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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1397/2003
of 5 August 2003
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 6 August 2003.

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

Done at Brussels, 5 August 2003.

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

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 5 August 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	060	34,6
	999	34,6
0709 90 70	052	65,0
	999	65,0
0805 50 10	382	56,8
	388	62,2
	524	50,2
	528	49,7
	999	54,7
0806 10 10	052	111,7
	204	147,8
	220	126,8
	400	243,9
	600	119,4
	624	151,9
	999	150,3
0808 10 20, 0808 10 50, 0808 10 90	388	70,3
	400	86,8
	508	69,6
	512	67,2
	528	51,5
	720	54,5
	800	61,6
	804	90,4
	999	69,0
0808 20 50	052	84,2
	388	92,7
	512	61,9
	528	85,5
	999	81,1
0809 20 95	052	300,2
	400	275,9
	404	344,6
	999	306,9
0809 30 10, 0809 30 90	052	144,9
	999	144,9
0809 40 05	064	88,8
	068	72,5
	094	74,9
	624	183,8
	999	105,0

⁽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 1398/2003
of 5 August 2003**

amending Annex A to Council Directive 92/65/EEC to include the small hive beetle (*Aethina tumida*), the *Tropilaelaps* mite (*Tropilaelaps* spp.), Ebola and monkey pox

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive 90/425/EEC ⁽¹⁾, as last amended by Regulation (EC) No 998/2003 of the European Parliament and of the Council ⁽²⁾, and in particular Article 22, first paragraph, thereof,

Whereas:

(1) The trade and importation of bees in the Community is governed by Directive 92/65/EEC. Directive 92/65/EEC lays down certain rules concerning animals and species susceptible to the notifiable diseases listed in Annex A to that Directive.

(2) The small hive beetle (*Aethina tumida*) is an exotic pest affecting honey bees and bumble bees that has spread from Africa to a number of other third countries, creating serious problems to the apiculture industry.

(3) The small hive beetle is not listed by the Office Internationale des Epizooties (OIE) and information about the extent of its infestation in third countries is not available.

(4) No cases have been reported in the Community however the small hive beetle is not a notifiable disease within the European Community under Directive 92/65/EEC.

(5) If introduced into the Community, the small hive beetle could have devastating consequences on the health status of honey bees, on the apiculture industry and on the production of honey.

(6) *Tropilaelaps* (*Tropilaelaps* spp.) is an exotic parasitic mite affecting honey bees that is mainly found in south-east Asia but which if imported into the Community could

have devastating consequences on the health status of honey bees, on the apiculture industry and on the production of honey.

(7) *Tropilaelaps* is an OIE notifiable disease. However it is not a notifiable disease within the European Community under Directive 92/65/EEC.

(8) Ebola virus and monkey pox virus are recorded from time to time in certain third countries and Community measures restricting imports have been taken against Ebola and monkey pox as these zoonotic diseases can affect or be carried by certain animals; it is therefore opportune for transparency and clarity to include these diseases as notifiable under Directive 92/65/EEC.

(9) Therefore it is necessary to add the small hive beetle, *Tropilaelaps* spp., Ebola virus, and monkey pox virus to the list of notifiable diseases in Annex A to Directive 92/65/EEC.

(10) Directive 92/65/EEC should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex A to Directive 92/65/EEC is amended in accordance with the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 268, 14.9.1992, p. 54.

⁽²⁾ OJ L 146, 13.6.2003, p. 1.

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

Done at Brussels, 5 August 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Annex A to Directive 92/65/EEC is replaced by the following:

‘ANNEX A

Notifiable diseases in the context of this Directive

Disease	Order/family/species primarily concerned
African horse sickness	<i>Equidae</i>
African swine fever	<i>Suidae</i> and <i>Tayassuidae</i>
Avian influenza	<i>Aves</i>
American foulbrood	<i>Apis</i>
Anthrax	<i>Bovidae</i> , <i>Camelidae</i> , <i>Cervidae</i> , <i>Elephantidae</i> , <i>Equidae</i> and <i>Hippopotamidae</i>
Bluetongue	<i>Antilocapridae</i> , <i>Bovidae</i> , <i>Cervidae</i> , <i>Giraffidae</i> , and <i>Rhinocerotidae</i>
Brucella abortus	<i>Antilocapridae</i> , <i>Bovidae</i> , <i>Camelidae</i> , <i>Cervidae</i> , <i>Giraffidae</i> , <i>Hippopotamidae</i> and <i>Tragulidae</i>
Brucella melitensis	<i>Antilocapridae</i> , <i>Bovidae</i> , <i>Camelidae</i> , <i>Cervidae</i> , <i>Giraffidae</i> , <i>Hippopotamidae</i> and <i>Tragulidae</i>
Brucella ovis	<i>Camelidae</i> , <i>Tragulidae</i> , <i>Cervidae</i> , <i>Giraffidae</i> , <i>Bovidae</i> and <i>Antilocapridae</i>
Brucella suis	<i>Cervidae</i> , <i>Leporidae</i> , <i>Ovibos moschatus</i> , <i>Suidae</i> and <i>Tayassuidae</i>
Classical swine fever	<i>Suidae</i> and <i>Tayassuidae</i>
Contagious bovine pleuropneumonia	Bovines (including zebu, buffalo, bison and yak)
Ebola	Non-human primates
Foot-and-mouth disease	<i>Artiodactyla</i> and Asian elephants
Infectious haematopoietic necrosis	<i>Salmonidae</i>
Lumpy skin disease	<i>Bovidae</i> and <i>Giraffidae</i>
Monkey pox	<i>Rodentia</i> and non-human primates
Mycobacterium bovis	<i>Mammalia</i> , in particular <i>Antilocapridae</i> , <i>Bovidae</i> , <i>Camelidae</i> , <i>Cervidae</i> , <i>Giraffidae</i> , and <i>Tragulidae</i>
Newcastle disease	<i>Aves</i>
Peste des petits ruminants	<i>Bovidae</i> and <i>Suidae</i>
Porcine enterovirus encephalomyelitis	<i>Suidae</i>
Psittacosis	<i>Psittaciformes</i>
Rabies	<i>Carnivora</i> and <i>Chiroptera</i>
Rift valley fever	<i>Bovidae</i> , <i>Camelus</i> species and <i>Rhinocerotidae</i>
Rinderpest	<i>Artiodactyla</i>
Small hive beetle (<i>Aethina tumida</i>)	<i>Apis</i> and <i>Bombus</i>

Disease	Order/family/species primarily concerned
Sheep and goat pox	<i>Bovidae</i>
Swine vesicular disease	<i>Suidae</i> and <i>Tayassuidae</i>
Tropilaelaps mite (<i>Tropilaelaps</i> spp).	<i>Apis</i>
Vesicular stomatitis	<i>Artiodactyla</i> and <i>Equidae</i>
TSE	<i>Bovidae</i> , <i>Cervidae</i> , <i>Felidae</i> and <i>Mustelidae</i> '

COMMISSION REGULATION (EC) No 1399/2003
of 5 August 2003
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 25,928/100 kg.

Article 2

This Regulation shall enter into force on 6 August 2003.

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

Done at Brussels, 5 August 2003.

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

COUNCIL DECISION

of 21 July 2003

on the reallocation of funds received by the European Investment Bank for operations carried out in the Democratic Republic of Congo under the second, third, fourth, fifth and sixth EDFs

(2003/583/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, hereinafter referred to as the 'Partnership Agreement',

Having regard to the Internal Agreement of 12 September 2000 between representatives of the Governments of the Member States, meeting within the Council, on the financing and administration of Community aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Cotonou (Benin) on 23 June 2000 and the allocation of financial assistance for the overseas countries and territories to which part four of the EC Treaty applies, and in particular Article 7(1) thereof ⁽²⁾,

Having regard to the proposal from the Commission drafted in agreement with the European Investment Bank (EIB),

Whereas:

- (1) In its conclusions of 27 January 2003 regarding the Democratic Republic of Congo, the Council (General affairs and external relations) stated that it was prepared to assist the transition to free and transparent elections by the deadlines laid down in the Pretoria Agreement and reaffirmed its willingness to support the transition, as soon as its institutions were in place, with projects by the European Union and its Member States designed in

particular to promote aid to the population, the strengthening of State structures, the economic reconstruction of the country and disarmament, demobilisation, reintegration, repatriation and resettlement (DDRRR) of former combatants.

- (2) The Democratic Republic of Congo received a reduced allocation of EUR 25,7 million under the eighth EDF.
- (3) The funds allocated to the Democratic Republic of Congo under the ninth EDF are insufficient to enable the Community to cover the cost of the commitments made by the Council on behalf of the European Union,

HAS ADOPTED THIS DECISION:

Article 1

An additional allocation in the form of a grant equivalent to EUR 105 million shall be allotted to the Commission for the implementation of operations to be conducted in the Democratic Republic of Congo to ensure the country's democratic transition to free and transparent elections, to strengthen State structures, to contribute to the reconstruction of the country and to set up a programme of demobilisation and reintegration of former combatants.

Article 2

The amount of the additional allocation referred to in Article 1 shall constitute a ceiling.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 317, 15.12.2000, p. 355.

Article 3

The additional allocation referred to in Article 1 shall be financed by the debt service payments relating to risk capital and special loans granted under the Yaoundé I ⁽¹⁾ and II ⁽²⁾ Conventions and the first ⁽³⁾, second ⁽⁴⁾ and third ⁽⁵⁾ Lomé Conventions which are to be made to the European Investment Bank by the Democratic Republic of Congo.

Article 4

The Member States shall authorise the EIB to transfer the sums received from the Democratic Republic of Congo directly to an account opened in the name of the Commission, after deduction of any commission due to the Bank on such operations. Any interest accruing on the amount transferred into the account will be capitalised. At the end of a period of four years from the date on which the account is opened, the account will be closed and the balance returned to the EIB, which will refund it to the Member States.

This procedure is exceptional in nature and may not, in any event, constitute a precedent for operations benefiting other ACP States.

Article 5

A maximum amount of 5 % of the additional allocation, after deduction of any commission due to the Bank on such operations, shall be intended to cover the administrative costs of management of the additional allocation by the Commission.

Article 6

The Commission shall implement the financial resources allocated to the Democratic Republic of Congo under the additional allocation under centralised management in accordance with Article 14 of the Financial Regulation for the ninth EDF.

Article 7

The procedures for deciding on financing from the additional allocation referred to in Article 1 shall be those set out in Articles 24 to 27 of the Internal Agreement.

Article 8

The Commission shall be authorised to approve the breakdown of the additional allocation according to the types of operation referred to in Article 1 after consulting the EDF Committee, which shall give its opinion in accordance with Article 27 of the Internal Agreement.

The Commission shall be authorised to approve a different breakdown of the allocation without requesting the EDF Committee's opinion in advance if the changes do not exceed 20 % of the total additional allocation.

Article 9

This Decision shall enter into force on the day of its publication.

It shall apply for the same period as the Internal Agreement.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 21 July 2003.

For the Council
The President
F. FRATTINI

⁽¹⁾ Convention of Yaoundé I between the European Community and its Member States and the associated African and Malgache countries, 1963 (OJ 93, 11.6.1964, p. 1431/64).

⁽²⁾ Convention of Yaoundé II between the European Community and its Member States and the associated African and Malgache countries, 1969 (OJ L 282, 28.12.1970, p. 2).

⁽³⁾ First Lomé Convention between the European Community and the African, Caribbean and Pacific States (ACP), 1975 (OJ L 25, 30.1.1976, p. 2).

⁽⁴⁾ Second Lomé Convention between the European Community and the African, Caribbean and Pacific States (ACP) 1980, (OJ L 347, 22.12.1980, p. 1).

⁽⁵⁾ Third Lomé Convention between the European Community and the African, Caribbean and Pacific States (ACP) 1985, (OJ L 86, 31.3.1986, p. 1).

COUNCIL DECISION

of 22 July 2003

concerning the conclusion of the Protocol of Amendment to the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes

(2003/584/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95, in conjunction with Article 300(2) and the first subparagraph of Article 300(3), thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) On 24 November 1986 the Council adopted Directive 86/609/EEC on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes ⁽³⁾, setting out common rules incorporating the principles, objectives and main provisions of the European Convention of 18 March 1986 for the protection of vertebrate animals used for experimental and other scientific purposes (hereinafter referred to as the Convention).
- (2) On 23 March 1998 the Council adopted Decision 1999/575/EC concerning the conclusion by the Community of the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes ⁽⁴⁾ and made a Declaration that the European Community does not consider itself bound by the requirements to communicate statistical data laid down in Article 28(1) of the said Convention. The Convention entered into force on 1 November 1998 in the territory of the Community.
- (3) The provisions contained in the Appendices to the Convention are of a technical nature and should reflect the latest scientific and technical developments and results in the research within the fields covered. It is therefore appropriate to revise these provisions periodically, through a simplified procedure.
- (4) On 22 June 1998 a Protocol of Amendment setting out a simplified procedure to amend the Appendices to the Convention has been opened for signature by the Signatories to the Convention. This Protocol of Amendment should therefore be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol of Amendment to the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes is hereby approved on behalf of the European Community.

The text of the Protocol of Amendment is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person or persons empowered to sign the Protocol of Amendment in accordance with Article 4(1)(a) thereof, in order to express the consent of the Community to be bound thereby.

Article 3

The signature by the Community shall only take place once those Member States who are also Parties to the European Convention referred to in Article 1 of this Decision have completed procedures to conclude the Protocol of Amendment pursuant to Article 4 thereof. Member States shall inform the Commission as soon as possible when they have completed the necessary procedures.

Article 4

The reservation in respect of Article 28(1) of the said Convention made by the European Community as laid down in Annex B to Decision 1999/575/EC shall remain unaltered.

Article 5

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

Done at Brussels, 22 July 2003.

For the Council

The President

G. ALEMANNO

⁽¹⁾ OJ C 25 E, 29.1.2002, p. 538-540.

⁽²⁾ Opinion of 2 July 2002 (not yet published in the Official Journal).

⁽³⁾ OJ L 358, 18.12.1986, p. 1.

⁽⁴⁾ OJ L 222, 24.8.1999, p. 29.

ANNEX

PROTOCOL OF AMENDMENT

to the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes**Strasbourg, 22 June 1998**

THE MEMBER STATES OF THE COUNCIL OF EUROPE AND THE EUROPEAN COMMUNITY, Signatories to this Protocol to the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes, opened for signature in Strasbourg, on 18 March 1986 (hereinafter referred to as the Convention),

HAVING REGARD to the Convention which includes general provisions designed to safeguard animals intended to be used for scientific purposes from suffering pain and distress, and to their resolve to limit the use of animals for experimental and other scientific purposes, with the aim of replacing such use whenever possible, in particular by seeking alternative measures and encouraging the use of these alternative measures,

CONSIDERING the technical nature of the provisions included in the Appendices to the Convention,

ACKNOWLEDGING the need to ensure their consistency with the results of research in the fields covered,

HAVE AGREED AS FOLLOWS:

Article 1

Article 30 of the Convention shall be amended as follows:

‘1. The Parties shall, within five years from the entry into force of this Convention and every five years thereafter, or more frequently if a majority of the Parties should so request, hold multilateral consultations within the Council of Europe to examine the application of this Convention, and the advisability of revising it or extending any of its provisions.

2. These consultations shall take place at meetings convened by the Secretary-General of the Council of Europe.

The Parties shall communicate the name of their representative to the Secretary-General of the Council of Europe at least two months before meetings.

3. Subject to the provisions of this Convention, the Parties shall draw up the rules of procedure for the consultations.’

Article 2

The Convention shall be supplemented by a new Part XI: ‘Amendments’ including a new Article 31 as follows:

‘1. Any amendment to Appendices A and B, proposed by a Party or the Committee of Ministers of the Council of Europe shall be communicated to the Secretary-General of the Council of Europe and forwarded by him to the

Member States of the Council of Europe, to the European Community and to any non-Member State which has acceded to, or has been invited to accede to the Convention in accordance with the provisions of Article 34.

2. Any amendments proposed in accordance with the provisions of the preceding paragraph shall be examined at a multilateral consultation not less than six months after the date of forwarding by the Secretary-General where it may be adopted by a two-thirds majority of the Parties. The text adopted shall be forwarded to the Parties.

3. Twelve months after its adoption at a multilateral consultation, any amendment shall enter into force unless one third of the Parties have notified objections.’

Article 3

Articles 31 to 37 of the Convention shall become Articles 32 to 38 of the Convention respectively.

Article 4

1. This Protocol shall be open for signature by the Signatories to the Convention, which may become Parties to this Protocol by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. A Signatory of the Convention may not sign this Protocol without reservation as to ratification, acceptance or approval, or deposit an instrument of ratification, acceptance or approval, unless it has already deposited or simultaneously deposits an instrument of ratification, acceptance or approval of the Convention.

3. States which have acceded to the Convention may also accede to this Protocol.

4. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the Council of Europe.

Article 5

This Protocol shall enter into force on the 30th day after the date on which all the Parties to the Convention have become Parties to this Protocol in accordance with Article 4.

Article 6

The Secretary-General of the Council of Europe shall notify the Member States of the Council of Europe, the other Parties to the Convention and the European Community of:

(a) any signature without reservation in respect of ratification, acceptance or approval;

(b) any signature with reservation in respect of ratification, acceptance or approval;

(c) any deposit of an instrument of ratification, acceptance, approval or accession;

(d) any date of entry into force of this Protocol in accordance with Article 5 thereof;

(e) any other act, notification or communication relating to this Protocol.

In witness thereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this twenty-second day of June 1998, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary-General of the Council of Europe shall transmit certified copies to each Member State of the Council of Europe, to the other Parties to the Convention and to the European Community.

COUNCIL DECISION

of 28 July 2003

amending Annex 2, Schedule A, of the Common Consular Instructions and Annex 5, Schedule A, of the Common Manual on the visa requirements for holders of Pakistani diplomatic passports

(2003/585/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications ⁽¹⁾,

Having regard to Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance ⁽²⁾,

Having regard to the initiative of the Hellenic Republic,

Whereas:

- (1) Annex 2, Schedule A, of the Common Consular Instructions and Annex 5, Schedule A, of the Common Manual contain the list of countries whose nationals are not subject to a visa requirement in one or more Member States when they are holders of diplomatic, official or service passports, but which are subject to this requirement when they are holders of ordinary passports.
- (2) The Hellenic Republic wishes to exempt holders of Pakistani diplomatic passports from visa requirements. The Common Consular Instructions and the Common Manual should therefore be amended accordingly.
- (3) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision, and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will implement it in its national law.
- (4) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of

Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis ⁽³⁾, which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽⁴⁾.

- (5) This Decision constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 19 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis ⁽⁵⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (6) This Decision constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis ⁽⁶⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (7) This Decision constitutes an act building upon the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession,

HAS ADOPTED THIS DECISION:

Article 1

Annex 2, Schedule A of the Common Consular Instructions and Annex 5, Schedule A, of the Common Manual are amended as follows:

The letter 'D' is inserted in the GR column for Pakistan.

Article 2

This Decision shall apply from 1 September 2003.

⁽¹⁾ OJ L 116, 26.4.2001, p. 2.

⁽²⁾ OJ L 116, 26.4.2001, p. 5.

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁵⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁶⁾ OJ L 64, 7.3.2002, p. 20.

Article 3

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

Done at Brussels, 28 July 2003.

For the Council

The President

F. FRATTINI

COUNCIL DECISION**of 28 July 2003****on the amendment of Annex 3, Part I, of the Common Consular Instructions and Annex 5a, Part I, of the Common Manual on third country nationals subject to airport visa requirements**

(2003/586/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications ⁽¹⁾,

Having regard to Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance ⁽²⁾,

Having regard to the initiative of the Italian Republic,

Whereas:

(1) Annex 3, Part I, of the Common Consular Instructions and Annex 5a, Part I, of the Common Manual contain the joint list of third countries whose nationals are subject to airport visa requirements (ATV) by all Member States.

(2) The Italian Republic wishes to limit this air transit visa requirement to Eritrean nationals who do not hold a valid visa or residence permit issued by Member States of the European Union or for a State party to the Agreement on the European Economic Area of 2 May 1992, Canada, Switzerland or the United States of America. The Common Consular Instructions and the Common Manual should therefore be amended accordingly.

(3) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in

the adoption of this Decision, and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Decision whether it will implement it in its national law.

(4) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis ⁽³⁾, which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC ⁽⁴⁾ on certain arrangements for the application of that Agreement.

(5) This Decision constitutes a development of provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 19 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis ⁽⁵⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

(6) This Decision constitutes a development of provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis ⁽⁶⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

(7) This Decision constitutes an act building upon the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession,

⁽¹⁾ OJ L 116, 26.4.2001, p. 2.

⁽²⁾ OJ L 116, 26.4.2001, p. 5.

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁵⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁶⁾ OJ L 64, 7.3.2002, p. 20.

HAS ADOPTED THIS DECISION:

Article 3

Article 1

Footnote (4) relating to Eritrea in Annex 3, Part I, of the Common Consular Instructions and in Annex 5a, Part I, of the Common Manual should read as follows:

‘(4) For Germany and Italy

Only where the nationals are not in possession of a valid visa or residence permit for a Member State of the European Union or for a State party to the Agreement on the European Economic Area of 2 May 1992, Canada, Switzerland or the United States of America.’

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

Done at Brussels, 28 July 2003.

Article 2

This Decision shall apply from 1 September 2003.

For the Council

The President

F. FRATTINI

COMMISSION

COMMISSION DECISION

of 5 August 2003

on compliance of the fire-extinguishing system used on the ro-ro ferry 'Finnsailor' (IMO No 8401444) with Council Directive 1999/35/EC of 29 April 1999

(notified under document number C(2003) 2819)

(Only the Finnish and Swedish texts are authentic)

(2003/587/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services ⁽¹⁾, as amended by Directive 2002/84/EC of the European Parliament and of the Council ⁽²⁾, and in particular Article 11(8) thereof,

Whereas:

- (1) Council Directive 1999/35/EC provides for a system of mandatory surveys of ro-ro ferries on regular services to or from ports in the Member States to ensure that the ship carries valid certificates; and it also provides for cooperation between the administrations of two or more host States involved in a specific survey of the same ship or craft.
- (2) In case of persistent disagreement between host States on the results of a specific survey, the administration of any host State involved in this survey shall immediately notify the Commission of the reasons of the disagreement, according to Article 11(7) of Directive 1999/35/EC.
- (3) According to Article 11(8) of Council Directive 1999/35/EC, the Commission shall take a decision, based on the opinion of the Committee, set up by article 16 of the Directive, should there be persistent disagreement between these administrations.
- (4) The Kingdom of Sweden, in its capacity as host State, on 3 July 2002 notified the Commission of a persistent disagreement with the Republic of Finland, regarding the fire-extinguishing system used in the motor vehicle deck of the ro-ro ferry 'Finnsailor' (IMO ⁽³⁾ No 8401444) ⁽⁴⁾ sailing under Finnish flag, and that in the view of

Sweden this ship fails to comply with the International Convention on the Safety of Life at Sea (SOLAS) requirements for areas of a ship to which passengers have access during the voyage, as well as during loading and unloading.

- (5) The special category space of a ship as defined in Regulation II-2/3.18 of SOLAS, is 'an enclosed space above or below the bulkhead deck intended for the carriage of motor vehicles with fuel in their tanks for their own propulsion, into and from which such vehicles can be driven and to which passengers have access'; the motor vehicle deck to which passengers have access during at least the loading and unloading, shall be considered a 'special category space' and a 'passenger space'.
- (6) According to SOLAS, special category spaces shall be fitted with a fixed fire-extinguishing system according to Regulation II-2/37.1.3, such as a fixed pressure water spraying system, or other system that is not less effective, according to IMO Resolution A.123(V), in controlling fires likely to occur in such spaces at any time.
- (7) A gas-based fixed fire-extinguishing system, such as a carbon-dioxide-based system, is not considered sufficiently effective in controlling fires that are likely to occur in special category spaces, in particular during loading or unloading, when the space is not closed, and hence not gas-tight; in addition a fire-extinguishing system giving off toxic gases in quantities as to endanger persons is not permitted, and therefore its gas connections shall be blanked in cargo spaces, when used as passenger spaces, for instance during loading and unloading.
- (8) For the relevant certificates to be valid, a water-based fixed fire-extinguishing system shall therefore be installed in special category spaces.

⁽¹⁾ OJ L 138, 1.6.1999, p. 1.

⁽²⁾ OJ L 324, 29.11.2002, p. 53.

⁽³⁾ International Maritime Organisation.

⁽⁴⁾ In the event of a change of name of the ship, the IMO number shall apply as identification.

- (9) The measure provided for in this Decision is in accordance with the opinion of the Committee on Safe Seas, set up by Regulation (EC) No 2099/2002 of the European Parliament and of the Council ⁽¹⁾,

Article 2

This Decision shall become applicable 12 months after the date of its adoption.

Article 3

This Decision is addressed to the Republic of Finland.

HAS ADOPTED THIS DECISION:

Article 1

The motor vehicle decks of the ro-ro passenger ferry 'Finnsailor' (IMO No 8401444) shall be considered special category spaces, and shall therefore have a water-based fixed fire-extinguishing system installed, in compliance with SOLAS Chapter II-2.

Done at Brussels, 5 August 2003.

For the Commission
Loyola DE PALACIO
Vice-President

⁽¹⁾ OJ L 324, 29.11.2002, p. 1.