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I

(Acts whose publication is obligatory)

DECISION No 2235/2002/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 3 December 2002
adopting a Community programme to improve the operation of taxation systems in the internal
market (Fiscalis programme 2003-2007)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas:

- (1) In the internal market, the effective, uniform and efficient application of Community law is essential for the functioning of taxation systems, in particular for the protection of national and Community financial interests through combating tax evasion and tax avoidance, avoiding distortions of competition and reducing burdens on administrations and taxpayers. Achieving this effective, uniform and efficient application is a matter for the Community acting in partnership with the Member States.
- (2) Decision No 888/98/EC of the European Parliament and of the Council of 30 March 1998 establishing a programme of Community action to ameliorate the indirect taxation systems of the internal market (Fiscalis programme) ⁽⁴⁾ has significantly contributed to the achievement of those overall objectives for the period 1998 to 2002. It is therefore considered desirable to continue the Fiscalis programme for another five-year period.
- (3) Efficient, effective and extensive cooperation among the present and future Member States and between them and the Commission is important for the functioning of the taxation systems in the internal market.

- (4) The experience gained by the Community from the Fiscalis programme has shown that exchanges, seminars and multilateral control exercises could achieve the objectives of the programme by bringing officials from different national administrations together in professional activities. Those activities should therefore be continued, but extended to cover taxes on income, on capital and on insurance premiums.
- (5) The establishment and functioning of a communication and information exchange infrastructure has a vital part to play in reinforcing the taxation systems within the Community. In particular, the VAT information exchange system (VIES), referred to in Council Regulation (EEC) No 218/92 of 27 January 1992 on administrative cooperation in the field of indirect taxation (VAT) ⁽⁵⁾, has shown the value of information technology in protecting revenue whilst minimising administrative burdens.
- (6) In order to ensure uniform application of Community law, it is essential that officials responsible for taxation have a high common standard of understanding of Community law and its implementation in the present and future Member States. Such a standard can be achieved only through effective initial and continuing training provided by the present and future Member States. Supplementary Community action is useful to coordinate and foster such training.
- (7) The experience gained from the Fiscalis programme has indicated that the coordinated development and implementation of a common training programme could attain the objectives of this programme, in particular by achieving a higher common standard of understanding of Community law.
- (8) A sufficient standard of linguistic competence on the part of taxation officials has proved to be essential to facilitate cooperation. Participating countries should therefore provide the necessary language training for their officials.

⁽¹⁾ OJ C 103 E, 30.4.2002, p. 361.

⁽²⁾ OJ C 241, 7.10.2002, p. 81.

⁽³⁾ Opinion of the European Parliament of 13 June 2002 (not yet published in the Official Journal), Council Common Position of 26 July 2002 (OJ C 228 E, 25.9.2002, p. 34) and Decision of the European Parliament of 24 October 2002 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 126, 28.4.1998, p. 1.

⁽⁵⁾ OJ L 24, 1.2.1992, p. 1. Regulation as last amended by Regulation (EC) No 792/2002 (OJ L 128, 15.5.2002, p. 1).

- (9) Although the primary responsibility for achieving these objectives rests with the participating countries, supplementary Community action is needed for the coordination of such activities as well as for the provision of an infrastructure and the necessary stimulus. Since the objectives of the measures laid down in this Decision cannot all be sufficiently achieved by the participating countries and can therefore, by reason of the scale and the effect of the action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (10) This Decision lays down, for the entire duration of the programme, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure ⁽¹⁾, for the budgetary authority during the annual budgetary procedure.
- (11) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾,

HAVE ADOPTED THIS DECISION:

CHAPTER I

SCOPE AND OBJECTIVES

Article 1

Fiscalis programme

1. A multiannual Community action programme (Fiscalis 2003-2007), hereinafter referred to as 'the programme', is hereby established for the period 1 January 2003 to 31 December 2007 to improve the operation of the taxation systems in the internal market.

2. The activities of the programme shall consist of:

- (a) communication and information-exchange systems;
- (b) multilateral controls involving Member States and those candidate countries which have bilateral or multilateral agreements either with one another or with Member States permitting such activity;
- (c) seminars;

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

- (d) exchanges;
- (e) training activities;
- (f) any other working meetings, visits or similar activities in the context of the programme's objectives as stated in Article 3 which shall be decided on a case-by-case basis in accordance with the procedure referred to in Article 14(2).

Article 2

Definitions

For the purpose of this Decision:

- (a) 'taxation' shall mean the following taxes applied in the participating countries:
 - (i) value added tax;
 - (ii) excise duties on alcohol and tobacco products and mineral oils;
 - (iii) taxes on income and on capital as defined in Article 1(2) of Council Directive 77/799/EEC of 19 December 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation ⁽³⁾;
 - (iv) taxes on insurance premiums as defined in Article 3 of Council Directive 76/308/EEC of 15 March 1976 on mutual assistance for the recovery of claims relating to certain levies, duties, taxes and other measures ⁽⁴⁾;
- (b) 'administration' shall mean the public authorities in the participating countries responsible for administering taxation;
- (c) 'participating countries' shall mean the Member States and the countries referred to in Article 4, which effectively participate in the programme;
- (d) 'official' shall mean an official of the administration;
- (e) 'exchange' shall mean a working visit organised under the programme of an official from an administration in another participating country;
- (f) 'multilateral control' shall mean a coordinated control of the tax liability of one or more related taxable persons, which is organised by several participating countries and has a common or complementary interest.

Article 3

Objectives

1. The overall objective of the programme shall be to improve the proper functioning of the taxation systems in the internal market by increasing cooperation between participating countries, their administrations and officials.

⁽³⁾ OJ L 336, 27.12.1977, p. 15. Directive as last amended by the 1994 Act of Accession.

⁽⁴⁾ OJ L 73, 19.3.1976, p. 18. Directive as last amended by Directive 2001/44/EC (OJ L 175, 28.6.2001, p. 17).

2. The specific objectives of the programme shall be:
- (a) for value added tax and excise duties:
 - (i) to enable officials to achieve a high common standard of understanding of Community law and of its implementation in Member States;
 - (ii) to secure efficient, effective and extensive cooperation among Member States;
 - (iii) to ensure the continuing improvement of administration procedures to take account of the needs of administrations and taxpayers through the development and dissemination of good administrative practice;
 - (b) for direct taxation:
to provide support for information exchange in the field of mutual assistance and to raise awareness of Community law applicable in the field of direct taxation;
 - (c) for taxes on insurance premiums:
to improve cooperation between Member States, ensuring better application of the existing rules;
 - (d) for the candidate countries:
to meet the special needs of candidate countries so that they take the necessary measures for accession in the field of tax legislation and administrative capacity.
3. The action plan of the programme shall be established annually in accordance with the procedure referred to in Article 14(2).

Article 4

Participation of candidate countries

The programme shall be open to the participation of:

- (a) the associated countries of central and eastern Europe, in accordance with the conditions laid down in the Europe Agreements, in the additional protocols thereto and in the decisions of the respective Association Councils;
- (b) Cyprus, Malta and Turkey, on the basis of bilateral agreements on this matter concluded with these countries.

CHAPTER II

PROGRAMME ACTIVITIES

Article 5

Communications and information-exchange systems

1. The Commission and the participating countries shall ensure that the following communications and information-exchange systems are operational in so far as their operation is necessary under Community legislation:
- (a) the common communications network/common systems interface (CCN/CSI) to the extent necessary to support the functioning of the other systems referred to in this paragraph;

- (b) the VAT information exchange system (VIES) and its messaging systems;
- (c) the excise movement verification system;
- (d) the early warning system for excise;
- (e) the excise duty tables system;
- (f) any other new communication and information-exchange systems designated in accordance with the procedure referred to in Article 14(2), when Community legislation requires them to be introduced.

2. The Community components of the communication and information-exchange systems shall be the hardware, software and network connections, which shall be common to all participating countries so as to ensure the interconnection and interoperability of the systems, whether they be installed at the premises of the Commission (or a designated subcontractor) or at the premises of participating countries (or a designated subcontractor). The Commission shall conclude the necessary contracts to assure the operational nature of these components on behalf of the Community.

3. The non-Community components of the communication and information-exchange systems shall comprise the national databases forming part of these systems, the network connections between the Community and non-Community components and such software and hardware as each participating country shall deem appropriate for the full operation of those systems throughout its administration. The participating countries shall ensure that the non-Community components are kept operational and shall ensure the interoperability of these components with the Community components.

4. The Commission shall coordinate, in cooperation with the participating countries, those aspects of the establishment and functioning of the Community and non-Community elements of the systems and infrastructure referred to in paragraph 1.

Article 6

Multilateral controls

Participating countries shall choose, from among the multilateral controls organised by them, those whose costs are to be borne by the Community in accordance with Article 11. Such controls shall include at all events control of the tax liability in respect of value added tax and/or excise duties.

The participating countries shall send annual reports and evaluations concerning such controls to the Commission.

Article 7

Seminars

The Commission and the participating countries shall together organise seminars to be attended by officials from the administrations, Commission representatives and, if appropriate, other experts.

Article 8

Exchanges of officials

1. The Commission and participating countries shall organise exchanges of officials. The length of exchanges may not exceed one month. Each exchange shall be targeted on a particular professional activity and shall be sufficiently prepared and subsequently evaluated by the officials and administrations concerned. Provided that it states its reasons for doing so, the host administration may limit the number of participants in the exchange if the volume of applications received impedes its preparation and proper operation.

2. The participating countries shall take the necessary steps to enable exchange officials to play an effective part in the host administration's activities. To this end, such officials shall be authorised to carry out the tasks relating to the duties entrusted to them by the host administration in accordance with its legal system.

3. During the exchange, the civil liability of the exchange official in the performance of his duties shall be treated in the same way as that of officials of the host administration. Exchange officials shall be bound by the same rules of professional secrecy as national officials.

4. Participating countries may restrict the scope of these exchanges to officials responsible for value added tax and/or excise duties.

Article 9

Training activities

1. In order to encourage structured cooperation between national training bodies and officials responsible for training in taxation in administrations, participating countries shall, in cooperation with the Commission:

- (a) develop existing training programmes and, where necessary, devise new programmes to provide a common core of training for officials so as to enable them to acquire the necessary common professional skills and knowledge;
- (b) where appropriate, open the training courses in taxation provided by each participating country for its own officials to officials from all participating countries;
- (c) develop the necessary common tools for taxation training.

2. Participating countries shall also ensure that their officials receive the initial and continuing training necessary to acquire the common professional skills and knowledge in accordance with the common training programmes and the linguistic training necessary for those officials to attain a sufficient standard of linguistic competence.

CHAPTER III

FINANCIAL PROVISIONS

Article 10

Financial framework

The financial framework for the implementation of the programme for the period 1 January 2003 to 31 December 2007 is hereby set at EUR 44 million. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

Article 11

Expenditure

1. The expenditure necessary for the implementation of the programme shall be shared by the Community and the participating countries in accordance with paragraphs 2, 3, 4 and 5.

2. The Community shall bear the following expenditure:

- (a) the cost of the development, purchase, installation, maintenance and day-to-day operation of the Community components of the communications and information-exchange systems described in Article 5;
- (b) the cost of the travel and subsistence expenses relating to multilateral controls, seminars, exchanges of officials and training activities;
- (c) the cost relating to the organisation of seminars and the development of training tools;
- (d) the cost of evaluation studies to be carried out by third parties on the impact of the programme, while guaranteeing the confidentiality of the data;
- (e) the cost of the other activities referred to in Article 1(2)(f).

3. The Commission shall, in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, determine the rules relating to the payment of expenses and shall communicate them to the participating countries.

4. The Commission shall adopt any necessary measures for the budget management of the programme in accordance with the procedure referred to in Article 14(2).

5. The participating countries shall bear the following expenditure:

- (a) the cost of the development, purchase, installation, maintenance and day-to-day operation of the non-Community components of the communications and information-exchange systems described in Article 5;
- (b) the costs relating to the initial and continuing training, including linguistic training, of their officials.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

*Article 12***Financial control**

Community financing decisions and any agreements or contracts resulting from this Decision shall be subject to financial control in accordance with Community law on financial and budgetary control.

CHAPTER IV

OTHER PROVISIONS*Article 13***Implementation**

The measures necessary for the implementation of Article 1(2)(f), Article 3(3), Article 5(1)(f) and Article 11(4) shall be adopted in accordance with the procedure referred to in Article 14(2).

*Article 14***Committee procedure**

1. The Commission shall be assisted by a committee to be known as the 'Fiscalis Committee'.
2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

3. The Committee shall adopt its rules of procedure.

*Article 15***Follow-up and evaluation**

1. Each year the Commission shall submit to the Committee referred to in Article 14(1) a follow-up report setting out the progress of all the programme's activities in terms of implementation and results in relation to the annual action plan. This report shall also be forwarded to the European Parliament.

The administrations shall send the Commission all the information necessary for follow-up reports to be drawn up as efficiently as possible.

2. Mid-term and final evaluations of the programme shall be carried out under the Commission's responsibility using the follow-up reports and the reports drawn up by the participating countries. The programme's effectiveness and efficiency shall be

evaluated in terms of the objectives set out in Article 3. Evaluations shall be conducted using the reports referred to in paragraph 3 as follows:

- the mid-term evaluation shall review the initial results and impact of the programme's activities. It shall also assess the use of funding and the progress of follow-up and implementation,
- the final evaluation shall assess the effectiveness and efficiency of the programme's activities.

3. The participating countries shall send the Commission:

- (a) by 31 March 2005, a mid-term evaluation report on the programme's effectiveness and efficiency;
- (b) by 31 March 2008, a final evaluation report on the programme's effectiveness and efficiency.

4. The Commission shall present to the European Parliament and the Council:

- (a) by 30 June 2005, a mid-term evaluation report on the programme's effectiveness and efficiency and a communication on the desirability of continuing the programme, accompanied, where relevant, by a suitable proposal;
- (b) by 30 June 2008, a final evaluation report on the programme's effectiveness and efficiency.

The reports referred to in (a) and (b) shall also be sent to the Economic and Social Committee and the Committee of the Regions for their information.

5. The evaluation reports referred to in paragraph 4 shall be based mainly on the reports referred to in paragraph 3, and on the follow-up reports referred to in paragraph 1.

*Article 16***Entry into force**

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

It shall apply from 1 January 2003.

*Article 17***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 3 December 2002.

For the European Parliament

The President

P. COX

For the Council

The President

T. PEDERSEN

COUNCIL REGULATION (EC) No 2236/2002
of 10 December 2002
concerning Community financial contributions to the International Fund for Ireland (2003-2004)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) The International Fund for Ireland (hereinafter 'the Fund') was established in 1986 by the Agreement of 18 September 1986 between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the International Fund for Ireland (hereinafter 'the Agreement') in order to promote economic and social advance, and to encourage contact, dialogue and reconciliation between nationalists and unionists throughout Ireland, in implementation of one of the objectives specified by the Anglo-Irish Agreement of 15 November 1985.
- (2) The sum of ECU 15 million a year has been provided from the Community budget from 1989 until 1995 to support projects of the Fund which have a genuine additional impact in the areas concerned.
- (3) Pursuant to Council Regulation (EC) No 2687/94 of 31 October 1994 on Community financial contributions to the International Fund for Ireland ⁽²⁾, the sum of ECU 20 million was committed from the Community budget for each of the years 1995, 1996 and 1997.
- (4) Pursuant to Council Regulation (EC) No 2614/97 of 15 December 1997 on Community financial contributions to the International Fund for Ireland ⁽³⁾, the sum of ECU 17 million was committed from the Community budget for each of the years 1998 and 1999.
- (5) Pursuant to Council Regulation (EC) No 214/2000 of 24 January 2000 on Community financial contributions to the International Fund for Ireland ⁽⁴⁾, the sum of EUR 15 million was committed from the Community budget for each of the years 2000, 2001 and 2002.
- (6) The assessments carried out in accordance with Article 5 of Regulation (EC) No 214/2000 have confirmed the need for further support for Fund activities, while reinforcing synergy of objectives and coordination with Community Structural Funds interventions, in particular with the Special Programme for Peace and Reconciliation in Northern Ireland and the Border Counties of Ireland (hereinafter 'the PEACE Programme').
- (7) Regulation (EC) No 214/2000 expires on 31 December 2002.
- (8) The peace process in Northern Ireland requires a continuation of Community support to the Fund beyond that date.
- (9) At its meeting in Berlin on 24 and 25 March 1999, the European Council decided that the PEACE Programme should be continued for five years, that is to say, from 2000 until 2004, with a total Community contribution of EUR 500 million.
- (10) The Community contribution to the Fund should take the form of financial contributions for the years 2003 and 2004, thus terminating at the same time as the PEACE programme.
- (11) In allocating the Community contribution, the Fund should give priority to projects of a cross-border or cross-community nature, in such a way as to complement the activities funded by the PEACE programme for the period 2000 to 2004.
- (12) In accordance with the Agreement, all financial contributors to the Fund participate as observers at the meetings of the Fund's Board (hereinafter 'the Board').
- (13) It is vital to ensure proper coordination between the activities of the Fund and those financed under the Community Structural Funds provided for by Article 159 of the Treaty, in particular the PEACE programme.

⁽¹⁾ Opinion delivered on 20 November 2002 (not yet published in the Official Journal).

⁽²⁾ OJ L 286, 5.11.1994, p. 5.

⁽³⁾ OJ L 353, 24.12.1997, p. 5.

⁽⁴⁾ OJ L 24, 29.1.2000, p. 7.

- (14) Assistance from the Fund will be regarded as effective only in so far as it brings about sustainable economic and social improvement and is not used as a substitute for other public or private expenditure.
- (15) An assessment reviewing the performance of the Fund and the need for further Community support should be carried out before 1 April 2004.
- (16) A financial reference amount, within the meaning of point 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure⁽¹⁾ is included in this Regulation for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty. The amount of the Community contribution to the Fund should be EUR 15 million for each of the years 2003 and 2004, expressed in current values.
- (17) That support will contribute to reinforcing solidarity between the Member States and between their peoples.
- (18) The Treaty provides for no powers other than those in Article 308 thereof for the adoption of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the annual budget procedure and in accordance with the second paragraph of point 34 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure, an annual contribution of EUR 15 million shall be made to the Fund for each of the years 2003 and 2004, amounting to a total contribution of EUR 30 million.

Article 2

The contribution shall be used by the Fund in accordance with the Agreement under which it was established, priority being given to projects of a cross-border or cross-Community nature, in such a way as to complement the activities financed by the Community Structural Funds, and especially the activities of the PEACE Programme.

It shall be used in such a way as to bring about sustainable economic and social improvement in the areas concerned. It shall not be used as a substitute for other public and private expenditure.

Article 3

The Commission shall represent the Community as an observer at the meetings of the Board.

The Fund shall be represented as an observer at the Monitoring Committee meetings of the PEACE programme, and of other Community Structural Funds interventions, as appropriate.

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

Article 4

The Commission shall foster coordination at all levels between the Fund's Board and agents, and the managing bodies set up under the Community Structural Funds interventions concerned, in particular under the PEACE programme.

Article 5

The Commission shall, in cooperation with the Board, determine appropriate publicity and information procedures in order to publicise the Community's contribution to the projects financed by the Fund.

Article 6

By 31 March 2004 at the latest, the Commission shall submit a report to the budgetary authority, assessing the results of the activities of the Fund and the need for continuing contributions beyond 2004, taking into account developments in the peace process in Northern Ireland. That report shall incorporate, *inter alia*, the following:

- (a) a survey of the Fund's activities;
- (b) a list of projects which have received aid;
- (c) an assessment of the nature and impact of the Fund's activities, notably in relation to its objectives and the criteria laid down in Articles 2 and 8;
- (d) an assessment of action taken by the Fund as regards cooperation and coordination with Community Structural Funds interventions, taking account, in particular, of obligations under Articles 3, 4 and 5;
- (e) an annex setting out the results of the verifications and controls carried out by the Commission pursuant to the undertaking referred to in Article 7.

Article 7

The Commission shall administer the contributions.

Subject to an assessment of the Fund's financial needs, the annual contribution shall normally be paid in instalments as follows:

- (a) a first advance payment of 40 % shall be made after the Commission has received an undertaking, signed by the Chairman of the Board, to the effect that the Fund will comply with the conditions attaching, in accordance with this Regulation, to the grant of the contribution;
- (b) a second advance payment of 40 % shall be made six months later;
- (c) a final payment of 20 % shall be made after the Commission has received and accepted the Fund's annual activity report and audited accounts for the year in question.

If the assessment referred to in the second subparagraph leads to the conclusion that, at the material date, the Fund's financial needs do not justify payment of one of those instalments, the payment concerned shall be suspended until such time as the Commission concludes, on the basis of new information provided by the Fund, that it is justified.

Article 8

The contribution referred to in Article 1 shall be subject to the condition that, in the case of an operation which receives or is due to receive financial assistance under a Community Structural Funds intervention, a contribution from the Fund may be allocated to that operation only if the sum arrived at when the figure representing 40 % of the amount of the Fund's contribu-

tion is added to the figure representing the amount of assistance from the Community Structural Funds does not exceed 75 % of the operation's total eligible costs.

Article 9

This Regulation shall enter into force on 1 January 2003.

It shall expire on 31 December 2004.

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

Done at Brussels, 10 December 2002.

For the Council
The President
P. S. MØLLER

COMMISSION REGULATION (EC) No 2237/2002
of 16 December 2002
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 December 2002.

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

Done at Brussels, 16 December 2002.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 16 December 2002 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	55,1
	204	65,2
	720	100,4
	999	73,6
0707 00 05	052	55,0
	204	88,4
	220	155,5
	628	237,0
	999	134,0
0709 10 00	220	195,0
	999	195,0
0709 90 70	052	60,1
	204	126,5
	999	93,3
0805 10 10, 0805 10 30, 0805 10 50	052	44,2
	204	59,8
	220	46,6
	999	50,2
0805 20 10	052	68,5
	204	73,9
	999	71,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	63,7
	999	63,7
0805 50 10	052	58,3
	600	75,3
	999	66,8
0808 10 20, 0808 10 50, 0808 10 90	060	28,7
	400	83,2
	404	92,0
	720	85,4
	800	165,8
	999	91,0
0808 20 50	400	119,3
	720	46,1
	999	82,7

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

**COMMISSION REGULATION (EC) No 2238/2002
of 16 December 2002**

amending Regulation (EC) No 2799/1999 laying down detailed rules for applying Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Article 26 of Commission Regulation (EC) No 2799/1999 ⁽³⁾, as last amended by Regulation (EC) No 1932/2002 ⁽⁴⁾, intervention agencies have organised a standing invitation to tender for skimmed-milk powder taken into storage before 1 April 2002.
- (2) In view of the quantity still available and the market situation, that date should be amended to 1 May 2002.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 26(2) of Regulation (EC) No 2799/1999, '1 April 2002' is hereby replaced by '1 May 2002'.

Article 2

This Regulation shall enter into force on 17 December 2002.

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

Done at Brussels, 16 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 340, 31.12.1999, p. 3.

⁽⁴⁾ OJ L 295, 30.10.2002, p. 8.

**COMMISSION REGULATION (EC) No 2239/2002
of 16 December 2002**

**amending Regulation (EC) No 214/2001 laying down detailed rules for the application of Council
Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed-milk powder**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, in particular Article 10 thereof,

Whereas:

- (1) Article 21 of Commission Regulation (EC) No 214/2001 ⁽³⁾, amended by Regulation (EC) No 1931/2002 ⁽⁴⁾, limited the quantity of skimmed-milk powder put up for sale by the Member States' intervention agencies to that taken into storage before 1 April 2002.
- (2) Given the current market situation, which is characterised by low seasonal production, more skimmed-milk powder should be released to the market from public storage.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 21 of Regulation (EC) No 214/2001, '1 April 2002' shall be replaced by '1 May 2002'.

Article 2

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

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

Done at Brussels, 16 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 37, 7.2.2001, p. 100.

⁽⁴⁾ OJ L 295, 30.10.2002, p. 7.

**COMMISSION REGULATION (EC) No 2240/2002
of 16 December 2002
on the supply of cereals as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, as modified by Regulation (EC) No 1726/2001 of the European Parliament and of the Council ⁽²⁾, and in particular Article 24(1)(b) thereof,

Whereas:

- (1) The abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage.
- (2) Following the taking of a number of decisions on the allocation of food aid, the Commission has allocated cereals to certain beneficiaries.
- (3) It is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general

rules for the mobilisation of products to be supplied under Regulation (EC) No 1292/96 as Community food aid ⁽³⁾. It is necessary to specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 16 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5.7.1996, p. 1.

⁽²⁾ OJ L 234, 1.9.2001, p. 10.

⁽³⁾ OJ L 346, 17.12.1997, p. 23.

ANNEX

LOT A

1. **Action No:** 3/02
2. **Beneficiary** ⁽²⁾: World Food Programme (WFP), Via Cesare Giulio Viola 68, I-00148 Roma; tel. (39-06) 65 13 2988; fax 65 13 2844/3; telex: 626675 WFP I
3. **Beneficiary's representative:** to be designated by the beneficiary
4. **Country of destination:** Angola
5. **Product to be mobilised:** maize
6. **Total quantity (tonnes net):** 19 229
7. **Number of lots:** 1 in 3 parts (A1: 5 769 tonnes; A2: 11 540 tonnes; A3 1 920 tonnes)
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁵⁾: see OJ C 312, 31.10.2000, p. 1(A.4)
9. **Packaging** ⁽⁷⁾: see OJ C 267, 13.9.1996, p. 1 (1.0 A 1.c, 2.c and B.3)
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (II.A.(3))
 - Language to be used for the markings: Portuguese
 - Supplementary markings: —
11. **Method of mobilisation of the product:** the Community market
12. **Specified delivery stage** ⁽⁸⁾: free at port of landing — landed
13. **Alternative delivery stage:** free at port of shipment — fob stowed
14. a) **Port of shipment:** —
b) **Loading address:** —
15. **Port of landing:** Luanda (A1); Lobito (A2); Namibe (A3)
16. **Place of destination:**
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 16.3.2003
 - second deadline: 30.3.2003
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: 20-31.1.2003
 - second deadline: 3-16.2.2003
19. **Deadline for the submission of tenders (at 12 noon, Brussels time):**
 - first deadline: 7.1.2003
 - second deadline: 21.3.2003
20. **Amount of tendering guarantee:** EUR 5 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾: M. Vestergaard, Commission européenne, Bureau: L130 7/46, B-1049 Brussels; Telex: 25670 AGREC B; fax (32-2) 296 70 03/296 70 04
22. **Export refund** ⁽⁴⁾: refund applicable on 12.2.2002, fixed by Commission Regulation (EC) No 2123/2002 (OJ L 325, 30.11.2002, p. 8)

Notes:

- (¹) Supplementary information: Torben Vestergaard (tel. (32-2) 299 30 50; fax (32-2) 296 20 05).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 2298/2001 (OJ L 308, 27.11.2001, p. 16), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— phytosanitary certificate.
- (⁶) Notwithstanding OJ C 114 of 29 April 1991, point II.A(3)(c) or II.B(3)(c) is replaced by the following: 'the words "European Community"'.

- (⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) In addition to the provisions of Article 14(3) of the Regulation (EC) No 2519/97, vessels chartered shall not appear on any of the four most recent quaternary lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)).

COMMISSION REGULATION (EC) No 2241/2002
of 16 December 2002
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 33(12) thereof,

Whereas:

- (1) Article 33 of Regulation (EC) No 1254/1999 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EEC) No 32/82 ⁽³⁾, as last amended by Regulation (EC) No 744/2000 ⁽⁴⁾, Regulation (EEC) No 1964/82 ⁽⁵⁾, as last amended by Regulation (EC) No 2772/2000 ⁽⁶⁾, and Regulation (EEC) No 2388/84 ⁽⁷⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁸⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products.
- (3) It follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below.
- (4) Given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms.
- (5) Export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10.

- (6) In view of the wide differences in products covered by CN codes 0201 20 90 9700 and 0202 20 90 9100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third.
- (7) In the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland. To allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States.
- (8) In the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available.
- (9) In the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant.
- (10) Commission Regulation (EEC) No 3846/87 ⁽⁹⁾, as last amended by Regulation (EC) No 1007/2002 ⁽¹⁰⁾, establishes the agricultural product nomenclature for the purposes of export refunds.
- (11) In order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals.
- (12) Checks on products covered by CN code 1602 50 should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽¹¹⁾, as amended by Regulation (EEC) No 2026/83 ⁽¹²⁾.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 4, 8.1.1982, p. 11.

⁽⁴⁾ OJ L 89, 11.4.2000, p. 3.

⁽⁵⁾ OJ L 212, 21.7.1982, p. 48.

⁽⁶⁾ OJ L 321, 19.12.2000, p. 35.

⁽⁷⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁸⁾ OJ L 370, 19.12.1992, p. 16.

⁽⁹⁾ OJ L 366, 26.12.1987, p. 1.

⁽¹⁰⁾ OJ L 153, 13.6.2002, p. 8.

⁽¹¹⁾ OJ L 62, 7.3.1980, p. 5.

⁽¹²⁾ OJ L 199, 22.7.1983, p. 12.

- (13) Refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals.
- (14) Opportunities exist for the export to certain third countries of heifers other than those intended for slaughter, but to prevent any abuse control criteria should be laid down to ensure that these animals are not more than 36 months old.
- (15) Under Article 6(2) of Regulation (EEC) No 1964/82, the special refund is to be reduced if the quantity of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (16) The negotiations on the adoption of additional concessions, held within the framework of the Europe Agreements between the European Community and the associated Central and Eastern European Countries, aim in particular to liberalise trade in products covered by the common organisation of the market in beef and veal. The abolition of refunds may not, however, lead to the creation of a differentiated refund for exports to other countries.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 33 of Regulation (EC) No 1254/1999 are granted

and the amount thereof and the destinations shall be as set out in the Annex to this Regulation.

2. The products must meet the relevant health marking requirements of:

- Chapter XI of Annex I to Council Directive 64/433/EEC ⁽¹⁾,
- Chapter VI of Annex I to Council Directive 94/65/EC ⁽²⁾,
- Chapter VI of Annex B to Council Directive 77/99/EEC ⁽³⁾.

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third country 075 listed in the Annex to this Regulation shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

In the case referred to in the third subparagraph of Article 6(2) of Regulation (EEC) No 1964/82 the rate of the refund on products falling within CN code 0201 30 00 9100 shall be reduced by EUR 14,00/100 kg.

Article 4

The fact that no refund has been fixed for exports to Estonia, Lithuania, Latvia and Hungary shall not be considered to mean that there is a differentiated refund.

Article 5

This Regulation shall enter into force on 18 December 2002.

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

Done at Brussels, 16 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 21, 29.7.1964, p. 2012/64.

⁽²⁾ OJ L 368, 31.12.1994, p. 10.

⁽³⁾ OJ L 26, 31.1.1977, p. 85.

ANNEX

to the Commission Regulation of 16 December 2002 fixing export refunds on beef

Product code	Destination	Unit of measurement	Refunds (°)
0102 10 10 9120	B00	EUR/100 kg live weight	53,00
0102 10 10 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 30 9120	B00	EUR/100 kg live weight	53,00
0102 10 30 9130	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 10 90 9120	B00	EUR/100 kg live weight	53,00
0102 90 41 9100	B02	EUR/100 kg live weight	41,00
0102 90 51 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 59 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
	075 (°)	EUR/100 kg live weight	53,00
0102 90 61 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 69 9000	B02	EUR/100 kg live weight	15,50
	B03	EUR/100 kg live weight	9,50
	039	EUR/100 kg live weight	5,00
0102 90 71 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0102 90 79 9000	B02	EUR/100 kg live weight	41,00
	B03	EUR/100 kg live weight	23,00
	039	EUR/100 kg live weight	14,00
0201 10 00 9110 (1)	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 10 00 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 10 00 9130 (1)	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50
0201 10 00 9140	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 20 9110 (1)	B02	EUR/100 kg net weight	97,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,50

Product code	Destination	Unit of measurement	Refunds (°)
0201 20 20 9120	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0201 20 30 9110 ⁽¹⁾	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 30 9120	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 50 9110 ⁽¹⁾	B02	EUR/100 kg net weight	123,00
	B03	EUR/100 kg net weight	71,50
	039	EUR/100 kg net weight	41,00
0201 20 50 9120	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0201 20 50 9130 ⁽¹⁾	B02	EUR/100 kg net weight	71,50
	B03	EUR/100 kg net weight	43,00
	039	EUR/100 kg net weight	23,50
0201 20 50 9140	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 20 90 9700	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0201 30 00 9050	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50
0201 30 00 9060 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0201 30 00 9100 ⁽²⁾ ⁽⁶⁾	B08, B09	EUR/100 kg net weight	172,00
	B03	EUR/100 kg net weight	102,00
	039	EUR/100 kg net weight	60,00
	809, 822	EUR/100 kg net weight	152,50
	220	EUR/100 kg net weight	205,00
0201 30 00 9120 ⁽²⁾ ⁽⁶⁾	B08	EUR/100 kg net weight	94,50
	B09	EUR/100 kg net weight	88,00
	B03	EUR/100 kg net weight	56,50
	039	EUR/100 kg net weight	33,00
	809, 822	EUR/100 kg net weight	83,50
	220	EUR/100 kg net weight	123,00
0202 10 00 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 10 00 9900	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 10 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	14,00
	039	EUR/100 kg net weight	16,00
0202 20 30 9000	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50

Product code	Destination	Unit of measurement	Refunds (°)
0202 20 50 9100	B02	EUR/100 kg net weight	58,50
	B03	EUR/100 kg net weight	17,50
	039	EUR/100 kg net weight	19,50
0202 20 50 9900	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 20 90 9100	B02	EUR/100 kg net weight	33,50
	B03	EUR/100 kg net weight	10,00
	039	EUR/100 kg net weight	11,50
0202 30 90 9100	400 ⁽³⁾	EUR/100 kg net weight	23,50
	404 ⁽⁴⁾	EUR/100 kg net weight	23,50
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 10 95 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0206 29 91 9000	B02	EUR/100 kg net weight	46,00
	B03	EUR/100 kg net weight	13,00
	039	EUR/100 kg net weight	15,00
	809, 822	EUR/100 kg net weight	37,00
0210 20 90 9100	039	EUR/100 kg net weight	23,00
1602 50 10 9170 ⁽⁸⁾	B02	EUR/100 kg net weight	22,50
	B03	EUR/100 kg net weight	15,00
	039	EUR/100 kg net weight	17,50
1602 50 31 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	88,50
1602 50 31 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	79,00
1602 50 39 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	88,50
1602 50 39 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	79,00
1602 50 39 9425 ⁽⁵⁾	B00	EUR/100 kg net weight	30,00
1602 50 39 9525 ⁽⁵⁾	B00	EUR/100 kg net weight	30,00
1602 50 80 9535 ⁽⁸⁾	B00	EUR/100 kg net weight	17,50

⁽¹⁾ Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

⁽²⁾ The refund is granted subject to compliance with the conditions laid down in amended Regulation (EEC) No 1964/82.

⁽³⁾ Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ L 336, 29.12.1979, p. 44).

⁽⁴⁾ Carried out in accordance with amended Commission Regulation (EC) No 2051/96 (OJ L 274, 26.10.1996, p. 18).

⁽⁵⁾ OJ L 221, 18.8.1984, p. 28.

⁽⁶⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Regulation (EC) No 765/2002 (OJ L 117, 4.5.2002, p. 6). The sample is to be taken from that part of the consignment presenting the highest risk.

⁽⁷⁾ Article 33(10) of amended Regulation (EC) No 1254/1999 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

⁽⁸⁾ The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Council Regulation (EEC) No 565/80.

⁽⁹⁾ The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

B00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Estonia, Lithuania, Latvia and Hungary.

B02: B08, B09 and destination 220.

B03: Ceuta, Melilla, Iceland, Norway, Faroe Islands, Andorra, Gibraltar, Vatican City, Poland, Czech Republic, Slovakia, Romania, Bulgaria, Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia, Former Yugoslav Republic of Macedonia, the communes of Livigno and Campione d'Italia, Helgoland, Greenland, Cyprus, stores and provisions (destinations referred to in Articles 36 and 45, and if appropriate in Article 44, of Commission Regulation (EC) No 800/1999, as amended (OJ L 102, 17.4.1999, p. 11))

B08: Malta, Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong

B09: Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Central African Republic, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

**COMMISSION REGULATION (EC) No 2242/2002
of 16 December 2002**

**fixing the minimum selling prices for beef put up for sale under the second invitation to tender
referred to in Regulation (EC) No 2042/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 2042/2002 ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the second invitation to tender held in accordance with Regulation (EC) No 2042/2002 for which the time limit for the submission of tenders was 9 December 2002 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 December 2002.

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

Done at Brussels, 16 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 316, 20.11.2002, p. 9.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

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

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/ton
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DEUTSCHLAND	— Hinterviertel	1 350
	— Vorderviertel	750
DANMARK	— Forfjerdinger	—
	—	—
ITALIA	— Quarti posteriori	—
	— Quarti anteriori	—
FRANCE	— Quartiers arrières	1 353
	— Quartiers avants	—
ÖSTERREICH	— Hinterviertel	—
	— Vorderviertel	800
NEDERLAND	— Voorvoeten	—
ESPAÑA	— Cuartos traseros	1 350
	— Cuartos delanteros	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

DEUTSCHLAND	— Kugel (INT 12)	—
	— Oberschale (INT 13)	—
	— Unterschale (INT 14)	2 305
	— Filet (INT 15)	11 010
	— Hüfte (INT 16)	—
	— Roastbeef (INT 17)	5 010
	— Lappen (INT 18)	—
	— Hochrippe (INT 19)	3 165
	— Schulter (INT 22)	—
	— Vorderviertel (INT 24)	1 400
ESPAÑA	— Babilla de intervención (INT 12)	2 100
	— Tapa de intervención (INT 13)	2 940
	— Contratapa de intervención (INT 14)	—
	— Solomillo de intervención (INT 15)	—
	— Cadera de intervención (INT 16)	—
	— Lomo de intervención (INT 17)	—
	— Entrecot de intervención (INT 19)	—

FRANCE	— Jarret arrière d'intervention (INT 11)	998
	— Tranche grasse d'intervention (INT 12)	2 010
	— Tranche d'intervention (INT 13)	—
	— Semelle d'intervention (INT 14)	2 305
	— Filet d'intervention (INT 15)	11 000
	— Rumsteck d'intervention (INT 16)	—
	— Faux-filet d'intervention (INT 17)	5 001
	— Flanchet d'intervention (INT 18)	—
	— Entrecôte d'intervention (INT 19)	—
	— Épaule d'intervention (INT 22)	1 270
	— Poitrine d'intervention (INT 23)	857
	— Avant d'intervention (INT 24)	1 270
ITALIA	— Noce d'intervento (INT 12)	—
	— Fesa interna (INT 13)	—
	— Girello d'intervento (INT 14)	2 350
	— Filetto d'intervento (INT 15)	—
	— Scamone (INT 16)	2 350
	— Roastbeef d'intervento (INT 17)	—
	— Controfiletto d'intervento (INT 19)	—
NEDERLAND	— Interventievoorschenkel (INT 21)	925
	— Interventieschouder (INT 22)	1 255
	— Interventieborst (INT 23)	—
	— Interventievoorvoet (INT 24)	1 275

**COMMISSION REGULATION (EC) No 2243/2002
of 16 December 2002**

**fixing the minimum selling prices for beef put up for sale under the second invitation to tender
referred to in Regulation (EC) No 2048/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Commission Regulation (EC) No 2345/2001 ⁽²⁾, and in particular Article 28(2) thereof,

Whereas:

- (1) Tenders have been invited for certain quantities of beef fixed by Commission Regulation (EC) No 2048/2002 ⁽³⁾.
- (2) Pursuant to Article 9 of Commission Regulation (EEC) No 2173/79 ⁽⁴⁾, as last amended by Regulation (EC) No 2417/95 ⁽⁵⁾, the minimum selling prices for meat put up for sale by tender should be fixed, taking into account tenders submitted.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices for beef for the second invitation to tender held in accordance with Regulation (EC) No 2048/2002 for which the time limit for the submission of tenders was 10 December 2002 are as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 December 2002.

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

Done at Brussels, 16 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 316, 20.11.2002, p. 9.

⁽⁴⁾ OJ L 251, 5.10.1979, p. 12.

⁽⁵⁾ OJ L 248, 14.10.1995, p. 39.

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

Estado miembro	Productos	Precio mínimo Expresado en euros por tonelada
Medlemsstat	Produkter	Mindstepriser i EUR/ton
Mitgliedstaat	Erzeugnisse	Mindestpreise Ausgedrückt in EUR/Tonne
Κράτος μέλος	Προϊόντα	Ελάχιστες πωλήσεις εκφραζόμενες σε ευρώ ανά τόνο
Member State	Products	Minimum prices Expressed in EUR per tonne
État membre	Produits	Prix minimaux Exprimés en euros par tonne
Stato membro	Prodotti	Prezzi minimi Espressi in euro per tonnellata
Lidstaat	Producten	Minimumprijzen Uitgedrukt in euro per ton
Estado-Membro	Produtos	Preço mínimo Expresso em euros por tonelada
Jäsenvaltio	Tuotteet	Vähimmäishinnat euroina tonnia kohden ilmaistuna
Medlemsstat	Produkter	Minimipriser i euro per ton

a) **Carne con hueso — Kød, ikke udbenet — Fleisch mit Knochen — Κρέατα με κόκαλα — Bone-in beef — Viande avec os — Carni non disossate — Vlees met been — Carne com osso — Luullinen naudanliha — Kött med ben**

DEUTSCHLAND	— Vorderviertel	—
ITALIA	— Quarti anteriori	650
FRANCE	— Quartiers avant	—
ÖSTERREICH	— Vorderviertel	650
ESPAÑA	— Cuartos delanteros	—

b) **Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέατα χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött**

DEUTSCHLAND	— Hinterhesse (INT 11)	701
	— Lappen (INT 18)	561
	— Vorderhesse (INT 21)	701
	— Schulter (INT 22)	—
	— Brust (INT 23)	791
	— Vorderviertel (INT 24)	971
ESPAÑA	— Jarrete de intervención (INT 11)	708
	— Falda del costillar de intervención (INT 18)	550
	— Morcillo de intervención (INT 21)	696
	— Paleta de intervención (INT 22)	—
	— Pecho de intervención (INT 23)	—
	— Cuarto delantero de intervención (INT 24)	965
FRANCE	— Jarret arrière d'intervention (INT 11)	700
	— Flanchet d'intervention (INT 18)	680
	— Jarret avant d'intervention (INT 21)	—
ITALIA	— Spalla d'intervento (INT 22)	—
	— Petto di manzo d'intervento (INT 23)	—
	— Quarto anteriori d'intervento (INT 24)	—

COMMISSION REGULATION (EC) No 2244/2002
of 16 December 2002
amending Regulation (EC) No 1622/2000 as regards the use of tartaric acid in wine products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2585/2001 ⁽²⁾, and in particular Article 46 thereof,

Whereas:

- (1) Annex IV to Regulation (EC) No 1493/1999 permits the addition of tartaric acid to the wine products concerned.
- (2) Commission Regulation (EC) No 1622/2000 of 24 July 2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes ⁽³⁾, as last amended by Regulation (EC) No 2066/2001 ⁽⁴⁾, lays down, in particular, restrictions and requirements pertaining to the use of certain substances authorised by Regulation (EC) No 1493/1999.
- (3) Tartaric acid, also called L-tartaric acid, and its salts are the only substances permitted for the purposes of acidification and deacidification of wine products as they occur naturally in grapes and wine.
- (4) The International Vine and Wine Office adopted, in June 2000, a resolution updating in the International Oenological Codex the monograph laying down the identifying characteristics and purity specifications of L-tartaric acid which may be used in wine-making, which defines tartaric acid as 'a natural acid extracted from grapes'. These purity criteria are more complete but nevertheless correspond to those laid down in Commission Directive 96/77/EC of 2 December 1996 laying down specific

purity criteria on food additives other than colours and sweeteners ⁽⁵⁾, as last amended by Directive 2002/82/EC ⁽⁶⁾.

- (5) To ensure a high degree of quality, and in particular to preserve the authenticity and the natural character of wine in compliance with good oenological practice, the requirement that tartaric acid which may be used in wine-making must be of agricultural origin, taking account of the specifications of the International Vine and Wine Office's International Oenological Codex, should be incorporated into Regulation (EC) No 1622/2000.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph is added to Article 8 of Regulation (EC) No 1622/2000:

'Tartaric acid, the use of which is provided for in Annex IV(1)(l) and (m) and Annex IV(3)(k) and (l) to Regulation (EC) No 1493/1999, also called L-tartaric acid, must be of agricultural origin and extracted specifically from wine products. It must also comply with the purity criteria laid down in Commission Directive 96/77/EC (*).

(*) OJ L 339, 30.12.1996, p. 1.'

Article 2

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

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

Done at Brussels, 16 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 345, 29.12.2001, p. 10.

⁽³⁾ OJ L 194, 31.7.2000, p. 1.

⁽⁴⁾ OJ L 278, 23.10.2001, p. 9.

⁽⁵⁾ OJ L 339, 30.12.1996, p. 1.

⁽⁶⁾ OJ L 292, 28.10.2002, p. 1.

COMMISSION REGULATION (EC) No 2245/2002
of 21 October 2002
implementing Council Regulation (EC) No 6/2002 on Community designs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs ⁽¹⁾, and in particular Article 107(3) thereof,

Whereas:

- (1) Regulation (EC) No 6/2002 creates a system enabling a design having effect throughout the Community to be obtained on the basis of an application to the Office for Harmonisation in the Internal Market (trade marks and designs) (hereinafter 'the Office').
- (2) For this purpose, Regulation (EC) No 6/2002 contains the necessary provisions for a procedure leading to the registration of a Community design, as well as for the

administration of registered Community designs, for appeals against decisions of the Office and for proceedings for the invalidation of a Community design.

- (3) The present Regulation lays down the necessary measures for implementing the provisions of Regulation (EC) No 6/2002.
- (4) This Regulation should ensure the smooth and efficient operation of design proceedings before the Office.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 109 of Regulation (EC) No 6/2002,

HAS ADOPTED THIS REGULATION:

CHAPTER I

APPLICATION PROCEDURE

Article 1

Content of the application

1. The application for a registered Community design shall contain:

- (a) a request for registration of the design as a registered Community design;
- (b) the name, address and nationality of the applicant and the State in which the applicant is domiciled or in which it has its seat or establishment. Names of natural persons shall take the form of the family name and the given name(s). Names of legal entities shall be indicated by their official designation, which may be abbreviated in a customary manner; furthermore, the State whose law governs such entities shall be indicated.

The telephone numbers as well as fax numbers and details of other data-communications links, such as electronic mail, may be given. Only one address shall, in principle, be indicated for each applicant; where several addresses are indicated, only the address mentioned first shall be taken into account, except where the applicant designates one of the addresses as an address for service. If the Office has given the applicant an identification number, it shall be sufficient to mention that number together with the name of the applicant;

- (c) a representation of the design in accordance with Article 4 of this Regulation or, if the application concerns a two-dimensional design and contains a request for deferment of

publication in accordance with Article 50 of Regulation (EC) No 6/2002, a specimen in accordance with Article 5 of this Regulation;

- (d) an indication, in accordance with Article 3(3), of the products in which the design is intended to be incorporated or to which it is intended to be applied;
- (e) if the applicant has appointed a representative, the name of that representative and the address of his/her place of business in accordance with point (b); if the representative has more than one business address or if there are two or more representatives with different business addresses, the application shall indicate which address shall be used as an address for service; where no such indication is made, only the first-mentioned address shall be taken into account as an address for service. If there is more than one applicant, the application may indicate the appointment of one applicant or representative as common representative. If an appointed representative has been given an identification number by the Office, it shall be sufficient to mention that number together with the name of the representative;
- (f) if applicable, a declaration that priority of a previous application is claimed pursuant to Article 42 of Regulation (EC) No 6/2002, stating the date on which the previous application was filed and the country in which or for which it was filed;
- (g) if applicable, a declaration that exhibition priority is claimed pursuant to Article 44 of Regulation (EC) No 6/2002, stating the name of the exhibition and the date of the first disclosure of the products in which the design is incorporated or to which it is applied;

⁽¹⁾ OJ L 3, 5.1.2002, p. 1.

(h) a specification of the language in which the application is filed, and of the second language pursuant to Article 98(2) of Regulation (EC) No 6/2002;

Article 3

(i) the signature of the applicant or his/her representative in accordance with Article 65.

2. The application may contain:

(a) a single description per design not exceeding 100 words explaining the representation of the design or the specimen; the description must relate only to those features which appear in the reproductions of the design or the specimen; it shall not contain statements as to the purported novelty or individual character of the design or its technical value;

(b) a request for deferment of publication of registration in accordance with Article 50(1) of Regulation (EC) No 6/2002;

(c) an indication of the 'Locarno classification' of the products contained in the application, that is to say, of the class or classes and the subclass or subclasses to which they belong in accordance with the Annex to the Agreement establishing an international classification for industrial designs, signed at Locarno on 8 October 1968 (hereinafter 'the Locarno Agreement'), referred to in Article 3 and subject to Article 2(2);

(d) the citation of the designer or of the team of designers or a statement signed by the applicant to the effect that the designer or team of designers has waived the right to be cited under Article 36(3)(e) of Regulation (EC) No 6/2002.

Article 2

Multiple application

1. An application may be a multiple application requesting the registration of several designs.

2. When several designs other than ornamentation are combined in a multiple application, the application shall be divided if the products in which the designs are intended to be incorporated or to which they are intended to be applied belong to more than one class of the Locarno Classification.

3. For each design contained in the multiple application the applicant shall provide a representation of the design in accordance with Article 4 and the indication of the product in which the design is intended to be incorporated or to be applied.

4. The applicant shall number the designs contained in the multiple application consecutively, using arabic numerals.

Classification and indication of products

1. Products shall be classified in accordance with Article 1 of the Locarno Agreement, as amended and in force at the date of filing of the design.

2. The classification of products shall serve exclusively administrative purposes.

3. The indication of products shall be worded in such a way as to indicate clearly the nature of the products and to enable each product to be classified in only one class of the Locarno classification, preferably using the terms appearing in the list of products set out therein.

4. The products shall be grouped according to the classes of the Locarno classification, each group being preceded by the number of the class to which that group of products belongs and presented in the order of the classes and subclasses under that classification.

Article 4

Representation of the design

1. The representation of the design shall consist in a graphic or photographic reproduction of the design, either in black and white or in colour. It shall meet the following requirements:

(a) save where the application is filed by electronic means pursuant to Article 67, the representation must be filed on separate sheets of paper or reproduced on the page provided for that purpose in the form made available by the Office pursuant to Article 68;

(b) in the case of separate sheets of paper, the design shall be reproduced on opaque white paper and either pasted or printed directly on it. Only one copy shall be filed and the sheets of paper shall not be folded or stapled;

(c) the size of the separate sheet shall be DIN A4 size (29,7 cm × 21 cm) and the space used for the reproduction shall be no larger than 26,2 cm × 17 cm. A margin of at least 2,5 cm shall be left on the left-hand side; at the top of each sheet of paper the number of views shall be indicated pursuant to paragraph 2 and, in the case of a multiple application, the consecutive number of the design; no explanatory text, wording or symbols, other than the indication 'top' or the name or address of the applicant, may be displayed thereon;

(d) where the application is filed by electronic means, the graphic or photographic reproduction of the designs shall be in a data format determined by the President of the Office; the manner of identifying the different designs contained in a multiple application, or the different views, shall be determined by the President of the Office;

(e) the design shall be reproduced on a neutral background and shall not be retouched with ink or correcting fluid. It shall be of a quality permitting all the details of the matter for which protection is sought to be clearly distinguished and permitting it to be reduced or enlarged to a size no greater than 8 cm by 16 cm per view for entry in the Register of Community Designs provided for in Article 72 of Regulation (EC) No 6/2002, hereinafter 'the Register', and for direct publishing in the *Community Designs Bulletin* referred to in Article 73 of that Regulation.

2. The representation may contain no more than seven different views of the design. Any one graphic or photographic reproduction may contain only one view. The applicant shall number each view using arabic numerals. The number shall consist of separate numerals separated by a point, the numeral to the left of the point indicating the number of the design, that to the right indicating the number of the view.

In cases where more than seven views are provided, the Office may disregard for registration and publication any of the extra views. The Office shall take the views in the consecutive order in which the views are numbered by the applicant.

3. Where an application concerns a design that consists in a repeating surface pattern, the representation of the design shall show the complete pattern and a sufficient portion of the repeating surface.

The size limits set out in paragraph 1(c) shall apply.

4. Where an application concerns a design consisting in a typographic typeface, the representation of the design shall consist in a string of all the letters of the alphabet, in both upper and lower case, and of all the arabic numerals, together with a text of five lines produced using that typeface, both letters and numerals being in the size pitch 16.

Article 5

Specimens

1. Where the application concerns a two-dimensional design and contains a request for a deferment of publication, in accordance with Article 50(1) of Regulation (EC) No 6/2002, the representation of the design may be replaced by a specimen pasted on a sheet of paper.

Applications for which a specimen is submitted must be sent by a single mail or directly delivered to the office of filing.

Both the application and the specimen shall be submitted at the same time.

2. The specimens shall not exceed 26,2 cm × 17 cm in size, 50 grams in weight or 3 mm in thickness. The specimen shall be capable of being stored, unfolded, alongside documents of the size prescribed in Article 4(1)(c).

3. Specimens that are perishable or dangerous to store shall not be filed.

The specimen shall be filed in five copies; in the case of a multiple application, five copies of the specimen shall be filed for each design.

4. Where the design concerns a repeating surface pattern, the specimen shall show the complete pattern and a sufficient portion of the repeating surface in length and width. The limits set out in paragraph 2 shall apply.

Article 6

Fees for the application

1. The following fees shall be paid at the time when the application is submitted to the Office:

- (a) the registration fee;
- (b) the publication fee or a deferment fee if deferment of publication has been requested;
- (c) an additional registration fee in respect of each additional design included in a multiple application;
- (d) an additional publication fee in respect of each additional design included in a multiple application, or an additional deferment fee in respect of each additional design included in a multiple application if deferment of publication has been requested.

2. Where the application includes a request for deferment of publication of registration, the publication fee and any additional publication fee in respect of each additional design included in a multiple application shall be paid within the time limits specified in Article 15(4).

Article 7

Filing of the application

1. The Office shall mark the documents making up the application with the date of its receipt and the file number of the application.

Each design contained in a multiple application shall be numbered by the Office in accordance with a system determined by the President.

The Office shall issue to the applicant without delay a receipt which shall specify the file number, the representation, description or other identification of the design, the nature and the number of the documents and the date of their receipt.

In the case of a multiple application, the receipt issued by the Office shall specify the first design and the number of designs filed.

2. If the application is filed with the central industrial property office of a Member State or at the Benelux Design Office in accordance with Article 35 of Regulation (EC) No 6/2002, the office of filing shall number each page of the application, using arabic numerals. The office of filing shall mark the documents making up the application with the date of receipt and the number of pages before forwarding the application to the Office.

The office of filing shall issue to the applicant without delay a receipt specifying the nature and the number of the documents and the date of their receipt.

3. If the Office receives an application forwarded by the central industrial property office of a Member State or the Benelux Design Office, it shall mark the application with the date of receipt and the file number and shall issue to the applicant without delay a receipt in accordance with the third and fourth subparagraphs of paragraph 1, indicating the date of receipt at the Office.

Article 8

Claiming priority

1. Where the priority of one or more previous applications is claimed in the application pursuant to Article 42 of Regulation (EC) No 6/2002, the applicant shall indicate the file number of the previous application and file a copy of it within three months of the filing date referred to in Article 38 of that Regulation. The President of the Office shall determine the evidence to be provided by the applicant.

2. Where, subsequent to the filing of the application, the applicant wishes to claim the priority of one or more previous applications pursuant to Article 42 of Regulation (EC) No 6/2002, he/she shall submit, within one month of the filing date, the declaration of priority, stating the date on which and the country in or for which the previous application was made.

The applicant shall submit to the Office the indications and evidence referred to in paragraph 1 within three months of receipt of the declaration of priority.

Article 9

Exhibition priority

1. Where exhibition priority has been claimed in the application pursuant to Article 44 of Regulation (EC) No 6/2002, the applicant shall, together with the application or at the latest within three months of the filing date, file a certificate issued at the exhibition by the authority responsible for the protection of industrial property at the exhibition.

That certificate shall declare that the design was incorporated in or applied to the product and disclosed at the exhibition, and shall state the opening date of the exhibition and, where

the first disclosure of the product did not coincide with the opening date of the exhibition, the date of such first disclosure. The certificate shall be accompanied by an identification of the actual disclosure of the product, duly certified by that authority.

2. Where the applicant wishes to claim an exhibition priority subsequent to the filing of the application, the declaration of priority, indicating the name of the exhibition and the date of the first disclosure of the product in which the design was incorporated or to which it was applied, shall be submitted within one month of the filing date. The indications and evidence referred to in paragraph 1 shall be submitted to the Office within three months of receipt of the declaration of priority.

Article 10

Examination of requirements for a filing date and of formal requirements

1. The Office shall notify the applicant that a date of filing cannot be granted if the application does not contain:

- (a) a request for registration of the design as a registered Community design;
- (b) information identifying the applicant;
- (c) a representation of the design pursuant to Article 4(1)(d) and (e) or, where applicable, a specimen.

2. If the deficiencies indicated in paragraph 1 are remedied within two months of receipt of the notification, the date on which all the deficiencies are remedied shall determine the date of filing.

If the deficiencies are not remedied before the time limit expires, the application shall not be dealt with as a Community design application. Any fees paid shall be refunded.

3. The Office shall call upon the applicant to remedy the deficiencies noted within a time limit specified by it where, although a date of filing has been granted, the examination reveals that:

- (a) the requirements set out in Articles 1, 2, 4 and 5 or the other formal requirements for applications laid down in the Regulation (EC) No 6/2002 or in this Regulation have not been complied with;
- (b) the full amount of the fees payable pursuant to Article 6(1), read in conjunction with Commission Regulation (EC) No 2246/2002⁽¹⁾, has not been received by the Office;
- (c) where priority has been claimed pursuant to Articles 8 and 9, either in the application itself or within one month after the date of filing, the other requirements set out in those Articles have not been complied with;

⁽¹⁾ See page 54 of this Official Journal.

- (d) in the case of a multiple application, the products in which the designs are intended to be incorporated or to which they are intended to be applied belong to more than one class of the Locarno classification.

In particular, the Office shall call upon the applicant to pay the required fees within two months of the date of notification, together with the late payment fees provided for in Article 107(2)(a) to (d) of Regulation (EC) No 6/2002 and as set out in Regulation (EC) No 2246/2002.

In the case of the deficiency referred to in point (d) of the first subparagraph, the Office shall call upon the applicant to divide the multiple application in order to ensure compliance with the requirements under Article 2(2). It shall also call upon the applicant to pay the total amount of the fees for all the applications resulting from the separation of the multiple application, within such a time limit as it may specify.

After the applicant has complied with the request to divide the application within the time limit set, the date of filing of the resulting application or applications shall be the date of filing granted to the multiple application initially filed.

4. If the deficiencies referred to in paragraph 3(a) and (d) are not remedied before the time limit expires, the Office shall reject the application.

5. If the fees payable pursuant to Article 6(1)(a) and (b) are not paid before the time limit expires, the Office shall reject the application.

6. If any additional fees payable pursuant to Article 6(1)(c) or (d) in respect of multiple applications are not paid or not paid in full before the time limit expires, the Office shall reject the application in respect of all the additional designs which are not covered by the amount paid.

In the absence of any criteria for determining which designs are intended to be covered, the Office shall take the designs in the numerical order in which they are represented in accordance with Article 2(4). The Office shall reject the application in so far as it concerns designs for which additional fees have not been paid or have not been paid in full.

7. If the deficiencies referred to in paragraph 3(c) are not remedied before the time limit expires, the right of priority for the application shall be lost.

8. If any of the deficiencies referred to in paragraph 3 is not remedied before the time limit expires and such deficiency concerns only some of the designs contained in a multiple application, the Office shall reject the application, or the right of priority shall be lost, only in so far as those designs are concerned.

Article 11

Examination of grounds for non-registrability

1. Where, pursuant to Article 47 of Regulation (EC) No 6/2002, the Office finds, in the course of carrying out the examination under Article 10 of this Regulation, that the design for

which protection is sought does not correspond to the definition of design provided in Article 3(a) of Regulation (EC) No 6/2002 or that the design is contrary to public policy or to accepted principles of morality, it shall inform the applicant that the design is non-registrable, specifying the ground for non-registrability.

2. The Office shall specify a time limit within which the applicant may submit his/her observations, withdraw the application or amend it by submitting an amended representation of the design, provided that the identity of the design is retained.

3. Where the applicant fails to overcome the grounds for non-registrability within the time limit, the Office shall refuse the application. If those grounds concern only some of the designs contained in a multiple application, the Office shall refuse the application only in so far as those designs are concerned.

Article 12

Withdrawal or correction of the application

1. The applicant may at any time withdraw a Community design application or, in the case of a multiple application, withdraw some of the designs contained in the application.

2. Only the name and address of the applicant, errors of wording or of copying, or obvious mistakes may be corrected, at the request of the applicant and provided that such correction does not change the representation of the design.

3. An application for the correction of the application pursuant to paragraph 2 shall contain:

- (a) the file number of the application;
- (b) the name and the address of the applicant in accordance with Article 1(1)(b);
- (c) where the applicant has appointed a representative, the name and the business address of the representative in accordance with Article 1(1)(e);
- (d) the indication of the element of the application to be corrected and that element in its corrected version.

4. If the requirements for the correction of the application are not fulfilled, the Office shall communicate the deficiency to the applicant. If the deficiency is not remedied within the time limits specified by the Office, the Office shall reject the application for correction.

5. A single application may be made for the correction of the same element in two or more applications submitted by the same applicant.

6. Paragraphs 2 to 5 shall apply *mutatis mutandis* to applications to correct the name or the business address of a representative appointed by the applicant.

CHAPTER II

REGISTRATION PROCEDURE

Article 13

Registration of the design

1. If the application satisfies the requirements referred to in Article 48 of Regulation (EC) No 6/2002, the design contained in that application and the particulars set out in Article 69(2) of this Regulation shall be recorded in the Register.

2. If the application contains a request for deferment of publication pursuant to Article 50 of Regulation (EC) No 6/2002, that fact and the date of expiry of the period of deferment shall be recorded.

3. The fees payable pursuant to Article 6(1) shall not be refunded even if the design applied for is not registered.

Article 14

Publication of the registration

1. The registration of the design shall be published in the *Community Designs Bulletin*.

2. Subject to paragraph 3, the publication of the registration shall contain:

- (a) the name and address of the holder of the Community design (hereinafter 'the holder');
- (b) where applicable, the name and business address of the representative appointed by the holder other than a representative falling within the first subparagraph of Article 77(3) of Regulation (EC) No 6/2002; if more than one representative has the same business address, only the name and business address of the first-named representative shall be published, the name being followed by the words 'et al'; if there are two or more representatives with different business addresses, only the address for service determined pursuant to Article 1(1)(e) of this Regulation shall be published; where an association of representatives is appointed pursuant to Article 62(9) only the name and business address of the association shall be published;
- (c) the representation of the design pursuant to Article 4; where the representation of the design is in colour, the publication shall be in colour;
- (d) where applicable, an indication that a description has been filed pursuant to Article 1(2)(a);
- (e) an indication of the products in which the design is intended to be incorporated or to which it is intended to be applied, preceded by the number of the relevant classes and subclasses of the Locarno classification, and grouped accordingly;
- (f) where applicable, the name of the designer or the team of designers;

(g) the date of filing and the file number and, in the case of a multiple application, the file number of each design;

(h) where applicable, particulars of the claim of priority pursuant to Article 42 of Regulation (EC) No 6/2002;

(i) where applicable, particulars of the claim of exhibition priority pursuant to Article 44 of Regulation (EC) No 6/2002;

(j) the date and the registration number and the date of the publication of the registration;

(k) the language in which the application was filed and the second language indicated by the applicant pursuant to Article 98(2) of Regulation (EC) No 6/2002.

3. If the application contains a request for deferment of publication pursuant to Article 50 of Regulation (EC) No 6/2002, a mention of the deferment shall be published in the *Community Designs Bulletin*, together with the name of the holder, the name of the representative, if any, the date of filing and registration, and the file number of the application. Neither the representation of the design nor any particulars identifying its appearance shall be published.

Article 15

Deferment of publication

1. Where the application contains a request for deferment of publication pursuant to Article 50 of Regulation (EC) No 6/2002, the holder shall, together with the request or at the latest three months before the 30-month deferment period expires:

- (a) pay the publication fee referred to in Article 6(1)(b);
- (b) in the case of a multiple registration, pay the additional publication fees, referred to in Article 6(1)(d);
- (c) in cases where a representation of the design has been replaced by a specimen in accordance with Article 5, file a representation of the design in accordance with Article 4. This applies to all the designs contained in a multiple application for which publication is requested;
- (d) in the case of a multiple registration, clearly indicate which of the designs contained therein is to be published or which of the designs are to be surrendered, or, if the period of deferment has not yet expired, for which designs deferment is to be continued.

Where the holder requests publication before the expiry of the 30-month deferment period, he/she shall, at the latest three months before the requested date of publication, comply with the requirements set out in points (a) to (d) of the first paragraph.

2. If the holder fails to comply with the requirements set out in paragraph 1(c) or (d), the Office shall call upon him/her to remedy the deficiencies within a specified time limit which shall in no case expire after the 30-month deferment period.

3. If the holder fails to remedy the deficiencies referred to in paragraph 2 within the applicable time limit:

- (a) the registered Community design shall be deemed from the outset not to have had the effects specified in Regulation (EC) No 6/2002;
- (b) where the holder has requested earlier publication as provided for under the second subparagraph of paragraph 1, the request shall be deemed not to have been filed.

4. If the holder fails to pay the fees referred to in paragraph 1(a) or (b), the Office shall call upon him/her to pay those fees together with the fees for late payment provided for in Article 107(2)(b) or (d) of Regulation (EC) No 6/2002 and as set out in Regulation (EC) No 2246/2002, within a specified time limit which shall in no case expire after the 30-month deferment period.

If no payment has been made within that time limit, the Office shall notify the holder that the registered Community design has from the outset not had the effects specified in Regulation (EC) No 6/2002.

If, in respect of a multiple registration, a payment is made within that time limit but is insufficient to cover all the fees payable pursuant to paragraph 1(a) and (b), as well as the applicable fee for late payment, all the designs in respect of which the fees have not been paid shall be deemed from the outset not to have had the effects specified in Regulation (EC) No 6/2002.

Unless it is clear which designs the amount paid is intended to cover, and in the absence of other criteria for determining which designs are intended to be covered, the Office shall take the designs in the numerical order in which they are represented in accordance with Article 2(4).

All designs for which the additional publication fee has not been paid or has not been paid in full, together with the applicable fee for late payment, shall be deemed from the outset not to have had the effects specified in Regulation (EC) No 6/2002.

Article 16

Publication after the period for deferment

1. Where the holder has complied with the requirements laid down in Article 15, the Office shall, at the expiry of the period for deferment or in the case of a request for earlier publication, as soon as is technically possible:

- (a) publish the registered Community design in the *Community Designs Bulletin*, with the indications set out in Article 14(2), together with an indication of the fact that the application contained a request for deferment of publication pursuant to Article 50 of Regulation (EC) No 6/2002 and, where applicable, that a specimen was filed in accordance with Article 5 of this Regulation;

- (b) make available for public inspection any file relating to the design;

- (c) open to public inspection all the entries in the Register, including any entries withheld from inspection pursuant to Article 73.

2. Where Article 15(4) applies, the actions referred to in paragraph 1 of this Article shall not take place in respect of those designs contained in the multiple registration which are deemed from the outset not to have had the effects specified in Regulation (EC) No 6/2002.

Article 17

Certificate of registration

1. After publication, the Office shall issue to the holder a certificate of registration which shall contain the entries in the Register provided for in Article 69(2) and a statement to the effect that those entries have been recorded in the Register.

2. The holder may request that certified or uncertified copies of the certificate of registration be supplied to him/her upon payment of a fee.

Article 18

Maintenance of the design in an amended form

1. Where, pursuant to Article 25(6) of Regulation (EC) No 6/2002, the registered Community design is maintained in an amended form, the Community design in its amended form shall be entered in the Register and published in the *Community Designs Bulletin*.

2. Maintenance of a design in an amended form may include a partial disclaimer, not exceeding 100 words, by the holder or an entry in the Register of Community Designs of a court decision or a decision by the Office declaring the partial invalidity of the design right.

Article 19

Change of the name or address of the holder or of his/her registered representative

1. A change of the name or address of the holder which is not the consequence of a transfer of the registered design shall, at the request of the holder, be recorded in the Register.

2. An application for a change of the name or address of the holder shall contain:

- (a) the registration number of the design;
- (b) the name and the address of the holder as recorded in the Register. If the holder has been given an identification number by the Office, it shall be sufficient to indicate that number together with the name of the holder;

- (c) the indication of the name and address of the holder, as changed, in accordance with Article 1(1)(b);
- (d) where the holder has appointed a representative, the name and business address of the representative, in accordance with Article 1(1)(e).

3. The application referred to in paragraph 2 shall not be subject to payment of a fee.

4. A single application may be made for a change of the name or address in respect of two or more registrations of the same holder.

5. If the requirements set out in paragraphs 1 and 2 are not fulfilled, the Office shall communicate the deficiency to the applicant.

If the deficiency is not remedied within the time limits specified by the Office, the Office shall reject the application.

6. Paragraphs 1 to 5 shall apply *mutatis mutandis* to a change of the name or address of the registered representative.

7. Paragraphs 1 to 6 shall apply *mutatis mutandis* to applications for Community designs. The change shall be recorded in the files kept by the Office concerning the Community design application.

Article 20

Correction of mistakes and errors in the Register and in the publication of the registration

Where the registration of a design or the publication of the registration contains a mistake or error attributable to the Office, the Office shall correct the error or mistake of its own motion or at the request of the holder.

Where such a request is made by the holder, Article 19 shall apply *mutatis mutandis*. The request shall not be subject to payment of a fee.

The Office shall publish the corrections made pursuant to this Article.

CHAPTER III

RENEWAL OF REGISTRATION

Article 21

Notification of expiry of registration

At least six months before expiry of the registration, the Office shall inform the holder, and any person having a right entered in the Register, including a licence, in respect of the Community design, that the registration is approaching expiry. Failure to give notification shall not affect the expiry of the registration.

Article 22

Renewal of registration

1. An application for renewal of registration shall contain:
 - (a) where the application is filed by the holder, his/her name and address in accordance with Article 1(1)(b);
 - (b) where the application is filed by a person expressly authorised to do so by the holder, the name and address of that person and evidence that he/she is authorised to file the application;
 - (c) where the applicant has appointed a representative, the name and business address of the representative in accordance with Article 1(1)(e);
 - (d) the registration number;
 - (e) where applicable, an indication that renewal is requested for all the designs covered by a multiple registration or, if the renewal is not requested for all such designs, an indication of those designs for which renewal is requested.

2. The fees payable pursuant to Article 13 of Regulation (EC) No 6/2002 for the renewal of a registration shall consist of:

- (a) a renewal fee, which, in cases where several designs are covered by a multiple registration, shall be proportionate to the number of designs covered by the renewal;
- (b) where applicable, the additional fee for late payment of the renewal fee or late submission of the request for renewal, pursuant to Article 13 of Regulation (EC) No 6/2002, as specified in Regulation (EC) No 2246/2002.

3. Where the application for renewal is filed within the time limits provided for in Article 13(3) of Regulation (EC) No 6/2002, but the other conditions for renewal provided for in Article 13 thereof and in this Regulation are not satisfied, the Office shall inform the applicant of the deficiencies.

If the application is filed by a person whom the holder has expressly authorised to do so, the holder of the design shall receive a copy of the notification.

4. Where an application for renewal is not submitted or is submitted after expiry of the time limit provided for in the second sentence of Article 13(3) of Regulation (EC) No 6/2002, or if the fees are not paid or are paid only after expiry of the relevant time limit, or if the deficiencies are not remedied within the time limit specified by the Office, the Office shall determine that the registration has expired and shall notify accordingly the holder and, where appropriate, the applicant for renewal and the person recorded in the Register as having rights in the design.

In the case of a multiple registration, where the fees paid are insufficient to cover all the designs for which renewal is requested, such a determination shall be made only after the Office has established which designs the amount paid is intended to cover.

In the absence of other criteria for determining which designs are intended to be covered, the Office shall take the designs in the numerical order in which they are represented in accordance with Article 2(4).

The Office shall determine that the registration has expired with regard to all designs for which the renewal fees have not been paid or have not been paid in full.

5. Where the determination made pursuant to paragraph 4 has become final, the Office shall cancel the design from the Register with effect from the day following the day on which the existing registration expired.

6. Where the renewal fees provided for in paragraph 2 have been paid but the registration is not renewed, those fees shall be refunded.

CHAPTER IV

TRANSFER, LICENCES AND OTHER RIGHTS, CHANGES

Article 23

Transfer

1. An application for registration of a transfer pursuant to Article 28 of Regulation (EC) No 6/2002 shall contain:

- (a) the registration number of the Community design;
- (b) particulars of the new holder in accordance with Article 1(1)(b);
- (c) where not all of the designs covered by a multiple registration are included in the transfer, particulars of the registered designs to which the transfer relates;
- (d) documents duly establishing the transfer.

2. The application may contain, where applicable, the name and business address of the representative of the new holder, to be set out in accordance with Article 1(1)(e).

3. The application shall not be deemed to have been filed until the required fee has been paid. If the fee is not paid or is not paid in full, the Office shall notify the applicant accordingly.

4. The following shall constitute sufficient proof of transfer under paragraph 1(d):

- (a) the application for registration of the transfer is signed by the registered holder or his/her representative and by the successor in title or his/her representative; or
- (b) the application, if submitted by the successor in title, is accompanied by a declaration, signed by the registered holder or his/her representative, that he/she agrees to the registration of the successor in title; or
- (c) the application is accompanied by a completed transfer form or document, signed by the registered holder or his/her representative and by the successor in title or his/her representative.

5. Where the conditions applicable to the registration of a transfer are not fulfilled, the Office shall notify the applicant of the deficiencies.

If the deficiencies are not remedied within the time limit specified by the Office, it shall reject the application for registration of the transfer.

6. A single application for registration of a transfer may be submitted for two or more registered Community designs, provided that the registered holder and the successor in title are the same in each case.

7. Paragraphs 1 to 6 shall apply *mutatis mutandis* to the transfer of applications for registered Community designs. The transfer shall be recorded in the files kept by the Office concerning the Community design application.

Article 24

Registration of licences and other rights

1. Article 23(1)(a), (b) and (c) and Article 23(2), (3), (5) and (6) shall apply *mutatis mutandis* to the registration of the grant or transfer of a licence, to registration of the creation or transfer of a right *in rem* in respect of a registered Community design, and to registration of enforcement measures. However, where a registered Community design is involved in insolvency proceedings, the request of the competent national authority for an entry in the Register to this effect shall not be subject to payment of a fee.

In the case of a multiple registration, each registered Community design may, separately from the others, be licensed, the subject of a right *in rem*, levy of execution or insolvency proceedings.

2. Where the registered Community design is licensed for only a part of the Community, or for a limited period of time, the application for registration of the licence shall indicate the part of the Community or the period of time for which the licence is granted.

3. Where the conditions applicable to registration of licences and other rights, set out in Articles 29, 30 or 32 of Regulation (EC) No 6/2002, in paragraph 1 of this Article, and in the other applicable Articles of this Regulation are not fulfilled, the Office shall notify the applicant of the deficiencies.

If the deficiencies are not remedied within a time limit specified by the Office, it shall reject the application for registration.

4. Paragraphs 1, 2 and 3 shall apply *mutatis mutandis* to licences and other rights concerning applications for registered Community designs. Licences, rights *in rem* and enforcement measures shall be recorded in the files kept by the Office concerning the Community design application.

5. The request for a non-exclusive licence pursuant to Article 16(2) of Regulation (EC) No 6/2002 shall be made within three months of the date of the entry in the Register of the newly entitled holder.

Article 25

Special provisions for the registration of a licence

1. A licence in respect of a registered Community design shall be recorded in the Register as an exclusive licence if the holder of the design or the licensee so requests.
2. A licence in respect of a registered Community design shall be recorded in the Register as a sub-licence where it is granted by a licensee whose licence is recorded in the Register.
3. A licence in respect of a registered Community design shall be recorded in the Register as a territorially limited licence if it is granted for a part of the Community.
4. A licence in respect of a registered Community design shall be recorded in the Register as a temporary licence if it is granted for a limited period of time.

Article 26

Cancellation or modification of the registration of licences and other rights

1. A registration effected under Article 24 shall be cancelled upon application by one of the persons concerned.
2. The application shall contain:
 - (a) the registration number of the registered Community design, or in the case of a multiple registration, the number of each design; and

- (b) particulars of the right whose registration is to be cancelled.

3. Application for cancellation of the registration of a licence or other right shall not be deemed to have been filed until the required fee has been paid.

If the fee is not paid or is not paid in full, the Office shall notify the applicant accordingly. A request from a competent national authority for cancellation of an entry where a registered Community design is involved in insolvency proceedings shall not be subject to payment of a fee.

4. The application shall be accompanied by documents showing that the registered right no longer exists or by a statement by the licensee or the holder of another right to the effect that he/she consents to cancellation of the registration.

5. Where the requirements for cancellation of the registration are not satisfied, the Office shall notify the applicant of the deficiencies. If the deficiencies are not remedied within the time limit specified by the Office, it shall reject the application for cancellation of the registration.

6. Paragraphs 1, 2, 4 and 5 shall apply *mutatis mutandis* to a request for modification of a registration effected pursuant to Article 24.

7. Paragraphs 1 to 6 shall apply *mutatis mutandis* to entries made in the files pursuant to Article 24(4).

CHAPTER V

SURRENDER AND INVALIDITY

Article 27

Surrender

1. A declaration of surrender pursuant to Article 51 of Regulation (EC) No 6/2002 shall contain:
 - (a) the registration number of the registered Community design;
 - (b) the name and address of the holder in accordance with Article 1(1)(b);
 - (c) where a representative has been appointed, the name and business address of the representative in accordance with Article 1(1)(e);
 - (d) where surrender is declared only for some of the designs contained in a multiple registration, an indication of the designs for which the surrender is declared or the designs which are to remain registered;
 - (e) where, pursuant to Article 51(3) of Regulation (EC) No 6/2002, the registered Community design is partially surrendered, a representation of the amended design in accordance with Article 4 of this Regulation.
2. Where a right of a third party relating to the registered Community design is entered in the Register, it shall be sufficient proof of his/her agreement to the surrender that a declaration of consent to the surrender is signed by the holder of that right or his/her representative.

Where a licence has been registered, surrender of the design shall be registered three months after the date on which the holder satisfies the Office that he/she has informed the licensee of his/her intention to surrender it. If the holder proves to the Office before the expiry of that period that the licensee has given his/her consent, the surrender shall be registered forthwith.

3. Where a claim relating to the entitlement to a registered Community design has been brought before a court pursuant to Article 15 of Regulation (EC) No 6/2002, a declaration of consent to the surrender, signed by the claimant or his/her representative, shall be sufficient proof of his/her agreement to the surrender.

4. If the requirements governing surrender are not fulfilled, the Office shall communicate the deficiencies to the declarant. If the deficiencies are not remedied within the time limit specified by the Office, the Office shall reject the entry of the surrender in the Register.

Article 28

Application for a declaration of invalidity

1. An application to the Office for a declaration of invalidity pursuant to Article 52 of Regulation (EC) No 6/2002 shall contain:

(a) as concerns the registered Community design for which the declaration of invalidity is sought:

- (i) its registration number;
- (ii) the name and address of its holder;

(b) as regards the grounds on which the application is based:

- (i) a statement of the grounds on which the application for a declaration of invalidity is based;
- (ii) additionally, in the case of an application pursuant to Article 25(1)(d) of Regulation (EC) No 6/2002, the representation and particulars identifying the prior design on which the application for a declaration of invalidity is based and showing that the applicant is entitled to invoke the earlier design as a ground for invalidity pursuant to Article 25(3) of that Regulation;
- (iii) additionally, in the case of an application pursuant to Article 25(1)(e) or (f) of Regulation (EC) No 6/2002, the representation and particulars identifying the distinctive sign or the work protected by copyright on which the application for a declaration of invalidity is based and particulars showing that the applicant is the holder of the earlier right pursuant to Article 25(3) of that Regulation;
- (iv) additionally, in the case of an application pursuant to Article 25(1)(g) of the Regulation (EC) No 6/2002, the representation and particulars of the relevant item as referred to in that Article and particulars showing that the application is filed by the person or entity concerned by the improper use pursuant to Article 25(4) of that Regulation;
- (v) where the ground for invalidity is that the registered Community design does not fulfil the requirements set out in Article 5 or 6 of Regulation (EC) No 6/2002, the indication and the reproduction of the prior designs that could form an obstacle to the novelty or individual character of the registered Community design, as well as documents proving the existence of those earlier designs;
- (vi) an indication of the facts, evidence and arguments submitted in support of those grounds;

(c) as concerns the applicant:

- (i) his/her name and address in accordance with Article 1(1)(b);
- (ii) if the applicant has appointed a representative, the name and the business address of the representative, in accordance with Article 1(1)(e);
- (iii) additionally, in the case of an application pursuant to Article 25(1)(c) of Regulation (EC) No 6/2002, particulars showing that the application is made by a person or by persons duly entitled pursuant to Article 25(2) of that Regulation.

2. The application shall be subject to the fee referred to in Article 52(2) of Regulation (EC) No 6/2002.

3. The Office shall inform the holder that an application for declaration of invalidity has been filed.

Article 29

Languages used in invalidity proceedings

1. The application for a declaration of invalidity shall be filed in the language of proceedings pursuant to Article 98(4) of Regulation (EC) No 6/2002.

2. Where the language of proceedings is not the language used for filing the application and the holder has filed his/her observations in the language of filing, the Office shall arrange to have those observations translated into the language of proceedings.

3. Three years after the date fixed in accordance with Article 111(2) of Regulation (EC) No 6/2002, the Commission will submit to the Committee mentioned in Article 109 of Regulation (EC) No 6/2002 a report on the application of paragraph 2 of this Article and, if appropriate, proposals for fixing a limit for the expenses borne by the Office in this respect as provided for in the fourth subparagraph of Article 98(4) of Regulation (EC) No 6/2002.

4. The Commission may decide to submit the report and possible proposals referred to in paragraph 3 at an earlier date, and the Committee shall discuss them as a matter of priority if the facilities in paragraph 2 lead to disproportionate expenditure.

5. Where the evidence in support of the application is not filed in the language of the invalidity proceedings, the applicant shall file a translation of that evidence into that language within two months of the filing of such evidence.

6. Where the applicant for a declaration of invalidity or the holder informs the Office, within two months of receipt by the holder of the communication referred to in Article 31(1) of this Regulation, that they have agreed on a different language of proceedings pursuant to Article 98(5) of Regulation (EC) No 6/2002, the applicant shall, where the application was not filed in that language, file a translation of the application in that language within one month of the said date.

Article 30

Rejection of the application for declaration of invalidity as inadmissible

1. If the Office finds that the application for declaration of invalidity does not comply with Article 52 of Regulation (EC) No 6/2002, Article 28(1) of this Regulation or any other provision of Regulation (EC) No 6/2002 or this Regulation, it shall inform the applicant accordingly and shall call upon him/her to remedy the deficiencies within such time limit as it may specify.

If the deficiencies are not remedied within the specified time limit, the Office shall reject the application as inadmissible.

2. Where the Office finds that the required fees have not been paid, it shall inform the applicant accordingly and shall inform him/her that the application will be deemed not to have been filed if the required fees are not paid within a specified time limit.

If the required fees are paid after the expiry of the time limit specified, they shall be refunded to the applicant.

3. Any decision to reject an application for a declaration of invalidity pursuant to paragraph 1 shall be communicated to the applicant.

Where, pursuant to paragraph 2, an application is deemed not to have been filed, the applicant shall be informed accordingly.

Article 31

Examination of the application for a declaration of invalidity

1. If the Office does not reject the application for declaration of invalidity in accordance with Article 30, it shall communicate such application to the holder and shall request him/her to file his/her observations within such time limits as it may specify.

2. If the holder files no observations, the Office may base its decision concerning invalidity on the evidence before it.

3. Any observations filed by the holder shall be communicated to the applicant, who may be called upon by the Office to reply within specified time limits.

4. All communications pursuant to Article 53(2) of Regulation (EC) No 6/2002 and all observations filed in that respect shall be sent to the parties concerned.

5. The Office may call upon the parties to make a friendly settlement.

CHAPTER VI

APPEALS

Article 34

Content of the notice of appeal

1. The notice of appeal shall contain:

- (a) the name and address of the appellant in accordance with Article 1(1)(b);
- (b) where the appellant has appointed a representative, the name and the business address of the representative in accordance with Article 1(1)(e);
- (c) a statement identifying the decision which is contested and the extent to which amendment or cancellation of the decision is requested.

2. The notice of appeal shall be filed in the language of the proceedings in which the decision subject to the appeal was taken.

Article 32

Multiple applications for a declaration of invalidity

1. Where a number of applications for a declaration of invalidity have been filed relating to the same registered Community design, the Office may deal with them in one set of proceedings.

The Office may subsequently decide no longer to deal with them in that way.

2. If a preliminary examination of one or more applications reveals that the registered Community design may be invalid, the Office may suspend the other invalidity proceedings.

The Office shall inform the remaining applicants of any relevant decisions taken during such proceedings as are continued.

3. Once a decision declaring the invalidity of the design has become final, the applications in respect of which the proceedings have been suspended in accordance with paragraph 2 shall be deemed to have been disposed of and the applicants concerned shall be informed accordingly. Such disposition shall be considered to constitute a case which has not proceeded to judgment for the purposes of Article 70(4) of Regulation (EC) No 6/2002.

4. The Office shall refund 50 % of the invalidity fee referred to in Article 52(2) of Regulation (EC) No 6/2002 paid by each applicant whose application is deemed to have been disposed of in accordance with paragraphs 1, 2 and 3 of this Article.

Article 33

Participation of an alleged infringer

Where, pursuant to Article 54 of Regulation (EC) No 6/2002, an alleged infringer seeks to join the proceedings, he/she shall be subject to the relevant provisions of Articles 28, 29 and 30 of this Regulation, and shall in particular file a reasoned statement and pay the fee referred to in Article 52(2) of Regulation (EC) No 6/2002.

Article 35

Rejection of the appeal as inadmissible

1. If the appeal does not comply with Articles 55, 56 and 57 of Regulation (EC) No 6/2002 and Article 34(1)(c) and (2) of this Regulation, the Board of Appeal shall reject it as inadmissible, unless each deficiency has been remedied before the relevant time limit laid down in Article 57 of Regulation (EC) No 6/2002 has expired.

2. If the Board of Appeal finds that the appeal does not comply with other provisions of Regulation (EC) No 6/2002 or other provisions of this Regulation, in particular with Article 34(1)(a) and (b), it shall inform the appellant accordingly and shall request him/her to remedy the deficiencies noted within such time limit as it may specify. If the deficiencies are not remedied in good time, the Board of Appeal shall reject the appeal as inadmissible.

3. If the fee for appeal has been paid after expiry of the time limits for the filing of an appeal pursuant to Article 57 of Regulation (EC) No 6/2002, the appeal shall be deemed not to have been filed and the appeal fee shall be refunded to the appellant.

Article 36

Examination of appeals

1. Save as otherwise provided, the provisions relating to proceedings before the department which has made the decision against which the appeal is brought shall be applicable to appeal proceedings *mutatis mutandis*.

2. The Board of Appeal's decision shall contain:

- (a) a statement that it is delivered by the Board;
- (b) the date when the decision was taken;
- (c) the names of the Chairman and the other members of the Board of Appeal taking part;
- (d) the name of the competent employee of the registry;

- (e) the names of the parties and of their representatives;
- (f) a statement of the issues to be decided;
- (g) a summary of the facts;
- (h) the reasons;
- (i) the order of the Board of Appeal, including, where necessary, a decision on costs.

3. The decision shall be signed by the Chairman and the other members of the Board of Appeal and by the employee of the registry of the Board of Appeal.

Article 37

Reimbursement of appeal fees

The reimbursement of appeal fees shall be ordered in the event of interlocutory revision or where the Board of Appeal deems an appeal to be allowable, if such reimbursement is equitable by reason of a substantial procedural violation. In the event of interlocutory revision, reimbursement shall be ordered by the department whose decision has been impugned, and in other cases by the Board of Appeal.

CHAPTER VII

DECISIONS AND COMMUNICATIONS OF THE OFFICE

Article 38

Form of decisions

1. Decisions of the Office shall be in writing and shall state the reasons on which they are based.

Where oral proceedings are held before the Office, the decision may be given orally. Subsequently, the decision in writing shall be notified to the parties.

2. Decisions of the Office which are open to appeal shall be accompanied by a written communication indicating that notice of appeal must be filed in writing at the Office within two months of the date of notification of the decision from which appeal is to be made. The communications shall also draw the attention of the parties to the provisions laid down in Articles 55, 56 and 57 of Regulation (EC) No 6/2002.

The parties may not plead any failure to communicate the availability of such appeal proceedings.

Article 39

Correction of errors in decisions

In decisions of the Office, only linguistic errors, errors of transcription and obvious mistakes may be corrected. They shall be corrected by the department which took the decision, acting of its own motion or at the request of an interested party.

Article 40

Noting of loss of rights

1. If the Office finds that the loss of any rights results from Regulation (EC) No 6/2002 or this Regulation without any decision having been taken, it shall communicate this to the person concerned in accordance with Article 66 of Regulation (EC) No 6/2002, and shall draw his/her attention to the legal remedies set out in paragraph 2 of this Article.

2. If the person concerned considers that the finding of the Office is inaccurate, he/she may, within two months of notification of the communication referred to in paragraph 1, apply for a decision on the matter by the Office.

Such decision shall be given only if the Office disagrees with the person requesting it; otherwise the Office shall amend its finding and inform the person requesting the decision.

Article 41

Signature, name, seal

1. Any decision, communication or notice from the Office shall indicate the department or division of the Office as well as the name or the names of the official or officials responsible. They shall be signed by the official or officials, or, instead of a signature, carry a printed or stamped seal of the Office.

2. The President of the Office may determine that other means of identifying the department or division of the Office and the name of the official or officials responsible or an identification other than a seal may be used where decisions, communications or notices are transmitted by fax or any other technical means of communication.

CHAPTER VIII

ORAL PROCEEDINGS AND TAKING OF EVIDENCE

Article 42

Summons to oral proceedings

1. The parties shall be summoned to oral proceedings provided for in Article 64 of Regulation (EC) No 6/2002 and their attention shall be drawn to paragraph 3 of this Article. At least one month's notice of the summons shall be given unless the parties agree to a shorter time limit.

2. When issuing the summons, the Office shall draw attention to the points which in its opinion need to be discussed in order for the decision to be taken.

3. If a party who has been duly summoned to oral proceedings before the Office does not appear as summoned, the proceedings may continue without him/her.

Article 43

Taking of evidence by the Office

1. Where the Office considers it necessary to hear the oral evidence of parties, of witnesses or of experts or to carry out an inspection, it shall take a decision to that end, stating the means by which it intends to obtain evidence, the relevant facts to be proved and the date, time and place of the hearing or inspection.

If oral evidence from witnesses and experts is requested by a party, the decision of the Office shall determine the period of time within which the party filing the request must make known to the Office the names and addresses of the witnesses and experts whom the party wishes to be heard.

2. The period of notice given in the summons of a party, witness or expert to give evidence shall be at least one month, unless they agree to a shorter time limit.

The summons shall contain:

- (a) an extract from the decision mentioned in the first subparagraph of paragraph 1, indicating in particular the date, time and place of the hearing ordered and stating the facts regarding which the parties, witnesses and experts are to be heard;
- (b) the names of the parties to proceedings and particulars of the rights which the witnesses or experts may invoke pursuant to Article 45(2) to (5).

Article 44

Commissioning of experts

1. The Office shall decide in what form the report made by an expert whom it appoints shall be submitted.

2. The terms of reference of the expert shall include:

- (a) a precise description of his/her task;
- (b) the time limit laid down for the submission of the expert's report;
- (c) the names of the parties to the proceedings;

(d) particulars of the claims which the expert may invoke pursuant to Article 45(2), (3) and (4).

3. A copy of any written report shall be submitted to the parties.

4. The parties may object to an expert on grounds of incompetence or on the same grounds as those on which objection may be made to an examiner or to a member of a Division or Board of Appeal pursuant to Article 132(1) and (3) of Council Regulation (EC) No 40/94⁽¹⁾. The department of the Office concerned shall rule on the objection.

Article 45

Costs of taking of evidence

1. The taking of evidence by the Office may be made conditional upon deposit with it, by the party who has requested the evidence to be taken, of a sum which shall be fixed by reference to an estimate of the costs.

2. Witnesses and experts who are summoned by and appear before the Office shall be entitled to reimbursement of reasonable expenses for travel and subsistence. An advance for those expenses may be granted to them by the Office. The first sentence shall apply also to witnesses and experts who appear before the Office without being summoned by it and who are heard as witnesses or experts.

3. Witnesses entitled to reimbursement under paragraph 2 shall also be entitled to appropriate compensation for loss of earnings, and experts shall be entitled to fees for their services. Those payments shall be made to the witnesses and experts after they have fulfilled their duties or tasks, where such witnesses and experts have been summoned by the Office on its own initiative.

4. The amounts and the advances for expenses to be paid pursuant to paragraphs 1, 2 and 3 shall be determined by the President of the Office and shall be published in the Official Journal of the Office.

The amounts shall be calculated on the same basis as the compensation and salaries received by officials in grades A 4 to A 8 as laid down in the Staff Regulations of officials of the European Communities and in Annex VII thereto.

5. Final liability for the amounts due or paid pursuant to paragraphs 1 to 4 shall lie with:

- (a) the Office where the Office, on its own initiative, considered it necessary to hear the oral evidence of witnesses or experts; or
- (b) the party concerned where that party requested the giving of oral evidence by witnesses or experts, subject to the decision on apportionment and fixing of costs pursuant to Articles 70 and 71 of Regulation (EC) No 6/2002 and Article 79 of this Regulation.

The party referred to in point (b) of the first subparagraph shall reimburse the Office for any advances duly paid.

⁽¹⁾ OJ L 11, 14.1.1994, p. 1.

*Article 46***Minutes of oral proceedings and of evidence**

1. Minutes of oral proceedings or the taking of evidence shall be drawn up, containing the essentials of the oral proceedings or of the taking of evidence, the relevant statements made by the parties, the testimony of the parties, witnesses or experts and the result of any inspection.

2. The minutes of the testimony of a witness, expert or party shall be read out or submitted to him/her so that he/she may examine them. It shall be noted in the minutes that this formality has been carried out and that the person who gave the testimony approved the minutes. Where his/her approval is not given, his/her objections shall be noted.

3. The minutes shall be signed by the employee who drew them up and by the employee who conducted the oral proceedings or taking of evidence.

4. The parties shall be provided with a copy of the minutes.

5. Upon request, the Office shall make available to the parties transcripts of recordings of the oral proceedings, in typescript or in any other machine-readable form.

The release of transcripts of those recordings shall be subject to the payment of the costs incurred by the Office in making such transcript. The amount to be charged shall be determined by the President of the Office.

CHAPTER IX

NOTIFICATIONS*Article 47***General provisions on notifications**

1. In proceedings before the Office, any notifications to be made by the Office shall take the form of the original document, of a copy thereof certified by, or bearing the seal of, the Office or of a computer print-out bearing such seal. Copies of documents emanating from the parties themselves shall not require such certification.

2. Notifications shall be made:

- (a) by post in accordance with Article 48;
- (b) by hand delivery in accordance with Article 49;
- (c) by deposit in a post box at the Office in accordance with Article 50;
- (d) by fax and other technical means in accordance with Article 51;
- (e) by public notification in accordance with Article 52.

Notification shall be deemed to have been effected when the posting has taken place.

3. Where notification is effected by registered letter, whether or not with acknowledgement of delivery, it shall be deemed to be delivered to the addressee on the 10th day following that of its posting, unless the letter has failed to reach the addressee or has reached him/her at a later date.

In the event of any dispute, it shall be for the Office to establish that the letter has reached its destination or to establish the date on which it was delivered to the addressee, as the case may be.

4. Notification by registered letter, with or without acknowledgement of delivery, shall be deemed to have been effected even if the addressee refuses to accept the letter.

5. To the extent that notification by post is not covered by paragraphs 1 to 4, the law of the State on the territory of which notification is made shall apply.

*Article 48***Notification by post**

1. Decisions subject to a time limit for appeal, summonses and other documents as determined by the President of the Office shall be notified by registered letter with acknowledgement of delivery.

Decisions and communications subject to another time limit shall be notified by registered letter, unless the President of the Office determines otherwise.

All other communications shall be ordinary mail.

2. Notifications to addressees having neither their domicile nor their principal place of business nor an establishment in the Community and who have not appointed a representative in accordance with Article 77(2) of Regulation (EC) No 6/2002 shall be effected by posting the document requiring notification by ordinary mail to the last address of the addressee known to the Office.

*Article 49***Notification by hand delivery**

Notification may be effected on the premises of the Office by hand delivery of the document to the addressee, who shall on delivery acknowledge its receipt.

*Article 50***Notification by deposit in a post box at the Office**

Notification may also be effected to addressees who have been provided with a post box at the Office, by depositing the document therein. A written notification of deposit shall be inserted in the files. The date of deposit shall be recorded on the document. Notification shall be deemed to have taken place on the fifth day following deposit of the document in the post box at the Office.

Article 51

Notification by fax and other technical means

1. Notification by fax shall be effected by transmitting either the original or a copy, as provided for in Article 47(1), of the document to be notified. The details of such transmission shall be determined by the President of the Office.
2. Details of notification by other technical means of communication shall be determined by the President of the Office.

Article 52

Public notification

1. If the address of the addressee cannot be established, or if notification in accordance with Article 48(1) has proved to be impossible even after a second attempt by the Office, notification shall be effected by public notice.

Such notice shall be published at least in the *Community Designs Bulletin*.

2. The President of the Office shall determine how the public notice is to be given and shall fix the beginning of the time limit of one month on the expiry of which the document shall be deemed to have been notified.

Article 53

Notification to representatives

1. If a representative has been appointed or where the applicant first named in a common application is considered to be the common representative pursuant to Article 61(1), notifications shall be addressed to that appointed or common representative.

Article 56

Calculation of time limits

1. Time limits shall be laid down in terms of full years, months, weeks or days.
2. The beginning of any time limit shall be calculated starting on the day following the day on which the relevant event occurred, the event being either a procedural step or the expiry of another time limit. Where that procedural step is a notification, the event considered shall be the receipt of the document notified, unless otherwise provided.
3. Where a time limit is expressed as one year or a certain number of years, it shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the relevant event occurred. Where the relevant month has no day with the same number the time limit shall expire on the last day of that month.
4. Where a time limit is expressed as one month or a certain number of months, it shall expire in the relevant subsequent month on the day which has the same number as the day on which the relevant event occurred. Where the day on which the relevant event occurred was the last day of a month or

2. If several representatives have been appointed for a single interested party, notification to any one of them shall be sufficient, unless a specific address for service has been indicated in accordance with Article 1(1)(e).

3. If several interested parties have appointed a common representative, notification of a single document to the common representative shall be sufficient.

Article 54

Irregularities in notification

Where a document has reached the addressee, if the Office is unable to prove that it has been duly notified or if provisions relating to its notification have not been observed, the document shall be deemed to have been notified on the date established by the Office as the date of receipt.

Article 55

Notification of documents in the case of several parties

Documents emanating from parties which contain substantive proposals, or a declaration of withdrawal of a substantive proposal, shall be notified to the other parties as a matter of course. Notification may be dispensed with where the document contains no new pleadings and the matter is ready for decision.

CHAPTER X

TIME LIMITS

where the relevant subsequent month has no day with the same number the time limit shall expire on the last day of that month.

5. Where a time limit is expressed as one week or a certain number of weeks, it shall expire in the relevant subsequent week on the day having the same name as the day on which the relevant event occurred.

Article 57

Duration of time limits

1. Where Regulation (EC) No 6/2002 or this Regulation provide for a time limit to be specified by the Office, such time limit shall, when the party concerned has its domicile or its principal place of business or an establishment within the Community, be not less than one month, or, when those conditions are not fulfilled, not less than two months, and no more than six months.

The Office may, when this is appropriate under the circumstances, grant an extension of a time limit specified if such extension is requested by the party concerned and the request is submitted before the original time limit expires.

2. Where there are two or more parties, the Office may make the extension of a time limit subject to the agreement of the other parties.

Article 58

Expiry of time limits in special cases

1. If a time limit expires on a day on which the Office is not open for receipt of documents or on which, for reasons other than those referred to in paragraph 2, ordinary mail is not delivered in the locality in which the Office is located, the time limit shall extend until the first day thereafter on which the Office is open for receipt of documents and on which ordinary mail is delivered.

The days on which the Office is not open for receipt of documents shall be determined by the President of the Office before the commencement of each calendar year.

2. If a time limit expires on a day on which there is a general interruption or subsequent dislocation in the delivery of mail in a Member State or between a Member State and the Office, the time limit shall extend until the first day following the end of the period of interruption or dislocation, for parties having their residence or registered office in the State concerned or who have appointed representatives with a place of business in that State.

In the event of the Member State concerned being the State in which the Office is located, the first subparagraph shall apply to all parties.

The period referred to in the first subparagraph shall be as determined by the President of the Office.

3. Paragraphs 1 and 2 shall apply *mutatis mutandis* to the time limits provided for in Regulation (EC) No 6/2002 or this Regulation in the case of transactions to be carried out with the competent authority within the meaning of Article 35(1)(b) and (c) of Regulation (EC) No 6/2002.

4. If an exceptional occurrence such as natural disaster or strike interrupts or dislocates the proper functioning of the Office so that any communication from the Office to parties concerning the expiry of a time limit is delayed, acts to be completed within such a time limit may still be validly completed within one month of the notification of the delayed communication.

The date of commencement and the end of any such interruption or dislocation shall be as determined by the President of the Office.

CHAPTER XI

INTERRUPTION OF PROCEEDINGS AND WAIVING OF ENFORCED RECOVERY PROCEDURES

Article 59

Interruption of proceedings

1. Proceedings before the Office shall be interrupted:
 - (a) in the event of the death or legal incapacity of the applicant for or holder of a registered Community design or of the person authorised by national law to act on his/her behalf;
 - (b) in the event that the applicant for or holder of a registered Community design is, as a result of some action taken against his/her property, prevented for legal reasons from continuing the proceedings before the Office;
 - (c) in the event of the death or legal incapacity of the representative of an applicant for or holder of a registered Community design or of his/her being prevented for legal reasons resulting from action taken against his/her property from continuing the proceedings before the Office.

To the extent that the events referred to in point (a) of the first subparagraph do not affect the authorisation of a representative appointed under Article 78 of Regulation (EC) No 6/2002, proceedings shall be interrupted only on application by such representative.

2. When, in the cases referred to in points (a) and (b) of the first subparagraph of paragraph 1, the Office has been informed of the identity of the person authorised to continue the proceedings before the Office, the Office shall communicate to such person and to any interested third parties that the proceedings shall be resumed as from a date to be fixed by the Office.

3. In the case referred to in paragraph 1(c), the proceedings shall be resumed when the Office has been informed of the appointment of a new representative of the applicant or when

the Office has notified to the other parties the communication of the appointment of a new representative of the holder of the design.

If, three months after the beginning of the interruption of the proceedings, the Office has not been informed of the appointment of a new representative, it shall communicate that fact to the applicant for or holder of the registered Community design:

- (a) where Article 77(2) of Regulation (EC) No 6/2002 is applicable, that the Community design application will be deemed to be withdrawn if the information is not submitted within two months after that communication is notified; or
- (b) where Article 77(2) of Regulation (EC) No 6/2002 is not applicable, that the proceedings will be resumed with the applicant for or holder as from the date on which that communication is notified.

4. The time limits, other than the time limit for paying the renewal fees, in force as regards the applicant for or holder of the Community design at the date of interruption of the proceedings, shall begin again as from the day on which the proceedings are resumed.

Article 60

Waiving of enforced recovery procedures

The President of the Office may waive action for the enforced recovery of any sum due where the sum to be recovered is minimal or where such recovery is too uncertain.

CHAPTER XII

REPRESENTATION

Article 61

Appointment of a common representative

1. If there is more than one applicant and the application for a registered Community design does not name a common representative, the applicant first named in the application shall be considered to be the common representative.

However, if one of the applicants is obliged to appoint a professional representative, such representative shall be considered to be the common representative unless the applicant named first in the application has also appointed a professional representative.

The first and second subparagraphs shall apply *mutatis mutandis* to third parties acting in common in applying for a declaration of invalidity, and to joint holders of a registered Community design.

2. If, during the course of proceedings, transfer is made to more than one person, and such persons have not appointed a common representative, paragraph 1 shall apply.

If such application is not possible, the Office shall require such persons to appoint a common representative within two months. If this request is not complied with, the Office shall appoint the common representative.

Article 62

Authorisations

1. Legal practitioners and professional representatives entered on the lists maintained by the Office pursuant to Article 78(1)(b) or (c) of Regulation (EC) No 6/2002 may file with the Office a signed authorisation for inclusion in the files.

Such authorisation shall be filed if the Office expressly requires it or, where there are several parties to the proceedings in which the representative acts before the Office, one of the parties expressly request it.

2. Employees acting on behalf of natural or legal persons pursuant to Article 77(3) of Regulation (EC) No 6/2002 shall file with the Office a signed authorisation for insertion in the files.

3. The authorisation may be filed in any of the official languages of the Community. It may cover one or more applications or registered Community designs or may be in the form of a general authorisation allowing the representative to act in respect of all proceedings before the Office to which the person who has issued it is a party.

4. Where, pursuant to paragraphs 1 or 2, an authorisation has to be filed, the Office shall specify a time limit within which such authorisation shall be filed. If the authorisation is not filed in due time, proceedings shall be continued with the

represented person. Any procedural steps other than the filing of the application taken by the representative shall be deemed not to have been taken if the represented person does not approve them. The application of Article 77(2) of Regulation (EC) No 6/2002 shall remain unaffected.

5. Paragraphs 1, 2 and 3 shall apply *mutatis mutandis* to a document withdrawing an authorisation.

6. Any representative who has ceased to be authorised shall continue to be regarded as the representative until the termination of his/her authorisation has been communicated to the Office.

7. Subject to any provisions to the contrary contained therein, an authorisation shall not terminate vis-à-vis the Office upon the death of the person who gave it.

8. Where several representatives are appointed by the same party, they may, notwithstanding any provisions to the contrary in their authorisations, act either collectively or individually.

9. The authorisation of an association of representatives shall be deemed to be an authorisation of any representative who can establish that he/she practises within that association.

Article 63

Representation

Any notification or other communication addressed by the Office to the duly authorised representative shall have the same effect as if it had been addressed to the represented person.

Any communication addressed to the Office by the duly authorised representative shall have the same effect as if it originated from the represented person.

Article 64

Amendment of the special list of professional representatives for design matters

1. The entry of a professional representative in the special list of professional representatives for design matters, as referred to in Article 78(4) of Regulation (EC) No 6/2002, shall be deleted at his/her request.

2. The entry of a professional representative shall be deleted automatically:

- (a) in the event of the death or legal incapacity of the professional representative;
- (b) where the professional representative is no longer a national of a Member State, unless the President of the Office has granted an exemption pursuant to Article 78(6)(a) of Regulation (EC) No 6/2002;

- (c) where the professional representative no longer has his/her place of business or employment in the Community;
- (d) where the professional representative no longer possesses the entitlement referred to in the first sentence of Article 78(4)(c) of Regulation (EC) No 6/2002.

3. The entry of a professional representative shall be suspended of the Office's own motion where his/her entitlement to represent natural or legal persons before the Benelux Design Office or the central industrial property office of the Member State as referred to in the first sentence of Article 78(4)(c) of Regulation (EC) No 6/2002 has been suspended.

4. A person whose entry has been deleted shall, upon request pursuant to Article 78(5) of Regulation (EC) No 6/2002, be reinstated in the list of professional representatives if the conditions for deletion no longer exist.

5. The Benelux Design Office and the central industrial property offices of the Member States concerned shall, where they are aware thereof, promptly inform the Office of any relevant events referred to in paragraphs 2 and 3.

6. The amendments of the special list of professional representatives for design matters shall be published in the Official Journal of the Office.

CHAPTER XIII

WRITTEN COMMUNICATIONS AND FORMS

Article 65

Communication in writing or by other means

1. Subject to paragraph 2, applications for the registration of a Community design as well as any other application or declaration provided for in Regulation (EC) No 6/2002 and all other communications addressed to the Office shall be submitted as follows:

- (a) by submitting a signed original of the document in question to the Office, by post, personal delivery, or by any other means; annexes to documents submitted need not be signed;
- (b) by transmitting a signed original by fax in accordance with Article 66; or
- (c) by transmitting the contents of the communication by electronic means in accordance with Article 67.

2. Where the applicant avails himself of the possibility provided for in Article 36(1)(c) of Regulation (EC) No 6/2002 of filing a specimen of the design, the application and the specimen shall be submitted to the Office by a single mail in the form prescribed in paragraph 1(a) of this Article. If the application and the specimen, or specimens in the case of a multiple application, are not submitted by a single mail the Office shall not give a filing date until the last item has been received pursuant to Article 10(1) of this Regulation.

Article 66

Communication by fax

1. Where an application for registration of a Community design is submitted by fax and the application contains a reproduction of the design pursuant to Article 4(1) which does not satisfy the requirements of that Article, the required reproduction suitable for registration and publication shall be submitted to the Office in accordance with Article 65(1)(a).

Where the reproduction is received by the Office within a time limit of one month from the date of the receipt of the fax, the application shall be deemed to have been received by the Office on the date on which the fax was received.

Where the reproduction is received by the Office after the expiry of that time limit, the application shall be deemed to have been received by the Office on the date on which the reproduction was received.

2. Where a communication received by fax is incomplete or illegible, or where the Office has reasonable doubts as to the accuracy of the transmission, the Office shall inform the sender accordingly and shall call upon him/her, within a time limit to be specified by the Office, to retransmit the original by fax or to submit the original in accordance with Article 65(1)(a).

Where that request is complied with within the time limit specified, the date of the receipt of the retransmission or of the original shall be deemed to be the date of the receipt of the original communication, provided that where the deficiency concerns the granting of a filing date for an application to register a Community design, the provisions on the filing date shall apply.

Where the request is not complied with within the time limit specified, the communication shall be deemed not to have been received.

3. Any communication submitted to the Office by fax shall be considered to be duly signed if the reproduction of the signature appears on the printout produced by the fax.

4. The President of the Office may determine additional requirements for communication by fax, such as the equipment to be used, technical details of communication, and methods of identifying the sender.

Article 67

Communication by electronic means

1. Applications for registration of a Community design may be submitted by electronic means, including the representation of the design, and notwithstanding Article 65(2) in the case of filing a specimen.

The conditions shall be laid down by the President of the Office.

2. The President of the Office shall determine the requirements for communication by electronic means, such as the equipment to be used, technical details of communication, and methods of identifying the sender.

3. Where a communication is sent by electronic means, Article 66(2) shall apply *mutatis mutandis*.

4. Where a communication is sent to the Office by electronic means, the indication of the name of the sender shall be deemed to be equivalent to the signature.

Article 68

Forms

1. The Office shall make available free of charge forms for the purpose of:

- (a) filing an application for a registered Community design;
- (b) applying for the correction of an application or a registration;
- (c) applying for the registration of a transfer and the transfer form and transfer document referred to in Article 23(4);
- (d) applying for the registration of a licence;
- (e) applying for renewal of registration of a registered Community design;

- (f) applying for a declaration of invalidity of a registered Community design;
- (g) applying for *restitutio in integrum*;
- (h) taking an appeal;
- (i) authorising a representative, in the form of an individual authorisation and in the form of a general authorisation.

2. The Office may make other forms available free of charge.

3. The Office shall make available the forms referred to in paragraphs 1 and 2 in all the official languages of the Community.

4. The Office shall place the forms at the disposal of the Benelux Design Office and of the Member States' central industrial property offices free of charge.

5. The Office may also make available the forms in machine-readable form.

6. Parties to proceedings before the Office should use the forms provided by the Office, or copies of those forms, or forms with the same content and format as those forms, such as forms generated by means of electronic data processing.

7. Forms shall be completed in such a manner as to permit an automated input of the content into a computer, such as by character recognition or scanning.

CHAPTER XIV

INFORMATION TO THE PUBLIC

Article 69

Register of Community Designs

1. The Register may be maintained in the form of an electronic database.

2. The Register shall contain the following entries:

- (a) the date of filing the application;
- (b) the file number of the application and the file number of each individual design included in a multiple application;
- (c) the date of the publication of the registration;
- (d) the name, the address and the nationality of the applicant and the State in which he/she is domiciled or has his/her seat or establishment;
- (e) the name and business address of the representative, other than an employee acting as representative in accordance with the first subparagraph of Article 77(3) of Regulation (EC) No 6/2002; where there is more than one representative, only the name and business address of the first named representative, the name being followed by the words 'et al', shall be recorded; where an association of representatives is appointed, only the name and address of the association shall be recorded;
- (f) the representation of the design;

(g) an indication of the products by their names, preceded by the numbers of the classes and subclasses of the Locarno classification, and grouped accordingly;

(h) particulars of claims of priority pursuant to Article 42 of Regulation (EC) No 6/2002;

(i) particulars of claims of exhibition priority pursuant to Article 44 of Regulation (EC) No 6/2002;

(j) where applicable, the citation of the designer or of the team of designers pursuant to Article 18 of Regulation (EC) No 6/2002, or a statement that the designer or the team of designers has waived the right to be cited;

(k) the language in which the application was filed and the second language which the applicant has indicated in his/her application, pursuant to Article 98(2) of Regulation (EC) No 6/2002;

(l) the date of registration of the design in the Register and the registration number;

(m) a mention of any request for deferment of publication pursuant to Article 50(3) of Regulation (EC) No 6/2002, specifying the date of expiry of the period of deferment;

(n) a mention that a specimen was filed pursuant to Article 5;

(o) a mention that a description was filed pursuant to Article 1(2)(a).

3. In addition to the entries set out in paragraph 2 the Register shall contain the following entries, each accompanied by the date of recording such entry:

- (a) changes in the name, the address or the nationality of the holder or in the State in which he/she is domiciled or has his/her seat or establishment;
 - (b) changes in the name or business address of the representative, other than a representative falling within the first subparagraph of Article 77(3) of Regulation (EC) No 6/2002;
 - (c) when a new representative is appointed, the name and business address of that representative;
 - (d) a mention that a multiple application or registration has been divided into separate applications or registrations pursuant to Article 37(4) of Regulation (EC) No 6/2002;
 - (e) the notice of an amendment to the design pursuant to Article 25(6) of Regulation (EC) No 6/2002, including, if applicable, a reference to the disclaimer made or the court decision or the decision by the Office declaring the partial invalidity of the design right, as well as corrections of mistakes and errors pursuant to Article 20 of this Regulation;
 - (f) a mention that entitlement proceedings have been instituted under Article 15(1) of Regulation (EC) No 6/2002 in respect of a registered Community design;
 - (g) the final decision or other termination of proceedings pursuant to Article 15(4)(b) of Regulation (EC) No 6/2002 concerning entitlement proceedings;
 - (h) a change of ownership pursuant to Article 15(4)(c) of Regulation (EC) No 6/2002;
 - (i) transfers pursuant to Article 28 of Regulation (EC) No 6/2002;
 - (j) the creation or transfer of a right *in rem* pursuant to Article 29 of Regulation (EC) No 6/2002 and the nature of the right *in rem*;
 - (k) levy of execution pursuant to Article 30 of Regulation (EC) No 6/2002 and insolvency proceedings pursuant to Article 31 of that Regulation;
 - (l) the grant or transfer of a licence pursuant to Article 16(2) or Article 32 of Regulation (EC) No 6/2002 and, where applicable, the type of licence pursuant to Article 25 of this Regulation;
 - (m) renewal of the registration pursuant to Article 13 of Regulation (EC) No 6/2002 and the date from which it takes effect;
 - (n) a record of the determination of the expiry of the registration;
 - (o) a declaration of total or partial surrender by the holder pursuant to Article 51(1) and (3) of Regulation (EC) No 6/2002;
 - (p) the date of submission of an application or of the filing of a counterclaim for a declaration of invalidity pursuant, respectively, to Article 52 or Article 86(2) of Regulation (EC) No 6/2002;
 - (q) the date and content of the decision on the application or counterclaim for declaration of invalidity or any other termination of proceedings pursuant, respectively, to Article 53 or Article 86(4) of Regulation (EC) No 6/2002;
 - (r) a mention pursuant to Article 50(4) of Regulation (EC) No 6/2002 that the registered Community design is deemed from the outset not to have had the effects specified in that Regulation;
 - (s) the cancellation of the representative recorded pursuant to paragraph 2(e);
 - (t) the modification or cancellation from the Register of the items referred to in points (j), (k) and (l).
4. The President of the Office may determine that items other than those referred to in paragraphs 2 and 3 shall be entered in the Register.
5. The holder shall be notified of any change in the Register.
6. Subject to Article 73, the Office shall provide certified or uncertified extracts from the Register on request, on payment of a fee.

CHAPTER XV

COMMUNITY DESIGNS BULLETIN AND DATA BASE

Article 70

Community Designs Bulletin

1. The Office shall determine the frequency of the publication of the *Community Designs Bulletin* and the manner in which such publication shall take place.

2. Without prejudice to the provisions of Article 50(2) of Regulation (EC) No 6/2002 and subject to Articles 14 and 16 of this Regulation relating to deferment of publication, the *Community Designs Bulletin* shall contain publications of registration and of entries made in the Register as well as other

particulars relating to registrations of designs whose publication is prescribed by Regulation (EC) No 6/2002 or by this Regulation.

3. Where particulars whose publication is prescribed in Regulation (EC) No 6/2002 or in this Regulation are published in the *Community Designs Bulletin*, the date of issue shown on the Bulletin shall be taken as the date of publication of the particulars.

4. The information the publication of which is prescribed in Articles 14 and 16 shall, where appropriate, be published in all the official languages of the Community.

Article 71

Database

1. The Office shall maintain an electronic database with the particulars of applications for registration of Community designs and entries in the Register. The Office may, subject to the restrictions prescribed by Article 50(2) and (3) of Regula-

tion (EC) No 6/2002, make available the contents of that database for direct access or on CD-ROM or in any other machine-readable form.

2. The President of the Office shall determine the conditions of access to the database and the manner in which the contents of this database may be made available in machine-readable form, including the charges for those acts.

CHAPTER XVI

INSPECTION OF FILES AND KEEPING OF FILES

Article 72

Parts of the file excluded from inspection

The parts of the file which shall be excluded from inspection pursuant to Article 74(4) of Regulation (EC) No 6/2002 shall be:

- (a) documents relating to exclusion or objection pursuant to Article 132 of Regulation (EC) No 40/94, the provisions of that Article being considered for this purpose as applying *mutatis mutandis* to registered Community designs and to applications for these;
- (b) draft decisions and opinions, and all other internal documents used for the preparation of decisions and opinions;
- (c) parts of the file which the party concerned showed a special interest in keeping confidential before the application for inspection of the files was made, unless inspection of such part of the file is justified by overriding legitimate interests of the party seeking inspection.

The request for inspection of the files shall not be deemed to have been made until the required fee has been paid.

The means of inspection shall be determined by the President of the Office.

2. Where inspection of the files relates to an application for a registered Community design or to a registered Community design which is subject to deferment of publication, which, being subject to such deferment, has been surrendered before or on the expiry of that period or which, pursuant to Article 50(4) of Regulation (EC) No 6/2002, is deemed from the outset not to have had the effects specified in that Regulation, the request shall contain an indication and evidence to the effect that:

- (a) the applicant for or holder of the Community design has consented to the inspection; or
- (b) the person requesting the inspection has established a legitimate interest in the inspection of the file, in particular where the applicant for or holder of the Community design has stated that after the design has been registered he/she will invoke the rights under it against the person requesting the inspection.

Article 73

Inspection of the Register of Community Designs

Where the registration is subject to a deferment of publication pursuant to Article 50(1) of Regulation (EC) No 6/2002:

- (a) access to the Register to persons other than the holder shall be limited to the name of the holder, the name of any representative, the date of filing and registration, the file number of the application and the mention that publication is deferred;
- (b) the certified or uncertified extracts from the Register shall contain only the name of the holder, the name of any representative, the date of filing and registration, the file number of the application and the mention that publication is deferred, except where the request has been made by the holder or his/her representative.

3. Inspection of the files shall take place on the premises of the Office.

4. On request, inspection of the files shall be effected by means of issuing copies of file documents. Such copies shall incur fees.

5. The Office shall issue on request certified or uncertified copies of the application for a registered Community design or of those file documents of which copies may be issued pursuant to paragraph 4 upon payment of a fee.

Article 75

Communication of information contained in the files

Subject to the restrictions provided for in Article 74 of Regulation (EC) No 6/2002 and Articles 72 and 73 of this Regulation, the Office may, upon request, communicate information from any file of a Community design applied for or of a registered Community design, subject to payment of a fee.

Article 74

Procedures for the inspection of files

1. Inspection of the files of registered Community designs shall either be of the original document, or of copies thereof, or of technical means of storage if the files are so stored.

However, the Office may require the applicant to inspect the file *in situ*, should it deem that to be appropriate in view of the quantity of information to be supplied.

Article 76

Keeping of files

1. The Office shall keep the files relating to Community design applications and to registered Community designs for at least five years from the end of the year in which:

- (a) the application is rejected or withdrawn;
- (b) the registration of the registered Community design expires definitively;

(c) the complete surrender of the registered Community design is registered pursuant to Article 51 of Regulation (EC) No 6/2002;

(d) the registered Community design is definitively removed from the Register;

(e) the registered Community design is deemed not to have had the effects specified in Regulation (EC) No 6/2002 pursuant to Article 50(4) thereof.

2. The President of the Office shall determine the form in which the files shall be kept.

CHAPTER XVII

ADMINISTRATIVE COOPERATION

Article 77

Exchange of information and communications between the Office and the authorities of the Member States

1. The Office and the central industrial property offices of the Member States and the Benelux Design Office shall, upon request, communicate to each other relevant information about the filing of applications for registered Community designs, Benelux designs or national registered designs and about proceedings relating to such applications and the designs registered as a result thereof. Such communications shall not be subject to the restrictions provided for in Article 74 of Regulation (EC) No 6/2002.

2. Communications between the Office and the courts or authorities of the Member States which arise out of the application of Regulation (EC) No 6/2002 or this Regulation shall be effected directly between those authorities.

Such communication may also be effected through the central industrial property offices of the Member States or the Benelux Design Office.

3. Expenditure in respect of communications pursuant to paragraphs 1 and 2 shall be chargeable to the authority making the communications, which shall be exempt from fees.

Article 78

Inspection of files by or via courts or authorities of the Member States

1. Inspection of files relating to Community designs applied for or registered Community designs by courts or authorities of the Member States shall if so requested be of the original documents or of copies thereof. Article 74 shall not apply.

2. Courts or public prosecutors' offices of the Member States may, in the course of proceedings before them, open files or copies thereof transmitted by the Office to inspection by third parties. Such inspection shall be subject to Article 74 of Regulation (EC) No 6/2002.

3. The Office shall not charge any fee for inspections pursuant to paragraphs 1 and 2.

4. The Office shall, at the time of transmission of the files or copies thereof to the courts or public prosecutors' offices of the Member States, indicate the restrictions to which the inspection of files relating to Community designs applied for or registered Community designs is subject pursuant to Article 74 of Regulation (EC) No 6/2002 and Article 72 of this Regulation.

CHAPTER XVIII

COSTS

Article 79

Apportionment and fixing of costs

1. Apportionment of costs pursuant to Article 70(1) and (2) of Regulation (EC) No 6/2002 shall be dealt with in the decision on the application for a declaration of invalidity of a registered Community design, or in the decision on the appeal.

2. Apportionment of costs pursuant to Article 70(3) and (4) of Regulation (EC) No 6/2002 shall be dealt with in a decision on costs by the Invalidity Division or the Board of Appeal.

3. A bill of costs, with supporting evidence, shall be attached to the request for the fixing of costs provided for in the first sentence of Article 70(6) of Regulation (EC) No 6/2002.

The request shall be admissible only if the decision in respect of which the fixing of costs is required has become final. Costs may be fixed once their credibility is established.

4. The request provided for in the second sentence of Article 70(6) of Regulation (EC) No 6/2002 for a review of the decision of the registry on the fixing of costs, stating the reasons on which it is based, must be filed at the Office within one month of the date of notification of the awarding of costs.

It shall not be deemed to be filed until the fee for reviewing the amount of the costs has been paid.

5. The Invalidity Division or the Board of Appeal, as the case may be, shall take a decision on the request referred to in paragraph 4 without oral proceedings.

6. The fees to be borne by the losing party pursuant to Article 70(1) of Regulation (EC) No 6/2002 shall be limited to the fees incurred by the other party for the application for a declaration of invalidity and/or for the appeal.

7. Costs essential to the proceedings and actually incurred by the successful party shall be borne by the losing party in accordance with Article 70(1) of Regulation (EC) No 6/2002 on the basis of the following maximum rates:

- (a) travel expenses of one party for the outward and return journey between the place of residence or the place of business and the place where oral proceedings are held or where evidence is taken, as follows:
 - (i) the cost of the first-class rail fare including usual transport supplements where the total distance by rail does not exceed 800 km;
 - (ii) the cost of the tourist-class air fare where the total distance by rail exceeds 800 km or the route includes a sea crossing;
- (b) subsistence expenses of one party equal to the daily subsistence allowance for officials in grades A 4 to A 8 as laid down in Article 13 of Annex VII to the Staff Regulations of officials of the European Communities;
- (c) travel expenses of representatives within the meaning of Article 78(1) of Regulation (EC) No 6/2002 and of witnesses and of experts, at the rates provided for in point (a);

- (d) subsistence expenses of representatives within the meaning of Article 78(1) of Regulation (EC) No 6/2002 and of witnesses and experts, at the rates referred to in point (b);
- (e) costs entailed in the taking of evidence in the form of examination of witnesses, opinions by experts or inspection, up to EUR 300 per proceedings;
- (f) costs of representation, within the meaning of Article 78(1) of Regulation (EC) No 6/2002:
 - (i) of the applicant in proceedings relating to invalidity of a registered Community design up to EUR 400;
 - (ii) of the holder in proceedings relating to invalidity of a registered Community design up to EUR 400;
 - (iii) of the appellant in appeal proceedings up to EUR 500;
 - (iv) of the defendant in appeal proceedings up to EUR 500;
- (g) where the successful party is represented by more than one representative within the meaning of Article 78(1) of the Regulation (EC) No 6/2002, the losing party shall bear the costs referred to in points (c), (d) and (f) for one such person only;
- (h) the losing party shall not be obliged to reimburse the successful party for any costs, expenses and fees other than those referred to in points (a) to (g).

Where the taking of evidence in any of the proceedings referred to in point (f) of the first subparagraph involves the examination of witnesses, opinions by experts or inspection, an additional amount shall be granted for representation costs of up to EUR 600 per proceedings.

CHAPTER XIX

LANGUAGES

Article 80

Applications and declarations

Without prejudice to Article 98(4) of Regulation (EC) No 6/2002:

- (a) any application or declaration relating to an application for a registered Community design may be filed in the language used for filing the application or in the second language indicated by the applicant in his/her application;
- (b) any application or declaration other than an application for declaration of invalidity pursuant to Article 52 of Regulation (EC) No 6/2002, or declaration of surrender pursuant to Article 51 of that Regulation relating to a registered Community design may be filed in one of the languages of the Office;
- (c) when any of the forms provided by the Office pursuant to Article 68 is used, such forms may be used in any of the official languages of the Community, provided that the form is completed in one of the languages of the Office, as far as textual elements are concerned.

Article 81

Written proceedings

1. Without prejudice to Article 98(3) and (5) of Regulation (EC) No 6/2002 and save as otherwise provided in this Regulation, in written proceedings before the Office a party may use any language of the Office.

If the language chosen is not the language of the proceedings, the party shall supply a translation into that language within one month of the date of the submission of the original document.

Where the applicant for a registered Community design is the sole party to proceedings before the Office and the language used for the filing of the application for the registered Community design is not one of the languages of the Office, the translation may also be filed in the second language indicated by the applicant in his/her application.

2. Save as otherwise provided in this Regulation, documents to be used in proceedings before the Office may be filed in any official language of the Community.

Where the language of such documents is not the language of the proceedings the Office may require that a translation be supplied, within a time limit specified by it, in that language or, at the choice of the party to the proceeding, in any language of the Office.

Article 82

Oral proceedings

1. Any party to oral proceedings before the Office may, in place of the language of proceedings, use one of the other official languages of the Community, on condition that he/she makes provision for interpretation into the language of proceedings.

Where the oral proceedings are held in a proceeding concerning the application for registration of a design the applicant may use either the language of the application or the second language indicated by him/her.

2. In oral proceedings concerning the application for registration of a design, the staff of the Office may use either the language of the application or the second language indicated by the applicant.

In all other oral proceedings, the staff of the Office may use, in place of the language of the proceedings, one of the other languages of the Office, on condition that the party or parties to the proceedings agree(s) to such use.

3. With regard to the taking of evidence, any party to be heard, witness or expert who is unable to express himself/herself adequately in the language of proceedings, may use any of the official languages of the Community.

Where the taking of evidence is decided upon following a request by a party to the proceedings, parties to be heard, witnesses or experts who express themselves in languages other than the language of proceedings may be heard only if the party who made the request makes provision for interpretation into that language.

In proceedings concerning the application for registration of a design, in place of the language of the application, the second language indicated by the applicant may be used.

In any proceedings with only one party, the Office may at the request of the party concerned permit derogation from the provisions in this paragraph.

4. If the parties and the Office so agree, any official language of the Community may be used in oral proceedings.

5. The Office shall, if necessary, make provision at its own expense for interpretation into the language of proceedings, or, where appropriate, into its other languages, unless this interpretation is the responsibility of one of the parties to the proceedings.

6. Statements by staff of the Office, by parties to the proceedings and by witnesses and experts, made in one of the languages of the Office during oral proceedings shall be entered in the minutes in the language employed. Statements made in any other language shall be entered in the language of proceedings.

Corrections to the application for or the registration of a Community design shall be entered in the minutes in the language of proceedings.

Article 83

Certification of translations

1. When a translation of any document is to be filed, the Office may require the filing, within a time limit to be specified by it, of a certificate that the translation corresponds to the original text.

Where the certificate relates to the translation of a previous application pursuant to Article 42 of Regulation (EC) No 6/2002, such time limit shall not be less than three months after the date of filing of the application.

Where the certificate is not filed within that time limit, the document shall be deemed not to have been received.

2. The President of the Office may determine the manner in which translations are certified.

Article 84

Legal authenticity of translations

In the absence of evidence to the contrary, the Office may assume that a translation corresponds to the relevant original text.

CHAPTER XX

RECIPROCITY, TRANSITION PERIOD AND ENTRY INTO FORCE

Article 85

Publication of reciprocity

1. If necessary, the President of the Office shall request the Commission to enquire whether a State which is not party to the Paris Convention for the Protection of Industrial Property or to the Agreement establishing the World Trade Organisation grants reciprocal treatment within the meaning of Article 41(5) Regulation (EC) No 6/2002.

2. If the Commission determines that reciprocal treatment in accordance with paragraph 1 is granted, it shall publish a communication to that effect in the *Official Journal of the European Communities*.

3. Article 41(5) of Regulation (EC) No 6/2002 shall apply from the date of publication in the *Official Journal of the European Communities* of the communication referred to in paragraph 2, unless the communication states an earlier date from which it is applicable.

Article 41(5) of Regulation (EC) No 6/2002 shall cease to be applicable from the date of publication in the *Official Journal of the European Communities* of a communication of the Commission stating that reciprocal treatment is no longer granted, unless the communication states an earlier date from which it is applicable.

4. Communications referred to in paragraphs 2 and 3 shall also be published in the *Official Journal of the Office*.

*Article 86***Transition period**

1. Any application for registration of a Community design filed no more than three months before the date fixed pursuant to Article 111(2) of Regulation (EC) No 6/2002 shall be marked by the Office with the filing date determined pursuant to that provision and with the actual date of receipt of the application.

2. With regard to the application, the priority period of six months provided for in Articles 41 and 44 of Regulation (EC) No 6/2002 shall be calculated from the date fixed pursuant to Article 111(2) of that Regulation.

3. The Office may issue a receipt to the applicant prior to the date fixed pursuant to Article 111(2) of Regulation (EC) No 6/2002.

4. The Office may examine the applications prior to the date fixed pursuant to Article 111(2) of Regulation (EC) No 6/2002 and communicate with the applicant with a view to remedying any deficiencies prior to that date.

Any decisions with regard to such applications may be taken only after that date.

5. Where the date of receipt of an application for the registration of a Community design by the Office, by the central industrial property office of a Member State or by the Benelux Design Office is before the commencement of the three-month period specified in Article 111(3) of Regulation (EC) No 6/2002 the application shall be deemed not to have been filed.

The applicant shall be informed accordingly and the application shall be sent back to him/her.

*Article 87***Entry into force**

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

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

Done at Brussels, 21 October 2002.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

**COMMISSION REGULATION (EC) No 2246/2002
of 16 December 2002**

on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) in respect of the registration of Community designs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs ⁽¹⁾ and in particular Article 107 thereof,

Whereas:

(1) In the light of Article 139 of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark ⁽²⁾, as amended by Regulation (EC) No 3288/94 ⁽³⁾ which by virtue of Article 97 of Regulation (EC) No 6/2002 is also applicable to this Regulation the amounts of the fees should be fixed at such a level as to ensure that the revenue in respect thereof is in principle sufficient for the budget of the Office to be balanced.

(2) Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs ⁽⁴⁾ also deals with the conditions under which the fees established by Regulation (EC) No 6/2002 have to be paid to the Office.

(3) To ensure the necessary flexibility, the President of the Office should be empowered, subject to certain conditions, to lay down the charges which may be payable to the Office in respect of services it may render, the charges for access to the Office databases and the making available of the contents of these databases in machine-readable form, and to set charges for the sale of the Office's publications.

(4) In order to facilitate the payment of fees and charges, the President should be empowered to authorise methods of payment which are additional to those explicitly provided for in this Regulation.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 109 of Regulation (EC) No 6/2002,

⁽¹⁾ OJ L 3, 5.1.2002, p. 1.

⁽²⁾ OJ L 11, 14.1.1994, p. 1.

⁽³⁾ OJ L 349, 31.12.1994, p. 83.

⁽⁴⁾ See page 26 of this Official Journal.

Article 1

Subject matter

This Regulation lays down the amounts and rules for payment of the following:

- (a) fees to be paid to the Office for Harmonization in the Internal Market (Trade Marks and Designs) (hereinafter the Office) as provided for in Regulation (EC) No 6/2002 and in Regulation (EC) No 2245/2002;
- (b) charges laid down by the President of the Office pursuant to Article 3(1) and (2).

Article 2

Fees provided for in Regulation (EC) No 6/2002 and Regulation (EC) No 2245/2002

The fees provided for in Regulation (EC) No 6/2002 and Regulation (EC) No 2245/2002 to be paid to the Office are set out in the Annex.

Article 3

Charges laid down by the President

- 1. The President shall lay down the amount to be charged for any services rendered by the Office other than those specified in the Annex.
- 2. The President shall lay down the amount to be charged for the Community Designs Bulletin as well as any other publications issued by the Office.
- 3. The amounts of the charges shall be laid down in euro.
- 4. The amounts of the charges laid down by the President in accordance with paragraphs 1 and 2 shall be published in the Official Journal of the Office.

Article 4

Due date for fees and charges

- 1. Fees and charges in respect of which the due date is not specified in Regulation (EC) No 6/2002 or in Regulation (EC) No 2245/2002 shall be due on the date of receipt of the request for the service for which the fee or the charge is incurred.
- 2. The President may decide not to make services mentioned in paragraph 1 dependent upon the advance payment of the corresponding fees or charges.

*Article 5***Payment of fees and charges**

1. Fees and charges due to the Office shall be paid in euro:
 - (a) by payment or transfer to a bank account held by the Office;
 - (b) by delivery or remittance of cheques made payable to the Office;
 - (c) in cash.
2. The President may determine methods of payment other than those set out in paragraph 1, in particular by means of deposits in current accounts held with the Office. Those methods shall be published in the Official journal of the Office.

*Article 6***Particulars concerning payment**

1. Every payment shall indicate the name of the person making the payment and shall contain the necessary information to enable the Office to establish immediately the purpose of the payment. In particular, the following information shall be provided:
 - (a) when the registration fee is paid, the purpose of the payment, namely 'registration fee' and, where appropriate, the reference provided by the applicant in the application for the registration of a Community design;
 - (b) when the publication fee is paid, the purpose of the payment, namely 'publication fee' and, where appropriate, the reference provided by the applicant in the application for the registration of a Community design;
 - (c) when the publication fee is paid as provided for in Article 50(4) of Regulation (EC) No 6/2002, the purpose of the payment, namely 'publication fee' and the registration number;
 - (d) when the fee for the deferment of publication is paid, the purpose of the payment, namely 'deferment fee' and, where appropriate, the reference provided by the applicant in the application for the registration of a Community design;
 - (e) when the invalidity fee is paid, the registration number and the name of the holder of the registered Community design against which the application is directed, and the purpose of the payment, namely 'invalidity fee'.
2. If the purpose of the payment cannot immediately be established, the Office shall require the person making the payment to notify it in writing of this purpose within such period as it may specify. If the person does not comply with the request in due time, the payment shall be considered not to have been made. The amount which has been paid shall be refunded.

*Article 7***Deemed date of payment**

1. The date on which any payment shall be considered to have been made to the Office shall be as follows:
 - (a) in the cases referred to in Article 5(1)(a), the date on which the amount of the payment is actually entered in a bank account held by the Office;
 - (b) in the case referred to in Article 5(1)(b), the date of the receipt of the cheque at the Office, provided that the cheque is met;
 - (c) in the cases referred to in Article 5(1)(c), the date of receipt of the amount of the cash payment.
2. Where the President allows, in accordance with the provisions of Article 5(2), other methods of paying fees than those set out in Article 5(1), he shall also lay down the date on which such payments shall be considered to have been made.
3. Where, pursuant to paragraphs 1 and 2, payment of a fee is not considered to have been made until after the expiry of the period in which it was due, it shall be considered that this period has been observed if evidence is provided to the Office that the person who made the payment:
 - (a) in a Member State, within the period within which the payment should have been made:
 - (i) effected the payment through a banking establishment; or
 - (ii) duly gave an order to a banking establishment to transfer the amount of the payment; or
 - (iii) dispatched at a post office or otherwise a letter bearing the address of the Office and containing a cheque within the meaning of Article 5(1)(b), provided that the cheque is met; and
 - (b) paid a surcharge of 10 % on the relevant fee or fees, but not exceeding EUR 200;

no surcharge is payable if a condition according to subparagraph a has been fulfilled not later than 10 days before the expiry of the period for payment.

4. The Office may request the person who made the payment to produce evidence as to the date on which a condition according to paragraph 3(a) was fulfilled and, where required, to pay the surcharge referred to in paragraph 3(b), within a period to be specified by it. If the person fails to comply with this request or if the evidence is insufficient, or if the required surcharge is not paid in due time, the period for payment shall be considered not to have been observed.

*Article 8***Insufficiency of the amount paid**

1. A time limit for payment shall, in principle, be considered to have been observed only if the full amount of the fee has been paid in due time. If the fee is not paid in full, the amount which has been paid shall be refunded after the period for payment has expired.

2. The Office may, however, in so far as this is possible within the time remaining before the end of the period, give the person making the payment the opportunity to pay the amount lacking or, where this is considered justified, forego any small amounts lacking without prejudice to the rights of the person making the payment.

Article 9

Refund of insignificant amounts

1. Where an excessive sum is paid to cover a fee or a charge, the excess shall not be refunded if the amount is insignificant and the party concerned has not expressly requested a refund.

The President shall determine what constitutes an insignificant amount.

2. Determinations by the President pursuant to paragraph 1 shall be published in the Official Journal of the Office.

Article 10

Entry into force

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

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

Done at Brussels, 16 December 2002.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX

	(in euro)
1. Registration fee (Article 36(4) of Regulation (EC) No 6/2002; Article 6(1)(a) of Regulation (EC) No 2245/2002)	230
2. Additional registration fee in respect of each additional design included in a multiple application (Article 37(2) of Regulation (EC) No 6/2002; Article 6(1)(c) of Regulation (EC) No 2245/2002):	
(a) or each design from the second to the 10th design;	115
(b) for each design from the 11th design onwards	50
3. Publication fee (Article 36(4) of Regulation (EC) No 6/2002; Article 6(1)(b) of Regulation (EC) No 2245/2002):	120
4. Additional publication fee in respect of each additional design included in a multiple application (Article 37(2) of Regulation (EC) No 6/2002; Article 6(1)(d) of Regulation (EC) No 2245/2002):	
(a) for each design from the 2nd to the 10th design;	60
(b) for each design from the 11th design onwards	30
5. Fee for deferment of publication (Article 36(4) of Regulation (EC) No 6/2002; Article 6(1)(b) of Regulation (EC) No 2245/2002):	40
6. Additional fee for deferment of publication in respect of each additional design included in a multiple application subject to deferment of publication (Article 37(2) of Regulation (EC) No 6/2002; Article 6(1)(d) of Regulation (EC) No 2245/2002):	
(a) for each design from the 2nd to the 10th design;	20
(b) for each design from the 11th design onwards	10
7. Fee for the late payment of the registration fee (Article 107(2)(a) of Regulation (EC) No 6/2002; Article 10(3) of Regulation (EC) No 2245/2002)	60
8. Fee for the late payment of the publication fee (Article 107(2)(b) of Regulation (EC) No 6/2002; Article 10(3) and Article 15(4) of Regulation (EC) No 2245/2002)	30
9. Fee for the late payment of the fee for deferment of publication (Article 107(2)(c) of Regulation (EC) No 6/2002; Article 10(3) of Regulation (EC) No 2245/2002)	10
10. Fee for the late payment of additional fees for multiple applications as referred to in 2, 4 and 6 of this annex (Article 107(2)(d) of Regulation (EC) No 6/2002; Article 10(3) and Article 15(4) of Regulation (EC) No 2245/2002)	25 % of the additional fees
11. Renewal fee (Article 13(1) of Regulation (EC) No 6/2002; Article 22(2)(a) of Regulation (EC) No 2245/2002) per design, included or not in a multiple registration:	
(a) for the first period of renewal;	90
(b) for the second period of renewal;	120
(c) for the third period of renewal;	150
(d) for the fourth period of renewal	180
12. Fee for the late payment of the renewal fee or the late submission of the request for renewal (Article 13(3) of Regulation (EC) No 6/2002; Article 22(2)(b) of Regulation (EC) No 2245/2002)	25% of the renewal fee

(in euro)

13. Fee for the application for a declaration of invalidity (Article 52(2) of Regulation (EC) No 6/2002; Article 28(2) of Regulation (EC) No 2245/2002);	350
14. Appeal fee (Article 57 of Regulation (EC) No 6/2002; Article 35(3) of Regulation (EC) No 2245/2002)	800
15. Fee for <i>restitutio in integrum</i> (Article 67(3) of Regulation (EC) No 6/2002)	200
16. Fee for the recording of the transfer of an application for a Community design (Articles 34(2) and 107(2)(f) of Regulation (EC) No 6/2002; Article 23(7) of Regulation (EC) No 2245/2002)	200 per design subject to a maximum of 1 000 where multiple requests are submitted in the same application for recording of the transfer or at the same time
17. Fee for the registration of the transfer of a registered Community design (Article 107(2)(f) of Regulation (EC) No 6/2002; Article 23(3) of Regulation (EC) No 2245/2002)	200 per design subject to a maximum of 1 000 where multiple requests are submitted in the same application for registration of the transfer or at the same time
18. Fee for the registration of a licence or another right in respect of a registered Community design (Article 107(2)(g) of Regulation (EC) No 6/2002; Article 23(3) and Article 24(1) of Regulation (EC) No 2245/2002) or an application for a Community design (Articles 34(2) and 107(2)(g) of Regulation (EC) No 6/2002; Article 23(3); Article 24(1) and Article 24(4) of Regulation (EC) No 2245/2002): (a) grant of a licence; (b) transfer of a licence; (c) creation of a right in rem; (d) transfer of a right in rem; (e) levy of execution	200 per design subject to a maximum of 1 000 where multiple requests are submitted in the same application for registration of a licence or another right or at the same time
19. Fee for the cancellation of the registration of a licence or other right (Article 107(2)(h) of Regulation (EC) No 6/2002; Article 26(3) of Regulation (EC) No 2245/2002)	200 per cancellation subject to a maximum of 1 000 where multiple requests are submitted in the same application for cancellation of the registration of a licence or other right or at the same time
20. Fee for the issue of a copy of the application for a registered Community design (Article 107(2)(n) of Regulation (EC) No 6/2002; Article 74(5) of Regulation (EC) No 2245/2002), a copy of the certificate of registration (Article 107(2)(e) of Regulation (EC) No 6/2002; Article 17(2) of Regulation (EC) No 2245/2002), or an extract from the register (Article 107(2)(i) of Regulation (EC) No 6/2002; Article 69(6) of Regulation (EC) No 2245/2002): (a) uncertified copy or extract; (b) certified copy or extract	 10 30
21. Fee for the inspection of the files (Article 107(2)(j) of Regulation (EC) No 6/2002; Article 74(1) of Regulation (EC) No 2245/2002)	30

(in euro)	
22. Fee for the issue of copies of file documents (Article 107(2)(k) of Regulation (EC) No 6/2002; Article 74(5) of Regulation (EC) No 2245/2002):	
(a) uncertified copy;	10
(b) certified copy,	30
plus per page, exceeding 10	1
23. Fee for the communication of information in a file (Article 107(2)(l) of Regulation (EC) No 6/2002; Article 75 of Regulation (EC) No 2245/2002):	10
plus per page, exceeding 10	1
24. Fee for the review of the determination of the procedural costs to be refunded (Article 107(2)(m) of Regulation (EC) No 6/2002; Article 79(4) of Regulation (EC) No 2245/2002).	100

COMMISSION REGULATION (EC) No 2247/2002
of 16 December 2002
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 26,097/100 kg.

Article 2

This Regulation shall enter into force on 17 December 2002.

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

Done at Brussels, 16 December 2002.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 4/2002 OF THE EU-SLOVAK REPUBLIC ASSOCIATION COUNCIL

of 8 October 2002

amending, through the setting up of a Joint Consultative Committee between the Committee of the Regions and the Slovak Liaison Committee for Cooperation with the Committee of the Regions, Decision No 1/95 adopting the Rules of Procedure of the Association Council

(2002/980/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part ⁽¹⁾, and in particular Article 109 thereof,

Whereas:

- (1) Dialogue and cooperation between regional and local authorities in the European Community and those in the Slovak Republic can make a major contribution to the development of their relations and to the integration of Europe.
- (2) It seems appropriate that such cooperation should be organised at the level of the Committee of the Regions, of the one part, and of the Slovak Liaison Committee for Cooperation with the Committee of the Regions, of the other part, by setting up a Joint Consultative Committee.
- (3) This means that the Rules of Procedure of the Association Council, adopted by Decision 1/95, need to be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The following Articles shall be added to the Rules of Procedure of the Association Council:

'Article 19

A Joint Consultative Committee (hereinafter referred to as Committee) is hereby established with the task of assisting the Association Council with a view to promoting dialogue and cooperation between the regional and local authorities

in the European Community and those in the Slovak Republic. Such dialogue and cooperation shall be aimed in particular at:

1. preparing Slovak regions and local authorities for activity in the framework of future membership of the European Union;
2. preparing Slovak regions and local authorities for their participation in the work of the Committee of the Regions after accession of the Slovak Republic;
3. exchanging information on current issues of mutual interest, in particular on up-to-date state of play concerning EU regional policy and accession process as well as preparation of Slovak regions and local authorities for these policies;
4. encouraging multilateral structured dialogue between (a) Slovak regions and local authorities and (b) regions and local authorities from EU Member States, including through networking in specific areas where direct contacts and cooperation between regions and local authorities from the Slovak Republic and EU Member States might prove the most effective way of solving particular problems;
5. providing regular exchange of information on inter-regional cooperation between regional and local authorities from the Slovak Republic and Member States;
6. encouraging exchange of experience and knowledge in the field of regional policy and structural interventions, between (a) Slovak regions and local authorities and (b) regions and local authorities from EU Member States, in particular know-how and techniques concerning preparation of regional and local development plans or strategies and most efficient use of Structural Funds;

⁽¹⁾ OJ L 359, 31.12.1994, p. 2.

7. assisting Slovak regional and local authorities by means of information exchange in practical implementation of the principle of subsidiarity in all aspects of life on regional and local level;
8. discussing any other relevant matters proposed by any side, as they can arise in the context of implementation of the Europe Agreement and in the framework of the Pre-accession Strategy.

Article 20

The Committee shall comprise eight representatives of the Committee of the Regions, on the one hand, and eight representatives of the Slovak Liaison Committee for Cooperation with the Committee of the Regions, on the other hand. An equal number of alternate members shall be appointed.

The Committee shall carry out its activities on the basis of consultation by the Association Council or, as concerns the promotion of the dialogue between the regional and local authorities, on its own initiative.

The Committee may make recommendations to the Association Council.

Members shall be chosen to ensure that the Committee is as faithful a reflection as possible of the various levels of regional and local authorities in both the European Community and the Slovak Republic.

The Committee shall adopt its own Rules of Procedure.

The Committee shall meet at intervals, which it shall itself determine in its Rules of Procedure.

The Committee shall be co-chaired by a member of the Committee of the Regions and a member of the Slovak Liaison Committee for Cooperation with the Committee of the Regions.

Article 21

The Committee of the Regions, on the one hand, and the Slovak Liaison Committee for Cooperation with the Committee of the Regions, on the other hand, shall each defray the expenses they incur by reason of their participation in the meetings of the Committee with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Committee of the Regions, with the exception of expenditure in connection with interpreting or translation into or from Slovak, which shall be borne by the Slovak Liaison Committee for Cooperation with the Committee of the Regions.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.'

Article 2

This Decision shall enter into force on the first day of the second month following the date of its adoption.

Done at Brussels, 8 October 2002.

For the Association Council

The President

E. KUKAN

COUNCIL DECISION**of 11 November 2002****concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway**

(2002/981/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) An agreement in the form of an exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, concerning certain processed agricultural products covered by Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway⁽¹⁾, has been negotiated on a reciprocal basis in order to improve the trading arrangements and solve certain related problems.
- (2) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EEC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾.
- (3) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the bilateral Free

Trade Agreement between the European Economic Community and the Kingdom of Norway is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

Rules for the application of this Decision shall be adopted by the Commission, assisted by the committee on horizontal questions concerning trade in processed agricultural products referred to in Article 16 of Regulation (EC) No 3448/93⁽³⁾. Article 4 of Decision 1999/468/EC shall apply. The period laid down in Article 4(3) of that Decision shall be set at one month.

Article 3

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement referred to in Article 1 in order to bind the Community.

Done at Brussels, 11 November 2002.

For the Council

The President

B. MIKKELSEN

⁽¹⁾ OJ L 171, 27.6.1973, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

⁽³⁾ OJ L 318, 20.12.1993, p. 18. Regulation last amended by Regulation (EC) No 2580/2000 (OJ L 298, 25.11.2000, p. 5).

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway

A. Letter from the Community

Brussels, 27 November 2002

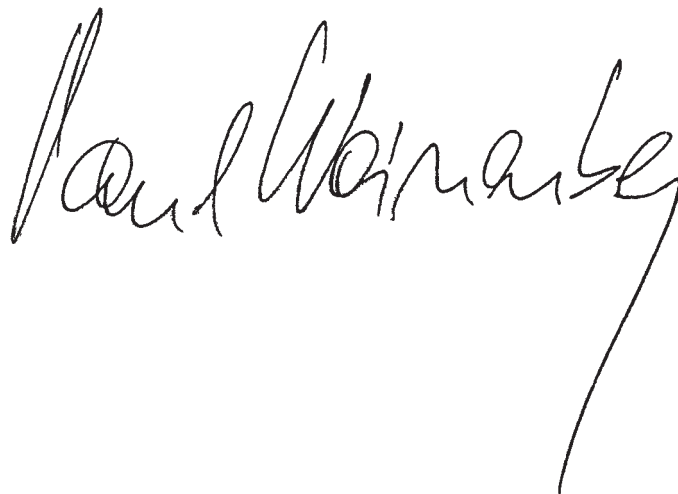
Sir,

I have the honour to confirm that the European Community is in agreement with the 'Agreed minutes' attached to this letter concerning a number of changes to the import arrangements applied by the Community and the Kingdom of Norway respectively to certain processed agricultural products which are covered by Protocol 2 to the bilateral Free Trade Agreement.

I should be obliged if you would confirm that the Government of the Kingdom of Norway is in agreement with the content of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the European Community

A large, stylized handwritten signature in black ink, which appears to read 'Paul Wijnarke'. The signature is written in a cursive style with a long, sweeping tail at the bottom right.

B. Letter from Norway

Brussels, 27 November 2002

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to confirm that the European Community is in agreement with the "agreed minutes" attached to this letter concerning a number of changes to the import arrangements applied by the Community and the Kingdom of Norway respectively to certain processed agricultural products which are covered by Protocol 2 to the bilateral Free Trade Agreement.'

I have the honour to confirm that my Government is in agreement with the content of your letter and the proposed date of entry into force of the amendments.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Kingdom of Norway

A handwritten signature in black ink, reading "Bjørn T. Gundersen". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

AGREED MINUTES

I. Introduction

A number of meetings were held between European Commission officials and officials of the Kingdom of Norway on the autonomous measures adopted following the accession of Austria, Finland and Sweden to the EU in 1995.

After these meetings, it was agreed to submit for approval to their respective authorities a number of changes to the import arrangements applied by the Community and the Kingdom of Norway respectively to certain processed agricultural products, which are covered by Protocol 2 to the bilateral Free Trade Agreement.

These changes will apply from 1 January 2003.

II. Norwegian import arrangements

1. The Kingdom of Norway will open the following annual tariff quotas for the European Community:

Norwegian tariff codes	Description	Volume	Applicable rate of duty
1506.0021	Bonefat, bone oil and neat's foot oil	2 360 tonnes	Free
1518.0041	Linseed oil	100 tonnes	Free
2102.3000	Prepared baking powder	160 tonnes	Free
2103.3009	Prepared mustard, containing 5% or more by weight of added sugar	160 tonnes	Free
2402.2000	Cigarettes containing tobacco	410 tonnes	Free
2403.9990	Other, except homogenised or reconstituted tobacco	280 tonnes	Free

III. Community import arrangements

1. The Community will open the following annual quotas for Norway:

Order number	CN Code	Description	Volume	Applicable rate of duty
09.0765	1517 10 90	Margarine excluding liquid margarine Other	2 470 tonnes	Free
09.0766	2102 30 00	Prepared baking powders	150 tonnes	Free
09.0767	ex 2103 90 90 (TARIC code 10 and 89)	Sauces and preparations thereof, mixed condiments and mixed seasonings of CN code 2103 90 90, other than mayonnaise	130 tonnes	Free
09.0768	2104 10	Soups and broths and preparations therefore	390 tonnes	Free
09.0769	2106 90 92	Food preparations not elsewhere specified or included/other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	510 tonnes	Free

Order number	CN Code	Description	Volume	Applicable rate of duty
09.0771	ex 2207 10 00 (TARIC Code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80 % vol. or higher/other than that obtained from agricultural products listed in Annex I to the EC Treaty	134 000 hecto- litres	Free
09.0772	ex 2207 20 00 (TARIC Code 90)	Ethyl alcohol and other spirits, denatured, of any strength/other than those obtained from agricultural products listed in Annex I to the EC Treaty	3 340 hectoli- tres	Free
09.0774	2403 10	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 tonnes	Free

The tariff quotas specified under II and III shall be granted to originating products in accordance with the rules of origin laid down in Protocol 3 to the EC/Norway Free Trade Agreement.

COMMISSION

COMMISSION DECISION

of 16 December 2002

on the continuation of Community comparative trials and tests on propagating material of ornamental plants of *Chamaecyparis*, *Ligustrum vulgare* and *Euphorbia fulgens* under Council Directive 98/56/EC

(Text with EEA relevance)

(2002/982/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants ⁽¹⁾,

Having regard to Commission Decision 2001/898/EC of 12 December 2001 setting out the arrangements for Community comparative trials and tests on propagating material of ornamental plants under Council Directive 98/56/EC ⁽²⁾, and in particular Article 2 thereof,

Whereas:

- (1) Decision 2001/898/EC sets out the arrangements for the comparative trials and tests to be carried out under Directive 98/56/EC as regards ornamental plants of *Chamaecyparis*, *Ligustrum vulgare* and *Euphorbia fulgens* from 2002 to 2004.

- (2) Tests and trials carried out in 2002 should be continued in 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Community comparative trials and tests which began in 2002 on propagating material of ornamental plants of *Chamaecyparis*, *Ligustrum vulgare* and *Euphorbia fulgens* shall be continued in 2003 in accordance with Decision 2002/898/EC.

Done at Brussels, 16 December 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 226, 13.8.1998, p. 16.

⁽²⁾ OJ L 331, 15.12.2001, p. 101.

COMMISSION DECISION
of 16 December 2002
on the continuation of Community comparative trials and tests on propagating and planting material of *Prunus domestica* under Council Directive 92/34/EEC

(Text with EEA relevance)

(2002/983/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants, intended for fruit production ⁽¹⁾, as last amended by Commission Decision 2002/112/EC ⁽²⁾,

Having regard to Commission Decision 2001/896/EC of 12 December 2001 setting out the arrangements for Community comparative trials and tests on propagating and planting material of fruit plants under Council Directive 92/34/EEC ⁽³⁾, and in particular Article 2 thereof,

Whereas:

- (1) Decision 2001/896/EC sets out the arrangements for the comparative trials and tests to be carried out under Directive 92/34/EEC as regards *Prunus domestica* from 2002 to 2006.

- (2) Tests and trials carried out in 2002 should be continued in 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Community comparative trials and tests which began in 2002 on propagating and planting material of *Prunus domestica* shall be continued in 2003 in accordance with Decision 2001/896/EC.

Done at Brussels, 16 December 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 157, 10.6.1992, p. 10.

⁽²⁾ OJ L 41, 13.2.2002, p. 44.

⁽³⁾ OJ L 331, 15.12.2001, p. 95.

COMMISSION DECISION

of 16 December 2002

on the continuation of Community comparative trials and tests on seeds and propagating material of gramineae, *Triticum aestivum*, *Vitis vinifera*, *Brassica napus* and *Allium ascalonicum* under Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 92/33/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC and 2002/57/EC

(Text with EEA relevance)

(2002/984/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, as last amended by Directive 2001/64/EC ⁽²⁾,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽³⁾, as last amended by Directive 2001/64/EC,

Having regard to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine ⁽⁴⁾, as last amended by Directive 2002/111/EC ⁽⁵⁾,

Having regard to Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material, other than seed ⁽⁶⁾, as last amended by Commission Decision 2002/111/EC ⁽⁷⁾,

Having regard to Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed ⁽⁸⁾,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽⁹⁾,

Having regard to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes ⁽¹⁰⁾,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants ⁽¹¹⁾, as last amended by Directive 2002/68/EC ⁽¹²⁾,

Having regard to Commission Decision 2001/897/EC of 12 December 2001 setting out the arrangements for Community comparative trials and tests on seeds and propagating material

of certain plants under Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 68/193/EEC, 69/208/EEC, 70/458/EEC and 92/33/EEC ⁽¹³⁾, and in particular Article 3 thereof,

Whereas:

- (1) Decision 2001/897/EC sets out the arrangements for the comparative trials and tests to be carried out under Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 92/33/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC and 2002/57/EC from 2002 to 2003.
- (2) Tests and trials carried out in 2002 should be continued in 2003,

HAS DECIDED AS FOLLOWS:

Sole Article

Community comparative trials and tests which began in 2002 on seeds and propagating material of gramineae, *Triticum aestivum*, *Brassica napus*, *Allium ascalonicum* and *Vitis vinifera* shall be continued in 2003 in accordance with Decision 2001/897/EC.

Done at Brussels, 16 December 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 125, 11.7.1966, p. 2298/66.

⁽²⁾ OJ L 234, 1.9.2001, p. 60.

⁽³⁾ OJ L 125, 11.7.1966, p. 2309/66.

⁽⁴⁾ OJ L 93, 17.4.1968, p. 15.

⁽⁵⁾ OJ L 53, 23.2.2002, p. 20.

⁽⁶⁾ OJ L 157, 10.6.1992, p. 1.

⁽⁷⁾ OJ L 41, 13.2.2002, p. 43.

⁽⁸⁾ OJ L 193, 20.7.2002, p. 12.

⁽⁹⁾ OJ L 193, 20.7.2002, p. 33.

⁽¹⁰⁾ OJ L 193, 20.7.2002, p. 60.

⁽¹¹⁾ OJ L 193, 20.7.2002, p. 74.

⁽¹²⁾ OJ L 195, 24.7.2002, p. 32.

⁽¹³⁾ OJ L 331, 15.12.2001, p. 97.

CORRIGENDA

Corrigendum to the twenty-sixth Commission Directive 2002/34/EC of 15 April 2002 adapting to technical progress Annexes II, III and VII to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

(Official Journal of the European Communities L 102 of 18 April 2002)

On page 22, in the Annex:

for: '451. Methyleugenol (CAS No 95-15-2)',

read: '451. Methyleugenol (CAS No 93-15-2)'.
