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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 682/2004
of 14 April 2004
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⁾, 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 15 April 2004.

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

Done at Brussels, 14 April 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to the Commission Regulation of 14 April 2004 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	101,8
	204	28,2
	212	120,5
	999	83,5
0707 00 05	052	145,7
	220	147,3
	999	146,5
0709 90 70	052	89,6
	204	52,6
	999	71,1
0805 10 10, 0805 10 30, 0805 10 50	052	62,6
	204	39,5
	212	60,1
	220	41,1
	400	43,8
	600	36,6
	624	58,4
0808 10 20, 0808 10 50, 0808 10 90	999	48,9
	388	85,9
	400	103,2
	404	63,0
	508	69,5
	512	70,5
	524	76,9
	528	74,4
	720	72,6
	804	119,9
	999	81,8
0808 20 50	388	82,0
	512	78,6
	528	73,2
	999	77,9

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 683/2004**of 13 April 2004****amending Regulation (EC) No 466/2001 as regards aflatoxins and ochratoxin A in foods for infants and young children****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

After consulting the Scientific Committee for Food (SCF),

Whereas:

- (1) Commission Regulation (EC) No 466/2001 ⁽²⁾, sets maximum levels for certain contaminants in foodstuffs, including food intended for infants and young children covered by Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae ⁽³⁾ and Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children ⁽⁴⁾.
- (2) According to Regulation (EC) No 466/2001 specific maximum levels of contaminants for food intended for infants and young children are to be established by 5 April 2004 at the latest.
- (3) Some Member States have adopted maximum levels for aflatoxin B1, aflatoxin M1 and ochratoxin A in food intended for infants and young children. In view of the disparities between the national provisions and the consequent risk of distortion of competition, Community measures are necessary in order to ensure market unity while abiding by the principle of proportionality.
- (4) It is appropriate for the health protection of the infants and young children, a vulnerable population group, to establish the lowest maximum level, that is achievable through a strict selection of the raw materials used for the manufacturing of the infant formulae, follow-on formulae, processed cereal-based foods and baby foods. It is necessary that a validated method of analysis exists for the enforcement of the maximum levels. For aflatoxin M1, an international ring trial will be organised by the Commission in order to verify if a level of 0,01 µg/kg aflatoxin M1 can be reliably determined in view of considering a reduction of the maximum level to 0,01 µg/kg aflatoxin M1.

(5) Regulation (EC) No 466/2001 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(2) of Regulation (EC) No 466/2001 is replaced by the following:

‘2. The maximum levels specified in Annex I shall apply also to food intended for infants and young children covered by Directive 91/321/EEC and Directive 96/5/EC, taking into account respectively, the changes of the concentration of the contaminant caused by drying, dilution or processing and the relative concentrations of the ingredients in the product. This does not apply to the contaminants for which specific Community maximum levels have been set for the specified foods or to the cases where in the absence of Community maximum levels, stricter levels have been set by national legislation for the specified foods.’

Article 2

Annex I of Regulation (EC) No 466/2001 is amended in accordance with the Annex to this Regulation

Article 3

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 November 2004.

This Regulation shall not apply to products which were placed on the market before 1 November 2004 in conformity with the provisions applicable. The burden of proving when the products were placed on the market shall be borne by the food business operator. This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ OJ L 37, 13.2.1993, p. 1. Regulation as amended by Regulation of the European Parliament and of the Council (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 77, 16.3.2001, p. 1. Regulation as last amended by Regulation (EC) No 455/2004 (OJ L 74, 12.3.2004, p. 11).

⁽³⁾ OJ L 175, 4.7.1991, p. 35. Directive as last amended by Directive 2003/14/EC (OJ L 41, 14.2.2003, p. 37).

⁽⁴⁾ OJ L 49, 28.2.1996, p. 17. Directive as last amended by Directive 2003/13/EC (OJ L 41, 14.2.2003, p. 33).

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

Done at Brussels, 13 April 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Annex I to Regulation (EC) No 466/2001 is amended as follows:

1. In Section 2. Mycotoxins, 2.1. Aflatoxins the following points 2.1.5, 2.1.6 and 2.1.7 are added:

Products	Maximum levels (µg/kg or ppb)			Sampling method	Reference analysis method
	B ₁	B ₁ + B ₂ + G ₁ + G ₂	M ₁		
2.1.5. Baby foods and processed cereal-based foods for infants and young children ⁽¹⁾	0,10	—	—	Directive 1998/53/EC	Directive 1998/53/EC
2.1.6 Infant formulae and follow-on formulae, including infant milk and follow-on milk ⁽²⁾	—	—	0,025	Directive 1998/53/EC	Directive 1998/53/EC
2.1.7 Dietary foods for special medical purposes ⁽³⁾ intended specifically for infants	0,10	—	0,025	Directive 1998/53/EC	Directive 1998/53/EC

⁽¹⁾ Baby foods and processed cereal-based foods for infants and young children as defined in Article 1 of Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children (OJ L 49, 28.2.1996, p. 17) as last amended by Directive 2003/13/EC (OJ L 41, 14.2.2003, p. 33). The maximum level for baby foods and processed cereal-based foods for infants and young children refer to the dry matter. The dry matter is determined in accordance with the provisions of Commission Directives 98/53/EC and 2002/26/EC.

⁽²⁾ Infant formulae and follow-on formulae as defined in Article 1 of Commission Directive 91/321/EEC of 14 May 1991, on infant formulae and follow-on formulae (OJ L 175, 4.7.1991, p.35) as last amended by Directive 2003/14/EC (OJ L41, 14.2.2003, p. 37). The maximum level for infant formulae and follow-on formulae refer to the product ready to use (marketed as such or after reconstitution as instructed by the manufacturer).

⁽³⁾ Dietary foods for special medical purposes as defined in Article 1(2) of Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes (OJ L 91, 7.4.1999, p. 29). The maximum level for dietary foods for special medical purposes intended specifically for infants refer — in the case of milk and milk products, to the products ready for use (marketed as such or reconstituted as instructed by the manufacturer), — in the case of products other than milk and milk products, to the dry matter. The dry matter is determined in accordance with the provisions of Commission Directives 98/53/EC and 2002/26/EC.

2. In Section 2. Mycotoxins, 2.2. Ochratoxin A the following points 2.2.4 and 2.2.5 are added:

Products	Maximum levels (µg/kg or ppb)	Sampling method	Reference analysis method
2.2.4. Baby foods and processed cereal-based foods for infants and young children ⁽¹⁾	0,50	Directive 2002/26/EC	Directive 2002/26/EC
2.2.5 Dietary foods for special medical purposes ⁽²⁾ intended specifically for infants	0,50	Directive 2002/26/EC	Directive 2002/26/EC

⁽¹⁾ Baby foods and processed cereal-based foods for infants and young children as defined in Article 1 of Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children (OJ L 49, 28.2.1996, p. 17) as last amended by Directive 2003/13/EC (OJ L 41, 14.2.2003, p. 33). The maximum level for baby foods and processed cereal-based foods for infants and young children refer to the dry matter. The dry matter is determined in accordance with the provisions of Commission Directives 98/53/EC and 2002/26/EC.

⁽²⁾ Dietary foods for special medical purposes as defined in Article 1(2) of Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes (OJ L 91, 7.4.1999, p. 29). The maximum level for dietary foods for special medical purposes intended specifically for infants refer — in the case of milk and milk products, to the products ready for use (marketed as such or reconstituted as instructed by the manufacturer), — in the case of products other than milk and milk products, to the dry matter. The dry matter is determined in accordance with the provisions of Commission Directives 98/53/EC and 2002/26/EC.

COMMISSION REGULATION (EC) No 684/2004
of 13 April 2004
amending Regulation (EC) No 466/2001 as regards dioxins
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(5) Regulation (EC) No 466/2001 should therefore be amended accordingly.

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

HAS ADOPTED THIS REGULATION:

(1) Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾, establishes maximum levels for dioxins in certain foodstuffs.

Article 1

Annex I, section 5 of Regulation (EC) No 466/2001 is amended as follows:

(2) The maximum levels for dioxins apply from 1 July 2002. The application of the text has revealed a need for some clarification of the description of the products or the parts of the product to which the maximum level apply.

1. in the first column, point 5.1.2., 'Liver and derived products' is replaced with 'Liver and derived products originating from terrestrial animals';

(3) Available data indicate that free range and semi-intensive eggs may contain higher levels of dioxin than battery eggs. Measures have to be taken to ensure that dioxin levels in free range and semi-intensive eggs are reduced and a transition period for the application of the levels was foreseen until 1 January 2004. It now appears that more time is needed for the investigations to define possible measures to reduce the dioxin levels in free range and semi-intensive eggs and for implementing these measures. It is therefore appropriate to extend the transition period for one year.

2. in the first column, point 5.2., the following sentence is added to footnote (5): 'Where fish are intended to be eaten whole, the maximum level shall apply to the whole fish'.

3. in the first column, point 5.4., footnote (8), '10 January 2004' is replaced with '1 January 2005'.

4. in the first column, point 5.5 Oils and fats, second indent 'Vegetable oil' is replaced with 'Vegetable oils and fats'.

5. in the third and fourth column, point 5.1.1. to point 5.5., the words 'Directive 2001/.../EC (*)' is replaced with 'Directive 2002/69/EC ⁽³⁾'.

⁽³⁾ OJ L 209, 6.8.2002, p. 5.

(4) In the meantime, Commission Directive 2002/69/EC of 30 July 2002 laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs ⁽³⁾ has been adopted.

Article 2

⁽¹⁾ OJ L 37, 13.2.1993, p. 1. Regulation amended by Regulation of the European Parliament and of the Council (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 77, 16.3.2001, p. 1. Last amended by Regulation (EC) No 455/2004 (OJ L 74, 12.3.2004, p. 11).

⁽³⁾ OJ L 209, 6.8.2002, p. 5.

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 13 April 2004.

For the Commission

David BYRNE

Member of the Commission

**COMMISSION REGULATION (EC) No 685/2004
of 14 April 2004**

**opening a standing invitation to tender for the resale on the Community market of barley held by
the United Kingdom intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 5 thereof,

The United Kingdom intervention agency shall open a standing invitation to tender for the sale on the Community market of 2 694 tonnes of barley held by it.

Whereas:

Article 2

(1) Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies ⁽²⁾ provides in particular that cereals held by intervention agencies are to be sold by tendering procedure at prices preventing market disturbance.

The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 2131/93.

(2) The United Kingdom still has intervention stocks of barley.

However, notwithstanding that Regulation:

(3) Because of the difficult weather conditions in much of the Community, cereals production has been significantly reduced in the 2003/04 marketing year. This situation has resulted in high prices locally, causing particular difficulties for livestock holdings and the feeding-stuffs industry, which are finding it hard to obtain supplies at competitive prices.

(a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;

(b) the minimum selling price shall be set at a level which does not disturb the cereals market.

Article 3

(4) It is therefore appropriate to make stocks of barley held by the United Kingdom intervention agency available on the internal market and a standing invitation to tender should be opened.

Notwithstanding Article 13(4) of Regulation (EEC) No 2131/93 the tender security is set at EUR 10 per tonne.

Article 4

(5) To take account of the situation on the Community market, provision should be made for the Commission to manage this invitation to tender.

1. The closing date for the submission of tenders for the first partial invitation to tender shall be 22 April 2004 at 9.00 (Brussels time).

(6) When the United Kingdom intervention agency notifies the Commission, the tenderers should remain anonymous.

The closing dates for the submission of tenders for subsequent partial invitations to tender shall be each Thursday at 9.00 (Brussels time), with the exception of 20 May 2004.

(7) With a view to modernising management, the information required by the Commission should be sent by electronic mail.

The closing date for the submission of tenders for the last partial tendering procedure shall be 24 June 2004 at 9.00 (Brussels time).

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

2. Tenders must be lodged with the United Kingdom intervention agency:

Royal Payments Agency, Operations Newcastle
Lancaster House, Hampshire Court
Newcastle upon Tyne NE4 7YH
United Kingdom
Fax (44-191) 226 58 24.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 191, 31.7.1993, p. 76. Regulation as last amended by Regulation (EC) No 1630/2000 (OJ L 187, 26.7.2000, p. 24).

Article 5

Within two hours of the expiry of the time limit for the submission of tenders, the United Kingdom intervention agency shall notify the Commission of tenders received. They must be sent by electronic mail in accordance with the form set out in the Annex.

Article 6

In accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, the Commission shall set the minimum sale price or decide not to accept the tenders.

Article 7

This Regulation shall enter into force on the third 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, 14 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Standing invitation to tender for the resale of 2 694 tonnes of barley held by the United Kingdom intervention agency
Regulation (EC) No 685/2004

1	2	3	4
Numbering of tenderers	Lot No	Quantity (t)	Tender price (EUR/t)
1			
2			
3			
etc.			

Address for electronic transmission of information in accordance with Article 5:

AGRI-C1-REVENTE-MARCHE-UE@cec.eu.int

COMMISSION REGULATION (EC) No 686/2004**of 14 April 2004****laying down transitional measures concerning producer organisations in the market of fresh fruit and vegetables by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first subparagraph of Article 41 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1432/2003 of 11 August 2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 regarding the conditions for recognition of producer organisations and preliminary recognition of producer groups⁽¹⁾, and Commission Regulation (EC) No 1433/2003 of 11 August 2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operating funds, operational programmes and financial assistance⁽²⁾ set certain dates and conditions for the recognition of and aid to producer organisations. Transitional measures should be laid down in order to enable producer organisations and producer groups in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as 'the new Member States') to apply for the aid provided for in those Regulations before 1 January 2005.
- (2) A number of new Member States have adopted national legislation on the recognition of and aid to producer organisations and producer groups, and a certain number of producer organisations and producer groups exist already.
- (3) The new Member States should be given the possibility of temporarily considering producer organisations and producer groups recognised under their respective national legislation as being recognised under Regulation (EC) No 2200/96. Those producer organisations and producer groups may then apply for the available Community aid. The new Member States should verify before the end of 2005 whether the producer organisations and producer groups really meet the recognition criteria provided for in Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽³⁾. The financial responsibility for aid paid to those producer organisations and producer groups falls on the new Member State in question.
- (4) Certain new Member States have not provided in their national legislation recognition of producer organisations based on the categories of products referred to in Article 11(1)(a)(ii) to (vii) of Regulation (EC) No 2200/96. For the sake of clarity, the producer organisations or groups which have been recognised before 1 May 2004, in accordance with national legislation, should be considered as belonging to category 'fruit and vegetables' referred to in Article 11(1)(a)(i) of Regulation (EC) No 2200/96.
- (5) In order to speed up the process, producer organisations and producer groups recognised before 1 May 2004, in accordance with national legislation, should not be required to submit another application. The new Member States should notify them whether they are recognised for 2004 under Regulation (EC) No 1432/2003 or not.
- (6) Neither the producer organisations nor the new Member States have experience with operational programmes. As a transitional measure for producer organisations in the new Member States, an operational programme of a maximum duration of one-and-a-half years may be submitted. The drafting of short, simple programmes should reduce the period required for preparation by the producer organisations and the period required for evaluation by the national authorities. The drafting, evaluation, implementation and control of those programmes should help both producer organisations and national authorities with the handling of operational programmes of normal length after the transitional period.
- (7) For recognition plans approved in the new Member States under their respective national legislation before 1 May 2004, the starting date should be deemed to be 1 May 2004.

⁽¹⁾ OJ L 203, 12.8.2003, p. 18.

⁽²⁾ OJ L 203, 12.8.2003, p. 25; Regulation as last amended by Regulation (EC) No 1582/2003 (OJ L 227, 11.9.2003, p. 3).

⁽³⁾ OJ L 297, 21.11.1996, p. 1; Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

- (8) The new Member States have the obligation to check a certain percentage of the producer organisations and producer groups each year concerning compliance with the recognition criteria, and the conditions for the grant of aid. In view of the administrative burden which this represents for the new Member States, they should be allowed to reduce the percentage of checks of producer organisations and producer groups to no less than half of the normal level in 2005, but if they make use of this possibility, the percentage should be increased by the same rate in 2006, in order to reach the normal level on a two-year average.
- (9) Operators in the new Member States are free to choose not to make use of these transitional provisions and apply the normal rules contained in Regulations (EC) No 1432/2003 and (EC) No 1433/2003 in Commission Regulation (EC) No 1943/2003 of 3 November 2003 laying down rules for the application of Council Regulation (EC) No 2200/96 as regards aid to producer groups granted preliminary recognition⁽¹⁾ and in Commission Regulation (EC) No 103/2004 of 21 January 2004 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards intervention arrangements and market withdrawals in the fruit and vegetable sector⁽²⁾.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

The new Member States shall notify each producer organisation or group recognised in accordance with national legislation before 1 May 2004 of the decision concerning its recognition, as provided for in the first subparagraph, as soon as possible after 1 May 2004.

2. The decision referred to in paragraph 1 shall apply from the date of its notification until 31 December 2005.

3. The new Member States shall communicate to the Commission, within 30 days following the notification of the decision referred to in paragraph 1, the information referred to in Article 12(1)(c) of Regulation (EC) No 2200/96 and Article 17(5) of Regulation (EC) No 1432/2003 concerning producer organisations and producer groups respectively, which have been recognised or refused recognition in accordance with this Regulation.

Article 3

Categories of producer organisations

If a new Member State has no legislative provisions regarding the categories of producer organisations, provided for in Article 11(1)(a) of Regulation (EC) No 2200/96, the recognised producer organisations in such new Member States shall be considered as belonging to category 'fruit and vegetables', referred to in Article 11(1)(a)(i) of that Regulation.

Article 4

Operational programmes

1. A producer organisation of a new Member State, recognised before 1 May 2004 in accordance with national legislation, may submit an operational programme, for a period ending 31 December 2005 at the latest, for approval before 30 June 2004. Such applications shall be accompanied by an undertaking from the organisation to submit a new operational programme on 15 September 2005 at the latest. Operational programmes shall indicate the estimated amounts of operating funds as provided for in Article 7 of Regulation (EC) No 1433/2003, based on a reference period determined pursuant to Article 4 of that Regulation, and contain the information referred to in Articles 8 and 9 of that Regulation.

2. Within three months from the submission of the application referred to in paragraph 1, the competent national authorities shall take a decision on the operational programmes submitted.

However, operational programmes shall not be approved unless a positive decision, as referred to in Article 2(1), has been notified to the producer organisations concerned.

3. The competent national authorities shall notify the producer organisations of their decisions approving operational programmes. Implementation of operational programmes may commence only after the competent national authorities have approved them.

HAS ADOPTED THIS REGULATION:

Article 1

Definition

For the purposes of this Regulation, 'new Member States' shall mean the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

Article 2

Recognition and preliminary recognition

1. By way of derogation from Article 1 of Regulation (EC) No 1432/2003 and Article 12 of Regulation (EC) No 2200/96, the new Member States may decide to consider producer organisations or groups which have been recognised before 1 May 2004 in accordance with national legislation, either as recognised producer organisations or producer groups granted preliminary recognition under Regulation (EC) No 2200/96 (hereinafter referred to as 'recognised producer organisations' and 'recognised producer groups').

⁽¹⁾ OJ L 286, 4.11.2003, p. 5.

⁽²⁾ OJ L 16, 23.1.2004, p. 3.

4. Subject to Articles 18, 20 and 21 of Regulation (EC) No 1433/2003, producer organisations may apply for aid to their operational programme.

However, the relevant new Member State shall bear the financial responsibilities resulting from the use of aid received in 2004 and 2005 in violation of Article 6 or 8 of Regulation (EC) No 1433/2003.

5. Subject to Article 7 of Regulation (EC) No 103/2004, producer organisations recognised before 1 May 2004 in accordance with national legislation may apply for Community withdrawal compensation.

However, the new Member State concerned shall bear the financial responsibilities resulting from the notification of a negative decision, as referred to in Article 2(1).

Article 5

Aid to recognised producer groups

Recognised producer groups may apply for aid referred to in Article 14(2) of Regulation (EC) No 2200/96, if available in the Member State concerned, subject to Article 5 of Regulation (EC) No 1943/2003.

If the implementation of a recognition plan, accepted in accordance with national legislation, has started before 1 May 2004, its date of acceptance referred to in Article 18(1) of Regulation (EC) No 1432/2003 shall be deemed to be 1 May 2004.

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

Done at Brussels, 14 April 2004.

Article 6

Checks

In 2005, the new Member States may reduce the percentage of checks at producer organisations and producer groups to no less than half of the minimum percentages provided for in Article 20(2) of Regulation (EC) No 1432/2003 and in Article 23(2) of Regulation (EC) No 1433/2003.

If the new Member States make use of this possibility, the percentage shall be increased by the same rate as the rate of reduction in 2005 in 2006, in order to reach the normal level on a two-year average.

Article 7

Regulations (EC) No 1432/2003, (EC) No 1433/2003, (EC) No 1943/2003 and (EC) No 103/2004 shall apply subject to the rules provided for in this Regulation.

Article 8

Entry into force

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 687/2004

of 14 April 2004

adapting Regulation (EC) No 639/2003 by reason of the accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia, and in particular Article 57(2) thereof,

Whereas:

- (1) In view of the accession to the Community on 1 May 2004 of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, linguistic amendments need to be made to Commission Regulation (EC) No 639/2003 of 9 April 2003 laying down detailed rules pursuant to Council Regulation (EC) No 1254/1999 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport ⁽¹⁾.
- (2) Regulation (EC) No 639/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(3) of Regulation (EC) No 639/2003 is hereby replaced by the following:

‘3. If the official veterinarian at the exit point is satisfied that the requirements of paragraph 2 are met, he shall certify this by one of the following entries:

- Resultados de los controles de conformidad con el artículo 2 del Reglamento (CE) n° 639/2003 satisfactorios
- Výsledky kontrol podle článku 2 nařízení (ES) č. 639/2003 jsou uspokojivé
- Resultater af kontrollen efter artikel 2 i forordning (EF) nr. 639/2003 er tilfredsstillende
- Ergebnisse der Kontrollen nach Artikel 2 der Verordnung (EG) Nr. 639/2003 zufriedenstellend
- Määruse (EÜ) nr 639/2003 artiklis 2 osutatud kontrollide tulemused rahuldavad

— Αποτελέσματα των ελέγχων βάσει του άρθρου 2 του κανονισμού (ΕΚ) αριθ. 639/2003 ικανοποιητικά

— Results of the checks pursuant to Article 2 of Regulation (EC) No 639/2003 satisfactory

— Résultats des contrôles visés à l'article 2 du règlement (CE) n° 639/2003 satisfaisants

— Risultati dei controlli conformi alle disposizioni dell'articolo 2 del regolamento (CE) n. 639/2003

— Regulas (EK) Nr. 639/2003 2. pantā minēto pārbauu rezultāti ir apmierinoši

— Reglamento (EB) Nr.639/2003 2 straipsnyje numatytų patikrinimų rezultatai yra patenkinami

— A 639/2003/EK rendelet 2. cikkében előírányzott ellenőrzések eredményei kielégítőek

— Rižultati tal-kontrolli konformi mal-artikolu 2 tar-regolament (KE) nru 639/2003 sodisfaċenti

— Bevingingen bij controle overeenkomstig artikel 2 van Verordening (EG) nr. 639/2003 bevredigend

— Wyniki kontroli, o której mowa w art. 2 rozporządzenia (WE) nr 639/2003 zadowalające.

— Resultados dos controlos satisfatórios nos termos do artigo 2.º do Regulamento (CE) n.º 639/2003

— Výsledky kontrol podľa článku 2 nariadenia (ES) č. 639/2003 uspokojivé

— Rezultati kontrol, izhajajoči iz člena 2 Uredbe št. 639/2003 so zadovoljivi

— Asetuksen (EY) N:o 639/2003 2 artiklan mukaisen tarkastuksen tulos tyydyttävä

— Resultaten av kontrollen enligt artikel 2 i förordning (EG) nr 639/2003 är tillfredsställande,

and by stamping and signing the document constituting evidence of exit from the customs territory of the Community, either in Section J of the control copy T5 or in the most appropriate place on the national document.’

Article 2

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

⁽¹⁾ OJ L 93, 10.4.2003, p. 10. Regulation as last amended by Regulation (EC) No 2187/2003 (OJ L 327, 16.12.2003, p. 15).

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

Done at Brussels, 14 April 2004.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 688/2004

of 14 April 2004

adapting Regulation (EC) No 2298/2001 on account of the accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 57(2) thereof,

Whereas:

- (1) In view of the accession to the Community on 1 May 2004 of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, linguistic amendments need to be made to Commission Regulation (EC) No 2298/2001 of 26 November 2001 laying down detailed rules for the export of products supplied as food aid ⁽¹⁾.
- (2) Regulation (EC) No 2298/2001 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3(3) of Regulation (EC) No 2298/2001 is replaced by the following:

‘3. In the document used to apply for the refund as referred to in Article 5(4) of Regulation (EC) No 800/1999 and, in addition to the requirements of Article 16 of Regulation (EC) No 1291/2000, in box 20 of the application for licences and the export licence itself, one of the following entries shall be included:

- Ayuda alimentaria comunitaria — Acción n.º.../.. o Ayuda alimentaria nacional
- Potravinová pomoc Společenství — akce č. .../... nebo vnitrostátní potravinová pomoc
- Fællesskabets fødevarehjælp — Aktion nr. .../... eller National fødevarehjælp
- Gemeinschaftliche Nahrungsmittelhilfe — Maßnahme Nr..../... oder Nationale Nahrungsmittelhilfe
- Ühenduse toiduabi — programm nr..../..või siseriiklik toiduabi

- Κοινοτική επισιτιστική βοήθεια — Δράση αριθ..../.. ή Εθνική επισιτιστική βοήθεια
- Community food aid — Action No..../..or National food aid
- Aide alimentaire communautaire — Action n.º .../... ou Aide alimentaire nationale
- Aiuto alimentare comunitario — Azione n. .../... o Aiuto alimentare nazionale
- Kopienas pārtikas atbalsts — Pasākums Nr..../.. vai valsts pārtikas atbalsts
- Bendrijos pagalba maisto produktais — Priemonė Nr..../.. arba Nacionalinė pagalba maisto produktais
- Közösségi élelmiszersegély — ... számú intézkedés/.. vagy Nemzeti élelmiszersegély
- Ghajnuna alimentari komuni — Azzjoni nru .../.. jew Ghajnuna alimentari nazzjonali
- Communautaire voedselhulp — Actie nr..../... of Nationale voedselhulp
- Wspólnotowa pomoc żywnościowa -Działanie nr..../..lub Krajowa pomoc żywnościowa.
- Ajuda alimentar comunitária — Acção n.º..../.. ou Ajuda alimentar nacional
- Potravinová pomoc spoločenstva — Akcia č. .../... alebo Národná potravinová pomoc
- Pomoč Skupnosti v hrani — Akcija št. .../... ali državna pomoč v hrani
- Yhteisön elintarvikeapu — Toimi No..../.. tai Kansallinen elintarvikeapu
- Livsmedelsbistånd från gemenskapen - Aktion nr .../... eller Nationellt livsmedelsbistånd.

The action number to be indicated is that specified in the tender notice. In addition, the country of destination shall be indicated in box 7 of both the licence application and the licence.’

Article 2

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

⁽¹⁾ OJ L 308, 27.11.2001, p. 16.

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

Done at Brussels, 14 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 689/2004
of 14 April 2004**

amending Regulation (EC) No 414/2004 adopting specific measures with a view to adapting the arrangements for administering tariff quotas on banana imports as a result of the accession of new Member States on 1 May 2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

(4) Article 6 of Regulation (EC) No 414/2004, and Article 7 thereof relating to notifications from the Member States, should therefore be amended accordingly, and the new provisions should apply from the date of entry into force of that Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

(1) Commission Regulation (EC) No 414/2004 ⁽²⁾ adopted the measures required to identify in particular the traditional operators established in the Community who supplied the markets of the new Member States in 2000, 2001 and 2002, with a view to the measures to be adopted to adapt the arrangements for administering tariff quotas on banana imports as a result of the accession of new Member States on 1 May 2004.

(2) Article 6(2) of Regulation (EC) No 414/2004 specifies the supporting documents which operators must supply to the competent authorities in order to be recognised as traditional operators. In view of the difficulties encountered by operators in obtaining copies of the documents held by other operators to attest that the products have actually been released for free circulation in the country of destination, additional supporting documents which may be produced should be specified. These documents should attest in particular that the products have been dispatched to the country of destination and have been sold to an operator to supply the market of the country concerned.

(3) The provisions of this Regulation are intended to take account of the transitional difficulties encountered by operators and may not prejudice any measures that might subsequently be adopted by the Commission for the purposes of administering the import arrangements in question.

Regulation (EC) No 414/2004 is hereby amended as follows:

1. The following paragraph is added to Article 6:

‘4. If the operator concerned is not able to provide the proofs of release for free circulation referred to in the second subparagraph of paragraph 2, he or she must provide proof that the products have been dispatched to a new Member State and present the documents referred to in point (g) of the first subparagraph of paragraph 2, accompanied by proofs of payment. In such cases, the duly annotated Community transit document may be accepted as proof that the products have been dispatched to the new Member State. These additional proofs must be submitted by 21 April 2004 at the latest.

The above subparagraph shall apply for the purposes of fixing a provisional specific reference quantity for the issuing of licences for imports of bananas in the months of May and June 2004.’

2. In Article 7(3), ‘15 April 2004’ is replaced by ‘23 April 2004’.

Article 2

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

It shall apply from 7 March 2004.

⁽¹⁾ OJ L 47, 25.2.1993, p. 1. Regulation as last amended by Regulation (EC) No 2587/2001 (OJ L 345, 29.12.2001, p. 13).

⁽²⁾ OJ L 68, 6.3.2004, p. 6.

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

Done at Brussels, 14 April 2004.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 690/2004
of 14 April 2004
fixing the import duties in the rice sector

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⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.
- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.

- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of the second subparagraph of Article 4(1) of Regulation (EC) No 1503/96 results in an adjustment of the import duties that have been fixed as from 15 May 2003 by Commission Regulation (EC) No 832/2003 ⁽³⁾ as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be adjusted in compliance with Article 4 of Regulation (EC) No 1503/96 and fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 15 April 2004.

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

Done at Brussels, 14 April 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽²⁾ OJ L 189, 30.7.1996, p. 71. Regulation as last amended by Regulation (EC) No 2294/2003 (OJ L 340, 24.12.2003, p. 12).

⁽³⁾ OJ L 120, 15.5.2003, p. 15.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽⁵⁾				
	Third countries (except ACP and Bangla- desh) ⁽⁷⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	220,19	72,73	105,76		165,14
1006 20 13	220,19	72,73	105,76		165,14
1006 20 15	220,19	72,73	105,76		165,14
1006 20 17	217,61	71,82	104,47	0,00	163,21
1006 20 92	220,19	72,73	105,76		165,14
1006 20 94	220,19	72,73	105,76		165,14
1006 20 96	220,19	72,73	105,76		165,14
1006 20 98	217,61	71,82	104,47	0,00	163,21
1006 30 21	378,13	119,95	174,16		283,60
1006 30 23	378,13	119,95	174,16		283,60
1006 30 25	378,13	119,95	174,16		283,60
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	378,13	119,95	174,16		283,60
1006 30 44	378,13	119,95	174,16		283,60
1006 30 46	378,13	119,95	174,16		283,60
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	378,13	119,95	174,16		283,60
1006 30 63	378,13	119,95	174,16		283,60
1006 30 65	378,13	119,95	174,16		283,60
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	378,13	119,95	174,16		283,60
1006 30 94	378,13	119,95	174,16		283,60
1006 30 96	378,13	119,95	174,16		283,60
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 2286/2002 (OJ L 348, 21.12.2002, p. 5) and amended Commission Regulation (EC) No 638/2003 (OJ L 93, 10.4.2003, p. 3).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	217,61	416,00	220,19	378,13	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	323,02	238,10	344,47	423,80	—
(b) fob price (EUR/tonne)	—	—	—	319,42	398,75	—
(c) Sea freight (EUR/tonne)	—	—	—	25,05	25,05	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COUNCIL

**COUNCIL DECISION
of 22 March 2004
adopting the Council's Rules of Procedure**

(2004/338/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207(3), first subparagraph, thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 121(3) thereof,

Having regard to the Treaty on European Union, and in particular Article 28(1) and Article 41(1) thereof,

Whereas:

- (1) According to Article 4 of the Treaty on European Union 'the European Council shall provide the Union with the necessary impetus for its development and shall define the general political guidelines thereof.
- (2) In order fully to perform that function of providing impetus and defining the Union's general political guidelines the European Council agreed, at its meeting on 21 and 22 June 2002 in Seville, on a certain number of rules for the preparation, conduct and conclusion of its proceedings. In the cause of transparency and efficiency explicit mention should be made in the Council's Rules of Procedure of those organisational rules, which must be the subject of practical measures for the purpose of their implementation.
- (3) It is important that the Council should follow rules on the organisation of its work which will allow it to make better use of the necessarily limited time available. To that end, on 18 March 2003 the Council adopted a code of conduct intended to improve the efficiency of the preparation and conduct of meetings of the Council and its preparatory bodies. That code of conduct should be incorporated in the Rules of Procedure in order to make it legally binding,

HAS DECIDED AS FOLLOWS:

Sole Article

The Rules of Procedure of the Council of 22 July 2002 (2002/682/EC, Euratom) ⁽¹⁾ shall be replaced by the following, which shall enter into force on 23 March 2004.

⁽¹⁾ Council Decision of 22 July 2002 adopting the Council's Rules of Procedure (OJ L 230, 28.8.2002, p. 7).

'RULES OF PROCEDURE OF THE COUNCIL*Article 1***Notice and venue of meetings**

1. The Council shall meet when convened by its President on his own initiative or at the request of one of its members or of the Commission ⁽¹⁾.
2. Seven months before the beginning of its term of office, after consulting the Presidencies preceding and following its term of office, where appropriate, the Presidency shall make known the dates which it envisages for meetings that the Council will have to hold in order to complete its legislative work or take operational decisions.
3. The Council shall have its seat in Brussels. During the months of April, June and October the Council shall hold its meetings in Luxembourg ⁽²⁾.

In exceptional circumstances and for duly substantiated reasons, the Council or the Permanent Representatives Committee (Coreper), acting unanimously, may decide that a Council meeting will be held elsewhere.

*Article 2***Configurations of the Council, role of the General Affairs and External Relations Council and programming**

1. The Council may meet in different configurations according to the subject matter dealt with. The Council in its General Affairs and External Relations configuration (hereinafter "General Affairs and External Relations Council"), convened in a meeting as referred to in paragraph 2(a), shall fix the list of these configurations, which is set out in Annex I.
2. The General Affairs and External Relations Council shall cover the following two main areas of activity, for which it shall hold separate meetings, with separate agendas and possibly on different dates, dealing respectively with:
 - (a) preparation for and follow-up to the European Council meetings, including the necessary coordination of all preparatory work, overall coordination of policies, institutional and administrative questions, horizontal dossiers which affect several of the Union's policies and any dossier entrusted to it by the European Council, having regard to operating rules for the Economic and Monetary Union;
 - (b) the whole of the Union's external action, namely common foreign and security policy, European security and defence policy, foreign trade, development cooperation and humanitarian aid.
3. For the purpose of preparing the meetings of the European Council, the General Affairs and External Relations Council convened in a meeting as referred to in paragraph 2(a) shall:
 - (a) draw up an annotated draft agenda on a proposal by the Presidency at least four weeks before the meeting of the European Council;
 - (b) hold a final preparatory meeting on the eve of the European Council meeting and approve the agenda.

Contributions to the proceedings of the European Council by other Council configurations shall be forwarded to the General Affairs and External Relations Council, convened in a meeting as referred to in paragraph 2(a), at the latest two weeks before the meeting of the European Council.

⁽¹⁾ This paragraph reproduces Article 204 of the EC Treaty.

⁽²⁾ This paragraph reproduces point (b) of the Sole Article of the Protocol on the location of the seats of the institutions and of certain bodies and departments of the European Communities and of Europol annexed to the Treaties.

Except for urgent and unforeseeable reasons linked, for example, to current international events, no other configuration of the Council or Council preparatory committee may meet between the final preparatory meeting referred to in paragraph 2(b) and the European Council meeting.

The measures necessary for the practical organisation of the European Council's proceedings shall be taken by the Presidency in liaison with the General Secretariat, in accordance with the rules on which the European Council itself has agreed.

4. The General Affairs and External Relations Council, convened in a meeting as referred to in paragraph 2(a), shall recommend to the European Council for adoption a multiannual strategic programme for the three years to come, which shall be based on a joint proposal drawn up by the Presidencies concerned, in consultation with the Commission.

5. In the light of that multiannual strategic programme, and following appropriate consultations, the two Presidencies due to hold office in the following year shall jointly submit a draft annual operational programme of Council activities during that year. The draft programme shall be submitted every year in December to the General Affairs and External Relations Council. The draft programme shall also have regard, *inter alia*, to relevant points arising from the dialogue on the political priorities for the year, conducted at the Commission's initiative. The two Presidencies concerned shall finalise the programme on the basis of the discussion of the General Affairs and External Relations Council convened in a meeting as referred to in paragraph 2(a).

6. The incoming Presidency shall establish indicative provisional agendas for Council meetings scheduled for the next six-month period, showing the legislative work and operational decisions envisaged. These indicative provisional agendas shall be established at the latest one week before the beginning of its term of office, on the basis of the annual operational programme and after consulting the Commission. Where necessary, extra Council meetings may be provided for, in addition to those previously planned.

Similar indicative provisional agendas for Council meetings scheduled for the six-month period following that referred to in the first subparagraph shall be established by the Presidency concerned, after consulting the Commission and the next Presidency, at the latest one week before the beginning of its term of office.

If during a six-month period any of the meetings planned during that period proves to be no longer warranted, the Presidency shall not convene it.

Article 3 ⁽¹⁾

Agenda

1. Taking into account the Council annual programme, the President shall draw up the provisional agenda for each meeting. The agenda shall be sent to the other members of the Council and to the Commission at least 14 days before the beginning of the meeting.

⁽¹⁾ See statements (a) and (b) set out below:

(a) Concerning Article 3(1) and (2):

"The President will endeavour to ensure that, in principle, the provisional agenda for each meeting of the Council dealing with implementation of Title IV of Part Three of the EC Treaty and Title VI of the Treaty on European Union and any documents relating to the items involved reach members of the Council at least 21 days before the beginning of the meeting."

(b) Concerning Articles 1 and 3:

"Without prejudice to Article 22(2) of the Treaty on European Union, which specifies that an extraordinary Council meeting may be convened at very short notice in cases requiring a rapid decision, the Council is aware of the need for matters relating to the common foreign and security policy to be dealt with swiftly and efficiently. The arrangements in Article 3 shall not prevent this need from being met."

2. The provisional agenda shall contain the items in respect of which a request for inclusion on the agenda, together with any documents relating thereto, has been received by the General Secretariat from a member of the Council or from the Commission at least 16 days before the beginning of that meeting. The provisional agenda shall also indicate by way of an asterisk the items on which the Presidency, a member of the Council or the Commission may request a vote. Such an indication shall be made once all the procedural requirements provided for by the Treaties have been complied with.

3. Items relating to the adoption of an act or a common position on a legislative proposal or a proposal for a measure to be adopted in accordance with Title VI of the Treaty on European Union shall not be placed on the provisional agenda for a decision until the six-week period provided for in point 3 of the Protocol on the role of national parliaments in the European Union has elapsed.

The Council may unanimously derogate from the six-week period where the entry of an item is subject to the exception on grounds of urgency provided for in point 3 of that Protocol.

4. Only items in respect of which the documents have been sent to the members of the Council and to the Commission at the latest by the date on which the provisional agenda is sent may be placed on that agenda.

5. The General Secretariat shall transmit to the members of the Council and to the Commission requests for the inclusion of items in the agenda and documents in respect of which the time limits specified above were not respected.

If, by the end of the week preceding the week prior to a Council meeting, Coreper has not completed its examination of legislative items within the meaning of Article 7, the Presidency shall, unless considerations of urgency require otherwise and without prejudice to paragraph 2, remove them from the provisional agenda.

6. The provisional agenda shall be divided into Part A and Part B. Items for which approval by the Council is possible without discussion shall be included in Part A, but this does not exclude the possibility of any member of the Council or of the Commission expressing an opinion at the time of the approval of these items and having statements included in the minutes.

7. The agenda shall be adopted by the Council at the beginning of each meeting. The inclusion in the agenda of an item other than those appearing on the provisional agenda shall require unanimity in the Council. Items entered in this way may be put to the vote if all the procedural requirements provided for by the Treaties have been complied with.

8. However, an "A" item shall be withdrawn from the agenda, unless the Council decides otherwise, if a position on an "A" item might lead to further discussion thereof or if a member of the Council or the Commission so requests.

9. Any request for the inclusion of an "other business" item shall be accompanied by an explanatory document.

Article 4

Representation of a Council member unable to attend

Subject to the provisions of Article 11 on the delegation of voting rights, a member of the Council who is prevented from attending a meeting may arrange to be represented.

Article 5

Meetings

1. Meetings of the Council shall not be public except in the cases referred to in Article 8.

2. The Commission shall be invited to take part in meetings of the Council. The same applies to the European Central Bank in cases where it exercises its right of initiative. The Council may, however, decide to deliberate without the presence of the Commission or of the European Central Bank.

3. The members of the Council and of the Commission may be accompanied by officials who assist them. The names and functions of those officials shall be notified in advance to the General Secretariat. The maximum number of persons per delegation in the Council meeting room at the same time, including members of the Council, may be laid down by the Council.

4. Admission to meetings of the Council shall be subject to the production of a pass delivered by the General Secretariat.

Article 6

Professional secrecy and production of documents in legal proceedings

1. Without prejudice to Articles 8 and 9 and to provisions on public access to documents, the deliberations of the Council shall be covered by the obligation of professional secrecy, except in so far as the Council decides otherwise.

2. The Council or Coreper may authorise the production for use in legal proceedings of a copy of or an extract from Council documents which have not already been released to the public in accordance with the provisions on public access to documents.

Article 7

Cases where the Council acts in its legislative capacity

The Council acts in its legislative capacity within the meaning of the second subparagraph of Article 207(3) of the EC Treaty when it adopts rules which are legally binding in or for the Member States, by means of regulations, directives, framework decisions or decisions, on the basis of the relevant provisions of the Treaties, with the exception of discussions leading to the adoption of internal measures, administrative or budgetary acts, acts concerning interinstitutional or international relations or non-binding acts (such as conclusions, recommendations or resolutions).

Where legislative proposals or initiatives are submitted to it the Council shall refrain from adopting acts which are not provided for by the Treaties, such as resolutions or declarations, other than those referred to in Article 9.

Article 8

Council deliberations open to the public and public debates

1. Council deliberations on acts to be adopted in accordance with the codecision procedure pursuant to Article 251 of the EC Treaty shall be open to the public as follows:

- (a) the presentation by the Commission of its most important legislative proposals and the ensuing debate in the Council shall be open to the public. The list of such proposals shall be adopted at the beginning of each six-month period by the General Affairs and External Relations Council convened in a meeting as referred to in Article 2(2)(a), on a recommendation from the Presidency, after consulting the Commission;
- (b) the vote on legislative acts shall be open to the public, as well as the final Council deliberations leading to that vote and the explanations of voting accompanying it ⁽¹⁾.

⁽¹⁾ See statement (c) set out below:

(c) Concerning Article 8(1)(b):

“Article 8(1)(b) will be implemented in the following way: the Presidency will indicate in the provisional agenda, using the words “Public deliberation”, those items on which the Council will take a vote at the end of the deliberations.
This practical arrangement shall have no effect on the rule according to Article 11(1) of the Council's Rules of Procedure.”

In such cases, Council deliberations shall be open to the public through transmission of the Council meeting by audiovisual means, notably in an overflow room. The outcome of voting shall be indicated by visual means.

The General Secretariat shall as far as possible inform the public in advance of the dates and approximate time on which such audiovisual transmissions will take place and shall take all practical measures to ensure proper implementation of this paragraph.

2. The General Affairs and External Relations Council convened in a meeting as referred to in Article 2(2)(a) shall hold a public policy debate every year on the Council's annual operational programme and, if appropriate, on the Commission's annual work programme. This annual policy debate shall be the subject of public transmission by audiovisual means.

3. On a decision taken by the Council or by Coreper, acting by a qualified majority, the Council shall hold at least one public debate on important new legislative proposals other than those referred to in paragraph 1.

The Council or Coreper may decide by a qualified majority on a case-by-case basis that other public debates are to be held on important issues affecting the interests of the Union.

It shall be for the Presidency, any member of the Council or the Commission to propose issues or specific subjects for such debates.

Such debates shall be the subject of public transmission by audiovisual means.

Article 9

Making public votes, explanations of votes and minutes

1. In addition to cases where Council deliberations are open to the public in accordance with Article 8(1), where the Council acts in its legislative capacity within the meaning of Article 7, the results of votes and explanations of votes by Council members, as well as the statements in the Council minutes and the items in those minutes relating to the adoption of legislative acts, shall be made public.

The same rule shall apply for:

- (a) results of votes and explanations of votes, as well as the statements in the Council minutes and the items in those minutes relating to the adoption of a common position pursuant to Article 251 or 252 of the EC Treaty;
- (b) results of votes and explanations of votes by members of the Council or their representatives on the Conciliation Committee set up by Article 251 of the EC Treaty, as well as the statements in the Council minutes and the items in those minutes relating to the Conciliation Committee meeting;
- (c) results of votes and explanations of votes, as well as the statements in the Council minutes and the items in those minutes relating to the establishment by the Council of a convention on the basis of Title VI of the Treaty on European Union.

2. Moreover, the results of votes shall be made public:

- (a) when the Council acts pursuant to Title V of the Treaty on European Union, by a unanimous Council or Coreper decision taken at the request of one of their members;

- (b) when the Council adopts a common position within the meaning of Title VI of the Treaty on European Union, by a unanimous Council or Coreper decision taken at the request of one of their members;
- (c) in other cases, by Council or Coreper decision taken at the request of one of their members.

When the result of a vote in the Council is made public in accordance with subparagraphs (a), (b) and (c), the explanations of votes made when the vote was taken shall also be made public at the request of the Council members concerned, with due regard for these Rules of Procedure, legal certainty and the interests of the Council.

Statements entered in the Council minutes and items in those minutes relating to the adoption of the acts referred to in subparagraphs (a), (b) and (c) shall be made public by Council or Coreper decision taken at the request of one of their members.

- 3. Votes shall not be made public in the case of discussions leading to indicative votes or the adoption of preparatory acts.

Article 10

Public access to Council documents

The specific provisions regarding public access to Council documents are set out in Annex II.

Article 11

Voting arrangements and quorum

- 1. The Council shall vote on the initiative of its President.

The President shall, furthermore, be required to open a voting procedure on the initiative of a member of the Council or of the Commission, provided that a majority of the Council's members so decides.

- 2. The members of the Council shall vote in the order of the Member States laid down in Article 203 of the EC Treaty, beginning with the member who, according to that order, follows the member holding the office of President.

- 3. Where a vote is taken, any member of the Council may also act on behalf of not more than one other member ⁽¹⁾.

- 4. The presence of a majority of the members of the Council who are, in accordance with the Treaties, entitled to vote is required to enable the Council to vote. When the vote is taken, the President, assisted by the General Secretariat, shall check that there is a quorum.

Article 12 ⁽²⁾

Written procedure

- 1. Acts of the Council on an urgent matter may be adopted by a written vote where the Council or Coreper unanimously decides to use that procedure. In special circumstances, the President may also propose the use of that procedure; in such a case, written votes may be used where all members of the Council agree to that procedure.

⁽¹⁾ This paragraph reproduces Article 206 of the EC Treaty.

⁽²⁾ See statement (d) set out below:

(d) Concerning Article 12:

"The Council agrees to consider the advisability of including in the Rules of Procedure the option of using a simplified written procedure when the Council is acting pursuant to Title VI of the Treaty on European Union."

2. Agreement by the Commission to the use of the written procedure shall be required where the written vote is on a matter which the Commission has brought before the Council.
3. A summary of acts adopted by the written procedure shall be drawn up every month by the General Secretariat.
4. On the initiative of the Presidency, the Council may also act for the purpose of implementing the common foreign and security policy by means of the simplified written procedure (COREU). In that case the proposal shall be deemed to be adopted at the end of the period laid down by the Presidency depending on the urgency of the matter, except where a member of the Council objects ⁽¹⁾.
5. The General Secretariat shall establish that the written procedures have been completed.

Article 13

Minutes

1. Minutes of each meeting shall be drawn up and, when approved, shall be signed by the Secretary-General/High Representative for the common foreign and security policy (hereinafter referred to as "the Secretary-General") or the Deputy Secretary-General. They may delegate their power to sign to Directors-General of the General Secretariat.

The minutes shall as a general rule indicate in respect of each item on the agenda:

- the documents submitted to the Council,
 - the decisions taken or the conclusions reached by the Council,
 - the statements made by the Council and those whose entry has been requested by a member of the Council or the Commission.
2. The draft minutes shall be drawn up by the General Secretariat within 15 days and submitted to the Council or to Coreper for approval.
 3. Prior to such approval any member of the Council, or the Commission, may request that more details be inserted in the minutes regarding any item on the agenda. These requests may be made in Coreper.

Article 14

Deliberations and decisions on the basis of documents and drafts drawn up in the languages provided for by the language rules in force

1. Except as otherwise decided unanimously by the Council on grounds of urgency, the Council shall deliberate and take decisions only on the basis of documents and drafts drawn up in the languages specified in the rules in force governing languages.
2. Any member of the Council may oppose discussion if the texts of any proposed amendments are not drawn up in such of the languages referred to in paragraph 1 as he or she may specify.

⁽¹⁾ See statement (e) set out below:

(e) Concerning Article 12(4):

"The Council would point out that the COREU network must be used in accordance with the Council conclusions of 12 June 1995 concerning the Council's working methods."

*Article 15***Signing of acts**

The text of the acts adopted by the Council and that of the acts adopted jointly by the European Parliament and the Council shall be signed by the President-in-Office at the time of their adoption and by the Secretary-General or the Deputy Secretary-General. The Secretary-General and the Deputy Secretary-General may delegate their power to sign to Directors-General of the General Secretariat.

*Article 16 ⁽¹⁾***Absence of the possibility to participate in the vote**

For the purposes of application of these Rules of Procedure, due account will be taken, in accordance with Annex III, of cases in which, in accordance with the Treaties, one or more members of the Council may not participate in the vote.

*Article 17***Publication of acts in the *Official Journal of the European Union***

1. The following shall be published in the *Official Journal of the European Union* by the Secretary-General or the Deputy Secretary-General:

- (a) the acts referred to in Article 254(1) and (2) of the EC Treaty;
- (b) the acts referred to in the first paragraph of Article 163 of the Euratom Treaty;
- (c) the common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the EC Treaty, and the reasons underlying those common positions;
- (d) the framework decisions and decisions referred to in Article 34(2) of the Treaty on European Union;
- (e) the conventions established by the Council in accordance with Article 34(2) of the Treaty on European Union.

Reference shall be made in the Official Journal to the entry into force of such conventions;

- (f) the conventions signed between Member States on the basis of Article 293 of the EC Treaty.

Reference shall be made in the Official Journal to the entry into force of such conventions;

- (g) international agreements concluded by the Community.

Reference shall be made in the Official Journal to the entry into force of such agreements;

- (h) international agreements concluded in accordance with Article 24 of the Treaty on European Union, unless the Council decides otherwise on the grounds of Articles 4 and 9 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽²⁾.

Reference shall be made in the Official Journal to the entry into force of such agreements.

⁽¹⁾ See statement (f) set out below:

(f) Concerning Article 16 and Annex III:

"The Council agrees that the provisions of Article 16 and Annex III apply to acts for the adoption of which some members of the Council are, according to the Treaties, not entitled to vote. However, application of Article 7 of the Treaty on European Union is not covered by those provisions.

In the first application of Articles 43 and 44 of the Treaty on European Union, the Council will, in the light of experience acquired in other fields, consider any adaptations necessary to Article 16 of and Annex III to these Rules of Procedure."

⁽²⁾ OJ L 145, 31.5.2001, p. 43.

2. Unless the Council or Coreper decides otherwise, the following shall be published in the Official Journal by the Secretary-General or the Deputy Secretary-General:

- (a) initiatives presented to the Council by a Member State pursuant to Article 67(1) of the EC Treaty;
- (b) initiatives presented to the Council by a Member State pursuant to Article 34(2) of the Treaty on European Union;
- (c) the common positions referred to in Article 34(2) of the Treaty on European Union;
- (d) directives other than those referred to in Article 254(1) and (2) of the EC Treaty, decisions other than those referred to in Article 254(1) of the EC Treaty, recommendations and opinions;

3. The Council or Coreper shall decide unanimously, on a case-by-case basis, whether there should be publication in the Official Journal by the Secretary-General or the Deputy Secretary-General of the common strategies, the joint actions and the common positions referred to in Article 12 of the Treaty on European Union.

4. The Council or Coreper shall decide, on a case-by-case basis and taking account of possible publication of the basic act, whether the following should be published in the Official Journal by the Secretary-General or the Deputy Secretary-General:

- (a) the measures implementing the joint actions referred to in Article 12 of the Treaty on European Union;
- (b) the joint actions, the common positions or any other decision adopted on the basis of a common strategy, as provided for in the first indent of Article 23(2) of the Treaty on European Union;
- (c) any measures implementing the decisions referred to in Article 34(2) of the Treaty on European Union and any measures implementing conventions drawn up by the Council in accordance with Article 34(2) of the Treaty on European Union;
- (d) other Council acts, such as *sui generis* decisions or resolutions.

5. Where an agreement concluded between the Communities and one or more States or international organisations sets up a body vested with powers of decision, the Council shall decide, when such an agreement is concluded, whether decisions to be taken by that body should be published in the Official Journal.

Article 18

Notification of acts

1. Directives other than those referred to in Article 254(1) and (2) of the EC Treaty and decisions other than those referred to in Article 254(1) of the EC Treaty shall be notified to their addressees by the Secretary-General, the Deputy Secretary-General or a Director-General acting on their behalf.

2. When they are not published in the Official Journal, the following acts shall be notified to their addressees by the Secretary-General, the Deputy Secretary-General or a Director-General acting on their behalf:

- (a) recommendations;
- (b) the common strategies, joint actions and common positions referred to in Article 12 of the Treaty on European Union;

- (c) the common positions referred to in Article 34(2) of the Treaty on European Union;
- (d) measures implementing the acts adopted on the basis of Articles 12 and 34 of the Treaty on European Union.

3. The Secretary-General, the Deputy Secretary-General or a Director-General acting on their behalf shall send to the Governments of the Member States and to the Commission authentic copies of Council directives other than those referred to in Article 254(1) and (2) of the EC Treaty and Council decisions and recommendations.

Article 19 ⁽¹⁾

Coreper, committees and working parties

1. Coreper shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council. It shall in any case ⁽²⁾ ensure consistency of the Union's policies and actions and see to it that the following principles and rules are observed:

- (a) the principles of legality, subsidiarity, proportionality and providing reasons for acts;
- (b) rules establishing the powers of Union institutions and bodies;
- (c) budgetary provisions;
- (d) rules on procedure, transparency and the quality of drafting.

2. All items on the agenda for a Council meeting shall be examined in advance by Coreper unless the latter decides otherwise. Coreper shall endeavour to reach agreement at its level to be submitted to the Council for adoption. It shall ensure adequate presentation of the dossiers to the Council and, where appropriate, shall present guidelines, options or suggested solutions. In the event of an emergency, the Council, acting unanimously, may decide to settle the matter without prior examination.

3. Committees or working parties may be set up by, or with the approval of, Coreper with a view to carrying out certain preparatory work or studies defined in advance.

The General Secretariat shall update and publish the list of preparatory bodies. Only the committees and working parties on this list may meet as Council preparatory bodies.

4. Coreper shall be chaired, depending on the items on the agenda, by the Permanent Representative or the Deputy Permanent Representative of the Member State which holds the Presidency of the Council. Unless the Council decides otherwise, the various committees provided for in the Treaties shall also be chaired by a delegate of that Member State. The same shall apply to the committees and working parties referred to in paragraph 3, unless Coreper decides otherwise.

5. For the preparation of meetings of Council configurations meeting once every six months, where held during the first half of this period, the meetings of committees other than Coreper and those of working parties held during the preceding six months shall be chaired by a delegate of the Member State whose turn it is to chair the said Council meetings.

⁽¹⁾ These provisions are without prejudice to the role of the Economic and Financial Committee as laid down in Article 114 of the EC Treaty and to existing Council decisions thereon (OJ L 358, 31.12.1998, p. 109, and OJ L 5, 1.1.1999, p. 71).

⁽²⁾ See statement (g) set out below:

(g) Concerning Article 19(1):

"Coreper will ensure consistency and observance of the principles set out in paragraph 1, in particular for matters where substantive preparation is undertaken in other fora."

6. When a dossier will essentially be dealt with during a six-month period, a delegate of the Member State holding the Presidency during that six-month period may, during the preceding six-month period, chair meetings of committees, other than Coreper, and working parties when they discuss that dossier. The practical implementation of this subparagraph shall be the subject of an agreement between the two Presidencies concerned.

In the specific case of the examination of the Community budget for a given financial year, meetings of Council preparatory bodies, other than Coreper, dealing with the preparation of Council agenda items on the examination of the budget shall be chaired by a delegate of the Member State which will hold the Council Presidency during the second six-month period of the year prior to the financial year in question. The same shall apply, with the agreement of the other Presidency, to the chairing of Council meetings at the time when the said budget items are discussed. The Presidencies concerned will consult on the practical arrangements.

7. In accordance with the relevant provisions referred to below, Coreper may adopt the following procedural decisions, provided that the items relating thereto have been included on its provisional agenda at least three working days before the meeting. Unanimity on the part of Coreper shall be required for any derogation from that period ⁽¹⁾:

- (a) decision to hold a Council meeting in a place other than Brussels or Luxembourg (Article 1(3));
- (b) authorisation to produce a copy of or an extract from a Council document for use in legal proceedings (Article 6(2));
- (c) decision to hold a public debate in the Council (Article 8(3));
- (d) decision to make the results of votes public in the cases laid down in Article 9(2) and (3);
- (e) decision to use the written procedure (Article 12(1));
- (f) approval or amendment of Council minutes (Article 13(2) and (3));
- (g) decision to publish or not to publish a text or an act in the Official Journal (Article 17(2), (3) and (4));
- (h) decision to consult an institution or body;
- (i) decision setting or extending a time-limit for consultation of an institution or body;
- (j) decision to extend the periods laid down in Article 251(7) of the EC Treaty;
- (k) approval of the wording of a letter to be sent to an institution or body.

Article 20

The Presidency and the businesslike conduct of discussions

1. The Presidency shall be responsible for the application of these Rules of Procedure and for ensuring that discussions are conducted in a businesslike manner. In particular, the Presidency shall ensure that the provisions of Annex IV concerning the working methods for an enlarged Council are complied with.

To ensure that discussions are conducted properly it may also, unless the Council decides otherwise, take any appropriate measure necessary to achieve the best possible use of the time available during meetings and in particular:

- (a) restrict the numbers per delegation present in the meeting room for discussion of a particular item, and decide whether to authorise the opening of an overflow room;

⁽¹⁾ See statement (h) set out below:

(h) Concerning Article 19(7):

"If a member of the Council considers that a draft procedural decision submitted to Coreper for adoption in accordance with Article 19(7) raises a question of substance, the draft decision will be submitted to the Council."

- (b) set the order in which items are to be taken and determine the duration of discussions on them;
- (c) organise the time allotted for discussion of a particular item, in particular through limiting the time during which participants may speak and determining the order in which they may take the floor;
- (d) ask delegations to present in writing their proposals for amendment of a text under discussion before a given date, together with a brief explanation if appropriate;
- (e) ask delegations which have identical or similar positions on a particular item, text or part thereof to choose one of them to express their shared position at the meeting or in writing before the meeting.

2. Without prejudice to the provisions of Article 19(4) to (6) and to its powers and its overall political responsibility, the Presidency shall be assisted by the representative of the Member State next holding the Presidency. At the Presidency's request and acting on its instructions, the latter shall replace it as and when required, shall relieve it, where necessary, of certain tasks and shall ensure the continuity of the Council's proceedings.

Article 21 ⁽¹⁾ ⁽²⁾

Reports from committees and working parties

Notwithstanding the other provisions of these Rules of Procedure, the Presidency shall organise the meetings of the various committees and working parties so that their reports are available before the Coreper meetings at which they are to be examined.

Unless considerations of urgency require otherwise, the Presidency shall postpone to a subsequent Coreper meeting any legislative items within the meaning of Article 7 on which the committee or working party has not completed its discussions at least five working days prior to Coreper's meeting.

Article 22

Quality of drafting ⁽³⁾

In order to assist the Council in its task of ensuring the drafting quality of the legislative acts which it adopts, the Legal Service shall be responsible for checking the drafting quality of proposals and draft acts at the appropriate stage, as well as for bringing drafting suggestions to the attention of the Council and its bodies, pursuant to the Interinstitutional Agreement of 22 December 1998.

⁽¹⁾ These provisions are without prejudice to the role of the Economic and Financial Committee as laid down in Article 114 of the EC Treaty and to existing Council Decisions thereon (OJ L 358, 31.12.1998, p. 109, and OJ L 5, 1.1.1999, p. 71).

⁽²⁾ See statement (i) set out below:

(i) Concerning Article 21:

"Reports from working parties and any other documents used as a basis for Coreper's discussions should be sent to delegations in time to allow for their examination."

⁽³⁾ See statement (j) set out below:

(j) Concerning Article 22:

"The Council Legal Service has also been instructed to provide assistance to a Member State responsible for an initiative within the meaning of Article 67(1) of the EC Treaty or Article 34(2) of the Treaty on European Union for the purpose, inter alia, of checking the quality of drafting of such initiatives, if that assistance is requested by the Member State concerned."

See statement (k) set out below:

(k) Concerning Article 22:

"Members of the Council will comment on proposals for official codification of legislative texts within 30 days of the circulation of such proposals by the General Secretariat. Members of the Council will ensure that those provisions of a proposal for the recasting of legislative texts which have been taken from the preceding act without substantive amendment are examined in accordance with the principles established for examination of codification proposals."

Throughout the legislative process, those who submit texts in connection with the Council's proceedings shall pay special attention to the quality of the drafting.

Article 23

The Secretary-General and the General Secretariat

1. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General, who shall be assisted by a Deputy Secretary-General responsible for the running of the General Secretariat. The Secretary-General and the Deputy Secretary-General shall be appointed by the Council, acting by qualified majority.

2. The Council shall decide on the organisation of the General Secretariat ⁽¹⁾.

Under its authority, the Secretary-General and the Deputy Secretary-General shall take all the measures necessary to ensure the smooth running of the General Secretariat.

3. The General Secretariat shall be closely and continually involved in organising, coordinating and ensuring the coherence of the Council's work and implementation of its annual programme. Under the responsibility and guidance of the Presidency, it shall assist the latter in seeking solutions.

In accordance with the provisions of the Treaty on European Union, the Secretary-General shall assist the Council and the Presidency in matters concerning the common foreign and security policy, including coordination of the work of the Special Representatives.

If appropriate, the Secretary-General may ask the Presidency to convene a committee or working party, in particular in relation to matters concerning the common foreign and security policy, or to place an item on the agenda for a committee or working party.

4. The Secretary-General or the Deputy Secretary-General shall submit to the Council the draft estimate of the expenditure of the Council in sufficient time to ensure that the time limits laid down by the financial provisions are met.

5. The Secretary-General, assisted by the Deputy Secretary-General, shall have full responsibility for administering the appropriations entered in Section II — Council — of the budget and shall take all measures necessary to ensure that they are properly managed. He/she shall implement the appropriations in question in accordance with the provisions of the Financial Regulation applicable to the general budget of the European Communities.

Article 24

Security

The rules on security shall be adopted by the Council, acting by a qualified majority.

Article 25

Duties as depositary of agreements and conventions

In the event of the Secretary-General of the Council being designated as depositary of an agreement concluded in accordance with Article 24 of the Treaty on European Union or concluded by the Community and one or more States or international organisations, of a convention concluded between Member States or of a convention established pursuant to Article 34 of the Treaty on European Union, the acts of ratification, acceptance or approval of those agreements or conventions shall be deposited at the address of the Council.

In such instances the Secretary-General shall perform the duties of a depositary and shall also ensure that the dates of entry into force of such agreements or conventions are published in the Official Journal.

Article 26

Representation before the European Parliament

The Council may be represented before the European Parliament or its committees by the Presidency or, with the latter's agreement, by the following Presidency or by the Secretary-General. The Council may also be represented before those committees by its Deputy Secretary-General or senior officials of the General Secretariat, acting on instructions from the Presidency.

The Council may also present its views to the European Parliament by means of a written statement.

⁽¹⁾ Paragraph 1 and paragraph 2, first subparagraph, reproduce Article 207(2) of the EC Treaty.

*Article 27***Provisions concerning the form of acts**

The provisions concerning the form of acts are set out in Annex V.

*Article 28***Correspondence addressed to the Council**

Correspondence to the Council shall be sent to the President at the following address of the Council:

Council of the European Union
Rue de la Loi/Wetstraat 175
B-1048 Brussels

ANNEX I

LIST OF COUNCIL CONFIGURATIONS

1. General Affairs and External Relations ⁽¹⁾
2. Economic and Financial Affairs ⁽²⁾
3. Justice and Home Affairs ⁽³⁾
4. Employment, Social Policy, Health and Consumer Affairs
5. Competitiveness (Internal Market, Industry and Research) ⁽⁴⁾
6. Transport, Telecommunications and Energy
7. Agriculture and Fisheries
8. Environment
9. Education, Youth and Culture ⁽⁵⁾

It is for each Member State to determine the way in which it is represented in the Council, in conformity with Article 203 of the EC Treaty.

Several ministers may participate as full members of the same Council configuration, with the agenda and the organisation of proceedings being adjusted accordingly ⁽⁶⁾.

In the case of the General Affairs and External Relations Council, each government shall be represented at the different meetings of this configuration by the minister or State secretary of its choice.

⁽¹⁾ Including European security and defence policy and development cooperation.

⁽²⁾ Including budget.

⁽³⁾ Including civil protection.

⁽⁴⁾ Including tourism.

⁽⁵⁾ Including audiovisual affairs.

⁽⁶⁾ See statement (l) set out below:

(l) Concerning Annex I, second subparagraph:

"The Presidency will organise Council agendas by grouping together related agenda items, in order to facilitate attendance by the relevant national representatives, particularly where a given Council configuration has to deal with clearly distinguishable sets of topics."

ANNEX II

SPECIFIC PROVISIONS REGARDING PUBLIC ACCESS TO COUNCIL DOCUMENTS*Article 1***Scope**

Any natural or legal person shall have access to Council documents subject to the principles, conditions and limits laid down in Regulation (EC) No 1049/2001 and the specific provisions laid down in this Annex.

*Article 2***Consultation as regards third-party documents**

1. For the purpose of applying Article 4(5) and Article 9(3) of Regulation (EC) No 1049/2001 and unless it is clear, upon examination of the document in the light of Article 4(1), (2) and (3) of Regulation (EC) No 1049/2001, that it shall not be disclosed, the third party concerned shall be consulted if:

(a) the document is a sensitive document as defined in Article 9(1) of Regulation (EC) No 1049/2001;

(b) the document originates from a Member State and

was submitted to the Council before 3 December 2001, or

the Member State concerned requested that it not be disclosed without its prior agreement.

2. In all other cases, where the Council receives an application for a third-party document in its possession, the General Secretariat, for the purpose of applying Article 4(4) of Regulation (EC) No 1049/2001, shall consult the third party concerned unless it is clear, upon examination of the document in the light of Article 4(1), (2) and (3) of Regulation (EC) No 1049/2001, that it shall or shall not be disclosed.

3. The third party shall be consulted in writing (including by e-mail) and be given a reasonable time limit for its reply, taking into account the time limit laid down in Article 7 of Regulation (EC) No 1049/2001. In the cases referred to in paragraph 1, the third party shall be asked to give its opinion in writing.

4. Where the document does not fall within paragraph 1(a) or (b) and the General Secretariat, in the light of the third party's negative opinion, is not satisfied that Article 4(1) or (2) of Regulation (EC) No 1049/2001 is applicable, the Council shall be seised of the matter.

If the Council envisages the release of the document, the third party shall be informed immediately in writing of the Council's intention to release the document after a time period of at least 10 working days. At the same time, the third party's attention shall be drawn to Article 243 of the Treaty establishing the European Community.

*Article 3***Requests for consultation received from other institutions or from Member States**

Requests for consultations with the Council made by another institution or a Member State concerning an application for a Council document shall be sent via e-mail to access@consilium.eu.int or by fax to (32-2) 285 6361.

The General Secretariat shall give its opinion on behalf of the Council promptly, taking into account any time limit required for a decision to be made by the institution or the Member State concerned, and at the latest within five working days.

*Article 4***Documents originating from Member States**

Any request by a Member State pursuant to Article 4(5) of Regulation (EC) No 1049/2001 shall be made in writing to the General Secretariat.

*Article 5***Referral of requests by Member States**

When a Member States refers to a request to the Council, it shall be handled in accordance with Articles 7 and 8 of Regulation (EC) No 1049/2001 and the relevant provisions of this Annex. In the event of a total or partial refusal of access, the applicant shall be informed that any confirmatory application must be addressed directly to the Council.

*Article 6***Address for applications**

Applications for access to a document shall be addressed in writing to the Secretary-General of the Council/High Representative, rue de la Loi/Wetstraat 175, B-1048 Brussels, by e-mail to access@consilium.eu.int or by fax to (32-2) 285 6361.

*Article 7***Processing of initial applications**

Subject to Article 9(2) and (3) of Regulation (EC) No 1049/2001, any application for access to a Council document shall be handled by the General Secretariat.

*Article 8***Processing of confirmatory applications**

Subject to Article 9(2) and (3) of Regulation (EC) No 1049/2001, any confirmatory application shall be decided upon by the Council.

*Article 9***Charges**

The charges for producing and sending copies of Council documents shall be set by the Secretary-General.

*Article 10***Public register of Council documents**

1. The General Secretariat shall be responsible for providing public access to the register of Council documents.
2. In addition to the references to documents, it shall be indicated in the register which documents drawn up after 1 July 2000 have already been released to the public. Subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾ and Article 16 of Regulation (EC) No 1049/2001, their content shall be made available on the Internet.

*Article 11***Documents directly accessible to the public**

1. This Article shall apply to all Council documents, provided that they are not classified and without prejudice to the possibility of making a written application in accordance with Article 6 of Regulation (EC) No 1049/2001.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

2. For the purpose of this Article:
- “circulation” shall mean distribution of the final version of a document to the members of the Council, their representatives or delegates;
 - “legislative document” shall mean any document concerning the examination and adoption of a legislative act within the meaning of Article 7 of the Council's Rules of Procedure.
3. The General Secretariat shall make the following documents available to the public as soon as they have been circulated:
- (a) documents of which neither the Council nor a Member State is the author, which have been made public by their author or with his agreement;
 - (b) provisional agenda for meetings of the Council in its various configurations;
 - (c) any text adopted by the Council and intended to be published in the Official Journal.
4. Provided that they are clearly not covered by any of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001, the General Secretariat may also make the following documents available to the public as soon as they have been circulated:
- (a) provisional agenda of committees and working parties;
 - (b) other documents, such as information notes, reports, progress reports and reports on the state of discussions in the Council or one of its preparatory bodies which do not reflect individual positions of delegations, excluding Legal Service opinions and contributions.
5. The General Secretariat shall make the following legislative documents available to the public, in addition to the documents referred to in paragraphs 3 and 4, as soon as they have been circulated:
- (a) cover notes and copies of letters concerning legislative acts addressed to the Council by other institutions or bodies of the European Union or, subject to Article 4(5) of Regulation (EC) No 1049/2001, by a Member State;
 - (b) notes submitted to Coreper and/or to the Council for approval (“I/A” and “A” item notes), as well as the draft legislative acts to which they refer;
 - (c) decisions adopted by the Council during the procedure referred to in Article 251 of the EC Treaty and joint texts approved by the Conciliation Committee.
6. After adoption of one of the decisions referred to in paragraph 5(c) or final adoption of the act concerned, the General Secretariat shall make available to the public any legislative documents relating to this act which were drawn up before one of such decisions and which are not covered by any of the exceptions laid down in Article 4(1), (2) and (3), second subparagraph, of Regulation (EC) No 1049/2001, such as information notes, reports, progress reports and reports on the state of discussions in the Council or in one of its preparatory bodies (outcomes of proceedings), excluding Legal Service opinions and contributions.

At the request of a Member State, documents which are covered by the first subparagraph and reflect the individual position of that Member State's delegation in the Council shall not be made available to the public under these provisions.

ANNEX III

1. In application of the following provisions of these Rules of Procedure and for decisions in respect of which, in accordance with the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of votes by such members:

- (a) Article 1(3), second subparagraph (holding of a meeting in a place other than Brussels or Luxembourg);
- (b) Article 3(7) (inclusion on the agenda of an item other than those appearing on the provisional agenda);
- (c) Article 3(8) (maintaining as a "B" item on the agenda an "A" item, which would otherwise have had to be withdrawn from the agenda);
- (d) Article 5(2), as regards the presence of the European Central Bank only (deliberation without the presence of the European Central Bank);
- (e) Article 9(2), first subparagraph, points (b) and (c), second and third subparagraphs (making public the results of votes, explanations of votes, statements in the Council minutes and items in those minutes relating to the adoption of a common position pursuant to Title VI of the Treaty on European Union; making public the results of votes, explanations of votes, statements in the Council minutes and items in those minutes relating to cases other than those referred to in paragraph 2);
- (f) Article 11(1), second subparagraph (opening of a voting procedure);
- (g) Article 12(1) (use of the written procedure);
- (h) Article 14(1) (decision to deliberate and take decisions exceptionally on the basis of documents and drafts not drawn up in all the languages) ⁽¹⁾;
- (i) Article 17(2)(a) and (b) (non-publication in the Official Journal of an initiative presented by a Member State pursuant to Article 67(1) of the EC Treaty or Article 34(2) of the Treaty on European Union);
- (j) Article 17(2)(c) and (d) (non-publication in the Official Journal of a common position adopted on the basis of Article 34 of the Treaty on European Union or certain directives, decisions, recommendations and opinions);
- (k) Article 17(4)(c) (publication in the Official Journal of any measures implementing decisions or conventions referred to in Article 34(2) of the Treaty on European Union);
- (l) Article 17(5) (whether to publish in the Official Journal decisions taken by a body set up under an international agreement).

2. A member of the Council or of Coreper may not make use of the following provisions of these Rules of Procedure in connection with decisions on which, according to the Treaties, that member may not participate in the vote:

- (a) Article 3(8) (possibility of a member of the Council requesting withdrawal of an "A" item from the agenda);
- (b) Article 11(1), second subparagraph (possibility of a member of the Council requesting the opening of a voting procedure);
- (c) Article 11(3) (possibility of a member of the Council acting on behalf of another in a vote);
- (d) Article 14(2) (possibility for any member of the Council to oppose discussion if the texts of any proposed amendments are not drawn up in the language he or she has specified).

⁽¹⁾ See statement (m) set out below:

(m) Concerning Annex III, paragraph 1(h):

"The Council confirms that present practice whereby the texts serving as a basis for its deliberations are drawn up in all the languages will continue to apply."

ANNEX IV

WORKING METHODS FOR AN ENLARGED COUNCIL**Preparation for meetings**

1. The Presidency shall ensure that a file is submitted to Coreper by a working party or by a committee only when there is reasonable prospect of progress or clarification of positions being achieved at that level. Conversely, files may be referred to a working party or to a committee again only when necessary, and in any event only with the remit to tackle precise, well-defined problems.
2. The Presidency shall take the steps necessary to advance work between meetings. It can, for example, with the agreement of the working party or committee, undertake in the most efficient way necessary consultations on specific problems with a view to reporting back to the working party or committee concerned on possible solutions. It can also conduct written consultations by requesting delegations to react in written form to a proposal before the next meeting of the working party or committee.
3. Whenever appropriate, delegations shall set out the positions they are likely to take in a forthcoming meeting in written form before that meeting. When that includes proposals for amending text, delegations shall suggest specific wording. Wherever possible, written input shall be submitted jointly by delegations maintaining identical positions.
4. Coreper shall avoid going over ground already covered in the preparation of its proceedings. That shall apply in particular to "I" items, to information on the organisation and order of its business and to information on the agenda and organisation of forthcoming Council meetings. Wherever possible, delegations shall raise any other business items when Coreper's proceedings are being prepared rather than in Coreper itself.
5. The Presidency shall convey to delegations as soon as possible when Coreper's proceedings are being prepared all the information necessary to allow thorough preparation of Coreper's proceedings, including information on what the Presidency expects to achieve from the discussion on each agenda item. Conversely, the Presidency shall, as appropriate, encourage delegations to communicate to the other delegations, when Coreper's proceedings are being prepared, information on the positions they will be taking in Coreper. In this context the Presidency shall finalise Coreper's agenda. The Presidency may convene more frequently the groups that prepare Coreper's proceedings, when required by circumstances.

Conduct of meetings

6. No item will be placed on the Council agenda simply for presentation by the Commission or by a Council member, except where a debate on new major initiatives is planned.
7. The Presidency shall refrain from placing on Coreper's agenda items for information only. Such information, e.g. on the outcome of meetings in another forum or with a third State or another institution, procedural or organisational questions, etc., should instead be transmitted to delegations when Coreper's proceedings are being prepared, whenever possible in written form, and should not be repeated in Coreper.
8. At the start of a meeting, the Presidency shall give any further information necessary regarding the handling of the meeting and in particular indicate the length of time it intends to be devoted to each item. It shall refrain from making lengthy introductions and avoid repeating information which is already known to delegations.
9. At the start of a discussion on a substantive point, the Presidency shall, depending on the type of discussion which is needed, indicate to delegations the maximum length of their interventions on that point. In most cases interventions should not exceed two minutes.
10. Full table rounds shall be proscribed in principle; they may be used only in exceptional circumstances on specific questions, with a time limit on interventions set by the Presidency.
11. The Presidency shall give as much focus as possible to discussions, in particular by requesting delegations to react to compromise texts or specific proposals.
12. During and at the end of meetings the Presidency shall refrain from making lengthy summaries of the discussions and shall confine itself to concluding briefly on the results (substance and/or procedure) achieved.
13. Delegations shall avoid repeating points made by previous speakers. Their interventions will be brief, substantive and to the point.

14. Like-minded delegations are encouraged to hold consultations with a view to the presentation by a single spokesperson of a common position on a specific point.
 15. When discussing texts, delegations shall make concrete drafting proposals, in writing, rather than merely expressing their disagreement with a particular proposal.
 16. Unless indicated otherwise by the Presidency, delegations shall refrain from taking the floor when in agreement with a particular proposal; in this case silence will be taken as agreement in principle.
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ANNEX V

PROVISIONS CONCERNING THE FORMS OF ACTS

A. Form of regulations:

1. Regulations adopted jointly by the European Parliament and the Council and Council regulations shall include:
 - (a) in their titles, "Regulation", followed by a serial number, the date of their adoption and an indication of their subject-matter;
 - (b) "The European Parliament and the Council of the European Union" or "The Council of the European Union", as appropriate;
 - (c) a reference to the provisions pursuant to which the regulation is adopted, preceded by "Having regard to";
 - (d) a citation containing a reference to proposals submitted and to opinions obtained and consultations held;
 - (e) a statement of the reasons on which the regulation is based, preceded by "Whereas:", the recitals being numbered;
 - (f) "have adopted this Regulation" or "has adopted this Regulation", as appropriate, followed by the enacting terms of the regulation.
2. Regulations shall be divided into Articles, if appropriate grouped into chapters and sections.
3. The final Article of a regulation shall fix the date of entry into force, where that date is before or after the 20th day following publication.
4. The final Article of a regulation shall be followed by:
 - (a) (i) "This Regulation shall be binding in its entirety and directly applicable in all Member States";
or
(ii) "This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community", in any cases in which an act is not applicable to, or in, all Member States ⁽¹⁾;
 - (b) "Done at.....", followed by the date on which the regulation was adopted;
and
 - (c) in the case of:
 - (i) a regulation adopted jointly by the European Parliament and the Council:

"For the European Parliament The President"	For the Council The President"
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followed by the name of the President of the European Parliament and of the President-in-Office of the Council at the time when the regulation is adopted;
 - (ii) a Council regulation:

"For the Council The President"

followed by the name of the President-in-Office of the Council at the time when the regulation is adopted.

B. Forms of directives, decisions, recommendations and opinions (EC Treaty)

1. Directives and decisions adopted jointly by the European Parliament and the Council, and directives and decisions of the Council, shall include in their titles "Directive" or "Decision".
2. Recommendations and opinions issued by the Council shall include in their titles "Recommendation" or "Opinion".
3. The provisions relating to regulations set out in A above shall apply *mutatis mutandis*, subject to the relevant provisions of the EC Treaty, to directives and decisions.

⁽¹⁾ See statement (n) set out below:

(n) Concerning Annex IV, paragraph A.4(a)(ii):

"The Council would point out that, in the cases provided for in the Treaties where an act is not applicable to or in all Member States, it is necessary to make clear its territorial application in the reasons given for and content of the act concerned."

C. Forms of common strategies of the European Council, joint actions and common positions referred to in Article 12 of the Treaty on European Union. Common strategies, joint actions and common positions within the meaning of Article 12 of the Treaty on European Union shall bear one of the following headings, as appropriate:

- (a) "European Council Common Strategy", a serial number (year/number/CFSP), the date of adoption and the subject matter;
- (b) "Council Joint Action", a serial number (year/number/CFSP), the date of adoption and the subject matter;
- (c) "Council Common Position", a serial number (year/number/CFSP), the date of adoption and the subject matter.

D. Forms of common positions, framework decisions, decisions and conventions referred to in Article 34(2) of the Treaty on European Union

Common Positions, framework decisions, decisions and conventions within the meaning of Article 34(2) of the Treaty on European Union shall bear one of the following headings, as appropriate:

- (a) "Council Common Position", a serial number (year/number/JHA), the date of adoption and the subject matter;
- (b) "Council Framework Decision", a serial number (year/number/JHA), the date of adoption and the subject matter;
- (c) "Council Decision", a serial number (year/number/JHA), the date of adoption and the subject matter;
- (d) "Convention established by the Council in accordance with Article 34 of the Treaty on European Union" and the subject-matter.'

Done at Brussels, 22 March 2004.

For the Council
The President
B. COWEN
