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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 527/2003**of 17 March 2003**

authorising the offer and delivery for direct human consumption of certain wines imported from Argentina which may have undergone oenological processes not provided for in Regulation (EC) No 1493/1999

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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⁾, and in particular Article 45(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 45(1) of Regulation (EC) No 1493/1999 offers the possibility of adopting derogations for imported products which have undergone oenological practices not authorised by Community rules.
- (2) Wines produced on the territory of Argentina may be subject to acidification with malic acid, an oenological practice not authorised by Community rules.
- (3) Negotiations are currently underway between the Community, represented by the Commission, and Argentina on an agreement on trade in wine. These involve in particular the respective oenological processes of the two Parties and the protection of geographical indications.
- (4) With a view to ensuring the smooth progress of these negotiations, a derogation allowing the addition of malic acid to wines produced in the territory of Argentina and imported into the Community should be authorised on a transitional basis until the entry into force of the Agreement resulting from the above negotiations, but not later than 30 September 2003.
- (5) Since Argentine wine containing malic acid is already present on Community territory, the application of the derogation to these wines should be extended,

Article 1

1. By way of derogation from Article 45(1) of Regulation (EC) No 1493/1999, products falling within CN codes 2204 10, 2204 21, 2204 29 and 2204 30 10 and derived from grapes harvested and vinified in the territory of Argentina to which malic acid may have been added during manufacturing operations in accordance with Argentine provisions may be offered or delivered for direct human consumption in the Community.

However, this authorisation shall only be valid until the entry into force of the Agreement resulting from the negotiations with Argentina on an agreement on trade in wine involving in particular oenological practices and the protection of geographical indications, and not later than 30 September 2003.

This authorisation shall also cover Argentine wines referred to in this paragraph imported into the Community as from 1 January 2001.

2. Member States may not prohibit the offer or delivery for direct human consumption of wine derived from grapes harvested and vinified in the territory of Argentina in accordance with the provisions in force in that country on the grounds that malic acid may have been added to it.

Article 2

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

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2585/2001 (OJ L 345, 29.12.2001, p. 10).

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

Done at Brussels, 17 March 2003.

For the Council

The President

G. DRYG

COMMISSION REGULATION (EC) No 528/2003
of 24 March 2003
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 March 2003.

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

Done at Brussels, 24 March 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 24 March 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	85,9
	060	137,3
	204	47,8
	212	116,8
	624	101,8
	999	97,9
0707 00 05	052	128,2
	096	84,2
	204	76,4
	999	96,3
0709 10 00	220	190,1
	999	190,1
0709 90 70	052	98,4
	204	141,8
	999	120,1
0805 10 10, 0805 10 30, 0805 10 50	052	65,4
	204	48,2
	212	50,2
	220	43,1
	600	62,0
	624	63,6
	999	55,4
0808 10 20, 0808 10 50, 0808 10 90	388	99,6
	400	99,5
	404	76,6
	508	75,6
	512	77,4
	524	70,3
	528	84,7
	720	82,5
	728	96,2
	999	84,7
0808 20 50	388	68,4
	512	62,6
	528	63,3
	720	43,5
	999	59,5

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

**COMMISSION REGULATION (EC) No 529/2003
of 24 March 2003**

amending Regulations (EC) No 1279/98, (EC) No 1128/1999, (EC) No 1247/1999 and (EC) No 140/2003 as regards certain tariff quotas for beef and veal products from Romania

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 32(1) thereof,

Whereas:

(1) The Protocol approved by Council Decision 2003/18/EC of 19 December 2002 concerning the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions ⁽³⁾ provides for new concessions as regards the importation of certain beef and veal products under the tariff quotas opened by that Agreement. They apply from 1 April 2003.

(2) Commission Regulation (EC) No 1279/98 of 19 June 1998 laying down detailed rules for applying the tariff quotas for beef and veal provided for in Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000, (EC) No 2851/2000 and (EC) No 1408/2002 for Bulgaria, the Czech Republic, the Slovak Republic, Romania, the Republic of Poland and the Republic of Hungary ⁽⁴⁾, as last amended by Regulation (EC) No 1634/2002 ⁽⁵⁾, Commission Regulation (EC) No 1128/1999 of 28 May 1999 laying down detailed rules of application for a tariff quota for calves weighing not more than 80 kilograms originating in certain third countries ⁽⁶⁾, as last amended by Regulation (EC) No 1634/2002, Commission Regulation (EC) No 1247/1999 of 16 June 1999 laying down detailed rules for the application of a tariff quota for live bovine animals weighing from 80 to 300 kilograms and originating in certain third countries ⁽⁷⁾, as last amended by Regulation (EC) No 1634/2002, and Commission Regulation (EC) No 140/2003 of 27 January 2003

determining the percentage of quantities which may be allowed in respect of import licence applications lodged in January 2003 under tariff quotas for beef and veal provided for in Regulation (EC) No 1279/98 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania ⁽⁸⁾, should therefore be amended with effect from 1 April 2003.

(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

Regulation (EC) No 1279/98 is hereby amended as follows:

1. The title is replaced by the following:

‘Commission Regulation (EC) No 1279/98 of 19 June 1998 laying down detailed rules for applying the tariff quotas for beef and veal provided for in Council Regulations (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2851/2000 and (EC) No 1408/2002 and Council Decision 2003/18/EC for Bulgaria, the Czech Republic, Slovakia, the Republic of Poland, the Republic of Hungary and Romania.’

2. The first paragraph of Article 1 is replaced by the following:

‘Import licences must be presented for imports into the Community of the products listed in Annex I hereto under the quotas provided for in Council Regulations (EC) No 2290/2000 ^(*), (EC) No 2433/2000 ^(**), (EC) No 2434/2000 ^(***), (EC) No 2851/2000 ^(****) and (EC) No 1408/2002 ^(*****) and Council Decision 2003/18/EC ^(*****).

^(*) OJ L 262, 17.10.2000, p. 1.

^(**) OJ L 280, 4.11.2000, p. 1.

^(***) OJ L 280, 4.11.2000, p. 9.

^(****) OJ L 332, 28.12.2000, p. 7.

^(*****) OJ L 205, 2.8.2002, p. 9.

^(*****) OJ L 8, 14.1.2003, p. 18.’

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 315, 1.12.2001, p. 29.

⁽³⁾ OJ L 8, 14.1.2003, p. 18.

⁽⁴⁾ OJ L 176, 20.6.1998, p. 12.

⁽⁵⁾ OJ L 247, 14.9.2002, p. 7.

⁽⁶⁾ OJ L 135, 29.5.1999, p. 50.

⁽⁷⁾ OJ L 150, 17.6.1999, p. 18.

⁽⁸⁾ OJ L 23, 28.1.2003, p. 6.

3. Article 3 is amended as follows:

(a) the first paragraph is amended as follows:

- (i) the second subparagraph of point (c) is deleted;
- (ii) the following second subparagraph is inserted:
'Group of products within the meaning of point (c) shall mean:
 - either products falling within CN codes 0201 or 0202 originating in one of the countries listed in Annex I,
 - or products falling within CN codes 0206 10 95, 0206 29 91, 0210 20 10, 0210 20 90, 0210 99 51, 0210 99 59 or 0210 99 90 originating in Hungary,
 - or products falling within CN codes 0206 10 95, 0206 29 91, 0210 20 or 0210 99 51 originating in Romania,
 - or products falling within CN code 1602 50 originating in Poland,
 - or products falling within CN code 1602 50 originating in Romania';

(b) paragraph 2 is replaced by the following:

'2. Notwithstanding Article 5 of Regulation (EC) No 1445/95, box 16 of licence applications and licences shall show one of the following groups of CN codes:

- 0201, 0202,
- 0206 10 95, 0206 29 91, 0210 20 10, 0210 20 90, 0210 99 51, 0210 99 59, 0210 99 90,
- 0206 10 95, 0206 29 91, 0210 20, 0210 99 51,
- 1602 50.'

4. Annex I is replaced by the text in the Annex hereto.

Article 2

Article 2(2) of Regulation (EC) No 1128/1999 is replaced by the following:

'2. For the quantity referred to in paragraph 1, the rate of customs duty shall be reduced by:

- 80 % for animals originating in the Czech Republic, Slovakia, Bulgaria, Estonia, Latvia and Lithuania,
- 90 % for animals originating in Poland, Hungary and Romania.'

Article 3

Article 1(2) of Regulation (EC) No 1247/1999 is replaced by the following:

'2. For the quantity referred to in paragraph 1, the rate of customs duty shall be reduced by:

- 80 % for animals originating in the Czech Republic, Slovakia, Bulgaria, Estonia, Latvia and Lithuania,
- 90 % for animals originating in Poland, Hungary and Romania.'

Article 4

The following point (e) is added to Article 1(2) of Regulation (EC) No 140/2003:

- '(e) 50 tonnes for beef and veal products falling within CN codes 0206 10 95, 0206 29 91, 0210 20 and 0210 99 51 originating in Romania.'

Article 5

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

It shall apply from 1 April 2003.

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

Done at Brussels, 24 March 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

'ANNEX I

Concessions applicable to imports into the Community of certain products originating in certain countries

(MFN = most favoured nation duty)

Country of origin	Serial No	CN code	Description	Rate of duty applicable (% of MFN)	Annual quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 to 30.6.2004 (tonnes)	Annual increase from 1.7.2004 (tonnes)
Hungary	09.4707	0201 0202	Meat of bovine animals, fresh, chilled or frozen	Free	13 655	15 020	1 365
	09.4774	0206 10 95	Edible offal of bovine animals, fresh or chilled, thick skirt and thin skirt	Free	1 000	1 100	100
		0206 29 91	Edible offal of bovine animals, frozen, other, thick skirt and thin skirt				
		0210 20 10	Meat of bovine animals, salted or in brine, dried or smoked				
		0210 20 90					
		0210 99 51	Thin skirt and thick skirt of bovine animals				
		0210 99 59	Other offal of bovine animals				
Poland	09.4824	0201 0202	Meat of bovine animals, fresh, chilled or frozen	Free	19 200	20 800	1 600
		1602 50	Other prepared or preserved meat, offal or blood of — bovine animals ⁽¹⁾				
Czech Republic	09.4623	0201 0202	Meat of bovine animals, fresh, chilled or frozen	20	3 500	3 500	0
Slovakia	09.4624	0201 0202	Meat of bovine animals, fresh, chilled or frozen	20	3 500	3 500	0
Romania	09.4753	0201 0202	Meat of bovine animals, fresh, chilled or frozen	Free	3 500	4 000	0
	09.4765	0206 10 95	Edible thick skirt and thin skirt of bovine animals, fresh or chilled	Free	50	100	0
		0206 29 91	Edible thick skirt and thin skirt of bovine animals, frozen				
		0210 20	Meat of bovine animals, salted or in brine, dried or smoked				
		0210 99 51	Thick skirt and thin skirt of bovine animals				
	09.4768	1602 50	Prepared or preserved meat or offal of bovine animals	Free	250	500	0
Bulgaria	09.4651	0201 0202	Meat of bovine animals, fresh, chilled or frozen	20	250	250	0

⁽¹⁾ Coefficient for conversion into fresh meat = 2,14.

**COMMISSION DIRECTIVE 2003/21/EC
of 24 March 2003**

amending Directive 2001/32/EC as regards certain protected zones exposed to particular plant health risks in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Commission Directive 2002/89/EC⁽²⁾, and in particular the first subparagraph of Article 2(1)(h) thereof,

Having regard to the requests made by Ireland, Italy, Austria, Portugal, Sweden and the United Kingdom,

Whereas:

- (1) Under Commission Directive 2001/32/EC of 8 May 2001 recognising protected zones exposed to particular plant health risks in the Community and repealing Directive 92/76/EEC⁽³⁾, as last amended by Directive 2002/29/EC⁽⁴⁾, certain areas of Portugal are recognised as protected zones in respect of *Gonipterus scutellatus* Gyll.
- (2) From information supplied by Portugal based on updated surveys, it appears that the protected zone for *Gonipterus scutellatus* Gyll. should be modified and restricted to Azores only.
- (3) From information supplied by Ireland based on surveys, it appears that *Liriomyza bryoniae* (Kaltenbach) is not present in its territory.
- (4) From information supplied by the United Kingdom based on surveys, it appears that *Liriomyza bryoniae* (Kaltenbach) is not present in Northern Ireland.
- (5) Under Directive 2001/32/EC, Ireland, certain areas of Italy and certain areas of Austria are provisionally recognised as 'protected zones' in respect of *Erwinia amylovora* (Burr.) Winsl. *et al.* for a period expiring on 31 March 2003.
- (6) From information supplied by Austria, Ireland and Italy it appears that the provisional recognition of the protected zones for those countries in respect of *Erwinia amylovora* (Burr.) Winsl. *et al.* should exceptionally be extended for a further period to enable the responsible official bodies of those countries to complete the information on the distribution of *Erwinia amylovora* (Burr.) Winsl. *et al.* and to complete efforts for the eradication of this harmful organism in the areas concerned.
- (7) From information supplied by Italy it appears that some parts of the region of Veneto, where this harmful organism is now established, should no longer be recognised as a protected zone in respect of *Erwinia amylovora* (Burr.) Winsl. *et al.*
- (8) Under Directive 2001/32/EC, Sweden is provisionally recognised as a 'protected zone' in respect of Beet necrotic yellow vein virus for a period expiring on 31 March 2003.
- (9) From information supplied by Sweden, it appears that certain areas in the county of Skåne, where this harmful organism is now established, should no longer be recognised as a protected zone in respect of Beet necrotic yellow vein virus. The provisional recognition of this protected zone for the rest of Sweden should exceptionally be extended for a further period to enable the responsible official bodies of Sweden to complete the information on the distribution of Beet necrotic yellow vein virus and to complete efforts for the eradication of this harmful organism in other areas concerned.
- (10) Directive 2001/32/EC should therefore be amended accordingly.
- (11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2001/32/EC is amended as follows:

1. Article 1 is amended as follows:

(a) the second paragraph is replaced by the following:

'In the case of point (b)(2), for Ireland, for Italy (Apulia, Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Lombardia; Trentino-Alto Adige: autonomous province of Bolzano; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Cenese, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesse Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes of Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo,

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 355, 30.12.2002, p. 45.

⁽³⁾ OJ L 127, 9.5.2001, p. 38.

⁽⁴⁾ OJ L 77, 20.3.2002, p. 26.

Isola Rizza, Angiari), and for Austria (Burgenland, Kärnten, Niederösterreich, Tirol (administrative district Lienz), Steiermark, Wien), the said zones are recognised until 31 March 2004.;

- (b) in the third paragraph, '31 March 2003' is replaced by '31 March 2004';

2. the Annex is amended in accordance with the Annex to this Directive.

Article 2

Member States shall adopt and publish by 31 March 2003 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 April 2003.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 24 March 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

The Annex to Directive 2001/32/EC is amended as follows:

1. under heading (a):

- (i) in point 7, the entry in the right hand column is replaced by the following:

'Portugal (Azores)'

- (ii) the following point 14 is inserted after point 13:

'14. *Liriomyza bryoniae*
(Kaltenbach)

Ireland, the United Kingdom (Northern Ireland)'

2. under heading (b), in point 2, the entry in the right hand column is replaced by the following:

'Spain, France (Corsica), Ireland, Italy (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castलगuglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for Austria (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), Portugal, Finland, the United Kingdom (Northern Ireland, Isle of Man and Channel Islands)';

3. under heading (d), in point 1, the entry in the right hand column is replaced by the following:

'Denmark, France (Britanny), Ireland, Portugal (Azores), Finland, Sweden (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), the United Kingdom (Northern Ireland)';

**COMMISSION DIRECTIVE 2003/22/EC
of 24 March 2003**

amending certain Annexes to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, as last amended by Council Directive 2002/89/EC ⁽²⁾, and in particular Article 14(c) thereof,

Whereas:

- (1) From information supplied by Sweden based on updated surveys, certain areas in the county of Skåne should no longer be recognised as a protected zone in respect of Beet necrotic yellow vein virus as it appears that this harmful organism is established in these areas.
- (2) From information supplied by Italy based on updated surveys, certain areas in the region of Veneto should no longer be recognised as a protected zone in respect of *Erwinia amylovora* (Burr.) Winsl. *et al.* as it appears that this harmful organism is established in these areas.
- (3) The amendments are in accordance with the requests of Italy and Sweden.
- (4) The current provisions against *Tilletia indica* Mitra should be modified to take into account of the updated information on the presence of this harmful organism in South Africa.
- (5) The relevant Annexes to Directive 2000/29/EC should therefore be amended accordingly.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

Article 1

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

Article 2

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

They shall apply those provisions from 1 April 2003.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 24 March 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 355, 30.12.2002, p. 45.

ANNEX

The Annexes to Directive 2000/29/EC are amended as follows:

1. in Part B of Annex I, under heading (b), in point 1, the entry in the right hand column is replaced by the following:
'DK, F (Britanny), IRL, P (Azores), FIN, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)';
2. in Part B of Annex II, under heading (b), in point 2, the entry in the right hand column is replaced by the following:
'E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)';
3. in Part B of Annex III, in point (1), the entry in the right hand column is replaced by the following:
'E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)';
4. In Part B of Annex IV, in points 20.1, 20.2, 22, 23, 25, 26, 27.1, 27.2 and 30, the entry in the right hand column is replaced by the following:
'DK, F (Britanny), IRL, P (Azores), FIN, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)';
5. in Part B of Annex IV, in point 21:
 - (a) the text in the middle column under point (a) is replaced by the following:
'(a) the plants originate in the protected zones E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)';
 - (b) the entry in the right hand column is replaced by the following:
'E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)';
6. In Part B of Annex V, under heading I, in points 1 and 8, the text ' , South Africa' is inserted after 'Pakistan'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 20 March 2003

on the harmonisation of the provision of public R-LAN access to public electronic communications networks and services in the Community

(Text with EEA relevance)

(2003/203/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽¹⁾, hereinafter referred to as 'the Framework Directive', and in particular Article 19 thereof,

Whereas:

- (1) The European Council on 15 and 16 March 2002 in Barcelona advocated fostering multiple broadband access platforms to the Information Society and stressed the need to complete the internal market for electronic communications services.
- (2) In accordance with Article 19(1) of the Framework Directive, the Communications Committee delivered its favourable opinion on 24 January 2003.
- (3) As the least onerous authorisation system possible should be used to allow the provision of electronic communications networks and services, pursuant to Article 3(2) of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) ⁽²⁾, hereinafter referred to as 'the Authorisation Directive', the provision of electronic communications networks or services may, without prejudice to specific obligations referred to in Article 6(2) or rights of use referred to in Article 5 of that Directive, only be subject to a general authorisation.

- (4) Pursuant to Article 5(1) of the Authorisation Directive, Member States are required, where possible, and in particular where the risk of harmful interference is negligible, not to make the use of radio frequencies subject to the grant of individual rights of use; furthermore, pursuant to Article 2(1) and Article 4 of Directive 2002/77/EC ⁽³⁾ of the Commission, Member States shall not adopt or maintain measures limiting the number of undertakings authorised to provide services or to use radio frequencies unless they are objective, proportional and non-discriminatory.

- (5) Pursuant to policy objectives and regulatory principles defined by Article 8 of the Framework Directive, the national regulatory authorities should take all reasonable measures to promote competition in the provision of electronic communications networks, electronic communications services and associated facilities and services by promoting innovation and by encouraging efficient use and ensuring the effective management of radio frequencies; national regulatory authorities should also remove obstacles to the provision of electronic communications networks, associated facilities and services and electronic communications services at European level.

- (6) Radio Local Area Networks (R-LAN) are an innovative means for the provision of broadband wireless access to the Internet and to corporate intranet networks not only for private uses but also for the public in general in areas such as airports, train stations and shopping malls.

⁽¹⁾ OJ L 108, 24.4.2002, p. 33.

⁽²⁾ OJ L 108, 24.4.2002, p. 21.

⁽³⁾ Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21).

- (7) A majority of Member States already allow R-LAN access to public electronic communications networks and services on a commercial or non-commercial basis; considering the importance of R-LAN as an alternative platform for broadband access to Information Society services, it is now desirable to promote a harmonised approach for the provision of such public R-LAN access throughout the Community; a distinction is to be drawn between the provision of services and the use of radio spectrum; the provision of R-LAN access to public electronic communications networks and services on a commercial basis should be allowed under the least onerous system, i.e. to the extent possible without any sector specific conditions.
- (8) R-LAN may use all or part of either the 2400,0 — 2483,5 MHz (hereinafter the 2,4 GHz band) or the 5150-5350 MHz or 5470-5725 MHz bands (hereinafter the 5 GHz bands); part of these bands may currently not be available to R-LAN in certain Member States; further harmonisation of these bands may therefore be necessary in the framework of Decision 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾.
- (9) The risk of interference between the various different users who may share the 2,4 GHz band and between coexisting R-LAN systems is accepted by the parties involved; as long as R-LAN users do not create harmful interference to possible protected users in the same bands, the use of the 2,4 and 5 GHz bands should not be subject to individual rights nor, to the extent possible, to general authorisation conditions other than as allowed under point 17 of the Annex to the Authorisation Directive; opening the 5 GHz band to public R-LAN access services would also reduce the pressure on the 2,4 GHz band.
- (10) In order to minimise the risk of harmful interference, general authorisation conditions might be imposed where justified and in a proportionate manner; such general authorisation may refer to appropriate requirements, in conformity with Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (R&TTE Directive) ⁽²⁾, the harmonisation of which may be achieved pursuant to the Radio Spectrum Decision and the R&TTE Directive.
- (11) In line with Community competition rules, Article 8(1) of the Framework Directive lays down the principle of technologically neutral regulation, so that there should

be no discrimination between the various R-LAN and other technologies giving access to communications networks and services.

- (12) The terms on which access may be allowed to public and private property for providers of public R-LAN access services are subject to competition rules of the Treaty, as well as, where relevant, to the Framework Directive.
- (13) Security and confidentiality are regulated at present by Articles 4 and 5 of Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector ⁽³⁾; on the forthcoming repeal of that Directive, those provisions will be replaced by Articles 4 and 5 of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ⁽⁴⁾ as from 1 November 2003,

HEREBY RECOMMENDS:

1. That, in applying the measures necessary to comply with Directives 2002/20/EC and 2002/21/EC, Member States should allow the provision of public R-LAN access to public electronic communications networks and services in the available 2,4 GHz and 5 GHz bands to the extent possible without sector specific conditions and in any case subject only to general authorisation.
2. That Member States should not make the use of the available 2,4 GHz or 5 GHz bands for the operation of R-LAN systems subject to the grant of any individual right.
3. That Member States should not restrict the choice of R-LAN equipment to be used by service providers where these meet the requirements laid down under Directive 1999/5/EC.
4. That Member States should pay special attention to the requirements of Articles 4 and 5 of Directive 97/66/EC and the equivalent provisions in Directive 2002/58/EC, which regulate security and confidentiality of public communications networks and services.

Done at Brussels, 20 March 2003.

For the Commission

Erkki LIKANEN

Member of the Commission

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ OJ L 91, 7.4.1999, p. 10.

⁽³⁾ OJ L 24, 30.1.1998, p. 1.

⁽⁴⁾ OJ L 201, 31.7.2002, p. 37.

COMMISSION DECISION**of 21 March 2003****amending Decision 97/569/EC as regards the inclusion of establishments in Hungary, Slovenia and the Slovak Republic in provisional lists of third country establishments from which Member States authorise imports of meat products***(notified under document number C(2003) 832)***(Text with EEA relevance)**

(2003/204/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs ⁽¹⁾, as last amended by Decision 2001/4/EC ⁽²⁾, and in particular Article 2(1) and (4) thereof,

Whereas:

- (1) Provisional lists of establishments in third countries from which the Member States authorise imports of meat products have been drawn up by Commission Decision 97/569/EC ⁽³⁾, as last amended by Decision 2002/671/EC ⁽⁴⁾.
- (2) Hungary, Slovenia and the Slovak Republic have sent lists of establishments producing wild game meat products for which the responsible authorities certify that the establishments comply with the Community rules.
- (3) Those establishments should be included in the lists drawn up by Decision 97/569/EC.
- (4) As on-the-spot inspections have not yet been carried out, imports from such establishments are not eligible for reduced physical checks in accordance with Article 2(4) of Decision 95/408/EC.

(5) Decision 97/569/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 97/569/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 1 April 2003.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2003.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 243, 11.10.1995, p. 17.⁽²⁾ OJ L 2, 5.1.2001, p. 21.⁽³⁾ OJ L 234, 26.8.1997, p. 16.⁽⁴⁾ OJ L 228, 24.8.2002, p. 25.

ANNEX

Annex I is amended as follows:

1. The following text is inserted in Annex I in the part concerning Hungary in accordance with national reference:

‘País: Hungria — Land: Ungarn — Land: Ungarn — Χώρα: Ουγγαρία — Country: Hungary — Pays: Hongrie — Paese: Ungheria — Land: Hongarije — País: Hungria — Maa: Unkari — Land: Ungern

1	2	3	4	5
HU 50	Mavad-Vecsés Vadföldolgozó Kft	Vecsés	Pest megye	WMP
HU 68	Öreglaki Vadfeldolgozó Kft	Öreglak	Somogy megye	WMP

WMP wild game meat products.’

2. The following text is inserted in Annex I in the part concerning Slovenia in accordance with national reference:

‘País: Eslovenia — Land: Slovenien — Land: Slowenien — Χώρα: Σλοβενία — Country: Slovenia — Pays: Slovénie — Paese: Slovenia — Land: Slovenië — País: Eslovénia — Maa: Slovenia — Land: Slovenien

1	2	3	4	5
31	MIP d.d. Salame Tolmin	Tolmin		WMP, 1
747	Droga Izola	Izola		WMP, 1

WMP wild game meat products.

- 1 Meat of wild swine must be treated at least to the minimum treatment, as laid down in Commission Decision 97/222/EC for Slovenia.’

3. The following text is inserted in Annex I in the part concerning the Slovak Republic in accordance with national reference:

‘País: República Eslovaca — Land: Slovakiet — Land: Slowakische Republik — Χώρα: Σλοβακική Δημοκρατία — Country: Slovak Republic — Pays: Slovaquie — Paese: Repubblica Slovacca — Land: Slowakije — País: República Eslovaca — Maa: Slovakian Tasavalta — Land: Slovakien

1	2	3	4	5
SK 77	Fons Slovakia spol. s.r.o.	Nové Mesto nad Váhom	Trenčín	WMP, 1

WMP wild game meat products.

- 1 Meat of wild swine must be treated at least to the minimum treatment, as laid down in Commission Decision 97/222/EC for the Slovak Republic.’

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK of 20 March 2003

on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes

(ECB/2003/4)

(2003/205/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community and in particular to Article 106(1) thereof and to Article 16 of the Statute of the European System of Central Banks and of the European Central Bank,

Whereas:

- (1) Article 106(1) of the Treaty and Article 16 of the Statute provide that the European Central Bank (ECB) has the exclusive right to authorise the issue of banknotes within the Community. These articles also provide that the ECB and the national central banks may issue such notes. Pursuant to Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽¹⁾, the ECB and the national central banks of the participating Member States (hereinafter 'NCBs'), shall put euro banknotes into circulation.
- (2) The European Monetary Institute (EMI) carried out the preparatory work for the production and issue of euro banknotes, and in particular with regard to the euro banknote designs, it facilitated the recognition and acceptance of the new euro banknote denominations and specifications by users by taking into account the specific visual and technical requirements of European associations of banknote users.
- (3) As successor to the EMI the ECB holds the copyright on the designs of the euro banknotes originally held by the EMI. The ECB and the NCBs, acting on behalf of the ECB, may enforce this copyright with regard to reproductions issued or distributed in breach of this copyright, such as, *inter alia*, reproductions which might adversely affect the standing of euro banknotes.
- (4) The ECB's and the NCBs' right to issue euro banknotes includes the competence to take all necessary legal measures to protect the integrity of the euro banknotes as a means of payment. The ECB should take measures to provide for a minimum level of protection in all participating Member States in order to ensure that the general public can distinguish genuine euro banknotes from reproductions. It is therefore necessary to establish common rules according to which the reproduction of euro banknotes will be permitted.
- (5) The provisions of the present Decision should be without prejudice to the application of criminal law, in particular regarding counterfeiting.
- (6) Reproductions of euro banknotes in electronic form should only be regarded as lawful if the producer thereof adopts adequate technical measures to deter print-outs, where the general public might mistake the print-outs for genuine euro banknotes.
- (7) The competence to take measures to protect the integrity of the euro banknotes as a means of payment includes the competence to adopt a common regime under which the NCBs are prepared to exchange mutilated or damaged euro banknotes. Under this regime certain categories of euro banknotes are designated which should be withheld by NCBs when presented to them for exchange.
- (8) The part of the original euro banknote that needs to be presented in order to qualify for exchange is subject to minimum measurement requirements. These measurements should be expressed as a percentage of the surface area of the original euro banknote before it was mutilated or damaged, in order to prevent the distortion of measurements, for instance in situations where the euro banknote is mutilated or damaged due to shrinkage.
- (9) To encourage the proper handling of anti-theft devices by all professional banknote handlers it is appropriate, when they request NCBs to exchange euro banknotes that have been mutilated or damaged by using anti-theft devices, for NCBs to charge the banknote handlers a fee to compensate for the analysis performed with regard to the exchange of these euro banknotes.

⁽¹⁾ OJ L 139, 11.5.1998, p. 1.

- (10) This fee is not charged when the mutilation or damage results from an attempted or actual robbery or theft, and, to avoid insignificant fees, is only charged when a minimum number of mutilated or damaged euro banknotes is presented for exchange.
- (11) Euro banknotes which have been mutilated or damaged in bulk due to the use of anti-theft devices should be presented for exchange in sets consisting of a minimum number of euro banknotes.
- (12) The ECB's exclusive right to authorise the issue of euro banknotes within the Community includes the competence to withdraw euro banknotes and to establish a common regime under which the ECB and the NCBs can perform this withdrawal.
- (13) It is appropriate for reasons of clarity and legal certainty to codify Decision ECB/2001/7 of 30 August 2001 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes⁽¹⁾, as amended by Decision ECB/2001/14⁽²⁾ and make more transparent the tasks of the ECB and the NCBs with regard to the rules on the reproduction, exchange and withdrawal of euro banknotes,

HAS ADOPTED THIS DECISION:

Article 1

Denominations and specifications

1. The first series of euro banknotes shall include seven denominations in the range of five euro to 500 euro, depicting the theme 'Ages and styles of Europe', with the following basic specifications.

Face value (EUR)	Dimensions	Dominant colour	Design
5	120 × 62 mm	Grey	Classical
10	127 × 67 mm	Red	Romanesque
20	133 × 72 mm	Blue	Gothic
50	140 × 77 mm	Orange	Renaissance
100	147 × 82 mm	Green	Baroque and rococo
200	153 × 82 mm	Yellow-brown	Iron and glass architecture
500	160 × 82 mm	Purple	Modern 20th century architecture

⁽¹⁾ OJ L 233, 31.8.2001, p. 55.

⁽²⁾ OJ L 5, 9.1.2002, p. 26.

2. The seven denominations in the euro banknote series shall bear the representation of gateways and windows on the front side (recto) and bridges on the reverse side (verso). All seven denominations shall be typical of the different European artistic periods referred to above. Other elements of the designs shall include: the symbol of the European Union; the name of the currency in the Roman and Greek alphabets; the initials of the ECB in their official language variants; the © symbol which indicates that the copyright belongs to the ECB; and the signature of the President of the ECB.

Article 2

Reproduction rules for euro banknotes

1. 'Reproduction' shall mean any tangible or intangible image that uses all or part of a euro banknote as specified in Article 1, or parts of its individual design elements, such as, *inter alia*, colour, dimensions and use of letters or symbols, which image may resemble or give the general impression of a euro banknote, irrespective of:

- (a) the size of the image; or
- (b) the material(s) or technique(s) used to produce it; or
- (c) whether or not elements or illustrations have been added to the image that do not originate from banknotes; or
- (d) whether or not the design of the euro banknote, such as letters or symbols has been altered.

2. Reproductions which the general public might mistake for genuine euro banknotes shall be deemed unlawful.

3. Reproductions complying with the following criteria shall be deemed lawful since there is no risk that the general public might mistake them for genuine euro banknotes:

- (a) one-sided reproductions of a euro banknote as specified in Article 1, provided that the size of the reproduction is at least 125 % of both the length and width or at most 75 % of both the length and the width of the respective euro banknote as specified in Article 1; or
- (b) two-sided reproductions of a euro banknote as specified in Article 1, provided that the size of the reproduction is at least 200 % of both the length and width or at most 50 % of both the length and width of the respective euro banknote as specified in Article 1; or
- (c) reproductions of individual design elements of a euro banknote as specified in Article 1, provided that such a design element is not depicted on a background resembling a banknote; or
- (d) one-sided reproductions depicting a part of the front side or reverse side of a euro banknote, provided that such a part is smaller than one third of the original front side or reverse side of the euro banknote as specified in Article 1; or

- (e) reproductions made of a material clearly different from paper, which looks distinctly different from the material used for banknotes; or
 - (f) intangible reproductions made available electronically on websites, by wire or wireless means or by any other means that allow members of the public to access these intangible reproductions from a place and at a time individually chosen by them, provided that:
 - the word SPECIMEN is printed diagonally across the reproduction in Arial font or a font similar to Arial font. The length of the word SPECIMEN is at least 75 % of the length of the reproduction and the height of the word SPECIMEN is at least 15 % of the width of the reproduction, and is in a non-transparent (opaque) colour contrasting with the dominant colour of the respective euro banknote as specified in Article 1, and
 - the resolution of the electronic reproduction in its original size does not exceed 72 dpi (dots per inch).
4. The ECB and the NCBs shall, upon receiving a written request, provide confirmation that reproductions not complying with the criteria of paragraph 3, insofar as they cannot be mistaken by the general public for a genuine euro banknote as specified in Article 1, are also lawful. Where a reproduction is produced in the territory of only one participating Member State, requests as referred to above shall be addressed to the NCB of that Member State. In all other cases, such requests shall be addressed to the ECB.
5. Reproduction rules for euro banknotes also apply to euro banknotes that have been withdrawn or have lost their legal tender status under this Decision.

Article 3

Exchange of mutilated or damaged euro banknotes

1. NCBs shall, upon request, and under the conditions laid down in paragraph 2, exchange mutilated or damaged genuine legal tender euro banknotes in the following cases:
- (a) when more than 50 % of the euro banknote is presented; or
 - (b) when 50 % or less of the euro banknote is presented if the applicant proves that the missing parts have been destroyed.
2. Further to paragraph 1 the following additional conditions apply to the exchange of mutilated or damaged legal tender euro banknotes:
- (a) where doubt exists as to the applicant's legal title to the euro banknotes or as to the authenticity of the euro banknotes: identification shall be provided by the applicant;
 - (b) when ink-stained, contaminated or impregnated euro banknotes are presented: a written explanation as to the kind of stain, contamination or impregnation shall be provided by the applicant;

- (c) when the euro banknotes have been discoloured by activated anti-theft devices and they are presented by professional banknote handlers as referred to in Article 6(1) of Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting⁽¹⁾: a written statement on the cause and the nature of neutralisation shall be provided by the professional banknote handlers;
 - (d) when the euro banknotes have been mutilated or damaged in bulk due to the use of anti-theft devices: they shall be presented in sets of 100 euro banknotes, provided that the amount of euro banknotes presented is sufficient to form such sets.
3. Notwithstanding the above:
- (a) Where NCBs know or have sufficient reason to believe that the euro banknotes have been intentionally mutilated or damaged, they shall refuse to exchange and shall withhold the euro banknotes, in order to avoid the return of such euro banknotes into circulation or to prevent the applicant from presenting them to another NCB for exchange. However, they will exchange the mutilated or damaged euro banknotes if they either know or have sufficient reason to believe that applicants are bona fide, or if applicants can prove that they are bona fide. Euro banknotes which are mutilated or damaged to a minor degree, e.g. by having annotations, numbers or brief sentences placed on them, will in principle not be considered to be intentionally mutilated or damaged euro banknotes; and
 - (b) Where NCBs know or have sufficient reason to believe that a criminal offence has been committed they shall refuse to exchange the mutilated or damaged euro banknotes and shall withhold them, against acknowledgement of receipt, as evidence to be presented to the competent authorities to initiate or to support an ongoing criminal investigation. Unless otherwise decided by the competent authorities, the euro banknotes shall be returned to the applicant at the end of the investigation and shall thereafter qualify for exchange.

Article 4

Establishment of a fee for the exchange of mutilated or damaged euro banknotes

1. NCBs shall charge professional banknote handlers a fee when they request NCBs, in accordance with Article 3, to exchange legal tender euro banknotes that have been mutilated or damaged by using anti-theft devices.
2. The fee shall amount to 10 cents per mutilated or damaged euro banknote.
3. The fee shall only be charged if at least 100 mutilated or damaged euro banknotes are exchanged. The fee shall be charged for all exchanged euro banknotes.

⁽¹⁾ OJ L 181, 4.7.2001, p. 6.

4. No fee shall be charged where euro banknotes have been mutilated or damaged in connection with an attempted or actual robbery or theft.

Article 5

Withdrawal of euro banknotes

The withdrawal of a euro banknote type or series shall be regulated by a decision of the Governing Council published for general information in the *Official Journal of the European Union* and other media. This Decision shall cover, as a minimum, the following points:

- the euro banknote type or series to be withdrawn from circulation, and
- the duration of the exchange period, and
- the date on which the euro banknote type or series will lose its legal tender status, and

- the treatment of the euro banknotes presented once the withdrawal period is over and/or they have lost their legal tender status.

Article 6

Final provisions

1. Decisions ECB/2001/7 and ECB/2001/14 are hereby repealed.
2. References to Decisions ECB/1998/6 ⁽¹⁾, ECB/1999/2 ⁽²⁾, ECB/2001/7 and ECB/2001/14 shall be construed as references to this Decision.
3. This Decision shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 20 March 2003.

On behalf of the Governing Council of the ECB
Willem F. DUISENBERG

⁽¹⁾ Decision ECB/1998/6 of 7 July 1998 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes, OJ L 8, 14.1.1999, p. 36.

⁽²⁾ Decision ECB/1999/2 of 26 August 1999 amending the Decision ECB/1998/6 of 7 July 1998 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes, OJ L 258, 5.10.1999, p. 29.

GUIDELINE OF THE EUROPEAN CENTRAL BANK
of 20 March 2003
on the enforcement of measures to counter non-compliant reproductions of euro banknotes and
on the exchange and withdrawal of euro banknotes

(ECB/2003/5)

(2003/206/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community and in particular to Article 106(1) thereof,

Having regard to Articles 12.1, 14.3 and 16 of the Statute of the European System of Central Banks and of the European Central Bank,

Having regard to Decision ECB/2003/4 of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes ⁽¹⁾,

Whereas:

- (1) Guideline of the European Central Bank of 7 July 1998 on certain provisions regarding euro banknotes, as amended on 26 August 1999 (ECB/1999/3) ⁽²⁾, provides for enforcement of the European Central Bank's (ECB's) copyright on euro banknotes.
- (2) The rules on enforcement of the ECB's copyright require updating and supplementing with a comprehensive set of rules and procedures ensuring the protection of euro banknotes against non-compliant reproductions.
- (3) Article 106(1) of the Treaty and Article 16 of the Statute provide that the ECB has the exclusive right to authorise the issue of euro banknotes within the Community. These Articles also provide that the ECB and the national central banks may issue such notes. Pursuant to Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽³⁾, the ECB and the national central banks of the participating Member States (hereinafter 'NCBs') shall put euro banknotes into circulation. This right to authorise the issue of euro banknotes includes the competence to take measures to protect the integrity of euro banknotes as a means of payment and to establish a minimum level of protection in all participating Member States. Where there is no risk of confusing reproductions of euro banknotes with genuine euro banknotes however, such reproductions should be permitted. In order to prevent such confusion Decision ECB/2003/4 has laid down common rules for the reproduction of euro banknotes.
- (4) Such rules on the reproduction of euro banknotes and the ECB's copyright on euro banknotes need to be applied and enforced, in close cooperation between the

ECB and the NCBs and, if appropriate, between them and the relevant national authorities, and are to be applied without prejudice to national criminal laws prohibiting the production, uttering or possession of reproductions of euro banknotes that might be mistaken by the general public for genuine euro banknotes. In this context it is appropriate for the ECB to have recourse to the NCBs in order to prevent or take action against non-compliant reproductions of euro banknotes. In any case, the provisions of the present Guideline should be without prejudice to the application of criminal law, in particular regarding counterfeiting.

- (5) As an additional safeguard of the integrity of euro banknotes as a means of payment, the ECB and the NCBs will endeavour to raise the general public's awareness of ECB decisions concerning its rules on the reproduction of euro banknotes, in particular by publishing such decisions in the national media and in the *Official Journal of the European Union*.
- (6) The provisions on the exchange and withdrawal of euro banknotes in Decision ECB/2003/4 need to be implemented by the NCBs.
- (7) In order to raise further the general public's awareness of any ECB decision to withdraw types or series of euro banknotes, the NCBs will be entrusted with the task of making announcements in the national media.
- (8) In accordance with Articles 12.1 and 14.3 of the Statute, ECB guidelines form an integral part of Community law,

HAS ADOPTED THIS GUIDELINE:

Article 1

Definition of non-compliant reproductions

A 'non-compliant reproduction' means any reproduction referred to in Article 2(1) of Decision ECB/2003/4 that:

- (a) is unlawful as defined in Article 2 of Decision ECB/2003/4; or
- (b) infringes the ECB's copyright on euro banknotes for instance by adversely affecting the standing of euro banknotes.

⁽¹⁾ See page 16 of this Official Journal.

⁽²⁾ OJ L 258, 5.10.1999, p. 32.

⁽³⁾ OJ L 139, 11.5.1998, p. 1.

Article 2

Enforcement of measures to counter non-compliant reproductions

1. Where an NCB becomes aware of a non-compliant reproduction in its national territory, it shall, by means of a standardised communication provided by the ECB, order the non-compliant party to stop producing the non-compliant reproduction, and shall, where deemed appropriate, order the party in possession of the non-compliant reproduction to hand over the non-compliant reproduction. Where an NCB becomes aware of a non-compliant reproduction made available electronically on websites, by wire or wireless means or by any other means that allow members of the public to access the non-compliant reproduction from a place and at a time individually chosen by them, it shall notify the ECB without delay. The ECB shall then take all possible steps to remove the non-compliant reproduction from the electronic location.

2. Where the non-compliant party does not comply with an order issued under paragraph 1, the relevant NCB shall inform the ECB without delay.

3. A subsequent decision to initiate an infringement procedure on the basis of Article 3(1) of Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the ECB to impose sanctions ⁽¹⁾ shall be taken by either the Executive Board of the ECB or the relevant NCB. Prior to taking such decision, the ECB and the relevant NCB shall consult each other and the NCB shall inform the ECB whether a separate infringement procedure has been, or alternatively can be, initiated under national criminal law, and moreover, whether there is any other appropriate legal basis for action against the non-compliant reproduction, such as copyright law. Where an infringement procedure has already been initiated, or alternatively is to be initiated under national criminal law, or there is any other appropriate legal basis for action against the non-compliant reproduction, no infringement procedure under Regulation (EC) No 2532/98 shall be initiated.

4. Where the ECB decides that an infringement procedure under Regulation (EC) No 2532/98 shall be initiated, it may require the NCBs to conduct legal proceedings. In this case, the ECB shall instruct the relevant NCBs and grant them any necessary powers of attorney. All legal costs shall be borne by the ECB. To the extent deemed appropriate and possible, the ECB or the NCB, as the case may be, shall ensure that the non-compliant reproductions are withdrawn.

5. The ECB shall take the steps described in this Article acting on its own if:

- (a) the origin of the non-compliant reproduction cannot reasonably be established; or
- (b) the non-compliant reproduction has been or will be produced in the territories of several participating Member States; or

- (c) the non-compliant reproduction has been or will be produced outside the territories of the participating Member States.

Article 3

Requests for confirmation of compliance of reproductions

1. All inquiries and requests for confirmation as to whether a reproduction is lawful as defined in Article 2 of Decision ECB/2003/4 shall be dealt with:

- (a) on behalf of the ECB, by the NCB in the national territory in which such reproductions have been or will be produced; or
- (b) by the ECB in the cases described in Article 2(5).

2. NCBs shall inform the ECB of all responses given to requests for confirmation under the provisions of paragraph 1. The ECB shall collect this information and shall distribute to the NCBs the consolidated information on responses to requests for confirmation. The ECB may also publish this consolidated information from time to time.

Article 4

Exchange of mutilated or damaged euro banknotes

- 1. The NCBs shall duly implement Decision ECB/2003/4.
- 2. When implementing Decision ECB/2003/4, and subject to any legal constraints, NCBs may destroy any mutilated or damaged euro banknotes or any parts thereof, unless there are legal grounds for them to be preserved or returned to the applicant.
- 3. The NCBs shall appoint a single organ or body to take decisions on the exchange of mutilated or damaged euro banknotes for the cases provided for in Article 3(1)(b) of Decision ECB/2003/4, and shall inform the ECB accordingly.

Article 5

Withdrawal of euro banknotes

The NCBs shall announce any decision of the Governing Council to withdraw an euro banknote type or series in the national media at their own expense in accordance with any instructions that may be issued by the Executive Board.

Article 6

Amendments to Guideline ECB/1999/3

Articles 1, 2 and 4 of Guideline ECB/1999/3 are hereby repealed. References to the repealed Articles shall be construed respectively as references to Articles 2, 4 and 5 of this Guideline.

⁽¹⁾ OJ L 318, 27.11.1998, p. 4.

*Article 7***Final provisions**

1. This Guideline is addressed to the national central banks of participating Member States.
2. This Guideline shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 20 March 2003.

On behalf of the Governing Council of the ECB
Willem F. DUISENBERG
