the veterinary services of that country.

- (4) Decision 92/452/EEC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 92/452/EEC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 9 December 2003.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 5 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1989, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 250, 29.8.1992, p. 40. Decision as last amended by Decision 2003/688/EC (OJ L 251, 3.10.2003, p. 19).

ANNEX

In the Annex to Decision 92/452/EEC the list for the United States of America is amended as follows:

- (a) The following row for embryo collection team No 96TX087-E928 is deleted:

'US		96TX087 E928		Cross Country Genetics Rt 2, Box 600 Normangee, TX	Dr Joe Oden'
-----	--	-----------------	--	--	--------------

- (b) The row for embryo collection team No 93MD 062-E1139 is replaced by the following:

'US		93MD 062 E1139		Mid-Maryland Dairy Associates 11349 Robinwood Drive Hagerstown, MD	Dr John Heizer Dr Matthew E. Iager'
-----	--	-------------------	--	--	--

The row for embryo collection team No 93NC061-E821 is replaced by the following:

'US		93NC061 E880		Jafral Holsteins Rt1, Box 518 Hamptonville, NC	Dr Michael E. Whicker'
-----	--	-----------------	--	--	------------------------

The row for embryo collection team No 99TX104-E874 is replaced by the following:

'US		99TX104 E874		Ultimate Genetics Rt3, Box 733 Franklin, TX 77856	Dr Tom Borum Dr Joe Oden'
-----	--	-----------------	--	---	------------------------------

The row for embryo collection team No 91TX050-E548 is replaced by the following:

'US		91TX050 E548		Buzzard Hollow Ranch 500 Coates Rd. Granbury, TX 76048	Dr Brad K. Stroud Dr Mark Steele'
-----	--	-----------------	--	--	--------------------------------------

The row for embryo collection team No 96TX088-E928 is replaced by the following:

'US		96TX088 E928		Advanced Genetic Services 4140 OSR Normangee, TX 77871	Dr J.W Shull'
-----	--	-----------------	--	--	---------------

- (c) The following row is added:

'US		02CA005 E1090		Rocking S Ranch 2400 Los Ceretos Rd. La Grange, CA 95329	Dr Greg Garcia'
-----	--	------------------	--	--	-----------------

COMMISSION DECISION

of 5 December 2003

amending Decision 2002/613/EC as regards the approved porcine semen collection centres of Canada

(notified under document number C(2003) 4525)

(Text with EEA relevance)

(2003/844/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 8(1) thereof,

Whereas:

- (1) Commission Decision 2002/613/EC of 19 July 2002 laying down the importation conditions of semen of domestic animals of the porcine species ⁽³⁾, as amended by Decision 2003/15/EC ⁽⁴⁾, establishes a list of third countries, including Canada, from which Member States are to authorise the importation of semen of domestic animals of the porcine species.
- (2) Canada has sent information of a semen collection centre officially approved by the veterinary authorities of that country for the export of porcine semen to the Community. Canada has requested that that centre be added to the list of semen collection centres approved under Decision 2002/613/EC.
- (3) Guarantees regarding compliance with the requirements of Directive 90/429/EEC have been received from Canada.
- (4) Decision 2002/613/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

In Annex V to Decision 2002/613/EC, in the part for Canada, the following row is added:

'CA	8-AI-05	Alberta Swine Genetics Corp. Box 3310 Leduc Alberta T9E 6M3'
-----	---------	---

Article 2

This Decision shall apply from 9 December 2003.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 5 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 62.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 196, 25.7.2002, p. 45.

⁽⁴⁾ OJ L 7, 11.1.2003, p. 90.

COMMISSION DECISION

of 5 December 2003

concerning protective measures with regard to imports of certain animals, their semen, ova and embryos from Albania, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro in relation to blue tongue

*(notified under document number C(2003) 4526)***(Text with EEA relevance)**

(2003/845/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 18 thereof,

Whereas:

- (1) By Commission Decision 2001/706/EC of 27 September 2001 concerning protective measures with regard to imports of certain animals and their products from Albania, Bulgaria, the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia in relation to blue tongue ⁽²⁾ the import of live animals of blue tongue-susceptible species (all ruminants) from those third countries where outbreaks of blue tongue had been notified, was prohibited.
- (2) On the basis of information received, Bulgaria may now be regarded as a blue tongue-free country. The situation in Albania, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro (the former Yugoslavia) remains unchanged.
- (3) In the interest of clarity of Community legislation, Decision 2001/706/EC should therefore be repealed and replaced by this Decision.
- (4) 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

1. Member States shall not authorise the imports of live animals of blue tongue-susceptible species originating in or transiting through Albania, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro.

2. Member States shall not authorise the imports of semen, ova and embryos of blue tongue-susceptible species originating in Albania, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro.

Article 2

1. By way of derogation to Article 1(1) Member States may allow import of live animals of the blue tongue-susceptible species having transited through Albania, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro, provided that this does not endanger the status in relation to blue tongue of the Member State concerned

2. The Member States shall keep the Commission informed about the criteria applied for granting the derogation provided for in paragraph 1.

Article 3

Decision 2001/706/EC is repealed.

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

Article 4

This Decision shall apply from 9 December 2003.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 5 December 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 96/43/EC (OJ L 162, 1.7.1996, p. 1).

⁽²⁾ OJ L 260, 28.9.2001, p. 37.

COMMISSION DECISION

of 5 December 2003

conferring management of aid implementing agencies for pre-accession measures in agriculture and rural development in Romania in the pre-accession period

(2003/846/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1266/1999 of 21 June 1999 on coordinating aid to the applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/89 ⁽¹⁾, and in particular Article 12(2) thereof,

Having regard to Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period ⁽²⁾, and in particular Article 4(5) and (6) thereof,

Whereas:

- (1) The special programme for agriculture and rural development for Romania (hereinafter Sapard) was approved by Commission decision of 12 December 2000 ⁽³⁾, as last amended by Commission decision of 1 August 2003, in accordance with Article 4(5) and (6) of Regulation (EC) No 1268/1999.
- (2) The Government of Romania and the Commission, acting on behalf of the European Community, signed on 2 February 2001 the Multiannual Financing Agreement laying down the technical, legal and administrative framework for the execution of Sapard, as last amended by the Annual Financing Agreement for 2002, signed on 1 April 2003, which finally entered into force on 12 May 2003.
- (3) The Sapard Agency, a public institution with legal status, under the responsibility of the Ministry of Agriculture, Forests, Waters and Environment, has been appointed by the competent authority of Romania for the implementation of some of the measures defined in Sapard. The National Fund Department within the Ministry of Public Finance has been appointed for the financial functions it is due to perform in the framework of the implementation of Sapard.

- (4) On the basis of a case-by-case analysis of the national and sectorial programme/project management capacity, financial control procedures and structures regarding public finance, as provided for in Article 12(2) of Regulation (EC) No 1266/1999, the Commission adopted Decision 2002/638/EC of 31 July 2002 conferring management of aid on implementing agencies for pre-accession measures in agriculture and rural development in Romania in the pre-accession period ⁽⁴⁾ with regard to certain measures provided for in Sapard.

- (5) The Commission has undertaken a further analysis pursuant to Article 12(2) of Regulation (EC) No 1266/1999 in respect of measure 3.1 'Investment in agricultural holdings', measure 3.4 'Development and diversification of economic activities, multiple activities, alternative income' and measure 4.1 'Improving of vocational training' as provided for in Sapard. The Commission considers that, also with regard to those measures, Romania complies with the provisions of Articles 4 to 6 and of the Annex to Commission Regulation (EC) No 2222/2000 of 7 June 2000 laying down financial rules for the application of Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period ⁽⁵⁾, and with the minimum conditions set out in the Annex to Regulation (EC) No 1266/1999.

- (6) It is therefore appropriate to waive the *ex ante* approval requirement referred to in Article 12(1) of Regulation (EC) No 1266/1999 and to confer, with regard to measures 3.1, 3.4 and 4.1, on the Sapard Agency and on the Ministry of Public Finance, National Fund, in Romania the management of aid on a decentralised basis.

- (7) However, since the verifications carried out by the Commission for measures 3.1, 3.4 and 4.1 are based on a system that is not yet fully operating with regard to all relevant elements, it is therefore appropriate to confer the management of the Sapard programme on the Sapard Agency and on the Ministry of Public Finance, National Fund, according to Article 3(2) of Regulation (EC) No 2222/2000, on a provisional basis.

⁽¹⁾ OJ L 161, 26.6.1999, p. 68.

⁽²⁾ OJ L 161, 26.6.1999, p. 87. Regulation as last amended by Regulation (EC) No 696/2003 (OJ L 99, 17.4.2003, p. 24).

⁽³⁾ C(2000) 3742 final.

⁽⁴⁾ OJ L 206, 3.8.2002, p. 31.

⁽⁵⁾ OJ L 253, 7.10.2000, p. 5. Regulation as last amended by Regulation (EC) No 188/2003 (OJ L 27, 1.2.2003, p. 14).

- (8) Full conferral of management of the Sapard is only envisaged after further verifications have been carried out in order to ensure that the system operates satisfactorily, and after any recommendations the Commission may issue with regard to the conferral of management of aid on the Sapard Agency, under the responsibility of the Ministry of Agriculture, Forests, Waters and Environment and on the Ministry of Public Finance, National Fund, have been implemented.
- (9) On 22 July 2003 the Romanian authorities proposed the rules for eligibility of expenditure in accordance with Article 4(1) of Section B of the Multiannual Financing Agreement. This list was partially modified by letter dated 22 September 2003. The Commission is called upon to take a decision in this respect,

HAS DECIDED AS FOLLOWS:

Article 1

The requirement of *ex ante* approval by the Commission of project selection and contracting for measures 3.1, 3.4 and 4.1 by Romania provided for in Article 12(1) of Regulation (EC) No 1266/1999 is hereby waived.

Article 2

Management of the Sapard Programme is conferred on a provisional basis to:

1. The Sapard Agency under the Ministry of Agriculture, Forests, Waters and Environment of Romania, Negustori Street 1 B, Sector 2, Bucharest, for the implementation of measure 3.1 'Investment in agricultural holdings', measure 3.4 'Development and diversification of economic activities, multiple activities, alternative income' and measure 4.1 'Improving of vocational training' as defined in the

programme for agriculture and rural development that was approved by Commission Decision C(2000) 3742 final on 12 December 2000, as last amended by the Commission decision adopted on 1 August 2003.

2. The National Fund within the Ministry of Public Finance, Apolodor Street 17, Sector 5, RO 70663 Bucharest, for the financial functions it is due to perform in the framework of the implementation of the Sapard programme for measures 3.1, 3.4 and 4.1 for Romania.

Article 3

Expenditure pursuant to this Decision shall be eligible for Community co-financing only if incurred by beneficiaries from the date of this Decision, or, if later, the date of the instrument making them a beneficiary for the project in question, except for feasibility and related studies, where this date shall be 12 December 2000, provided in all cases it has not been paid by the Sapard Agency prior to the date of this Decision.

Article 4

Without prejudice to any decisions granting aid under Sapard to individual beneficiaries, the rules for eligibility of expenditure proposed by Romania by letter No 1015 of 22 July 2003 and, registered in the Commission under No 19976, as modified by letter No 11012 of 22 September 2003 and registered in the Commission under No 26843, shall apply.

Done at Brussels, 5 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

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

COUNCIL DECISION 2003/847/JHA

of 27 November 2003

concerning control measures and criminal sanctions in respect of the new synthetic drugs 2C-I, 2C-T-2, 2C-T-7 and TMA-2

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to Council Joint Action 97/396/JHA of 16 June 1997 concerning the information exchange, risk assessment and the control of new synthetic drugs ⁽¹⁾, and in particular Article 5(1) thereof,

Having regard to the initiative of the Italian Republic,

Whereas:

(1) Risk assessment reports on 2C-I (2,5-dimethoxy-4-iodophenethylamine), 2C-T-2 (2,5-dimethoxy-4-ethylthiophenethylamine), 2C-T-7 (2,5-dimethoxy-4-(n)-propylthiophenethylamine), TMA-2 (2,4,5-trimethoxyamphetamine) were drawn up on the basis of Article 4(3) of Joint Action 97/396/JHA at a meeting convened under the auspices of the Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction.

(2) 2C-I, 2C-T-2, 2C-T-7 and TMA-2 are amphetamine derivatives having structural features of phenethylamines, which are associated with hallucinogenic and stimulant activity. 2C-I, 2C-T-2, 2C-T-7 and TMA-2 have not been reported to be associated with fatal or non-fatal intoxication within the Community. However 2C-I, 2C-T-2, 2C-T-7 and TMA-2 are hallucinogenic drugs that carry potential risks common to other hallucinogenic substances, such as 2C-B, DOB, TMA and DOM, already classified in Schedules I or II to the 1971 United Nations Convention on Psychotropic Substances. Therefore a risk of acute or chronic toxicity cannot be excluded.

(3) 2C-I, 2C-T-2, 2C-T-7 and TMA-2 are not currently listed in any of the Schedules to the 1971 United Nations Convention on Psychotropic Substances.

(4) At present, 2C-I and 2C-T-2 are controlled under the national drugs legislation in five Member States; 2C-T-7 and TMA-2 are controlled in four Member States.

(5) 2C-I, 2C-T-2, 2C-T-7 and TMA-2 have no therapeutic value or industrial use.

(6) 2C-I has been identified in four Member States; 2C-T-2 and 2C-T-7 have been identified in six Member States; TMA-2 has been identified in five Member States. At present one Member State has reported one case of international trafficking of 2C-T-2 involving two Member States; no international trafficking of 2C-I, 2C-T-7 and TMA-2 has been reported. Laboratories involving the production of 2C-I, 2C-T-2, 2C-T-7 and TMA-2 have been seized in three Member States. In one of these Member States, the seizure of a large amount of the intermediate precursor 2C-H and documentation suggests the production of 2C-I. The major chemical precursors of 2C-I, 2C-T-2, 2C-T-7 and TMA-2 are commercially available.

(7) 2C-I, 2C-T-2, 2C-T-7 and TMA-2 should be subjected by the Member States to control measures and criminal penalties, as provided for under their legislation complying with their obligations under the 1971 United Nations Convention on Psychotropic Substances with respect to substances listed in Schedules I or II thereto,

HAS DECIDED AS FOLLOWS:

Article 1

Member States shall take the necessary measures, in accordance with their national law, to submit 2C-I (2,5-dimethoxy-4-iodophenethylamine), 2C-T-2 (2,5-dimethoxy-4-ethylthiophenethylamine), 2C-T-7 (2,5-dimethoxy-4-(n)-propylthiophenethylamine) and TMA-2 (2,4,5-trimethoxyamphetamine) to control measures and criminal penalties, as provided for under their legislation complying with their obligations under the 1971 United Nations Convention on Psychotropic Substances with respect to substances listed in Schedules I or II thereto.

⁽¹⁾ OJ L 167, 25.6.1997, p. 1.

Article 2

Member States shall, in accordance with the third subparagraph of Article 5(1) of Joint Action 97/396/JHA, take the measures referred to in Article 1 within three months of the date on which this Decision takes effect.

Within six months of the date on which this Decision takes effect Member States shall inform the General Secretariat of the Council and the Commission of the measures they have taken.

Article 3

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

It shall take effect on the day following that of its publication.

Done at Brussels, 27 November 2003.

For the Council

The President

R. CASTELLI
